

**Minnesota State Bar Association**

**Civil Gideon Task Force**

**January 15, 2009**

***Minutes***

Present: Mary Schneider, Kent Harbison, Mary Ellen McGinnis, Mary Jane Morrison, Kathleen Murphy, Bridget Gernander, Beverly Balos, Sam Hansen, Cathy Haukedahl, Gary Hird, Bricker Lavik, Diane Heins, Rana Fuller, Emily Matson, Larry McDonough, Janine Laird, Max Heerman, John Allison (MJF), Stacey Tidball (MSBA staff), Steve Hirsh (MSBA staff)

By telephone: Sharon Horozaniecki, Jack VanDeNorth, Jean Binkovitz

Guests: Justice Helen Meyers

1. Introductions
2. Report of Parent Legal Representation Workgroup (Justice Meyers): Workgroup looked at issue of representation of parents from perspective of best interests of child. History of parental representation: county, then public defender responsibility after state took over funding of courts. Unclear whether counties had ultimate responsibility. After public defenders stopped taking cases, Judicial Council directed judges to address issue on a case by case basis. Also established this Workgroup. Currently up to each county for how to insure and fund representation. Right to counsel is in state statutes, but no requirements about funding. Workgroup affirmed need for quality representation in these proceedings; improves outcomes for children; is a cost-effective investment; improves judicial decision-making, improves performance on national standards (Minnesota currently not in compliance with federal permanency standards, possibly threatening federal funding). Conclusion: legislature needs to address the problem. Recommendations: create statewide entity, with funding, to insure representation of parents, or separate division of Board of Public Defense. Need cannot be met with volunteer attorneys. Judicial Council not advancing legislation at this time. Judges Tom Neville and David Knutson have developed expertise on these issues.
3. Minutes of November meeting: approval moved, second, approved.
4. Public education opportunities
  - a. Minn. Law & Politics: updating Civil Gideon piece from several years ago. Mary Schneider, Kent Harbison, Jack VanDeNorth. Other volunteers welcome.
  - b. CLE/public conference being discussed by Judiciary Committee, including Earl Johnson. Possibly in conjunction with Law Day, Statewide Legal Services conference.
  - c. National Council on Civil Right to Counsel: requesting that this Task Force be topic of discussion of January meeting. (Steve Hirsh, Mary Schneider).
  - d. Judge Tilson's cable access television program: Cathy Haukedahl, Perry Wilson

## 5. Committee Updates

- a. Judiciary Committee: see minutes of December 19. Steve to distribute them to entire Task Force.
- b. Practical Issues Committee: see notes of December 17 meeting. Will meet with Unmet Needs committee after this meeting to coordinate tasks, responsibilities. Suggestion to examine New York report for help with creating a structure for committee's work. Diane Heins will be co-chair during legislative session.
- c. Unmet Needs Committee: Defining its tasks. Meeting today with Practical Issues Committee.
- d. Academic Inquiry: Janine Laird has agreed to chair. Student writing project for Access to Justice writing course to begin next week (Mary Jane Morrison). Mary Failing at Hamline will teach course. Need lawyer with practical experience to serve as contact for students. Topics:
  - Study Sec. 8 cases in Hennepin County Housing Court – at what point would having a lawyer impact cases (Larry McDonough).
  - William Mitchell program for women prisoners: study recidivism.
  - Survey ALJ's re: food stamp benefit cases, current issues, where are lawyers necessary. Identify long-term consequences when people lose benefits.
  - Develop "back story" of a family custody case where right to counsel is at issue.
  - Traditional research project on common law antecedents for right to civil counsel, and how it relates to Minnesota.
  - Transitioning Project: calling retired lawyers into service. Survey large law firms about possibility of underwriting practice expenses for lawyers moving into retirement.
  - Literature survey of Civil Gideon materials (librarians at Hamline will work on this. John Allison available to help.)

## 6. Task Force planning (see Mary's PPT)

- a. New ideas suggested
  - Domestic Abuse and Harassment courts. Look at impacts of lack of counsel in domestic abuse cases.
    1. Important to look at issues in rural counties as well as Hennepin and Ramsey
  - Look at incentives and how represented parties act differently than unrepresented parties. Also, perception that a "free" lawyer is inferior to a "paid" lawyer.
  - Law day events (Jean Binko)
  - Focus groups as a possible alternative to public hearings

## 7. Meeting schedule for 2009:

**March 19, May 21, September 17, November 19**

All meetings at 11 a.m. at the MSBA