

Wisconsin Access to Justice Commission

Annual Meeting

March 10, 2011

10 am – 3 pm

Madison

Attending: Howard Bichler
Rebecca Blemberg
Duana Bremer
Hannah Dugan, Treasurer
John Ebbott
Michael Gonring
Marsha Mansfield, Secretary
Lisabeth Marquardt
Gregg Moore, President
Maurice Rice
DeeDee Rongstad
Hon. Margaret Vergeront
Hon. Glenn Yamahiro

Absent: Kelly Burger
Bill Ribbens
Marvin Wopat

Also Attending: Dannise Bartlett, Reporter
Jeff Brown, Staff Liaison
Hon. C.A. Richards, Wisconsin Judicare
Beth Ann Richlen, Wisconsin Judicare
Nancy Rottier, Wisconsin Supreme Court
Pat Ruppert, State Bar of Wisconsin

President Moore called the Annual Meeting to order at 12:10 pm.

Review meeting with the Supreme Court

The board discussed its meeting earlier in the day with the Wisconsin Supreme Court Members agreed that the meeting was very positive. It was a good opportunity to share what the Commission is doing as well and gather questions or suggestions from the Court.

Approval of Minutes

President Moore asked if there were any changes to the draft minutes of November 17, 2010. There were no changes. An Ebbott/Rice **motion** to approve the minutes passed unanimously.

Officer & Staff Reports

- a. **President's Report** – Moore reported that members of the Commission's Executive Committee met with State Bar Executive Director George Brown and President Jim Boll on

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February 18 to update them about the Commission's progress. President Boll confirmed his strong support for the Commission and its work. Moore also reported that State Bar President-elect Jim Brennan will be going to the national Equal Justice Conference and Access to Justice meeting in May in Las Vegas (Moore and Brown will be attending the event as well).

- b. **Treasurer's Report** - Dugan will cover the budget later in the agenda.
- c. **Secretary's Report** - No report
- d. **Staff Report** - Brown reported that the State Bar expects to hire a new administrative staff person very soon who will be able to provide additional support to the Commission and its committees.

Announcements

- a. Mansfield reminded everyone that the National Equal Justice Conference is in mid-May. The Commission has funds for several members to attend. Moore plans to attend. Interested board members were asked to contact staff if they were interested in attending. Mansfield emphasized that in her experience this is an excellent conference to attend.
- b. Brown mentioned that ABC for Health is organizing a series of hearings in Madison about proposed changes to Medicaid and BadgerCare. Their approach to hearings may be something that the Commission or a committee could investigate as a model.
- c. Moore asked if anyone would like to share any information from the Wisconsin Equal Justice Conference that was held last Friday. Yamahiro thought the program presented useful and interesting information on cultural aspects of the justice system and our assumptions that the Commission will need to keep in mind as it does outreach or programs. The session on cultural alternatives to litigation was also interesting. Mansfield said the reception was a particularly nice gathering and a good way to recognize some outstanding attorneys and law students.

Committee Reports & Requests for Action

- a. **Courts & Administrative Tribunals** – In today's meeting with the Supreme Court, Bichler reported that the committee is working on the following issues: how to gather judicial views on issues raised by the civil right to counsel petition; the judicial role as it applies to self-represented litigants, including possible amendments to the Code of Judicial Conduct; and interactions between state and tribal courts. Bichler said there was no additional report, but the committee will be meeting soon.
- b. **Delivery of Legal Services** – Gonring reported on the committee's work on the civil right to counsel petition. He does not expect it to be set for a hearing before the Fall. The committee's goal is to bring a recommendation to the full board at the June meeting. Ebbott asked Commission members to read the memorandum in support of the civil right to counsel petition, particularly the first and last sections of the memo. Moore noted that groups in Maryland and New York have been working on this issue as well. He also said the State Bar is interested in the Commission's recommendation.
 - i. Ebbott requested that the board re-examine the previously approved statement on Essential Capacities, particularly number 9 in the list. The Essential Capacities was not discussed at the November board meeting and he would like the board to discuss that part of the document

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- in person. Other board members noted that the document had been sent to members multiple times by email for review and comments. Moore indicated that the board could have an opportunity to discuss the document more at the June meeting if necessary.
- c. **Public Awareness & Justice Education** - Rice reported that the committee is developing a request for proposals to send to media relations firms that might be able to assist with the preparation of Commission outreach materials.
- d. **Research & Resource Development** – Mansfield indicated that the committee is requesting board action on two resolutions related to funding for civil legal services.
- i. Rongstad distributed a draft resolution on the subject of restoring state funding for civil legal services to the indigent. She also reported that the group of providers she represents is unlikely to actively pursue a change to the budget proposal. The committee discussed possible changes to the draft resolution language to make it more general or more specific as to what the Commission wants and how the funding should be restored. Vergeront suggested voting on a general policy statement of support for restoring the funding and then work out the detailed wording outside the board meeting. President Moore suggested that since this request for action is coming from the Research & Resource Development Committee, the committee should finalize the wording in line with the board’s direction. Rongstad/Mansfield **motion** passed unanimously: the Commission urges the Legislature to restore state funding in the budget for civil legal services.
 - ii. Federal Funding - There was discussion on the federal funding resolution related to the Congressional appropriation for the Legal Services Corporation. Mansfield distributed the resolution passed by the ABA House of Delegates on the same subject. Mansfield/Bremer **motion** approved unanimously: to adopt the form of the ABA resolution opposing any proposal to cut funding for the Legal Services Corporation for the Fiscal Year 2011 and urging Congress to support increased funding of the Corporation to the level necessary to provide needed services to low income Americans.
 - iii. Mansfield reported that she asked De Ette Tomlinson from WisTAF to join the Research & Resource Development Committee as a non-voting member and she is interested in doing so. Mansfield/Gonring **motion** to add De Ette Tomlinson to the Research & Resource Development Committee was approved unanimously.
- e. **Finance** – Dugan reported on how the budget was developed for next fiscal year. A draft of the proposed budget was distributed at the meeting. The budget serves as the basis for the Commission’s grant request to the State Bar. For the budget we used the State Bars format. The current budget line items were the base and then each committee was asked to submit requests for funds for their work. The Finance Committee and staff then compiled the overall budget based on those requests with input from the Executive Committee. Bichler explained the State Bar’s budget process and timeline. There was a discussion of current expenses, what should be added to the draft budget and items were new. Staff time and overhead costs may be donated again by the State Bar but that is not certain. The Commission will be sending a letter to the State Bar requesting donation of staff time and overhead. Rice/Blemberg **motion** was approved unanimously: to approve the FY12 proposed budget as amended to add \$200 to the miscellaneous line item.

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- i. Dugan also reported that the committee sent out RFP's to accountants to handle a financial review and preparation of the IRS 990.
- ii. Policies on committee minutes and records retention adopted by the Executive Committee originated in this committee. A whistleblower policy is also being developed.
- iii. Dugan requested board authorization to send two board members to the ABA/NLADA Equal Justice Conference and the ABA Access to Justice Chairs Meeting scheduled for May 19-21 in Las Vegas. Brown will also be attending the meetings. Rongstad/Mansfield **motion** to allocate \$3,000 from this year's budget for travel by Moore and another board member to attend to the ABA/NLADA Equal Justice Conference and ABA Access to Justice Chairs Meeting was approved unanimously. Brown asked Commission members to notify him by Monday if they are interested in attending.
- f. **Executive** - President Moore presented for board approval two policies that the Executive Committee approved between regular board meetings. The policies relate to record retention and the maintenance of committee minutes. Counsel recommended that the Commission adopt both policies as good nonprofit governance practices. Ebbott/Rice **motion** to approve the records retention and minutes retention policies was approved unanimously.

Bylaw Amendments

Dugan reviewed the revised draft of the bylaws that was distributed to the board on February 28, 2011 along with the Notice of Annual Meeting.

- a. Article VI would be amended to change the end of the fiscal year to June 30 of each year to be consistent with the State Bar and other potential funding sources.
- b. Article II, Section 3(b), Method of Appointment, would be changed to say that the details of the appointment process would be according to a set of procedures and timelines in a separate policy to be established by the Commission.
- c. In Article II, Section 6, Vacancies, the bylaws would be changed allow a board vacancy to be filled with an Interim Director nominated by the Executive Committee for the remainder of the vacant seat's term. The appointing authority would not fill the vacancy.
 - i. The Commission discussed this proposed change and most board members recommended that the bylaws allow appointing authorities the chance to fill any vacancy before any other method is used. This would require some notice and time for the appointing authority to make a appoint a replacement board member.
- d. The Finance Committee would also be one of the committees specifically authorized in Section 18 of Article II.

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- e. After discussing the proposed changes the board decided to move forward today with only the change in the fiscal year.
 - i. Rice/Bichler **motion** approved unanimously: to change the end of the fiscal year in the bylaws from “the last day of December” to “the last day of June” in what is now Article VI.
 - ii. Bichler/Rice **motion** approved unanimously: to refer the question of how vacancies should be filled back to the Executive Committee for revision and clarification in time for a review and vote at the June meeting.

Annual Election of Officers

Chairperson Moore reported that the President, Secretary, Treasurer and the At-Large member of the Executive Committee terms are concluded. The incumbents in those positions are willing to serve another term. There were no other nominations. The assumption is that Dugan will be reappointed by the State Bar to a new term on the Commission. Yamahiro/Rongstad **motion** was adopted unanimously: to approve the incumbent slate of candidates for another 1 year term.

New Business

- a. State Budget Update - The meeting began with an update on the state budget from Nancy Rottier, the legislative liaison for the Wisconsin Court System. The [Governor’s budget proposal](#) is being considered as [Senate Bill 27](#) and [Assembly Bill 40](#). There is obvious concern about the elimination of state funding for civil legal services from the Justice Information Surcharge. An unexpected budget provision authorizes counties to establish self-help centers and to charge a fee for that service but it also contains a prohibition on volunteer attorneys providing legal advice at such clinics. The prohibition is a matter for concern. The origin of the provisions on county self-help centers is a mystery. The court system’s budget would be cut 10% outside of salaries and benefits.
Joint Finance Committee will conduct the first review of the budget and set a series of public hearings.
- b. Media policy – President Moore asked the Commission to review the proposed media policy that was previously distributed. The board will take action on it in June. Comments or suggestions can be sent to Dugan or Brown.

Next meetings (all meetings 10am-3pm)

- Thursday, June 16, 2011 - State Bar, Madison
- Thursday, September 8, 2011 - Northern WI (location TBD)
- Friday, November 18, 2011 - Milwaukee (location TBD)