

**Access to Justice Commission  
Minutes  
November 13, 2015**

The Access to Justice Commission met at the Supreme Court Building on November 13, 2015. Those attending the meeting in person, by video, or by phone were Chief Justice Jim Burke, Justice Kate Fox, Retired Justice Marilyn Kite, Senator Tony Ross, Judge Tim Day, Judge Shelley Cundiff, Stuart Day, Amanda Roberts, Tenille Castle, Walter Eggers, Angie Dorsch, Chris Jorgenson, Sharon Wilkinson, Dominique Cone, Kayla Spencer, Ray Machia, Larry Wolfe, John Burman, Dan Fleck, Devon O'Connell, Tom Lockhart, Bob Jensen, Brad McKim, Ronda Munger, and Becky Craig.

**Welcome and Introduction:**

Justice Fox, Chair of the Commission, welcomed the members and guests.

Discussion was held regarding the Access to Justice Bylaws and the provision for appointment of additional commission members. Senator Ross moved and Walter Eggers seconded a motion that the Bylaws of the Access to Justice Commission be amended to allow for a flexible number of commission members as determined from time to time by the commission, and to strive to have the number of members on the commission be an odd number. Motion passed unanimously.

Justice Fox asked Stuart Day to speak about the progress of the New Members Committee.

**New Members Committee:**

Stuart Day advised that the New Members Committee developed a list of proposed new members for the Access to Justice Commission (AJC): Representative Tom Lockhart, Brad McKim and Bob Jensen. Stuart, Justice Kite and Chief Justice Burke gave a brief biography of the three individuals. Stuart also suggested the names of three additional people who have demonstrated an interest in access to justice: Anne Sutton, Tori Kricken, and Brad Bonner. Justice Fox reported that Tenille Castle, a current member of the AJC by virtue of her position as President of the State Bar Foundation, wishes to remain on the commission as an at-large member after the State Bar Foundation consolidates with Equal Justice Wyoming Foundation. Ronda Munger advised that she contacted the current Access to Justice Commission members whose terms expire on December 31, 2015, and reported that all agreed to renew their terms. They are Judge Shelley Cundiff, Judge Richard Lavery, Stuart Day, Walter Eggers, Dona Playton, Judge John St. Clair, Gen Tuma, and Sharon Wilkinson. She noted that since Paul Phillips is no longer a Legal Aid of Wyoming board member, Jessica Keith, a current member of that board, volunteered to serve on the commission. Also, Devon O'Connell will replace Bradley Bonner on the commission in his capacity as the newly elected President of the State Bar. Stuart Day nominated the aforementioned individuals to the Access to Justice Commission. There being no further nominations, Justice Fox called for a voice vote, whereupon the members

of the commission unanimously agreed to accept the nominations. Stuart Day moved and Justice Kite seconded a motion to recommend that the Access to Justice Commission submit the following names to the Wyoming Supreme Court for approval and appointment/reappointment as members and at-large members of the Access to Justice Commission:

Tom Lockhart for a term of 3 years; term to expire 12/31/2018  
Brad McKim for a term of 3 years; term to expire 12/31/2018  
Bob Jensen for a term of 3 years; term to expire 12/31/2018  
Anne Sutton for a term of 3 years; term to expire 12/31/2018  
Tori Kricken for a term of 3 years; term to expire 12/31/2018  
Brad Bonner for a term of 3 years; term to expire 12/31/2018  
Tenille Castle for a term of 3 years; term to expire 12/31/2018  
Jessica Keith for a term of 3 years; term to expire 12/31/2018  
Judge Cundiff for a term of 3 years; term to expire 12/31/2018  
Stuart Day for a term of 3 years; term to expire 12/31/2018  
Walter Eggers for a term of 3 years; term to expire 12/31/2018  
Judge Richard Lavery for a term of 3 years; term to expire 12/31/2018  
Dona Playton for a term of 3 years; term to expire 12/31/2018  
John St. Clair for a term of 3 years; term to expire 12/31/2018  
Gen Tuma for a term of 1 year; term to expire 12/31/2016  
Sharon Wilkinson for a term of 1 year; term to expire 12/31/2016  
Devon O'Connell for a term of <1 year; term to expire 9/30/2016

Motion passed unanimously.

Senator Ross gave a brief history of the Access to Justice Commission for the new members of the commission. Justice Fox then turned the floor over to the working groups for their updates.

### **Reports from Working Groups:**

**Delivery Working Group** – Judge Shelley Cundiff reported that a survey of State Bar members indicated that even though Limited Scope Representation is being promoted, it is not being used. Angie Dorsch and Chris Jorgenson stressed the importance of continuing to promote this tool and educating the members of the State Bar on what it does and its benefits. Judge Cundiff reported on the Pro Se Resource Day that Judge Fenn held in his court in October. This pilot project provided volunteer attorneys' assistance to pro se litigants whose domestic relation cases were stalled. Judge Cundiff will arrange a meeting with the members of the judiciary who participated in this event in order to develop a list of suggestions and proposals for other districts to use. Discussion was held about having a volunteer mediator, Legal Aid attorney, pro bono attorney, or "Volunteer Resource Attorney" at each courthouse across the state at scheduled times to assist self-represented litigants. Angie Dorsch hopes to arrange a training class for mediators in the spring. She stressed the importance of having mediators trained in child support and medical support issues.

**Communications Working Group** – Dan Fleck advised that the Communications Working Group has been working with AdBay, a Casper website design and advertising agency,

to conduct research and recommend a marketing strategy to fulfill the goals of the Access to Justice Commission. He indicated that the working group has been aided by materials from “Voices for Civil Justice,” which is a communication initiative that promotes the ideals of civil legal aid. Based on focus group work that “Voices” did to identify the messages that are effective with different interest groups, the core message that has been developed for the Access to Justice Commission and Equal Justice Wyoming media messages is “Civil legal aid helps ensure fairness for all in the Wyoming justice system, regardless of how much money you have.” The media messages will be broadcast on both TV and radio. Discussion was held about using several of the stories that were told during the town meetings held when legislative funding was being sought for creation of the AJC. The recommendation was made that 2 or 3 people who have been assisted by Legal Aid or Access to Justice Commission funds have their stories recorded in both short and long formats for use as TV and radio public service announcements. These messages could also be used to supplement the Access to Justice Commission exhibits in the new Judicial Learning Center. Discussion was held regarding the target audience and which types of social media would be the most useful. Dan advised that AdBay estimated the cost of producing and editing the messages, and acting as a conduit to media outlets to run the messages for free or at a greatly reduced cost, to be approximately \$6,000 plus travel and expenses. The funds for this endeavor will come from a combination of Foundation funds, outside sources, and fundraising. Ronda Munger moved and Gen Tuma seconded a motion authorizing the Communications Working Group to go forward with the AdBay agency and to proceed to seek funding. Motion passed unanimously.

Justice Fox pointed out that in order to provide better legal aid services to Wyoming citizens, people inside and outside the legal community must be educated about the need. She commented that there needs to be a better understanding that attorneys are not typically appointed in civil actions. Many people believe that since the indigent are entitled to have a lawyer appointed to represent them if they are a criminal defendant, that they are entitled to have a lawyer appointed whenever they are in need.

**Law Improvement Working Group** – Amanda Roberts reported that she attended a legislative committee meeting in Gillette in August regarding House Bill 137. She explained that this bill incorporates definitions of the various forms of custody that the district courts can consider and also contains a clause that specifically requires district courts to consider shared custody in making custody determinations. Amanda advised that the legislative committee ultimately decided to table HB 137 and readdress it when the proposed revisions to the child support guidelines are prepared in 2016. It is anticipated that the Child Support Enforcement Office will hire a consultant to review the guidelines, and that a committee will be formed thereafter that will include members from this working group. Amanda commented that this will provide a good opportunity to ensure that any proposed definitions of custody will be uniform within Title 20. The committee will also look at potential revisions to the shared child support calculations in shared custody situations. Amanda reported that a few members of the Law Improvement Working Group presented a panel CLE at the State Bar meeting that touched on issues in the Affordable Care Act that should be considered when preparing medical support orders in divorce decrees. The panel also discussed the status of the temporary rule for fast-tracking domestic relations cases (expedited divorce process) and why it is not being utilized. Angie Dorsch advised that she will research the reasons for this.

Lengthy discussion was held on Title 20 and the many procedural issues that have been identified as obstacles to citizens' access to justice. The Law Improvement Working Group will continue to focus on identifying and simplifying procedural processes that will increase the opportunity for indigent people to represent themselves. With the guidance of the Access to Justice Commission, the group will work to define the scope of its mission.

### **Redistribution of Working Groups to Include New Members:**

Discussion was held about the membership of the working groups. The following assignments were made:

Law Improvement Working Group: John Burman, Brad McKim and Devon O'Connell

Delivery Working Group: Gen Tuma

Communication Working Group: Bob Jensen, Dominique Cone and Kayla Spencer

Rep. Tom Lockhart offered to wait for an assignment where needed. Justice Fox and Stuart Day will contact the new members who weren't present at the meeting regarding their preferences.

### **Mandatory GAL/Mediation:**

Discussion was held regarding mandatory mediation and GAL appointments that are required in several district courts. These practices have been identified as being barriers for litigants who cannot afford these services. The Law Improvement Working Group indicated that it is struggling to develop a solution to this issue. Discussion was held about possible remedies and whether providing trained mediators in these cases would be a solution. The Delivery Working Group will look into providing volunteer mediators at the local level, although it is felt that this remedy would not meet the volume of cases in Laramie and Natrona counties. Angie Dorsch will continue to investigate solutions. Statistics will be gathered to help with this effort.

### **Wyoming State Bar:**

Sharon Wilkinson spoke about the Wyoming State Bar's recent launch of its Modest Means Program. She explained that the program targets individuals whose household incomes are between 200%-250% of the Federal Poverty Guidelines—the lower and moderate income citizens who are ineligible for Legal Aid. Sharon advised that 50 lawyers have volunteered to participate in the program, and all have agreed to charge no more than a \$500 retainer and \$75 per hour. She also advised that the Young Lawyers Section of the State Bar is hoping to launch a program called "We'll Do One." It is similar to the State Bar's "I'll Do One" initiative, but it is a mentoring program where a veteran attorney will mentor a young lawyer on a pro bono case.

The meeting was adjourned.