

Agenda
Montana Supreme Court Access to Justice Commission
June 3, 2016
Large Conference Room, Office of the Court Administrator
301 S. Park, Third Floor, Helena, MT
1:00 – 3:30 PM

- I. Approval of meeting minutes from 3/04/16 meeting: Justice Baker (1:00 – 1:05)
- II. Committee Reports:
 - a. Public Forum Update: Matthew Dale (1:05 – 1:15)
 - b. Law School Partnerships Committee Report: Hillary Wandler (1:15 – 1:30)
 - c. Self-Represented Litigants Committee: Abby Brown and Ann Goldes-Sheahan (1:30 – 1:50)
 - d. Strategic Planning Committee: Randy Snyder (1:50 – 2:00)
 - e. National Working Group Updates: (2:00 – 2:10)
 - i. Justice Baker – State Legislative Funding
 - ii. Alison Paul – Self-Represented Litigants
- III. Court Messaging for Self-Represented Litigants: Judge Carter (2:10 – 2:25)
Handout
- IV. Orders of Protection Worksheet Concept: Patty Fain (2:25 – 2:35)
- V. Report from the National Access to Justice Chairs Meeting: Judge Pinski (2:35 – 2:45)
- VI. Discussion of the Commission’s Legislative Proposal: Justice Baker (2:45 – 3:15)
Action Item: Vote on legislative proposal
- VII. Updates from the Court and Coming Topics: Justice Baker (3:15 – 3:20)
- VIII. Public Comment and Review Next Meeting Dates (3:20 – 3:30)

Montana Supreme Court Access to Justice Commission

March 4, 2016

Office of the Court Administrator

301 S. Park, Third Floor, Helena MT

1:00 p.m. – 3:30 p.m.

Meeting Minutes

Commissioners Present: Matthew Dale, Rep. Kim Dudik, Justice Beth Baker, Hon. Kurt Krueger, Hon. David Carter, Michele Robinson, Randy Snyder, Aimee Grmoljez, Melanie Reynolds, Hon. Greg Pinski, Dean Paul Kirgis, Ed Bartlett, and Andy Huff.

Commissioners Absent: Sen. Nels Swandal, Jennifer Brandon, Winona Tanner, and Alison Paul.

Others Present: Patty Fain, Hillary Wandler, Ann Goldes-Sheahan, Kay Pace, Niki Zupanic, Chris Manos, Michelle Potts, Beth McLaughlin, Patt Leikam, Kate Seaton, Abby Brown, Lisa Mecklenberg Jackson, Bruce Spencer, and Krista Partridge.

Call to Order: 1:01 p.m.

Justice Baker asked for comments or corrections to the December meeting minutes. There were no comments or corrections.

Randy Snyder moved that the December minutes be adopted and Rep. Dudik seconded. The motion passed without objection.

Self-Represented Litigants Committee Report

Anne Goldes-Sheahan provided an update on the activities of the Self-Represented Litigants Committee (SRLC). The SRLC will focus on Education & Outreach and Legislative Priorities over the near term. At the next committee meeting in April, individual members will choose areas of interest on which to focus. Erin Farris-Olsen is chairing the Forms Subcommittee and reported that the group has completed the dissolution forms and is now working on education and outreach for the forms. They've conducted training on the forms with Montana Legal Services and Self-Help Law Center staff, and Gallatin and Cascade Counties are currently piloting the forms.

Public Forum Update

Matt Dale and Patty Fain updated the group on the public forum schedule. The Billings forum will take place on March 16, 2016, and Patty Fain will be coordinating the event with assistance from Judge Carter. The date of the Missoula forum was changed to April 20, 2016, to coincide with Law Week. Justice Baker will attend the Billings forum, and Chief Justice McGrath and

possibly Governor Bullock will attend the Missoula forum. Matt asked for comments from those who have attended the any of the forums thus far. Judge Pinski said that the Great Falls forum was productive and well attended, and noted that he received good feedback from attendees and participants. Judge Carter said that Yellowstone County legislators have been invited to the Billings forum, but he's not sure which ones will attend. Justice Baker stated that representatives from the healthcare community in Billings are planning to attend the forum. Aimee Grmoljez added that 11 legislators have confirmed and 2 legislators are on the panel. Legislative candidates were also invited and some have expressed an interest in attending. Ed Bartlett indicated that he will follow up with local county commissioners and city council members. Justice Baker said that Kate Seaton is drafting a report on the forums and Matt added that a companion video will be produced. Patty Fain said that the Billings Gazette editor will be on the Billings panel and that she's hoping the Gazette will follow up with a series of articles. Judge Carter asked if a brief PowerPoint presentation could be created for use at Rotary Clubs or other venues so that the momentum could be continued after the forum. Aimee suggested that since so many public officials are expected at the Billings forum, we should be ready with "an ask" to at least plant a seed about the upcoming legislative funding effort.

Law School Partnerships Committee Report

Hillary Wandler reported that the Law School faculty is working with the committee to look at the student practice rule in an effort to remove barriers to pro bono service by students. A number of good ideas for expanding pro bono opportunities have been circulated and she will report on progress at the next meeting.

Strategic Planning Committee

Randy Snyder reported that since the formation of the Strategic Planning Committee at the last meeting, he has prepared a history of the formation of the Access to Justice Commission and its various committees and strategic plans. In addition, he has reviewed the ambitious goals of the Commission as set forth by the Supreme Court. Randy stated that his objective for the committee is to assess the Commission's accomplishments to date and prioritize which of the remaining goals can be reasonably accomplished, with particular emphasis on those objectives where work is already underway. He said that the committee will make its first report to the Commission before the next meeting.

National Working Group Updates

Melanie Reynolds reported that the Communications Working Group met with the group Voices for Civil Justice that is willing to partner with the Commission on strategic communications initiatives. Melanie and Justice Baker suggested that the customizable communications toolkit that Voices for Civil Justice provides to Commissions across the country would be valuable in support of the legislative funding campaign. Judge Carter stated that we need media expertise and help with content development if our legislative effort is to be a success. Rep. Dudik added

that our proposal will be dead on arrival if we don't have a good media effort, especially since we don't have the benefit of an interim committee that is working on this issue. Justice Baker noted that due to illness, Alison Paul is not present to provide an update from the Self-Represented Litigants Working Group, but that the group will report on its activities at the next meeting.

Development of Family Law Mediation Program

Justice Baker reported on the Family Law Mediation pilot on behalf of Justice McKinnon who was not present due to illness. Justice Baker said that Justice McKinnon would like direction from the Commission to move forward with the pilot program. The unfunded pilot would bring together the State Bar of Montana, the Self-Help Law Centers, and organized pro bono programs to provide opportunities for early mediation in family law cases. Beth McLaughlin said that the Law & Justice Interim Committee reviewed the North Dakota model, which was funded, but there was no interest from the committee in providing any funding for the pilot.

Judge Carter asked if Justice McKinnon wanted the Commission to set out goals and eligibility requirements, and he cautioned we should ensure that the time commitment needed from volunteer mediators would be limited. Patty Fain suggested limiting the pilot to very specific case types and to use fee waiver cases as an eligibility standard. Judge Krueger asked if the pilot could be conducted in both urban and rural areas, and whether there are enough resources available to do both. Judge Pinski stated that there may be untapped mediation resources since some attorneys may be more likely to do pro bono mediation rather than full representation. Rep. Dudik said that we need to ensure that quality mediators are used and that not every attorney is trained or equipped to conduct mediations. Patty added that the starting point for the pilot is a court connected program that offers very early "day of" mediation with a two hour session and that this model has a 60-80% success rate.

Randy Snyder cautioned against the Commission taking on another new task without analysis or funding. He added that pro bono mediation is a large unmet need in every jurisdiction in Montana, but that the Commission already has enough on its plate. Justice Baker responded that Justice McKinnon and the State Bar will be running this pilot, and that they are looking for the Commission's blessing so that it doesn't appear as if they have no mandate or coordination. Dean Kirgis stated that his experience with these kinds of programs is that you get what you pay for and that volunteer mediators are often just looking to gain experience. He added that there are often great risks and bad outcomes for unrepresented litigants in mediation, particularly for women and minorities, and that we should be careful as a Commission not to exacerbate existing problems.

Justice Baker stated that we can authorize the group to move forward with caution, or we can postpone the issue until the next meeting when Justice McKinnon can be present. Judge Krueger

said that the Commission does not need to make a resolution either way, and that the pilot does not need the Commission's blessing to proceed. Randy Snyder disagreed and stated that the Commission is tasked with coordinating all pro bono efforts in the state. Justice Baker added that the Commission should get regular reports about the progress of the pilot and should have the opportunity to provide direction. It was agreed that no formal motion was necessary, but that Justice McKinnon and the Bar would be informed of the Commission's discussion and asked to keep the Commission informed of their work. The State Bar's letter of support for the project is attached to the minutes.

2015 Montana Pro Bono Report

Patty Fain presented the Pro Bono Report for 2015 and elaborated on some of the items in the written report that was provided to the Commission in advance of the meeting. She stated that she is proud of the increase in reporting over the last 8 years and pointed out that the high rate of participation is particularly impressive given that pro bono service is not required. Patty added that this is the first time they have asked about limited scope representation, and 20% of attorneys reported providing this type of service.

Commission Legislative Proposal

Justice Baker said that the Legislative Proposal packet provided to the Commission prior to the meeting was developed by a small working group after the last meeting. The working group members are: Sen. Swandal, Rep. Dudik, Ed Bartlett, Andy Huff, Niki Zupanic, Aimee Grmoljez, and Al Smith. She referred the Commission to the memo in the packet from MLSA outlining what the agency could do with \$500,000 in funding. The consensus of the working group is that asking for general funds would be very difficult, especially given declining revenue projections, and that adding to an existing civil filing fee would be the best approach. Justice Baker directed the group to review the chart in their packets showing the fees collected from District Courts across the state.

Justice Baker stated that the action item is whether to move forward with a funding request at the 2017 Legislative Session. She added that if the action item is approved, the funding proposal will be drafted for action at the Commission meeting in June. Justice Baker called for discussion on the action item. Andy Huff stated his strong support for moving forward with the funding request, adding that state funding is central to fulfilling the core mission of the Access to Justice Commission. He said that the Governor's Office is supportive of the fee approach, but not a general fund request. Justice Baker said that according to Al Smith, it's critical that we ask for enough money to be able to demonstrate measureable results and that the memo from MLSA was included to help make that case. Rep. Dudik said that it's important not to concentrate the fees in one area and that our funding proposal should be broad-based.

Ed Bartlett stated his support for moving forward with the funding request, but added that he's not sure the fee approach is the best idea. He expressed concern that fee money that now goes to the general fund would be redirected, and that this shouldn't happen. He also stated that the proposal for use of the money should be very specific. Justice Baker replied that the funding would be allocated to the Office of the Court Administrator and would be distributed through a grant process by which MLSA and other civil legal aid providers would apply for funding. Rep. Dudik asked if family law mediation should be included, rather than just money for attorneys, and stated that we need judges to testify as to the need and potential impact of funds in each district. Ed Bartlett added that the Commission should also support the funding request for additional judges.

Judge Krueger stated that the fee structure is the correct approach and that our request shouldn't be intertwined with other funding requests. He added that the Commission should support the funding request for additional judges and that this should be an action item before the end of the year. Judge Krueger also noted that the number of fee waivers has gone up tremendously and that we need to factor this in to our proposal. Justice Baker added that dissolution fees have increased significantly over the years and we should not add to this burden. She also said that the more fees that we target, the broader the potential opposition. Judge Carter said that there will be opposition to sending any fee increases to Helena and that splitting fees where a portion goes to the counties might be a good approach. Judge Krueger asked how services would be delivered if small pots of money were scattered across the state, and that there are many pitfalls to each Justice Court needing to make a plan. Justice Baker suggested that perhaps the Court Administrator could disperse the funding proportionally. Michele Robinson recommended that we look at the Wyoming legislation and Justice Baker said that she would attempt to find the Wyoming information and have it distributed to the group. Rep. Dudik said that we can apportion fees statewide and filter the money back to the counties with guidance. Niki Zupanic suggested that community based mental health grants would be a good model for local spending and buy-in from legislators.

Bruce Spencer stated that the State Bar of Montana Executive Committee would review the funding request issue to determine if the State Bar will take a position, but it is likely that the State Bar will remain neutral. He added that from his personal perspective, the Justice Court judges and magistrates will be strongly opposed to any fee increase, and that a better way to obtain funding is through the general fund. Justice Baker said that our legislative experts have advised that a general fund request would fail, and that we need to reallocate the fees that are already being collected. Rep. Dudik added that we need to look at the history of fee increases to help guide our approach, but that we shouldn't allow thoughts of opposition dissuade us from moving forward. Justice Baker said that this funding request will be part of a holistic solution and that the judicial branch will be an area of focus in the 2017 Legislature. She noted that we

have been gathering data since the Commission's inception and we now need to use this data to move forward. Justice Baker asked for a motion on the action item.

2017 Legislative Funding Request Action Item: The Commission should proceed with draft legislation to present to the 2017 Legislature for funding for civil legal aid.

Rep. Dudik so moved and Ed Bartlett seconded the motion. The motion passed without objection.

Montana Judges Association Presentation, October 2016

Justice Baker reported that the agenda for the Spring Judges Association Meeting is already full, but that we are on the agenda for the October meeting. She stated that she'd like to get our Commission member judges on a panel to discuss pro se forms and to help make sure that self-represented litigants aren't turned away for using the forms. Judge Krueger and Judge Pinski agreed that this would be valuable.

Other Business & Wrap-up

Justice Baker opened the floor for public comments. There were no public comments. The next meeting will be held on June 3, 2016, and will include a vote on the legislative proposal. Additional meetings are planned for September 9 and in December, prior to the opening of the 2017 Legislature.

Justice Baker adjourned the meeting at 3:15 p.m.



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March 7, 2016

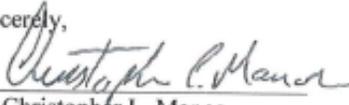
Justice Beth Baker, Chair
Access to Justice Commission
P.O. Box 203001
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Justice Bldg., Rm 414
Helena, MT 59620-3001

Re: Statewide Pro Bono Mediation Efforts

Dear Members of the Commission:

The State Bar of Montana, in partnership with the Alexander Blewett III School of Law's Mediation Clinic, has agreed to coordinate a working group to discuss the creation of a pilot district court-annexed early mediation program for family law cases. This effort will include key stakeholders from across the state. The first meeting of this group will take place via phone on Tuesday March 22nd, 2016. Please refer any questions or comments to Ann Goldes-Sheahan, Equal Justice Coordinator with the State Bar of Montana. Ann can be reached at agoldes@montanabar.org or by phone (406)447-2201. Additionally, contact Eduardo Capulong, Director of the Mediation Clinic at Eduardo.Capulong@mso.umt.edu or by phone at (406)243-6707.

Sincerely,


Christopher L. Manos
Executive Director, State Bar of Montana


Eduardo R. C. Capulong
Mediation Clinic Director, UM Law School

cc: Justice McKinnon,
Ann Goldes-Sheahan

IN THE SUPREME COURT OF THE STATE OF MONTANA
Case No. OP 16-0202

TROY HADLEY AND WENDY HADLEY,

Petitioners,

vs.

JUSTICE COURT OF MISSOULA COUNTY, MONTANA, HONORABLE
MARIE A. ANDERSEN, PRESIDING JUDGE,

Respondent.

BRIEF OF AMICUS CURIAE

On Petition from the Justice Court of Missoula County

Cause No. CV-2016-0473

Hon. Marie A. Andersen, Presiding Judge

Appearances:

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Montana Statutes

MCA § 25-10-404 1, 2, 4-6

1. Summary of Argument

Randall A. Snyder, Esq., amicus, submits this brief, supporting the petition of Montana Legal Services and Troy and Wendy Hadley. Amicus reaches for the broader issue: that MCA § 25-10-404 is subject to erratic and disparate treatment by Justice and District courts across Montana. The effect is a denial of access to justice to indigent parties. There are numerous, inconsistent forms and procedures. This Court should direct the Access to Justice Commission to petition for an amendment to the Rules of Civil Procedure, equally applicable to all Montana courts of any jurisdictional level, articulating a clear and consistent standard, procedure and forms for fee waivers in the state of Montana.

2. Hadley Petition

MCA § 25-10-404 is not a model of clarity. It allows for requesting a waiver from an affidavit and financial statement. But it offers no guidelines as to form or content. It provides no guidance or standards nor is there any requirement that a court order a fee waiver. Subsection (3) is noteworthy:

A person represented by an entity that provides free legal services to indigent persons is not required to file the financial statement required by subsection (1).

Justice Anderson offers assumptions and conclusions of her denial of Hadley's request. While she clearly intends to evaluate a litigant's true financial status, her means test is beyond the statute and discriminatory. She suggests subjective and

extraordinarily inappropriate commentary on a litigant's smoking, fingernails or tattoos as indicative of income. And to these "factors," she offers no objective means of measurement. Which fingernails are too expensive? How many tattoos indicate higher income? As for Hadley, she made no "measurement" at all, if it were even possible. If the court looks merely to the data Hadley's reported, then they qualify. Justice Anderson did not rule that the affidavit was inconsistent or incomplete. She didn't use her subjective standards. She simply denied it, which was error on the face of the affidavit. Hadley's have no resources or income and Justice Anderson offered no fact or reason to the contrary.

3. The Morass of Forms

Amicus attached as **Appendix A**, only a few of the plethora of forms available in Montana. A Montana internet search for "court fee waiver" or similar text produced 492,000 results and over 100 links to forms from judicial, agency and public assistance websites – just in Montana. Just a few are attached in **Appendix A**, illustrating their significant variation. Montana Legal Services Association's website links to www.montanalawhelp.org, which in turn provides the form from this Court's website, the very first appearing in **Appendix A**. Note the form's simplicity and lack of any financial statement. The very next form derives from the Montana Justice Department's website, referenced in MCA § 25-10-404(4). However, Amicus couldn't find it and consulted other counsel to find the correct

link to it. The third form in **Appendix A** derives from the Eleventh Judicial District for Flathead County. And this form differs from that of nearly every other jurisdiction. Some forms require full bank account and social security numbers. There is no rule nor any protection of confidentiality in any Justice court proceeding for such data. There is no protection for such a litigant in a district court unless a party requests and obtains an order to file documents under seal (explain that to a pro se litigant) or unless it is a domestic proceeding already under seal.

The lack of uniformity, the lack of confidentiality (plaintiff creditors must be delighted with the form providing social security and bank account information before judgment) discourage or deny access to a court and a denial of justice. Our own forms discriminate against indigents. And as noted below, judges routinely ignore pro bono or Montana Legal Service referrals of counsel by requiring affidavits at all. Only this Court's guidance and Rules can correct this.

Amicus attached **Appendix B**, financial affidavits in use in the states of Wyoming and Washington.¹ While Wyoming's is somewhat lengthier, it is abundantly more clear, easier to read and complete, is thorough and does not request confidential information. Note page 3, which requests only the last four digits of bank and credit card accounts. Social Security numbers are not requested. Compare Washington state's form which is a single page. In a condensed format, it

¹ Similar web searches in Wyoming and Washington all point to the State's single, uniform form and rule.

requests the same information as Wyoming, but in less intimidating fashion. Pro bono counsel report that clients can't or don't fill out affidavits because, aside from their poverty, they can't read or understand the form. Justice Anderson correctly notes that poverty is socioeconomic. But whatever the culture, there's also limited understanding. Barring parties from court because they cannot find or complete a form or pay filing fees denies justice.

There is no magic to a financial template. We cannot have fifty forms from twenty websites. If nearly every other state can mandate a uniform form by rule, so can Montana. It is past time to do so.²

4. Disparate Court Treatment Results in Discrimination to Indigents and Denial of Access to Justice

Justice Anderson's denial of the Hadleys' fee waiver application contained no explanation nor opportunity to provide additional information. There was no measurement of tans from tanning beds, tattoos, fingernails or cigarettes, none of which (fortunately) appears in MCA § 25-10-404, nor in any financial affidavit

² While beyond the scope of this appeal, the same holds true of all other pro se litigant forms in Montana. The Self-Represented Litigant's Committee (under the Access to Justice Commission) has easily spent thousands of combined hours writing uniform domestic-law forms. But there is no rule that they must be used and numerous other Montana websites contain competing forms. Many courts require their own forms. Pro se litigants are inundated and confused, but so is the Bar. California had standardized forms in 1983 when Amicus started practice. Nearly every state has followed, except Montana. To be blunt, until Montana mandates standardized forms, the bulk of the Self-Represented Litigant Committee's work has been a waste and counsel and litigants will waste time and resources just struggling with content and appearance of pleadings. The same result obtains: we discourage pro bono representation at the gateway.

template anywhere. The lower court's treatment of Hadleys is a mere example of the inconsistent and inappropriate treatment of indigents elsewhere. Here are other examples:

A. In *Centron Services, Inc. v. Shawn T. Davisson and Sena E. Davisson*, (Flathead County Justice Court) Defendant Shawn Davisson filed his fee waiver application from the first form appearing in **Appendix A**, from this Court's website. Amicus accepted the referral from Montana Legal Services and prepared and submitted Mr. Davisson's affidavit and a proposed order. The clerk (not the Justice of the Peace) refused to accept the application, declined to have the Justice consider or issue the order and refused to file Mr. Davisson's answer, violating MCA § 25-10-404(2). Amicus wrote to Justice Sullivan, requesting that the Court consider and rule on the application. In reply, the clerk (not the Justice of the Peace) issued a notice of hearing requiring the parties to appear. A copy of the Notice is attached in **Appendix C**. Amicus could not afford an additional one hour (traveling time from Bigfork) just to assist Mr. Davisson to answer the court's questions on his finances. The court violated subsection (3) as Amicus had informed the court that he was referred by Montana Legal Services.

B. In *Korchmar v. Korchmar*, Flathead County District Judge Robert Allison considered a fee waiver application by MLSA referred counsel and ordered the Petitioner to pay *one-half of filing fees*. A copy is attached in **Appendix C**.

C. Various counsel, including Ed Higgins of Montana Legal Services and Marybeth Sampsel of Kalispell, Montana anecdotally report that, in order to avoid disputes or wasted time with fee waiver applications, they pay the filing fees themselves out of their own pocket. Amicus has done so as well. How will we attract new, pro bono counsel when it's easier for the attorney to donate costs?

There is no consistency, no standard, and with the disparate treatment or outright denial by the courts, indigent parties are denied access to justice. But it's worse. It beats up pro bono attorneys. Every agency, bar association and public assistance provider struggles to acquire pro bono counsel for direct representation. The current, broken system discourages rather than encourages pro bono representation. We need to find more attorneys to help, not waste their time by wrestling with forms, bizarre standards or hearings just to enable filing pleadings.

This isn't rocket science and we can again look to the sensible rules sister states have enacted. Attached in **Appendix D** are procedural rules from Idaho and Washington State governing fee waivers. The rules are clear; particularly with the commentary following Washington's rules. We don't need to look far for a solution.

5. Request for Relief

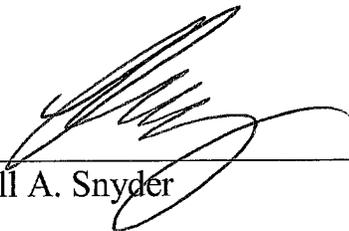
The Justice Court's denial of the Hadley fee waiver request should be reversed. This case presents the opportunity for a broader solution. Amicus requests that this Court direct the Access to Justice Commission as follows:

1. Prepare and submit to this Court an appropriate financial affidavit template which indigent individuals can complete themselves while protecting their privacy;
2. Propose amendments to the Rules of Civil Procedure, mandating that when counsel are representing a client referred by "an entity that provides free legal services to indigent persons" (quoting subsection (3)) **the court shall approve a fee waiver upon application without filing a financial statement;**
3. Propose amendments to the Rules of Civil Procedure for guidelines for the consideration and issuance of orders for fee waivers. All forms and amendments should apply to all jurisdictions and courts.
4. That a petition be filed with the Court proposing such amendments and forms by December 31, 2016. That's not much time, but there isn't much to do. Nearly every other state's done it but us.

6. Conclusion

This Court took access to justice seriously with the formation of its Commission. The Commission has completed and continues to complete significant work. But aside from lofty or long-range goals, here are mechanical repairs which can immediately impact and improve indigent access to justice. The State Bar of Montana, the courts, public assistance agencies and indigents in Montana will each benefit.

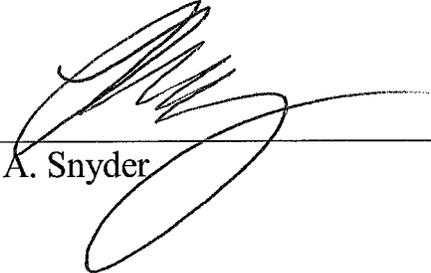
Dated: May 5, 2016.



Randall A. Snyder

Certificate of Compliance

I certify that this Amicus brief is printed with proportionally Times New Roman text typeface of 14 points; is double spaced and the word count as calculated by Microsoft Word is 1,680.



Randall A. Snyder

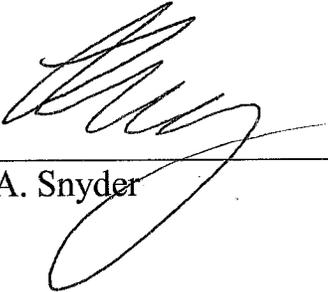
CERTIFICATE OF SERVICE

I certify that on May 5, 2016, I mailed a true copy of the foregoing petition by first-class mail, postage prepaid, addressed as follows:

Hon. Marie A. Andersen
Missoula County Justice Court
200 W. Broadway, 1st floor
Missoula, MT 59802

Keithi Worthington
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Missoula, MT 59802

Amy Hall
Montana Legal Services Association
616 Helena Avenue, Suite 100
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Randall A. Snyder

APPENDIX A

IN THE _____ COURT OF _____ CITY/COUNTY, STATE OF MONTANA

BEFORE _____, JUSTICE OF THE PEACE/CITY JUDGE

* * * * *

_____,)
_____,)
Plaintiff(s))
vs)
_____,)
_____,)
Defendant(s))

**INFORMA PAUPERIS
AFFIDAVIT AND ORDER**

Case No. _____

* * * * *

_____, being first duly sworn, on oath deposes and says:

That in the above entitled action, _____, has a good cause of action: that he / she is without funds and is unable to pay the costs of filing and service of this action or to procure security to secure the same and makes this Affidavit so that he / she may be permitted to action without prepaying the filing fees pursuant to the provisions of 25-31-113 MCA.

Date

Affiant

Subscribed and sworn to before me this ____ day of _____, 20__.

Notary Public for the State of Montana
Residing at _____, Montana
My commission expires _____

Let the applicant proceed without prepayment of costs.

Date

Judge

Name

Address

City/State/Zip Code

Telephone Number

MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY

_____)
 _____)
 Plaintiff(s),)
 -vs-) NO. _____
 _____)
 Defendant(s).)
 _____)

**AFFIDAVIT OF INABILITY TO PAY FILING FEES AND OTHER COSTS
 IN ACCORDANCE WITH 25-10-404 - 406, MCA**

STATE OF MONTANA)
) ss.
 County of _____)

I, _____, being first duly sworn, upon oath depose and say:

1. I am the (petitioner/plaintiff) or (respondent/defendant) in the above-entitled proceeding.
2. I have a good cause of action and am unable to pre-pay the costs or to procure security to secure the same, in accordance with § 25-10-404 - 406, MCA.

DATED this _____ day of _____, 20_____.

AFFIANT

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public for the State of Montana

Printed Signature

Residing at: _____

My Commission expires: _____

(NOTARY SEAL)

INDIGENCY QUESTIONNAIRE

CASE NUMBER _____

1. Name _____ DOB _____
2. Address _____
3. Telephone _____
4. Single _____ Married _____ Separated _____ Divorced _____
5. Employed? Yes _____ No _____ Self Employed? Yes _____ No _____
 - a. Employer's Name & Address _____
 - b. Your employment income? Monthly \$ _____
6. If unemployed, when last employed _____ Job _____
7. Dependents? Spouse _____ Number of children _____
Others (Specify): _____
8. If married, is spouse employed? Yes _____ No _____
 - a. Employer's Name & Address _____
 - b. Does spouse have any other income? Monthly \$ _____
(example: support payments, alimony, interest, rent income)
9. Do you have any other income from other sources? Yes _____ No _____
Monthly \$ _____ Sources _____
10. Do you have a car? Yes _____ No _____ Is it paid for? Yes _____ No _____
 - a. If not, how much do you owe? \$ _____
 - b. Year, Make, and Model _____
11. Do you own any land or other real estate, or are you buying any? Yes _____ No _____
 - a. What is its approximate value? \$ _____
 - b. How much did you pay for it? \$ _____ When? _____
 - c. Is it paid for? Yes _____ No _____
 - d. If not, how much do you owe? \$ _____
12. Do you have any:
 - a. Cash or savings? Yes _____ No _____ Amount? \$ _____
Name of Bank _____
 - b. Checking accounts? Yes _____ No _____ Amount? \$ _____
Name of Bank _____
 - c. Stocks or bonds? Yes _____ No _____ Value? \$ _____
 - d. Other property? Yes _____ No _____ Value? \$ _____
(for example, trailer, boat, camper, motorcycle, guns, tools, collections, etc.)
Describe: _____

STATE OF MONTANA)
) ss:
City / County of _____)

On this ____ day of _____, 20____, before me, a Notary Public for the State of Montana, personally appeared _____, known to me to

be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same.

Notary Public for the State of Montana
Residing at _____
My Commission expires _____

COURT USE:
Request Approved _____ Denied _____ Date _____

JUDGE _____

NAME: _____

MAILING ADDRESS: _____
(Street or P. O. Box)

(City/State/Zip Code)

PHONE NUMBER: _____

MONTANA ELEVENTH JUDICIAL DISTRICT COURT, FLATHEAD COUNTY

_____, Petitioner/Plaintiff, and _____, Co-Petitioner/Respondent/Defendant.	Cause No.: _____ FINANCIAL AFFIDAVIT OF INABILITY TO PAY FILING FEES
---	--

I, _____ [print name] hereby state as follows:

1. I am the Petitioner/Plaintiff Co-Petitioner/Respondent/Defendant in this matter.
2. I have a good cause of action or defense and am unable to pay fees.
3. I am providing the following financial information for the Court's consideration.

4. **PERSONAL INFORMATION:** Full Name: _____
 AGE: _____ Date of Birth: _____ Social Security No. _____
 ADDRESS: _____

Street address & mailing City State Zip Code

5. **INDIVIDUAL(S) DEPENDENT UPON ME FOR SUPPORT:**

NAME	RELATIONSHIP	AGE	CHILD SUPPORT (Amount you Pay)
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

6. **INCOME - FROM ALL SOURCES:**

I am currently employed unemployed.

If unemployed: I have been unemployed since: _____

If employed: I have been employed at _____ [company name] since _____ [date started] and my job position/title is _____.

My other job skills are: _____

My total income last year was: \$ _____

My total income for the previous year was: \$ _____

My present gross MONTHLY INCOME (before deductions) is \$ _____

Monthly deductions from my paychecks are as follows:

Federal Taxes	\$ _____	
FICA	\$ _____	
State Taxes	\$ _____	
Health Insurance:	\$ _____	[yours and children included]
Child Support:	\$ _____	
Other	\$ _____	
TOTAL deductions		\$ _____

Net pay: (Subtract total deductions from gross Monthly Income) \$ _____

7. OTHER INCOME:

Not applicable; or I receive the following amount per month/per year from the following source: _____ [Worker's Compensation, pensions, Social Security, child support, investments, inheritance, etc.]

NET MONTHLY INCOME (add income from 6 & 7) \$ _____

8. ASSETS: [see below for examples/use additional sheet if necessary]

<u>ITEM</u>	<u>VALUE</u>	<u>OUTSTANDING DEBT</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
TOTALS:	\$ _____	\$ _____

NET VALUE of Assets (total VALUE minus total DEBT) \$ _____
(See following page for examples)

[SAMPLES OF ASSETS FOR EXAMPLE ONLY]

	VALUE	OUTSTANDING DEBT	NET VALUE
Residence	\$150,000.00	\$50,000.00	\$100,000.00
Vehicles	\$13,000.00	\$7,500.00	\$5,500.00
Recreational vehicles/snowmobiles/boats	\$23,000.00	\$10,000.00	\$13,000.00
Guns/coins/art, coin, or stamp collections	\$10,000.00	-0-	\$10,000.00
CD's, stocks, bonds, trust income, business ownership	\$100,000.00	-0-	\$100,000.00

9. AVERAGE MONTHLY LIVING EXPENSES

Rent/Mortgage:	\$ _____	Utilities	\$ _____
Real Estate Taxes	\$ _____	Food	\$ _____
Insurance – health/auto	\$ _____	Clothing	\$ _____
Transportation – gas/auto	\$ _____	Recreation	\$ _____
Medical	\$ _____	Child Care	\$ _____
Education	\$ _____	Other	\$ _____

TOTAL LIVING EXPENSES \$ _____

PLEASE PROVIDE ANY FURTHER EXPLANATION OF YOUR INCOME AND EXPENSES IF NECESSARY: _____

I DECLARE UNDER PENALTY OF PERJURY AND UNDER THE LAWS OF THE STATE OF MONTANA THAT ALL STATEMENTS AND THE INFORMATION CONTAINED IN THE FOREGOING AFFIDAVIT OF INABILITY TO PAY FILING FEES ARE TRUE AND CORRECT.

DATED this _____ day of _____, 20____.

Your Signature

*****PLEASE NOTE YOU MUST ALSO SUBMIT THE PROPOSED ORDER ATTACHED AND INCLUDE A STAMPED, SELF-ADDRESSED ENVELOPE FOR THE COURT TO RETURN THE ORDER TO YOU*****

MONTANA ELEVENTH JUDICIAL DISTRICT COURT, FLATHEAD COUNTY

_____ Petitioner/Plaintiff, and _____ Co-Petitioner/Respondent/Defendant.	Cause No.: _____ ORDER
---	--------------------------------------

Upon Consideration of the Petitioner's/Co-Petitioners'/ Plaintiff's

Respondent's/Defendant's Financial Affidavit of Inability To Pay Filing Fees,

IT IS HEREBY ORDERED:

- That all officers of the Court shall perform the filing and issuance of the applicant's pleadings and the Court's Orders without demanding or receiving fees in advance.
- That the applicant's initial filing fees are waived, but the applicant shall pay the Judgment fees.
- _____

Dated this _____ day of _____, 20 _____.

DISTRICT COURT JUDGE

Send Order to:

Name: _____

Address: _____

ORDER

APPENDIX B

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

Plaintiff/Petitioner: _____,)
(Print name of person filing))

Civil Action Case No. _____

vs.)

CONFIDENTIAL

Defendant/Respondent: _____)
(Print name of other party)

**AFFIDAVIT OF INDIGENCY AND REQUEST FOR WAIVER
OF FILING FEES AND ALL FEES ASSOCIATED THEREWITH**

THE UNDERSIGNED REQUESTS THE COURT TO WAIVE FILING FEES IN THE ABOVE MATTER. THE UNDERSIGNED FURTHER ADVISES THAT INFORMATION CONTAINED IN THIS AFFIDAVIT IS THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH. I FURTHER AUTHORIZE THE COURT TO VERIFY ALL OR ANY PORTION OF THE FOLLOWING INFORMATION:

I. PERSONAL/LIVING ARRANGEMENTS/ RESIDENCE

1. My name is: _____
I am the Plaintiff/Petitioner Defendant/Respondent in the above matter.
2. Year of Birth: _____ Place of Birth: _____
3. Marital Status: Married Separated Unmarried (single, divorced or widowed)
4. My spouse's name is: _____
5. I currently reside at: _____, _____, _____, _____ How Long? _____
(Physical Address) (City) (State) (Zip) (Yrs-Mos)
(a) Mailing address (if different): _____
(b) I live with: spouse friend roommate parents
6. My Home Number is: (_____) _____ My Work Number is: (_____) _____
(a) I may be reached during the day at: (_____) _____
(b) You can leave a message for me at: (_____) _____
(c) My cell phone number is: (_____) _____

7. I own my home: YES or NO

If you own your home:

- (a) I owe \$ _____ on the mortgage.
- (b) The monthly mortgage payment is: \$ _____
- (c) The house I own could be sold for \$ _____
- (d) I pay lot rent of \$ _____/mo.

If you do not own your home:

- (e) I live with: _____
- (f) I pay \$ _____/mo. rent.
- (g) I gave the landlord a damage deposit of \$ _____
- (h) I pay lot rent of \$ _____/mo.

8. Previous Address: _____, _____, _____, _____
(Street Address) (City) (State) (Zip)

9. How long at previous address? _____ (Yrs/Mos)

II. OCCUPATION/EMPLOYMENT/INCOME SOURCES:

10. My occupation/trade is: _____

- (a) I am employed by: _____
- (b) My monthly GROSS income (before deductions, tax, etc.) is: \$ _____
- (c) My monthly NET income (after deductions) is: \$ _____
- (d) I am unemployed, the last time I worked was: _____
- (e) My last place of employment was: _____
- (f) If currently unemployed, please disclose the amount of your last paycheck: \$ _____

(g) I have the following OTHER sources of income:

- | | | | |
|--------------------------|--------------------|----------|--------------------------|
| <input type="checkbox"/> | Social Security | \$ _____ | |
| <input type="checkbox"/> | Workers' Comp. | \$ _____ | |
| <input type="checkbox"/> | TANF Benefits | \$ _____ | |
| <input type="checkbox"/> | Veteran's Benefits | \$ _____ | |
| <input type="checkbox"/> | Welfare | \$ _____ | |
| <input type="checkbox"/> | Child Support | \$ _____ | |
| <input type="checkbox"/> | Unemployment | \$ _____ | Wks/Mos Remaining: _____ |
| <input type="checkbox"/> | Other | \$ _____ | |

III. ASSETS:

11. I have the following cash, or other liquid assets, on hand: \$ _____

12. I and my spouse (if married) have the following savings and/or checking accounts:

NAME OF BANK	LAST 4 DIGITS OF ACCOUNT NO.	CURRENT BALANCE

13. I own the following vehicles, recreational vehicles, ATV's, motorcycles, tractors, boats, jet skis, etc:

YEAR	MAKE / MODEL	APPROX. VALUE

14. (a) My friends or family can give or loan me \$ _____ for the expenses of this action.
 (b) I can borrow \$ _____ for the expenses of this action.
 (c) I own other real estate (other than primary residence) worth approximately \$ _____.
 (d) I do do not expect to receive a \$ _____ tax refund on _____.
 (e) I am owed accounts receivable worth about \$ _____.
 (f) I own machinery or equipment worth approximately \$ _____.
 (g) Estimated value of household furniture and appliances is \$ _____.
 (h) I own clothing and jewelry worth approximately \$ _____.
 (i) I own guns worth approximately \$ _____.
 (j) I own tools worth about \$ _____.

IV. DEBTS/OBLIGATIONS:

15. I, or my spouse, (if married) have the following credit cards:

CREDIT CARD/LAST 4 DIGITS OF ACCOUNT #	MONTHLY PMT.	AMOUNT OWING	CREDIT LINE

16. I have the following monthly payments (including utilities, i.e. telephone, cable, etc.):

PAYABLE TO	MONTHLY EST. PMTS.	BALANCE OWING

17. I have remaining debt, as follows: (include to whom and the amount owed)

PAYABLE TO/ADDRESS/PHONE NUMBER	MONTHLY PMTS.	BALANCE OWING

V. OTHER:

18. The dependents I claim on my annual income tax returns are:

NAME (Initials Only)	RELATIONSHIP	NAME (Initials Only)	RELATIONSHIP
1)		4)	
2)		5)	
3)		6)	

19. I have read, am familiar with, and understand the following law of the State of Wyoming:

“A person commits a felony punishable by imprisonment for not more than two (2) years, a fine of not more than two thousand dollars (\$2,000), or both, if, while under a lawfully administered oath or affirmation in a matter where an oath is authorized by law, he knowingly makes a false certificate, affidavit, acknowledgment, declaration or statement other than in a judicial or administrative proceeding.” Wyoming Statute § 6-5-303.

 Signature
 Printed Name: _____
 Address: _____
 Phone Number: _____

STATE OF WYOMING)
)
 COUNTY OF _____)

Subscribed and sworn to before me by _____ this _____ day
 of _____, 20_____.

WITNESS my hand and official seal.

 Notarial Officer

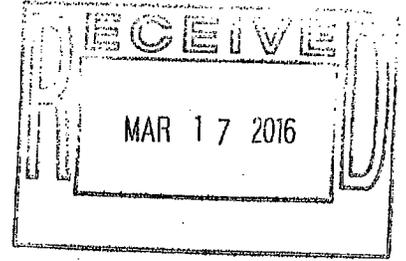
My Commission Expires: _____

Case Name: _____ Case Number: _____

Financial Statement (Attachment)			
1. My name is:			
2. <input type="checkbox"/> I provide support to people who live with me: How many? Age(s):			
3. My Monthly Income:		6. My Monthly Household Expenses:	
Employed <input type="checkbox"/> Unemployed <input type="checkbox"/>		Rent/Mortgage:	\$
Employer's Name:		Food/Household Supplies:	\$
Gross pay per month (salary or hourly pay):	\$	Utilities:	\$
Take home pay per month:	\$	Transportation:	\$
4. Other Sources of Income Per Month in my Household:		Ordered Maintenance actually paid:	\$
Source:	\$	Ordered Child Support actually paid:	\$
Source:	\$	Clothing:	\$
Source:	\$	Child Care:	\$
Source:	\$	Education Expenses:	\$
Sub-Total:		Insurance (car, health):	\$
<input type="checkbox"/> I receive food stamps.		Medical Expenses:	\$
Total Income, lines 3 (take home pay) and 4:		Sub-Total:	
\$		\$	
5. My Household Assets:		7. My Other Monthly Household Expenses:	
Cash on hand:	\$		\$
Checking Account Balance:	\$		\$
Savings Account Balance:	\$		\$
Auto #1 (Value less loan):	\$		\$
Auto #2 (Value less loan):	\$	Sub-Total:	
Home (Value less mortgage):	\$	8. My Other Debts with Monthly Payments:	
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$		\$ /mo
Other:	\$	Sub-Total:	
Total Household Assets:		Total Household Expenses and Debts, lines 6, 7, and 8:	
\$		\$	
Date:		Signature:	

APPENDIX C

IN THE JUSTICE COURT OF RECORD
FLATHEAD COUNTY, MONTANA



Centron Services, Inc., a corp. dba Credit Systems)

Plaintiff(s),)

vs.)

Shawn T Davisson Sena E Davisson)

Defendant(s).)

Docket No: CV-2016-0000305-CA

**NOTICE OF HEARING
TO PROCEED WITH
INFORMA PAUPERIS**

You are hereby notified that a hearing regarding the affidavit filed by defendant Shawn Thomas Davisson in the above-entitled case **has been scheduled for 3/23/2016 at 01:30 PM** in the Flathead County Justice Center, 920 South Main, Suite 210, Kalispell, MT 59901, Phone: (406) 758-5645 or (406) 758-2493.

DATED: March 15th, 2016

S/ KAYLA KILE, CLERK

Justice of Peace/Clerk of Court

pc:

Julia W. Swingley
PO Box 875
Helena MT 59624

Randall Snyder
Snyder Law Office, P.C.
PO Box 717
Bigfork MT 59911

APPENDIX D

Idaho Rules of Civil Procedure Rule 10(a)(6) Filing Fee--Waiver.

The filing fee prescribed by Appendix "A" to these rules must be paid before the filing of a pleading or motion listed in the filing fee schedule. Any waiver of the filing fee shall be made by the court upon verified application of a party which shall require no filing fee. Provided, the filing fees shall be automatically waived in any case in which a party is represented by an attorney under the Idaho Law Foundation Volunteer Lawyers Program, the University of Idaho Legal Aid Clinic, the Concordia University School of Law Housing Clinic, the Idaho Legal Aid Program, or an attorney under a private attorney contract with Legal Aid.

Washington General Rule 34:

**Waiver of Court and Clerk's Fees and Charges in
Civil Matters on the Basis of Indigency**

(a) Any individual, on the basis of indigent status as defined herein, may seek a waiver of filing fees or surcharges the payment of which is a condition precedent to a litigant's ability to secure access to judicial relief from a judicial officer in the applicable trial court.

(1) The application for such a waiver may be made ex parte in writing or orally, accompanied by a mandatory pattern form created by the Administrative Office of the Courts (AOC) whereby the applicant attests to his or her financial status or, in the case of an individual represented by a qualified legal services provider ("QLSP") or an attorney working in conjunction with a QLSP, a declaration of counsel stating that the individual was screened and found eligible by the QLSP.

(2) The court shall accept an application submitted in person, by mail and where authorized by local court rule not inconsistent with GR 30, electronic filing. The process for presentation of the application shall conform to local court rules and clerk processes not inconsistent with the rules of this court for presenting ex parte orders to the court directly or via the clerk. All applications shall be presented to a judicial officer for consideration in a timely manner and in conformity with the local court's established procedures. There shall be no locally imposed fee for making an application. The applicant or applicant's attorney filing by

mail, shall provide the court with a self-addressed stamped envelope for timely return of a conformed copy of the order.

COMMENT

This rule establishes the process by which judicial officers may waive civil filing fees and surcharges for which judicial officers have authority to grant a waiver. This rule applies to mandatory fees and surcharges that have been lawfully established, the payment of which is a condition precedent to a litigant's ability to secure access to judicial relief. These include but are not limited to legislatively established filing fees and surcharges (e.g., RCW 36.18.020(5)); other initial filing charges required by statute (e.g., family court facilitator surcharges established pursuant to RCW 26.12.240; family court service charges established pursuant to RCW 26.12.260; domestic violence prevention surcharges established pursuant to RCW 36.18.016(2)(b)); and other lawfully established fees and surcharges which must be paid as a condition of securing access to judicial relief.

(3) An individual who is not represented by a qualified legal services provider (as that term is defined below) or an attorney working in conjunction with a qualified legal services provider shall be determined to be indigent within the meaning of this rule if such person, on the basis of the information presented, establishes that:

(A) he or she is currently receiving assistance under a needs-based, means-tested assistance program such as the following:

- (i) Federal Temporary Assistance for Needy Families (TANF);
- (ii) State-provided general assistance for unemployable individuals (GA-U or GA-X);
- (iii) Federal Supplemental Security Income (SSI);
- (iv) Federal poverty-related veteran's benefits; or
- (v) Food Stamp Program (FSP); or

(B) his or her household income is at or below 125 percent of the federal poverty guideline; or

(C) his or her household income is above 125 percent of the federal poverty guideline and the applicant has recurring basic living expenses (as defined in RCW 10.101.010(4)(d)) that render him or her without the financial ability to pay the filing fees and other fees or surcharges for which a request for waiver is made; or

(D) other compelling circumstances exist that demonstrate an applicant's inability to pay fees and/or surcharges.

(4) An individual represented by a QLSP, or an attorney working in conjunction with a QLSP that has screened and found the individual eligible for services, is presumptively deemed indigent when a declaration from counsel verifies representation and states that the individual was screened and found eligible for services.

(5) As used in this rule, "qualified legal services provider" means those legal services providers that meet the definition of APR 8(e).

COMMENT

The adoption of this rule is rooted in the constitutional premise that every level of court has the inherent authority to waive payment of filing fees and surcharges on a case by case basis. Each court is responsible for the proper and impartial administration of justice which includes ensuring that meaningful access to judicial review is available to the poor as well as to those who can afford to pay.

(b) Nothing in this rule shall prohibit or delay action on the underlying petition upon the court's approval of a waiver and presentation of an original petition may accompany the initial fee waiver.

[Adopted effective December 28, 2010.]

ATJ Commission, Committee for Long Range Planning
Chairman's Report, May 17, 2016

1. The Long Range Planning Committee was formed at the December 2015 Commission meeting after its chair voiced opposition to the "listening panels" as not designed to achieve support for the stated goal of legislative funding. I expressed, as an example, more immediate needs such as the morass of inconsistent forms and that the SLRC Committee's work in preparing plain English and user friendly forms was stymied by competing forms in other locations. I proposed that the Commission and the Supreme Court be petitioned to mandate uniform forms.
2. After appointment, I provided Planning Committee members with the ATJ's Strategic Plan; the strategic plans of each committee and their completed work since the Commission's formation on May 22, 2012.
3. Our committee struggled to find mutual meeting times. We have compiled all the source materials needed to evaluate the Commission's completed work under its existing plan and the basis for updating the plan.
4. On April 12, 2016, during a SRLC meeting, Ed Higgins mentioned that MLSA petitioned the Supreme Court for supervisory control from (an appeal of) a justice court's decision to refuse an application for fee waiver. *In Re Hadley*, OP-16-202. This presented an early opportunity to bring the non-uniformity of fee-waiver applications (the forms) and the disparate treatment amongst the judiciary to the Court's attention; and thereby introduce the disparate pleading forms crisis generally.
5. I personally requested and was allowed to file an Amicus Curiae brief, attesting to the lack of uniformity, its deleterious effect on pro bono and pro se litigants and the need for the Court to mandate a uniform form. (I filed my brief individually, not on behalf of the Commission or the State Bar.) I requested that the Court direct the ATJ Commission to propose and submit the new form by petition. I've attached a copy of my brief.
6. While not solicited, my brief generated enthusiastic support from within the planning committee, from MLSA, the SRLC, State Bar officers and from attorneys generally.

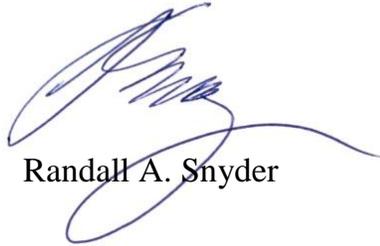
The Court has not yet ruled. For better or worse, this occupied the bulk of my time. While the ATJ Commission's Strategic Plan desperately needs updating, the opportunity for an immediate, mechanical repair to a broken portion of the system presented itself. This is exactly within our scope of work for planning and for the Commission's work. Achieving uniform forms is no small task. It begins with entry to Court and a fee waiver.

It should proceed to ALL pleading forms becoming standardized, which nearly every state except Montana achieved years ago. Abby Brown, Co-chair of the SLRC Committee, will recommend a motion to file a petition with the Supreme Court to (1) standardize the fee waiver form/financial affidavit required by MCA § 25-10-404 and (2) amend the Montana Rules of Civil Procedure to mandate that all Montana courts utilize the standardized form. It will be up to our Commission and the SLRC to create and recommend that form.

In follow-up, but in keeping with the Commission's existing Strategic Plan, the SLRC will shortly commence a pilot program for its domestic relations pleading forms in Gallatin and Cascade Counties. Following this trial period, the SLRC and the Long Range Planning Committee will consider a recommendation to petition the Supreme Court to standardize these forms.

Forms aside, the Commission's Strategic Plan still needs updating and our committee will return to that task in the coming months.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Randall A. Snyder", with a long, sweeping underline.

Randall A. Snyder

**Court Appearance Messaging
Services for Self Represented
Litigants and Low Income
Individuals**

David Carter, Yellowstone County
Justice of the Peace
Access to Justice Commission
June 3, 2016

Court Messaging

- Use of Short Message Service (SMS or "text") or email technology to ensure court appearance in both civil and criminal matters
- Simple technology that can be incorporated into existing database or out-sourced to private provider
- 24-hour (other) notification of upcoming court appearance – date, time, location
- Evolving process over the last 16 years

Benefits of Court Messaging

- Reduction in non appearance resulting in dismissals, delays, and wasted court time (including scheduling) in civil cases
- Reduction in jail population for non appearance warrants – misdemeanor and felony cases
- Better prepared litigants at the time of trial
- Litigant outreach and service by court, which results in better exposure of court services



The
COURT
MESSAGING
Project

- <http://www.legaltechdesign.com/CourtMessagingProject/>
- <http://www.legaltechdesign.com/CourtMessagingProject/background/>
- <http://www.legaltechdesign.com/CourtMessagingProject/tech-work/>



OPEN LAW LAB

COURT HEARING SMS REMINDER SYSTEMS

- <http://www.openlawlab.com/2014/04/20/court-hearing-sms-reminder-systems/>

eCourtdate.com and Appriss



Take From the Appriss

Appriss

Quinn's will lead PLDR. Safety Solutions

Resources

- <http://www.courtstoday.com/article/auto-alert-systems-breaking-the-barriers-41861>
- <http://www.pewinternet.org/2015/04/01/us-smartphone-use-in-2015/>
- <http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1396&context=ajacourtreview>

District Court Fee Changes (25-1-201, mca and 25-9-506, mca)

Fiscal Year	Fund Code	Amount
2015	7458 - Court Surcharge - Court Information Technology (\$10)	\$1,395,130.99
	7461 - Clerk of Court Fees (100% to State General Fund)	\$1,945,119.98
	7462 - Petition for Adoption (\$75)	\$46,322.18
	7463 - Commencement of Actions and Proceedings (\$90)	\$739,640.00
	7464 - Petition for Dissolution of Marriage (\$170)	\$513,855.73
	7465 - Petition for Legal Separation (\$150)	\$16,000.00
	7466 - District Court Fines, Assessments, Payments and Forfeitures	\$566,598.05
	7468 - Marriage License / Marriage Without Solumnization	\$105,564.21
	Year Total	\$5,328,231.14
	Grand Total	\$28,137,352.64

*County collections report

Increase in District Court Fees											
Fund	FY2015					FY2018					Difference
	Total Fee	Total Revenue	Filings	GF Fee	GF Revenue	Total Fee	Total Revenue	Filings	GF Fee	GF Revenue	
7463	90	739,640	8,218	81	665,676	170	1,389,887	8,176	161	1,316,305	650,629
7461	80					170					
7461	60	493,093	8,218	60	493,093	100	817,581	8,176	100	817,581	324,487
7468	53	105,564	1,992	30	59,753	60	119,821	1,997	37	73,889	14,136
7461	60					100					
Total		1,338,298					2,327,288				989,252

Growth 7463		Growth 7468	
2015	-0.78%	2015	1.62%
2014	0.68%	2014	-1.46%
2013	-0.41%	2013	0.11%
2012	-16.16%	2012	8.37%
average	-0.17%	average	0.09%

commencement of each action or proceeding, except a petition for dissolution of marriage, from the plaintiff or petitioner, \$90 (proposed to be \$170) --> this is fund code 7463 for filing a complaint in intervention, from the intervenor --> \$80 (proposed to be \$170) for each defendant or respondent, upon appearance --> \$60 (proposed to be \$100) for issuing a marriage license/filing a declaration of marriage without solemnization --> \$53 (proposed to be \$60) --> this is fund code 7468 --> \$30 to gf, \$23 elsewhere a person filing a foreign judgment --> \$60 (proposed to be \$100) --> all to gf

Limited Jurisdiction (25-31-112, mca)

Civil Cases	22,354
Current Fee	40
Current Total Revenue	894,160
Proposed Fee (7/1/17)	45
Proposed Total Revenue	1,005,930
Increased Revenue	111,770
***Per 3-10-601, mca these fees go to the county general fund, not to the state	

Courts	Civil	Justice Court				Grand Total	2014 Grand Total	Difference
		Order of Protection	Small Claims	2015	2014			
Beaverhead County Justice Court, Dep	130	15	7	7	152	161	-9	
Big Horn County Justice Court	97	35	4	4	136	131	5	
Blaine County Justice Court	39	12	4	4	55	43	12	
Broadwater County Justice Court	95	16	5	5	116	91	25	
Cardon County Justice Court	144	34	5	5	183	183	0	
Carter County Justice Court	12	2	0	0	14	5	9	
Cascade County Justice Court	2,425	199	73	73	2,697	2,870	-173	
Chouteau County Justice Court	53	5	2	2	60	75	-15	
Custer County Justice Court	187	40	30	30	257	294	-37	
Daniels County Justice Court	24	4	15	15	43	53	-10	
Dawson County Justice Court	184	25	18	18	227	307	-80	
Deer Lodge County Justice Court	294	114	0	0	408	411	-3	
Fallon County Justice Court	41	7	12	12	60	100	-40	
Fergus County Justice Court	275	50	18	18	343	346	-3	
Flathead County Justice Court	2,431	314	66	66	2,811	2,920	-109	
Gallatin County Justice Court	1,558	111	74	74	1,743	1,613	130	
Garfield County Justice Court	9	2	1	1	12	16	-4	
Glacier County Justice Court	121	6	5	5	132	159	-27	
Golden Valley County Justice Court	8	0	0	0	8	12	-4	
Granite County Justice Court 1 (Phillips	44	4	1	1	49	56	-7	
Hill County Justice Court	303	39	15	15	357	532	-175	
Jefferson County Justice Court	161	35	5	5	201	176	25	
Judith Basin Justice Court	17	3	2	2	22	27	-5	
Lake County Justice Court	592	82	20	20	694	473	221	
Lewis and Clark County Justice Court	855	123	104	104	1,082	1,325	-243	
Liberty County Justice Court	36	4	0	0	40	23	17	
Lincoln County Justice Court	521	52	11	11	584	546	38	
Madison County Justice Court	93	7	7	7	107	119	-12	
McCone County Justice Court	11	0	1	1	12	22	-10	
Meagher County Justice Court	31	7	3	3	41	26	15	
Mineral County Justice Court	80	33	3	3	116	147	-31	
Missoula County Justice Court	3,579	191	27	27	3,797	3,637	160	
Musselshell County Justice Court	127	10	6	6	143	130	13	
Park County Justice Court	268	29	3	3	300	310	-10	
Petroleum County Justice Court	1	0	1	1	2	9	-7	
Phillips County Justice Court	43	6	0	0	49	43	6	
Pondera County Justice Court	102	6	5	5	113	143	-30	
Powder River County Justice Court	9	3	5	5	17	9	8	
Powell County Justice Court	174	81	0	0	255	198	57	
Prairie County Justice Court	8	4	4	4	16	19	-3	
Ravalli County Justice Court	919	132	18	18	1,069	1,157	-88	
Richland County Justice Court	208	38	36	36	282	398	-116	
Roosevelt County Justice Court 1	30	4	1	1	35	39	-4	
Roosevelt County Justice Court 2	45	2	8	8	55	64	-9	
Rosebud County Justice Court, Dept. 1	86	20	6	6	112	100	12	
Sanders County Justice Court	256	64	0	0	320	254	66	
Sheridan County Justice Court	56	26	22	22	104	97	7	
Silver Bow County Justice Court Dept.	594	60	16	16	670	631	39	
Silver Bow County Justice Court Dept.	579	60	16	16	655	602	53	
Stillwater County Justice Court	167	50	10	10	227	204	23	
Sweet Grass County Justice Court	52	17	13	13	82	57	25	
Toole County Justice Court	109	43	1	1	153	162	-9	
Treasure County Justice Court	6	2	0	0	8	6	2	
Valley County Justice Court	89	13	11	11	113	109	4	
Wheatland County Justice Court	42	3	3	3	48	59	-11	
Wibaux County Justice Court	12	3	4	4	19	20	-1	
Yellowstone County Justice Court	3,922	280	150	150	4,352	4,378	-26	
Total Justice Court	22,354	2,527	877	877	25,758	26,097	-339	

DATE: May 17, 2016

TO: Montana Supreme Court Access to Justice Commission

FROM: Judge David Carter, Commissioner and Justice of the Peace, Yellowstone County
Patty Fain, Montana Supreme Court Statewide Pro Bono Coordinator

RE: Court-Connected Order of Protection Pilot Project proposal (OOPP)

Introduction

In 2015 approximately 4,800 requests for Orders of Protection were filed in our Montana District and Limited Jurisdiction courts. The vast majority of those litigants (petitioner and respondent) navigated an unfamiliar court system and complicated legal challenges alone. Moreover, in the area of domestic violence, Montana appreciates a strong court-based victim-witness network and a dedicated team of victim advocates across the state. However, access to these services is primarily through criminal prosecution of the defendant and/or through a domestic violence based shelter program. Most alleged victims seeking protection through our justice system do not arrive at the courthouse through those avenues.

Access to legal assistance or information is more readily available at the early stages of seeking protection through a Temporary Order of Protection (TOOP). A TOOP can be issued without a hearing and is limited to 20 days of protection. To extend protections beyond 20 days, a petitioner must seek a permanent Order of Protection (OOP). Unfortunately, the attrition rate is high for parties seeking permanent orders. We believe that a significant contributing factor is the lack of assistance in understanding, preparing for, and attending hearings.

Purpose

The period between gaining a TOOP and a hearing for a permanent OOP is 20 days or less. For all litigants the brief time creates additional burdens when collecting and presenting evidence to ensure a proper decision from the court. The Court-Connected Order of Protection Pilot (OOPP) seeks to assist litigants immediately upon entering the justice system when seeking a TOOP. The goal is to provide easy-to-understand instructions and information about what will be required at the OOP hearing. This process should also facilitate access to pro bono attorneys in preparing for and effectively presenting a case at the hearing.

Project Description

Through volunteer domestic violence experts and the Statewide Pro Bono Coordinator, the OOPP will develop materials (including questionnaires) designed to support litigants and volunteer attorneys. The materials will focus on gathering the necessary information and evidence to develop a case for an OOP hearing. COLJ judges and court staff will assist in establishing OOP-specific days and dockets to accommodate volunteer attorney participation at hearings, improve safety, and implement standard procedures for court efficiency. The result will be an increase in follow-through for litigants with the added benefit of decreasing the number of times petitioners may seek TOOPs.

To: Access to Justice Commission
From: Abby Brown & Ann Goldes-Sheahan
Date: May 18, 2016
RE: Report from Standing Committee on Self-Represented Litigants
Recommendation re: Commission Action on Fee Waiver Form

Update on Standing Committee. The Committee met on April 12, 2016, which was the first substantive meeting since we took over from Michele Snowberger as co-chairs. The following is a synopsis of the substantive work the Committee is doing in 2016-2017:

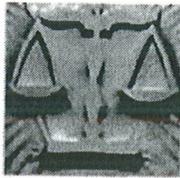
- **Forms Sub-Committee.** The pilot program to test the Dissolution of Marriage with Children forms is starting in Cascade and Gallatin Counties. While the draft forms are available to everyone on the SCSRL webpage (http://courts.mt.gov/supreme/boards/self_represented_litigants), only those in the pilot counties are being encouraged to use the draft forms. Public comment and feedback is requested on the forms using the scsrl@mt.gov website. The pilot project will likely last at least 6 months so that a sufficient number of litigants can get through the entire dissolution process using the pilot project forms. Training has also started re: use of the forms and the Forms Sub-Committee will continue to train groups as the need arises.
- **2016 Action items.** The Committee's Strategic Plan is robust and ambitious. In October 2015 the Committee decided to break the strategic plan into discreet, manageable action items that can be accomplished each year. The Committee members then divided into subcommittees to tackle these action items. For 2016 those action items fall into two categories: Education & Outreach and Legislative Changes. Specifically:
 - **Education & Outreach.** The focus for this subcommittee is to:
 - Plan and conduct 3-6 in-person training across the state on the education materials the Committee has developed on "legal information vs. legal advice". As of today, four trainings have been scheduled/conducted in Kalispell, Missoula, and Helena. The subcommittee is exploring additional training opportunities, particularly at the Clerk's Conference in September 2016.
 - Seek an endorsement from the Commission on these training materials. The materials are being compiled and we expect to present them to the Commission for endorsement at the September 2016 Commission meeting.
 - Explore funding options for disseminating materials, trainings, and eventual web-based trainings. Currently all trainings are done by members of the Committee voluntarily and without reimbursement for travel or expenses.
 - **Legislative Changes.**
 - The 2015 Legislative Session had numerous pieces of legislation that potentially affected self-represented litigants; however the Committee has no mechanism or protocol in place to monitor bills, determine whether it should provide input on the bills, or actually provide input. Therefore, in 2016 this subcommittee will devise a method for monitoring bills in the 2017 Legislative Session and a protocol for how and if the Committee should be involved in proposed legislation, including discussion on whether the Committee should make recommendations to the Commission.
 - The Committee will present its proposed method and protocol to review Legislative changes to the Commission by the end of 2016.

Recommendation to Commission. The Committee recommends that the Commission request the Montana Supreme Court to: (1) standardize the fee waiver form/financial affidavit required by Section 25-10-404, MCA; and (2) amend the Montana Rules of Civil Procedure to mandate that all Montana courts utilize the standardized form.

If the Commission chooses to act on the Committee's recommendation, the Committee further requests instructions from the Commission in terms of how to proceed. The Committee is prepared to draft an appropriate form and proposed language for the amended Rules of Civil Procedure to be submitted by the Commission via Petition to the Montana Supreme Court no later than December 31, 2016.

The rationale for this proposal will be further presented at the June 3rd Commission meeting, but in sum:

- This is an Access to Justice issue because self-represented litigants are subject to disparate treatment across Montana due to the justice and district court's various and inconsistent fee waiver forms and procedures, including some courts requiring additional financial information while others do not.
- Section 25-10-404(4), MCA, states the Montana Attorney General's Office shall "prescribe the form of the financial statement required by subsection (1) for use in determining indigence." Despite this statutory mandate, this form is not consistently used by Montana courts and some courts require litigants to provide additional financial information above and beyond what is required by the AG's form.
- The disparate treatment resulting from these forms is exemplified in the pending Petition for Writ of Supervision Control *Hadley v. Justice Court of Missoula County, Montana*, Montana Supreme Court Case No. OP 16-0202. As of the date of this report no decision has been released by the Supreme Court.



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Serving the people of Montana and their attorneys

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March 7, 2016

Justice Beth Baker, Chair
Access to Justice Commission
P.O. Box 203001
215 N. Sanders
Justice Bldg., Rm 414
Helena, MT 59620-3001

Re: *Statewide Pro Bono Mediation Efforts*

Dear Members of the Commission:

The State Bar of Montana, in partnership with the Alexander Blewett III School of Law's Mediation Clinic, has agreed to coordinate a working group to discuss the creation of a pilot district court-annexed early mediation program for family law cases. This effort will include key stakeholders from across the state. The first meeting of this group will take place via phone on Tuesday March 22nd, 2016. Please refer any questions or comments to Ann Goldes-Sheahan, Equal Justice Coordinator with the State Bar of Montana. Ann can be reached at agoldes@montanabar.org or by phone (406)447-2201. Additionally, contact Eduardo Capulong, Director of the Mediation Clinic at Eduardo.Capulong@mso.umt.edu or by phone at (406)243-6707.

Sincerely,

Christopher L. Manos
Executive Director, State Bar of Montana

Eduardo R. C. Capulong
Mediation Clinic Director, UM Law School

cc: Justice McKinnon,
Ann Goldes-Sheahan

Montana Access to Justice Commission
Preliminary Bill Draft for Discussion Purposes
Version One (Includes Justice Court and District Court Fees)

AN ACT ESTABLISHING FUNDING FOR CIVIL LEGAL AID; INCREASING FEES FOR CERTAIN COURT FILINGS; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 25-1-201, 25-9-506, AND 25-31-112, MCA; AND PROVIDING AN EFFECTIVE DATE

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. [NEW SECTION] Legal Assistance for Low Income Persons Fund. (1) There is a civil legal assistance fund account in the state special revenue fund. There must be paid into this account the first \$500,000 of filing fees paid pursuant to sections 25-1-201, 25-9-506, and 25-31-112 that are otherwise designated for deposit into the state general fund. The revenue in the account must be used solely for the purpose of providing legal assistance to low income persons in civil legal matters. (2) The supreme court administrator shall establish procedures for the distribution and accountability of money in the account. The supreme court administrator may designate nonprofit organizations that ordinarily render or finance legal services to indigent persons in civil matters to receive or administer the distribution of the funds.

Section 2. Section 25-1-201, MCA, is amended to read:

“25-1-201. Fees of clerk of district court. (1) The clerk of district court shall collect the following fees:

(a) at the commencement of each action or proceeding, except a petition for dissolution of marriage, from the plaintiff or petitioner, ~~\$90~~ 170; for filing a complaint in intervention, from the intervenor, ~~\$80~~ 170; for filing a petition for dissolution of marriage, \$170; for filing a petition for legal separation, \$150; and for filing a petition for a contested amendment of a final parenting plan, \$120;

(b) from each defendant or respondent, on appearance, ~~\$60~~ 100;

(c) on the entry of judgment, from the prevailing party, \$45;

(d) (i) except as provided in subsection (1)(d)(ii), for preparing copies of papers on file in the clerk's office in all criminal and civil proceedings, \$1 a page for the first 10 pages of each file, for each request, and 50 cents for each additional page;

(ii) for a copy of a marriage license, \$5, and for a copy of a dissolution decree, \$10;

(iii) for providing copies of papers on file in the clerk's office by facsimile, e-mail, or other electronic means in all criminal and civil proceedings, 25 cents per page;

(e) for each certificate, with seal, \$2;

(f) for oath and jurat, with seal, \$1;

(g) for a search of court records, \$2 for each name for each year searched, for a period of up to 7 years, and an additional \$1 for each name for any additional year searched;

(h) for filing and docketing a transcript of judgment or transcript of the docket from all other courts, the fee for entry of judgment provided for in subsection (1)(c);

(i) for issuing an execution or order of sale on a foreclosure of a lien, \$5;

(j) for transmission of records or files or transfer of a case to another court, \$5;

(k) for filing and entering papers received by transfer from other courts, \$10;

(l) for issuing a marriage license, ~~\$53~~ 60;

(m) on the filing of an application for informal, formal, or supervised probate or for the appointment of a personal representative or the filing of a petition for the appointment of a guardian or conservator, from the applicant or petitioner, \$70, which includes the fee for filing a will for probate;

(n) on the filing of the items required in 72-4-303 by a domiciliary foreign personal representative of the estate of a nonresident decedent, \$55;

(o) for filing a declaration of marriage without solemnization, ~~\$53~~ 60;

(p) for filing a motion for substitution of a judge, \$100;

(q) for filing a petition for adoption, \$75;

(r) for filing a pleading by facsimile or e-mail in all criminal and civil proceedings, 50 cents per page.

(2) Except as provided in [Section 1 and] subsections (3) and (5) through (7), fees collected by the clerk of district court must be deposited in the state general fund as specified by the supreme court administrator.

(3) (a) Of the fee for filing a petition for dissolution of marriage, \$5 must be deposited in the children's trust fund account established in 52-7-102, \$19 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714, and \$30 must be deposited in the partner and family member assault intervention and treatment fund established in 40-15-110.

(b) Of the fee for filing a petition for legal separation, \$5 must be deposited in the children's trust fund account established in 52-7-102 and \$30 must be deposited in the partner and family member assault intervention and treatment fund established in 40-15-110.

(4) If the moving party files a statement signed by the nonmoving party agreeing not to contest an amendment of a final parenting plan at the time the petition for amendment is filed, the clerk of district court may not collect from the moving party the fee for filing a petition for a contested amendment of a parenting plan under subsection (1)(a).

(5) Of the fee for filing an action or proceeding, except a petition for dissolution of marriage, \$9 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714.

(6) The fees collected under subsections (1)(d), (1)(g), (1)(j), and (1)(r) must be deposited in the county district court fund. If a district court fund does not exist, the fees must be deposited in the county general fund to be used for district court operations.

(7) Of the fee for issuance of a marriage license and the fee for filing a declaration of marriage without solemnization, \$13 must be deposited in the domestic violence intervention account established by 44-4-310 and \$10 must be deposited in the county district court fund. If a district court fund does not exist, the fees must be deposited in the county general fund to be used for district court operations.

(8) Except as provided in [Section 1], any Any filing fees, fines, penalties, or awards collected by the district court or district court clerk not otherwise specifically allocated must be deposited in the state general fund.”

Section 3. Section 25-9-506, MCA, is amended to read:

“**25-9-506. Fees.** (1) Except as provided for in subsection (2), a person filing a foreign judgment shall pay to the clerk of court a fee of ~~\$60~~ 100.

(2) Fees for docketing, transcription, or other enforcement proceedings must be as provided for judgments of the district court.

(3) Fees collected by the clerk of district court must be forwarded to the department of revenue for deposit in the state general fund, except as provided in [Section 1].”

Section 4. Section 25-31-112, MCA, is amended to read:

“**25-31-112. Fees.** The following is the schedule of fees that, except as provided in 25-35-605, must be paid in every civil action in a justice's court:

(1) when a complaint is filed, the following fee to be paid by the plaintiff:

(a) \$30 beginning July 1, 2013;

(b) \$35 beginning July 1, 2014; ~~and~~

(c) \$40 beginning July 1, 2015; and

(d) \$45 beginning July 1, 2017.

(2) \$20 when the defendant appears, to be paid by the defendant;

(3) \$20 to be paid by the prevailing party when judgment is rendered. In cases in which judgment is entered by default, no charge except the fee provided in subsection (1) for the filing of the complaint may be made for any services, including issuing and return of execution.

(4) \$20 for all services in an action in which judgment is rendered by confession;

(5) \$20 for filing a notice of appeal and transcript on appeal, justifying and approving an undertaking on appeal, and transmitting papers to the district court with a certificate.”

Section 5. Appropriation. There is appropriated \$500,000 from the state special revenue account established in [Section 1] to the office of the court administrator for the biennium beginning July 1, 2017, for the purpose of administering grants to programs that provide legal assistance to low income persons in civil legal matters as described in [Section 1].

Section 6. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 3, chapter 2, part 7, and the provisions of Title 3, chapter 2, part 7, apply to [section 1].

Section 7. Effective date. [This act] is effective July 1, 2017.

Montana Access to Justice Commission
Preliminary Bill Draft for Discussion Purposes
Version Two (Includes Only District Court Fees)

AN ACT ESTABLISHING FUNDING FOR CIVIL LEGAL AID; INCREASING FEES FOR CERTAIN COURT FILINGS; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 25-1-201 AND 25-9-506, MCA; AND PROVIDING AN EFFECTIVE DATE

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. [NEW SECTION] Legal Assistance for Low Income Persons Fund. (1) There is a civil legal assistance fund account in the state special revenue fund. There must be paid into this account the first \$500,000 of filing fees paid pursuant to sections 25-1-201 and 25-9-506 that are otherwise designated for deposit into the state general fund. The revenue in the account must be used solely for the purpose of providing legal assistance to low income persons in civil legal matters.

(2) The supreme court administrator shall establish procedures for the distribution and accountability of money in the account. The supreme court administrator may designate nonprofit organizations that ordinarily render or finance legal services to indigent persons in civil matters to receive or administer the distribution of the funds.

Section 2. Section 25-1-201, MCA, is amended to read:

“25-1-201. Fees of clerk of district court. (1) The clerk of district court shall collect the following fees:

(a) at the commencement of each action or proceeding, except a petition for dissolution of marriage, from the plaintiff or petitioner, ~~\$90~~ 170; for filing a complaint in intervention, from the intervenor, ~~\$80~~ 170; for filing a petition for dissolution of marriage, \$170; for filing a petition for legal separation, \$150; and for filing a petition for a contested amendment of a final parenting plan, \$120;

(b) from each defendant or respondent, on appearance, ~~\$60~~ 100;

(c) on the entry of judgment, from the prevailing party, \$45;

(d) (i) except as provided in subsection (1)(d)(ii), for preparing copies of papers on file in the clerk's office in all criminal and civil proceedings, \$1 a page for the first 10 pages of each file, for each request, and 50 cents for each additional page;

(ii) for a copy of a marriage license, \$5, and for a copy of a dissolution decree, \$10;

(iii) for providing copies of papers on file in the clerk's office by facsimile, e-mail, or other electronic means in all criminal and civil proceedings, 25 cents per page;

(e) for each certificate, with seal, \$2;

(f) for oath and jurat, with seal, \$1;

(g) for a search of court records, \$2 for each name for each year searched, for a period of up to 7 years, and an additional \$1 for each name for any additional year searched;

(h) for filing and docketing a transcript of judgment or transcript of the docket from all other courts, the fee for entry of judgment provided for in subsection (1)(c);

(i) for issuing an execution or order of sale on a foreclosure of a lien, \$5;

(j) for transmission of records or files or transfer of a case to another court, \$5;

(k) for filing and entering papers received by transfer from other courts, \$10;

(l) for issuing a marriage license, ~~\$53~~ 60;

(m) on the filing of an application for informal, formal, or supervised probate or for the appointment of a personal representative or the filing of a petition for the appointment of a guardian or conservator, from the applicant or petitioner, \$70, which includes the fee for filing a will for probate;

(n) on the filing of the items required in 72-4-303 by a domiciliary foreign personal representative of the estate of a nonresident decedent, \$55;

(o) for filing a declaration of marriage without solemnization, ~~\$53~~ 60;

(p) for filing a motion for substitution of a judge, \$100;

(q) for filing a petition for adoption, \$75;

(r) for filing a pleading by facsimile or e-mail in all criminal and civil proceedings, 50 cents per page.

(2) Except as provided in [Section 1 and] subsections (3) and (5) through (7), fees collected by the clerk of district court must be deposited in the state general fund as specified by the supreme court administrator.

(3) (a) Of the fee for filing a petition for dissolution of marriage, \$5 must be deposited in the children's trust fund account established in 52-7-102, \$19 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714, and \$30 must be deposited in the partner and family member assault intervention and treatment fund established in 40-15-110.

(b) Of the fee for filing a petition for legal separation, \$5 must be deposited in the children's trust fund account established in 52-7-102 and \$30 must be deposited in the partner and family member assault intervention and treatment fund established in 40-15-110.

(4) If the moving party files a statement signed by the nonmoving party agreeing not to contest an amendment of a final parenting plan at the time the petition for amendment is filed, the clerk of district court may not collect from the moving party the fee for filing a petition for a contested amendment of a parenting plan under subsection (1)(a).

(5) Of the fee for filing an action or proceeding, except a petition for dissolution of marriage, \$9 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714.

(6) The fees collected under subsections (1)(d), (1)(g), (1)(j), and (1)(r) must be deposited in the county district court fund. If a district court fund does not exist, the fees must be deposited in the county general fund to be used for district court operations.

(7) Of the fee for issuance of a marriage license and the fee for filing a declaration of marriage without solemnization, \$13 must be deposited in the domestic violence intervention account established by 44-4-310 and \$10 must be deposited in the county district court fund. If a district court fund does not exist, the fees must be deposited in the county general fund to be used for district court operations.

(8) Except as provided in [Section 1], any Any filing fees, fines, penalties, or awards collected by the district court or district court clerk not otherwise specifically allocated must be deposited in the state general fund.”

Section 3. Section 25-9-506, MCA, is amended to read:

“**25-9-506. Fees.** (1) Except as provided for in subsection (2), a person filing a foreign judgment shall pay to the clerk of court a fee of ~~\$60~~ 100.

(2) Fees for docketing, transcription, or other enforcement proceedings must be as provided for judgments of the district court.

(3) Fees collected by the clerk of district court must be forwarded to the department of revenue for deposit in the state general fund, except as provided in [Section 1].”

Section 4. Appropriation. There is appropriated \$500,000 from the state special revenue account established in [Section 1] to the office of the court administrator for the biennium beginning July 1, 2017, for the purpose of administering grants to programs that provide legal assistance to low income persons in civil legal matters as described in [Section 1].

Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 3, chapter 2, part 7, and the provisions of Title 3, chapter 2, part 7, apply to [section 1].

Section 6. Effective date. [This act] is effective July 1, 2017.