

**NM ACCESS TO JUSTICE COMMISSION
STATE BAR CENTER
Friday, Sept. 16, 2016**

Minutes

COMMISSIONERS PRESENT:

Senior Justice Petra Jimenez Maes, Supreme Court Liaison	
Hon. Sarah M. Singleton, Chair Emeritus	
Hon. Nan G. Nash, Chair	Liz McGrath, Vice-Chair
John Arango	Joey Moya
Ed Marks	George Chandler
Carol Skiba	Jennifer Foote
John Watson	Gabriel Campos
Adam Rankin	S. Charles Archuleta

COMMISSIONERS ABSENT:

Prof. Barbara Creel	Thomas W. Olson
Sen. Cisco McSorley	Scotty Holloman, State Bar President-Elect
Hon. C. Shannon Bacon	

STAFF: Tina Sibbitt (AOC/ATJ Staff Attorney)

INTERESTED PARTIES:

Carol Garner	Jorge Alvarado
Tom Carroll (Carroll Strategies)	Jennifer DeGraaf (Carroll Strategies)
Dan Mayfield (Carroll Strategies)	Beth Gillia
Pamelya Herndon	Ellen Leitzer
Adrienne Turner	Janice Kauer
Jane Zhi	Joe Conte

Kevin Kaiser/DNA for T.J. Holgate (by phone)
Carol Tonika/Catholic Charities (by phone)

- 1. Call to Order.** The Access to Justice Commission was called to order at 12:10 p.m. by **Commission Chair Judge Nash.**
- 2. Introductions.**
- 3. Law Access New Mexico (LANM): Request for Commission Direction.** Carol Garner explained that LANM initially began as a telephone legal advice helpline in 2003. Now its role has expanded to be the primary (although not exclusive) point of access and referral for applicants for free legal services in NM. Technology has rapidly changed,

offering additional communications platforms such as texting, Live Chat, Skype, Google Hangouts, GoTo Meetings and other types of videoconferencing. Because many areas have insufficient band width for some alternate methods, the telephone will still be the main communication device for LANM. **However, LANM asks the Commission for its direction on whether LANM should consider additional service delivery methods, and if so, which methods.** Other legal service programs, including NM Legal Aid, are now using additional methods, recognizing them as viable means of delivering legal advice. However, it is unclear how many of these programs are helplines. In addition, Lisa Dignan from the NM Commission for the Deaf and Hard of Hearing recently requested that LANM consider additional methods suited for communication with that community.

Heretofore, LANM has approached specialized communication devices on case by case basis. Potential pitfalls include privacy and security issues in sending legal advice to non-private devices; some of these issues also exist with the current telephone services, so LANM has developed appropriate safeguards: requesting the caller to move to a private room, to turn off any speaker, etc.

The consensus was that the Commission is to consider this matter, while Carol is to raise it with Renee Valdez and the Language Access Advisory Committee and report back at the next meeting.

4. **NMLA Portal Update.** This demonstration was rescheduled to the November 4, 2016 meeting.
5. **Developing Commission Objectives.** Liz McGrath reported that the objectives received from the various working groups were all over the map and very few fit the rules for SMART objectives. She suggested that, for now, the effort be limited to objectives that directly address public awareness/communications. She noted that the objectives on the handout produced by Liz and Janice Kauer all fit with the SMART rules, that they have a plan for how to measure progress and that the Commission can delve into more comprehensive objectives if the Justice for All (JFA) grant proposal is successful.

The consensus was that for now, the Commission's effort be limited to objectives that directly address public awareness/communications.

6. **Justice for All (JFA) Grant Proposal.** Liz McGrath and Janice Kauer reported that the proposal is fast taking shape and is near finalization. The JFA Grant Project will first award grants of \$50,000 to \$100,000 to up to 10 states, based upon a set of criteria, to assist the state in conducting a state assessment inventory and also to design a **strategic action plan** to achieve the goal of 100% meaningful access to justice of the CCJ/COSCA Resolution 5. The NM proposal sets out a plan to establish a partnership of all relevant stakeholders that will reimagine how to work across organizational boundaries and optimize all available resources. Although the ATJ Commission already includes the obvious stakeholders of courts, legal service providers, and pro bono

attorneys/coordinators, the new emphasis will be to involve (including some new commission member slots) non-law individuals, government service agencies, and pro se litigants or individuals with legal needs who can bring new ideas, perspectives and resources to the table. The proposal must demonstrate the willingness of all stakeholders to overcome fragmentation to create an integrated approach to accomplish 100% access. This Commission has already demonstrated the ability to persuade legal service providers to leave a past of competitive bickering over funding sources to cooperation and partnership in funding applications under the State Plan. The proposal plans to employ Mary Ann Shaening as a consultant to facilitate meetings and to collect data. Innovation of legal services is another integral piece, including promoting discrete task representation, launching a LLLT program, etc. This piece will require a second consultant; Liz and Janice will consult with Sarah and John Arango as to appropriate consultants. Consultant-based technical assistance costs are to be included as part of the application budget.

In the second year of the Project, targeted technical assistance grants will be provided to first year grantees to implement the strategic action plan. The grants will be tailored to each state's need. At the end of the Project, Project staff will compile the results of grantee efforts to form a repository of information to other states to achieve 100% access. Discussion proceeded on possible effects of actually achieving 100% access (would court traffic increase or decrease, etc.).

Liz will circulate the proposal draft to commissioners by email for quick feedback; October 5 is the due date. The proposal will request a budget of approximately \$89,000. Another vote is not required as the Commission voted to apply for the grant at the last meeting.

7. **Civil Legal Services Commission Report.** John Arango reported that DFA only awarded service provider contracts through December as it was already known that the fund would not be sufficient to support full year contracts. CLSC is waiting to see what cuts will be dealt during the upcoming special legislative session.
8. **Language Access Advisory Committee Report.** ATJ Liaison Renee Valdez missed the meeting due to illness. Carol Garner will contact her regarding LANM's issue of service mode expansion.
9. **Volunteer Attorney Program (VAP) Update.** Jane Zhi reported for Aja Brooks.

Pro Bono Month planning for October is underway in judicial districts statewide with a combination of legal fairs, pro bono attorney recognition, and free or reduced fee CLEs.

ABA Pro Bono Survey of Private Bar. *Target of Survey.* The State Bar will send out the survey to attorneys along with the annual compensation survey; the Bar cannot

directly provide attorney email addresses to the ABA. Discussion ensued on whether the survey should only go to active attorneys.

Judge Singleton moved that the survey should go to inactive attorneys as well; 2nd by Adam Rankin. The motion carried by unanimous voice vote.

The survey will also go to inactive attorneys along with educational information on the rule allowing them to practice pro bono in conjunction with a qualified legal service provider. In addition, the survey will go to retired judges who are not performing pro tem work. The latter two categories will be separate from the main body of private bar responses.

Incentive to Respond to Survey. Joe Conte explained that the Pro Bono budget is an annual fund of \$20,000 to support the activities of local pro bono committees. The use of the funds varies by committee and by year. The current budget remaining is \$14,000.

Adam Rankin moved that the budget remaining after Pro Bono Month be used as incentive for attorneys to answer the Pro Bono Survey (other states have used gift cards, etc.). A friendly amendment by Liz McGrath was accepted for a \$2000 cap for incentives; 2nd by Jennifer Foote on motion as amended. The motion carried by unanimous voice vote.

Further incentives will be: (1) a joint letter from the Supreme Court urging attorneys to respond; Joey will put the letter in the Bar Bulletin and in weekly emails to the bar; and (2) Jane Zhi will ask each Chief Judge in each district to send a similar letter to the local bar.

Additional Survey Questions for NM. Discussion then ensued on what additional questions specific to NM should be added to the ABA's standard survey questions. The ABA is adding questions relating to services to moderate income clients. Suggestions included how to increase unbundled legal services, including whether attorneys have run into judges who do not honor the limited appearance.

Nan and Jane will review the ABA questions for what areas are not covered and will come up with four additional questions to submit to the Commission.

10. **Other Business.** Discussion of upcoming LSC and MALDEF events in Albuquerque.

The meeting was adjourned at 1:45pm.