

**New Mexico Commission on Access to Justice
December 13, 2019 Meeting Minutes
12:00pm
State Bar Center/Remote Participation Via Zoom Teleconferencing**

In Attendance: John Arango (CLS Commission), Hon. Shannon Bacon (NM Supreme Court), Mark Bennett (Strategic Planning Consultant), George Chandler (ATJ Commissioner), Lewis Creekmore (NM Legal Aid), Tina Cruz (ATJ Commissioner), Tattiana Kinahan (NM Legal Aid), Jennifer Foote (ATJ Commissioner), Carol Garner (NM Legal Aid), John Greacen (NCSC Consultant), Pamelya Herndon (KWH Law Center for Social Justice and Change), Gary Housepian (Disability Rights NM), Janice Kauer (NM Legal Aid), Kate Kennedy (State Bar of NM), Hon. Jane Levy (Second Judicial District Court), Sireesha Manne (NM Center on Law and Poverty), Terrelene Massey (Southwest Women's Law Center), Liz McGrath (ATJ Co-Chair), Hon. Mercedes Murphy (Seventh Judicial District Court), Deborah Norman (United South Broadway Corp.), Hon. Erin O'Connell (Second Judicial District Court), Mark Pustay (United South Broadway Corp.), Stormy Ralstin (NM Bar), John Arango (CLS Commissioner), Rachel Rodriguez (Equal Access to Justice), K. C. Rodgers (Roswell Magistrate Court), Mary Smith (CLS Commissioner), Grace Spulak (AOC), Renee Valdez (Metro Court), Jeffrey Wechsler (ATJ Commissioner), Celia Yapita (Catholic Charities), Quiana Salazar-King (NM Immigrant Law Center)

IOLTA Funding Update (Kate Kennedy and Stormy Ralstin)

-The State Bar has been working with a consultant to encourage banks to raise their interest rate on IOLTA accounts. They have developed a leadership circle to highlight banks that are providing the best rates to start working with a consultant working on IOLTA.

-To date, Bank of America, Wells Fargo, Pinnacle Bank, Enterprise, and Century Bank of Santa Fe, have agreed to pay 55% of the federal funding rate, which is considered the high rate for IOLTA accounts. These banks are the current leadership circle members.

-Wells Fargo is the biggest win since it holds the most IOLTA accounts. With the new interest rate, IOLTA money from Wells Fargo will be triple what it was.

-The Bar will continue to reach out to banks and credit unions to encourage them to use top IOLTA rates. They will also encourage attorneys to place IOLTA accounts with banks identified in the Leadership Circle.

CLS Funding Update (Liz McGrath)

-Last year the CLS Commission received \$2,525,000 from House Bill 2, and \$371,000 from the House Bill 2 Junior, \$314,000 of which was supposed to be recurring, and \$57,000 of which non-recurring. However, now DFA is treating House Bill 2 Junior funding as non-recurring. Providers are talking to the legislators who sponsored the Junior bill and talking to DFA and LFC. Providers are also drafting a letter to LFC to encourage them to restore that money.

-There is \$800 million of new revenue this year, *but* people are very anxious about this new money. There are concerns that it won't stay around so don't one to allocate it for recurring items.

-The CLS providers and CLS Commission will request an increase of \$209,000, as well as a one-time \$500,000 appropriation for technology needs to put towards a fully-furnished website and

portal, as well as a needs assessment. The money will expand and build out the Law Help New Mexico website which is maintained by NMLA

-Justice Shannon Bacon suggested that providers could approach legislators about capital outlay money, as they can have up to \$7-8 million each. This could include money for hardware as well as buildings.

-Questions:

-George asked if this funding is part of the courts' budget. No, the CLS fund is separate from the courts' budget.

Update on provider collaboration (Gary Housepian)

-Gary Housepian provided an update on his work on the provider collaboration grant. To date, he has met with 10 different CLS programs. The purpose of the meetings was to explore the services these programs provide, understand what these programs know about each other, and provide opportunities to share information between programs. Talking points for each program included asking if they know how to contact users, what referral sources programs used, who their primary referral resource was. We want providers to see themselves as part of a system.

-Gary also provided some background on why he saw a need for this project. In 2017, the Legal Services Corporation measured the justice gap in low income Americans, finding that low income Americans seek help for only 20% of their civil legal service needs. Problems raised include users deciding to deal with problems on their own, not knowing where to look for help, and not being sure whether the problem is legal in nature. Increasing collaborations for providers would help more effectively direct people with legal needs to an appropriate provider.

-One big focus of collaboration should be on improving referrals for direct services. For example, links on a website aren't helpful if the links do not accurately describe what the organizations do. Also helping support staff learn about what other organizations do will help them provide better referrals if their agency is not able to help.

-Another recommendation is to look at portals and other automated referral processes to help save resources now devoted to intake. We need a comprehensive referral process would be more likely to get people to programs that could serve them instead of sending people to multiple organizations which will lead them to lose trust in the legal system.

Justice for All Guidance Materials Update (Liz McGrath)

-Justice for All (JFA) materials were redone to make them more accessible for other states.

-The Commission was asked to beta test new materials. Liz McGrath, Mark Bennett, and Grace Spulak will be working on it and giving feedback on these materials.

Implementation Team Work (Mark Bennett)

-Implementation teams should remember that it is not wrong to be too ambitious, but important create good first steps, break it down to manageable sections. Build momentum together, keep everyone engaged. One small step at a time.

-Another important consideration is meaningfully measuring outcomes. Mark Bennett and Grace Spulak contacted the National Center on State Courts to identify best practices in evaluation in

other JFA states and were directed to Minnesota. Grace and Mark also spoke to a woman in Minnesota about their evaluation process. They shared evaluation materials for their one primary action item, which was a statewide portal.

-Minnesota's evaluation framework was based around a logic model used by Kellogg and the Ford Foundation, which starts by identifying the Outcome and then backs out steps to achieve this outcome. The evaluation template/matrix provided to IT co-chairs is based on this logic model.

We are asking all groups to fill out this template to track their work plans.

-We will have a "SWAT Team" that will work on evaluation. This team will consist of Liz, Grace, Mark Bennett, and others. The evaluation SWAT team will take the evaluation templates that each IT develops and refine them.

-Some important evaluations include how to measure impact on people who don't know they have legal problems, and ensuring that outcomes developed by the ITs are measurable.

Brief Updates from Implementation Teams

Governance

-Met once, has a meeting December 18, 2019. Determined there is much overlap between some of their action items and Community Integration team work, and will work with them accordingly.

Communications and Resource Development

-met twice, covered various action items assigned, created two matrices for communication and resource development, made a Venn diagram outlining various tasks. J

-Justice Bacon has communicated with the Bar about the ATJ quarterly Bar Bulletin inserts.

-There have been mediated conversations going on between EAJ and Bar, focus on possible collaboration for Bar campaign in the future, recognize multiple other resource issues in the future.

-The group met with Carroll Strategies to review the success of Phase One of the communications campaign and talk about Phase Two.

-Questions: John Greacen asked if we have a spot on the Bar convention this summer to make a presentation. Don't at this point. Meeting being set up by Tina Cruz and she will look for ways to incorporate the Commission and ATJ related presentations.

Broad Self-help

-Had one conference call meeting, talked through points need to develop on plan. John Greacen made a spreadsheet, set it up with comments on Google spreadsheet. The group will meet again when everyone has commented steps each think we should take, consolidate and turn it into a working document.

Community Integration

-Two meetings, determined that many items overlap with communication. Main priority is getting local ATJ advisory groups up and running. Have some regional meetings in Hobbs, Las Cruces, and Taos as first priority item. The IT will communicate date of regional meetings to Tina Cruz to look at possible participation of Bar Commissioners in these areas.

Rules and Court Based Initiatives

-Haven't met officially but corresponded about plain language initiatives and signage in the courthouse, navigators, working with communication team.

Expansion of Full Representation and People of Modest Means

-Meeting upcoming, this coming Wednesday.

Pro-Bono Workgroup

-Keep it as a separate group, maybe fold into full representation

-Goal is to get every attorney involved in some aspect of pro-bono work. Get excitement back into being attorneys. Pair people with mentors.

-Important not to leave out rural areas. Attorneys may assist in tele-legal services, ensure communication between attorneys who have experience between counties. Goal is to go from 1% pro-bono attorneys to 100% pro-bono attorneys.

Next Steps

We are asking all ITs to come to the January 10, 2020 meeting with completed templates mapping out proposed outcomes, action steps, and timelines.

Next Meeting

January 10, 2020, from noon-4pm at the State Bar.