

**Access to Justice Commission
Minutes
March 25, 2019**

The Access to Justice Commission met at the Supreme Court Building March 25, 2019. The members attending the meeting in person, by video or by phone were Justice Lynne Boomgaarden (Chair), Justice Kate Fox, Representative Dan Kirkbride, Senator Tara Nethercott, Judge Timothy Day, Judge Paul Phillips, Walter Eggers, Mackenzie Williams, Mary Throne, Marykaren Ripple, Marissa Carpio, Angie Dorsch, Whitney Agopian, Brad McKim, Sharon Wilkinson, Ray Macchia, Amanda Roberts, Lannette Cress, Rhonda Munger, Kristen Schlattmann, Kayla Spencer, Janet Montgomery, Weston Graham and Joseph Schieffer.

1. Welcome: Justice Boomgaarden welcomed Representative Dan Kirkbride and Senator Tara Nethercott as new members to the Access to Justice Commission (AJC).

2. Justice Boomgaarden asked for approval of the previous meeting minutes. Mackenzie Williams made the motion to approve the minutes from the last meeting; Brad McKim seconded the motion. With no addition discussion, the minutes were approved.

3. Report from the Wyoming State Bar: Weston Graham, Wyoming State Bar (WSB) President, reported the WSB is currently financially and functionally strong due in part to an active board and staff. The WSB continues to recruit pro bono attorneys by offering CLE credits and case expense reimbursement up to \$1,000. The bar is currently considering naming a pro bono award after the late John Burman. Mr. Graham reminded the commission the annual bar meeting will be held the first week of October at Jackson Lake Lodge. The Board is interested in hearing from Access to Justice, Equal Justice Wyoming, and Legal Aid of Wyoming before their strategic planning meeting in June as to what they should be doing and how they can help these organizations meet their missions. Justice Boomgaarden asked the working group leaders to collaborate with the WSB on any appropriate opportunities.

4. Reports from Judges:

a. District Judges: Judge Day reported the judges met for their winter conference the end of November. A panel of three judges led a discussion on the issue of how to deal with self-represented litigants as it relates to the Code of Judicial Conduct and practice tips on how to avoid “troubled waters.” Justice Boomgaarden and Angie gave an overview of Equal Justice of Wyoming’s (EJW) programs to assist pro se litigants. The District Court judges continue to work as partners with EJW and the AJC while keeping the communication transparent with constant outreach from the organizations. Justice Boomgaarden reported her take away from the presentation was the need for additional attorneys participating actively. The forms alone are not the answer as the pro se litigants often don’t complete them correctly. Court staff and judges can only help pro se litigants to a limited extent.

b. Circuit Court Judges – Judge Phillips reported the Circuit Court judges met for their winter conference in December. The Circuit Court judges aim their efforts at

preparing self-represented litigants for court. Judge Phillips provided the attendees with a tri-fold hand out created by Judge Bartlett on small claims. For the Circuit Court judges, the self-help forms are great. They too are experiencing the need for pro bono attorneys. Judge Phillips pointed out that the number of pro bono attorneys in Campbell County have decreased fifty percent since he's taken the bench. Sharon Wilkinson offered the assistance of the WSB to recruit pro bono attorneys by county. Justice Boomgaarden suggested the WSB assist at both the District and Circuit Court levels. Senator Nethercott pointed out the challenges of pro bono work, dealing with individuals with special needs, and the potential for malpractice are problems that could potentially scare off a young attorney. She suggested maybe the bar could put together a training on tools and tips for dealing with pro se litigants. She concluded that recruitment really needs to be directed to mid-level or senior lawyers. Angie discussed the resources and mentoring program EJW offers potential pro bono attorneys and offered to collaborate with Sharon to market those resources. Sharon also offered to provide a list of pro bono attorneys and their area of expertise to the judges, by district.

5. Reports from Providers:

a. Legal Aid of Wyoming (LAW): Ray Macchia reported LAW has a steering committee for a new grant, Technology Initiative Grant (TIG), working on an automated hotline triage tool to better screen the calls that relate to legal aid and partner organizations and route the unrelated calls to the appropriate entity, such as a DUI to the Public Defender's Office. Joseph Schieffer, project manager, provided a brief overview of TIP. It's anticipated the project will be rolled out in July 2020. LAW will then integrate organizations such as the WSB and EJW into the system. LAW has applied for two technology grants for next year through the Legal Services Corporation (LSC). The first being the triage tool and the second, Back to Basic, for development of pro se forms.

Justice Boomgaarden asked for an update on the Needs Assessment and questioned whether the technology grants could be adopted if the assessment results show a need in another area. Ray agreed the grants could be adjusted accordingly. Ray further updated the Commission that Data Corp has been selected as the Needs Assessment vendor. LAW is currently working with EJW to secure funding to start the work. If everything goes as planned, the assessment will be completed by December or January. Justice Boomgaarden provided a history of the Needs Assessment process for the benefit of the new Commission members.

b. Equal Justice Wyoming (EJW): Angie Dorsch thanked LAW for inviting EJW to participate in the Needs Assessment and TIG planning discussions. The triage tool is going to be very useful for everyone. Angie gave a brief overview of EJW for the new members of the Commission. EJW is expanding their AmeriCorps VISTA program; increasing their members to 10 full time volunteers serving EJW and their sub-sites. EJW recently partnered with the Aging Division of the Wyoming Department of Health who will also be completing a needs assessment to determine what types of services senior and disabled individuals need to remain in their home rather than an institution. The division anticipates the needs will be more than health services and will include legal services. One of the

VISTA members will be assigned to the Division of Aging to assist with their assessment. EJW has also partnered with Coalition Against Domestic Violence and Sexual Assault, placing two VISTA members with the Coalition to assist with outreach and education.

EJW has been having monthly pro bono clinics in Cheyenne and Laramie and will be expanding to quarterly clinics in Casper. Angie outlined the online Wyoming-Free Legal Answers website which is a virtual legal clinic where individuals are screened for eligibility. If they are eligible, they can ask a question on line. Licensed Wyoming lawyers have access to the website and answer the questions. Seventy-three attorneys nationwide were recognized by ABA for their outstanding service; two were from Wyoming having answered more than 50 questions. More volunteer attorneys are needed to participate in this program.

At the request of Justice Fox, Angie gave an explanation of the Volunteer Reference Attorney program. The program was started as a pilot program three years ago and has now expanded to six counties. The Volunteer Reference Attorney does not give advice but rather help litigants navigate procedures; bridging the gap when filling out the online forms and connecting individuals to other available resources. EJW is currently looking for ways to expand the program.

Mackenzie suggested government attorneys are always willing to volunteer their time but are often prohibited from giving legal advice per their agency policies. Justice Boomgaarden offered to meet with the newly appointed Attorney General, Bridget Hill, to discuss her policy regarding pro bono participation.

A discussion was held regarding alternative ways for individuals who do not have access to or prefer the internet as a reference tool. Angie and Ray both have help lines and reference material locations within the communities where these individuals can obtain information.

6. Reports from Working Groups

a. Communications Working Group (CWG): Mackenzie Williams reported the CWG has had three meetings in 2019 and has established the second Tuesday of the month as their regular meeting time. The group is currently looking at the materials they have posted for presentations and is updating some of the materials. They are also brainstorming new venue opportunities for presentations. The group's focus is presenting to organizations that come in contact with individuals who might need access to legal aid services. The CWG will contribute to the Strategic Plan effort and evaluate possible new communications initiatives.

b. Delivery Working Group (DWG): Judge Tori Kricken was unable to attend the meeting due to a scheduled hearing. Justice Boomgaarden reported that the DWG is looking to the Strategic Plan and Needs Assessment for new direction. Judge Day mentioned there has been discussion on the mediation program and pro se litigant's

programs but echoed Justice Boomgaarden's comment with respect to the Strategic Plan and Needs Assessment.

c. Funding Work Group (FWG): Walter Eggers reported the FWG is currently working on Federal funding and participation in ABA day. For the third year in a row, the President's budget recommends eliminating the LSC (the entity that provides federal funding for legal services across the country). The President's recommendations were rejected by Congress the past two years and there has even been a slight increase in legal services funding. There is hope the same will be the case this year. The second priority of the ABA is support for the Public Service Loan Forgiveness Program—a federal program that supports professionals with student loan forgiveness who have worked in the public service for ten years or more. The FWG's priority is accelerating its private fundraising efforts. With the results of the Needs Assessment, the WSB, and this Commission's Strategic Plans, the FWG will be able to do the type of targeted private fund-raising they have not been engaged with in the past. Justice Boomgaarden suggested that she, Walter, Ray, and Angie schedule a time to meet with Governor Gordon following ABA day in Washington, DC.

d. Law Improvement Working Group (LIWG): Amanda Roberts reported the LIWG has been working on a couple of new projects. Marykaren and Angie are helping explore the option of an online dispute resolution program and the use of online licensed paralegals to assist with completion of pro se forms. LIWG will assist EJW with their Early Resolution pilot program. Dona Playton is working on a white paper for the Domestic Relations task force. Devon O'Connell has suggested looking at Guardian ad Litem standards and guidelines in the civil realm. Angie mentioned the need to reconsider the filing fee waiver issue given the latest increase in filing fees. Eventually, there will need to be a mechanism to waive fees for the individuals who cannot afford to pay them. Wyoming is one of only a few states who doesn't have a statute or rule governing the waiver of filing fees. The current waiver available in the family law packet is handled differently depending upon the court and judge. Senator Nethercott suggested the stakeholders involved in the fee schedule be pulled into a conversation on how to proceed. She also suggested the waiver be addressed via rule rather than legislation. Justice Fox agreed with Senator Nethercott's suggestions and added insight from the previous attempt to pass the fee waiver process. Judge Phillips and Day offered to add the subject to their next meeting agendas.

e. Tribal Working Group (TWG): Stuart Day was not available to report on the TWG but Justice Boomgaarden relayed the group is awaiting the Needs Assessment and is also experiencing continued instability within the Tribal Court with Judge Smith currently being out on maternity leave. Stuart continues to work diligently to get volunteers to serve on the working group. Ray confirmed the instability and mentioned there is a strong need for neglect and abuse, family law, and criminal case structures; there simply are not enough individuals working in the court to solve the problems. Sharon offered the WSB has recently created a Federal Indian and Tribal Law section, headed up by Senator Affie Ellis, that may be a good resource.

7. **2019 Report: Strategic Plan 2020-2025:** Brad McKim reported the Strategic Planning subcommittee will hold its first meeting following the AJC meeting. The sub-committee's work will be an exercise in recapping what has been done and a plan for how the Commission will move forward. Brad encouraged the working group leaders to contact him with any issues they feel need to be addressed. Brad's goal is to demonstrate the AJC has been effective stewards with the resources received and are continuing to set themselves up to be effective, efficient stewards.

8. **Future Action Items**

a. **Upcoming Events:** Justice Boomgaarden announced the ABA Day will be in Washington, DC April 9 –10, 2019 and the National AJC Meeting will be in Louisville, KY May 10–12, 2019

b. **Next Meeting:** November 4, 2019 will be the next scheduled AJC meeting at the Wyoming Supreme Court.