

Access to Justice Commission
Minutes
March 22, 2021

The Access to Justice Commission met remotely via Microsoft Teams March 22, 2021. Those Commission members attending the meeting were: Justice Lynne Boomgaarden (Chair), Judge Timothy Day, Judge Tori Kricken, Judge Richard Lavery, Billie Addleman, Stuart Day, Angie Dorsch, Walter Eggers, Lisa Finkey, Jessica Keith, Ray Macchia, Lauren McLane, Janet Montgomery, Dona Playton, Ashley Ries, Mackenzie Williams. Guests in attendance were: Lannette Cress, Grant Gergen, John Eidleman, Emily Soli, Tawnya Plumb, Ken Wallace, and Sharon Wilkinson.

1. Welcome/Introductions—Justice Boomgaarden thanked everyone for their time and commitment to the Commission. She announced Speaker of the House Eric Barlow appointed Representative Jared Olsen to replace Representative Dan Kirkbride.

2. Discussions

a. Fee Waiver—Stuart updated the Commission on the status of the court rule that the fee waiver ad hoc committee is working on. Angie and Stuart are currently looking at other states' fee waiver rules to present to the committee as samples to aid in the eventual drafting of the fee waiver rule. Justice Boomgaarden reminded the Commission that she and Angie discussed this issue with both the District and Circuit Judges' Conferences and the court Clerks. She asked that anyone with ideas or concerns contact Stuart. Stuart is hopeful a draft rule will be completed by June for circulation to the Commission for their comments. Following the Commission's approval, the proposed rule will be circulated to the judges and clerks for input. Stuart asked anyone with suggestions on the topic to contact him or Angie.

b. Government Attorney Pro Bono Menu—Lauren explained the purpose of the Government Attorney Pro Bono ad hoc committee and updated the Commission on their work. The group is working to provide a menu of non-representational activities Attorney General Hill would find appropriate for government attorneys to participate in. Lauren is hopeful the committee will meet in the next couple of weeks to finalize a draft to present to the Commission for review. Sharon pointed out there are 62 attorneys at the AG's office with over 500 total government attorneys in the state and asked if the policy was specific to the AG's Office or if other government attorneys could be included? Lauren advised this policy is drafted specifically for Attorney General Hill to approve but the policy could be used as a blueprint for other agencies. Sharon will provide the ad hoc committee with a list of attorneys by organization. For those individuals not familiar with why the group is focusing on non-representational activities, Justice Boomgaarden asked if the committee could explain the existing executive orders, policies, and concerns. Mackenzie explained first and foremost is the ethical concern and the executive branch orders that address conflicts of interest or the appearance of conflicts of interest and use of public resources. The group is using non-representational activities as a starting point to get some involvement in pro bono activities by government attorneys.

c. **Funding and EJW Foundation Planning**—Walter highlighted points from the memorandum provided as attachment A to the meeting agenda.

- ***ABA Day***—The 2021 ABA Day will take place virtually on April 20-21. Just as last year, the Funding Group has decided to wait to solicit letters of support until ABA Day is again an in-person event. Any members of the Commission who would like to participate in this year's virtual ABA Day can contact Walter.

- ***Filing Fees***—Circuit and district courts are required by statute to collect civil legal services fees; however, municipal courts are not. Only four municipalities in Wyoming are currently collecting the fee. This is a potential source of additional revenue for the declining funds for EJW. The group plans to meet with the clerks of the municipal courts collecting the fees; compile the numbers of cases that could be subject to the fee; and discuss the issue with Cheyenne Municipal Court Judge, Tony Ross, also a past Commission member. The Commission members agreed with this approach.

- ***Governor's Health Care Task Force and Medical Legal Partnerships (MLPs)***—Walter thanked Emily Soli of the Governor's office for her participation in the funding group's discussions and asked her to summarize the direction the Governor's Task Force is headed with some issues and MLPs. Emily advised the MLPs are a creative way to get more funding for increased access to civil legal services given the current condition of the state's budget. MLPs provide a legal aid attorney on-site in a health care center that serves lower income populations. The legal aid attorneys take physician referrals or walk-ins and provide the patients with legal services that are intended to improve health outcomes. Due to the pandemic, one of the Task Force's goals is to address social determinants of health which utilizes the MLP model. Emily proposed members of the Commission and/or the funding group present the MLP model to the Task Force. The Commission agreed to proceed with a presentation to the Task Force, following the legislative session.

- ***Cares Act and Other Funding Opportunities***—There are currently three programs that relate to the Commission's work: 1) Charitable Relief Funding; 2) Reimbursement for Direct Services; and 3) Emergency Rental Assistance Program. Since the circulation of the memorandum, the Emergency Rental Assistance Program has allocated \$1 million for housing-related legal aid. Department of Family Services is starting the program and has asked EJW to administer the legal aid portion of the funds. Emily added the funding falls under the category of the Act referred to as housing stability services, which the state is interpreting very broadly. The triggering language for what constitutes a housing stability service is something that helps an individual obtain or maintain housing. If anyone on the Commission knows of legal services that might fall within the category, please reach out to Emily or Angie. Emily will provide Lannette with a link to the information on the DFS website and any future legal aid information as it becomes available to share with the Commission.

Walter updated the Commission on the work of the EJW foundation, advising that Leah Swartz is the new president of the Foundation and is interested in participating in the work of the funding group. EJW Foundation and the EJW board intend to do some joint strategic planning later this year. Walter thanked Billie, Sharon, and the entire state bar for making the matching funding challenge a success—\$25,000 was raised this year to match the \$25,000 provided by the state bar.

d. Alternative Models for Assistance to Pro Se Litigants—Justice Boomgaarden and Angie provided background on this ad hoc committee. The primary focus of the committee is family law and developing a white paper based on research and information compiled by the previous delivery and law improvement working groups. Dona Playton summarized the research and recommendations completed to date and explained there is a divide between the court remedies that are available and the type of relief the families are seeking. Most of the procedures are designed for attorneys and legal professionals when many of the individuals who come to the court with family law matters do not have an attorney. Most cases can be streamlined—individuals just need the administrative function of the court to get an order or resolution. The goals of the ad hoc committee are to identify the strengths and weaknesses of the current processes, examine innovative procedures and programs used by other jurisdictions, and propose efficient and consistent procedures to develop recommendations to streamline for uniformity. If any Commission members would like to volunteer, let Dona know. Dona will also recruit additional volunteers with particular expertise from outside the Commission. The committee will circulate a draft to the Commission with the final whitepaper being completed by the November 2021 meeting.

e. Outreach/Libraries—Angie introduced Tawnya Plumb from the University of Wyoming College of Law Library and gave a brief background on the committee. Angie continues to look for volunteers from the Commission to go to the librarians across the state to inform them about resources available and where they can send individuals with legal issues. Tawnya has volunteered to do a train-the-trainer webinar on resources that are available. Tawnya also volunteered to collaborate and partner with Commission volunteers on the potential library visits with her presenting the legal research portion of the training.

f. Remote Access—Justice Boomgaarden gave the history of remote access efforts and introduced Lisa Finkey for an update. Lisa informed the Commission two iPads have been purchased for every courtroom throughout the state. Lisa asked for feedback from the Commission on anything else the Commission needs to be aware of with respect to indigent litigants' ability to attend court proceedings. Ashley Ries said one struggle they are experiencing in Park County is spotty Wi-Fi within their building—it's only accessible in a few places. The instructions IT has provided are good, but Ashley is concerned they are still not comprehensive enough for a user who is not familiar with electronics. Justice Boomgaarden is hopeful the collaboration with the libraries may be one solution for those experiencing connectivity issues.

3. Closing Matters

a. Upcoming Events

- ABA Day, Virtual (April 20–22, 2021)
- 2021 Equal Justice Conference Virtual (May 3–7, 2021)
- 2021 Access to Justice Chairs Conference, Virtual (early fall 2021)

b. Justice Boomgaarden will schedule a meeting in mid-May for her, Angie, Walter, and Ray to bring Senator Nethercott and Representative Olsen up to date.

c. Next Meeting—November 1, 2021.