

**Access to Justice Commission
Minutes
September 14, 2017**

The Access to Justice Commission met at the Supreme Court Building on September 14, 2017. The members and guests attending the meeting in person, by video, or by phone were Justice Kate Fox (Chair), Chief Justice Jim Burke, Judge Shelley Cundiff, Judge Tori Kricken, Judge Paul Phillips, Stuart Day, Angie Dorsch, Walter Eggers, Liz Hutchinson, Brad McKim, Brittany Strojny, Devon O’Connell, Dona Playton, Jessica Keith, Kayla Spencer, Kristen Schlattmann, Mackenzie Williams, Mary Throne, Ray Macchia, Tony Ross, Amanda Roberts, Anne Sutton, Aaron Varner, Kerry Yarter, and Ronda Munger.

1. Welcome: Justice Fox welcomed the members of the Commission. She outlined the restructuring of the working groups, and thanked the outgoing chairpersons for their hard work in keeping the work of the Commission moving forward.

2. Reports from Working Groups

a. Delivery Working Group (DWG). Judge Tori Kricken reported on the current activities of the Delivery Working Group (DWG). The group met multiple times and narrowed a variety of proposals to just six.

• **Proposal #1:** Differentiated Case Management in Divorces (Triage) – the idea is to handle divorce cases based on their level of complexity. It proposed a multi-track system that moves divorces through the docket at different rates. Divorces with children, division of small businesses and other complicated matters would be set for a longer timeframe, whereas no-children divorces and limited asset cases would progress at a much faster pace. This idea of triaging cases is being used in other states. A few district judges apply some of the principles of case triaging. One hurdle to triaging cases is the advanced need for information. The financial affidavit can be a good guide to triaging cases. Justice Fox suggested the possibility of requiring the financial affidavit to be filed with the petition for divorce. A pilot program was also suggested, but more research needs to be done before that step is taken. Going forward, the Commission agreed we must: 1) identify the exact problem that needs solved; and 2) develop a plan to work with the district judges’ conference to identify the judges who are willing to explore the idea of differentiated case management in divorces. Kayla Spencer moved and Dona Playton seconded a motion to explore differentiated case management. Motion carried unanimously. The Commission discussed having a judge from another state come to talk about this program with the district judges.

• **Proposal #2:** Provide Additional Information Regarding Court-Specific Access to Interpreters and ADA Accommodations – this proposal suggests increasing information about the ADA accommodations available in each of the courthouses. It is suggested that the clerks be contacted about providing this information on their websites. Additionally, the proposal is to include information about how to request an interpreter on the Judicial Branch’s website. The

Commission also discussed Alaska's process for e-publication. It was decided that the DWG would get more information about the Alaska system. Anne Sutton, District Court Clerk in Teton County, volunteered to work with Angie Dorsch to post information on the Teton County website, which can then be shared with the other district court clerks. It was also suggested that information could be included in the letters that go out to potential jurors. Kayla Spencer moved and Devon O'Connell seconded a motion that Teton County be a pilot court for ADA and interpreter information on its website, that a presentation be made to the circuit and district court clerks on the need to provide the information, and that information should be included in the juror questionnaires. Motion passed unanimously.

- **Proposal #3:** Reduce Cost of Service by Publication – this proposal involves boilerplate language for notice of publication to reduce expenses on the pro se litigants. The Commission also discussed an e-publication program out of Alaska. The Court has a website where legal notice for service can be given. In Wyoming, this would require rule changes and additional research. The DWG will take a look at it.

- **Proposal #4:** Expand Volunteer Reference Attorney Program – this program has been very successful in several communities and will be expanded into other locations. The difficulty is having the resources to get a program started in every community. The Commission discussed the possibility of using attorneys from the more populated counties to staff the VRA programs in counties like Niobrara that do not have a large local bar. Angie Dorsch and Equal Justice Wyoming (EJW) will continue their work in this area.

- **Proposal #5:** Draft & Provide Reference Materials (How-To Guides) – this proposal will require collaboration with the Communications Working Group. There has been a request for more how-to guides for cases such as small claims cases, forcible entry and detainer, small estate distribution and those types of cases. The DWG discussed the use of interactive forms to help with some of these problems. Angie Dorsch explained that many of these forms are on the EJW website, and more interactive forms are being developed, but there is a need to educate the public on their existence. There has been some pushback regarding providing forms for small estate cases, with some sentiment that pro se litigants should not be representing themselves in estate cases. Justice Fox suggested the DWG collaborate with the Communications Working Group (CWG) to create a description of the potential processes for probate, the resources available, and a warning that it is really complicated. She also suggested the creation of a list of forms available on the EJW website and the Judicial Branch website for use by the volunteer reference attorneys and clerks. The Commission discussed the need to provide public printers in the courthouses. Judge Kricken moved and Kayla Spencer seconded a motion that the DWG collaborate with the CWG to make information that is already available more readily accessible. Motion passed unanimously.

- **Proposal #6:** Provide Voluntary/Free Divorce Mediation – the idea behind this proposal was to provide free training for lawyers, who would then provide free divorce mediation services. This idea was tabled for lack of a funding source.

b. Communications Working Group (CWG). Mackenzie Williams gave a report on the work of the Communications Working Group (CWG). CWG began by reviewing the three areas

of focus for the group: brochures, presentation in a box, and public service announcements. The CWG began its work by updating the brochures and the presentation in a box. The brochures contain information about providers of free and low-cost legal services, and the presentation in a box contains materials to be used to make presentations to local community groups about the mission of the Access to Justice Commission. The CWG decided not to attempt to modify the public service announcements and tabled that item until a later date when funding sources can be identified. The current vendor provided copies of all the footage, used and unused, so that it could be utilized at a later date. The announcements currently reside on the EJW website and the Access to Justice YouTube channel.

Moving forward, the CWG will be looking for opportunities to interface with the Law Improvement Working Group by educating policy makers about the access to justice issues in Wyoming and the continued need for resources. In that regard, the CWG plans to move forward by reaching out not only to the people who need legal services, but also to focus heavily on the community groups that interact with low income individuals, such as church groups, service groups like Kiwanis or Rotary, hospital employees, family treatment coordinators, DFS field offices, etc. The CWG will revitalize the presentation in a box to be used in all the communities across the state and asked that each of the Commission members make a commitment to facilitate one or two presentations in the communities across the state. The CWG will provide the materials, and Equal Justice Wyoming will keep track of the community groups and presentations made throughout the state. Ronda Munger moved that the Commission adopt a resolution and each member commit to making one presentation to a local community in the next calendar year. Brad McKim seconded the motion and it passed unanimously. The Commission also discussed the need for information to be provided to new judges and clerks during their initial orientation about the mission of the Access to Justice Commission and Equal Justice Wyoming. Dona Playton moved and Tony Ross seconded a motion to add an access to justice component to the judicial branch orientation, including providing information to municipal courts. Motion passed unanimously. Chief Justice Burke agreed to reach out to the president of the Municipal Court Judges' Conference.

c. Law Improvement Working Group (LIWG). Amanda Roberts reported on the activities of the Law Improvement Working Group (LIWG). Orders for mandatory mediation and GALs are still an issue. The group is waiting to see if EJW receives its Access and Visitation Grant, which will provide funding for lawyers to act as mediators and GALs. The grant will allow a panel of mediators who can provide up to four hours of services. The program will only be available in divorces with children. The grant award is scheduled to be made in October. If the grant application is successful, EJW will work with the district judges to connect mediators to the appropriate cases. The grant will also provide 40 hours of mediation training. The Commission suggested that a shorter training could be beneficial. Inns of Court in Cheyenne continues to provide mediation services. Angie Dorsch discussed the Alaska Early Resolution Project. This program provides self-represented litigants in family law cases with free legal assistance and mediation to help resolve issues and reach settlements without protracted court trials. Angie hopes to use the funds from the Access and Visitation Grant to explore some of these ideas.

The LIWG is also monitoring proposals to modify the child support and custody statutes, which continue to be a concern. The Joint Judiciary is sponsoring a set of bills that modify not

only the child support guidelines, but also address the joint custody provisions and various statutory definitions. The Department of Family Services (DFS) attorneys have proposed updates to the child support guidelines. DFS is required to periodically review child support guidelines. The current proposal sparked some discussion at the Joint Judiciary Committee regarding the amount of time each parent spends with a child, which led to a bill draft making shared custody a presumption. The LIWG proposed there be a task force to review the entire domestic code, including the issues now being considered by Joint Judiciary. Justice Fox pointed out the separation of powers issues when it comes to promoting or lobbying for legislation. She does, however, believe that identifying the problems and explaining why this is an access to justice issue would be a worthwhile endeavor. Chief Justice Burke explained his belief that lengthy time to disposition case statistics is an access issue. Walter Eggers encouraged the Commission to work with the district judges in bringing about improvements to current practices in the area of domestic law. Tony Ross cautioned the group about the danger of the Legislature perceiving the Commission as an advocacy group. The Commission discussed the idea of a task force at length. Justice Fox suggested the working group put together a bullet list of problems, including an explanation detailing why the issues are access to justice issues. Amanda Roberts agreed to have the LIWG put together a list of talking points to demonstrate the need for a task force.

d. Funding Working Group (FWG). Walter Eggers gave a short report on the Funding Working Group. He began his report by updating the Commission on the status of the federal funding for Legal Services Corporation (LSC), which is the funding mechanism for Legal Aid of Wyoming. For now, LSC has received notice that they will be funded at the same rate for one year. The FWG is brainstorming ideas for fundraising, with an eye towards the possibility of losing federal funding for LSC and Legal Aid of Wyoming. The group is collaborating with Equal Justice Wyoming Foundation in exploring creative funding schemes.

e. Tribal Working Group (TWG). Stuart Day informed the Commission that the Tribal Working Group (TWG) is just getting off the ground. The structure of the two tribal courts is separate and distinct. The TWG is working to find representatives from the two entities that can work together. Stuart is hesitant to promise progress anytime soon.

3. Future Action Items

Justice Fox concluded the meeting by informing the Commission that in some districts, the courts are refusing to grant indigent status to those who can post bond. Angie Dorsch will provide more information on this issue at the next meeting.

Meeting adjourned.