

**Access to Justice Commission
Minutes
September 28, 2016**

The Access to Justice Commission met at the Supreme Court Building on September 28, 2016. The members and guests attending the meeting in person, by video, or by phone were Chief Justice Jim Burke, Justice Kate Fox, Senator Tony Ross, Representative Tom Lockhart, Judge Richard Lavery, Judge Shelley Cundiff, Stuart Day, Amanda Roberts, Walter Eggers, Angie Dorsch, Dona Playton, Tori Kricken, Sharon Wilkinson, Kayla Spencer, Ray Macchia, Larry Wolfe, Dan Fleck, Brad McKim, Jessica Keith, Liz Hutchinson, Ronda Munger, and Kim Lambert.

Angie Dorsch was recognized for receiving the Champion of Justice for Legal Services Award from the Wyoming State Bar at the State Bar Meeting in September.

Also, it was noted that Dona Playton, Director of the Family & Child Legal Advocacy Clinic, accepted a position with the University of Denver and will be leaving the commission in January, 2017. Justice Fox thanked Dona for having been the incubator for family law lawyers over the years and for the numerous things she's done for the access to justice cause.

1. Welcome:

a. Welcome: Justice Fox welcomed new commission members John Masterson, Anne Sutton, Tori Kricken, and Brad Bonner.

b. Welcome: Justice Fox welcomed Kim Lambert. Joan Sage was unable to attend the meeting.

i. Kim Lambert, the Tribunal Legal Advocate for the Eastern Shoshoni Tribe, spoke about actions that would assist with access to justice on the reservation:

- A website to provide necessary forms and assistance;
- Updates to the Law and Order Code books;
- A juvenile detention facility available in the area so individuals would not be sent out-of-state.

Angie Dorsch, Executive Director of Equal Justice Wyoming (EJW), offered to put the tribal forms and instructions on the Equal Justice Wyoming website. Dona Playton suggested that the Children's Justice Project might be able to look into some of the tribal juvenile issues. She may also know of someone who would be willing to update the civil areas of the code books to bring them in line with the state code. Kim Lambert will investigate the changes that need to be made to the code and will bring the information to the next meeting.

Chief Justice Burke suggested that a separate working group be formed to research some of these issues, being mindful of tribal sovereignty. The members of the working group are Justice Fox, Angie Dorsch, Kim Lambert, Joan Sage, and Ray Macchia.

2. Updates:

a. Equal Justice Wyoming (EJW): Angie Dorsch, Executive Director of Equal Justice Wyoming, reported on the following:

- A self-help center was launched in March, 2016, adjacent to the EJW office. People are able to receive assistance from the AmeriCorps VISTA volunteer in the afternoon or at a computer kiosk during business hours.

- The LiveChat feature on the EJW website helps visitors find the appropriate resources for their needs. It is operated by the AmeriCorps VISTA volunteer during office hours and by law student volunteers three evenings a week.

- On-line classrooms for divorce actions are available that offer the same information as the pro se packets, but the instructions for the packets are broken down into classroom sessions that include videos and checklists to make the process more manageable.

- Equal Justice Wyoming, in partnership with the American Bar Association, launched Wyoming Free Legal Answers.Org. As attorneys register on the pro bono website, EJW staff members ensure that they are licensed and in good standing in Wyoming. Once callers have been screened, they can ask questions about a civil case, the questions go into a queue, and the attorneys can then log on and provide answers. This is a valuable way to provide resources and pro bono assistance, especially to rural areas.

- In conjunction with the pro bono program, Liz Hutchinson was hired as the EJW's new pro bono coordinator and staff attorney. Liz was previously a clerk with the Tenth Circuit and brings valuable experience to EJW.

- EJW provides grants to Legal Aid of Wyoming, the Wyoming Coalition Against Domestic Violence and Sexual Assault, Wyoming Children's Law Center, Teton County Access to Justice Center, and the Laramie County Community Partnership Medical Legal Partnership. With the assistance of the Wyoming Coalition Against Domestic Violence and Sexual Assault, EJW is now funding 2 1/3 full-time attorney positions. A Cody office was opened to better represent that area of the state. The Wyoming Children's Law Center has hired a full-time attorney. The Teton County Access to Justice Center was able to expand its services to parts of Lincoln and Sublette counties. The Laramie County Community Partnership is establishing Wyoming's first medical legal partnership, which can hopefully be expanded to other areas of the state. This group is embedding a legal services attorney into the medical team to address any legal issues that might be causing adverse health effects such as denial of certain benefits on health insurance, denial of public benefits for care or food stamps, and issues in a home that are causing adverse health, such as mold.

- EJW has moved to a two year grant cycle; 1.8 million dollars was awarded for the current grant cycle that began on July 1st.

b. Legal Aid of Wyoming: Ray Macchia, Executive Director of Legal Aid of Wyoming, reported the following:

- The hotline, which is directly funded by EJW, is manned by 2½ full-time attorneys who work from 9 a.m. – 4 p.m. every day answering questions and qualifying people for litigation cases, if merited, and a part-time attorney who handles relief for lunches, vacations, etc. Last year over 4,000 people utilized the hotline. Out of those contacts, approximately 150

to 200 cases went through litigation. Ray stressed the need for more litigation attorneys, especially in the area of family law.

- Legal Aid of Wyoming is working with the Wyoming Children's Law Center and houses its attorney in the Legal Aid office in Cheyenne;
- Ray stressed the need for a court facilitator to be available on the reservation;
- Legal Aid of Wyoming is striving for better case oversight management in order to get more in-depth on its case reporting of all identifiable demographics. Ray commented that it would be beneficial if everyone used the same case management system.

3. Foundation Report: Walter Eggers reported:

- The Equal Justice Wyoming Foundation was formed two years ago. The State Bar subsequently requested that the EJW Foundation take over the responsibilities of the Wyoming State Bar Foundation. This is currently the organization that administers the IOLTA funding program in the state, as well as other funding issues. Over the past year, the largest IOLTA bank, which accounts for approximately 40% of all IOLTA revenue in the state, dropped its rate for IOLTA accounts from 1.49% to .25%. The bank reportedly made this decision to bring interest rates in line with other states. This represents a reduction of approximately \$100,000 in projected IOLTA revenue. The Foundation has created and will publicize an honor role of the banks that provide higher IOLTA rates.

- Approximately \$880,000 in funding was received through the Department of Justice's settlement with the Bank of America for foreclosure bank settlement issues that occurred a number of years ago. These funds must be disbursed to programs that promote foreclosure abatement, foreclosure issues, and community development issues. Walter and Angie attended programs on the settlement issues and learned that they'll be able to do quite a few things with the community development side of the funding. This will be discussed at a stakeholder meeting in November.

- The EJW Foundation is investigating fundraising programs. The EJW Foundation is able to do fundraising work, which Equal Justice Wyoming is not able to do.

- Stuart Day reported that Dona Playton's vacant position at the Law School causes concern that the clinics might be reorganized, which could possibly diminish the number of family law cases that can be handled. EJW is communicating with Dean Alexander about the importance of maintaining the Family & Child Legal Advocacy Clinic's separate identity.

4. Reports from Working Groups:

a. Delivery Working Group:

- Liz Hutchinson reported that the EJW pilot of the Volunteer Reference Attorney Project has seen a steady increase in the number of attorneys willing to volunteer and in the number of clients taking advantage of the project. The clinic runs from 2-4 p.m. every first and third Thursday of the month at the Laramie County District Courthouse in Courtroom D. They are consistently seeing 6-12 clients during the two hour span and are in need of two volunteer

attorneys per session. This project will also start up in Casper within the next month. The goal in the next year is to have it available in every courthouse. Angie recruits, schedules, and coordinates the volunteers. The court clerks provide the materials to the attorneys.

- Angie reported that a policy is being developed to help court personnel assist court patrons. The instruction sheet that details what the clerks can and can't do was updated some time ago. The new policy will give definitions of the information that can/can't be provided to court patrons. Several clerks will be asked to serve on the subcommittee that will develop the policy. The individuals recruited to date are Anne Sutton, Gen Tuma, Wendy Sutherland, and law clerk Kayla Spencer.

b. Communications Working Group: Angie advised that this group created a Legal Services Guide, which is a brochure that lists all the legal service providers around the state. These have been distributed to the district court clerks, circuit court clerks, and the public libraries around the state. They will also be sent to the judges, along with other resources. The group has been moving forward with implementation of its communications plan; working with AdBay to create the Access to Justice videos and logo; developing a communication plan to educate the legislature on the importance of access to justice; and completion of the Access to Justice Presentation In A Box.

c. Law Improvement Working Group: Angie reported that this group has been working on the following:

- Mandatory Mediation & GALs: the requirement of some courts that the parties attend mediation before a final hearing, or arrange for a GAL if children are involved, is well intentioned; however, it's becoming a barrier for some low income clients. The group is working to identify and break down the barriers. They will conduct a survey of district judges; develop a list of trained mediators for pro se litigants' use; increase the number of trained mediators; develop a policy for domestic violence victims to opt out of mandatory mediation; develop standards/guidelines for when it's appropriate to appoint a GAL and when it's appropriate to waive the requirement for indigent parties; and researching possible funding opportunities to address these issues.

- Residency requirement in divorce actions: Under Wyoming Statute 20-2-107, the plaintiff is required to be a resident of the state for 60 days immediately preceding the time of filing a divorce complaint. The group investigated the Uniform Divorce Statutes from the ABA to see how other states handle this, and they found that the overwhelming majority allow either party to be a resident in order to meet the residency requirement. The working group would like to change the statute to conform accordingly. The main reason for this change is concern for the individuals who have been forced to leave the state due to domestic violence or other situations. Senator Ross will assist in finding a sponsor for this procedural change to the statute. Walter Eggers moved and Stewart Day seconded a motion that the Access to Justice Commission support, and to the extent appropriate, propose the legislative change described. The motion passed unanimously.

- Custody/Child Support Statutes: Angie advised that HB37 has caused some concerns. This working group has been researching what other states have done concerning expedited trial processes and informal trials. Lengthy discussion was held on this matter.

- Funding Working Group: formation of this working group was discussed. Justice Fox asked that individuals interested in being a member of this group contact Angie.

- Judicial Orientation/Education: Chief Justice Burke commented that the topic of access to justice needs to be included in the judicial orientation program that is being developed for new judges. The information will help the judges understand the importance of docket management, its impact on citizens, and the need for judicial leadership in the area of pro se representation. He suggested that a resolution be drafted that stresses the need for judicial leadership and urges judges to review their dockets to ensure that resources are being utilized efficiently.

Judge Lavery volunteered to be a member of the Law Improvement Working Group.

5. Achieving Civil Justice For All – Resolutions: The resolutions were tabled until the next meeting.

The meeting was adjourned.