



# Court Help Program Update

*April 2012*

The following summarizes the operations of The Court Help Program of the Montana Supreme Court which has served Montanans on 1,702 occasions since January 1, 2012.

Nearly ninety percent of the customers receiving self help services do so on a walk-in basis. Customers locate the Court Help Program by recommendation from clerks of court, other court staff, or friend or family member. Most Court Help customers are ages 25-34 and report earning less than 18,000 dollars annually. Many center customers claim military veteran status or are relatives of a military veteran.

## **Court Help Program Reaching Out....**

A primary component of Court Help Program service is resource referral. Due to the face to face nature of the Program, center staff often directs customers to other government or community resources. The motto coined by Yellowstone County Self Help Facilitator, Patt Leikam, is "every customer leaves with something."



***"Courts of Justice shall be open to every person."***

Montana Constitution, Article II, Section 16

The Court Help Program hosted a mid-year training for center staff February 21-22<sup>nd</sup> in Helena, Montana. As part of the training, staff began comprehensive statewide outreach to collect and distribute accurate information about community resources. The purpose of the outreach project is two-fold: to inform local communities of the content and scope of Court Help services and to develop local contacts for customers and future staff.

The Court Help Program is focusing on collaboration with local resources to ensure appropriate referrals to the Self Help Centers and prepare center customers for contact with other agencies and organizations. The goal of Court Help staff is providing customers appropriate agency resources, contact information, and an understanding of what the customer may expect when following up with referred resources. Representatives from Disability Rights, Veteran's Services, Child Support Enforcement Division (CSED), MSU Extension Service, Broadband Technology Opportunities Project (BTOP), and Human Rights Bureau presented at the training. Representatives informed staff of their organizational resources and explained how staff can best prepare customers to contact these organizations.

## **Tackling SRL obstacles....**

In 2011, the Court Help Program assembled a Task Force to discuss Self Represented Litigant's access to child support guidelines-based calculations. Members of CSED, court staff, and local attorneys participated in the discussion. An overall lack of guidelines-based calculations in self represented litigant filings is a frustration for the litigant, judges and court staff alike. The Task Force will reconvene this spring for presentations on community and court-based approaches to addressing this obstacle. Kaileen Balzano, Court Help AmeriCorps Service Member, will present research on child support resources in neighboring states.

## Self Represented Litigants Appeal...

For the past several years, the Supreme Court has experienced a growing influx of cases filed by self represented litigants. Self represented litigants frequently find it difficult to understand and comply with the Montana Rules of Appellate Procedure when preparing and filing their briefs with the Clerk of Court. As a result, Pro Se Law Clerk Sally Johnson recommended to Chief Justice Mike McGrath the creation of a task force to develop forms and guidance for litigants proceeding before the Court without an attorney. This broad-based task force was convened in 2009. Sally coordinated the project and with the assistance of the task force members created a Civil Appellate Handbook that set forth the appellate rules in easy-to-understand language. The handbook also contains a glossary, a timeline of important deadlines, and several forms to assist self represented civil appellants' compliance with the Rules of Appellate Procedure. Task force member Terry Bass, Law Clerk for Justice Patricia Cotter, made the major contribution of editing the handbook. The Civil Handbook was released on June 1, 2011.

The Court Help Program has been delighted to direct civil litigants to the handbook. In appreciation for their dedication to this project and its contribution toward allowing access to the courts, the Supreme Court recognized Sally Johnson and Terry Bass for their excellence as employees of the Montana Judicial Branch and distinguished service to the Judiciary and the people of Montana. A criminal appellate handbook and a habeas corpus handbook are in development for release this year.



*Left to Right: Terry Bass, Law Clerk to Honorable Justice Patricia Cotter, and Sally Johnson, Supreme Court Pro Se Law Clerk*



### Pro Bono Spotlight

Two years ago I was in a courtroom watching a woman sitting alone at one of the tables in front of the judge. At the other table were her abuser and his lawyer. It was a hearing to decide temporary custody of the children and financial matters. The lawyer was good; he vigorously represented his client. Jody (not her real name) represented herself, with no law degree, no college degree, no resources, and no self-esteem in the face of all the questions being thrown at her.

Of course, it was not just Jody this had happened to. Most of the battered women we worked with then could not afford lawyers—no lawyers for orders of protection, for parenting plans, or for divorce proceedings.

Jody was terrified to be in the courtroom, facing the Judge, her abuser, and his lawyer. She wept when it was over. “How could this happen to me?” she asked.

The abusers often obtained legal counsel. Many lawyers in the rural communities our organization serves were reluctant to take on pro bono cases like this. Some were not versed in family law, some thought the cases would drain their limited resources, and some had bad experiences with clients in domestic violence situations.

As Jody wept, we knew we had to do something about the injustice of no representation in civil cases for battered women. We made some calls and were referred to the Statewide Pro Bono Coordinator, Montana Supreme Court, Patty Fain.

We met with Patty and a plan was hatched. Training our volunteers and staff in pro se paperwork in order to help women who came to us for services was a first priority. We planned a series of four trainings: 1) Legal Information vs. Legal Advice, 2) Dissolution, Parenting Plan Proceedings, and Court Process, 3) Family Law Overview, and 4) How Orders of Protection Affect Parenting Plans and Dissolution. Patty secured trainers for each session, and we recruited staff and volunteers to attend. It was eye-opening and empowering for us; we learned a great deal.

## Justice for Battered Women

by Mitzi Vorachek

Our next step was to train lawyers in our region. In June, 2011, we co-sponsored "The Legal Anatomy of Domestic Violence," a day-long CLE training about the issues surrounding the legal representation of domestic violence victims. More than 40 people attended (most were lawyers) from several counties in Montana and Wyoming. District Judge Blair Jones gave a moving keynote, encouraging pro bono work for people like Jody.

The results of this program have been amazing. Our staff and volunteers have greatly increased their knowledge about the legal system. And, best of all, we have five lawyers who work with our program, three from Red Lodge, one from Billings, and one from Kansas (he has a summer home in Red Lodge!).

Our local lawyers are now a critical component of a coordinated community response to domestic violence. This is a partnership and project that has made all the difference in women's lives; it has given them resources and hope. Battered women like Jody now have legal counsel sitting beside them in court. They now have justice!

*Vorachek is the executive director of Domestic and Sexual Violence Services, located in Red Lodge, MT.*

### **Volunteering with Court Help ...**

The Court Help Program would be nothing without the help of many community volunteers. The Missoula Self Help Law Center has more than twenty attorney volunteers, ten law students, and three paralegal interns, all serving a total of approximately 256 hours of volunteer service per month.



*Yellowstone County Self Help Center Staff and volunteers: Doug, Kaileen, and Patt. Joan not pictured.*

In Billings, Patt Leikam has fostered relationships with community volunteer organizations including Experience Works and Retired Senior Volunteer Program (RSVP). Joan and Doug, the Yellowstone County Self Help Law Center's primary volunteers, have fulfilled 36 service hours a week at the Center since 2009.

In Kalispell, local attorneys Eric Hummel and Kay Lynn Lee, volunteer weekly to administer child support calculations for center customers in need.

The Court Help Program is currently devising a volunteer training program for center volunteers. The program will teach volunteers about center services, including the important distinction between legal advice and information, as well as provide guidance on interacting with center customers. We anticipate training materials will further encourage volunteers in centers across the State. In an effort to continue development and utilization of innovative volunteer service recruitment and implementation strategies, the Court Help Program will be sending a representative to the National Conference on Volunteering in June 2012.

Thank you very much to all of our volunteers! If you or someone you know is interested in volunteering at the self help law center near you, contact the center directly or the Court Help Program Administrator, Erin Farris at [efarris@mt.gov](mailto:efarris@mt.gov) or (406) 841-2975.

**New Materials!** In the January newsletter, we announced our Program's focus of defining our services. As an extension of this effort, the Court Help Program has designed center posters, new program brochures, and information sheets. If you would like new materials for distribution, contact your local self help law center, the Court Help Program Administrator, or locate materials yourself on our website: <http://courts.mt.gov/selfhelp/>.

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