



Court Help Program Update

Winter 2014

The following summarizes the operations of the Court Help Program of the Montana Supreme Court. The Court Help Program is designed to better meet the legal needs of Montana citizens through assisting self represented litigants and enhancing pro bono opportunities.

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 legal forms and assist self-represented litigants in successfully filing court documents. The Court Help Program Self Help Law Centers have served Montanans on over 10,504 occasions since January 2013.

Court Help Program Policies and Procedures Manual

In response to staff requests at the 2013 Court Help Program Summit, the Program has developed a policy and procedures manual for enhanced program operations. A majority of the direct services provided in the self help law centers are provided by AmeriCorps service members who serve on one or two eleven month terms. Implications of a transitional service team are an increased focus on training and on boarding. We anticipate our training program will be enhanced through the development of the policy and procedures manual, resulting in better and more consistent services statewide.

Senator Tester makes a visit!

Senator John Tester visited our Yellowstone County Self Help Law Center on December 1, 2013. Staff were delighted to inform the Senator about center operations as well as program characteristics. We discuss the nature of customer issues, our program approach to remote services, and veterans served. A significant amount of our program support is derived from federal funds. Six of our direct service providers are Justice For Montanans AmeriCorps members

through the AmeriCorps Service program. Court Help Program Pro Bono Coordination also benefits from grant funding through the Violence Against Women Act which Senator Tester supported in 2013. We are thankful the Senator took the time to see what we do and for his support in securing federal program funding for our Program and others.



Pictured Left: Senator John Tester and Patt Leikam, Yellowstone County Self Help Facilitator.



Pro Bono Spotlight



Most of you are likely familiar with the term “bundled” services. It’s the big pitch with wireless and cable providers; get a variety of needed services delivered in a single cost-saving package. You may be less familiar with the concept in reverse – unbundling. It’s becoming hot stuff in the legal profession. In Montana, we refer to unbundling as “limited scope representation” or “LSR”. So, if you were a consumer of LSR services and didn’t already have a lawyer to help you with your case, you and a might lawyer agree that the lawyer will handle only parts of a case and you will handle others. This is different from more traditional arrangements between lawyers and clients where a lawyer is hired to provide legal representation on all aspects of a case, from start to finish.

While originally designed to address the gap in legal services to those of limited means, LSR is growing in popularity among those of modest means and beyond. As the market for this scope of service grows, so too do the number of lawyers who are willing to accommodate this new breed of legal service consumer. In 2011, the Montana Supreme Court adopted changes to the Montana Rules of Civil Procedure¹ and the Montana Rules of Professional Conduct² to facilitate LSR in Montana. These more definitive rules not only help guide the attorney in offering LSR legal services, they also more readily accommodate the practice in court proceedings. Our court system is busting at the seams and a good portion of cases are comprised of at least one unrepresented party. Often, LSR is a better alternative that going it completely alone. Our judges naturally want to encourage people to get as much legal assistance as they need or can afford to protect their rights. They know litigants will do a better job of following proper court procedures and presenting the important information to them if they have the help of a lawyer at least during the more complicated parts of a case. Changes to the Rules means a lawyer can appear before the court for limited purposes without committing to the life of the case generally. This is particularly enticing in pro bono representation arenas.

LSR can be beneficial before a case even has a life in the court. With extensive education and training in the law a lay person does not possess, a lawyer can examine and identify potential problems or hidden complications early on, to avoid costly mistakes or a court action altogether. This is not only of assistance to the litigant, but of great benefit to the court. But LSR isn’t for every case, or for every lawyer. Clear parameters concerning limited scope representation should be considered by both the lawyer and the client.³

What exactly will all of this mean to the practice of law and to the legal consumer in the years ahead? It might be too early to say. It is probably subject to the economic basic of supply and demand. With more people seeking affordable but beneficial legal services coupled with more lawyers desiring a profitable legal business model that pays the bills, the more likely lawyers will wade into the LSR pool. Most of you reading today will have some type of civil legal need at least once in your lifetime and LSR may end up fitting the bill.

Let’s not forget one of the most important elements of LSR. The provision of pro bono services through the delivery of limited scope services means we can apply the highest best use principal when allocating our finite attorney hour resources. Attorneys can assist more low-income Montanans at the most critical juncture of a case while committing fewer – but much more efficient – hours to a single case. In addition, the vast majority of those that self-represent are simply lawyer-less. Given a choice, they’d rather hire a lawyer but can’t find the service the fills the need within their budget. LSR doesn’t take clients away from full-service lawyers. These lawyer-less folks aren’t anyone’s clients and their numbers are growing.

¹ [Link Civil Procedure to Order](#)

² [Link to Professional Rules Order](#)

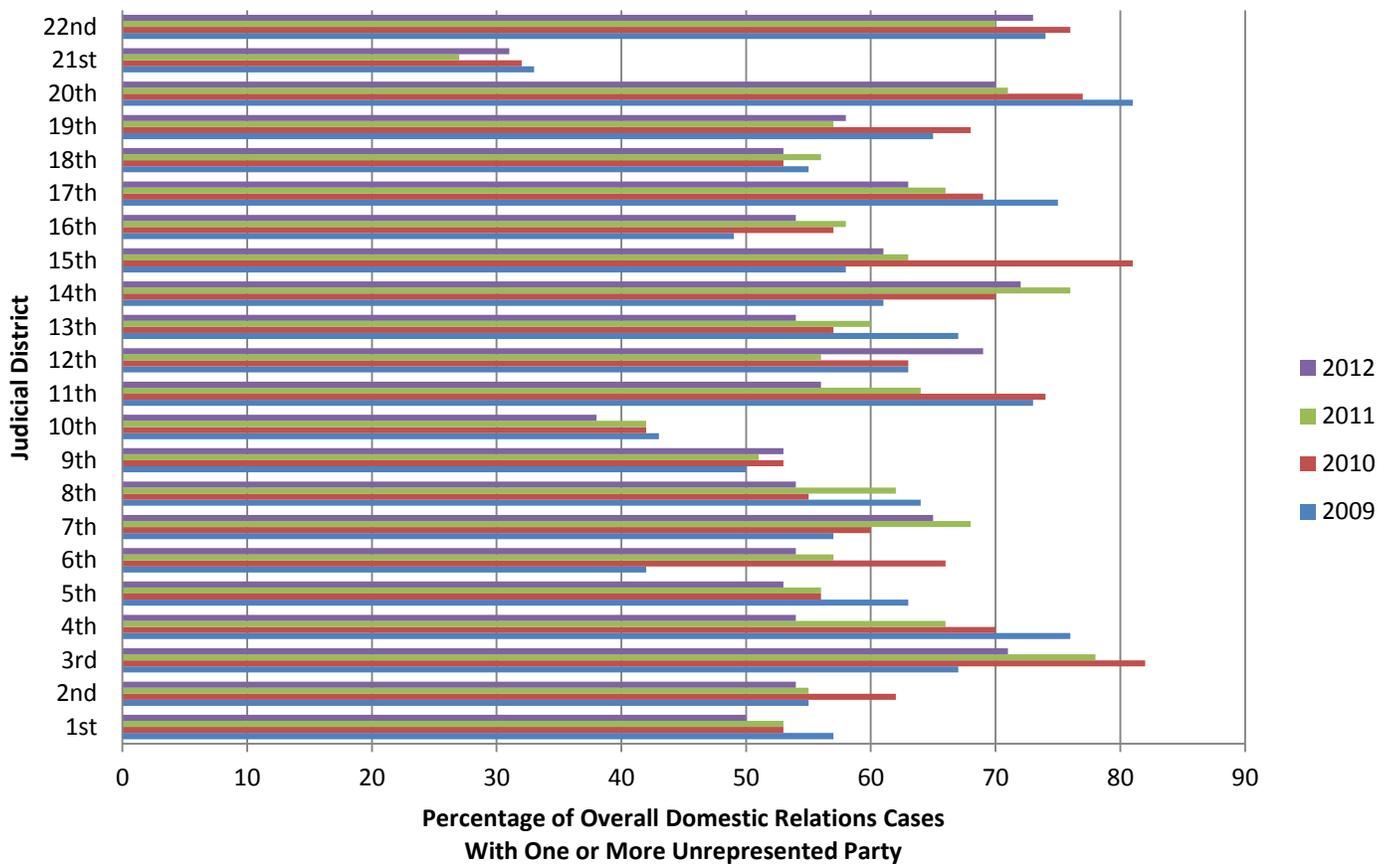
³ Learn more about LSR by following [this link](#) to the Court’s LSR webpage

Those in the access to justice arena will study and pilot approaches that bring the supply to the demand through models like limited scope panels and referral systems. In the meantime, if you are reading this, it's likely the evolution LSR will have a direct impact on you. From judges who will see greater efficiencies in court, clerks who will recognize improvement in documents and knowledge of rights, and legal consumers who will gain much needed services and increased trust in the justice system and most everyone in between. Stayed tuned.

Domestic Relations 2012 Self Represented Litigant Data...

This year we were able to collect additional information regarding the number of litigants self representing in domestic matters in Montana state courts. The numbers were gathered in our full court system when one or more parties appeared unrepresented by council. Because this is the third year we have collected this information, the chart below indicates the percentage of domestic cases with one or more unrepresented party from 2009-2012.

Percentage of Domestic Relations Cases Where One or More Parties was Self Represented by Judicial District



SJ 22 Interim Committee Meeting.

In December 2013, the SJ 22 Interim Law and Justice Committee on Family Law met for a half-day hearing on family law matters. At this meeting, the Committee specifically requested to hear from self represented litigants, including litigants who have received help at our self help law centers. Three litigants testified including one customer from the Court Help Program. Although the committee had few questions, it concluded with a commitment to reviewing proposed statutory changes from the public and to work with the Supreme Court to evaluate possible organizational proposals.

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