

Access to Justice Commission

Minutes

May 20, 2013

The Access to Justice Commission met at the Supreme Court Building on May 20, 2013. Those attending the meeting in person, by video, or by phone were Chief Justice Marilyn Kite, Justice Jim Burke, Senator Tony Ross, Judge Tim Day, Judge Shelley Cundiff, Stuart Day, Amanda Roberts, Dona Playton, Dan Fleck, Jim Salisbury, Larry Wolfe, Walter Eggers, Sharon Wilkinson, Ray Machia, Pat Day, Angie Dorsch, Brenda Lyttle, Joann Odendahl, Ronda Munger, and Becky Craig.

Opening Remarks

Justice Burke opened the meeting by reflecting back on the history of the endeavor to create a statewide program for the delivery of legal services to income-qualified citizens of Wyoming, and expressed how satisfying it is to see the seeds of the effort take root and flourish. Justice Burke welcomed the new members of the Commission: Judge Shelley Cundiff, the Circuit Court Judge for the Fourth Judicial District; Paul Phillips, a member of the Board of Directors of Legal Aid of Wyoming; James Salisbury, the President of the Wyoming State Bar Foundation; and C. John Cotton, the President of the Wyoming State Bar. He also welcomed Brenda Lyttle, the Senior Administrator of the Department of Family Services, to the meeting. Justice Burke praised the Wyoming Legislature. He noted that while many states are cutting back on services for legal aid, Wyoming has not needed to do so because of the Legislature's foresight.

Provider Updates

LAW Update – Ray Machia, the Executive Director of Legal Aid of Wyoming, reported on the adjustments and progress that his agency has made to date:

- Since 2010 Legal Aid of Wyoming has had reductions made to their budget of over \$183,000, most of which will come in the years 2013-2014. In 2013 alone, they are looking at budget cuts of \$142,000 from a combination of: sequestration cuts of \$87,000, census cuts of \$12,000, and Wyoming Foundation and Senior Grant cuts of \$43,000. In addition, they will be facing additional cuts of \$114,000 next year, for a total reduction of \$256,000. Ray reported that they have cut their costs by eliminating four full-time positions and one part-time position through consolidation of offices and the closure of the Wind River Indian Reservation office. They have made a drastic reduction in private attorney contracts, and will be eliminating almost all of the contracts next year. They are also looking at making reductions to their health care and benefit package.
- Even though most legal services organizations have been reducing their services due to budget cuts, Legal Aid of Wyoming has been able to continue making significant advancements because of the funding provided by the Wyoming Center for Legal Aid.
- Legal Aid of Wyoming has been able to have their hotline operational from 9 a.m.-4 p.m. Monday through Friday, manned by a full-time dedicated attorney plus a part-time attorney. The ability to direct clients with minimal needs to the hotline has taken a huge

burden off of the staff attorneys in the outlying offices, thereby providing them more time to handle cases in court.

- Legal Aid now has a Rock Springs office that is located in the new Family Justice Center, and is currently conducting interviews for a full-time attorney to fill that position. They hope to open a similar office in Gillette that will cover northern Wyoming and the Big Horn Basin area. There are currently two full-time attorneys and one tribal advocate in Lander, two full-time attorneys in Casper, and three full-time attorneys in Cheyenne.
- Legal Aid hosted a Family Law Conference with the UW Law School that offered CLE to the attorneys in the area; they have a GAL Memorandum of Understanding with the Tribal Court; they have instituted a Pro Se Consumer Day; and they supply legal aid outreach in the Casper and Lander District Courts once a week by having someone available in an office in the courthouse to provide *pro se* litigants with assistance.
- The need across the state continues to grow, especially in the area of domestic relations with children—80% of their calls fall into this area.

WCLA Update – Angie Dorsch, Executive Director of the Wyoming Center for Legal Aid related that the Center is trying to expand direct legal services by leveraging the resources among the existing providers. She reported on the following:

- The Center is using the Legal Aid hotline as the central intake point. The attorneys who handle the calls have increased their caseload by 19%. From January through March of 2013, the hotline has provided advice or brief services to over 760 eligible callers.
- The website has received approximately 1,300 hits from January through March of 2013, and 870 clients have been helped during that time period. Content is continually being added to the website.
- The Center has been holding webinars for the county librarians to instruct them on the resources that are available for *pro se* litigants who visit their libraries. They are also working on automation of the *pro se* form packets for the website and hope to go live with those forms sometime this summer.
- The Sweetwater County Family Justice Center is the first facility in Wyoming that is a one-stop help center for victims of all forms of family violence. The facility houses multiple agencies, and provides advocacy, law enforcement, and social services for support of families. The Legal Aid attorney in that office will serve Sweetwater, Lincoln and Uinta Counties, and will handle other types of cases in addition to family violence matters. The Center will continue to look for opportunities to expand these collaborative types of arrangements in other areas of the state.
- The Center, with the help of the State Bar, is in the process of doing outreach and training for attorneys on the topic of limited scope representation. They have held two limited scope representation CLE's that were very well attended.
- The Center is looking into a grant from the ABA to put remote access sites in five pilot areas of the state that lack a legal aid presence. The sites will serve a dual purpose. There

will be computers with internet access available that will enable people to fill out and transmit applications to the Center, and also to meet with a *pro bono* attorney via Skype; or, if a provider has a client who is located in one of these remote areas, the provider will be able to use Skype to meet with that individual.

- The Center has been working with Brenda Lyttle and Dona Playton on child support issues. They are looking at developing a program for mediation services to ensure that people involved in child support cases will come out of the process with an order that addresses not only child support, but also child custody and child visitation. They hope to have a pilot program in place next year.
- The Center is working with the State Bar to develop a structured *pro bono* program that will create interest in *pro bono* representation and that will provide attorneys with materials that will aid them in handling cases.
- The Center is in the process of doing their next round of grants. They have received requests for approximately \$925,000 of the \$750,000 available grant funds. Angie related that the Center will need to make some hard decisions about where to place the funds.

Equal Justice Conference

Walter Eggers reported on the Equal Justice Conference that he, Angie Dorsch, Kristin Karr, and Rennie Polidora attended in St. Louis, Missouri. He explained that this is an annual meeting that the ABA puts on for legal service providers. Walter mentioned that one of the highlights was a section called “Hot Topics in Legal Aid” that touched on federal funding issues. He learned that the White House has proposed a very large increase towards federal funding of legal services, however, sequestration has crushed that proposal. Angie Dorsch reported on a presentation that she attended on state funding. Many states are envious of Wyoming’s stable funding. Much of the funding in other states is based solely on IOLTA, which has seen huge cuts due to declining interest rates. She noted that there was discussion about the number of states that require their law students to provide *pro bono* services as part of the curriculum. Angie indicated that it would be a good idea to consider this since it might create a culture of *pro bono* work from the beginning of an attorney’s career. Angie also attended a session on the child support changes that could be coming in the future. The White House has included a proposal in its budget that would make it mandatory that all child support orders also include an order as to custody and visitation. Studies have found that the likelihood of people paying their child support increases if the payees have visitation access.

Pro Bono Committee/“I’ll do one” Initiative

Stuart Day spoke about initiating an “I’ll do one” program that would be a cooperative effort between the Center, the State Bar, and Legal Aid of Wyoming. In this program, Wyoming Bar members would be recruited to take on one *pro bono* case for a financially qualified client. The Wyoming State Bar hopes to be able to roll out the program at their meeting in Gillette this September. Prior to that time, Stuart will recruit a group of 75-100 attorneys who have committed to handling one *pro bono* case. Discussion was held about this program possibly being utilized to track the use of limited scope agreements. Chief Justice Kite moved and Senator Tony Ross seconded a motion to give the Pro Bono Committee the authority to move forward with development of the “I’ll do one” program. Motion carried unanimously.

Other Committee Work

Unbundled Legal Services Project – Angie Dorsch reported that the Center has started outreach and training of attorneys on this project. The State Bar is working on a referral list of attorneys who are willing to participate. The Center is moving into the public outreach phase by supplying the clerks of court with brochures that can be given to litigants that will explain what limited scope representation is and how they can go about finding an attorney who will assist them. Discussion was held on developing a mechanism that will link up the attorneys who are willing to do limited scope representation and *pro bono* work with the clients who are in need of the services. Angie Dorsch and Ray Machia will meet with the State Bar to develop a system for delivery of these services.

District Court Clerk Training Program – Walter Eggers explained that since the district court clerks have the most contact with *pro se* parties, this program's main emphasis is to find ways to assist the clerks in communicating with those parties, and also to supply them with informational materials that they can give to the litigants. Discussion was held. A "Resources Program for Clerks of Court" subcommittee was formed consisting of Child Justice Kite, Judge Cundiff, Amanda Roberts, Gen Tuma, and Ronda Munger.

Communication with Stakeholders – Discussion was held on the necessity of keeping the stakeholders informed about the Commission's projects and accomplishments. A subcommittee to raise awareness of AJC activities was formed that consists of Larry Wolfe, Angie Dorsch, Sharon Wilkinson and Walter Eggers.

Domestic Relations – Chief Justice Kite reported that the Rule 1 Committee is looking at pilot projects that are being conducted around the country that have moved domestic relations cases into an administrative process and that are handling the cases through expedited proceedings. It is hoped that a domestic relations summit will be held before September to talk about these issues from a policy standpoint.

Language Access in the Courts – Joann reported on the National Summit on Language Access in the Courts that Judge Day, Judge Donnell, Joann, Diane Bauersfeld and Kristi Racines attended in Texas last fall that was hosted by the National Center for State Courts. Joann also reported that the Wyoming Court Interpreter Program has conducted orientation seminars in Casper and Cheyenne and has trained approximately 60 individuals. The next class is scheduled for Green River in late May and for Gillette in June. Discussion was held about remote interpreting and identifying the technology and resources that would be necessary to supply those types of services.

Suggestions for Other Initiatives

Angie Dorsch related that she was contacted by an Access to Justice Commission in another state that requested information on whether or not Wyoming allows the waiver of filing fees. In contacting various courts, she found that this matter is handled differently across the state. Angie will research case law and will bring more information on this matter to the Commission's next meeting.

Discussion was held on the *pro se* forms that are available on the Supreme Court's website, and whether they should be sanctioned by the Supreme Court for statewide application. A subcommittee of the Domestic Relations Committee was formed to investigate statewide

application of the *pro se* forms. The subcommittee consists of Amanda Roberts, Dona Playton, and Ronda Munger. They will look into the approaches that other states have taken in adopting uniform forms and whether their methods have proven to be successful.

WAJC's Annual Report to the Wyoming Supreme Court

Larry Wolfe informed the members that the Access to Justice Commission's annual report to the Supreme Court is currently being drafted.

Other

Justice Burke suggested that the Access to Justice Commission should meet on a more regular basis. The next meeting will be scheduled for October or early November.

Meeting adjourned.