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Report and Recommendation to the MSBA

Regarding funding for the MSBA Civil Gideon Task Force

**MSBA Civil Gideon Task Force
August 14, 2008**

RECOMMENDATION

RESOLVED, that the Minnesota State Bar Association appropriate \$8,510 for expenses necessary for the Civil Gideon Task Force to pursue its mission.

REPORT

The MSBA Legal Assistance to the Disadvantaged Committee passed a resolution calling for formation of a Civil Gideon Task Force in August 2007. The Assembly approved the resolution that September, and Past President Brian Melendez named Mary Schneider and Kent Harbison as co-chairs. The Task Force had an organizational meeting in May 2008, and will hold its first substantive meeting on September 11, 2008. The Task Force currently has 61 members, representing every sector of Minnesota's justice system.

"Civil Gideon" is shorthand for a right to counsel in civil cases that effect basic human needs. The name refers to the case of *Gideon v. Wainwright*, where the U.S. Supreme Court found a constitutional right to counsel in criminal cases, regardless of ability to afford a lawyer.

The mission of the Task Force is "fact-finding in nature, with the goal of providing a thorough analysis of whether there exists a basis to establish a civil right to counsel, and how such a right would affect the legal services delivery, public defense, county attorney and judicial systems in Minnesota." The Task Force is needed because while:

Minnesota has a strong and relatively well-funded legal services delivery system, ... estimates are that it meets only about 20 percent of the client need. Creating a right to counsel in civil cases may expand access to justice, but it is not clear yet whether it is the best, or even a desirable, solution. There are several concerns, including the possible negative influence on legal services, public defenders,

county attorneys, and the judiciary as well as questions about which civil cases would qualify for counsel and how legal services priorities would be affected by right to counsel service requirements. On the other hand, more and more low-income clients are attempting to address complicated legal matters on a pro se basis. The courts are expanding self-help centers and web-based services, but many unrepresented litigants remain at a disadvantage. An attorney could make a difference in whether these individuals stay in their homes or keep custody of their children.

Minnesota is one of only a few jurisdictions in the United States that has undertaken such a broad and deep study of the possibilities and possible consequences of establishing a civil right to counsel. Because of Minnesota's national reputation as a leader on access to justice issues, the Task Force's work is being closely followed throughout the country.

Staff included funds for the Task Force's operations in its initial draft of the 2009 LAD budget. However, because the Task Force had not yet been formed, and the expenses were very hypothetical, they were included in a list of "possible savings" provided to the Operations Committee in case it needed to reduce the staff's proposed budget. The Operations Committee did delete those funds, knowing the Task Force could request funds through the special appropriations process later, when it had more information about its specific needs.

The Task Force has now begun meeting. Over the summer the chairs and staff have developed the Task Force's organizational structure and agenda. Two nationally recognized experts on Civil Gideon, Laura Abel of the Brennan Center, and ABA Past President Michael Greco (who will appear by video) will make presentations at the September 11 meeting. These presentations will help insure that all Task Force members begin their inquiries with a firm grounding in the background and issues surrounding the civil right to counsel debate.

The Task Force is making every effort to minimize its expenses. Ms. Abel's expenses will be paid entirely by the Brennan Center. Mr. Greco is making his presentation at no cost. The Task Force intends to invite other speakers, and must be prepared to cover their travel and lodging costs. The Task Force chairs intend to leverage resources wherever possible, hopefully engaging law schools and the private bar in sponsoring some of the Task Force activities.

The attached budget contains minimum costs necessary for the Task Force to fulfill its mission. Following is a line-by-line explanation of the budget items for FY 2009:

- Speakers: the Task Force plans on inviting two additional speakers. We are budgeting \$1000 (\$500 x 2) for travel and \$600 (\$300 x 2) for lodging.
- Meeting expenses: refreshments for semi-monthly full Task Force meetings, and monthly meetings for 3 working groups. The budget is \$150

per meeting, for 6 meetings for the full Task Force, totaling \$900. We anticipate having three working groups which will meet monthly. We are budgeting \$60 per meeting, times 36 meetings, totaling \$2160.

- Public Hearings: the budget includes expenses for renting meeting rooms and providing refreshments for 3 public hearings. We are budgeting \$300 per meeting for room rental, and \$150 per meeting for refreshments. The total is \$1350.
- Other expenses: funds for copying, telephone and other routine supplies, \$500, and for printing of a final report, \$2000.

The request totals \$8510. A budget table is attached at the end of this report.

With the creation of the Civil Gideon Task Force, the MSBA has once again established Minnesota as a national leader on access to justice issues. The requested funds are a minimum investment in the Task Force's success.

Respectfully submitted,

Civil Gideon Task Force

Mary Schneider, Co-chair

Kent Harbison, Co-chair

Proposed Civil Gideon Task Force Budget FY 2009

	EACH	TOTAL
Speakers - 2		
Travel	\$500	\$1,000
Lodging/Meals	\$300	\$600
Meeting Expenses - 6 Task Force meetings, 3 x 12 working group meetings		
Food (full Task Force)	\$150	\$900
Food (working groups)	\$60	\$2,160
Public Hearings - 3		
Room rental	\$300	\$900
Refreshments	\$150	\$450
Other expenses		
Postage and supplies		\$500
Printing		\$2,000
TOTAL		\$8,510