

Agenda
Montana Supreme Court Access to Justice Commission
September 9, 2016
Large Conference Room, Office of the Court Administrator
301 S. Park, Third Floor, Helena, MT
1:00 – 3:30 PM

- I. Call to Order and Introductions: Justice Baker (1:00 – 1:05) (Tab 1)
- II. Approval of 6/3/16 meeting minutes: Justice Baker (1:05 – 1:10) (Tab 2)
- III. Committee Reports:
 - a. Policy and Resources: Matthew Dale (1:10 – 1:20) (Tab 3)
 - i. Public Forum Update: Patty Fain and Michele Robinson
 - b. Self-Represented Litigants: Abby Brown (1:20 – 1:40) (Tab 4)
 - i. Legislative Review Process
 - ii. Standardized Fee Waiver Forms
 - c. Strategic Planning Committee: Randy Snyder (1:40 – 1:45)
 - i. Appoint new committee members
 - d. National Working Group Updates: (1:45 – 1:55)
 - i. Justice Baker – State Legislative Funding
 - ii. Alison Paul – Self-Represented Litigants
 - iii. Niki Zupanic – Private Funding
- IV. Update on State Bar of Montana/Law School mediation project: Justice McKinnon, Patty Fain (1:55 – 2:15) (Tab 5)
- V. Discussion of the Commission’s Legislative Proposal: Justice Baker (2:15 – 2:35) (Tab 6)
- VI. National Center for State Courts Justice for All grant proposal: Niki Zupanic, Alison Paul (2:35 – 2:45) (Tab 7)
- VII. Order of Protection Project Update: Judge Carter, Patty Fain (2:45 – 2:55) (Tab 8)
- VIII. Presentation to Montana Judges Association on October 13: Justice Baker (2:55 – 3:05)
- IX. Public Comment and Review Next Meeting Dates (3:05 – 3:30)

Tab 1

Montana Access to Justice Commission

Members	
Justice Beth Baker, Chair <i>Montana Supreme Court Justice</i> <i>Expires: 9/30/2018</i>	bbaker@mt.gov
Hon. David A. Carter <i>Court of Limited Jurisdiction Judge</i> <i>Expires: 9/30/2017</i>	dacarter@co.yellowstone.mt.gov
Matthew Dale <i>Office of the Attorney General</i> <i>Expires: 9/30/2018</i>	madale@mt.gov
Representative Kim Dudik <i>Montana House of Representatives</i> <i>Expires: 9/30/2017</i>	Kimberly.dudik@gmail.com
Senator Nels Swandal <i>Montana Senate</i> <i>Expires: 9/30/2017</i>	nswandal@gmail.com
Hon. Kurt Krueger <i>District Court Judge</i> <i>Expires: 9/30/2017</i>	kkrueger@mt.gov skennedy@mt.gov
Hon. Greg Pinski <i>District Court Judge</i> <i>Expires: 9/30/2018</i>	GPinski@mt.gov
Jennifer Brandon <i>Clerk of a District Court</i> <i>Expires: 9/30/2017</i>	jbrandon@mt.gov
Hon. Winona Tanner <i>Montana-Wyoming Tribal Judges Association</i> <i>Expires: 9/30/2016</i>	winonat@cstkt.org
Michele Robinson <i>Montana Justice Foundation</i> <i>Expires: 9/30/2016</i>	Michele.robinson45@gmail.com

Alison Paul <i>Montana Legal Services Association</i> <i>Expires: 9/30/2016</i>	apaul@mtlsa.org
Randy Snyder <i>State Bar of Montana</i> <i>Expires: 9/30/2016</i>	rsnyder@rnsnyderlaw.us
Paul F. Kirgis <i>University of Montana School of Law</i> <i>Expires: 9/30/2018</i>	Paul.Kirgis@mso.umt.edu
Ed Bartlett <i>Business/Communications Leader</i> <i>Expires: 9/30/2018</i>	efbartlett@charter.net
Aimee Grmoljez <i>Business/Communications Leader</i> <i>Expires: 9/30/2017</i>	agrmoljez@crowleyfleck.com
Melanie Reynolds <i>Representative of Organizations Working with Low-income Individuals</i> <i>Expires: 9/30/2018</i>	MReynolds@lccountymt.gov
Andy Huff <i>Representative of Native American Communities</i> <i>Expires: 9/30/2016</i>	ahuff@mt.gov
ATJC Support	
Niki Zupanic Montana Justice Foundation	Staff Support 406-523-3920 nzupanic@mtjustice.org
Krista Partridge Montana Legal Services Association	Staff Support kpartrid@mlsa.org
Kevin Cook Montana Law Library	IT Support 406-444-9285 kcook@mt.gov

Tab 2

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
Meeting Minutes

Commissioners Present: Matthew Dale, Rep. Kim Dudik, Justice Beth Baker, Hon. Kurt Krueger, Hon. David Carter, Michele Robinson, Aimee Grmoljez, Melanie Reynolds, Ed Bartlett, Andy Huff, Sen. Nels Swandal, and Alison Paul. Andy Huff and Sen. Nels Swandal left the meeting at 2:30.

Commissioners Absent: Dean Paul Kirgis, Hon. Greg Pinski, Jennifer Brandon, Winona Tanner and Randy Snyder.

Others Present: Abby Brown, Patty Fain, Shannon Lewis, Beth McLaughlin, Nolan Harris, Al Smith, and Kate Seaton.

Call to Order: 1:05 p.m.

Justice Baker introduced Nolan Harris, the new Administrator of the Court Help Program.

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

Aimee Grmoljez moved that the March minutes be adopted and Judge Carter seconded. The motion passed without objection.

Public Forum Series Update

Matt Dale updated the Commission on the status of the Public Forum Series. Five of the seven total forums have been completed. The Butte forum will be on September 21 and the Helena forum will be on October 19. There will be a written report and a video compilation produced at the end of the series. An initial draft of the forum report has already been compiled by Kate Seaton. The forum series will inform future Commission action and recommendations, including a request of the Legislature to provide state funding for civil legal aid in Montana. Media coverage of the forums has been sporadic, with Kalispell having the best coverage. There have been about fifty people in attendance at each event, with the exact number varying from forum to forum. The Bozeman forum had the second highest number of legislators in attendance of all of the forums thus far. The Bozeman forum was slow at the start, but the audience filled out a few minutes after the start. Patty Fain noted thus far approximately fifty-five legislators have attended one of the forums. Justice Baker thanked everyone involved, particularly Matt Dale and Patty Fain.

Law School Partnerships Committee Report

Justice Baker reported that Professor Wandler was unable to be present but provided a written report, nothing the Committee's focus on looking at an incubator program which would help provide services in rural areas, particularly in Indian Country.

Self-Represented Litigants Committee

Abby Brown reported that the Self Represented Litigants Committee has completed forms for Dissolution of Marriage with Children, and those forms are currently on a six month pilot in Gallatin and Cascade County. The forms are available on the Committee's webpage and they are currently soliciting feedback and comments. Abby asked if the Commission should consider developing a protocol to address bills in the 2017 Legislative Session that affect access to justice. Justice Baker responded that this would be a good topic for discussion at the September or December meeting.

Abby reported that the Self Represented Litigants Committee recommends to the Commission that the Commission should request the Montana Supreme Court to standardize fee waiver forms across the state and amend the Montana Rules of Civil Procedure to require use of the standard form. Abby stated that the Committee is prepared to produce a draft form and draft amendments to the Montana Rules of Civil Procedure, but is looking to the Commission for guidance. Justice Baker noted that the Committee needs to seek involvement from the Attorney General's Office because the Attorney General's Office has a statutory mandate to produce fee waiver forms. Judge Carter reminded the Commission that the fee waiver forms ought to be mandatory for courts of limited jurisdiction as well as district courts. Justice Baker noted that court filings are on the rise but revenues are down, which indicates that fee waivers are being granted, so this will be a factor to keep in mind as we review the process. Judge Carter recommended the Commission act before the September meeting. Judge Krueger and Judge Carter noted that it is important for judges to maintain their discretion to make rulings on fee waivers.

Alison Paul moved to advise the Self Represented Litigants Committee to meet with interested parties, including the Attorney General's Office, about the issue of standardizing fee waiver forms and report back to the Commission at the September meeting. Matt Dale seconded. The motion passed without objection.

Melanie Reynolds mentioned that it would be valuable to have the forms reviewed by a non-lawyer. Justice Baker asked Nolan Harris if he would be willing to review the forms, and he said yes. Nolan will participate in the working group.

Strategic Planning Committee

Randy Snyder was not present at the meeting but submitted a written report that is included in the materials. Justice Baker advised the Commission that Randy has done a significant amount of work and that the Committee's report should be coming together before the next meeting.

National Working Group Updates

Justice Baker reported that the State Legislative Funding Working Group has provided several conference calls and the most fruitful result of those contacts is the readiness checklist which

will help the Commission to be prepared to take a bill to the Legislature. Justice Baker also noted that Judge Pinski attended several meetings on the same topic at the ABA meeting he attended.

Alison Paul reported that the Self Represented Litigants Working Group has provided many materials about best practices for working with self-represented litigants. She will share that information with Nolan Harris. According to this information, Montana falls into the middle in providing services for self-represented litigants.

Report from the National Access to Justice Chairs Meeting

Judge Pinski was unable to attend the Commission meeting, but Justice Baker summarized his report from the meeting. There was some discussion about the State Justice Index, which found that Montana did fairly well in most areas regarding access to justice. Beth McLaughlin noted that the measurements this report utilized were not tailored to a rural state; therefore, Montana's standing may not accurately reflect the efforts Montana has made to provide access to justice in a large rural state. Judge Pinski's report from the national meeting is included in the meeting materials.

Court Messaging for Self-Represented Litigants

Judge Carter presented the Commission with the idea of pursuing a text messaging system for the courts. This system would merge the courts' databases of contact information for litigants with the courts' databases of court calendars to send text messages or emails to litigants as a reminder of their court dates. Judge Carter recommended members of the Commission look online at the Legal Design Lab at Stanford to learn more about this option. Judge Carter emphasized that court messaging is an access to justice issue because it particularly affects self-represented litigants and can be a way to provide customer service to court users which would create a positive public image for the courts. Justice Baker pointed out that some have argued that the Access to Justice Commission is already potentially overburdened with the work it has taken on, and that the Technology Commission might more appropriately handle this idea. Judge Carter proposed that the Technology Commission and the Access to Justice Commission could work together on this project. Judge Krueger voiced his agreement that technology is changing and the courts need to change with it, but noted that there could be legal and constitutional issues surrounding notice if the courts used text messaging or email to notify litigants of court appearances. Judge Carter responded that this would simply be customer service and not a substitute for appropriate legal notice.

Beth McLaughlin agreed that this project is more appropriate for the Technology Commission, but noted that the Technology Commission is currently focused on updating Full Court to be hosted in a single database, as well as introducing e-filing in Montana. Justice Baker asked if the Full Court update could make room for this option. Beth responded that the Technology Commission would probably say that it needs to focus on getting the basics in place before it can work on things like court messaging. Judge Carter expressed that if the courts wait until later to implement court messaging, it may be more expensive. Aimee Grmoljez inquired whether some sort of pilot project could be implemented in a limited way. Beth McLaughlin said she thought it would need to be state-wide. Beth also noted that if this program were implemented, the water court would also need to be brought in.

Justice Baker moved that the Access to Justice Commission express support for the Technology Commission to consider implementing any technology that improves access to justice, authorize Judge Carter to continue to research court messaging, and to express that the Access to Justice Commission is willing to help with implementing new technology to increase access to justice when the time is right. Ed Bartlett seconded. The motion passed without objection.

Judge Carter affirmed that he would make his presentation to the Technology Commission and come back to this Commission with a report.

Orders of Protection Worksheet Concept

Patty Fain explained that the courts have been seeing a fall-off between when a litigant gets a temporary order of protection and then attends a final hearing. The belief is that this fall-off is attributable to litigants not understanding what they need to do at the final hearing. Patty intends to create a document which will serve as a step-by-step guide for litigants to prepare for a final hearing on an order of protection. She noted that most of this work can piggy-back off of work she has already done, so there will be no costs involved, and this project will be part of her general work. Alison Paul noted that Montana Legal Services Association has offered to help with this project. Judge Krueger asked if Matt Dale could find the report from the Orders of Protection Commission Matt used to head in the Attorney General's Office. Matt responded that he will find it. Alison Paul and Matt Dale both noted the importance of these forms being appropriate for non-attorneys to read and understand. Abby Brown requested that these forms should go through the Forms Subcommittee. Beth McLaughlin suggested the Attorney General's Office be brought in the loop. Patty stated that she will work on this project, looping in all the relevant parties, and come back with something for the Commission to consider at the September meeting.

Discussion of Commission's Legislative Proposal

Justice Baker provided two bill drafts for a potential request to increase civil filing fees to provide state funding for civil legal aid for the Commissioners to review. Also for review was a document summarizing the legislative history of court fees, to show when fees were last increased and by how much. Justice Baker noted that the estimates of revenue to be raised based on the increases in filing fees reflected in the materials is an extremely rough estimate because there is no certainty when it comes to filing fees. The first draft proposes raising the filing fee for a petition from \$90 to \$170, the appearance fee for a defendant from \$60 to \$100, the fee for a marriage license from \$53 to \$60, and raising the filing fee in courts of limited jurisdiction from \$40 to \$45. According to figures provided by the Department of Revenue, these proposed increases would raise an estimated \$989,252 from the district courts and \$110,000 from courts of limited jurisdiction each year. The second draft is the same but excludes courts of limited jurisdiction. Justice Baker noted that the last time the general filing fee was raised was 1999, the appearance fee was 1991, and the marriage license fee was 2005. Justice Baker also noted that in these drafts, a new account would be created with the court administrator and the first \$500,000 raised would go in to that account to be distributed to Montana nonprofits that provide or fund civil legal assistance.

Ed Bartlett noted that the legislation needs the addition of “every year” in the section on appropriation, as opposed to “per biennium.” Aimee Grmoljez asked why the legislation only appropriates \$500,000 when the estimated revenue raised is twice that. Justice Baker responded that primarily this is because we were unsure how much revenue would be raised when the Policy and Resources Committee developed the \$500,000 figure. Ed noted that a \$500,000 request will be an easier sell to the Legislature. Aimee responded that she believes legislators would not like so much money going into the general fund without any express purpose. Justice Baker reiterated how uncertain the revenue estimates are and there may be no money actually going in to the general fund. Judge Carter noted that this might be an easier sell if there is some way to tie the funding raised in a specific locality to go back to that locality. Justice Baker requested the input of Al Smith and the position of the Montana Trial Lawyers Association. Al stated that the justices’ court fees should also go up if the district court fees do. He stated that the Montana Trial Lawyers Association would not oppose this increase and is willing to offer support, if it would be beneficial. He noted that the filing fee in federal court is \$400, so this increase is not out of line when considering those fees. Rep. Dudik noted that there would need to be more clarity about where exactly this money would go and how it will help people. Judge Carter voiced his support for including courts of limited jurisdiction in any fee increase, but reminded the Commission that debt collection organizations are likely to oppose such an increase.

Rep. Dudik suggested beginning with raising the proposed fees in both District and Justices Courts and then perhaps some things will get cut out in the legislative process. Alison Paul noted that there was some pushback when adding in the domestic violence fee but Montana Legal Services Association was able to provide information and data about how this fee would actually help people and that made a difference. Montana Legal Services Association can provide similar information here. Judge Krueger and Ed Bartlett supported asking for \$500,000. Aimee Grmoljez supported including a specific allocation and a local focus to spending money. Justice Baker suggested that Montana Legal Services Association and the Montana Justice Foundation could provide information about where the money would go. Judge Carter suggested including a specific percentage of money raised to go back to each community. Justice Baker said that would be very difficult to accomplish in a piece of legislation because this will be a process dependent upon grant applications, but the proposal could include information about where the money would likely go based on existing funding and programs. Ed Bartlett pointed out that the Court Administrator has an excellent reputation with the Legislature, so the Legislature is more likely to be comfortable giving money to the Court Administrator without specifically allocating it. Aimee and Ed agreed to circulate the draft bill among legislators to get initial feedback. Justice Baker will ask the budget office to begin drafting a fiscal note.

Alison Paul suggested that the bill could include language that the funding can only go to organizations that provide statewide services to ensure the money is distributed around the entire state. Justice Baker said she was not sure that would work because the language in the domestic violence filing fee statute does not contain that provision, and it should not appear that this funding is just for Montana Legal Services Association. Alison agreed that the language should mirror that in the domestic violence funding statute. Justice Baker requested a motion.

Matt Dale moved to approve going forward with the version one draft bill, including fee increases for both District Courts and Justices Courts, adding the language about “per year” and “for each year of the biennium” to the appropriation sections, and for Aimee to move forward with circulating the draft and return with information from key legislators at the next meeting. Melanie Reynolds seconded.

The motion passed. The votes were cast as follows:

<u>Voting In Favor</u>	<u>Voting Against</u>	<u>Abstaining</u>	<u>Absent, not voting</u>
<ul style="list-style-type: none">• Matt Dale• Rep. Kim Dudik• Justice Baker• Judge Krueger• Aimee Grmoljez• Melanie Reynolds• Ed Bartlett• Andy Huff by proxy of Justice Baker• Sen. Nels Swandal by proxy of Justice Baker	<ul style="list-style-type: none">• Judge Carter• Randy Snyder by proxy of Judge Carter	<ul style="list-style-type: none">• Alison Paul• Michele Robinson	<ul style="list-style-type: none">• Judge Pinski• Winona Tanner• Jennifer Brandon• Dean Paul Kirgis

Justice Baker noted that the Policy and Resources Committee will look at next steps with the bill draft and potentially confer with Montana Legal Services Association. Melanie Reynolds asked if there would be any additional work for the clerks of court to do under this bill and Justice Baker said there would be no additional work.

Justice Baker noted that the next Commission meeting is September 9 and most likely will be from 1-3 PM.

Michele Robinson noted that the Butte Access to Justice Forum is the next forum to occur, it will be at Montana Tech from 4–6 PM on September 21. Michele has reserved an auditorium there from 3–6:30 PM. The planning for this forum is well underway, and Michele mentioned that she will confer with Justice Baker, Matt, Melanie, and Patty to continue preparations.

Updates from the Court

Justice Baker said that she has confirmed a spot on the agenda for the Access to Justice Commission to present to the Montana Judges Association regarding the forms project and the issue of mandatory vs. non-mandatory forms. The presentation will be in the afternoon on October 13, 2016, at the MJA conference in Polson.

The Law Librarian and Reference Librarian positions remain open at the State Law Library. Justice Baker noted that the Court would like to fill these positions in a way that can address the substantial access to justice portion of that job. More than 70% of the inquiries the State Law Library receives are from non-lawyer citizens.

Justice Baker opened the floor for public comment. There were no public comments. The next meeting will be held September 9, and the final meeting before the opening of the 2017 Legislative Session will be December 9.

Justice Baker adjourned the meeting at 3:19 PM.

Tab 3

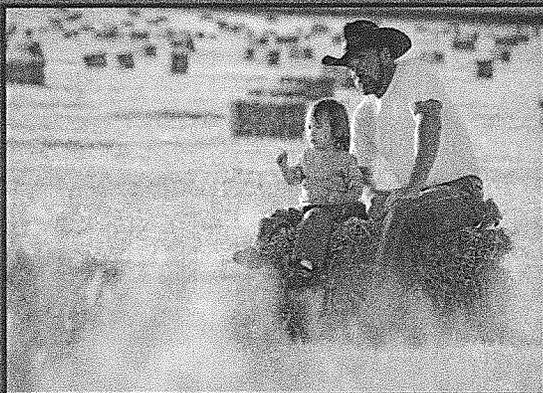
Montana Supreme
Court



*Access to Justice
Commission*

Access to Justice Forum Series

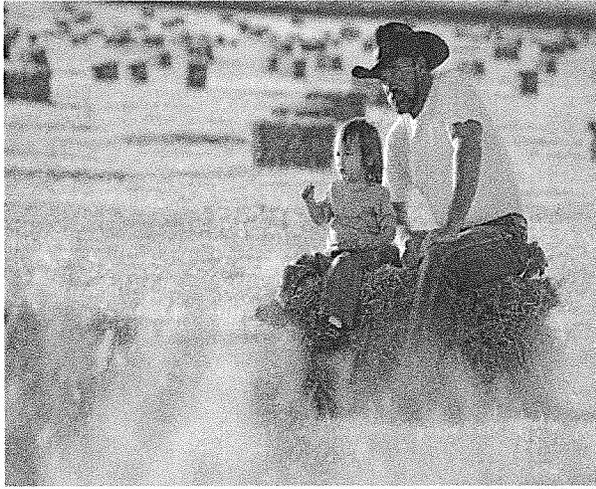
A series of regional public discussions about the successes and challenges in securing equal access to the civil legal system for all Montanans and how those issues impact our communities.



Bringing together justice and community leaders to learn more about access to justice for all Montanans and to advance toward the goal of justice for all.

Butte Access to Justice Forum
Wednesday, September 21
4-6pm
Montana Tech Library Auditorium
1300 West Park Street

The public is encouraged to attend.
There will be a period for public comment at the conclusion of the Forum.



Montana Supreme Court

Access to Justice
Commission

Access to Justice Forum Series

2015-2016

ADDRESSING MONTANA'S JUSTICE GAP

Access to Justice

Access to justice refers to improving and expanding opportunities for low and moderate income people to seek assistance in Montana's courts with legal processes that enforce, restore or protect private and personal rights to ensure that our justice system is truly available to all.

Access to Justice Commission

The Montana Supreme Court established the 18-member Access to Justice Commission in a 2012 Order. The Commission's purpose, in part, is to assess the legal needs of low- and moderate-income Montanans and the extent to which those needs are going unmet, and to coordinate efforts to better meet those needs. The Commission reports biennially to the Court.

Montanans Living in Poverty

Almost 150,000 Montanans (about 15 percent) live at or below the poverty level. Tens of thousands more exist barely above the poverty line and many have acute legal needs. Often, the security and services of our legal system are lost to most living in poverty only because they cannot obtain services to protect their legal interests. The problem is compounded when unmet legal needs contribute to the cycle of poverty.

The Forum Series

The Access to Justice Forums are a series of regional discussions among community programs and justice leaders about the successes and challenges in securing equal access to the civil legal system for all Montanans and how those issues impact the communities in which we live.

Unmet legal needs of Montanans can affect many areas of their lives and so too the programs and services they utilize. A community problem requires a community solution.

A legal needs study conducted in 2010 found half of low-income Montanans had at least one civil legal problem and more than three-fourths were unable to address their problem. Updated studies and reports commissioned by the Access to Justice Commission and Montana AAA Legal Services, Inc., provide a roadmap to narrowing Montana's justice gap. The Access to Justice Forum Series is intended to further explore solutions and services to fill these gaps.

Forum Purpose and Results

The purpose of the forum series is to:

1. Gather information regarding the extent to which civil legal needs of low-income people are being met; identify major challenges in accessing services or in the delivery of justice statewide and within individual communities.
2. Build awareness of the importance of access to justice in the general and legal populations.
3. Promote pro bono legal services, volunteerism, and support of organizations that provide access to justice.
4. Advocate for adequate levels of funding and supportive policies and laws and educate the courts about the needs of the unrepresented.
5. Educate litigants, service organizations and the general population about the limits and challenges of the courts regarding the unrepresented.

The Commission will compile and publish a final report of the Forum Series that will be submitted to the Montana Supreme Court and will be used to inform the Commission's work and recommendations to the Court, the Montana Legislature, governmental entities, and the State Bar.

Why Should You Attend?

The Access to Justice Forum Series will

bring together a broad spectrum of community members into a single room for a single purpose: to learn more about access to justice for all Montanans and to advance toward the goal of justice for all. You should attend if you are involved in community programs and organizations or government and legal-related professions and services, or if you work with or know low-income Montanans who face barriers to accessing our legal system. You will learn how access to justice impacts you, your community, and your organization, and you will come away with an understanding of how you can be part of a bigger plan in addressing unmet legal needs.

Speakers and Locations

The Forum discussions will take place in seven different locations across Montana beginning in Kalispell in October 2015 and conclude in Helena in Fall 2016. Speakers may include representatives from the private bar; non-profit or other organizations that provide legal or other assistance to low-income Montanans; people or organizations that have been helped by these services; advocates for the disabled, the elderly, or survivors of domestic violence; the judiciary; community leaders; and legislators. Speakers will share successes, challenges, advances in access to justice in recent years, and inequalities that continue to exist.

Listening Panel

Speakers will present to a Listening Panel who will ask questions of the speakers and discuss presentations. This format will not only improve the knowledge of the Listening Panel members, but facilitate the exchange of information between the speakers and their organizations and help focus a community and statewide dialogue.



Montana Supreme Court
Access to Justice Commission

Access to Justice Forum Series 2015-2016

What Organizers and Participants Need to Know

Forum Description

The Access to Justice Forum series is an effort of the Montana Supreme Court Access to Justice Commission with the support and assistance of others working within the framework of access to justice efforts. The series of regional public discussions about the need for civil legal services for low and moderate income Montanans will be held in seven different locations across the state beginning in October 2015 in Kalispell and concluding in the Fall of 2016 in Helena.

Each **two-hour** forum will include a "Listening Panel" and "Witnesses", both of which are by invitation only. Special invitations may be extended to audience members who may assist in raising awareness of access to justice issues or who have specific relations or networks with the ability to advance the series purpose. The Forum is open to the public and at the end of the program there will be approximately 30 minutes for public comment. Each forum will be video-taped or transcribed. The Access to Justice Commission will use the testimony as part of the basis for recommendations to the Supreme Court, the Legislature, and the State Bar of Montana to increase availability of legal assistance in civil matters.

Listening Panel

The Commission will issue invitations to 8-12 Listening Panel members who may include, among others, the following:

- Access to Justice program chairs/members
- Supreme Court Justice
- Local members of judiciary
- Montana legislators
- Local Bar leaders/trustees
- Local public officials
- Governor/staff
- Pro bono and access to justice program representatives
- Local community/civic leaders

The Listening Panel seeks testimony

from witnesses providing a variety of services or having specific knowledge regarding unmet legal needs of low and moderate income Montanans. Panel members may make inquiries of witnesses during testimony.

Witnesses

Witnesses will provide testimony to the Listening Panel and will be drawn from a wide range of individuals, programs and organizations with compelling evidence and familiarity with access to justice issues. Each witness is limited to five minutes of prepared material with anticipated questions from Panel members. Witness list might include:

- Montana Legal Services representatives
- Pro bono attorneys
- Local judge/court staff
- Programs for disabled and elderly
- Mediation programs
- Domestic violence shelters
- Veterans organizations
- Self-Help programs
- Legislators
- Local area agencies on aging
- Others with access to justice interest

Audience

Public participation is encouraged. Particular attendance outreach efforts should be considered for the following:

- Local media
- Lawyers
- Court personnel
- Local and state agencies
- Local non-profits
- Business community
- People seeking services
- Legal service providers
- Local educational institutions—students, staff, board, principals
- State and local bar leaders
- Legislators
- Local law enforcement
- City Council
- County Commissioners
- Tribal leaders

Locations, Dates and Contacts

Each Forum in the series is assigned an organizational leader. If you wish to assist with Forum organization in a specific area or have an interest in participating as a witness or panel member, you should contact the designated point person.

Kalispell

Wednesday, October 21, 4-6pm
Flathead Valley Community College
Arts & Technology Building, Room 139
777 Grandview Drive

Contact: Patty Fain, pfain@mt.gov
406.794-7824

Great Falls

Wednesday, November 18, 4-6pm
Great Falls College MSU

Contact: Matt Dale, madale@mt.gov
406-444-1907

Billings

Wednesday, March 16, 2016
Mansfield Health Education Center
2900 12th Avenue North

Contact: Patty Fain, pfain@mt.gov
406.794-7824

Missoula

Wednesday, April 20, 2016, 4-6pm
Alexander Blewett III School of Law
At the University of Montana

Contact: Patty Fain
pfain@mt.gov or 406.794.7824

Bozeman

Wednesday, May 18, 2016, 4-6pm
Location: City Commission Room,

Contact: Patty Fain, 794-7824
pfain@mt.gov

Butte

Wednesday, September 21, 2016, 4-6pm
Location: Montana Tech Library Auditorium

Contact: Michele Robinson
michele.robinson45@gmail.com

Helena

Wednesday, October 19, 2016, 4-6pm
Location: TBA

Contact: Melanie Reynolds, 457-8910
mreynolds@lccountymt.gov

Tab 4

To: Access to Justice Commission
From: Abby Brown, Co-Chair Standing Committee on Self-Represented Litigants
Date: August 31, 2016
RE: Report from Standing Committee on Self-Represented Litigants



Update on Standing Committee. The Committee met on July 19, 2016. The Committee's website (http://courts.mt.gov/supreme/boards/self_represented_litigants) is now current and includes detailed agenda and meeting minutes, Committee membership, a copy of the strategic plan and reports to this Commission. The following is the Committee's Report since June 2016:

- **Forms Sub-Committee.** The pilot program to test the Dissolution of Marriage with Children forms is ongoing in Cascade and Gallatin Counties. The Sub-Committee has begun training court staff on the forms and Nolan is helping to "packetize" the forms for easier use. Instructions are also being drafted to go with the packets and MLSA received a grant to automate the forms when they are out of the pilot phase. The timeline for rolling-out automated forms in a user-testable format is September 2016.

This Sub-Committee is volunteer-based. There is value in having a Committee of diverse professionals vetting forms for self-represented litigants. However, the Commission needs to acknowledge the amount of time and resources that drafting and revising forms takes and consider how the process can be aided by paid support staff, particularly if the Commission is looking to revamp and/or standardize self-represented litigant forms for other areas of law.

- **Education & Outreach Sub-Committee.** The 2016-2017 goals for this Sub-Committee have been met. The Sub-Committee provided 3+ in-person trainings on *Legal Information vs. Legal Advice* in various settings across the state in Kalispell, Helena x 2, and Missoula. Currently all of these trainings have been done by members of the Committee on a volunteer basis.

While it was the intention of the Sub-Committee to present these training materials to the Commission for endorsement at the September 9th meeting, there were not enough volunteer hours to get that accomplished. The Sub-Committee will therefore compile those documents and circulate them to the Commission prior to the December meeting for endorsement of the materials in December.

One unmet goal of this Sub-Committee is to find funding (grants or otherwise) to offset the costs of these trainings. The Committee members simply do not have the time to seek out funding and there are less and less volunteers to do the trainings on a volunteer-only basis. The Committee will revisit the method of training at its December meeting to determine if the educational training goals of the Committee can be met in a more creative manner than does not require funding and/or outsourced to become part of existing trainings (i.e. "train the trainer" type models).

- **Legislative Changes Sub-Committee.** At the June 3, 2016 Commission meeting the Commission asked the Committee to submit its proposed process for reviewing legislation for the 2017 Legislature so that the Commission can weigh in on the proposed process.

//

The Committee's proposed process, as discussed and agreed during the April 2016 Committee meeting is as follows:

- o Ann will have access to the State Bar's lobbyist who tracks legislation that may impact the legal profession. It is believed that any Legislation potentially impacting self-represented litigants will be included in the State Bar's list of tracked proposed bills
- o Ann will disseminate the State Bars list of proposed legislation impacting the legal profession to this Sub-Committee (Ann, Randy, Erin, Abby);
- o This sub-committee will review the proposed bills to determine if they impact self-represented litigants; and
- o In the event a proposed bill may impact self-represented litigants, Ann or Abby will reach out to the Commission for guidance.

****ACTION ITEM FOR COMMISSION**** *What does the Commission want this Sub-Committee to do if a bill impacting self-represented litigants is identified? This Committee does not have the capacity to lobby or really take any substantive or proactive measures.*

- e **Proposed Standardized Fee Waiver Form.** At the June 3, 2016 Commission meeting this Committee recommended the Commission request the Montana Supreme Court to standardize the fee waiver form required by Section 25-10-404, MCA, and to either petition the Supreme Court to amend applicable procedural rules to mandate the use of this form and/or order the use of this standardized form by all applicable Montana courts.

At the June 3 meeting, the Commission requested the Committee prepare a proposed standardized fee waiver form for the Commissions consideration at the September 9, 2016 meeting. At the Committee's July meeting a working group was formed to create this form. The Form, as well as a standardized proposed order, is attached to this report for the Committee's consideration.

The working group is in the process of reaching out to the AG's office regarding any comments they may have on the proposed form. Results of that contact, if achieved by September 9th, will be reported at the Commission meeting.

****ACTION ITEM FOR COMMISSION**** *Discuss and approve the Standardized Fee Waiver Form and Proposed Order prepared by the Committee. If approved, instruct and/or provide guidance to the Committee regarding presentation of the standardized form to the Montana Supreme Court for action.*

 Name

 Mailing Address

 City State Zip Code

 Phone Number

 E-mail Address (optional)

Appearing without a lawyer

- MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY
- IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MONTANA
- IN THE MUNICIPAL OR CITY COURT OF _____, MONTANA

<p>_____ (First, Middle, Last) Petitioner / Plaintiff, and</p> <p>_____ Respondent / Defendant.</p>	<p>Case No: _____ <i>(leave blank, the clerk will write in)</i></p> <p>Declaration of Inability to Pay Fees and Order</p>
--	--

I, _____, declare: That I have a good cause of action or defense but am unable to pay filing or other court fees. I request the court waive the costs and fees. I provide the following information about my income and expenses:

I. INCOME

Do you receive any of these benefits [check the box if yes]? SNAP TANF SSI

If yes, skip to the bottom of this form, and sign it. You don't need to fill out the rest of this form.

If no, then what income do you receive? Fill in the chart below. If you don't receive income from a listed source, put a "0" in the blank for that amount per month.

My Income Sources	Amount per Month
<input type="checkbox"/> Employment	\$
<input type="checkbox"/> Investments	\$
<input type="checkbox"/> Rental Income	\$

<input type="checkbox"/> Retirement	\$
<input type="checkbox"/> Workers Comp	\$
<input type="checkbox"/> Social Security	\$
<input type="checkbox"/> Unemployment	\$
<input type="checkbox"/> Survivor's Benefits	\$
<input type="checkbox"/> Veteran's benefits	\$
<input type="checkbox"/> Child support	\$
<input type="checkbox"/> Pension	\$
<input type="checkbox"/> A person or agency pays my rent or other monthly expenses	\$
<input type="checkbox"/> Other income-describe:	\$
Total here:	\$

Marital Status: Single Married

If you are married, please list your spouse's income below. If you are separated, or one of you is filing for dissolution of marriage, you do not need to provide your spouse's income. If your spouse doesn't receive income from a listed source, put a "0" in the blank for that amount per month.

Spouse's Income	Amount per Month
<input type="checkbox"/> Employment	\$
<input type="checkbox"/> Investments	\$
<input type="checkbox"/> Rental Income	\$
<input type="checkbox"/> Retirement	\$
<input type="checkbox"/> Workers Comp	\$
<input type="checkbox"/> Social Security	\$
<input type="checkbox"/> Unemployment	\$
<input type="checkbox"/> Survivor's Benefits	\$
<input type="checkbox"/> Veteran's benefits	\$
<input type="checkbox"/> Child support	\$
<input type="checkbox"/> Pension	\$
Total here:	\$

How many children under 19 live with you? None _____ *[write in how many]*

II. ASSETS

How much money total do you (and your spouse, if married and not separated and not filing for dissolution) have in cash, savings and checking? \$ _____

What property do you own? Fill in the chart below, for each item that you could sell for \$600 or more. If you don't own an item listed, write "N/A" in the "Value" column for that item.

Asset	Value if you sold it	Amount owed
<input type="checkbox"/> Vehicle 1, provide year, make and model:	\$	\$
<input type="checkbox"/> Vehicle 2, provide year, make and model:	\$	\$
<input type="checkbox"/> Home where you live now	\$	\$
<input type="checkbox"/> Real estate other than home you're living in	\$	\$
<input type="checkbox"/> Motorcycle /Fourwheeler	\$	\$
<input type="checkbox"/> Snowmobile	\$	\$
<input type="checkbox"/> Camper	\$	\$
<input type="checkbox"/> Mobile home	\$	\$
<input type="checkbox"/> Guns, collections		
<input type="checkbox"/> Boat/watercraft	\$	\$
<input type="checkbox"/> Other item worth more than \$600	\$	\$

III. MONTHLY EXPENSES

What bills do you actually pay each month? Fill in the chart below. If you don't have a monthly expense that's listed in the chart, write "0" in the amount column for that expense.

Monthly expense:	Amount per Month
<input type="checkbox"/> Rent / Mortgage	\$
<input type="checkbox"/> Utilities (all combined)	\$
<input type="checkbox"/> Phone (cell / landline)	\$

<input type="checkbox"/> Vehicle Payments (all combined)	\$
<input type="checkbox"/> Vehicle Insurance (all combined)	\$
<input type="checkbox"/> Other Insurance	\$
<input type="checkbox"/> Groceries	\$
<input type="checkbox"/> Credit card payments actually paid	\$
<input type="checkbox"/> Child support payments actually paid	\$
<input type="checkbox"/> TV / Cable / Satellite / Internet (combined)	\$
<input type="checkbox"/> Gas for vehicle (or other transportation costs, such as bus fare)	\$
<input type="checkbox"/> Medical insurance	\$
<input type="checkbox"/> Other health costs, such as prescriptions	\$
<input type="checkbox"/> Other monthly bills, describe	\$
Total here:	\$

I declare under penalty of perjury and under the laws of the state of Montana that the information in this document is true and correct. I understand that it is a crime to give false information in this document.

Date: _____ City _____ State _____

Signature: _____

ORDER

Waiver of fees and costs is **Granted**. Declarant shall proceed without payment of fees or costs.

Temporary Waiver of fees is **Granted**. Declarant may file without payment of fees or costs, but the Court may determine at a later time that the declarant has the ability to pay all fees or costs and will require declarant to do so.

Temporary Waiver of fees is **Granted**. Declarant may file without payment of fees or costs, but must appear before the Court at ____ a.m/p.m. on the ____ day of _____ and show cause why the declarant lacks the ability to pay all fees or costs.

Waiver of Fees and costs is **Denied**. Waiver is denied based on the following:

Ordered this ____ day of _____, 20__.

Judge Presiding

Tab 5

Materials to Follow

Tab 6

Justice for all – Making our court system work for all Montanans

Children. Seniors. Veterans. The disabled. Minimum wage workers. Victims of abuse.

- **Civil Legal Aid.** For over 50 years, civil legal aid in Montana has provided critical legal services such as:
 - - helping victims of domestic violence escape abuse
 - -fighting scams on consumers, especially seniors
 - - preserving housing and improving housing conditions
 - - protecting & improving household income for families
- **The Justice Gap.** Equal Justice for All? *(each of the following facts could have its own infographic)*
 - 182,000 Montanans (18%) qualify for civil legal aid
 - **9 out of 10** Montanans under 200% of federal poverty have a civil legal need
 - At least **50%** of the civil legal needs of poor people are unmet.
 - **42 of 56** Montana Counties will have more than 30% people over age 60 by 2025.
 - Montana Legal Services Association has **1** attorney for every **12,133** Montanans living in poverty.
 - The Montana Justice Foundation funds less than half of the Montana programs requesting financial assistance.
 - **The legal system is complicated. Full representation by an attorney—both for brief and extended services—is the largest over-riding gap in services.** ¹
- (Story -- can be put on either side, depending on room)
 - *8-year-old “Taylor” has a severe illness that places her at risk for brain damage and death. Unfortunately, the expensive medicine that works best for Taylor is not labeled for her illness, so Medicaid would not pay for it. Taylor's grandfather dipped into his social security, but the family couldn't sustain the payments. In fear for her daughter's life, Taylor's mom called Montana Legal Services Association, whose attorney contacted experts all over the country to find evidence supporting use of the medication for Taylor's illness. With this evidence, Taylor's attorney convinced Medicaid that the denial of coverage should be reversed. Taylor's family can now afford her treatment and she has better future ahead of her.*
- Contact information:
 - Montana Supreme Court's Access to Justice Commission (NAME/EMAIL)
 - <http://courts.mt.gov/supreme/boards/a2j>

¹ *The Justice Gap in Montana: As Vast as Big Sky Country* (July 2014),
<http://courts.mt.gov/portals/113/supreme/boards/a2j/docs/justicegap-mt.pdf>

Side B:

- **\$9,645,345:** total economic impact of civil legal aid on Montana's economy in 2013.
- The Return on Investment in civil legal aid in Montana is **215%**.
- **Equal Justice for All: Bridging the Justice Gap.** Montanans from many organizations work together to help their neighbors, but the need for civil legal assistance still leaves many people in crisis.
 - *(each point to have its own infographic)*
 - **Self Help:** Court Help Program. 60,000 customer interactions over the 8-year life of the program, almost 70% to families earning less than \$24,000 per year. *(Does not provide legal advice.)*
 - **Volunteer Attorneys:** Pro Bono Services. 1,799 Montana attorneys provided 142,406 volunteer hours in 2015.
 - **Free On-Line Legal Forms:** MontanaLawHelp.org. Over 2,000 self-help forms completed in 2015.
 - **Elder Wills:** Montana AAA Legal Services. 755 cases for elder Montanans in 2015.
 - **General Civil Legal Aid:** Montana Legal Services Association.
 - National leader in innovative technology methods to increase access and efficiency
 - Rural service delivery model which provides low-cost, centralized attorneys serving clients in every single county.
 - 7,300 Montanans helped by MLSA in 2015, with just 15 attorneys.
 - **Montana Justice Foundation:** Awarded \$220,000 statewide in grants in 2016 to legal aid, domestic violence, CASA, and mediation programs
- **What Could State Funding Do?** The current network of services is robust and effective, but it needs more attorneys to deliver critical services to those unable to represent themselves. For example, \$500,000 per year could provide estimated² additional civil legal services to achieve:
 - Estimated **46%** increase in 2015 client service levels at MLSA
 - **1,344** additional Montanans afforded critical legal services
 - **53** additional pro bono family law clinics per year
 - **\$1,575,000** anticipated Return on Investment (dollars in Montana's economy)

² Estimates based on 2015 service levels offered by Montana Legal Services Association. Any actual funding will be distributed through an RFP process.

Montana Access to Justice Commission
Preliminary Bill Draft as Revised August 9, 2016

AN ACT ESTABLISHING FUNDING FOR CIVIL LEGAL AID; INCREASING FEES FOR CERTAIN DISTRICT COURT AND JUSTICE COURT FILINGS; PROVIDING STATUTORY APPROPRIATIONS FOR COSTS OF PROVIDING LEGAL ASSISTANCE TO LOW INCOME PERSONS; AMENDING SECTIONS 17-7-502, 25-1-201, 25-9-506, AND 25-31-112, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION 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. 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.

(3) Money in this account is statutorily appropriated, as provided in 17-7-502, to the office of the court administrator for purposes provided in subsection (1).

Section 2. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-15-247; 2-17-105; [section 1]; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-1-327; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-51-501; 39-1-105; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-206; 44-13-102; 53-1-109; 53-1-215; 53-2-208; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-

518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of 53-9-113 terminates June 30, 2015; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to secs. 3 and 5, Ch. 244, L. 2013, the inclusion of 22-1-327 is effective July 1, 2015, and terminates July 1, 2017; and pursuant to sec. 10, Ch. 413, L. 2013, the inclusion of 2-15-247, 39-1-105, 53-1-215, and 53-2-208 terminates June 30, 2015.)"

Section 3. 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 subsections (3) and (5) through (7 9) 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 and \$80 must be deposited in the state special revenue account established in [Section 1].
- (6) Of the fee for filing a complaint in intervention, \$90 must be deposited in the state special revenue account established in [Section 1].

(7) Of the fee collected on appearance from each defendant or respondent, \$40 must be deposited in the state special revenue account established in [Section 1].

(6 8) 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 9) 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 and \$7 must be deposited in the state special revenue account established in [Section 1]. 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 10) 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 4. 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, of which \$40 must be deposited in the state special revenue account established in [Section 1].

(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 not otherwise specifically allocated must be forwarded to the department of revenue for deposit in the state general fund.”

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, of which \$5 must be deposited in the state special revenue account established in [Section 1].

(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. 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.

Section 7. Reporting. The supreme court administrator shall submit a report to the Law and Justice Interim Committee on or before September 30, 2021, documenting the amount of revenue deposited in the state special revenue account established in [Section 1], the amount of funds distributed pursuant to [Section 1], and the nonprofit organizations to which funds were distributed. The report shall include a summary of the legal services provided to low income persons by organizations receiving funds under [Section 1].

Section 8. Termination. [This act] terminates June 30, 2023.

Tab 7

More Materials Will Follow

JUSTICE for ALL STRATEGIC ACTION PLANNING REQUEST for PROPOSALS

A. General Information

The Access to Justice Crisis and Response

The rising number of people in poverty, the increase of self-represented litigants in our state courts, and severe funding deficiencies take our civil justice system further than ever from fulfilling the promise of equal access to justice. Faced with these challenges, leaders in the bench and bar have developed an array of exciting innovations to help those who face civil legal problems. To date, however, these innovations usually have been offered piecemeal by different sectors in the states, rather than in an integrated approach that combines services across sectors to make the best use of available resources for each person with an essential civil legal need.

In July 2015, the Conference of Chief Justices and Conference of State Court Administrators unanimously passed Resolution 5, *Reaffirming the Commitment to Meaningful Access to Justice for All*, which:

- Envisions state systems in which everyone has access to effective assistance for their essential civil legal needs through a comprehensive approach that provides a continuum of meaningful and appropriate services.
- Calls for courts, Access to Justice Commissions or other such entities, and other essential partners, including civil legal aid organizations and the bar, to work together and develop in each state a strategic plan with realistic and measurable outcomes to reach the goal of effective assistance for all; and
- Urges the National Center for State Courts (NCSC) and other national organizations to develop tools and provide assistance to states in achieving the goal.

The Justice for All Project

Overall Goal and Leadership

Supported with funding from the Public Welfare Foundation and housed at the National Center for State Courts, the Justice for All (JFA) project will provide funding to states to support efforts that include *all* relevant stakeholders in the civil justice community in a partnership to move toward implementation of Resolution 5. The project seeks to encourage states to reimagine how to work across organizational boundaries, to advance access to justice for all and diminish the justice gap; to identify and make best use of all available resources; and to foster a constructive

collaboration among the courts, legal aid, access to justice commissions and the private bar. The State Supreme Court Justices recognized in their resolution that not all legal problems need to be, or will be resolved in court; the Resolution also acknowledged that the civil legal problems of individuals will be resolved in a variety of fora, including state, local, and federal administrative agencies and courts. However, the Justice for All project specifically targets the states through:

- Recognizing that *no one program or approach* alone can suffice to provide all of those in need of help with appropriate and meaningful assistance for their civil legal problems. An array of innovations have been developed by bench and bar but they usually have been offered piecemeal rather than in an integrated approach that attempts to make the best use of available resources for each person.
- Aiming to encourage state efforts that include all relevant stakeholders in the civil justice community—courts, access to justice commissions, legal aid, the private bar—in a partnership to implement CCJ/COSCA Resolution 5 (Meaningful Access to Justice for All). The Resolution envisions state systems in which everyone has access to meaningful and effective assistance for their civil legal needs through a comprehensive approach that provides a continuum of meaningful and appropriate services.
- Encouraging states to identify all available resources and reimagine how they can be used and coordinated to advance access to justice for all, focusing on the perspective of persons in need of services.

The JFA project is overseen by the JFA Advisory Committee, chaired by Hon. Ralph Gants (Massachusetts Supreme Judicial Court) and Hon. Laurie Zelon (California Court of Appeal). (See Appendix A for a complete Advisory Committee member list.) The Advisory Committee will review all grant applications and will have decision making authority regarding the number of grantees and the grant award amounts under the project.

JFA Project Components

1. Strategic Action Plan Grants: Based on this Request For Proposal (RFP), the JFA Advisory Committee will award grants to states to conduct a state assessment/inventory that will identify the relevant available resources, and to design a strategic action plan to achieve access to justice for all as called for in Resolution 5. Applications must demonstrate that all core stakeholders—courts, access to justice commissions, the private bar, and legal aid providers—are committed to work together to overcome fragmentation and create an integrated approach to accomplish the goal.

2. Implementation Grants: In the second year of the Project, *those states which received strategic action plan grant awards pursuant to this RFP* may apply for targeted grants to assist with implementation. The Advisory Committee will

determine a process to issue these grants in year 2, after consulting with grantees. These grants may address targeted pilot implementation efforts as well as other needs that these states might require and the Advisory Committee determines appropriate.

3. Guidance Materials: An expert working group will develop guidance materials to help states to identify and prepare an inventory of the relevant available resources, and to formulate a strategic action plan. The materials will provide information about a mix of services, as highlighted in the Resolution, for states to consider (e.g., self-help services to litigants, new or modified court rules and processes that facilitate access, discrete task representation by counsel, pro bono assistance, effective use of technology, increased availability of legal aid services, enhanced language access services, enhanced coordination with the human services sector, and triage models to match the specific needs of persons with legal problems with the appropriate level of services).

Specifically, two guides will be provided to *all* states during the summer of 2016: A guide for a strategic action plan, including a basic template for the possible plan; A guide for a state assessment/ inventory to help states identify and inventory the resources, services, and capabilities they have and may need, and consider how to address gaps in services to better meet the legal needs of all.

At the conclusion of the project, the expert working group will revise the guidance materials to reflect observations from grantee efforts as well as updated thinking among scholars and practitioners. Project staff will compile a repository of information around grantee efforts (e.g., award focus, implementation, outcomes) and make it available to others interested in achieving full access to justice in their states.

Vision of the Project

Ultimately, the Justice for All Project envisions helping states build a civil justice system that fulfills America's promise of justice. In particular, this system should provide a well-integrated and coordinated supporting infrastructure that permits all persons to have effective assistance to solve their civil legal problems. It should incorporate screening to identify the individual's needs and align them with appropriate resources in a system that provides:

- Access to information through technology like online forms, informational websites and tools;
- Services such as self-help centers and navigators;
- Widely available and adequate referrals including enhanced coordination with social services;

- Simplified court rules and processes;
- Legal representation through well-resourced civil legal aid providers, pro bono assistance, discrete task representation, and other appropriate services.

In short, this is a system that enables everyone to get access to the information and effective assistance they need, when they need it, and in a format they can use. The intent is not to reduce any of the existing capabilities and resources that support access to justice, but to supplement them to fill gaps in service to reach those who are unable now to obtain the legal help they need.

B. Proposal Awards and Application Requirements

Under the RFP, grants will be awarded to help states assess and inventory the relevant resources and develop a state assessment/inventory and strategic action plan to achieve access to justice for all. All core stakeholders-courts, access to justice commissions, the private bar, and legal aid providers-must be willing to work together to create an integrated approach to accomplish the goal.

Strategic action planning efforts may be supported by consultants or other technical assistance, whose cost should be included as part of the application budget. States may request a list of technical assistance providers who are available to be retained to support strategic planning efforts. States may already have existing relationships with strategic planning technical assistance providers/experts. Whichever approach is used, states should identify their preferred technical assistance provider/expert with their application.

No grant shall be for a period longer than 12 months. The likely grant range will be between \$50,000-\$100,000, depending on need in a particular state.

The grant proposals must specifically address each element below.

1. ***Signatures:*** Required signatories include the state's Chief Justice, state court administrator, and the ATJ Commission Chair (if the state has an ATJ Commission). If there is no ATJ Commission, applicants must attach a letter of commitment from the state bar president and a representative from the legal aid bar, along with the signatures of the Chief Justice and state court administrator.
2. ***Stakeholder identification and roles:*** Identify prospective stakeholders and their roles in the strategic planning process.
3. ***Description of deliverables:*** Proposals should describe the proposed planning efforts, and give a proposed time-table for grant activities.

4. ***Amount requested and budget:*** A descriptive budget, using the template attached in Appendix B, must accompany the requested grant application and include any in-kind contributions and technical assistance provider costs.
5. ***Description of approach.*** The application should describe the state's interest in participating in the project, its vision of how it seeks to meet the legal needs of persons with legal needs (the system user), and explain why the applicant state may serve as a model for other states.
6. ***Commitment to document and evaluate grant efforts.*** The applicant must commit to including within its action plan a process to evaluate its implementation, to identify criteria that will be considered in that evaluation, and to document that evaluation.
7. ***Identification of grant recipient:*** The proposal must identify the entity that will receive and administer the grant funds.
8. ***Length:*** No more than 10 pages.

C. Criteria for Selection

The Advisory Committee will consider a variety of factors when making award decisions. Identified criteria that are among those that may be considered by the Advisory Committee are described in greater detail in Appendix C.

D. Reporting Requirements

Grantees must report grant progress to the NCSC on a quarterly basis. Reports must include a description of activities for the quarter, an assessment of scheduled progress, and a description of problems impeding progress, if there are any. See Appendix D for a sample progress report template.

NCSC staff will conduct additional follow-up calls by phone.

E. Proposal and Award Timeframe

Proposals must be submitted no later than **October 5, 2016**. The Advisory Committee will announce awards in November 2016 and anticipates grant monies will be distributed in December 2016. More information will follow regarding implementation grants, which may be applied for in 2017.

While grant award amount and duration will vary by grantee, no grant shall be for a period longer than 12 months.

F. Contact(s)

Questions about the RFP should be directed to:

Shelley Spacek Miller
Senior Court Research Analyst
National Center for State Courts
757-259-1538
757-707-7940
sspacek@ncsc.org

Send responses electronically to: sspacek@ncsc.org

Appendices

Appendix A: Justice for All Advisory Committee Member List
Appendix B: Sample Descriptive Budget
Appendix C: Criteria for Selection
Appendix D: Sample Progress Report Form



APPENDIX A

**JUSTICE FOR ALL
ADVISORY COMMITTEE MEMBER LIST**

Justice for All Advisory Committee Members

Hon. Ralph Gants, Co-Chair
Chief Justice
Massachusetts Supreme Judicial Court

Dan Becker
State Court Administrator
Utah Administrative Office of the Courts

Stephanie Hess
President, Nat'l Ass'n for Court Management
Director, Ohio Supreme Court Office of Court Services

Jim Sandman
President
Legal Services Corporation

Hon. Laurie Zelon, Co-Chair
Associate Justice
California Court of Appeal

Peter Edelman
Chair
D.C. Access to Justice Comm'n

William Hubbard
Partner
Nelson, Mullins, Riley & Scarborough, LLP

Jo-Ann Wallace
President & CEO
National Legal Aid & Defender's Ass'n

APPENDIX B

SAMPLE DESCRIPTIVE BUDGET

Justice for All Sample Strategic Action Planning Budget

Budget Category*	Amount
Personnel	
Consultants	
Travel	
Materials	
In-kind Contributions	
Indirect	
Total	

**Include a short narrative for each budget category*

APPENDIX C
CRITERIA FOR SELECTION

Justice for All Strategic Action Planning Selection Criteria

1. ***Integration of Access to Justice Partners:*** Demonstrated support from all relevant stakeholders.
2. ***Use of Guidance Materials:*** Willingness to work with the inventory and strategic action plan guides developed by the Justice for All Expert Working Group or utilize an approved alternative approach.
3. ***Identify Local Resources:*** Identification of resources to support the strategic action planning effort and sustain stakeholder collaboration on planning. This includes a willingness to dedicate resources to the strategic action planning effort and, when the plan exists, a willingness to dedicate resources to plan implementation.
4. ***Sustainability of Stakeholder Collaboration:*** Demonstrate a willingness to undertake sustained stakeholder collaboration. Examples of previous coordination/collaboration among stakeholders may be provided.
5. ***Staff Commitment:*** Commitment of a staff person to oversee the inventory assessment and strategic action planning effort at the state level and prepare progress reports.
6. ***Reporting and evaluating:*** Demonstrate a willingness to submit quarterly reports and establish measures to evaluate implementation efforts.

APPENDIX D

SAMPLE PROGRESS REPORT FORM

Tab 8

Materials to Follow