

**Access to Justice Commission
Minutes
November 5, 2018**

The Access to Justice Commission met at the Supreme Court Building November 5, 2018. The members attending the meeting in person, by video or by phone were Justice Lynne Boomgaarden (Chair), Justice Kate Fox, Judge Timothy Day, Judge Tori Kricken, Judge Terri Smith, Amanda Roberts, Angie Dorsch, Anne Sutton, Brad McKim, Dan Fleck, Farrah Spencer, Mackenzie Williams, Ray Macchia, Sharon Wilkinson, Tony Ross, Walter Eggers, Ronda Munger, Marykaren Ripple, Marissa Carpio, Kerri Yarter, Devon O'Connell, Susan Gulbrandson (on behalf of Janet Montgomery), Weston Graham, Stuart Day, Lannette Cress.

1. Welcome: Justice Boomgaarden welcomed new Wyoming State Bar President, Wes Graham; newly appointed Supreme Court Chief Justice Davis (unable to attend meeting); and, Janet Montgomery, new appointee from the Clerk of District Court Association. Justice Boomgaarden thanked Justice Fox, Judge Kricken, Judge Day, and Merit Fredrickson for their contribution to the article in October's Wyoming Lawyer relating to access to justice.

2. Reports from Providers:

a. Equal Justice Wyoming (EJW). Angie Dorsch reported EJW began their two-year grant cycle in July of 2018. EJW awarded over \$1.8 to six different grantees. An additional \$400,000 has been received in federal funding as a pass-through grant from the Wyoming Attorney General's Office for Victims of Crime Act and State Surcharge. These funds were distributed for civil legal assistance for victims of crime. The Equal Justice Wyoming Foundation also awarded about \$278,000 in grant funding to four grantees.

Angie reported that the state wide pro bono program assisted approximately 1,000 individuals over the fiscal year. Angie welcomed Marykaren Ripple who will replace Liz Hutchinson as the program coordinator. Recently the ABA conducted a comprehensive pro bono survey of all the attorneys in twenty-four states. Wyoming ranked third highest for pro bono work reported with over 70 percent of attorneys completing services, averaging 65.4 pro bono hours in the past year. Wyoming also ranked third highest in the number of public service hours with 76 percent of the attorneys reporting they had completed public service.

EJW's Access to Visitation grant will be continued allowing the pilot of a mediation project here in Cheyenne, partnering with Inns of Court.

Last month EJW became an Americorp. Intermediary program. Marissa Carpio is the current volunteer and will be with EJW full time for the next year. As an intermediary program EJW has been awarded up to nine VISTA members plus a VISTA leader to concentrate on justice projects throughout the State. Angie is currently looking for sub-sites to place these additional VISTA members to help build their programs and capacity.

EJW has experienced a decrease in revenue over the past two years; currently operating with a deficit of approximately \$256,000. EJW has a reserve in their accounts allowing them to meet all

their obligations. The deficit is the result of filings being down and the reduced number of Wyoming Highway Patrol Troopers issuing citations. EJW continues to keep an eye on the deficit and will work with the Funding Work Group to find additional sources of revenue.

b. **Legal Aid of Wyoming (LAW)**. Ray Macchia reported LAW was able to hire an additional attorney in Cody and retain a second attorney in Casper as a result of funding received from EJW and the Bank of America Funds. The trip to the ABA Day in Washington, DC went well and thankfully no cuts were proposed to the Legal Services Corporation (LSC) budget. Wyoming has experienced an increase indigent in cases, resulting in an increase of approximately \$30,000 to be used to increase the services to the indigent population.

The Needs Assessment is moving along thanks in part to collaboration with the ATJ working group leaders and other legal services providers. The RFP was sent to six different providers, placed on the LSC list serve, and the LAW website and Facebook page. Two providers have sent in questions which will be answered this week. The Needs Assessment should be well underway by the summer and wrapping up the end of the year. Ray is hopeful the assessment will begin in the spring or summer of next year. It's a two-year project at the onset to gather as much data as possible. EJW has designated one of their VISTA volunteers to assist with data gathering for the assessment. LSC has been complementary regarding the stakeholder collaboration on this project.

3. Reports from Working Groups:

a. **Communications Working Group (CWG)**. Mackenzie Williams reported that the CWG has had regular meetings once a month; however, the group is looking at scaling that back due to low attendance. Mackenzie reminded the commission members to have their presentations added to the Dropbox spreadsheet. Individuals completing a presentation can email any member of the CWG to have their presentation added to the spreadsheet as the working group members are the only ones with access to add information, however, everyone has view access. Currently there are only half a dozen individuals who have listed their presentations. Information on how to get to the Dropbox will be circulated when the new order appointing and reappointing commission members is complete.

CWG is trying to contact legislators outside of the session to update them on the status of legal services in Wyoming. Walter suggested maybe the best time to meet with legislators would be after the session when their schedule is less busy. The election has also created some difficulty since the legislator's caucus assignments aren't made until the first week of December, as pointed out by Tony Ross. It was suggested the new Governor be invited to our meeting in March and possibly sending out a one-page letter to all the new legislators offering contact information if they have any questions regarding the Access to Justice Commission.

Justice Boomgaarden commended CWG on meeting regularly and encouraged Mackenzie to share observations regarding success or failure in the meeting schedule with the other working group leaders

b. Delivery Working Group (DWG). Judge Tori Kricken referred to the meeting minutes from March 26, 2018 and stated the DWG has met their goals and continue to implement plans. Judge Kricken invited any new directions from the Commission or other work groups.

Proposal #1 Differentiated Case Management in Divorces (Triage). This proposal continues to develop. At the District Judges' Conference, Judge Rumpke gave a presentation with respect to docket management such as stacking divorce cases and encouraging judges to meet with family law practitioners for specific, unmet needs.

Proposal #2 Provide Additional Information Regarding Court-Specific Access to Interpreters and ADA Accommodations. This proposal is continuing to be done and Anne Sutton has taken the lead through the Clerk's Association to provide links to Access to Justice information and where individuals can go to get assistance.

Proposal #3 Reduce Cost of Service by Publication. This proposal has been addressed by reducing the size of the publication.

Proposal #4 Expand Volunteer Reference Attorney Program. This is being done and continues to be done through Marykaren and Angie.

Proposal #5 Draft & Provide Reference Materials (How-to Guides). Done in collaboration with the CWG. DWG will continue to do more.

Proposal #6 Provide Voluntary/Free Divorce Mediation. This is being done though EJW and their grants.

Justice Boomgaarden asked for follow-up on how broadly the access to interpreters and ADA accommodations had been implemented. Judge Kricken and Anne Sutton will work together to get a number of how many clerks have been able implement the changes to their websites. Angie also suggested that the information be added to the Judicial branch website. Justice Boomgaarden suggested the DWG participate in the selection of contractors through the Needs Assessment RFP process.

b. Funding Work Group (FWG). Walter Eggers reported the FWG is currently busy with the budget and funding shortfall that Angie previously reported. The group is looking at adding an assessment fee to protective order actions. Another option they are looking at is *cy pres*. *Cy pres* is the process where funds from class action law suits have been awarded but the class cannot be found, and the undesignated funds go to legal services. Both options would require legislative action. FWG is also brain storming private fundraising efforts specifically targeted for the Liberty Day program with an anticipated a shortfall of approximately \$10,000, for handouts and materials provided to the students. Walter asked for members to provide names of individuals or law firms who may be interested in donating to the targeted campaign. Funding on the national level remains good with programs such as the federal Public Service Loan Forgiveness (PSLF) program receiving continued funding.

c. **Law Improvement Working Group (LIWG)**. Amanda Roberts reported the LIWG is trying to get traction on forming a task force for family case processing. The group has participated in conference calls with the Institute for the Advancement of the American Legal System (IAALS) which recently assisted Iowa in creating a taskforce and offered suggestions on how to structure the task force and set long term versus short term goals. The focus will be case processing; document management; electronic filing; review for consistency and efficiency; examine innovative procedures of programs; review of mandatory mediation and GAL requirements; examine the statutory provision and make sure there is consistent definitions between family law code and the child support guidelines. There may be a need for further legislation changes. LIWG may need assistance from members of the DWG and CWG to complete the task force. There may also be the need for funding and possible administrative support. Amanda is optimistic, through the work with the IAALS and Iowa, there will be some financial savings.

Brad McKim suggested that by the March meeting it may be good to revisit the working groups and evaluate if the groups are fit for purpose or if the groups should be revamped.

d. **Tribal Working Group (TWG)**. Stuart Day reported that four tribal administrators and three attorneys have been identified to participate in the working group. Stuart and Judge Smith will serve as co-chairs and meet prior to our March meeting. It was suggested a good topic for the working group would be the development of a jury pool process.

e. **Working Groups Meeting Schedules and Membership**. Justice Boomgaarden encouraged the working groups to schedule regular meetings. Specific subjects were addressed throughout the meeting as they arose.

4. Future Action Items.

a. Membership appointments/reappointments. Justice Boomgaarden updated the group on the progress being made on the new order for appointing and reappointing members of the commission.

b. Upcoming Events. Justice Boomgaarden reminded the committee members of upcoming events listed on the agenda.

c. Next Meeting. The next meeting will be March 25, 2019 unless there is an opportunity to invite the new governor and the need to accommodate his schedule arises.

d. Other. Walter pointed out the last five-year strategic plan was completed November 2014. Our next plan will be due November 2019. A group will be established to start on the plan and report back to the committee in March.