

Access to Justice Commission

Minutes

November 1, 2012

The Access to Justice Commission met at the Supreme Court Building on November 1, 2012. Those attending the meeting in person or by video were Chief Justice Marilyn Kite, Justice Jim Burke, Justice Mike Davis, Judge Tim Day, Judge Wes Roberts, Stuart Day, Amanda Roberts, Denise Burke, Pat Day, Larry Wolfe, Dona Playton, Walter Eggers, Gen Tuma, C. John Cotton, Ray Machia, Angie Dorsch, Leigh Anne Manlove, Dan Fleck, Sleeter Dover, Brenda Lyttle, Joann Odendahl, Ronda Munger, and Becky Craig.

Opening Remarks

Justice Burke opened the meeting by introducing the new Executive Director of the Wyoming Center for Legal Aid, Angie Dorsch. He stated that the purpose of the meeting was to discuss the progress that the Commission has made in making legal services available to income-qualified citizens of Wyoming, and to review the AJC's nine objectives for 2012. Justice Burke informed the group that the Indigent Civil Legal Services Fund has collected 3 million dollars since its creation in July of 2010.

Wyoming Center for Legal Aid Update

Pat Day thanked all the people who worked so hard to get the legislation passed that authorized the creation of the Wyoming Center for Legal Aid. He informed the group that the Center now has three full-time staff lawyers and will soon hire an administrative office person, and that for the first time in Wyoming, a state sponsored entity exists that can do the day-to-day work of setting up and running new initiatives in the area of access to justice. Pat pointed out that the Access to Justice Commission has a huge role to play for the State of Wyoming. The Commission will prioritize projects and serve as the leader and facilitator to bring together the different stakeholders to work on solutions that are consistent with the AJC's perspectives and objectives, and the Center will implement the ideas that the AJC develops.

Angie Dorsch, the new Executive Director of the Center, introduced herself and explained that she came to Wyoming from a very large LSC funded Legal Aid office in Texas. She explained that the Center is trying not to duplicate what is already being done, and stressed the importance of building the infrastructure that is necessary in order to make a statewide impact. Angie identified some resources that are needed: basic information for pro se litigants, more providers, creation of networks and community based programs, training that will enable court clerks to provide information (not advice) to the public, development of broader initiatives that will serve more people, and development of a website that will provide comprehensive sources of legal information. She also stressed the importance of promoting a culture of *pro bono* work in the state and of working with the State Bar on training attorneys on unbundling of legal services. Angie suggested that a small task force of AJC members be formed to work on the unbundling initiative. She explained that the Center has been working with Legal Aid of Wyoming to get their hotline running 40 hours a week, and that they will be able to track the number of people that are calling in. The website will also be able to capture the number of visitors and identify which areas they are visiting.

Legal Aid of Wyoming, Inc. Update

Ray Machia, Executive Director of Legal Aid of Wyoming, reviewed the progress that his agency has been making. He reported that there are approximately 150 basic fill-in-the-blank forms available on their website. They have been adding new content daily to the Wiki site, which is an area where both lawyers and pro se litigants are able to submit, take, or edit free forms. The Live Chat program has been successful, and the HotLine has been a tremendous help and will soon be available on a full-time basis. Ray reported that they have conducted many successful mediations and are hopeful that there will soon be a mediation requirement for all family law cases. Legal Aid of Wyoming has approximately 85 contract attorneys and over 300 cases that are being contracted out across the state, and they hope to open offices in Gillette and Rock Springs very soon. Ray believes that the Reservation represents the biggest unmet need in the State. Judge Roberts agreed with that statement and urged the Commission and the Center to support assistance to Fremont County in providing services to the Native American population.

Domestic Violence Legal Assistance Program and Wyoming Coalition Against Domestic Violence and Sexual Assault Update

Dona Playton, Director and Supervising Attorney, updated the Commission about these programs. She commented that the website, automation of the pro se forms, and the availability of the Hotline will greatly assist pro-se litigants, and that the Court Facilitator Initiative will aid these parties even more.

Court Facilitator Pilot Project Update

Walter Egger explained that he spent quite a bit of time studying the Colorado Court Facilitator Project and similar programs in other states. He explained that the Wyoming Supreme Court implemented a court facilitator pilot program in three judicial districts: Park, Uinta and Sheridan counties. The design of the project is that the District Court Clerks' offices in those counties will designate a deputy clerk to serve as a Court Facilitator to talk with and answer questions from pro se litigants about domestic relations cases, and in particular, divorce cases. Discussion was held about the training presentation that was conducted by John Greacen and Pam Gagel at the clerks' meeting which gave instructions on what the clerks should do when asked questions by the public about divorce and domestic relations cases. Walter reported that the Local Access to Justice Subcommittee met with the State Bar Officers and Commissioners to get their input on this program. One of the Bar's concerns has to do with ensuring that the court facilitators are properly trained so that they are not worried about the issue of unauthorized practice of law. Discussion was held about the importance of the Commission addressing these concerns and of giving direction to the clerks so that there is uniformity across the state. Brenda Lyttle, Administrator of the Child Support Enforcement Program, commented that the Clerks of the District Court are a very important part of her program, and she is hopeful that there is a place for Child Support Enforcement in the Court Facilitator Program.

Commission Initiatives

Justice Burke addressed the Commission's initiative to "Analyze Administrative Divorce Processes in Utah/Colorado." Discussion was held about Colorado's Administrative Process and similar programs in other states, and how this type of process could potentially take many of the domestic relation cases off of the district courts' dockets. It was agreed that investigation into the administrative divorce processes in other states will continue, and that the Commission will develop recommendations from that analysis.

Justice Burke spoke about priority #2 on the 2012 Priorities for the Wyoming Access to Justice Commission: “Study and make recommendations concerning Wyoming’s Rules of Procedure Governing Unauthorized Practice of Law.” He commented that within this priority, he believes the Commission should put its primary focus on moving the Court Facilitator Program initiative forward. Pat Day proposed that the Access to Justice Commission consider forming a task force to focus on this issue.

Justice Burke moved on to the next Commission Initiatives: “District Court Interview Project,” “Survey Parties in District Court Cases,” “Interview Circuit Court Clerks”, and “Conduct Circuit Court Interviews.” Discussion was held about the Rule 1 Committee’s endeavor to develop approaches and changes to the Rules that would improve the speed and efficiency of the resolution of civil cases. The suggestion was made to involve domestic relations lawyers in any changes that are proposed. Walter Eggers spoke about the Local Access Subcommittee of the AJC. He explained that their latest project was the District Court interview project where they interviewed the District Court Judges about the state of domestic relation cases in the district courts. He informed the Commission that the subcommittee put together a draft report that will be delivered that to the Commission and the Center very soon. The subcommittee feels that their next step is to talk to the district court clerks to get some statistical information that will help fill in some of the gaps in their information. They also may develop a survey for completion by the parties who appear in these cases. The subcommittee also feels that they should talk to the circuit courts about similar issues and about the types of pro se cases that their courts are facing.

Discussion was held about the District Court/Circuit Court jurisdictional changes. Once the new docket management system is completed and in operation, an accurate analysis will be able to be made of the impact these changes have had on the courts.

Justice Burke addressed the initiative to “Expand *Pro Bono* Work.” Discussion was held about “unbundling” being a significant piece of the solution. Justice Burke suggested that there be a task force created to work in coordination with the Center and the State Bar on the initiative concerning unbundled legal services and on the development of a dependable pro bono program in each district.

Discussion was held about language access in the courts, and about the court interpreter issue needing to be a priority for the Commission. A subcommittee will be formed that will make recommendations to the Commission on ways to provide access to the courts for those who have limited English proficiency.

Discussion was held on organizing an Access to Justice Convocation in Casper to bring stakeholders and providers together with regard to these issues.

Judge Roberts and Leigh Anne Manlove will no longer be serving on the Commission as of the end of December due to the expiration of their terms, and Denise Burke will no longer be on the Commission since she is no longer affiliated with the UW College of Law, which is the entity that gave rise to her involvement.

Meeting adjourned.