

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

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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 * * * * *