

LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS

PROVISION FOR THE DELIVERY  
OF LEGAL SERVICES COMMITTEE

OPEN SESSION

Friday, September 10, 2004

2:30 p.m.

The Best Western Helena  
835 Great Northern Boulevard  
Helena, Montana

COMMITTEE MEMBERS PRESENT:

David Hall, Chairman  
Maria Luisa Mercado  
Florentino A. Subia  
Frank B. Strickland, *ex officio*

BOARD MEMBERS PRESENT:

Lillian R. BeVier  
Robert J. Dieter  
Herbert S. Garten  
Thomas R. Meites  
Ernestine P. Watlington (by telephone)

## STAFF AND PUBLIC PRESENT:

Helaine M. Barnett, President  
Victor M. Fortuno, Vice President for Legal Affairs,  
General Counsel & Corporate Secretary  
Patricia Batie, Manager of Board Operations, LSC  
Karen Dozier, Executive Assistant to the President  
Mattie Condray, Senior Asst General Counsel, LSC  
John C. Eidleman, Acting Vice President for Compliance  
and Administration  
Michael Genz, Director, Office of Program Performance  
David Maddox, Assistant Inspector General for Resource  
Management  
David Richardson, Treasurer and Comptroller  
Laurie Tarantowicz, Assistant Inspector General &  
Legal Counsel  
Anh Tu, Program Counsel  
Kirt West, Inspector General  
Bernice Phillips, Nominee to LSC Board of Directors  
Don Saunders, National Legal Aid & Defender Association  
Linda Perle, Center for Law & Social Policy  
Klaus Sitte, Executive Director, Montana Legal Services  
Association (MLSA)  
Neil Haight, former Executive Director, MLSA;  
Deborah Anspach, Hotline Managing Attorney, MLSA  
Maria Beltran, Managing Attorney of Migrant Unit, MLSA  
Kate Bladow, Technical Project Coordinator, MLSA  
Leah Comeau, MLSA Client  
Ann Gilkey, State Bar  
Chris Manos, Executive Director, State Bar of Montana  
Alison Paul, Deputy Director, MLSA  
Tara Veazey, MLSA  
and other staff and members of the public

## C O N T E N T S

	PAGE
Approval of Agenda	4
Approval of the minutes of Committee's Meeting of June 5, 2004	4
Presentation by Montana Legal Services Association Overview of MLSA	8
How Technology Improves MLSA's Client Service Delivery	23
Expanding Clients' Access to Service and Delivering Quality Advice through MLSA's Hotline	33
Quality Client Services Begins with Understanding Client Community's Needs	41
A Client's Perspective on Quality Client Service Delivery	56
Quality Service Delivery to a Special Population: MLSA's Migrant Component	59
 MOTIONS: 4, 71	

## 1 P R O C E E D I N G S

2 MR. HALL: Good afternoon again. I would like  
3 to call to order the meeting of the provisions  
4 committee. And it is certainly, as others have  
5 indicated, an honor for us to be meeting here in  
6 Montana, and this committee is really looking forward  
7 to hearing directly from members of Legal Services  
8 about what is going on here. So, it is an honor for us  
9 to start our meeting with the provisions committee in  
10 Montana.

## 11 APPROVAL OF AGENDA

## 12 M O T I O N

13 MR. HALL: I would first ask for an approval  
14 of the agenda.

15 MS. MERCADO: So moved.

16 MR. HALL: Is there a second?

17 MR. SUBIA: Second.

18 MR. HALL: Good. Thank you. The agenda is  
19 approved.

## 20 APPROVAL OF MINUTES

## 21 M O T I O N

22 MR. HALL: Next, we need to have an approval

1 of the minutes of our committee meeting of June 5th.

2 Is there a --

3 MS. MERCADO: So moved.

4 MS. BEVIER: I have a correction.

5 MR. HALL: Yes, I --

6 MS. BEVIER: It's minor, but I am not on this  
7 committee.

8 MR. HALL: So --

9 MS. BEVIER: Unless I have been appointed.

10 MR. HALL: I was going to raise that. You are  
11 not. I know you are not looking for additional work to  
12 do.

13 MS. BEVIER: No. But I was at the meeting.

14 MR. HALL: Yes. So we should correct that,  
15 and Lillian should be moved down to other board members  
16 present.

17 I am also -- am not sure, Ms. Ernestine  
18 Watlington is on the committee, and I am not sure if  
19 she was on the phone last time when we met. So that's  
20 another correction that we may need to --

21 MS. BEVIER: I don't think she was.

22 MR. HALL: She wasn't on --

1 MS. BEVIER: At that meeting.

2 MR. HALL: Not in Omaha?

3 MS. BEVIER: I don't think so.

4 MR. HALL: Okay. With those -- with that  
5 correction, could we get an approval of --

6 MS. MERCADO: Mr. Chairman, I so move with the  
7 amendment.

8 MR. HALL: Is there a second?

9 MR. SUBIA: Second.

10 MR. HALL: Okay. All in favor?

11 (Chorus of ayes.)

12 MR. HALL: So our minutes are approved from  
13 our last meeting. We can now move to the substantive  
14 part of our presentation.

15 The provisions committee has been attempting  
16 to, as we travel around to different parts of the  
17 country, attempt to hear from members of that  
18 community. In general, about the challenges they are  
19 facing, but in particular we have been concerned about  
20 the issue of quality, which has been a focus of the  
21 provisions committee for this past year.

22 And we are in a process of trying to better

1 define what quality legal services means for the  
2 corporation and, more importantly, for people out in  
3 the field.

4           And instead of doing that in a vacuum, our  
5 position is that we should try to hear from various  
6 individuals in the field as to how they go about trying  
7 to achieve this mandate of quality legal services.

8           And so, this is one of many sessions that we  
9 have had on that theme, and we are delighted to  
10 continue it here, in Montana. And as a way of doing  
11 that, we have asked the executive director of Montana  
12 Legal Association, Klaus Sitte, to bring together  
13 individuals to address this issue himself, and to bring  
14 together other individuals who can share with us  
15 information on the issue of quality and, in general, on  
16 the challenges and opportunities that exist here in  
17 Montana in regards to the delivery of legal services.

18           So, I want to thank Klaus for coming and being  
19 a part of this, and for organizing this presentation.  
20 As many of you know, he is the executive director. He  
21 has practiced law with Montana Legal Services  
22 Association for more than 30 years. He was appointed

1 as the executive director in May of 2002. And prior to  
2 that, he had served in various roles, including staff  
3 attorney, managing attorney, and training coordinator  
4 and deputy director.

5 So, some of us on the board heard from him  
6 earlier, but we are looking forward to now hearing your  
7 formal presentation, and hearing from those whom you  
8 have brought along. So, the committee will turn it  
9 over to you, Klaus.

10 MR. SITTE: Thank you, Chairman Hall. Members  
11 of the provisions committee, President Barnett,  
12 Chairman Strickland, other members of the LSC board and  
13 staff here, honored guests, thank you again for being  
14 here.

15 We do appreciate your presence, and we hope  
16 that the information that we provide you this afternoon  
17 will fill in some of the details, maybe put in some  
18 color into the information that you have received from  
19 us this afternoon about Montana Legal Services.

20 With 140 LSC grantees out there, I'm sure it's  
21 difficult for you to remember "Where was I last week,  
22 in Omaha or in New York?" And maybe there are things

1 that particularly stand out in your mind. We hope that  
2 we can bring you some things from Montana that  
3 particularly stick in your mind.

4 And you know already, from what the Chief  
5 Justice's remarks are, how we operate in Montana. I  
6 daresay I'm one of the few executive directors that  
7 regularly gets a hug from the chief justice of the  
8 supreme court of the state.

9 So, echoing Chairman Hall's remarks, we want  
10 to highlight for you today particularly our quest for  
11 insuring quality, justice, in a time of limited  
12 resources.

13 MLSA has taken some proactive and positive  
14 steps toward insuring the quality access and quality  
15 representation of our clients in the last several  
16 years, and we wanted to highlight those for you. In  
17 illustrating to you that this is not a single person  
18 effort, we have assembled a panel to do that, and  
19 Chairman Hall has asked me to introduce these people to  
20 you at the beginning, so I will ask them to rise as I  
21 mention their name.

22 Alison Paul, our deputy director, is here.

1 And Kate Bladow is here, right there, you have met her  
2 already. Deborah Anspach, our hotline managing  
3 attorney, is there. Chris Manos, from the -- executive  
4 director of the State Bar is there. Leah Comeau is a  
5 client of MLSA, and will talk to you about her  
6 experience. And she just stepped out, apparently, but  
7 she will be back. And Maria Beltran is the managing  
8 attorney of the migrant unit, and is also here, and  
9 will be speaking as comes in the order of our  
10 presentation here.

11 I have prepared a print-out for you in the  
12 little binder there of my Power Point, but as those  
13 things go with Power Point, I intend to change them as  
14 we go along. So, if I lose you somewhere because I  
15 have led you astray, let me know, and I will put you  
16 back in the right track.

17 Like many Legal Services programs over the  
18 last several years, Montana Legal Services has been  
19 around for nearly four decades. And while the accuracy  
20 of that data is not necessarily known, because we  
21 didn't always keep data at that time, the best estimate  
22 that I can come up with is during that time we served

1 about a quarter of a million people.

2           And as background to what you have already  
3 learned about Montana, I want to add some information  
4 to you particularly, because again, even though we  
5 stress the topography and the way this state is  
6 organized and how broad and expansive it is, it doesn't  
7 always sink in right away, and we want to give you some  
8 more information about that.

9           It's an unusual state, a state of many  
10 splendors. And several years ago, Professor William  
11 Kittridge, at the University of Montana, and Annick  
12 Smith compiled a book called, "The Last Best Place."  
13 And some of us feel that way. But also, of course,  
14 that last best place has its own challenges along with  
15 it.

16           Montana is a unique place of very amazing  
17 scenery, culture, and a variety of topography and  
18 grandeur. But, by golly, it's also a very difficult  
19 place to bring legal services to the people that need  
20 it.

21           Just in terms of adding to your knowledge base  
22 here, Montana is the fourth largest state, if you're

1 not aware of that. California, Alaska, Texas are the  
2 ones that are ahead of us. But there is no comparison  
3 between those states, in terms of population, and so  
4 on, and Montana.

5 Take a look at some of the distances we have.

6 If one of our staffers wanted to travel from Libby,  
7 Montana, where she has her hotline office to Miles  
8 City, that's 631 miles, because you can't get there  
9 from here, you can't go straight, you have to take the  
10 road, obviously. And it's a long distance away.

11 The state, our state, is 15 times larger than  
12 Professor Hall's home state of Massachusetts now.

13 Driving from Libby to Miles City is one of the  
14 distances there -- just take a look at that. If you  
15 went all the way from Plentywood down to Soula, almost  
16 700 miles going the opposite direction.

17 If you drove from Libby to Miles City, the two  
18 most distanced staff locations, that's nearly twice the  
19 driving distance from Dalton to Val Dosta in Chairman  
20 Strickland's home state of Georgia. It's a long way.  
21 And whatever we can do to bridge those situations,  
22 those distances, we have to take advantage of them.

1            Obviously, we don't have hurricanes. But as  
2 one of the other speakers and presenters already talked  
3 to you, we do have bad weather in the winter, and that  
4 makes a big difference in terms of how we serve our  
5 clients.

6            So, at LSA, what do we do to ensure the  
7 promise of justice for the low income population?  
8 What's our vision? How do we make it happen at a time  
9 of scarce resources and increasing need? Well,  
10 frankly, your presence here, as LSC representatives,  
11 shows us that you care. And we're particularly pleased  
12 with the kinds of work that we have done with LSC.

13            Some of you, as new board members, may not be  
14 aware of this, but the office of program performance  
15 last year came to Montana at a time when I was just --  
16 had been the executive director for about a year, even  
17 though I had been with Legal Services for many years.

18            I was a pretty good lawyer. I still have a  
19 lot to learn as an administrator, and I was pleased to  
20 see Anh Tu and her staff come out here and give us a  
21 performance evaluation that we would have paid  
22 thousands of dollars for if we had hired a consultant

1 to tell us about that. It was an excellent way to  
2 regroup, to rethink, to refocus on the way that we  
3 deliver services in Montana.

4           Shortly after Anh left, we had the Office of  
5 Compliance and Enforcement, and John Eidleman and his  
6 corps of members came. And again, it was a learning  
7 experience. We learned, and we applied what we learned  
8 with a very positive, constructive, and helpful  
9 approach by OCE.

10           This year we have just begun talking with LSC  
11 staff at Anh's help, getting us some of the consults  
12 with some LSC staff about hotlines and how to improve  
13 the hotline that we have. And we're just in those  
14 beginning stages now, but we expect that to continue as  
15 we develop our hotline and our hotline initiatives.

16           Now, we're working with the Office of the  
17 Inspector General on the GIS mapping project. You have  
18 seen some of the results of the maps that we have  
19 produced so far, and they are wonderful, and they are  
20 really helpful, and they will be just an amazing help  
21 to us as we gather in retreat with the access to just  
22 the stakeholders that have been mentioned early in

1 retreat later in the month of October.

2 Montana is a rural state, and it is among the  
3 most rural of rural states. And we use the T grants to  
4 help us serve those. But just to give you some idea  
5 again, here is the density map that was produced by the  
6 GIS project as how rural we really are.

7 Montana has a density of less than one person  
8 in poverty per square mile. Compare that, for example,  
9 to Puerto Rico, that has about 1,000 per square mile.  
10 Yet all of those people need help, and how do we  
11 provide that service? So we work together in ensuring  
12 that -- here is the map of Montana itself, I should  
13 mention that one too, a little bit closer.

14 And even when we move it to 125 percent of  
15 poverty, we are still looking at one individual per  
16 square mile that we have to reach.

17 The challenges are unique in this rural state.  
18 There are significant barriers. The size is obviously  
19 one of them. But now Montana, the statistics have just  
20 come out again last couple of weeks. We have the  
21 lowest average wage of all the states. Lowest. It's  
22 \$26,000, roughly, as the lowest average wage. It's

1 also the lowest average wage per job, depending on the  
2 type of job. Again, we're at the very bottom.

3           We have the highest rate of people in the  
4 country without health insurance. And when you're  
5 talking about the distances that we have to travel in  
6 general, try traveling to get health care. Again,  
7 those are alarming statistics.

8           The number of legal services attorneys -- and  
9 depending on, you know, whether we were talking Monday  
10 or Friday, we have about 16 full-time-equivalent  
11 attorneys in the program compared to, for example,  
12 about 2,500 active practicing lawyers in the state.  
13 But still, it's a very small lawyering community, and  
14 it's alarming when we need to think about, in terms of  
15 13,000 clients for every legal services attorney, yet  
16 about 365 for every practicing lawyer in the state.

17           So, how do we ensure high quality legal  
18 assistance to one out of every five Montanans that is  
19 eligible? Well, the first thing we do is provide  
20 active, centralized management.

21           With the implementation of our case handler  
22 manual, we are embarking on a new mentoring program

1 with our more experienced staff and our less  
2 experienced staff. We have moved away, as I mentioned  
3 earlier, from receptionist and support staff to now  
4 having paralegals.

5           Recruitment and retention is a problem. I  
6 mean, we're just thrilled with President Barnett's  
7 initiative to create the loan repayment assistance  
8 program task force. We have a great deal of difficulty  
9 recruiting them and retaining them, and this will go a  
10 long way toward nourishing a tradition of getting some  
11 of the local graduates, again, to be in Montana. With  
12 \$60,000 being the average loan repayment that they have  
13 to make, we need that kind of help to continue to have  
14 those folks join our ranks.

15           Cooperative partnerships. It's not a  
16 situation where we work on projects alone, we almost  
17 always do it -- the fact that the chief justice was  
18 willing to come and talk to us, the fact that we have  
19 got the executive director of the State Bar here, we  
20 have a very small state in terms of its lawyering  
21 community, and that helps to cooperatively create  
22 partnerships for access to justice.

1           We have the Supreme Court's Equal Justice Task  
2 Force, the State Bar's Access to Justice Committee, and  
3 innumerable other entities that work with us in these  
4 unique partnerships that we have created to help us  
5 meet the challenge of access to justice.

6           And then, of course, innovation through  
7 technology. There isn't any way that we can tell you  
8 how much we appreciate both the attention and the  
9 resources to be able to continue to invest in  
10 technology. Our efforts have been rewarded now by the  
11 recognition that LSC has given us, and that we are a  
12 leader in that area.

13           And we are now seeing that -- the fruits of  
14 some of the money that we have spent in this in  
15 providing that actual result in access to the court  
16 system using video conferencing, for example, using our  
17 website, and using some of the other resources that are  
18 available to us.

19           You know from our pro bono programs that we  
20 are at least making some progress. Here is another one  
21 that we thought we needed to show you. This is a map  
22 of the closed cases of PAI cases that Montana Legal

1 Services helped with private attorney involvement funds  
2 last year, and the density of lawyers to those. And  
3 while it still leaves a lot of gaps there, what is  
4 important about that to us -- and we will zoom in on it  
5 a little bit here -- is that most of the LSA cases are  
6 closed where our clients live, or the majority of them  
7 live.

8           And here is a little zoom on it, and we can  
9 see even more that we have got lawyers and clients in  
10 the areas in which we are serving them, which has been  
11 amazingly helpful. We can focus on those areas, we can  
12 do better, but at least we are making progress.

13           This morning in our overview, we provided that  
14 framework. So how do we provide some of these  
15 services, precisely? What is it that we do that maybe  
16 we haven't told you yet? Well, one is, of course, the  
17 legal hotlines. That's our basic entry point. That's  
18 the way people get in touch with us, and how, in fact,  
19 they work with us on a daily basis.

20           We have pro se assistance projects all over  
21 the state. We have pro bono panels at every local  
22 level. We have direct representation, of course, for

1 those clients that really need court representation.  
2 We have community education projects throughout the  
3 state, and we use technology in every situation that we  
4 can.

5           Some clients, or some people -- bar members as  
6 well -- ask us, "Well, how in the world, why in the  
7 world are you doing things with the Web, when low-  
8 income clients don't have the Web?"

9           Well, that's Montana law help, it's opening  
10 page, that's for clients. We also have  
11 MontanaProBono.net. That's for lawyers. And we think  
12 it's the last best place to connect to access to  
13 justice issues. It keeps all the pro bono lawyers  
14 informed and interested in what we're doing for the  
15 low-income community.

16           But we now know that the -- that 40 percent of  
17 rural residents use the Internet. They go online. We  
18 also know that 64 percent of the people in the mountain  
19 states go online regularly. We also know that nearly  
20 every public library in Montana has free access to the  
21 Internet, so they can get that information there,  
22 thanks again to a lot of federal grants that have been

1 around.

2           We use these collaborative efforts to work  
3 with the State Bar, with the Supreme Court's Equal  
4 Justice Task Force, the Montana supreme court, and the  
5 court system, of course, with their video conferencing  
6 system.

7           We use the state law libraries' resources in a  
8 cooperative manner and a collaborative manner. We work  
9 with the University of Montana Law School, with its  
10 clinical program. We work with Montana Advocacy  
11 Project, which also has federal dollars going for  
12 special needs. And there are a host of other  
13 organizations that we work with on a regular basis.

14           But we don't do it alone; we do it with  
15 people. And here are some of the faces of the people  
16 that work for us from all over the state, in all kinds  
17 of situations. And it's those people that we look to  
18 to provide the background and the information and the  
19 kinds of services that we have for our clients.

20           Our clients come to us with a myriad of  
21 problems. They -- some we can solve, some we can't.  
22 Their search for justice is often, to me, like air.

1 You don't know it's missing until you gasp for that  
2 gulp of it, and it's not there.

3           They come to us with empty cupboards, but not  
4 with empty hearts. And we try to help them in every  
5 way we can. Our staff, of which I am very proud, does  
6 so every day.

7           What do we do in the future? We will continue  
8 to seek ways to improve efficiency and effectiveness,  
9 using technology and searching for quality. We will  
10 search for new ideas that help us, again, in that  
11 search for quality in accomplishing our mission.

12           And finally, we will continue to develop new  
13 partnerships as we're doing with Iowa, for example.  
14 Who would have thought that we could actually create a  
15 program cooperation between a program that's 1,200  
16 miles away from us? Well, we can do it, obviously,  
17 with technology.

18           So, again, that's very briefly where we are.  
19 And I know this is going to be a long time for you  
20 listening to the rest of us, but thank you for  
21 listening. And I am going to applaud you right here.

22           So, I am going to finish mine, that's my

1 remarks, and now I'm going to turn you over to Alison  
2 Paul, the deputy director of grants and administration,  
3 to talk to you about how, in fact, technology helps us  
4 serve and solve our mission.

5 MR. MEITES: Before you leave, if you would  
6 like to do Power Points for us forever, you have a  
7 lifetime job.

8 MR. SITTE: Thank you.

9 (Laughter.)

10 MR. SITTE: I appreciate that.

11 MS. PAUL: Don't encourage him.

12 (Laughter.)

13 MS. PAUL: Hi. Thank you for having us here  
14 today. And I am -- you have heard a lot about our  
15 technology projects already. There are, believe it or  
16 not, a couple you have not yet heard about. And I am  
17 going to briefly talk about those, along with Kate  
18 Bladow here.

19 One of the projects we are the most proud of  
20 -- and I can't believe it, we haven't said the words  
21 today -- is the ICAN earned income credit project.

22 The Orange County legal aid started this

1 initiative several years ago in response to the refund  
2 anticipation loan problem that poor people face. They  
3 want their tax returns now, they want their refunds  
4 now. They need their refunds now, they need the money.  
5 And so, they go and they lose up to half of that to  
6 professional tax preparers.

7           And so, the Orange County program designed a  
8 Web-based system that -- where a client can file online  
9 and get their money deposited directly into their bank  
10 account, if they have a bank account. The key to  
11 filing online is it makes the refund come a lot faster.

12       And with the bank account option, it can be within a  
13 week, which -- it's not -- you don't get the money when  
14 you walk out of the tax return office, but you do get  
15 it very quickly, and you get all of it, which is key.

16           We saw this, and I recognized -- I know a good  
17 idea when I see one -- and I recognized that this would  
18 be a great boon to Montanans, and so we jumped right on  
19 their bandwagon and used a Vista volunteer, as we do  
20 for everything, and had a very dedicated Vista  
21 volunteer that helped us with the outreach portion of  
22 this.

1           Because of all of the efforts of these Vista  
2 volunteers and the way they marketed and did the  
3 outreach, we were second in the nation in use, and we  
4 were actually the highest -- we had more per capita use  
5 of this ICAN system than even the California program.

6           We couldn't come close to their numbers,  
7 because I think they had more people use the system  
8 than we have people, but we -- and it was all due to  
9 having some dedicated Vista volunteers on our staff,  
10 and the support of our agency to market it to all the  
11 welfare offices in the state through all the libraries,  
12 a whole lot of different ways to make people know that  
13 this was available.

14           And as you can see, 171 Montanans received  
15 back over \$330,000 in tax refunds directly to them. So  
16 I think this was a great -- it's a great initiative.  
17 There are other states that have done it.

18           Because of our participation, California  
19 designed the Montana state form for free for us. They  
20 put it on the system because we were such big  
21 supporters. And so we got that call last year, and  
22 said that they could -- you file their Montana income

1 taxes as well, using this system, which is great.

2 We have a computer terminal, and when you were  
3 in our office this morning you may have noticed there  
4 was a computer terminal out in the lobby. And it is so  
5 clients can come in and do this. That's its main  
6 purpose during tax season.

7 I'm going to let Kate talk really fast about  
8 our law help initiative.

9 MS. BLADOW: Montana Legal Services, in  
10 association with many of our stakeholder groups, have  
11 received three grants to support our statewide  
12 websites, MontanaLawHelp.org, and MontanaProBono.net.  
13 We have chosen to work with the ProBono.net templates,  
14 which you see up here on the screen on the client site.

15 Initial and continued work on the site has  
16 been done by Vistas. Since May 1, 2003, you can see  
17 that there have been almost 30,000 hits on the site,  
18 and nearly 230,000 page views. So this means that  
19 approximately 30,000 computers have hit the front page  
20 of MontanaLawHelp.org, and they have looked at that  
21 number of pages within it. This means that we're  
22 getting about 1,800 hits per month.

1           And the interesting thing I find about this is  
2 that we're reaching areas that we aren't typically  
3 reaching. Our Cut Bank office, which has a poverty  
4 population of only about 9,000 people has actually  
5 generated one of the top two number of hits for legal  
6 services programs, the other one being the Kalispell  
7 area.

8           And so, that's an area that we're looking at  
9 that has, you know, a reservation in it, and are very  
10 low-income people, and they are still being able to get  
11 to this site to look for legal information.

12           We have worked on having strong outreach  
13 campaigns for MontanaLawHelp.org, working with public  
14 libraries, to let them know that it's available, clerks  
15 of the court, so that they know it's available, and  
16 domestic violence shelters.

17           One of my favorite projects was just to put  
18 postcards in food baskets during the holiday season so  
19 that everybody, you know, in the Helena area or in  
20 Missoula, or Great Falls who got a food basket also got  
21 notification that Montana Legal Services was there. We  
22 had a MontanaLawHelp.org available for them to use, and

1 they got information about the earned income tax  
2 credit.

3           So, one of the neat things about  
4 MontanaLawHelp.org, we also received a grant to do  
5 automatic document assembly, which is a way that users  
6 can go on, they go on to the national legal services  
7 document assembly server, a TIG grant for Ohio State  
8 Legal Services Association. They put in information,  
9 and out comes, you know, a letter or a form that they  
10 can use to actually submit.

11           And so, they don't have to necessarily worry  
12 about typing in the sentences and making sure that, you  
13 know, things that they may not know aren't spelled  
14 right, you know. If they have to worry about creating  
15 an entire sentence, that may be difficult for some.

16           And so, this way it comes out. And this  
17 template that you're actually looking at is one of the  
18 projects done by Illinois. We are working on some  
19 complicated templates for our pro se and parenting plan  
20 forms that Tara Veazey spoke about earlier. And so  
21 they are not quite ready for public use, but we expect  
22 them to be available by the end of the year.

1           We are very excited about the potential for  
2 these forms, because anyone who has access to the Web  
3 will be able to use them and go ahead and go through  
4 and file them. They will come with a direction packet  
5 to encourage, you know, and instruct them how to file  
6 them.

7           We are also looking forward to using our  
8 HotDocs national server, along with the new website  
9 enhancement grant that we received, and having people,  
10 volunteers, being available to help people walk through  
11 filling out the forms online, or just providing  
12 technical assistance if something doesn't quite go  
13 right, they have an error warning that comes up that  
14 they don't understand.

15           So, we also have a website for attorneys, it's  
16 called MontanaProBono.net. It is sort of the companion  
17 site. It allows pro bono attorneys to find volunteer  
18 opportunities, to find training events, news about the  
19 Legal Services Corporation, Montana Legal Services,  
20 poverty in Montana.

21           And it will also provide HotDocs templates for  
22 attorneys, mostly administrative forms, that -- you

1 know, and they may end up filling out their name in  
2 several places, but it takes them a long time just  
3 going through a document. We will be able to save them  
4 time that they can spend more with clients than on  
5 doing actual paperwork.

6 We have done outreach in the Montana Lawyer,  
7 the State Bar has been wonderful in helping us promote  
8 this website. We are actually having a free table,  
9 along with the vendors provided at the State Bar annual  
10 meeting next week to have people sign up for  
11 MontanaProBono.net. Currently we have 200 members, and  
12 are looking forward to having as many attorneys as  
13 there are in the state.

14 MS. PAUL: Thank you, Kate. Just -- yes, you  
15 can ask questions.

16 MR. MEITES: I am sitting in the library, and  
17 I know how to use a computer, but I don't have the  
18 faintest idea --

19 A PARTICIPANT: Tom, I think you need to put  
20 the mic on.

21 MR. MEITES: I don't have the faintest idea  
22 how to find your website. I know I need legal help,

1 say, with a foreclosure. Now, what can I type in that  
2 will get me to your website?

3 MS. BLADOW: Well, obviously,  
4 MontanaLawHelp.org. I have also worked out on having  
5 Montana Legal Help come up at the top.

6 Unfortunately, in companies that are able to  
7 pay to put a lot of money into web searches are the  
8 ones that are coming up. Montana has had an  
9 unfortunate incident where some of our .pdf forms have  
10 actually been taken and sold by a company that sells  
11 forms online and so we have had low income people  
12 paying for the forms.

13 And so, there has been some more work put in  
14 to trying to figure out how to get our website up  
15 there. But without the resources of public companies  
16 it's very difficult.

17 MS. PAUL: I would like to say that you could  
18 look down at the mouse pad that's probably next to your  
19 computer, which is MontanaLawHelp.org. We put those in  
20 all of the libraries next to all the public computers  
21 as a way to get at exactly that question.

22 So, we will wrap up here with a -- our last

1 two little technology projects. We have -- we did get  
2 a grant from LSC to provide centralized case  
3 management. We realized without correct infrastructure  
4 support, it is impossible to provide quality legal  
5 services to clients. Without being able to track our  
6 data on a statewide basis, we would not be able to do  
7 that at all.

8           And then, through our -- through the  
9 availability of the OIG's office, they have done some  
10 mapping for us, which is our newest project. And you  
11 will have seen some of the maps today.

12           And I would like to point out one thing I  
13 think that might be a source of confusion. Through the  
14 mapping process, we received some statistics from the  
15 OIG's office that show that we provide services to less  
16 than five percent of the poor people. That's based  
17 upon our CSR numbers, our actual numbers of clients  
18 that talked to an attorney or a member of our staff.

19           When we talk in a more general sense about  
20 people that get benefit from our services, we might  
21 talk about, you know, the three out of every five, or  
22 four out of every five, you know, or one out of --

1 that's kind of a more general they get benefit from all  
2 of our initiatives, and we use that in a lot of grants  
3 and promotional things.

4 But the reality is that it's less than five  
5 percent of the poor people can actually get services  
6 from us, and that's what we're facing.

7 If you -- I thank you, and I will be around  
8 for questions, if you have any.

9 MS. ANSPACH: Good afternoon. My name is  
10 Deborah Anspach. I am the managing attorney for our  
11 statewide hotlines. It's a pleasure to be here.

12 I am talking about a unit which is a little  
13 bit past its infancy, but not full grown yet. I took  
14 over the position in January of this year. So, for  
15 eight months, I have been working on creating a  
16 discreet unit which really hasn't existed before. We  
17 have had hotlines, but there hasn't been a whole lot of  
18 consistency, either in policy or method, between the  
19 western hotline in Missoula and the eastern hotline in  
20 Billings.

21 The reason we have two hotlines is this pesky  
22 little problem we have with the phone company. It's

1 called ALATA. And that's a local access transport  
2 area, and that's about all I know. What I do know is  
3 if somebody in eastern Montana calls our hotline in  
4 western Montana and crosses that boundary, the cost of  
5 the call is very high.

6 So, that's why we try to concentrate the  
7 eastern Montana clients, encourage them to call the  
8 Billings office, and the western Montana clients to  
9 call the Missoula office.

10 That's problematic, as you can imagine,  
11 because clients out there don't know that we have to  
12 deal with this, and if they find one of the 800  
13 numbers, they will just call it. So that's one of the  
14 first things that I did, was basically say, "If you get  
15 a call from the other side of the state, take the call,  
16 advise the client, don't worry about the cost."

17 We are trying to move, eventually we hope, to  
18 a centralized intake system. We're not there yet, but  
19 that's the goal.

20 A little bit of description about my staff.  
21 The eastern hotline in Billings is staffed by two  
22 paralegals. The western hotline in Missoula is staffed

1 by two full-time paralegals, one in the Missoula office  
2 and one who lives in Libby, Montana, and works out of  
3 her home.

4           The best thing that could have happened to me  
5 is I have those four people working for me. Two of  
6 them have been with Legal Services longer than I, and I  
7 have been here for 15 years. The other two have been  
8 here for, I think, about six and eight years,  
9 respectively. And I figure if they haven't burnt out  
10 right now, they're probably immune to burnout, so I'm  
11 not going to have to worry about a lot of turnover.

12           They love their work. It's intense. On a  
13 day-to-day basis, the hotline unit is probably the most  
14 intense unit we have.

15           We have -- the phone systems are now currently  
16 in review. They're not as optimal as we would like.  
17 We are working with our phone company in the basic  
18 field office in Billings to see if we can't free up  
19 some more lines for incoming calls.

20           We will try and do the same thing with the  
21 Missoula office, but clearly, you know, Klaus and  
22 Alison and I will have to sit down and look at our

1 phone lines and talk to the phone company, and see what  
2 else might be available, in terms of optimal phone  
3 intake.

4           On a daily basis, the hotlines are open from  
5 9:00 to noon, and then 1:00 to 5:00, Monday through  
6 Friday. The process is a little different in each  
7 office. We have a few more lines available in  
8 Billings, and so the two intake paralegals actually do  
9 their own screening. When the call comes in, they  
10 simply take it on the spot, do the screening, provide  
11 the service required for that particular client, and  
12 then take the next call.

13           Because the demand is so high, often times  
14 somebody else in the office -- like Klaus said, we no  
15 longer have secretaries, but we do have other  
16 paralegals who will answer the phone from time to time  
17 -- if the two paralegals in Billings are busy, those  
18 other paralegals, or anybody who answers the phone,  
19 including myself, will take the name and phone number  
20 down of the potential client for a call back.

21           In Missoula and Libby, there are not as many  
22 lines available. And so, most of those calls are

1 returned as call-backs, rather than live calls. That  
2 is something I would like to get away from, if  
3 possible, because I believe that we lose more people  
4 through the call-back system than we do with the  
5 initial interview on the spot. That's one of the  
6 things we will be looking at when we are looking at  
7 trying to update our phone systems.

8 My duties are fairly intense. I get to work,  
9 I sit down, I probably don't -- I leave my computer  
10 screen to go get print jobs, and I tend to do one print  
11 job at a time, just so I can get up and walk and get a  
12 little exercise from my office to the printer.

13 I review, on a daily basis, all of the cases  
14 that were handled the day before for each paralegal,  
15 and I review them for accuracy of advice given, I  
16 review them for accuracy of intake procedures, to make  
17 sure that they are in compliance with LSC standards.

18 If I see something in a case that interests me  
19 or intrigues me that I think maybe this particular  
20 client has a case that would interest either a PAI  
21 attorney or one of the other attorneys in our office, I  
22 will flag that and staff it with the hotline staff.

1 So, first, just to, you know, fill in any holes that I  
2 might see, and then try and get somebody in our office  
3 to look at it.

4 One of my partners in Billings is Mike Eakin,  
5 who is probably our foremost consumer specialist. And  
6 last week we got a call. I recognized the adverse  
7 party, which is a notorious collection agency up in  
8 Missoula. And because I had sued them myself in the  
9 past I thought, "Let's take a look at this."

10 Mike looked at the case. He said, "There are  
11 defenses here." He took the case, and last time I  
12 talked to him the other day it had settled very, very  
13 favorably with our client. So those are the kinds of  
14 things I'm looking for that would go beyond the hotline  
15 into direct representation or other services.

16 Staff meetings. I staff the western hotline  
17 cases every Wednesday morning, and the eastern hotline  
18 cases every Wednesday afternoon. And that's remarkably  
19 easy to do, now that we have this centralized case  
20 management system.

21 I am not a techie. I am your, you know,  
22 bottom line Luddite, and so it just fascinates me that

1 I can hit buttons and I can pull up a case from across  
2 the state. But without that, this wouldn't be  
3 possible. That's one of the things that actually has  
4 made it possible to create an organized hotline unit.

5           On Mondays, when I come into work, the first  
6 thing I do is I print out a list of each paralegal's  
7 cases, and make sure that they get that list. I have  
8 found in the past that sometimes, because of the press  
9 of time, they will be doing an intake and they will  
10 enter all the information, but they forget to hit the  
11 print button. And so, that case is not generated for a  
12 hotline paralegal to return the call. So this is my  
13 way of making sure that doesn't happen.

14           The paralegals have told me they like that  
15 system, because it's a check for them. Every Monday  
16 afternoon they know they're going to get this faxed to  
17 them from me, or handed to them, and they can look at  
18 that and say, "Oh, yes, I forgot to call this person  
19 back, I had better do that," or, "I have already taken  
20 care of that, I don't have to worry about it."

21           I look for cases from the other field units  
22 that need to be transferred to that office for further

1 disposition, most likely the Helena or the Butte  
2 office. I transfer those cases to those offices every  
3 -- the goal is to get them there by Thursday morning so  
4 that they can staff them to see if there is something  
5 else they would like to do to the case, in addition to  
6 the advice provided by the paralegal.

7           Generally, I am able to get that out to them  
8 Wednesday afternoon. So they will -- the clients are  
9 promised nothing, they are told that their case will be  
10 reviewed by the field office. If the field office can  
11 provide further services, they will be notified.

12           And I can't believe I am out of time. So, if  
13 anybody has any questions, please feel free. And if  
14 not, I will yield the floor.

15           MR. HALL: Thank you.

16           MS. MERCADO: I just had one quick question,  
17 I'm sorry.

18           MS. ANSPACH: Yes?

19           MS. MERCADO: And it will take me a second.  
20 On -- you say you check the work that's handled by the  
21 paralegals for accuracy of the advice and accuracy of  
22 the intake procedures. So on the hotline that you

1 have, you are doing a regular intake procedure, regular  
2 intake, as if somebody came into your office?

3 MS. ANSPACH: Yes.

4 MS. MERCADO: Of all the people that call?

5 MS. ANSPACH: Yes, yes. The hotline screeners  
6 generate those just directly on their computer screen.  
7 They don't actually fill out a paper intake. But they  
8 do that kind of screening, to make sure that they are  
9 both income and asset eligible, and that they are, you  
10 know, citizens or legal resident.

11 And then that takes probably -- it takes me a  
12 long time, because I'm not used to doing it, but it  
13 takes an experienced paralegal maybe two or three  
14 minutes to do that before they actually get into the  
15 advice portion of the service.

16 MS. MERCADO: Thank you.

17 MR. HALL: Thank you.

18 MR. MANOS: I will be a second, Mr. Chair.

19 MR. HALL: Sure, please take your time.

20 (Pause.)

21 MR. MANOS: Good afternoon, Mr. Chair, members  
22 of the provision committee, President Barnett, members

1 of the LSC board, welcome guests. It is my pleasure to  
2 have the invite and to be able to attend today to speak  
3 about a collaborative effort between the State Bar and  
4 Montana Legal Services, as well as other agencies,  
5 service providers, organizations in the state who are  
6 committed to the access to justice issues.

7           And that initiative and that project we're  
8 going to talk about here this morning is a legal needs  
9 study which I will give you some more details. I will  
10 try to keep within the allocated time. As you can  
11 imagine, this project, it was enthusiastically embraced  
12 between the Bar and the various organizations.

13           So, much like the chief justice talked about  
14 at lunch, I could talk for hours on this. But I will  
15 try to keep to the point.

16           Before going to that directly, I have before  
17 you and in your packet the mission of the State Bar of  
18 Montana, and that mission is very simply to lead the  
19 legal profession and serve the public interest.

20           And obviously, we're talking about those two  
21 components when the legal needs study and the  
22 methodology I'm going to outline to you this afternoon

1 is discussed.

2           And with regard to the collaborative effort,  
3 some publications which I brought today which I will  
4 leave for the members of this committee and for the  
5 board, illustrate the real commitment, from the Bar's  
6 perspective, to meet that mission by working with  
7 Montana Legal Services and those in the access to  
8 justice community.

9           As an example, in November of 2003, we  
10 featured pro bono articles written by both Klaus Sitte  
11 and others about this -- about the issues related to  
12 pro bono. In the spring, our Montana Justice  
13 Foundation awards grants to various groups and  
14 organizations and communities that provide the services  
15 and additional benefit for access to justice, and that  
16 was featured in our June/July issue of the Montana  
17 Lawyer, and you can take -- at your leisure, take a  
18 look at those. There is a couple of copies.

19           Most importantly is our desk book of  
20 directories, which the State Bar puts together every  
21 year, features the offices of Montana Legal Services,  
22 the numbers for people to contact, not only available

1 for the members of the Bar, but obviously when they're  
2 serving clients in the pro bono activities that have  
3 been described by Chief Justice Gray during the  
4 luncheon, and which you will hear more about this  
5 afternoon.

6           Next, if I can operate this correctly, the  
7 history of the Montana legal needs study itself, for  
8 members of the committee and the board, has some  
9 checkered history in this regard. It's been talked  
10 about for a long time, but as Justice Gray implied  
11 during her remarks this afternoon, it reached a point  
12 where it finally was decided by the community of  
13 interested individuals we needed to do something.

14           And in that light, the Equal Justice Task  
15 Force was created by court order in August of 2000.  
16 And Justice Gray, as well as the other justices of the  
17 Supreme Court gave a specific mandate, the first  
18 mandate among others in that order, to study legal  
19 needs of low and moderate income people of Montana.

20           As Justice Gray, again, indicated in her  
21 remarks, making a mandate but funding it and resourcing  
22 it are two different things. And so, that I will talk

1 about in a few minutes.

2 But putting this history in perspective, after  
3 the Equal Justice Task Force was given that mandate, in  
4 collaboration with the State Bar and other activities  
5 it was decided, for a number of reasons, that we needed  
6 to proceed in sort of a fashion that was very low-cost.

7 It was evident to the State Bar in its pro  
8 bono survey of its attorneys in 2001 that, as the chief  
9 justice indicated, we had a large percentage of Bar  
10 members who gave through pro bono activities to their  
11 communities in these areas.

12 There were some other funding issues, though,  
13 as I have already implied, and which the chief justice,  
14 again, made reference to. The IOLTA funds, as everyone  
15 is familiar with in this room, in the 2000 to the  
16 current time period, have not been at the same levels  
17 that they were in previous years.

18 As an example, the Justice Foundation, which  
19 was the primary pass-through for the members of the  
20 Bar, awarded to Montana Legal Services approximately  
21 \$137,500 in 2002. That was the last year that it was  
22 such a large sum.

1           The following year, for lots of reasons, the  
2 Justice Foundation awarded nothing to any of the  
3 organizations, to include the Legal Services, which  
4 obviously put a strain on lots of activities. That, I  
5 am happy to report, has been restored, but not at the  
6 same levels. We're still looking at half of the amount  
7 that the Legal Services had received before, due  
8 directly to the IOLTA fund decrease.

9           And so, for instance, in the past two years,  
10 the Legal Services of Montana have only received  
11 \$75,000. And I want to report in the last granting  
12 that was \$75,000 of the \$84,000 which was available.  
13 So, still a majority of the dollars were being given to  
14 Legal Services.

15           But about the same time as indicated in the  
16 chart there, the Bar had undertaken a collaborative  
17 effort with the Montana Legal Services for a number of  
18 years on a pro bono project coordinator housed and  
19 employed by the Bar, supported by Legal Services, to  
20 encourage the activity which you have already heard.

21           In 2002, that project coordinator resigned,  
22 and there was actually an opportunity, as it presents

1    itself in many occasions, to go ahead and look at this  
2    project and say, "What do we need to do from here?"

3                   And so, what occurred was crisis intervention,  
4    if you will, because there was a number of things that  
5    came together: no funding from IOLTA; project  
6    coordinator quits -- which was not directly related to  
7    that, by the way, but other things.

8                   So that in February of 2002, the Bar convened  
9    a stakeholders meeting, at which we asked Legal  
10   Services to participate. The chief justice  
11   participated at the time. Our Equal Justice Task Force  
12   chairperson, which was Mary Ellen McNeal, our chair of  
13   the Access to Justice Committee, and many other  
14   interested members. A very small group, 6 to 10  
15   people, but really to assess where are we at, what do  
16   we need to do in a crisis intervention sense.

17                   And out of that February meeting came a couple  
18   of things. And one of those, in addition to the legal  
19   needs study, which I will get to here very quickly, was  
20   the recognition that we needed to spread what we were  
21   talking about in delivery of services. Not just saying  
22   pro bono, but equal justice, because the community

1    entailed lots of other issues.

2                   And so, the Bar agreed to fund a new equal  
3    justice coordinator position, keeping in mind, however,  
4    that the staffing originally for the pro bono project  
5    was two-and-a-half FTE, and because of the funding  
6    situation, the equal justice coordinator position ended  
7    up being less than half an FTE.

8                   And that person is actually in the audience  
9    now, still only part time -- Anne Gilkey, who agreed to  
10   take that position, and has done an extraordinary job,  
11   of which the legal needs study has been a primary  
12   interest of hers.

13                   But the Justice Foundation has alluded to --  
14   was reorganize and refocus. There was a retreat that  
15   out of the stakeholders meeting was decided in July of  
16   2002 would be a good springboard to bring other  
17   individuals together.

18                   Simultaneously, the Legal Services and Bar had  
19   been talking about using some collaborative efforts to  
20   get this developed in certain programmatic areas. And  
21   so this came to fruition in August of 2002, and that  
22   first Vista volunteer, which the Bar agreed to provide

1 housing for, and to cover some costs which are not  
2 covered by the program, to have that volunteer work on  
3 this legal needs study.

4           And I am happy to report that we are now on  
5 our third Vista. The first two were directly working  
6 on this legal needs study. The current one is working  
7 on a modest means program, which just started here less  
8 than a month ago.

9           But the initial challenges were the lack of  
10 funds. And that goes without saying. A consensus on  
11 procedure and coordination of resources, and to  
12 elaborate a bit on lack of funds is because the court  
13 mandated, "Let's have a legal needs study."

14           There were no monies from the legislative  
15 initiatives, there was no money from the judiciary.  
16 The Bar looked around and said, "Okay, how can we  
17 collaborate with Legal Services and come up with some  
18 partners in this endeavor?"

19           We also agreed we were not going to reinvent  
20 the wheel, okay? While we have good ideas -- and as  
21 Justice Gray, again, alluded to in her comments -- we  
22 are creative, there was no need to start from scratch.

1

2           And so, in doing so, we looked at states like  
3 Oregon and Washington, which already had a template for  
4 a survey, and we decided not to go out for a big RFP to  
5 try to solicit people who were interested. We kept it  
6 very narrow. And we moved from that point so that we  
7 decided, "Okay, let's do this on a -- rather than a  
8 Cadillac, maybe a Chevy or some other budget, okay?"

9           Because those studies had six-figure amounts  
10 attached to them, we just were not in the position to  
11 have those sorts of monies available. And so, bare  
12 bones, the chair for the Equal Justice Task Force, to  
13 her credit -- Mary Ellen McNeal -- we decided that if  
14 we could get \$45,000 to \$50,000, substantial enough to  
15 what these other surveys have done, we could try to do  
16 something and rely heavily on volunteers.

17           And that leads to the point of coordination of  
18 resources of staff and volunteers. We started,  
19 obviously, with point people. Anne Gilkey, who just  
20 came on board in August of that year was thrust into  
21 trying to help organize this very quickly.

22           We approached our board of trustees, our

1 structure is such that we have 20 -- at that time we  
2 had 21 -- trustees. We approached them and said -- and  
3 they are geographically spread around the state -- "You  
4 need to help us identify people in your area."

5           So, we moved from those challenges to funders,  
6 and I will only highlight a few here, because I think  
7 it illustrates the diversity and the partnering that  
8 occurred in this project.

9           And the Justice Foundation has already  
10 mentioned the Bar ALPS, which is a private malpractice  
11 provider of insurance, provided some funds. The board  
12 of crime control office of public instruction, the VAWA  
13 program, through the judiciary court assessment the  
14 Montana Advocacy Program, University of Montana Law  
15 School, and of course, Legal Services Corporation  
16 itself, where we got pledges of up to -- of the  
17 \$45,000. And those pledges range from \$1,500 to  
18 \$10,000.

19           So, the methodology that we employed here is,  
20 again, not reinventing the wheel, is coming up with  
21 cluster groups of 10 different geographic or  
22 demographic populations. As an example, seniors, DB

1 survivors, migrant workers, immigrants, moderate  
2 income, homeless persons, et cetera.

3           We decided that one-on-one person interviews  
4 were the way that we were going to proceed here, not  
5 telephone and not by mail. And we had decided that we  
6 needed approximately 1,000 surveys to make this  
7 statistically accurate.

8           We had a consultant out of Oregon who had  
9 actually consulted with both Oregon and Washington,  
10 confirming that this is the way to go, that this would  
11 work, and that the next part was how do we get this  
12 done.

13           And that's where the use of the volunteer  
14 interviewers -- and I will speak a little bit more  
15 about that here in just a second, but those are some of  
16 the individuals: attorneys; paralegals; judges; direct  
17 service providers in our Vistas.

18           Ongoing challenges as we went forward on this  
19 were, as illustrated, first, getting the buy-in. There  
20 was lots of enthusiasm for this project. There was not  
21 a single person that said, "No, I'm not going to help  
22 you."

1           But translating that into actually having  
2 surveys conducted was another challenge. And that's,  
3 obviously what both Anne Gilkey, Legal Services, and  
4 our Vista volunteers faced as we went forward. Finding  
5 the people to interview. I won't belabor that. The  
6 demographics of the state provided some challenges, as  
7 the geography indicates.

8           Training, as well. Once we came up with what  
9 we had as a survey document, our Vista volunteer did an  
10 exceptional job of putting a user handbook together.  
11 Then we said, "How do we deliver this training? How do  
12 we get someone in one part of the state," as  
13 illustrated by Klaus', you know, distance information,  
14 trained up on how to conduct a survey in Miles City  
15 versus one in the western part of the state, in Libby,  
16 northwest part of the state?

17           So, we used that -- we looked at technology.  
18 And again, a partnership of what are some of the  
19 creative ways to do this. The video conferencing,  
20 again, as Justice Gray has indicated. Online, using  
21 the website, using Montana Law Help or using even  
22 Webcast were thought of at the time.

1           The successes. Well, education. And I think,  
2 as members of this board have indicated in remarks that  
3 they have made in both the Equal Justice Magazine and  
4 other media items, education is really the first step.

5       If you can get the education out there, if you can get  
6 people to understand what the need is as illustrated,  
7 real people with real stories and real needs, you get  
8 the involvement of those who need to be delivering and  
9 helping deliver services.

10           The connection with the non-legal community  
11 cannot be over-emphasized, because there is this  
12 partnership between the court, the Bar, and  
13 corporations and private business. And those community  
14 efforts are absolutely critical. And the joint mission  
15 is obviously bringing those entities together, we felt,  
16 was absolutely a plus.

17           To date, 850 surveys. Those are going to be  
18 -- that's statistically enough to make the information  
19 that we have identified and which we have gathered to  
20 be statistically valuable.

21           The cluster groups have the 100-plus surveys,  
22 as indicated. One of the particular cluster groups

1 that we had a very difficult time was with immigrants.

2 And part of that was as a fall-out, quite frankly,  
3 from 9-11 and from the Homeland Security issues which  
4 immigrants were less than willing to talk to people who  
5 were asking them survey questions about delivery of  
6 services. So that's something we will just have to  
7 overcome as the survey gets finalized.

8 Important is the 216 volunteers. And those  
9 volunteers included Justice Gray herself, who did  
10 surveys, district judges, clerks of court, attorneys,  
11 members of the tribe, paralegals, other service  
12 providers. It's just astounding. And we're talking  
13 about volunteers, obviously, for the number of surveys  
14 who did more than one survey. And so that, I think, is  
15 a real plus.

16 Very quickly, a success from the Bar's  
17 perspective is that our board of trustees every June  
18 has a retreat at which they look at their long-range  
19 plan and their priorities. I won't belabor it, but  
20 this is -- this program and coordination of effort has  
21 directed them to really re-look at their priorities.

22 And just as an example -- and as you can see

1 how the priority from 2003, 2004 to 2004 to 2005 has  
2 changed. And more importantly, the particular goals  
3 and objectives which they have attached to their long-  
4 range plan are to highlight the fact that there is a  
5 recognition by many members of the trustees that this  
6 collaboration is critical.

7           So, conclusion and questions. Lessons  
8 learned? You know, there are many. And I could,  
9 again, go on quite a bit this afternoon. I am subject  
10 to your questions, though. The only critical, I think,  
11 is the partnerships that were forged, which, as already  
12 been alluded to in the technology area, would bear some  
13 fruition. So, subject to your questions, I will  
14 conclude.

15           MR. HALL: Any questions from any members,  
16 board members?

17           (No response.)

18           MR. HALL: Thank you very much.

19           MR. MANOS: Thank you, Mr. Chair.

20           MR. HALL: Welcome.

21           MS. COMEAU: Hi. My name is Leah Comeau.

22 Legal Services has helped me out greatly in a lot of

1 things.

2           When I first went to them I was really scared,  
3 just wanted to go get a divorce, and a restraining  
4 order against my really abusive husband. I was in a  
5 cult-like situation and I didn't want to bring that  
6 out, I just wanted to get the divorce, get my kids, and  
7 go on with the rest of my life. And they helped me go  
8 through the process of that.

9           My lawyer, Amy Hall, she kept asking me a  
10 bunch of questions, and was really comforting, and  
11 since then has tried -- the county attorney and the  
12 state -- have tried to get him in a lot of different  
13 things, and has -- it all, since her helping me talk  
14 about it, has come in a bunch of different court cases  
15 and has gotten him out in the public, and I'm sure that  
16 a lot of people are aware of him and he's not going to  
17 do it again.

18           I know that if it wasn't for her pushing at  
19 that, I would probably still be going through what I'm  
20 going through right now, and I could have easily went  
21 back. So I'm really grateful for that.

22           And I know there -- I'm a single mom of six,

1 and there is no way I would have been able to do it, to  
2 afford a lawyer on my own. So I'm really, really  
3 grateful for this.

4 MR. HALL: Well, we are grateful to hear your  
5 story, and to know that they are making a difference.  
6 And thank you for coming and sharing it with us,  
7 because for me personally, it's one thing to hear from  
8 lawyers about how important this work is, but the real  
9 test of what we're doing is the client. And so what  
10 you have shared is just as valuable, if not more  
11 valuable, than what we have heard from others.

12 MS. COMEAU: Well, and it's been going on for  
13 about two years. And whenever I have a question -- and  
14 he has been suing me for a lot of different things --  
15 and Amy got me to another lawyer who was going to help  
16 me pro bono and to help me get a will for my children.

17

18 And she always has advice, or someone in the  
19 office, I will go to them with a problem or something,  
20 and they will always have some advice to get me to the  
21 right place where I have to go. So I'm really happy  
22 for that.

1           MR. HALL: Okay, thank you. Are there any  
2 questions from any of the board members?

3           A PARTICIPANT: Thank you.

4           MS. COMEAU: Thank you.

5           MR. HALL: Thank you for coming.

6           MS. WATLINGTON: This is Ernestine. Thank you  
7 for speaking.

8           MR. HALL: Thank you, Ernestine. I am sure  
9 she heard you.

10          MS. BELTRAN: Good afternoon.

11          MR. HALL: Good afternoon.

12          MS. BELTRAN: I am very pleased to be here. I  
13 think you saw from the map up there that Montana is a  
14 big state, approximately 147,000 square miles.

15                 The migrant farm worker unit of Montana Legal  
16 Services was established to assist low-income  
17 individuals, migrant farm workers who come to this  
18 state to work in the beet fields in the Flathead area,  
19 in the cherry orchards, workers in the Dillon area.

20                 The size of the migrant farm worker law unit  
21 consists of myself and a summer, or half-time,  
22 paralegal. We have a field office in the eastern part

1 of the state, in the Fairview City area. During the  
2 approximately six weeks to two months we -- depending  
3 on the season of how long the beet season goes.

4 We, the paralegal and I, alternate between --  
5 he goes up one week, I go up one week, and we take care  
6 of that part of the state. The paralegal goes to the  
7 Flathead area for two weeks, where they pick cherries.

8 We have a field office in Fairview, in the  
9 building of the Montana Migrant Farm Worker Council.  
10 They give us the space there. So we are actually on  
11 site, and the clients can come in to talk to either one  
12 of us, whoever happens to be there that week.

13 In the Billings area, we serve the entire  
14 Yellowstone Valley, that includes all the outlying  
15 counties of Yellowstone. And that's where the beets  
16 are, in the Fairview area, the Yellowstone. In the  
17 Dillon area, it's to workers who usually do ranch work,  
18 and a lot of the irrigation.

19 The population that is served, of course, it's  
20 a migrant farm worker. The types of cases are  
21 primarily wage claims -- we have a lot of wage claims;  
22 consumer cases; naturalization.

1           Under the naturalization comes other things  
2 like translation of driver's exams. In order to keep  
3 their employment, they are sometimes required to have  
4 driver's -- their driver's license, and they can't --  
5 they do not understand the exams. They have to have  
6 them translated. In the Billings area, they have  
7 finally obtained computerized tests in Spanish.

8           Consumer cases usually require -- the car  
9 cases. In the naturalization -- we have quite a bit of  
10 naturalization, and in connection with that, the legal  
11 residencies for spouses and children, helping them get  
12 their families in.

13           We do referrals to attorneys for those things  
14 that we cannot do, like the domestic abuse victims. We  
15 are able to help those that cannot make themselves  
16 understood in English, and we can hopefully find  
17 someone that will take their cases and allow us to do  
18 the translating for them.

19           We do some public benefits, food stamps,  
20 Medicaid, some Social Security, SSI. I think that's  
21 really all I have. We have a lot of area to cover,  
22 just two of us the best we can, but they do have

1 someone to talk to, to come in and see. And both of  
2 those are our places, from western to eastern Montana.

3 MR. HALL: In some of the other sessions we  
4 have had, where there have been presentations around  
5 migrant farm workers' challenges, sometimes there has  
6 been an access issue. That is, for the Legal Services  
7 lawyer to even get to the person or to get them to come  
8 to them, and not because of distance, but just because  
9 of the control that the farmer, et cetera, has over  
10 their lives. Do you have that same challenge here,  
11 or --

12 MS. BELTRAN: Oh, yes. It is very -- farm  
13 workers are usually very reluctant to come forward,  
14 anyway. I have been with Legal Services since 1982.  
15 Quite a few of the clients that we have coming in every  
16 year we are now seeing the grandchildren -- I am seeing  
17 the grandchildren -- of those first clients that I used  
18 to have.

19 They kind of tend to know us. They trust us.  
20 They don't like to do it on the telephone. They have  
21 challenges to overcome: the language barrier; the  
22 reluctance to come forward and complain about something

1 as important as wages. They are so afraid that if they  
2 come in and complain, then goodness, they're going to  
3 be blackballed in that area, they will not be able to  
4 get any work.

5           It's difficult for the distances. They have  
6 so far to go. Sometimes they cannot travel from, oh,  
7 say Miles City to Billings. We have always -- we meet  
8 clients by going to Hardin.

9           The migrant farm worker council of Montana has  
10 health care sites in Hardin, Miles City, Hysham. And  
11 clients who know that they can go there and use the  
12 telephone to call us, and the paralegal and I have gone  
13 out to meet them, take down the facts, talk to the  
14 grower in that area, talk to them, and sometimes  
15 negotiate those claims right on site.

16           MR. HALL: Thank you. Other questions?

17           MS. MERCADO: I was just thinking, as far as  
18 collaborative work, when you have now generations of  
19 farm workers, you've got the grandchildren coming in  
20 talking about wage claims and complaints, it would seem  
21 like -- and I would assume that the growers and the  
22 people that are there are sort of generally the same

1 generations of growers and whatever, and you know, and  
2 whatever the wage claims happen to be, and now the  
3 grandchildren are complaining about the same thing, is  
4 there any kind of collaborative work with your  
5 department of labor or workforce commission or somebody  
6 else to maybe see that it doesn't repeat a generation  
7 in repeating the same legal issues? That if people  
8 work for a certain amount then they ought to be paid  
9 for a certain amount?

10 MS. BELTRAN: We have some growers that are  
11 very determined to do their thing. "I own this place,  
12 it's my work, and I'm not going to pay unless I think  
13 you should be paid." It's very difficult to tell  
14 strong-minded growers that if the work is performed,  
15 they have to pay for it.

16 If they didn't inspect or whatever, they can  
17 -- once they find out that the work is not  
18 satisfactory, well, they can discharge them, get  
19 somebody else, or give them the opportunity to correct.  
20 Some of them do inspect, and yet at the end of the job  
21 they say, "Well, it wasn't done like we would like it  
22 to," and they refuse to pay.

1           I have tried to have the growers association  
2 allow me to speak to the growers at their meetings, but  
3 I haven't been successful yet in trying to tell them  
4 what they must do in order to keep from seeing me.

5           I just negotiated the resolution of four wage  
6 claims with a grower who I have had at least once a  
7 year since 1982. At least one wage claim, sometimes  
8 three. This year it was four. And he will just keep  
9 on doing it. It's his way of getting his work done  
10 without having to pay.

11           MS. MERCADO: Not quite slave wage, is it?  
12 But close.

13           MS. BELTRAN: And he has enough workers that  
14 do not complain, so that he thinks that he can keep on  
15 doing it.

16           It's only those that complain and come to us  
17 that we can help.

18           MR. HALL: Any other questions?

19           (No response.)

20           MR. HALL: Thank you very much.

21           MS. BELTRAN: Thank you.

22           MR. SITTE: Mr. Chairman, Yogi Berra once said

1 that "We're lost, but we're making good time." Well,  
2 we are out of time, and it's probably because we at  
3 Montana Legal Services aren't lost, we are focused on  
4 what we are doing.

5 Mr. Chairman, thank you and the members of the  
6 committee for taking the time to listen to us.

7 MR. HALL: Well, thank you as well. And I  
8 think it has been a very informative presentation. I  
9 did have one question of Alison.

10 I was impressed when Deborah was talking about  
11 the mechanism she had in place to test the accuracy of  
12 the work that -- the hotline, individuals who work on  
13 the hotline are able to do to see if what they are  
14 doing is accurate.

15 And since one of -- or the main focus of the  
16 presentation is to, you know, this whole notion of  
17 quality, when we start talking about technology and  
18 science, and where individuals are getting information  
19 off of your website, the law help program, how do you  
20 monitor whether it's --

21 MS. WATLINGTON: I don't have any sound.

22 MR. HALL: Can you hear us now?

1 MS. WATLINGTON: Yes.

2 MR. HALL: Okay, sorry. How are you able to  
3 monitor the, you know, the quality of what they are  
4 receiving? Not so much what's on the site, but whether  
5 it's working. Is it addressing the need that the  
6 person has?

7 From that end of quality, what have you  
8 developed to try to ensure that it's really doing what  
9 you hoped it would?

10 MS. PAUL: That's a great question.

11 MS. WATLINGTON: -- doing what we had planned,  
12 we --

13 MS. PAUL: Yes, that's a great question. We  
14 have been actually working with LSC staff, using some  
15 of their evaluation instruments to evaluate the  
16 website, and Kate has just finished up some usability  
17 testing and some testing as to whether the websites are  
18 actually answering people's questions.

19 We hope to use the data from the legal needs  
20 study to further refine what is actually on the  
21 websites. So we can take this -- we have asked people  
22 what their problems are, now is the information on the

1 websites actually providing the information they need?

2           And the further way we are going to do that is  
3 through this new grant, because the new grant will  
4 allow the person looking at the computer to be able to  
5 talk to somebody who is seeing exactly what they are  
6 seeing, and can ask the question, "Is this what you  
7 need?" And we're going to build a little evaluation  
8 kind of into that whole process so they can actually  
9 find out, "Is this helping you?"

10           Kate has distributed a bunch of surveys to  
11 people who have used the website to gather information  
12 in that way.

13           MR. HALL: Thank you.

14           MR. DIETER: On the pro se initiative, or  
15 whatever, when we were in Maryland they had a sort of a  
16 pro se screening session that they did with people. I  
17 don't know, are you aware of that, where they sort of  
18 went through a series of questions as to whether or not  
19 you're an appropriate person to be representing  
20 yourself in this situation.

21           MS. PAUL: Yes. It's an interesting debate  
22 that has occurred within our agency, as to whether to

1 do that or not do it.

2           If it's a case that we directly help, we do a  
3 screen like that. We look to see whether -- if it's  
4 contested, how much is it contested. Is it about  
5 children? If it's a family law case, or as I always  
6 say, "Are you just fighting about a toaster," and in  
7 that case you can fight about it yourself.

8           But we do a pretty heavy screening if it's  
9 something where we're directly involved. And the  
10 debate has been do we make those forms available to  
11 anyone so we don't have control over, you know, who  
12 uses them, and whether it's appropriate for them to use  
13 them.

14           And we have come down at this point -- we have  
15 extensive instructions that go with those forms and  
16 extensive warnings that say, "If you have real estate,  
17 if you have any of these things, you might not want to  
18 do this, you might want to talk to a lawyer. This is  
19 not the way to do it." But we have erred on the side  
20 of providing access.

21           MR. DIETER: They also sort of went into the  
22 emotional, you know, sort of personal causes, in terms

1 of, "Are you a person who can meet a deadline? Are you  
2 a person who can follow a schedule? Are you just  
3 trying to get back at the other" -- you know, a whole  
4 series that way that I thought were pretty interesting.

5 MS. PAUL: Yes. We look at that in our  
6 individual screening. There is a series of questions  
7 that we have intake workers ask clients to see if  
8 they're appropriate for a pro se process.

9 We look at some of that, things that we know  
10 to get at those issues. It's not quite as organized as  
11 Maryland.

12 MR. DIETER: Yes, that's pretty -- yes.

13 MS. PAUL: Yes, I have seen -- I think their  
14 system is wonderful.

15 I think it's great.

16 MR. HALL: Thank you very much. Well, again,  
17 I want to thank Klaus and all of the presenters for  
18 providing us with some valuable information and  
19 insight.

20 And so, thank you for the time that went into  
21 preparing it and for the way it was presented. And I  
22 think all of the committee members and board members

1 have benefitted from hearing it.

2           Because of having already gone over our at  
3 least scheduled time, and not wanting to interfere too  
4 much with the finance committee that needs to start  
5 soon, we had scheduled a report on the status of the  
6 mentoring project that Helaine was going to update us  
7 on.

8           What I would suggest is that since it is a  
9 report that is not going to require any action of the  
10 committee at this time, that if she could make it a  
11 part of her report to the board tomorrow, then that  
12 will save us a little time now.

13           Public comment, if there is any?

14           (No response.)

15           MR. HALL: Are there any other actions that  
16 the committee members would like to bring before this  
17 committee?

18           (No response.)

19                                   M O T I O N

20           MR. HALL: Then I would consider a motion to  
21 adjourn the meeting.

22           MS. MERCADO: So moved.

1 MR. HALL: A second?

2 MR. SUBIA: Second.

3 MR. HALL: Okay. Meeting adjourned. Thank  
4 you all.

5 (Whereupon, at 3:43 p.m., the committee  
6 meeting was adjourned.)

7 \* \* \* \* \*