

**ACCESS TO JUSTICE COMMISSION  
STATE BAR CENTER  
Friday, January 7, 2011  
Minutes**

**COMMISSIONERS PRESENT:**

Hon. Petra Jimenez Maes, Co-Chair  
John Watson  
Joey Moya  
Hon. Nan G. Nash  
Andrew Montgomery  
Hans Voss, State Bar President Elect

Hon. Sarah M. Singleton, Co-Chair  
Thomas W. Olson  
John Arango  
Levon Henry (by telephone)  
Gregory Ireland

**COMMISSIONERS ABSENT:**

Michelle Giger  
Cisco McSorley  
Rep. Antonio "Moe" Maestas  
Douglas A. Echols

Antoinette Sedillo Lopez  
Bruce Hall  
Dorene Kuffer

**STAFF:** Tina R. Sibbitt (AOC/ATJ Staff Attorney)

**INTERESTED PARTIES:**

Kate Mulqueen  
Jodie Schwebel  
MaryAnn Baker-Randall  
Lisa Schatz-Vance  
Joe Conte  
Renee Valdez  
Gail Evans  
Rosalie Fragoso  
Geoff Nims

Liz McGrath  
Amy LaFaver  
Carol Garner  
Rob Mead  
Pat Stelzner  
Kasey Daniel  
Prof. Gloria Valencia-Weber  
Conrad Rocha  
Gloria Molinar

1. **Call to Order.** The Access to Justice Commission was called to order at 12:10 p.m. by Commission Co-Chair Judge Singleton.
2. **Introductions.** Meeting attendees introduced themselves and indicated in which working group they are participating. Joe Conte introduced Hans Voss, the new State Bar President Elect (replacing Jessica Perez). Mr. Voss will be on the Pro Bono and System Planning working groups. John Watson announced that as of the end of January, he will no longer be with NMLA and also that the Socorro NMLA office is closing due to budget cuts.
3. **Commissioner Appointments.** Justice Maes announced that by Supreme Court Order dated Jan. 1, 2011, the following ATJ Commissioners were reappointed to three-year terms: Hon. Petra Jimenez Maes, the Hon. Sarah M. Singleton, Levon B. Henry and John D. Watson.

Hans Voss was appointed to the slot for the State Bar President Elect. The following were appointed as permanent members: Prof. Antoinette Sedillo Lopez or Dean of UNM Law School designee, Sen. Cisco McSorley or Senate President designee, Rep. Antonio "Moe" Maestas or House Speaker designee, and Joey Moya or Supreme Court Chief Counsel. The Hon. Petra Jimenez Maes and the Hon. Sarah M. Singleton were further ordered to continue as co-chairs, and the updated roster is to be posted on the ATJ website.

4. **Legislative/Civil Legal Services Commission (CLSC) Report.** John Arango reported that remaining \$36,000 was divided between Law Access NM to assist with replacement of failed computer systems and equipment, Legal FACS to help make up for the expiration of the five year domestic violence grant monies, and to NMLA to assist with its current budget shortage that is producing layoffs and office closures. **Budget.** DFA and LFC updates are not available before Monday of next week. The new Governor may change the current governor appoints to the CLSC. Gail Evans stated that Kim Posich still thinks that the proposal to eliminate the legislative appropriation for CLSC distributions to legal service providers is still a strong possibility. Kim is coordinating provider lobbying efforts but has had a low level of participation from other providers. Anyone wishing to assist should contact Kim. Judge Singleton requested that Kim add Tina to his email list to ask for action from the ATJ Commission or from the Supreme Court, and should also provide the list with current committee members. Joe Conte has talking points. Liz McGrath announced that Jan. 19 is Justice for All Day at the Roundhouse and there are related brochures.
  
5. **2011 Commission Goals.** The co-chairs listed the 2011 ATJ Commission goals as (1) assist as possible to maintain or increase funding for legal service providers in the current budget crisis; (2) provision of pro se forms statewide; (3) increase full representation component of pro bono efforts, especially in the area of family law and especially in light of decreased legislative funding of legal service providers. (Updating the State Plan is an ongoing task of the Commission.) The October Law-la-paw-looza event in Albuquerque was cited as having produced 750 direct representations. Discussion followed on the need for CLEs for volunteer attorneys in landlord-tenant, family and poverty law and discrete task representation. Discussion ensued on re-visiting the idea of making pro bono service mandatory for attorneys. Current barriers to increased pro bono service are lack of time and of knowledge in the subject matter. Justice Maes indicated that the Court might not be prepared to go further than the recent mandatory reporting rule change. Joe Conte pointed out that while pro bono hours may not have noticeably increased or are inaccurately reported (i.e., attorneys improperly crediting their non-paying cases as pro bono), the amount of donations to providers has doubled since reporting became mandatory. There was also discussion about mandatory court ADR programs as to whether service in those programs should qualify for pro bono service (Judge Singleton said it should as it improves the quality of justice) and whether the free or low-cost ADR service should be limited to low income parties. It was also noted that the VAP of the 2<sup>nd</sup> judicial district should be more available statewide as contemplated by the 10 Step Plan, but that locals often don't want to give up control of their programs and/or don't know the resource is available. Outreach/education of pro bono resources and discrete task representation (for both attorneys and judges) is needed to increase pro bono service

levels. Tom Olson noted that EAJ has conducted several interactive professionalism sessions for which Kate Mulqueen will soon be providing summary reports. A sub-group of John Watson, Amy LaFaver, Rose Fragoso, MaryAnn Baker-Randall and Rob Mead are to work on Nuts & Bolts Training for volunteers, CLEs, and outreach to the local pro bono committees, and then present their ideas and a proposed plan to the Pro Bono/Media Working Group. Part of this plan will be a regular column in the Bar Bulletin to discuss ATJ issues, the education needs discussed above and in item 6 below. The first column is to address discrete task representation.

6. **Pro Bono Attorneys and Costs.** Rose Fragoso raised the issue of whether volunteer attorneys taking a pro bono case are obligated to pay for a sign interpreter when the ADA requires equal language access in non-profits. Judge Singleton pointed out that “reasonable accommodation” only is required and that telephone services are less expensive than live interpreters. Amy LaFaver asked a similar question about filing fees and use of local committee monies provided by the State Bar. Available VAP and State Bar funds to pay are extremely limited. Discussion ensued as to whether free process is being applied for or ordered when appropriate. The need for education for both attorneys and judges for free process was also discussed. Gail Evans commented that these access issues might be raised in the NCSC’s Re-engineering Task Force, which seeks to increase access to justice and court efficiency in times of decreased budgets. A related survey is to go out and the ATJ Commission should respond (probably after the legislative session).

7. **Reports from Working Groups**

- a. **Pro Bono/Communication/Outreach.**

Nothing to report.

- b. **Resource Development.**

Tom Olson reported that the good news that the IOLTA reparation bill passed Congress and IOLTA accounts will continue to be covered by FDIC. Joey Moya reported that the Civil Rules Committee resolved its questions about the Unclaimed Property Act, and approved the proposed changes to the cy pres rule. Tom Olson reported that the trial/contemplated merger between the State Bar Foundation and EAJ of the last three years was terminated, and the EAJ will continue as a separate entity separate from the Bar and will continue to fund only the four designated statewide providers: NMCLP, LANM, NMLA and DNA. Kate Mulqueen moved from EAJ to be the director of the Bar Foundation; the EAJ will be naming a new director and will move its offices out of the Bar. Justice Maes reported that yesterday the Supreme Court declined to appoint a mediator for the two programs. The Court is concerned with this type of non-legislative fund-raising and has scheduled an April 6 meeting for providers, EAJ and the Bar Foundation with the Court, by formal invitation from the Court.

- c. **System Planning**

Nothing to report, but Kasey Daniel noted the group is to meet after this meeting.

**d. Legislative/Rules**

Joey Moya reported that the free process amendments are approved and that the cy pres proposals are moving along. The Board of Bar Examiners responded to the proposed changes to the Limited License that they did not think that the providers should be specifically added, but that the 3 year limit on the licenses should be removed. This change meets the goal of increasing incentives for out of state attorneys to come work for legal service providers in NM indefinitely without being forced to take the bar examination. Joey will submit these comments to the Court.

**e. Self-Represented Litigants**

Tina Sibbitt reported that forms work continues and the group is exploring options to augment the automation effort through an SJI grant and by obtaining free interactive template development training for JID staff next week.

**11. Housekeeping – Annual Reports.** Tina Sibbitt asked the working group chairs to send their drafts of annual reports for 2010 to her for a final commission draft report to be finalized and voted on at the ATJ meeting in March. Tina will send out report format requirements.

**12. Adjourn**

There being no further business the meeting was adjourned at 2:30 p.m.