

Agenda
Montana Supreme Court Access to Justice Commission
September 23, 2015
Capitol Building, Room 172, Helena
12:00 PM – 4:00 PM

- I. Meet and Greet with Snacks in the Rotunda (12:00-12:30)
- II. Welcome and Introduce Guests; Members in Transition: Beth Baker (12:30 – 12:40)
- III. Updates: (12:40 – 2:00)
 - a. The evolving demands on Montana’s District Courts: Beth McLaughlin (12:40 – 12:55)
 - b. Current efforts to meet the need:
 - i. Court Help Update: Beth McLaughlin or Jim Taflan (12:55 – 1:05)
 - ii. MJF Update: Kate Kuykendall and Michele Robinson (1:05 – 1:15)
 - iii. MLSA Update: Alison Paul (1:15 – 1:30)
 - c. Civil legal aid funding and its impacts, to include presentation of Montana’s Economic Impact Report: Alison Paul or Michele Potts (1:30 – 2:00)
- IV. The Wyoming Experience: Chief Justice Jim Burke, Wyoming Supreme Court (2:00 – 2:30)

BREAK (2:30 – 2:45)

- V. Facing the Challenge: (2:45 – 3:25)
 - a. Public forum series: Patty Fain and Matt Dale (2:45 – 3:10)
 - b. Working with the legislature to help fill what’s missing: Beth Baker (3:10 – 3:25)
- VI. ATJC Committee Reports: Committee Chairs (3:25 – 3:40)
- VII. Review Upcoming Meeting Dates: Beth Baker (3:40 – 3:45)
- VIII. Public Comment (3:45 – 4:00)

ADJOURN: 4:00

Tab 1

Montana Supreme Court Access to Justice Commission

March 27, 2015

Court Administrator's Office

301 S. Park, Room 328

10:00 a.m. – 12:15 p.m.

Meeting Minutes

Commissioners Present: Justice Beth Baker, Matthew Dale, Judge Kurt Krueger, Michele Snowberger, Randy Snyder (phone), Andrew King-Ries (phone), Jon Bennion (phone), Melanie Reynolds, and Judge David Carter (phone).

Commissioners Absent: Rep. Chuck Hunter, Sen. Nels Swandal, Judge David Ortley, Jennifer Brandon, Amy Blixt, Winona Tanner, Michele Robinson, Alison Paul, Aimee Grmoljez, and Andy Huff.

Others Present: Erin Farris-Olsen, Chris Manos, Janice Doggett, Kate Kuykendall, Beth McLaughlin, Jamie Iguchi, Jessica Walker-Keleher, Patty Fain, Michelle Potts, and Krista Partridge.

Call to Order: 10:05 a.m.

Justice Baker welcomed new Commission member, Judge David Carter of Billings. She then asked for comments or corrections to the December meeting minutes. Justice Baker noted two corrections: 1) On page two of the minutes under "Court Help Program Budget Update," the sentence regarding Justice for Montanans survey results should read, ". . .95% of respondents ranked the program between "8" and "10" on a scale from 1-10, with 70% rating it a "10"; and, 2) On page four of the minutes under "Action Item" Approve Gaps & Barriers Summary Sheets," Aimee Grmoljez made the motion for approval, not Amy Sings In The Timber.

Matt Dale moved that the December minutes be adopted as corrected and Melanie Reynolds seconded. The motion passed without objection.

Legislative Session and Court Help Budget Update

Beth McLaughlin reported good news on funding for the Court Help Program. The House-Senate budget subcommittee voted unanimously to approve Court Help funding at \$295,000 and 5 FTE staff for each year of the biennium, and this budget was approved by the full House. Although this amount was \$100,000 less than requested, increased funding won't be pursued in the Senate. Beth added that grant funding will help pay for the Pro Bono Coordinator, and that money will be shifted from the Court Administrator's office budget to cover the Bozeman Court Help office. Beth thanked Jon Bennion for his efforts on behalf of the Court Help funding initiative, and also noted that the Kalispell judges and Judge Dan Boucher were very helpful during the process.

Beth stated that she's very happy so far with the overall status of funding for the Court Administrator and the Water Court. She also reported on three bills that would impact pro se litigants in family law matters: one bill would allow parties in an uncontested dissolution to waive the final hearing, another would clarify statute to require that the moving party must amend the parenting plan, and the third bill would change the dollar limit for summary dissolution cases. Justice Baker thanked Beth for her great work during the session and stated that we are lucky to have her advocating on behalf of the Judicial Branch.

Remote Services to Self Represented Litigants

Lisa Mecklenberg-Jackson was unable to attend the meeting, but sent out a written report included in the meeting materials. She provided background information on a grant award from the State Justice Institute to study remote service delivery to self-represented litigants in eight states, including Montana. The study will inform the development of business and technical requirements for a full-service litigant portal. On a recent visit to Montana, consultant John Greacen met with Justice Baker and representatives from the State Law Library, Self-Help Law Centers, MLSA, the State Bar, and AAA Legal Services. A resource guide comparing different models of service delivery will be produced and should be available before the end of the year. Recommendations will likely include a shift away from the travel-intensive circuit ride model toward a phone and web-based service to guide litigants to appropriate resources.

Assessment of Legal Needs of Elders in Montana

Janice Doggett reported on the Legal Needs of Elders Assessment that was recently completed. She noted that the Gaps & Barriers Study was used as a resource and that the assessment focused on rural and tribal areas. Findings from the assessment include: a significant technology barrier exists for this group and that it's hard to develop trust as a result; the population in rural frontier counties is aging rapidly and a "tsunami" of need is imminent; and the level and intensity of exploitation of elders is significant and increasing. The assessment concluded that civil rather than criminal matters were more constructive to pursue. The top legal need identified by the assessment is for estate and disability planning; a holistic approach for wrap-around services between MLSA and the Area Agencies on Aging is recommended to meet this need. The pro bono clinic model has been successful for estate planning, serving 278 participants in 2014 and achieving a savings of over \$650,000 to participants at or below 250% of poverty. Janice noted that a CLE session on Indian Wills is coming up, and that there will be a focus on Indian Wills during the last half of 2015. Matt Dale added that the Criminal Investigation Unit at the State Department of Justice has started an Elder Abuse Special Victims Unit and that he is willing to be a contact person for referrals. He indicated that this unit will investigate cases when the County Attorneys cannot.

Biennial Report to the Montana Supreme Court

Justice Baker asked the members if there were comments, questions, or suggested additions to the draft Biennial Report to the Montana Supreme Court that was included in the meeting materials. There were no comments from the members. She noted that since a quorum of members was not present, an email vote will be conducted in addition to the in-person vote.

Action Item: Approve Draft Report

Melanie Reynolds moved to approve the report as written and Matt Dale seconded. The motion passed without opposition. Kate Kuykendall solicited an email vote from absent members, and the following members voted in favor of the motion: Judge Ortley, Alison Paul, Michele Robinson, Amy Blixt, Jennifer Brandon, Andy Huff, and Nels Swandal.

Policy & Resources Committee Update

Matt Dale presented the Economic Impact Study Draft Report that was included in the meeting materials. He stated that the Committee is ready for the report approved as is, with annotated comments. Michelle Potts asked if there were any questions and added that the Committee has worked with the economist on all the calculations. Approval is requested so that the graphic design and printing process can move forward. Justice Baker noted that some of the comments make suggestions. Michelle responded that the suggested changes were made, but that the comments were retained so that the members could track the status of requested changes. Melanie asked if a clean copy could be provided prior to the vote. Justice Baker stated that due to the lack of a quorum, an email vote will be necessary anyway. Judge Krueger suggested that the Commission take a preliminary vote today and then conduct email voting for absent members.

Action Item: Approve Economic Impact Study Draft Report

Judge Krueger moved to approve the report with the changes as noted in the draft, voting today and then continuing the vote by email for the next 20 days. Matt Dale seconded the motion.

Justice Baker asked for discussion on the motion. Patty Fain suggested that the web voting platform be used rather than email and that a roll call vote be conducted now. Voting in favor of the motion were: Justice Baker, Judge Krueger, Matt Dale, Melanie Reynolds, Andrew King-Ries, Judge Carter, Jon Bennion, and Randy Snyder. **Kate Kuykendall solicited an email vote from the absent members, and the following members voted in favor of the motion: Judge Ortley, Alison Paul, Michele Robinson, Amy Blixt, Jennifer Brandon, Andy Huff, and Nels Swandal.**

Justice Baker noted that the report contains valuable information and we need to get the word out, adding that we will revisit this issue during the communications portion of the agenda. Justice Baker reminded the members that it was decided at the last meeting to conduct a statewide education and listening campaign to develop a 2017 funding proposal. Matt stated that

the listening sessions will be modeled on the 2008 effort and that the Committee will be asking Patty Fain to spearhead the effort once again. He added that much of what was done in 2008 worked well and will be replicated. Justice Baker stated that it will be very important for legislators to attend the sessions. She noted that lots of Montanans will be attending the upcoming Equal Justice Conference in Texas, and that she hopes to bring back good ideas for communications and state funding.

Self Represented Litigants Committee Update

Michele Snowberger stated that she recently took a new position at the Motor Vehicle Division, but will remain on the SRL Committee. Justice Baker congratulated Michele and thanked her for her continued service. Michele reported that the Committee is working on training materials for legal information vs. legal advice and is searching for the best software platform. She noted that the Department of Justice uses “Moodle” which is an open source software platform and added that the Committee has found a programmer who will donate time. She said that the family law forms project is nearing completion and that MLSA has a grant in place to put the new forms into the interactive software.

Communications & Outreach Committee Update

Matt Dale asked the group for input on the Gaps and Barriers press release that was included in the meeting materials. Justice Baker asked for discussion on the best way to increase the likelihood of the report being picked up by the media and whether it makes sense to combine it with the release of the Economic Impact Report. Janice Doggett suggested that associations are always looking for newsletter material and that might be a good avenue for spreading the word. Chris Manos suggested that we should issue the Gaps and Barriers press release, and then the subsequent Economic Impact press release should refer back to it. He added that the State Bar Communications Director can help with this and that the Montana Lawyer has been focusing on issues from the Gaps and Barriers Study. Justice Baker stated that she would like someone with experience in drafting press releases to review and make it more succinct. Melanie Reynolds said that she had her CIO review the release and the comment was that this is “old news” and this will be the challenge because the media wants to cover “new” or breaking news. Matt Dale and Chris Manos agreed to coordinate with the State Bar’s communications person to create a punchier and more succinct draft. Justice Baker said that the Commission should model our communications approach on that of “Voices for Civil Justice” and suggested that we may be able to get their assistance free of charge.

Law School Partnerships Committee Report

Jamie Iguchi reported that the Committee developed the process for voluntary pro bono reporting included in the meeting materials, and thanked Erin Farris-Olson for her great work in spearheading this effort. She asked the members for questions or comments. Justice Baker asked Jamie to elaborate on the Commission’s role in the process. The Commission’s role as described

in the voluntary reporting document will be to approve legal services organizations to receive a report of potential pro bono volunteers and to develop a process to vet agencies who contact attorneys for pro bono opportunities. Patty Fain stated that the Commission needs to discuss its role and the timing at more length. Justice Baker replied that the Commission doesn't need to give formal approval of the State Bar forms and process, but should provide support and input. Melanie Reynolds asked what the data and report will look like when it comes to the Commission so that we can ensure that relevant information is included. Patty replied that the goal will be to facilitate data mining and to make the data more useful. Justice Baker asked for a motion of support.

Action Item: Approve Voluntary Pro Bono Activity Statement Process

Matt Dale made the following motion: Resolved that the Access to Justice Commission supports the process developed by the Court Administrator and the State Bar of Montana for voluntary pro bono activity reporting. Judge Krueger seconded the motion and the motion passed without opposition. Kate Kuykendall solicited an email vote from the absent members, and the following members voted in favor of the motion: Judge Ortley, Alison Paul, Michele Robinson, Amy Blixt, Jennifer Brandon, Andy Huff, and Nels Swandal.

Next, Jamie updated the Commission on an ABA Catalyst Grant that the Montana Justice Foundation is seeking. The purpose of the grant is to support initiatives to make use of under-utilized attorneys to meet legal services needs. MJF is applying for funding to study an incubator program and the Committee recommends that the Commission support the grant application by providing a letter of support.

Action Item: Provide a Support Letter for MJF's ABA Catalyst Grant application.

Matt Dale moved that the Commission support MJF's Catalyst Grant application and provide a letter of support. Melanie Reynolds seconded the motion. The motion passed without opposition.

Justice Baker said that we need to include this motion with the other items for email voting and that a quick turn-around will be needed in order to meet the application deadline. **Kate Kuykendall solicited an email vote from the absent members, and the following members voted in favor of the motion: Judge Ortley, Alison Paul, Michele Robinson, Amy Blixt, Jennifer Brandon, Andy Huff, and Nels Swandal.**

Jamie also mentioned that preliminary results from the law student survey on incubators and limited scope representation show strong support for limited scope practice and for starting a practice in a town with fewer than 10,000 residents. Only 20% of respondents indicated that they would not consider a limited scope practice and 74% were interested in starting a practice in a

small community. Jamie thanked Hillary Wandler for heading up the survey effort and stated that the Committee will present a more detailed report at the next meeting.

Other Business & Wrap-up: 2015 Meeting Dates and Public Comment

Justice Baker reported that the State Law Library under the direction of Lisa Mecklenberg-Jackson is coordinating the drafting of the Tribal Court Interface Guide that was discussed at a prior meeting. Justice Baker stated that she will be working with Kate Kuykendall and committee chairs to set meeting dates for the remainder of the year. A list of proposed dates will be circulated. Patty Fain asked that dates in the fall of 2015 and throughout 2016 be aligned with the statewide listening sessions to facilitate participation by Commissioners.

Justice Baker opened the floor for public comments. There were no public comments.

Justice Baker adjourned the meeting at 11:42 a.m.

Tab 2



The Economic Impact of Civil Legal Aid to the State of Montana



2015 REPORT

Fighting Poverty

Achieving Justice

Improving Lives



Montana
Legal Services
Association

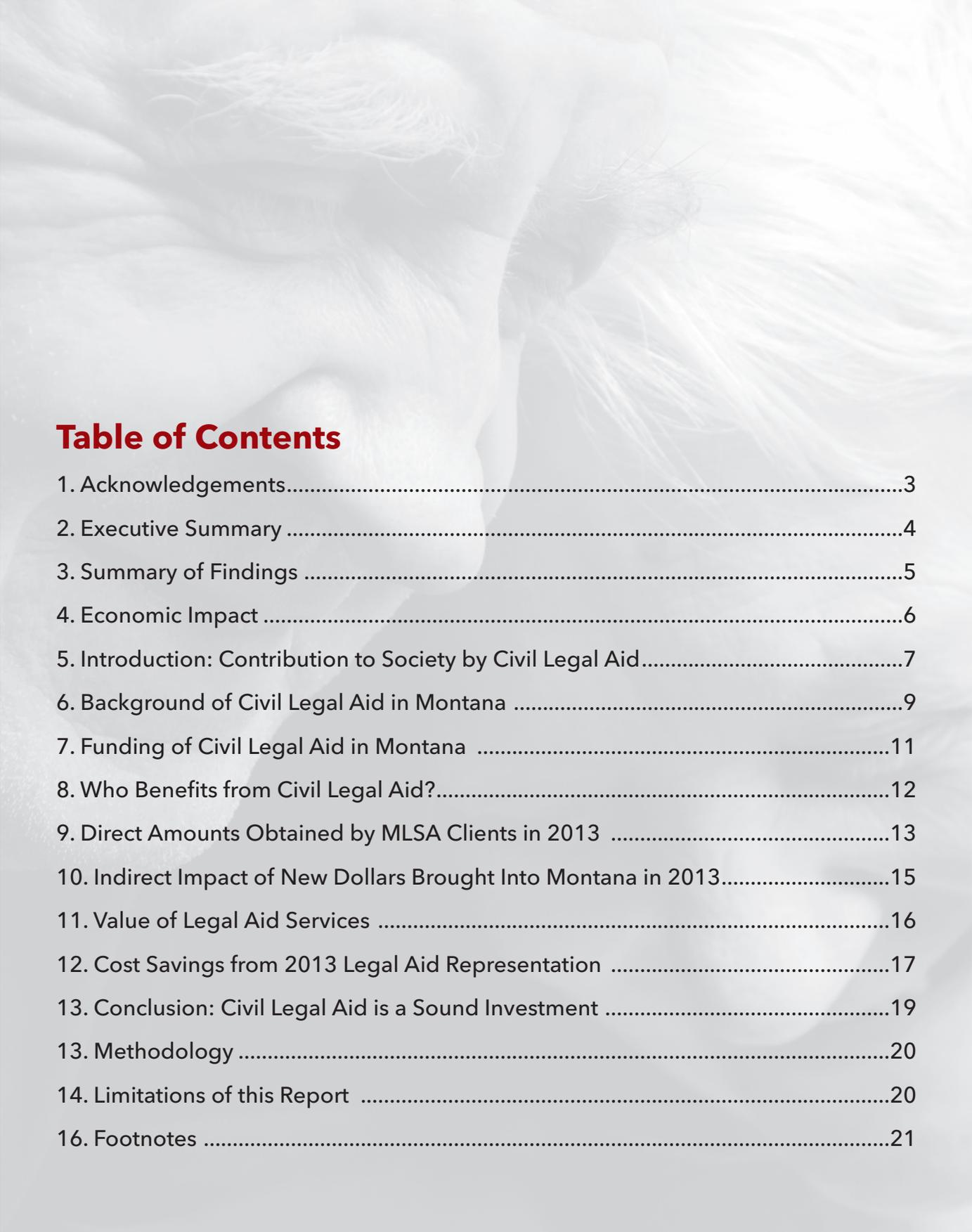


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1. ACKNOWLEDGEMENTS

This study was funded by the Montana Justice Foundation. It was conducted by the Montana Legal Services Association, and was sponsored by the Montana Supreme Court's Access to Justice Commission.

This report owes a tremendous debt to economic impact studies that have been completed by other states: *The Economic Impact to the State of North Carolina of Civil Legal Services in 2012*; *The Economic Impact of Iowa Legal Aid*; *An Analysis of the Economic Impacts and Social Benefits of Assistance Provided by Alaska Legal Services Corporation*; and *Justice Measured: An Assessment of the Economic Impact of Civil Legal Aid in Arkansas*.

Economic forecasting methods were prepared in consultation with Professor Scott Rickard, Director of the Center for Applied Economic Research at MSU-Billings.



The Montana Access to Justice Commission was established in May 2012 by order of the Montana Supreme Court and is chaired by Justice Beth Baker. The Commission is charged with assessing, planning, coordinating, and making recommendations concerning the provision of access to justice for all Montanans.

Access to Justice Commission Members:

Matthew Dale
Representative Chuck Hunter
Senator Nels Swandal
Honorable Beth Baker
Honorable Kurt Krueger
Honorable David M. Ortley
Honorable David Carter
Jennifer Brandon
Amy Blixt
Winona Tanner
Michele Robinson
Alison Paul
Randy Snyder
Andrew King-Ries
Jon Bennion
Aimee Grmoljez
Melanie Reynolds
Andy Huff

The Montana Legal Services Association is a private, non-profit law firm that provides free civil legal aid to low-income Montanans. MLSA provides legal services in all 56 Montana counties and on all Montana tribal reservations with 13 attorneys and 35 total staff based in offices in Missoula, Billings, Helena, and the Crow reservation.

Montana Legal Services Association Board of Directors:

Marie Boothe
Craig R. Buehler
Alissa L. Chambers
Nancy Elkins
Stacey Gordon
Kathleen Johnson
Honorable John Larson
Terry T. Matt
Dawn McGee
James A. Patten
Peggy Probasco
Mary Reeves
Mary Lee Shepherd
Tara Veazey
Terry Youngworth
Gary M. Zadick

2. Executive Summary

By assuring fairness for all in the justice system, regardless of how much money a person has, Montana Legal Services Association (MLSA) significantly boosts the Montana state economy. MLSA is a private, non-profit law firm that provides free civil legal aid to low-income Montanans, helping to uphold the underpinning to our justice system—equal justice for all.

As part of its charge to facilitate access to justice for all Montanans, the Montana Supreme Court's Access to Justice Commission sponsored MLSA's study of the economic impact of statewide free civil legal services and the Montana Justice Foundation funded the report. Economic forecasting methods were prepared in consultation with Professor Scott Rickard, Director of the Center for Applied Economic Research at MSU-Billings.

The Economic Impact of Civil Legal Aid to the State of Montana details how, in serving the civil legal needs of low-income individuals, MLSA obtains millions of dollars for its clients and their communities. These funds strengthen the state and local economies, reduce the burden on the state, and provide financial stability to families.

The report estimates that civil legal aid provided by MLSA during 2013 resulted in more than \$1,386,673 in direct financial benefit to low-income Montanans. These direct economic benefits include payments obtained on behalf of clients like child support in domestic violence cases, food stamps, federal disability awards, and housing awards.

The report details indirect economic impact, which includes the economic boost to Montana and local economies through increases in employment, wages, and business outputs. The impact of new dollars brought into the state totals \$3,325,755.

The report includes the value of services provided by MLSA attorneys and self-help legal document assembly services provided to Montanans, totaling \$2,947,292 in services and cost savings to low-income Montanans.

Additionally, the report estimates that legal aid representation of low-income clients has generated \$1,985,625 in cost savings, including domestic violence prevention, eviction prevention, foreclosure prevention, and increased Court cost-effectiveness.

The total economic impact, including direct, indirect, and cost savings, of MLSA's statewide civil legal aid services is \$9,645,345. For every dollar MLSA spent on providing civil legal services in 2013, \$3.15 flowed into the Montana economy. This total economic impact means that for every dollar in-state funders and donors spent on providing legal aid, \$10.61 is put into Montana's economy.

The return on investment in legal aid made to MLSA is 215% for all money invested in MLSA and 961% for in-state money invested in MLSA.

The report concludes that civil legal services provided by MLSA improve societal and economic conditions for thousands of Montanans living in poverty across the state, while also reducing costs to the state and local budgets. ■

The return on investment in legal aid made to MLSA is 215% for all money invested in MLSA and 961% for in-state money invested in MLSA.



“Montana Legal Services Association makes sure that low-income people are not denied justice simply because they don't have the money to access our judicial system.”

—Attorney General Tim Fox, State of Montana

3. Summary of Findings

This report estimates that civil legal aid provided by MLSA during 2013 resulted in more than \$1,386,673 in direct awards to low-income Montanans.

The indirect economic impact includes the economic boost to Montana and local economies through increases in employment, wages, and business outputs. The impact of new dollars brought into the state totals \$3,325,755.

MLSA attorneys and document assembly services provided \$2,947,292 in services and cost savings to low-income Montanans.

Additionally, legal aid representation of low-income clients has generated \$1,985,625 in cost savings, including domestic violence prevention, eviction prevention, foreclosure prevention, and increased Court cost-effectiveness.

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The return on investment in legal aid made to MLSA is 215% for all money invested in MLSA and 961% for in-state money invested in MLSA.³



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4. Economic Impact

Direct Amounts Obtained by MLSA Clients in 2013

Domestic Violence and Family Awards	\$362,069
Health Benefits Preserved	\$4,707
Housing Related Amounts (prevent eviction, reduced fees, foreclosure prevention)	\$111,547
Income Maintained (TANF, SSI, SNAP, Unemployment, SSDI, back wages)	\$97,457
Consumer Amounts	\$777,993
Taxpayer Filing Compliance	\$32,900
Total Direct Awards	\$1,386,673

Indirect Impact of New Dollars Brought Into Montana in 2013⁴

Supplemental Nutritional Assistance Program (SNAP), Supplemental Security Income/Social Security Disability Insurance (SSI/SSDI), Temporary Assistance to Needy Families (TANF), Tax-related federal refunds including Earned Income Tax Credit	\$114,742
Support to MLSA from Outside Montana with Multiplier Effect	\$3,211,013
Total New Dollar Indirect Impact	\$3,325,755

Value of Legal Aid Services in 2013

Value of Free Civil Legal Representation	\$2,836,064
Value of Free Self-Help Resources and Information	\$111,228
Total New Dollar Indirect Impact	\$2,947,292

Cost Savings From 2013 Legal Aid Representation

Domestic Violence Advocacy	\$1,422,000
Foreclosure prevention: Cost to local government	\$26,235
Foreclosure prevention: cost to neighboring homeowners	\$208,350
Eviction prevention	\$329,040
Total Cost Savings	\$1,985,625

Totals

Direct Economic Benefit	\$1,386,673
Indirect Economic Benefit	\$3,325,755
Value of Legal Aid Services	\$2,947,292
Cost Savings	\$1,985,625
Total Economic Benefit of Civil Legal Aid in Montana	\$9,645,345

5. Introduction: Contribution to Society by Civil Legal Aid

For nearly 50 years, the Montana Legal Services Association (MLSA) has contributed significantly to the Montana economy through its statewide client advocacy. MLSA is a private, non-profit law firm that provides free civil legal aid to low-income Montanans, assuring fairness for all in the justice system, regardless of how much money a person has. MLSA represents individual clients primarily in the areas of consumer, housing, domestic violence family law, and public benefits. For example, MLSA advocates help domestic violence survivors and their children live lives free of violence, help keep veterans from becoming homeless from unfair enforcement of housing laws, and help prevent disabled Montanans from unfairly losing benefits that pay for food and housing.

Legal assistance is not provided to Montanans living in poverty for the purpose of stimulating the economy, but to protect and enhance the civil legal rights of Montanans living in poverty. However, by serving low-income individuals and helping to solve their civil legal needs, MLSA obtains direct dollars for its clients. These benefits flow into Montana, strengthening state and community economies. Some client outcomes also reduce the financial burden on the State of Montana to provide services to people in need, such as veterans, survivors of domestic violence, the elderly, and the disabled.

As part of its charge to facilitate access to justice for all Montanans, the Montana Supreme Court's Access to Justice Commission sponsored MLSA's study of the economic impact of MLSA's statewide free civil legal services in Montana. The Montana Justice Foundation provided funding for this report. In light of federal funding cutbacks for civil legal aid, this assessment of the return on investment from statewide civil legal aid is timely. This report attempts to bring together all of the relevant data and produce a rigorous, dollars-and-cents analysis of the contribution of MLSA's civil legal aid to the overall Montana community.

Relying on data compiled by MLSA and in consultation with Professor Scott Rickard, Director of the Center for Applied Economic Research at MSU-Billings, this report totals the economic benefit of legal assistance provided by MLSA in 2013, including: (1) direct awards to clients; (2) impact of new dollars brought into the state; and (3) cost savings to the community based on prevention of homelessness, domestic violence prevention, and easing the burden of self-represented litigants on the court system. This report details

MLSA advocates help domestic violence survivors and their children live lives free of violence, help keep veterans from becoming homeless from unfair enforcement of housing laws, and help prevent disabled Montanans from unfairly losing benefits that pay for food and housing.

“Our economy is bottomed on the rule of law—the opportunity for everyone, rich or poor, to have their disputes resolved by an independent, impartial arbiter. The rule of law “presumes the equality of all.” For many years Montana Legal Services has represented those in our society unable to afford an attorney. It is this opportunity to access the courts that makes our system thrive. The people accept a system of dispute resolution as long as it is fair and impartial. If equal access to the system is denied to large portions of our citizens, the society will begin to crumble.”

—Chief Justice Mike McGrath, Montana Supreme Court



6. Background of Civil Legal Aid in Montana

On May 5, 1966, MLSA was created in answer to President Lyndon Johnson’s “unconditional war on poverty.” Since that day, MLSA has helped people across Montana to overcome the pressing legal problems of everyday life.

While current funding provides for legal representation of many individuals who would have otherwise been unable to hire an attorney, the need for civil legal aid in Montana far outstrips the supply. Over 14% of Montanans live below the federal poverty level, including seniors, children and veterans trying to make ends meet with \$23,550 per year for a family of four.⁵ Rural poverty rates across the state can be much higher: 29.1% in Glacier

County, 26.8% in Big Horn County, and 27.1% in Blaine County.⁶

Just because people are low-income doesn’t mean they don’t have legal problems. A 2010 Montana Legal Needs Study reported that over 33,000 low income households in Montana had at least one civil legal need.⁷ Over 75% identified a need for legal assistance but reported being able to do nothing to address that need.⁸

These unattended legal matters can easily cause events devastating to the family and costly to our community. Consider a family of four, two adults and two children. One parent works full-time in food service at a typical Montana hourly rate of \$8.68 an hour. The other parent takes care of the young children to save on child care costs, and works a part-time job at minimum wage of \$7.90 an hour.

What does poverty in Montana look like?

Family of 4: 2 kids and 2 parents (both with a high school degree and some college)



Monthly Income:\$1,962

Monthly Expenses:

Housing	\$639
Utilities.....	\$150
Car Payment.....	\$250
Car Insurance	\$150
Gas	\$300
Food.....	\$100
Credit Card.....	\$150
Internet.....	\$80
Cell Phone (2)	\$180

Eligible for:

- ▶ Free/Reduced lunch
- ▶ Healthcare for children
- ▶ SNAP benefits of \$600/month
- ▶ Food Pantry 2x/month
- ▶ Earned Income Tax Credit of \$7,000/year

Net Monthly Income**(\$37)**

They are behind \$37 at the end of the month, without the cost of clothing, entertainment, gifts, health care for parents, or auto repairs.

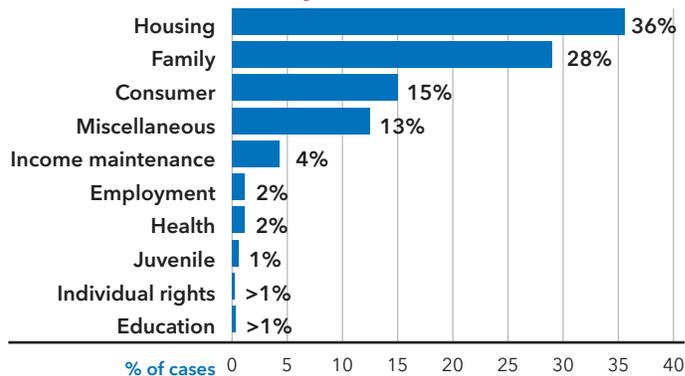
All told, they make just under \$23,550 a year. Typical monthly expenses for a family of four can run at least \$31,572, including housing, utilities, transportation, and food.⁹ They are able to make ends meet and pay bills with SNAP food benefits,¹⁰ earned income tax credit, Medicaid healthcare for the children, and twice monthly food pantry visits. But they live in bare subsistence, with no real financial security and no cushion against any twist of fate. Now, if one child became seriously ill and Medicaid refused to pay for necessary medical care, to whom would this family turn? Or if their landlord refused to fix an unsafe living condition? Or if a billing error by a utility ends up in a court judgment against them? These are all matters a lawyer could help this hardworking Montana family with—but how can they pay an attorney? If they have to ignore the legal matter, they may end up with grave medical problems or unemployed or homeless. Any of these results are devastating to them and more costly to our community than the civil legal aid that could have helped them.

MLSA has one attorney available for every 14,000 people living in poverty.¹¹ In contrast, Montana has one attorney for every 274 Montanans living above 125% of the federal poverty level.¹² MLSA had over 10,984 requests for help in 2013 and provided assistance in 2,622 cases. So for every client MLSA takes, it must turn away many more.

Given the funding cuts, increasing poverty rates across the country, and other challenges (lack of knowledge of legal aid offered or inability to access because of remote populations), it is quite likely the unmet need is even greater than cited estimates. The most recent assessment of civil legal assistance for low and moderate income Montanans found the largest barrier to access to justice by people living in poverty is the cost of services and the largest gap is not enough free legal assistance.¹³ ■

Just because people are low-income doesn't mean they don't have legal problems. A 2010 Montana Legal Needs Study reported that over 33,000 low income households in Montana had at least one civil legal need.

Cases closed in 2013 by MLSA



Taylor's story

"Taylor" is an 8 year old with a severe form of epilepsy which places her at risk for brain damage and death. Unfortunately, the best medicine to treat Taylor's symptoms is not labeled for her syndrome, so Medicaid would not pay for the expensive medication. Taylor's grandfather dipped into his retirement funds to pay for the medication, but these payments were not sustainable for the family.

Taylor's mom called up MLSA, and our attorney contacted experts all over the country to find evidence to support use of the medication for Taylor's syndrome. Taylor's treating physicians confirmed that Taylor's seizures were greatly reduced in number and severity since she began taking the off-label medication. Using the information compiled, Taylor's MLSA attorney was able to convince Medicaid that the denial of coverage should be reversed. Taylor's family can now afford her treatment and she has a better future ahead of her. Taylor and her mom brought their attorney a batch of homemade chocolate chip cookies in gratitude—he says they were the best cookies he had ever tasted.



7. Funding of Civil Legal Aid in Montana

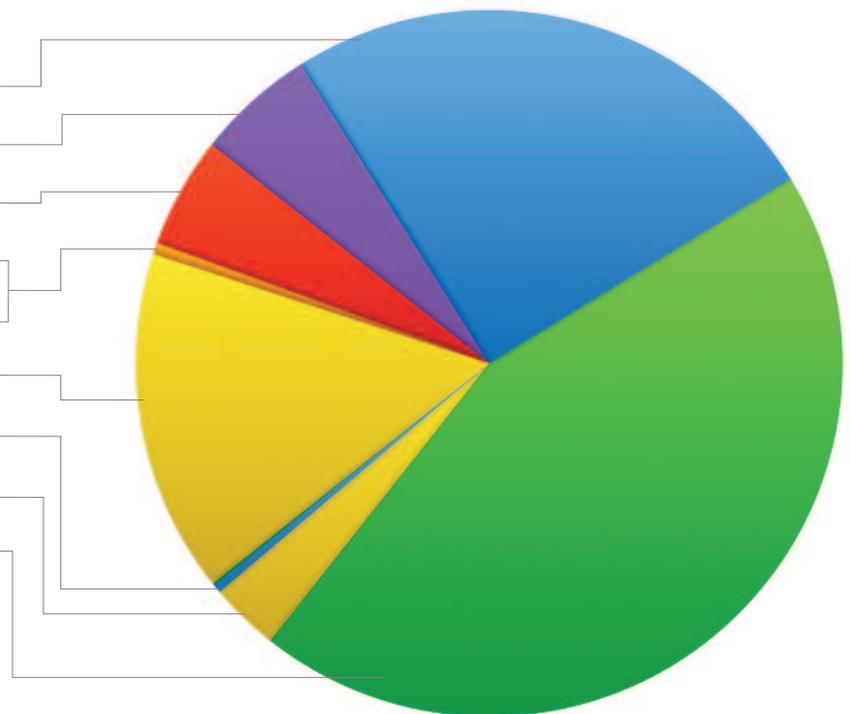
The Legal Services Corporation (LSC) helps fund civil legal services to people with incomes at or below 125% of the federal poverty guidelines.¹⁴ Although the government funded LSC provides about 44% of MLSA’s annual revenue, this funding has decreased through the years. In 2013, LSC funding of MLSA decreased by 15%. Despite MLSA’s successful efforts to diversify funding, the shortage of federal funding has significantly impacted the work MLSA can do for Montana: in 2013, MLSA helped in 2,622 cases, a significant decrease from 4,771 cases closed in 2011.

MLSA also receives a percentage of interest earned on private attorney client accounts (IOLTA), but low interest rates have dropped this income by 84% from 2007. To continue services, MLSA has dipped into its already-meager reserves and has proactively diversified funding sources. At one time, MLSA operated 14 offices with 39 attorneys. Funding decreases have concentrated MLSA into three primary offices with 13 case handling lawyers, despite the increased population of eligible individuals.¹⁵ Unlike legal aid organizations in many states, MLSA has never received direct general state funding.¹⁶

MLSA Revenue*

Federal Funds†	\$698,592	25%
DV Filing Fee	\$140,669	5%
MT Justice Foundation	\$150,000	5%
Attorney's Fees	\$10,000	<1%
Other	\$3,600	<1%
Contracts‡	\$435,593	16%
Contributions	\$15,000	1%
Tribal Contract	\$88,000	3%
Legal Services Corp.	\$1,229,615	44%
TOTAL	\$2,771,069	100%

*Based on 2014 projected revenue, which is a representative year.



*Federal Funds

Corp. for National Service	\$216,427
AmeriCorps State	\$172,895
IRS	\$50,000
US DOJ OVW	\$129,050
US HUD	\$25,000
MBCC US DOJ OVW	\$27,997
MT DPHHS	\$11,250
US DOJ OJP	\$65,973
TOTAL	\$698,592

*Contracts

Public Defender	\$6,000
AmeriCorps State Contract	\$71,792
MT DOJ DV Assistance	\$72,345
MT DOJ Foreclosure	\$285,456
CAP	\$0
TOTAL	\$435,593



8. Who Benefits from Civil Legal Aid?

Families. When MLSA helps a client enforce a legal right to veteran's benefits or obtain a protective order against an abusive spouse, it not only helps that client, but the client's entire family.

Women who are Survivors of Domestic Violence. Fully 18% of MLSA's clients are women who have been abused. Often, their children have been attacked as well. Civil legal aid helps survivors start new, violence free lives.

Veterans. Civil legal aid helps veterans enforce their rights to benefits, and also provides education about legal rights and responsibilities. MLSA helped 141 veterans in 2013.

Seniors. Montana's seniors can all too often become victims without assistance to enforce their rights. MLSA directly helped over 200 seniors in 2013. Civil legal aid protects Montanans who have worked to make Montana what it is today.

People with a Disability. Sometimes a disabled person's public benefits are the only support they have. Civil legal aid ensures that some of our society's most vulnerable are treated fairly.

Native Americans. Enrolled tribal members make up 7.3% of Montana's total population and live in areas with up to a 30.4% poverty rate—poverty is statistically significantly associated with American Indian populations in Montana.¹⁷ MLSA served 646 Native Americans in 2013.

The Working Poor. Over 40% of MLSA's 2013 clients were employed. Many Montana residents are a paycheck away from homelessness. A recent study shows that 2 out of 3 American workers had

“Montana Legal Services Association is an invaluable partner, as it supports the independence of older Montanans by fighting to protect seniors both legally and financially.”

—John McCrea, Aging Services Bureau,
Montana Public Health and Human Services

to take a day off from work last year to deal with a legal matter.¹⁸ The working poor can't afford that day off, and employers suffer when employees are absent. Civil legal aid helps keep lives on track.

People with Mental Illness. Men and women unable to cope with life sometimes simply cannot assert their rights. Civil legal aid is often the last possibility for the people living with a mental illness to access justice.

Local Employers. Workers' problems might quickly become their employers' problems without civil legal aid. Civil legal aid helps reduce absenteeism, turnover, and disruptive behavior in the workplace. It is an investment in a strong, stable workforce.

Everyone in Montana. Civil legal aid makes it easier to access information, including MLSA's easy-to-understand on-line forms and legal self-help, so people know their rights. MLSA's work helps improve efficiencies in the court system for all court users. Civil legal aid assures fairness for all in the justice system, not just the few who can afford it. A fair justice system for all supports things we all hold dear: security, safety, education, civic participation, improved public health, and overall improved quality of life.

Mary's story

“Mary” arrived in Montana as a bride from China who had survived Mao Zedong's Cultural Revolution by working in the fields while later attending engineering school. Years after settling in Montana with her husband, she was in the last stages of abdominal cancer. A survivor of domestic violence by her husband, who was incarcerated for the violence he inflicted upon his family, Mary wanted to make sure she transferred her portion of her home to her daughter. She was adamant that her daughter have enough resources to attend college. Mary wanted to write a will to give her child a future away from the man who had brutalized them, but she did not have any money to pay an attorney.

The attorney who prosecuted Mary's husband sent her to MLSA. An MLSA volunteer attorney drafted and executed her will less than two weeks before she died. They transferred Mary's portion of the house to her daughter, setting the strong mother's mind at ease about her daughter's future. Our MLSA volunteer continued advising Mary's family on how to close the estate. Mary's daughter now attends college with some financial assurance thanks to her mother's humility and strength.



9. Direct Amounts Obtained by MLSA Clients in 2013

In 2013, MLSA helped Montana's poorest and most vulnerable citizens obtain direct financial benefits and relief. Civil legal assistance by MLSA resulted in \$1,386,673 in direct benefits to people living in poverty.

Domestic Violence and Family Awards. With just three full-time domestic violence attorneys, representation in civil domestic violence and family law cases by MLSA resulted in \$362,069 in child support awards, support, and property division.¹⁹ MLSA represented 474 clients with domestic violence and family matters, helping 758 Montanans, including 450 children. These awards provide an economic boost to local communities as custodial parents spend money on housing, food, clothing, and other necessities for their children. Child support awards can also reduce reliance on state support. An additional value to these services is the cost savings to communities based on reduced domestic violence, as detailed below.

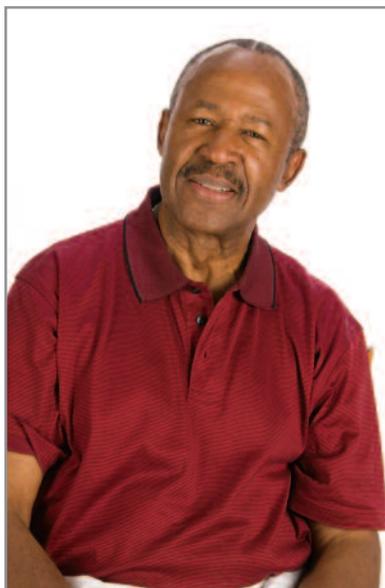
Health Benefits Preserved. With less than one full-time attorney, advocacy by MLSA secured \$4,707 in health benefits for clients living in poverty.²⁰ Most children covered by Medicaid or CHIP are in low-income working families.²¹ Affordable access to health care is associated with better health, lower mortality, and less household debt and catastrophic out-of-pocket medical expenditures.²²

Housing-Related Amounts. With just 1.25 housing attorneys and 3 foreclosure attorneys, MLSA assisted clients in attaining \$111,547 of housing benefits, rent abatements, foreclosure prevention and other housing awards.²³ MLSA represented 798 low-income clients with housing related matters, helping 1,801 Montanans including 673 children. Civil legal assistance protects low-income families

“Our economy is bottomed on the rule of law—the opportunity for everyone, rich or poor, to have their disputes resolved by an independent, impartial arbiter. The rule of law “presumes the equality of all.” For many years Montana Legal Services has represented those in our society unable to afford an attorney. It is this opportunity to access the courts that makes our system thrive. The people accept a system of dispute resolution as long as it is fair and impartial. If equal access to the system is denied to large portions of our citizens, the society will begin to crumble.”

—Chief Justice Mike McGrath, Montana Supreme Court

from losing housing subsidies. MLSA attorneys also represent low-income clients to obtain security deposits, other charges, or rent abatements illegally claimed by private landlords. More than 14,700 low-income households in Montana rely on rental assistance programs to make housing affordable.²⁴ About 61% of households helped with rental assistance are headed by people who are elderly



Ernest's story

“Ernest” received a letter early in the winter informing him that his monthly rent amount would double, effective the next month. As a 74 year old disabled Veteran living in federally subsidized low-income housing, the doubled rent would take up over 70% of Ernest's social security income, leaving him very little for his other basic necessities. Ernest knew he couldn't afford the doubled rent, and was afraid he would be evicted and homeless in the middle of Montana's harsh winter.

Ernest contacted MLSA to ask for help to keep a roof over his head. An MLSA attorney requested a reasonable accommodation for Ernest at the housing authority. With MLSA's help, Ernest now pays an affordable rent of 30% of his income. Grateful for his attorney's assistance, Ernest wrote a thank you:

“The Case settled in my favor and I don't have to worry about being homeless. I am a 74 year old Veteran and I could not move if had wanted to. Your service was terrific.”

or have disabilities, while another 31% are families with children.²⁵ In Montana, 22,200 low-income renter households pay more than half their monthly cash income for housing costs.²⁶ The Center on Budget and Policy Priorities indicates that the median monthly income of low-income households is \$930; housing costs take up \$800 of this monthly amount, leaving only \$130 per month for other necessities like food.²⁷ When housing costs consume more than half of household income, low-income families are at greater risk of becoming homeless, and point-in-time surveys show that at least 1,700 people are homeless in Montana.²⁸ MLSA helps individuals put their limited funds toward other basic necessities and may allow families to stay in their homes. An additional value to these services is the homelessness prevention cost savings detailed below.

Income Maintained. In 2013, MLSA obtained \$97,457 in public benefits for low-income clients.²⁹ MLSA represented 15 clients with public benefit matters, helping 42 Montanans, including 21 children. For many people living in poverty, SNAP benefits, formerly known as food stamps, may serve as a family's only source of income.³⁰ SSDI and SSI provide a monthly cash benefit to people with a physical or mental disability which does not allow them to work.³¹ SSI has strict limited income eligibility standards, and a majority of SSDI recipients have a family income below 200% of the poverty level.³² Many poor and disabled individuals need assistance from legal aid to help navigate the lengthy process to secure much needed SSDI and SSI income. Temporary Assistance to Needy Families (TANF) benefits provide temporary financial assistance to families meeting a strict "need" requirement of a low gross-monthly income and asset value.³³ Public benefits kept 167,000 Montanans, including 34,000 children above the poverty line from 2009-2011.³⁴ MLSA obtained \$4,188 in back pay owed to working Montanans living in poverty.³⁵ This was money owed to low-income Montanans from work provided, and without the assistance of civil legal aid, that money would not be in the hands of the people who worked to earn it. For a family of four living at the poverty level, these back wages represent an 18% raise. MLSA's assistance in preserving pub-

lic benefits for needy Montanans ensures immediate basic necessities, increased educational opportunities, and positive employment outcomes in the longer run.

Consumer Amounts. By representing Montana consumers living in poverty, MLSA saved low-income clients \$777,993 in consumer monetary loss.³⁶ MLSA represented 280 clients with consumer matters, helping 581 Montanans, including 208 children. These Montanans living in poverty were then able to spend the money saved in their local communities.

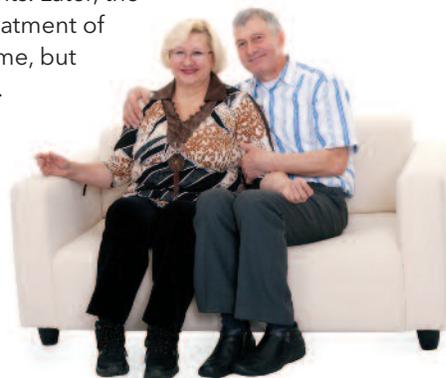
Taxpayer Filing Compliance. Civil legal assistance by MLSA resulted in \$32,900 federal tax refunds, including the Earned Income Tax Credit for low-income Montanans.³⁷ The Earned Income Tax Credit and the Child Tax Credit lifted the largest number of children out of poverty in 2011.³⁸ The Brookings Institution research shows that the Earned Income Tax Credit and Child Tax Credit kept 28,304 Montanans out of poverty, including 14,674 children.³⁹ Most families spend their Earned Income Tax Credit on basic necessities such as car repairs and clothing.⁴⁰

Civil Legal assistance by
MLSA resulted in \$1,386,673
in direct benefits to people
living in poverty.

Joe's story

"Joe" had a dilemma: he needed surgery but could not afford both the surgery and his house payment. Because his wife had a permanent illness, he knew he could not move, so he contacted his bank to make sure he would not lose his house if he skipped a few months of mortgage payments. After a bank representative told him it was okay to skip payments, Joe went ahead with the surgery and missed three months of mortgage payments. Later, the bank told Joe it would pursue foreclosure on his house. Joe knew the bank's treatment of him was unfair, and he wanted desperately to keep his disabled wife in their home, but no attorney would take his case because he had no funds to pay the hourly rate.

Joe heard about MLSA's foreclosure assistance program and called MLSA intake staff before the foreclosure could go through. An MLSA foreclosure attorney worked to help Joe and his wife avoid foreclosure. In addition, the MLSA lawyer negotiated a permanent mortgage modification, including that the bank would ignore the thousand-plus dollar lien it had initially demanded. Joe can hold his head up, taking pride in our fair legal system. He knows that he and his wife can continue to live in their home and work for the future.



10. Indirect Impact of New Dollars Brought Into Montana in 2013

When MLSA brings money into Montana, either through direct payment to clients or out-of-state funding to MLSA, that money circulates in the local and state economy. Clients spend awards to pay for additional goods and services in their local communities. MLSA spends out-of-state funding on staff salaries and state taxes, office leases, equipment and supplies, and other goods and services. In this manner, new money brought into Montana due to MLSA's work stimulates the local and state economy, increasing demand for goods and services and positively impacting the industries that produce those goods and services. This economic theory is called the multiplier effect: as each new dollar injected into an economy passes from person to person, the value of its impact grows.⁴¹

This report includes six primary sources of outside dollars coming into Montana due to the civil legal services of MLSA. Each one is described below, along with the method used to calculate the indirect impact on Montana's economy.

USDA: Supplemental Nutritional Assistance Program (SNAP).

Every dollar's worth of SNAP benefits leads to approximately 17 to 47 cents of additional food item spending by families receiving SNAP benefits when compared to families living in poverty who do not receive SNAP.⁴² The average monthly benefit is approximately \$290 per household, which families spend at local grocery stores, farmers' markets, and convenience stores.⁴³ The USDA estimates that each \$5 SNAP benefit creates \$9 in total community spending.⁴⁴ SNAP food benefits also lead to other benefits for local communities: higher worker productivity, fewer employee sick days, and generation of 3,000 farm jobs.⁴⁵

Using the USDA's calculation of the impact of SNAP benefits, the \$13,356 of new SNAP benefits generated by MLSA in Montana resulted in \$24,041 of new community spending.

Council of Economic Advisors: SSI, SSDI, TANF, Federal Tax Refunds, and Out-of-State Support to MLSA. The President's Council of Economic Advisors set forth a method for calculating the ripple effects of an increase in spending as it passes through the economy.⁴⁶ This standard theory of fiscal policy suggests that in a recession, fiscal multipliers can be much larger than 1.0 because consumers spend the benefits rather than saving them.⁴⁷ The President's Council of Economic Advisors suggested a different fiscal multiplier for each component in the economy, and utilized a multiplier of 1.5 for income and support payments such as those which MLSA has helped generate in Montana.⁴⁸

Using the multiplier presented by the Council of Economic Advisors for income support payments:

- ▶ The \$21,567 of new SSI/SSDI benefits generated by MLSA in Montana resulted in \$32,351 of new community spending;
- ▶ The \$6,000 of new TANF assistance obtained for needy families by MLSA produced \$9,000 of indirect economic impact.
- ▶ The \$32,900 of new federal tax refunds generated by legal aid resulted in \$49,350 of new community spending.
- ▶ The \$2,140,676 in legal aid funding brought in from out-of-state produced \$3,211,013 of indirect economic impact in Montana.

The USDA estimates that each \$5 SNAP benefit creates \$9 in total community spending.



11. Value of Legal Aid Services

Value of Free Civil Legal Representation. In 2013, MLSA staff attorneys provided 11,345 hours' worth of services to legal aid clients, while pro bono volunteers contributed a total of 7,071 hours of service.⁴⁹ This resulted in legal aid clients receiving a combined total of about 18,416 hours of free legal services in 2013. The Montana State Bar published a survey of private attorney rates in 2011, and the average private attorney rate is \$154 per hour.⁵⁰ The National Consumer Law Center report on average prices charged by consumer law firms in Montana—\$175 per hour—supports the Montana State Bar survey average.⁵¹

Applying the average Montana attorney billable rate of \$154 per hour, the dollar value of legal services performed by and through MLSA is \$2,836,064. The value of legal services provided to Montana exceeds the actual cost of delivering the services by \$300,104.⁵²

Value of Free Self-Help Resources and Information. In 2013, MLSA provided free self-help resources and information through MontanaLawHelp.org, reducing the cost for necessary civil legal documents. MLSA helped 4,965 self-represented litigants with brief services, legal forms, and legal information. MLSA attorneys provided one-on-one advice to 69 self-represented litigants, helping guide them to stand up for their own legal needs. There were nearly 69,000 visits to MontanaLawHelp.org in 2013. MLSA also partners with the Montana Supreme Court's Court Help Program to offer legal kiosks across the state to help any person in Montana to find legal answers: people logged 2,675 sessions at these centers in 2013.

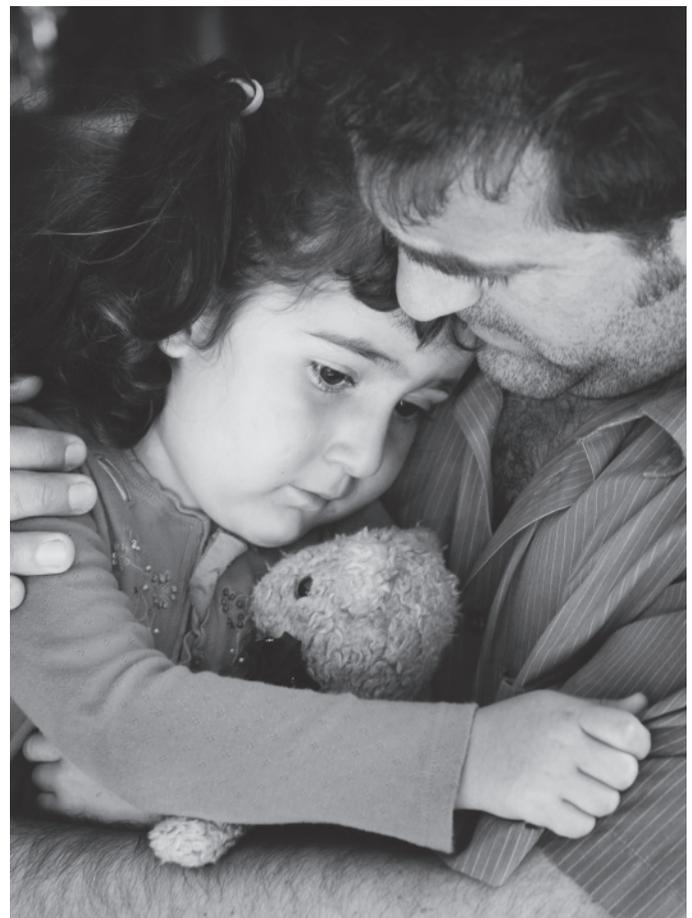
As part of its self-help services, MLSA provided 497 finalized interactive forms to self-represented litigants.⁵³ Low-income Montanans could have purchased these documents through private market outfits, the cheapest located out-of-state, that offer consumers personalized legal documents for a fee. For example, LegalZoom is an online legal resource offering civil legal documents such as a divorce for \$299.⁵⁴ Based on the fees LegalZoom charges, MLSA's free document assembly saved self-represented litigants at

In 2013, MLSA attorneys and document assembly services provided a value of \$2,947,292 to Montana's most vulnerable citizens.

“Civil legal aid is valuable to all Montanans because it helps strengthen the legal foundation of our society, ensuring equal justice for all. Through direct benefits to clients and indirect benefits to the Montana economy, civil legal aid saves the State money by reducing the need for social services.”

—Governor Steve Bullock, State of Montana

least \$111,228 for dissolution and parenting plan forms. The actual amount saved would be far more, because this calculation does not include 125 other free document assemblies MLSA performed in other areas, such as Orders of Protection. These payments would have likely gone to pay LegalZoom or other out-of-state fee-based document services.



11. Cost Savings from 2013 Legal Aid Representation

Domestic Violence Advocacy. In 2013, MLSA obtained 320 protective orders for survivors of domestic violence. Civil legal services at MLSA assisted 474 domestic violence clients, helping a total of 758 Montanans including 450 children. MLSA attorneys represent survivors to obtain parenting plans, child support orders, orders of protection, and other family law court orders distributing property and ensuring family security and stability. MLSA also connects survivors with legal aid specialists in housing, consumer protection, and public benefits law. MLSA domestic violence attorneys provide training and legal resources to domestic violence shelters and community partners throughout the state, including on American Indian reservations.

Nationally, nearly one in three women and one in four men have encountered violence by an intimate partner, including rape, physical violence, and stalking.⁵⁵ Survivors of this violence experience being fearful or concerned for safety, physical injuries, severe physical injuries, and post-traumatic stress disorder symptoms.⁵⁶ In addition, survivors find themselves in need of housing, advocacy, or legal services, and can miss work or school, resulting in lost income.⁵⁷

Montana saw a 9.6% increase in partner or family member assaults reported to non-tribal law enforcement agencies in 2012 compared with 2011.⁵⁸ Of course, these statistics do not include unreported offenses. The ultimate outcomes of these offenses can be dire. In fiscal year 2012, the Montana Office of the Public Defender opened 3,061 new abuse and neglect cases in which parental rights

are at issue, some of which involve one parent allegedly abusing both the other parent and the children.⁵⁹ Since 2000, Montana has recorded 112 fatalities due to intimate partner homicide, including 73 primary victims and children.⁶⁰ A landmark study concluded that the single most important factor in determining whether a woman escapes domestic abuse is her access to legal services needed to protect herself and her children.⁶¹

Over 2,300 domestic violence offenses were also reported to tribal agencies across Montana in 2008 and 2009.⁶² A 2009 conference of Montana leaders noted Native women are often physically isolated and reluctant to report abuse, particularly because it can take hours for an officer to respond. In rural and frontier areas there may be little hope of confidentiality or accountability. Taken together, these factors dramatically reduce the chance that a woman will report her victimization.⁶³

With the exception of child support, many survivors of domestic violence do not receive a direct economic benefit from civil legal aid services. Even so, preventing intimate partner violence economically benefits local communities and the state. One of the many benefits of reduced violence is mitigation of high medical and mental health care expenses for victims and families. One study relied upon by multiple legal aid impact studies found that the prevention of a violent attack avoids \$3,201 in avoided medical care, mental healthcare, lost productivity, and property damage costs.⁶⁴ The Centers for Disease Control and Prevention study showed that survivors of physical assault in the past 12 months experienced an av-

Karen's story

"Karen" took beatings over the course of her entire relationship with "Rick". His several convictions of partner family member assault did not slow his violence. After a particularly brutal attack on Karen, he was convicted of a felony and served several years in prison. When Rick was sent to a pre-release center, he began calling Karen's phone and leaving messages for her. Afraid, Karen applied for an order of protection prohibiting Rick from having contact with her or her children. The court would not enter an order of protection for Karen's children because she had no parenting plan. Afraid and frustrated, Karen needed help to quickly draft a parenting plan but she had no money to pay for an attorney.

Karen called MLSA for help. An MLSA attorney drafted a petition and proposed parenting plan, and ultimately succeeded in helping Karen obtain a parenting plan that protected her and her children from an extremely dangerous situation. Having a life free from fear will take some time. Meanwhile Karen and her children have the full support of our legal system.



erage of 3.4 separate assaults.⁶⁵ Therefore, legal aid services which obtain a protective order or a divorce may help a domestic violence survivor and family avoid dozens of violent attacks over the course of the survivor's lifetime. This report conservatively estimates that MLSA assistance prevented one assault in each protective order, divorce, or custody case – an estimate supported by the CDC study showing an average of 3.4 assaults per year.

If MLSA legal representation prevented one assault in every case where domestic violence protective orders, divorce, or custody cases were obtained in 2013, the annual savings from avoided medical costs alone is \$1,422,000.⁶⁶

Homelessness Prevention. Advocacy in foreclosure and eviction proceedings by legal aid attorneys saves local and state government money by preventing homelessness of people living in poverty. In 2013, MLSA prevented 56 foreclosures and evictions. People with representation are able to stay in their homes at a much greater rate than those lacking representation.⁶⁷

Foreclosure Prevention. In the first quarter of 2011, 736 foreclosures were filed in Montana.⁶⁸ Foreclosures negatively impact families, the surrounding community and local governments. When a family home is foreclosed on, the family is displaced from their home and loses equity and personal savings, reducing the families' overall stability. These families struggle in the long term with credit damage and inability to utilize home equity for education or business investment.⁷⁰

Foreclosures negatively impact surrounding communities as well: the Center for Responsible Lending states that neighbor homeowners experience a loss of \$23,150 to their home value based on their proximity to a foreclosed home.⁷¹ Although most Montanans have more than one neighbor whose home value would be negatively impacted by a nearby foreclosure, this report conservatively estimates that one neighbor would have been impacted per threatened foreclosure. Based on these calculations, MLSA's prevention of 9 foreclosures in 2013 resulted in \$208,350 of saved Montana home values.⁷²

State and local governments also lose tax funds from decreases in home value, court costs, unpaid property taxes, unpaid utility taxes, and cost of fire and police involvement with vacant homes.⁷³ Community costs start at \$430 for a vacant and secured foreclosure and run up to \$34,000 for an abandoned foreclosure with a fire.⁷⁴ Using a conservative estimate of the median between \$430 for a vacant and owner-secured foreclosure and \$5,400 for a vacant and unsecured foreclosure, MLSA's prevention of 9 foreclosures in 2013 saved state and local governments at least \$26,235.⁷⁵

MLSA receives special funding from the Montana Department of Justice, Office of the Attorney General, for the Keep My Montana Home Program, which was established to reduce the number of foreclosures by providing resources and assistance to homeowners facing foreclosure.⁷⁶

Eviction Prevention. Civil legal aid also helps families avoid homelessness by preventing or delaying eviction. Attorneys help

“MLSA helps survivors of domestic violence face the complexities of the legal system so they can start new lives free from violence.”

–Kelsen Young, Executive Director,
Montana Coalition Against Domestic and Sexual Violence

clients living in poverty to mount a vigorous defense against unlawful evictions, to protect renters with disabilities, and to combat unlawful rental fees. Sometimes, an attorney can help a family stay in their home until new housing can be found. Without legal help, some clients living in poverty will become homeless, seeking temporary housing at a shelter or living on the streets. After an eviction, chronic homelessness is a larger risk because it can be harder to find new housing with a recorded eviction.

The Department of Housing and Urban Development published findings that the average costs of shelter for first-time homeless individuals and families (not chronic) fall within a range of \$1,634 to \$2,308 for individuals and between \$3,184 to \$20,301 for families—a median per individual cost of \$10,968.⁷⁷ Without reliable estimates of how many people would become homeless following an eviction, this report conservatively estimates that only 50% of MLSA's low-income clients would have become homeless if evicted. The 59 evictions prevented by MLSA in 2013 saved state and local governments \$329,040 in shelter costs.⁷⁸



13. Conclusion: Civil Legal Aid is a Sound Investment

This report shows that civil legal services provided by the Montana Legal Services Association improves societal and economic conditions for thousands of Montanans living in poverty across the state, while also reducing costs to the state and local budgets. The economic benefit of MLSA’s legal aid has provided a \$10 return on investment for every \$1 of in-state money spent.⁷⁹ MLSA’s total \$3,061,531 budget produces \$9,645,345 in total economic impact to the people and communities of Montana.

More importantly, civil legal aid at MLSA helps stabilize families, stop unfair evictions, save people’s homes from foreclosure, and secure benefits for vulnerable populations such as veterans and people with disabilities. These efforts help support the rule of law, where everyone can obtain justice, which creates a more safe society for everyone.

With more resources, MLSA could reach more low-income people who have critical legal needs. For every \$100,000 invested in MLSA’s civil legal aid, MLSA can reach 103 more Montana households and generate \$1,061,000 additional dollars of economic benefits.⁸⁰ Additional support will compound the positive social and economic impact of civil legal aid on the residents and communities of Montana.

MLSA civil legal aid increases safety, stability and self sufficiency, reducing societal costs.



“MLSA started working up here on the Fort Belknap Reservation this past summer. Before that there was nobody here to help with anything legal. We only have a couple of advocates available to practice in the Tribal Court and they charge fees that most of us can’t afford. I was stuck in a horrible situation and luckily MLSA showed up and represented me when I had no one else to turn to.”

—Jon Jay Mont, Fort Belknap Indian Community

“I would of [sic] eventually lost my trailer and what life I have left if not for MLSA.”

—Anonymous

“Precise information and follow up excellent. Your advice helped me get my water back on only after I sent your letter stating issues.”

—Anonymous

“I was not aware prior to speaking with attorney Mike that being disabled and unemployed gave me certain rights—like fearing that my social security would be seized for my debts. Was greatly reassured when leaving Montana Legal Services Office.”

—Anonymous

14. Methodology

This report analyzes data from MLSA to calculate (1) the total direct economic benefit to clients resulting from legal services; (2) the impact of new dollars brought into the state; (3) the value of legal aid services, and (4) the cost savings to the community based on homelessness prevention, foreclosure prevention, and domestic violence prevention. Economic forecasting methods were prepared in consultation with Professor Scott Rickard, Director of the Center for Applied Economic Research at MSU-Billings.

The direct economic benefit includes the total amount of funds obtained for clients through legal advocacy. All data was compiled by MLSA through outcomes tracking using case management software. Outcomes for 2013 were input in 2014, and are now input upon closing of a case. Case data includes financial benefits obtained for clients, other benefits obtained for clients, and client demographic data. MLSA also relied upon the 2013 audit performed by Anderson Zurmuehlen & Co., P.C. The standard method for calculating a direct benefit typically includes the sum of an award to a client as well as the anticipated future benefit, if any, for that year.

The indirect economic impact is a standard economic estimate of what occurs when new revenue enters a state or local economy – including changes in employment, wages, or business outputs based on new spending. This report calculates indirect economic impact on total direct benefits obtained from sources outside Montana – funds which would not have come into the state absent legal representation. The method of calculating the indirect economic benefit is set forth in Section 9.

The value of legal aid services estimates the total overall value of MLSA's attorneys' legal services and the savings realized through MLSA's document assembly services. This report relies upon economic forecasting methods to calculate value and cost savings.

The cost savings impact provides an estimate of costs that local communities and the state of Montana have avoided because of civil legal aid provided by MLSA. The report focuses on domestic violence, foreclosure, eviction, and help to self-represented litigants for estimating cost savings. In these areas, economic forecasting methods allow calculation of state and local expenditures.

Return on investment and opportunity cost calculations estimate the economic impact on the state of Montana per dollar invested in civil legal aid.

15. Limitations of this Report

The report utilizes a conservative approach to calculating the indirect economic impact. This may understate the actual effect of civil legal aid in Montana, but provides a reasonable basis for the estimates. As available, the report uses the same methodology used by federal government agencies. Cost savings have been calculated using conservative multipliers.

Other organizations in Montana also provide legal assistance to specialized groups of people or in a specialized area of law. These organizations provide seven to twelve attorneys to assist disabled Montanans, seniors, survivors of domestic violence, those attempting to keep Social Security Disability benefits, and those with housing discrimination issues.⁸¹ Because these legal services are limited based on client eligibility, location, or legal matter, the impact of services provided by these organizations is outside the scope of this statewide report.

Some MLSA practice areas are not included in the report because the smaller number of cases did not provide adequate data. For example, keeping students in school with legal services economically benefits clients, but the number of cases in Montana did not provide sufficient data for an analysis of economic impact.

It is important to note that some critical contributions of legal aid have not been included because economic benefit would be difficult to capture. For example, providing legal assistance to children and seniors to access needed health care provides a tangible health benefit to the client but one that is difficult to quantify in economic terms.

Due to these data limitations and the conservative calculation approach, the full economic impact of legal aid in Montana is undoubtedly larger than reported here.

16. Footnotes

1. To calculate the return MLSA secured on all dollars invested in its programs in 2013, we divided the gain from the investment by the amount of the initial investment. These calculations were based on all MLSA funding sources in 2013.
2. To calculate the return MLSA secured on each local dollar invested in its programs in 2013, we divided the gain from the investment by the amount of the initial local investment. These calculations were based on all MLSA funding sources in 2013.
3. Return on investment is calculated as follows: $ROI = (\text{gain from investment} - \text{cost of investment}) / \text{cost of investment}$.
4. SNAP indirect impact is calculated using the USDA multiplier of 1.8, which is discussed more fully below. Indirect impact for all amounts other than SNAP is calculated using the multiplier proposed by the Council of Economic Advisors for the impact of income support payments under the American Recovery and Reinvestment Act of 2009, specifically a multiplier of 1.5. Executive Office of the President, Council of Economic Advisors, *The Economic Impact of the American Recovery and Reinvestment Act Five Years Later, Final Report to Congress* (Feb. 2014) available at http://www.google.com/url?sa=t&rc=1&q=&esrc=s&source=web&cd=1&ved=0CB8QFjAA&url=http%3A%2F%2Fwww.whitehouse.gov%2Fsites%2Fdefault%2Ffiles%2Fdocs%2Fcea_arra_report.pdf&ei=eDfIU_vHEsSWyAT39YC4Bg&usq=A FQjCNHOQ8zHbXerXbPj_baxcIQ0Y5f3g&bvm=bv.71198958,d.aWw.
5. <http://quickfacts.census.gov/qfd/states/30000.html>
6. *Id.* See also, Montana Department of Public Health and Human Services, Montana Poverty Report Card (December 2011).
7. University of Montana Bureau of Business and Economic Research, *2010 Montana Legal Needs Survey Final Report (2010)* available at <http://www.mtjustice.org/wp-content/uploads/2012/09/2010-Legal-Needs-Executive-Summary-Revised1.pdf>.
8. *Id.*
9. Economic Policy Institute, *Family Budget Calculator (2013)*, available at <http://www.epi.org/resources/budget/>
10. Center on Budget and Policy Priorities, *Montana Supplemental Nutrition Assistance Program (2013)* available at <http://www.cbpp.org/cms/?fa=view&id=3886> (\$125 average monthly SNAP benefit for each household member).
11. MLSA has 13 casehandling attorneys available to provide services to the approximately 182,000 people in Montana that live at or below 125% of the poverty line according to 2010 census information.
12. Rebecca L. Sandefur & Aaron C. Smyth, American Bar Foundation, Access Across America: First Report of the Civil Justice Infrastructure Mapping Project (2011).
13. Access to Justice Commission of the Montana Supreme Court, *The Justice Gap in Montana: As Vast as Big Sky Country* (June 2014) available at <http://courts.mt.gov/supreme/boards/a2j/materials.mcp.x>.
14. Legal Services Corporation, Fact Sheet on the Legal Services Corporation (2014) available at <http://www.lsc.gov/about/what-is-lsc>.
15. See Sanjay Talwani, *Montana Legal Services Association Cutting Staff*, Helena Independent Record, October 25, 2011, available at http://helenair.com/news/local/montana-legal-services-association-cutting-staff/article_462354d4-fed2-11e0-b042-001cc4c002e0.html.
16. MLSA receives limited purpose funding from a State Court filing fee and from the Montana Department of Justice.
17. Montana Department of Public Health & Human Services with Montana State University Extension, *Montana Poverty Report Card* (December 2011) p 20, available at <http://www.montana.edu/wwwextec/poverty.html>. Glacier County has a 30.4% poverty rate and contains the bulk of the Blackfeet Reservation.
18. Decision Analyst and LegalShield, *The Legal Needs of American Families* (September 2012), available at <http://www.legalshield.com/about-us/pressmedia-kit/the-legal-needs-of-american-families/>.
19. Monthly financial responsibility awards were calculated by multiplying the monthly support amount obtained by 12 months. Where a specific monthly award was not ordered, the amount was not included.
20. Health benefits include obtaining, preserving, or increasing Medicaid, CHIP, Medicare, or other medical coverage. Calculations are based on the total value of the health benefit or total amount of award to the client.
21. Center on Budget and Policy Priorities, Various Supports for Low-Income Families Reduce Poverty and Have Long-Term Positive Effects on Families and Children (July 2013) available at <http://www.cbpp.org/cms/?fa=view&id=3997>.
22. *Id.*
23. Housing awards include the amount of rent saved by securing a public housing benefit, rent abatement due to conditions of housing unit, return of security deposit, damages award to client, landlord charges avoided, or foreclosure prevented. Rent saved is calculated using the actual amount of monthly subsidy or abatement obtained multiplied by 12 months. Foreclosure prevention awards include reduced monthly payment, lowered interest rates, reduced principal amount, reduced costs of loan, cash for keys program participation, and reduced fees and penalties. Reduced monthly payment is calculated using the actual monthly reduction multiplied by 12 months.
24. Center on Budget and Policy Priorities, *Montana: Federal Rental Assistance Facts* (December 19, 2012) available at <http://www.cbpp.org/cms/?fa=view&id=3586>.
25. *Id.*
26. *Id.*
27. *Id.*
28. *Id.*
29. Public benefits include Supplemental Nutritional Assistance Program (SNAP), Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), Temporary Assistance to Needy Families (TANF), unemployment, worker's compensation, veteran's benefits, back wages, and other public benefit awards. Calculations are based on the total value of the benefit or the monthly benefit multiplied times 12.
30. Jason DeParle & Robert M. Gebeloff, *Living on Nothing but Food Stamps*, N.Y. Times, Jan. 2 2010, available at <http://www.nytimes.com/2010/01/03/us/03food-stamps.html?pagewanted=all&r=0>.
31. Umar Moulta-Ali, Congressional Research Service, *Primer on Disability Benefits: Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI)* (June 11, 2013) available at http://www.google.com/url?sa=t&rc=1&q=&esrc=s&source=web&cd=2&ved=0CCYQFjAB&url=http%3A%2F%2Ffas.org%2Fsgp%2Fcrs%2Fmisc%2FRL32279.pdf&ei=Zf3GU-3GDZKvAT27YDYAQ&usq=AFQjCNFmQ_FcrG_dq2B_I0oIF89QSCecYQ&bvm=bv.71126742,d.aWw.
32. Anne DeCesaro & Jeff Hemmeter, Social Security Administration Office of Policy, *Characteristics of Noninstitutionalized DI and SSI Program Participants* (January 2008) available at <http://www.socialsecurity.gov/policy/docs/rsnotes/rsn2008-02.html>.
33. Montana Department of Public Health and Human Services, *Temporary Assistance for Needy Families: Basic Eligibility for TANF Cash Assistance* (2014) available at <http://www.dphhs.mt.gov/hcsd/tanf.aspx>.
34. Center on Budget and Policy Priorities, *supra* note 28.
35. Employment claims include actual awards for back pay owed.
36. Direct consumer awards include recovery of money owed to client, reduced debt, favorable payment schedule, federal bankruptcy protection, restoring or obtaining utilities, and other awards to clients. Monthly savings are calculated using the actual monthly reduction multiplied by 12 months.
37. Tax related federal matters include the Low Income Taxpayer Clinics that receive funding from the Internal Revenue Service to provide advocacy to low-income individuals in tax matters. The value is calculated using the total value of decreased tax liabilities or value of total refund.
38. Center on Budget and Policy Priorities, *supra* note 28.
39. Brookings Institution analysis of Supplemental Poverty Measure Public Use Data, *Working Families Kept out of Poverty by the EITC and CTC 2009-2011* (2011) available at <http://www.taxcreditsforworkingfamilies.org/working-families-poverty-eitc-ctc-state/>.
40. *Id.*
41. Laura Abel & Susan Vignola, *Economic and Other Benefits Associated with the Provision of Civil Legal Aid*, 9 Seattle J. for Soc. Justice 139 (2011) 3-4, available at http://www.google.com/url?sa=t&rc=1&q=&esrc=s&source=web&cd=2&ved=0CCYQFjAB&url=http%3A%2F%2Fwww.law.seattleu.edu%2Fdocuments%2Fsjj%2F2010fall%2FAbel.pdf&ei=aSvIU_HfDYyWyAST4YCWcW&usq=AFQjCNGLG3nJbDgvtTWrkMC2BEwkM4vH7A&bvm=bv.71198958,d.aWw.

42. U.S. Department of Agriculture, Food and Nutrition Services, *The Benefits of the Supplemental Nutrition Assistance Program* (Aug. 2011) available at <http://www.fns.usda.gov/benefits-supplemental-nutrition-assistance-program-snap>.
43. *Id.*
44. *Id.*
45. *Id.*
46. Executive Office of the President, Council of Economic Advisors, *supra* note 18.
47. *Id.*
48. *Id.*
49. This report calculates the value for pro bono services provided to low-income Montanans through MLSA only, although the actual amount of pro bono services provided by Montana attorneys is undoubtedly much higher. Based on attorney self-reports submitted on a voluntary basis each year to the Office of the Supreme Court Administrator, state attorneys reported 157,463 total hours of pro bono work, including that provided through MLSA.
50. Report, *Results of the 2011 Bar Member Survey*, The Montana Lawyer (June/July 2011) 5 available at http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB8QFjAA&url=http%3A%2F%2Fwww.montanabar.org%2Fresource%2Fcollection%2FEAA30F23-4767-49DA-BBE7-152CF93C8535%2FJuneJuly2011MTLawyer.pdf&ei=JhrpU-eBBs_9yQSBvoKYDg&usq=AFQjCNHUrSmlzqwOCIAeBnXlSaGQA_9Cg&bvm=bv.72676100,d.aWw&cad=rja.
51. Ronald L. Burdge, *United States Consumer Law Attorney Fee Survey Report 2010-2011* (2011), <https://www.nclc.org/images/pdf/litigation/fee-survey-report-2010-2011.pdf>.
52. Value of services in excess of cost of delivering services calculated by subtracting the total MLSA resources used for client work in 2013 from the value of legal aid services.
53. Forms data on MontanaLawHelp.org show both access to forms and completed forms. Completely assembled forms include 372 Dissolution and Parenting Plan Forms, 65 Order of Protection Petitions and others.
54. See www.legalzoom.com, Divorce Pricing (2014).
55. Centers for Disease Control and Prevention, *National Center for Injury Prevention and Control, National Intimate Partner and Sexual Violence Survey, 2010 Summary Report* (Nov. 2011) 39.
56. *Id.*
57. *Id.*
58. Montana Board of Crime Control Statistical Analysis Center, *Crime in Montana: 2011-2012 Report* (June 2013) 71 available at <http://mbcc.mt.gov/Data/Publications/CIM/CIM2011-12.pdf>.
59. See Montana Public Defender Commission, *Report to the Governor, Supreme Court and Legislature* (2012) Case Counts 1 available at <http://publicdefender.mt.gov/2012GovReport/CaseCounts.pdf>. The Montana Office of the Public Defender is responsible, under Montana statutes, for providing representation to indigent parents and children in abuse and neglect cases. See Mont. Code Ann. §§ 47-1-104(b)(i), 41-3-425 (2011).
60. See Montana Domestic Violence Fatality Review Commission, *Report to the Legislature* (January 2013) 14 available at <https://doj.mt.gov/wp-content/uploads/MDVFR2013.pdf>.
61. See Amy Farmer & Jill Tiefenthaler, *Explaining the Recent Decline in Domestic Violence*, *Contemp. Econ. Pol'y* (2003) available at <http://www.nlada.org/DMS/Documents/1042657644.87/Explaining%20the%20Decline%20in%20Domestic%20Violence%20-%20CEP%20Version.pdf>.
62. Gary R. Leonardson, *Native American Crime in the Northwest: 2004-2010—BIA Information from Alaska, Montana, Wyoming, Idaho, Oregon, and Washington* (September 2011) Section 2—State Summaries 8 available at <http://mbcc.mt.gov/Data/SAC/Tribal/NativeCrimeInNorthwest04-10.pdf>. The report states that 2008 and 2009 are the most recent years for which this specific data is available.
63. Sherri Downing, *The Empty Shawl: Honoring Native Women By Stopping the Violence Against Them* (Jan. 2010) 6 available at tribalnations.mt.gov/Portals/34/docs/HonoringNativeWomenReport.pdf.
64. Liz Elwart, et al., State Bar Association of Wisconsin, *Increasing Access to Restraining Orders for Low-Income Victims of Domestic Violence: A Cost-Benefit Analysis of the Proposed Domestic Abuse Grant Program* (2006) 12-13.
65. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, *Costs of Intimate Partner Violence Against Women in the United States* (Mar. 2003) 14.
66. 474 domestic violence cases in 2013 multiplied times \$3,000 in prevented medical costs.
67. Boston Bar Association Task Force of the Civil Right to Counsel, *The Importance of Representation in Eviction Cases and Homelessness Prevention* (March 2012) available at <http://www.bostonbar.org/docs/default-document-library/bba-crtc-final-3-1-12.pdf>.
68. *Montana Foreclosure Activity Down in First Quarter* (April 30, 2011) available at <http://www.realtytrac.com/content/news-and-opinion/montana-foreclosure-activity-down-in-first-quarter-6555>
69. Devvie Gruenstein Bocian, Peter Smith, & Wei Li, Center for Responsible Lending, *Collateral Damage: The Spillover Costs of Foreclosure* (Oct. 2012) 3.
70. *Id.*
71. Center for Responsible Lending, *2013 Update: The Spillover Costs of Foreclosures* (Aug. 2013) available at <http://www.responsiblelending.org/mortgage-lending/research-analysis/2013-spillover-costs-of-foreclosure.html>.
72. Cost savings of foreclosure prevention to neighboring home values was calculated by multiplying the average loss per homeowner by the number of foreclosures prevented and loan modifications secured.
73. G. Thomas Kingsley, Robin Smith, & David Price, The Urban Institute, *The Impacts of Foreclosures on Families and Communities* (May 2009) 15-19 available at <http://www.urban.org/publications/411909.html>.
74. *Id.* at 19-20.
75. Cost savings of foreclosure prevention to state and local governments was calculated by multiplying \$2,915, which is the mean of the most conservative estimates of cost savings to government from foreclosure prevention, by the number of foreclosures MLSA prevented and loan modifications secured.
76. Montana Department of Justice, Office of the Attorney General, *Keep My Montana Home* (2014) available at <https://doj.mt.gov/consumer/for-consumers/foreclosure/>.
77. U.S. Department of Housing and Urban Development, Office of Policy Development and Research, *Costs Associated with First-Time Homelessness for Families and Individuals* (March 2010) ES7-8 available at http://www.huduser.org/publications/pdf/Costs_Homeless.pdf.
78. Cost savings from eviction prevention was calculated by multiplying the median per person cost of homeless persons of \$10,968 by 30, which is 50% of MLSA's eviction prevention cases in 2013. MLSA's 59 Eviction prevention cases include cases where MLSA prevented eviction from private housing, prevented eviction from public or subsidized housing, secured time to move out, prevented a foreclosure, prevented loss of home, and obtained participation in subsidized housing.
79. Ratio of economic benefit to in-state funding calculated using MLSA's in-state funding and the total economic impact of MLSA's civil legal aid, see footnote 15 *supra*.
80. Additional economic impact per investment is calculated using the return on investment calculation (\$10.61 generated per in-state investment) set forth in footnote 14. Additional clients reached per investment calculated by dividing the total resources used for client work in 2013, excluding resources not used for client work, by the total number of clients in 2013 to calculate the average cost per case.
81. Access to Justice Commission of the Montana Supreme Court, *supra* note 7.

About This Report:

This report was sponsored by the Montana Supreme Court's Access to Justice Commission with special funding provided by the Montana Justice Foundation, whose mission is to achieve equal access to justice for all Montanans through effective funding and leadership. Funding was also provided by the Legal Services Corporation, whose mission is to promote equal access to justice in the Nation and to provide high quality civil legal assistance to low-income persons.

About the Authors:

This report was prepared by Montana Legal Services Association, primarily by Michelle Potts, with consultation from Professor Scott Rickard, Director of the Center for Applied Economic Research at MSU-Billings. The Center for Applied Economic Research at MSU-Billings generously donated Professor Scott Rickard's consultation at no cost.

This report is available at www.mt.gov/supreme/boards/a2j

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2015 REPORT

Fighting
Poverty

Achieving
Justice

Improving
Lives



Montana
Legal Services
Association

Tab 3



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 Forum Series brings together community programs and justice leaders to continue the discussion of the legal, social and ethical issues that bear upon accessing our legal system, and specifically how they 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 Montana State Bar 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
TBA
Contact: Patty Fain, pfain@mt.gov
406.794-7824

Missoula

Wednesday, April 13, 2016
TBA
Contact: Lisa Mecklenberg-Jackson
LMecklenberg-Jackson@mt.gov

Bozeman

Wednesday, May 18, 2016
TBA
Contact: Jennifer Brandon, 582-2165
jbrandon@mt.gov

Butte

Wednesday, September 21, 2016
TBA
Contact: Michele Robinson
michele.robinson45@gmail.com

Helena

Wednesday, October 19, 2016
TBA
Contact: Melanie Reynolds
mreynolds@co.lewis-clark.mt.us

Tab 4

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

RESOLUTION 5

Reaffirming the Commitment to Meaningful Access to Justice for All

WHEREAS, the Conference of Chief Justices acknowledged in 2001 in Resolution 23 that the promise of equal justice is not realized for individuals and families who have no meaningful access to the justice system and that the Judicial Branch has the primary leadership responsibility to ensure access for those who face impediments they cannot surmount on their own; and

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators passed Resolution 2 in 2008 recognizing that ensuring access to justice in adversarial proceedings involving basic human needs, such as shelter, sustenance, safety, health, and child custody is one of the Conferences' highest priorities and encouraged their members to take steps to ensure that no citizen is denied access to the justice system due to the lack of resources, or any other such barrier; and

WHEREAS, significant advances in creating a continuum of meaningful and appropriate services to secure effective assistance for essential civil legal needs have been made by state courts, national organizations, state Access to Justice Commissions and other similar bodies, and state bar associations during the last decade; and

WHEREAS, these advances include, but are not limited to, expanded self-help services to litigants, new or modified court rules and processes that facilitate access, discrete task representation by counsel, increased pro bono assistance, effective use of technology, increased availability of legal aid services, enhanced language access services, and triage models to match specific needs to the appropriate level of services;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators support the aspirational goal of 100 percent access to effective assistance for essential civil legal needs and urge their members to provide leadership in achieving that goal and to work with their Access to Justice Commission or other such entities to develop a strategic plan with realistic and measurable outcomes; and

BE IT FURTHER RESOLVED that the Conferences urge the National Center for State Courts and other national organizations to develop tools and provide assistance to states in achieving the goal of 100 percent access through a continuum of meaningful and appropriate services.

Adopted as proposed by the CCJ/COSCA Access, Fairness and Public Trust Committee at the 2015 Annual Meeting.

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

RESOLUTION 4

**In Support of the Statement of Best Practices for State Funding of Civil Legal Aid
Prepared by the ABA Resource Center for Access to Justice Initiatives**

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators have consistently advocated for adequate resources to fund civil legal aid programs; and

WHEREAS, Census Bureau data show that nearly one in five Americans—61.8 million people—are eligible for legal aid services, a 21% increase since 2007; and

WHEREAS, the civil legal problems of low-income people involve essential human needs, such as protection from domestic abuse, safe and habitable housing, access to necessary health care, and parental rights; and

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators in 2012 published a comprehensive policy paper¹ making clear that millions of people in America face legal crises without the benefit of legal counsel, thereby either giving up their legal rights or seeking judicial relief without assistance of counsel; and

WHEREAS, in 2002, 2009, 2011, and 2012, the Conference of Chief Justices and the Conference of State Court Administrators, by resolution, reaffirmed the importance of the federal Legal Services Corporation and, as recently as 2012, called upon all members of Congress “to fulfill our nation’s promise of ‘Equal Justice Under Law’, by restoring funding for the federal Legal Services Corporation to the level necessary to provide critically needed services to low-income and vulnerable Americans”; and

WHEREAS, federal funding of the Legal Services Corporation has declined from \$420 million in FY 2010 to \$375 million for the current fiscal year—a reduction of more than 10 percent; and

WHEREAS, it is advisable to pursue strategies to improve state and federal government funding of civil legal aid; and

¹ “The Importance of Funding for the Legal Services Corporation from the Perspective of the Conference of Chief Justices and the Conference of State Court Administrators.”

WHEREAS, the American Bar Association's Resource Center for Access to Justice Initiatives, a project of the Standing Committee on Legal Aid and Indigent Defendants, has carefully studied successful legal aid funding efforts in the states; and

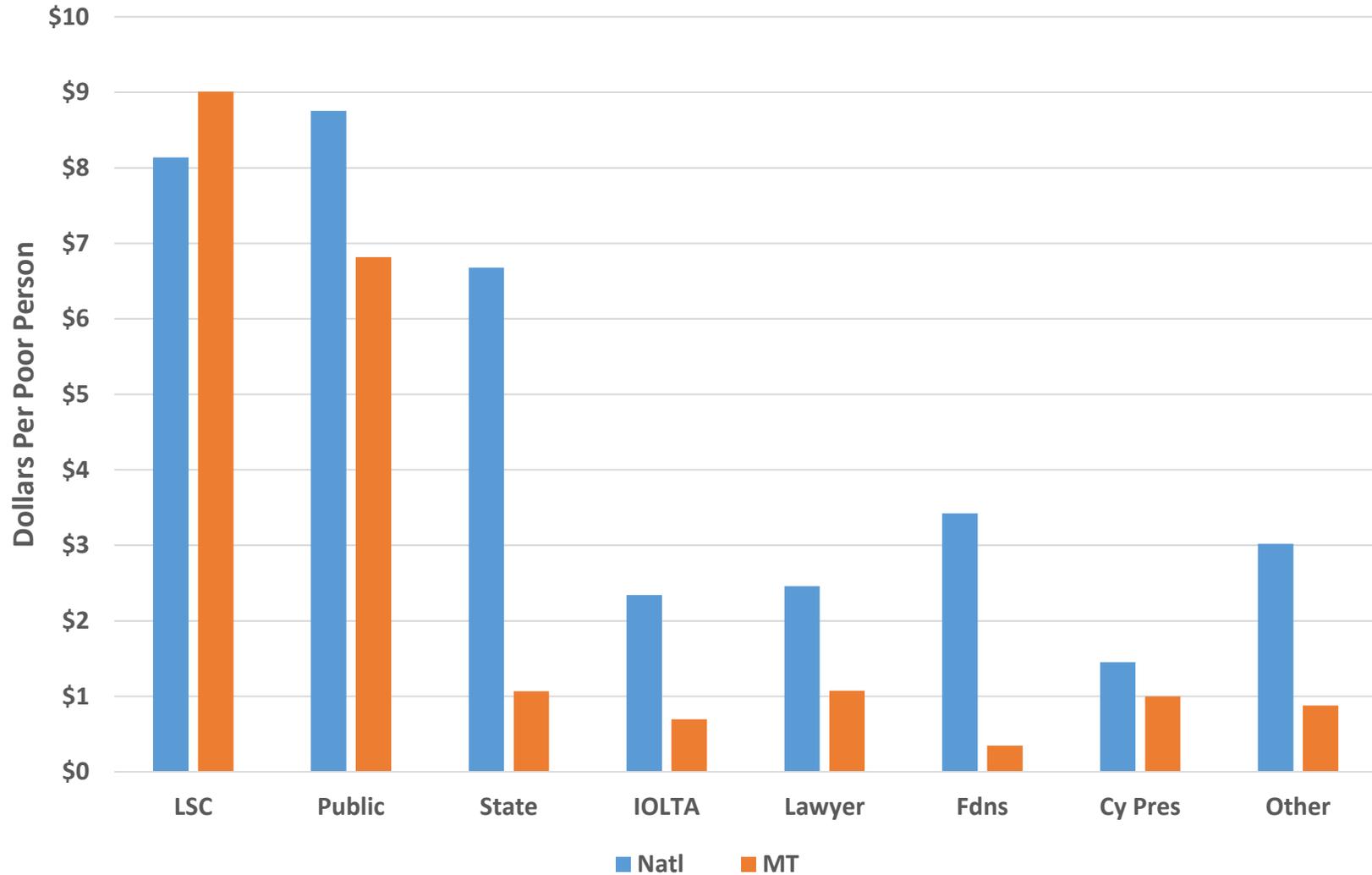
WHEREAS, the ABA Resource Center has gathered a series of best practices to guide bench and bar leaders in their pursuit of increased funding of civil legal aid;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators encourage their members to consider the ABA Resource Center for Access to Justice Initiatives' "Supreme Court Leadership on State Legislative Funding for Civil Legal Aid" (Updated July 15, 2015) as a worthy guide for their own endeavors to obtain increased funding for civil legal services to disadvantaged populations.

Adopted as proposed by the CCJ/COSCA Government Affairs Committee and the CCJ/COSCA Access, Fairness, and Public Trust Committee at the 2015 Annual Meeting.

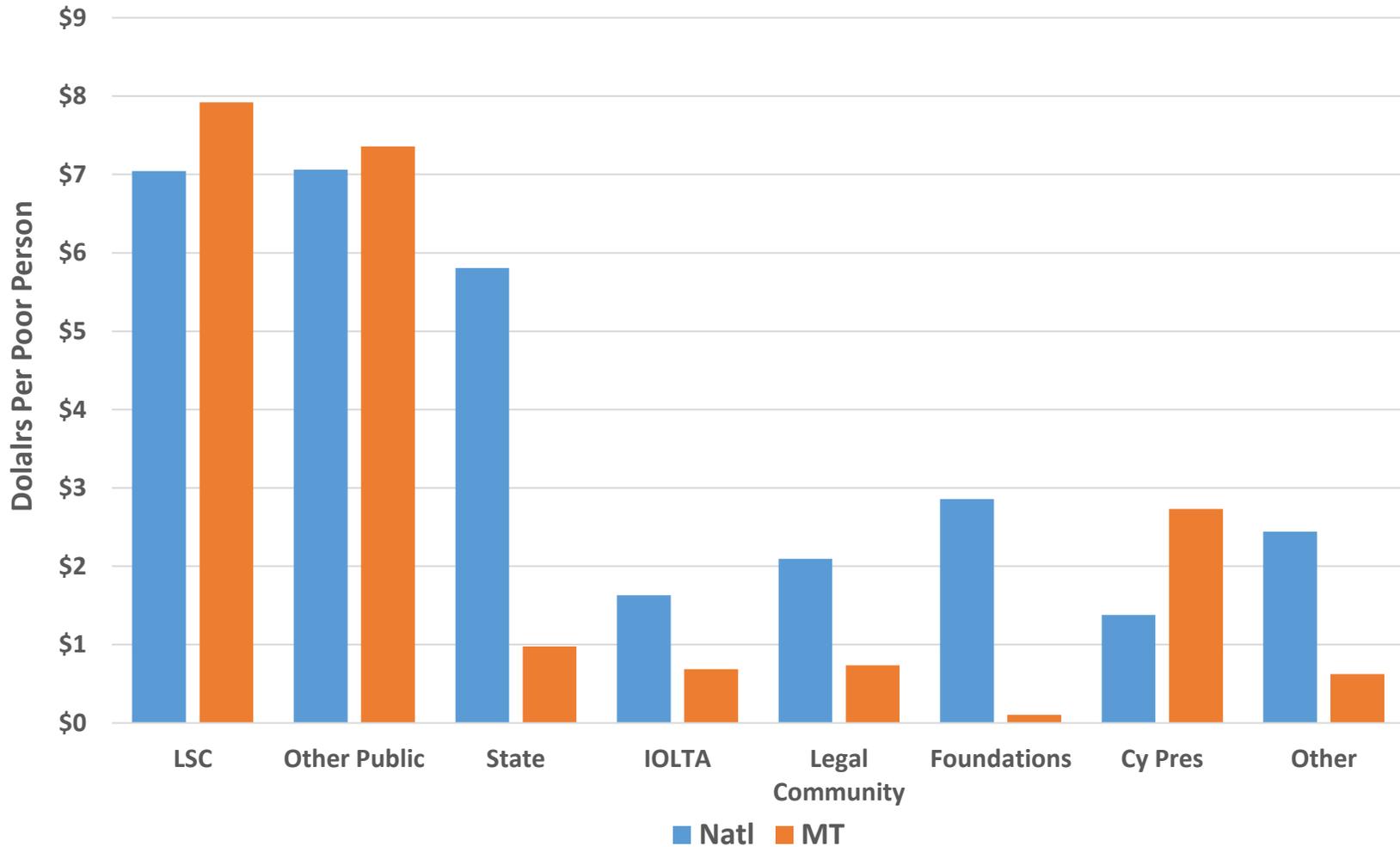
Legal Aid Funding - MT and Natl. Average

(Data Collected in 2013) **USED WITH PERMISSION**



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Legal Aid Funding - MT and Natl. Average (Data Collected in 2014; **USED WITH PERMISSION**)



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Resources for Civil Legal Aid, 2014 Data Collection*

State Court Fees/Fines		\$108,018,000
State Appropriations		\$157,378,000
Other Public Funds:		
Federal	\$139,886,000	
Other State	\$62,244,000	
Local	\$100,448,000	
Fee for Service Contracts	<u>\$20,193,000</u>	
Total Other Public Funds		\$322,771,000
IOLTA		\$74,497,000
Legal Community:		
Lawyer Fund Drive	\$68,707,000	
Atty Registration Fee, PHV	\$15,849,000	
Bar Funds	\$6,279,000	
Bar Dues Check-off	<u>\$4,958,000</u>	
Total Legal Community		\$95,793,000
Cy Pres		\$63,086,000
Fdn/Corp Grants		\$130,541,000
Other Strategies:		
United Way	\$20,049,000	
Special Events	\$43,961,000	
Non-atty Individuals	\$10,506,000	
Religious Institutions	\$653,000	
Attys Fees	\$26,777,000	
Fellowships	\$4,919,000	
Fee for Service Contracts	\$2,840,000	
Other, Misc.	<u>\$1,816,000</u>	
Total Other Strategies		\$111,521,000
Total Non-LSC Funds		\$1,063,605,000
Legal Services Corp		<u>\$322,049,000</u>
Total Revenue		\$1,385,654,000

*2014 Data Collection: LSC amount is FY14 (50 states only). Court Fees and Fines and State Appropriations are through 2013 legislative sessions. IOLTA is grants made to legal aid programs in FY13. Most other numbers are for FYs that ended between 6/30/13 and 6/30/14.

Compiled from data provided by legal aid programs in the 50 states to the American Bar Association Resource Center for Access to Justice Initiatives, a project of the Standing Committee on Legal Aid and Indigent Defendants. It is intended to provide only an estimate of the funding generated.

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Tab 5

ATJC Important Dates 2015-2016

ATJC Community Listening Tour Schedule:

October 21st, 2015 – Kalispell

November 18th, 2015 – Great Falls – w/Tribal satellite

March 2016 – Billings – w/Tribal satellite

April 2016 – Missoula – w/Tribal satellite

May 2016 – Bozeman

September 2016 – Butte

October 2016 – Helena

ATJC Meetings:

Friday, December 4th (Possible joint meeting with SBM Justice Initiatives Committee)

Friday, March 4th

Friday, June 4th