

Access to Justice Commission
Minutes
February 27, 2009

The Access to Justice Commission met in person on January 27, 2009, in Cheyenne. In attendance were Justice Jim Burke, Justice Marilyn Kite, Judge Scott Skavdahl, Judge Tim Day, Judge Wes Roberts, Gen Tuma, Rick Lavery, Denise Burke, Dona Playton, Sleeter Dover, Leigh Anne Manlove, Walter Eggers, Dan Fleck, and Ronda Munger. Meredith McBurney from the ABA, Ray Machia from Legal Aid of Wyoming, and Corey Erickson attended as well.

Initial Face-to-Face Meeting of the Commission

The first face to face meeting of the Access to Justice Commission (AJC) was held at the Wyoming Supreme Court and was well attended. Justice Jim Burke opened the meeting and thanked everyone for coming. He told the AJC that he was feeling an overwhelming sense of urgency - that there may be hundreds or even thousands of people in Wyoming that need an attorney and don't know where to turn. Justice Burke told the Commission that Wyoming was now one of only two states that do not provide civil legal aid - South Dakota just passed legislation to get its name off the list. Justice Burke asked the Commission members to introduce themselves and explain why they were motivated to be involved in the Commission's work.

Current Status of civil legal services in Wyoming

Ray Machia, Executive Director of Legal Aid of Wyoming, made a presentation to the Commission. Legal Aid of Wyoming is a non-profit organization, which is currently the interim provider of legal services in Wyoming. Ray told the Commission that his office initially tracked down around three hundred and fifty open cases. He reported that all but 23 are closed at this time. As of February 10th, his office began taking new cases involving the pro se packets, cases needing some general advice, and also began some work on senior citizen issues. Ray expressed concern that the legal services case management system and computer hardware that he inherited is antiquated and needs updating. He provided the Commission with a statement of expenditures. In the short term, Ray would like to provide extended legal services to those individuals with the most pressing needs - evictions, termination of benefits, child custody cases, etc. He would also like to begin developing forms to assist indigent clients. Ray told the Commission that he would someday like to be funded well enough to guarantee an attorney for certain types of cases, i.e. those involving shelter, sustenance, safety, health, or child custody. Ray asked the Commission to help him establish a first class Board of Directors. He also requested the Commission's support in obtaining state funding.

Dona Playton, Assistant Faculty Supervisor for the UW Legal Services Programs, also made a presentation to the Commission. Dona wears numerous hats in the legal services world. Since 1998, she has done work and training for the Wyoming Coalition Against Domestic and Sexual Assault. In 2002, she collaborated with Professor Burman, in conjunction with the legal services clinics, to provide legal services in the area of domestic violence. She is also on visiting teaching status at the law school, where she teaches two classes, one on domestic violence and one on children. Dona explained to

the Commission that the law school clinics are tied to the financial requirement of only providing services to those individuals meeting the 125% of federal poverty level status. This requirement is established in Rule 12, of the Rules of the Supreme Court of Wyoming Providing for the Organization and Government of the Bar Association and Attorneys at Law of the State of Wyoming. There are a lot of people who seek out the law school clinics that do not meet the financial requirement for services, but in no way can afford an attorney. The legal services clinic at the law school is currently overburdened. There is more work than can be done. The Wyoming Coalition currently employs two attorneys and one paralegal. At this time, there is no state funding that is provided to any of the programs for civil legal services. Justice Kite suggested the Commission look into some sort of program like the state provides for doctors who get their medical school expenses paid if they work in the state after they graduate (WWAMI/WICHE). If law students could get some of their law school expenses paid for by participating in legal services programs after they graduate and pass the bar exam then they would be encouraged to provide additional help in this area. The clinics handle domestic violence, stalking, dating violence, sexual assault, divorce, child custody, protection orders, modifications, guardian ad litem, consumer debt, consumer protection, and immigration issues. These cases are non-fee generating cases. The clients are required to cover the filing fees and a thirty dollar administration fee. The legal clinics have cases in 15 of the 23 counties and the DV clinic has cases in 17 of the 23 counties. Dona praised the judges in the out-lying counties for making it possible to do some of the hearings and legal work by phone. Without Judicial cooperation, it would not be possible to provide legal outreach in so many counties. The legal clinics provide direct legal services, including appearances in court and trials. In 2008 the legal services clinics received 681 requests for services, the DV clinic had 297 requests for services, and the Coalition had 150 requests. For whatever reason, the cases are ending up in trial more than they had been in the past. The clinics do not ask for attorneys' fees, even when the law allows, because Professor Burman believes it goes against the non-fee generating culture. The clinics are running at full capacity. There is a short wait list for services.

Lessons from Successful ATJ Commissions and legal service providers

Meredith McBurney made a presentation to the Commission regarding her experience and what the ABA has learned about other Access to Justice Commissions across the nation. She is the resource development consultant for the American Bar Association's Resource Center for Access to Justice Initiatives (since 1997). In this capacity, she researches and analyzes fundraising trends and practices within legal services nationwide, and then uses the data to provide information, training and technical assistance to bench, bar and legal services leaders throughout the country. She also provides strategic planning assistance to developing access to justice commissions. Meredith began her presentation by giving the Commission a brief history lesson regarding the development of Legal Services Corporation (LSC). She explained that LSC grew out of the poverty crisis in 1974 when the Office of Economic Opportunity proposed that there be federal funding in every state to provide legal services to the poor. Over the years, LSC has gotten bogged down in regulations and rules. In the mid-80s Reagan tried to get rid of LSC, and so states attempted to fill the void by using IOLTA money and bar fees to cover some of the costs. Then in the 1990's, Newt Gingrich tried again to cut the funding. Whereas legal services were 97% funded by the federal government in the early 80's,

today the federal government only funds about 33% of the costs for legal services across the nation.

There are 25 formal Access to Justice Commissions across the states, most being created by the Judicial Branch of government. Meredith advised the Commission to develop its stakeholders. Some states have been successful holding town meetings or local hearings to garner support. She believes the key to a successful Commission is having the right people to chair your working groups. She said, "You must know where the bus is going, you must have the right people on the bus, and you must have the people in the right seats". She advised the Commission to have a compelling vision, with realistic expectations; to work for cooperation and collaboration; that meetings should be open to the public (transparency is key); that providers must participate; and most importantly that the Commission MUST speak with one voice.

Development of a plan for the initial work of the Commission

Meredith led a brief discussion wherein the Commission considered what a statewide delivery system should look like. Then the Commission discussed what working groups needed to be established to carry out the work of the Commission. Some discussion included what the Commission's goals are in the short term. The Commission decided to form two work groups, with the primary work to be done in the next year. The first work group will be the Resource Development work group. That group will focus on the necessary steps to achieve Legislative funding. The group will be divided into three areas; the technical aspects of the goal (time frames to accomplish request), the message of the Commission, and the delivery of the message. The second work group will be the Delivery System work group, which will be divided up into sections that focus on pro bono work, legal services work, pro se litigants, technology, screening, and the Native American population. Justice Burke requested that the Commission members let him know which group they would prefer to work on.

Commission adjourned