



Montana Supreme Court

Court Help Program Update

Summer 2012

The following summarizes the operations of the Court Help Program of the Montana Supreme Court. In addition to coordinating multi pro bono programs across the state, the Court Help Program operates Self Help law Centers that have served Montanans on 4,483 occasions since January 2012.

Court Help Program Self Help Law Centers assist Montanans in acquiring legal information and resources to meet their legal needs. In addition to directing customers to attorney and agency referral resources, the Court Help Program is equipped to provide forms and assist self represented litigants in successfully filing court documents.



Special thanks to everyone who took part in the 2012 Court Help Performance Measures! Your feedback was invaluable in our attempt to refine the Court Help Program. Our program mission is to increase court efficiency by assisting self represented litigants and fostering effective pro bono programs statewide.

Court Staff Found Self Help Services Effective ...

In order to measure the effectiveness of the Self Help Law Centers, court staffs located in self help service locations were surveyed regarding their observations of self represented litigants receiving program services. Survey results indicated:

- Litigants who receive Court Help services have better prepared and more complete paperwork.
- Litigants who receive Court Help services have a better understanding of the court process.
- Clerks are able to process case filings for these litigants more efficiently than for those litigants who do not seek services from a center.
- Judges notice an improvement – based on the assistance of the centers - in the ability of self-represented litigants to navigate the legal system.
- Orderly and complete case filings have to some degree increased court efficiency.

Pro Bono Program ...

- Litigants who attended Clinics indicated ability to understand court documents, become familiar with the court process, and to finalize a family law matter was improved.
- Clerks of Court and staff indicated Clinics improved the office efficiency and represented substantial time savings in pre-hearing and post-hearing processes.
- The District Court Judges indicated the sufficiency, completeness and accuracy of self-represented litigant final documents were greatly improved and litigants were much more prepared for hearings.
- Volunteer attorneys believed their assistance greatly improved the quality, accurateness and completeness of final documents.

For a complete summary of the performance measure survey results, you can email the program administrator or view the report on our website: <http://courts.mt.gov/selfhelp>

Court Help Services Start Anew ...

The beginning of August marks the end of the *Justice For Montanans* AmeriCorps service cycle. Our 2011-2012 AmeriCorps service team has been stellar in their aptitude for providing an exceptional service. Justice for Montanans AmeriCorps Service Member Craig Barnes noted of his AmeriCorps experience,

I think my experience affected me by bringing me into contact with a community with which I formally had little experience. I feel like I have a more comprehensive sense of the challenges faced by low-income individuals navigating the legal system [...] In the future, when I look back on my year at Self Help Law Center, I believe I will be proud of my work.

This means a lot to me.



Craig has decided to pursue his writing in Missoula, Montana. Isaac Ho, Kaileen Balzano, and Amy Green will be staying on with the program for another service term while Kate Pifer has decided to pursue a mental health service position in her home state of Michigan. Stefan Kolis, who served two years with the Court Help Program has accepted a position in the Helena office of Montana Legal Services Association.



Although we will be sad to see some of our AmeriCorps service team depart, the Court Help Program is exceptionally grateful for the opportunity to collaborate with MLSA as a host site for the next term of Justice for Montanans service members. Montana Legal Services Association and the Governor's Office of Community Service have agreed to continue to provide six AmeriCorps service members for the 2012-2013 service term.

Due to the service term transition, Court Help Program services may be delayed or discontinued from August 12, 2012-October 20, 2012. If you have specific questions about the suspension of services in your area, contact the Program Administrator or check the website for updated center hours and information: <http://courts.mt.gov/selfhelp>.

Court Help Program Information Road Show...

The Montana Clerks Association welcomed Jim Goetz, of Goetz Law Firm and Program Administrator, Erin Farris, to present on the changes to civil procedure rules and access to justice at the MCA Annual Conference July 26-28th in Bozeman, Montana. Mr. Goetz' presentation focused on the addition of Rule 5(d)(4) to the Montana Rules of Civil Procedure which provides, "[t]he Clerk must not refuse to file a paper solely because it is not in the form prescribed by these rules or by a local rule or practice. The presentation facilitated a productive discussion regarding best practices for implementation of the Rule with examples from Flathead County Clerk of Court Peg Allison as well as further research to assist court clerks.



Pictured: Montana District Court Clerks Association

The Court Help program is extremely appreciative of the support of district court clerks statewide. Erin will also co present at the Montana Courts of Limited Jurisdiction, Montanan Judges, and Clerks of Limited Court conferences this fall. This series of presentations will be an informative session on the scope and location of Court Help Program Services. Presentations will provide opportunity for each group to offer program feedback and evaluate opportunities for collaboration.



Pro Bono Spotlight



Stirring an Attorney into the Self-Help Formula...

One of the basic principles of the American justice system is that the doors of our courthouses are open to everyone. Most members of the public, however, are not familiar with courts and court procedures and require some level of assistance. These individuals will effectively be denied access to justice if they do not know how to use a system that was always intended for all.

The Self Help Law Centers and attendant satellite services provide an important function in beginning the process of assisting litigants in understanding the legal system and in finding information on how to access our justice system. Legal advice is left to those trained and licensed to deliver it – attorneys. Self Help Law Center staff can easily identify that litigants seeking a legal remedy would be better off with at least some assistance from an attorney. But in reality, most litigants cannot afford to retain a lawyer and the ever-decreasing budgets of legal aid programs limit options for many litigants. Even if every lawyer dutifully provided the 50 hours of pro bono services outlined in Rule 6.1 of the Rules of Professional Conduct, attorneys cannot meet the demands of more than 250,000 unmet legal needs of our most economically disadvantaged Montana citizens by providing full representation to all. There are simply not enough attorney hours to go around.

Instead, we must employ innovative strategies and targeted attorney assistance to meet the greatest needs at the most critical times – applying the theory of highest best use of the all resources we find on the legal continuum. We're making progress and we can see the real tangible benefits of these delivery methods. Read about a few of these approaches below. We think you'll agree we're on the right track.

Legal Clinics. The Court Help program, through its pro bono component, has assisted in developing and launching several legal advice clinics across the state. These clinics provide an opportunity for a larger number of litigants to receive concentrated advice and assistance from volunteer attorneys they could not otherwise afford to hire. Legal clinics stationed at Veteran Stand Downs across the state have provided much needed assistance to our most at-risk veterans – many homeless or near homeless. Attorneys tell us these experiences are among the best of their pro bono endeavors. We understand attorneys can answer the questions non-lawyers cannot. We also understand that those answers positively impact how litigants view and pursue their legal remedies. This impact reaches beyond the litigant and into the courts and their staff. Clinics provide an opportunity to volunteer lawyers otherwise limited in their ability to provide direct and ongoing representation. That's right – it's a win, win and win.

Limited Scope Representation (LSR). The Court Help program worked with the LSR Working Group and the Montana Supreme Court toward its adoption of new civil procedure and professional rules to facilitate the practice of LSR. Rule revisions have assisted in the expansion of efforts to apply LSR principals to best utilize limited pro bono resources. Low-income litigants are referred to attorneys who agree to assist with particular tasks associated with the case – attend a hearing, assist during a mediation process or help a litigant to understand and comply with court rules and procedures, allowing a case can be decided on its merits. The need for full representation will always exist, but it is more likely an attorney will have an opportunity to assist several litigants over the course of a year when employing an LSR referral method. LSR represents true progress toward meeting those unmet needs.

Early Resolution: The Court Help program has developed several “early resolution” models designed to assist litigants in resolving their legal issues early in the process, or in some instances – before an otherwise self-represented litigant files a case with the court. Utilizing a volunteer attorney to help parents arrive at an agreeable

parenting plan that meets the best interests of the children is a fine example of this application at its best. Often, a litigant's only exposure to the legal system may be what they've seen on TV or read in the papers – and this is often an adversarial viewpoint. Assisting litigants in understanding what the law provides, describing possible outcomes, and helping litigants arrive at an acceptable resolution on their own not only benefits all involved, it helps to alleviate burdens on the court system in shepherding cases to a court decision. The added benefit is litigants will always be more satisfied with a resolution they helped craft which reflects positively on the entire justice system.

We continue to work hard and think hard about how we leverage what we have for the benefit of those most in need. We hope these programs continue to grow and similar programs emerge. They are not a solution to the entire problem, but they certainly are a step in the right direction. Do you have an idea about how we might best utilize pro bono resources? Don't be shy. We want to hear from you. After all, we're all in this together.

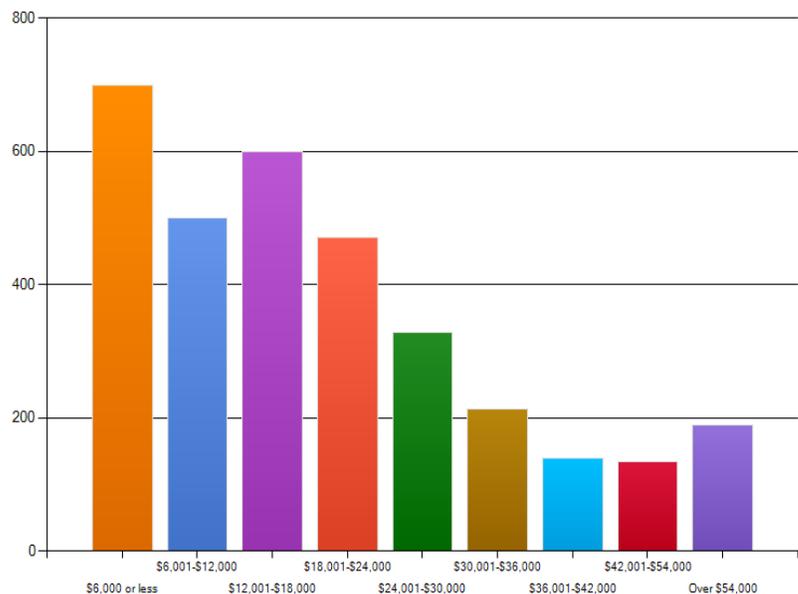
National Conference on Volunteering and Service Inspires Court Help...

Thanks to Montana Legal Services and the Office on Community Service, the Court Help Program Administrator was able to attend the National Conference on Service and Volunteering. The Conference provided the opportunity to learn from many different service organizations nationwide. Program highlights included a presentation by the Toyota Corporation and New York City Food Bank on utilizing the Toyota Production model to maximize program capacity. The Court Help Program has integrated the Toyota theory into the orientation training agenda for fall 2012.

Who we serve...

Although our Self Help Law Centers are prepared to assist "all Montanans" on a wide array of legal issues, a few dominant trends have been revealed through program intake surveys completed since January 2012. Self Help Law Centers do not screen for financial eligibility; however, self reporting indicates many of the customers served by the Court Help program are low income with approximately fifty five percent of customers served claiming a before tax income of less than \$18,000 annually. 1,237 customers receive SNAP food benefits and 1,509 receive some form of social service assistance.

*Self Help Law Center Intake Survey Question:
"What is your total household income before taxes?"*



4,483 Customer Surveyed January 1-July 1, 2012

Additionally, a large majority of customers receiving assistance are pursuing family law matters. Many of the forms approved by the Commission on Self Represented Litigants are in the area of family law due to the legal needs identified in the 2005 and 2010 Montana legal needs studies. Given the legal complexity of other civil matters, including probate and labor or employment, Court Help services are very limited and ultimately end in referral to Montana legal Services, the Lawyer Referral Service, or a local pro bono program. The Court Help Program is working to expand materials pertaining to consumer protection, especially consumer debt issues.

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