Tab 1

Montana Supreme Court Access to Justice Commission December 8, 2017 Large Conference Room, Office of the Court Administrator 301 S. Park, Third Floor, Helena, MT 1:00 – 3:00 PM Meeting Minutes

Commissioners Present: Justice Beth Baker, Rep. Kim Dudik, Sen. Terry Gauthier, Hon. Leslie Halligan, Rick Cook, Kyle Nelson, Dan McLean, Dean Paul Kirgis, Ed Bartlett, Melanie Reynolds, and Georgette Boggio.

Commissioners Absent: Matthew Dale, Hon. Greg Pinksi, Hon. David Carter, Hon. Winona Tanner, Alison Paul, and Aimee Grmoljez.

Others Present: Angie Wagenhals, Crystine Miller, Derrek Shepherd, Ann Goldes-Sheahan, Nolan Harris, Niki Zupanic, Sarah McClain, Abby Brown, Chris Manos, Debbie Steigerwalt, Patty Fain, Charlie Rehbein, and Krista Partridge.

Call to Order: 1:03 p.m.

Justice Baker began the meeting by noting that this will be Chris Manos' final meeting before his retirement from the State Bar of Montana. She thanked him for his tremendous contributions to access to justice initiatives in Montana. She then asked for comments or corrections on the September meeting minutes. There were no comments or corrections. Judge Halligan moved to approve the September minutes and Dan McLean seconded the motion.

The September minutes were adopted with no objections.

Self-Represented Litigants Committee Report

Ann Goldes-Sheahan reported that the Fee Waiver Form will not be final until it is approved by the Secretary of State, likely before the end of the year. She asked that the form not be distributed until it is published in the rules. Some final modifications were made to make the form more user friendly, to expand the income sections, and to include more plain language. Justice Baker asked if comments from the judges were taken into account when making the final changes. Ann replied that input from the judges was incorporated where possible, but some of them thought the form was simply too long. She said that the length of the form is due largely to the instructions for completion, however, the expenses section was moved to an optional section at the end and the table in Item 3 was removed to shorten the form. Justice Baker stated that the judges' review was beneficial and they will be more likely to accept the form as a result. She added that we need to make sure the form is distributed to all the courts, clerks and judges as soon as it is published. Melanie Reynolds asked if clients have tested the form and Ann replied that the form was not piloted with clients. Abby Brown added that the form is a rule and not conducive to client piloting because certain elements had to be included. Abby said that they tried to make the instructions clear and concise and noted that most self-represented litigants will qualify based on the first three check-boxes. Justice Baker added that many individuals who work with clients helped to develop the form. Judge Halligan expressed concern that there are too many income source categories and not enough room for extraordinary expenses such as medical or student loan debt, and that judges may not approve the waiver if litigants don't include their debts. Justice Baker asked Ann to pass along Judge Halligan's concerns to Stuart Segrest at the Attorney General's office, and Judge Halligan said that she would also contact Stuart.

Ann also reported that the Family Law automated forms are in the final stages of review and revision and that the forms will be posted on the Law Help website as soon as they are complete. She also said that the Education and Training subcommittee will hold their first meeting soon and she will provide an update on the subcommittee's 2018 plans at the next meeting. Finally, Sarah McClain reported that the new State Law Library website is nearing completion and will go live in the next 2-3 weeks.

Law School Partnerships Committee

Debra Steigerwalt said that the committee has been very busy and is still seeking more Access to Justice Commissioners and law students as members. She reported that the new AmeriCorps member at the law school started in September, and that MLSA submitted a grant proposal to MJF for Bank of America settlement funds to start a rural incubator program. Niki Zupanic added that the funding decision will be made in January. Debra stated that Chief Justice McGrath, Dean Kirgis, and Chris Manos all sent letters of support and asked that the Commission also provide a letter of support for the proposal. Justice Baker said that the draft support letter from the Commission was included in the meeting packet on page 30. Niki explained that IOLTA programs across the country received a portion of funds resulting from the Bank of America mortgage lender settlement to fund legal assistance for foreclosure prevention and community development. She said that the MJF Board thought that the incubator program seemed like a good fit, and that they would be expecting a support letter from the Access to Justice Commission. Justice Baker asked for a motion to support the incubator proposal. Judge Halligan moved that the Commission approve the support letter as written and Melanie Reynolds seconded the motion.

The Access to Justice Commission letter in support of the incubator proposal to the Montana Justice Foundation was approved without objection.

Justice Baker added that she would like to follow up at a later date with the Landlord Tenant Subcommittee regarding the eviction pilot program with Homeword.

Justice Baker said that the Law and Justice Interim Committee meeting was canceled due to the Special Legislative Session, and the Commission will have 60 minutes to present at the rescheduled meeting. Justice Baker will notify the Commission as soon as the new meeting date has been set.

Strategic Planning Committee Update

Niki Zupanic reported that the committee has reviewed and reworked the objectives from the previous strategic plan and has developed an overall statement of purpose. Next, the activities will be assessed and revised, with a full draft strategic plan to be presented at the March 2018 meeting. She added that the feedback from the SWOT analysis was helpful and the highlights are included in the meeting packet. She said that the committee would welcome additional feedback. Justice Baker thanked Niki for spearheading this effort.

Working Group on Civil Legal Issues for Domestic Violence Survivors

Angie Wagenhals stated that an update from Alison Paul was included in the meeting packet in Tab 5. She said that a meeting of DV attorneys from around the state has been scheduled for January 16 in Helena and that the meeting will be co-chaired by Diana Garrett, MLSA's Supervising Attorney for DV, and Brandi Ries, the past chair of the Justice Initiatives Committee of the State Bar. Representatives from the Montana Board of Crime Control will also attend. Ann Goldes-Sheahan said that judges will be included in future meetings.

ATJC JIC Liaison Report and Orders of Protection Update

Judge Carter was not able to attend the meeting due to a scheduled trial, but Patty Fain directed the group to the materials in the meeting packet.

Limited License Legal Technician (LLLT) Update

Georgette Boggio reported that the LLLT committee decided to recommend that Montana not pursue the LLLT model. She referred the group to the report included in the packet and highlighted the primary reasons for the committee's conclusion. She said that the level of training required for the license would be a significant barrier to participation. Georgette added that the other LLLT programs that the committee studied had the advantage of a uniform set of forms, something that doesn't exist in Montana. Justice Baker commented that the report from the committee was very thorough and asked if anyone thought that the Commission needed to weigh in on the matter. Ed Bartlett stated that while there is no reason for the Commission to comment separately on the LLLT concept, he personally thinks that it is a good approach that could work in Montana and that the idea shouldn't be abandoned. Justice Baker said that the committee report included recommendations that could be addressed as part of the strategic plan in order to lay the groundwork for a successful LLLT initiative in the future. Georgette said that the Commission should keep an eye on the Utah LLLT program as a model that might be a better fit for Montana's needs. Dean Kirgis said that he sees the value in the LLLT concept and doesn't want this to be the end of the conversation. He added that most of Washington's LLLTs work for attorneys and this wouldn't address the need in Montana. He concluded that it doesn't make sense for Montana to experiment and that we should wait for a more appropriate model to emerge. Judge Halligan stated that we need to continue to pursue this idea and that the State Bar should find a way to certify paralegals so that they have a way to demonstrate their qualifications. Dean Kirgis agreed and said that the School of Law would be interested in working with the State Bar to establish paralegal certification criteria.

Guardianship Program Update

Angie Wagenhals reported that Larry Riley and Tom Lynaugh have been working with the group to do training and outreach for attorneys on guardianships for children with disabilities who are reaching the age of majority. Following the training scheduled for January 2018, MLSA will provide screening and referrals to pro bono attorneys on this type of guardianship.

Veteran's Law Initiative

Patty Fain reported that Professor Wandler initiated the Veteran's Law Clinic at the ABIII School of Law and that the program has been a huge success. As a result of training offered through the law school, Montana now has over 50 attorneys accredited to practice in the VA Appeals Court,

compared to only 2 accredited attorneys prior to the training. Patty noted that there is a great need for assistance with discharge upgrades for military personnel who received less than honorable discharges, often as a result of behavior stemming from service-related brain injuries or PTSD. She explained that law students screen veteran clients, conduct the clinics and assist attorneys who take cases. Dean Kirgis added that the law school has approached the Volunteers of America Northern Rockies Supportive Services for Veteran's program as a potential partner on the clinics.

Unbundling Conference Update

Patty Fain and Ann Goldes-Sheahan attended the ABA Unbundling Conference in Denver and reported on what they learned. Unbundling is better known in Montana as Limited Scope Representation (LSR). They reported that LSR is not a familiar concept for most attorneys and that it is not widely practiced in Montana, even though State Bar rules were changed in 2012 to address the ethical considerations related to LSR. Patty said that attorneys need to be trained on how to provide limited scope services and how to apply the rules, and that clients need to be aware that this service is an option. Ann pointed out that the Ethics Committee of the State Bar has concerns that LSR is not always sufficient and thus may be a disservice to clients who really need the full scope of services. Justice Baker suggested that the discussions and recommendations included in the conference report would be a good starting point for the Self-Represented Litigants Committee and the State Bar Justice Initiatives Committee to begin exploring ways to promote LSR and to address the related ethical issues.

Public Comment and Next Meeting Dates

Justice Baker asked for public comment. There was no public comment. Justice Baker stated that the 2018 meeting dates are listed on the agenda. The next meeting will take place on March 9, 2018. The meeting was adjourned at 2:30 p.m.

Tab 2

Name		
Mailing Address		
City Stat	e Zip Code	
Phone Number		
E-mail Address <i>(optiona</i> □ Petitioner/Plaintiff □ F	•	ant
\square IN THE JUSTIC	E COURT OF	L DISTRICT COURT, COUNTY COUNTY, STATE OF MONTANA COURT OF, MONTANA
Petitioner / Plaintiff, and Respondent / Defenda	, ant.	Case No: (leave blank, the clerk will write in) Statement of Inability to Pay Court Costs and Fees
request the court waive to My full legal name	the costs and fees. I e is:	nse but am unable to pay filing or other court fees. I provide the following information. I was born in this month
	an entity that provid	es free legal services to low-income persons.
		o attorney, and am financially eligible for free legal m legal aid organization to this form.)
Or		
☐ I receive one or more	e of these benefits: ((Check the box for <u>each</u> benefit you receive.)
□ SNAP □ T	ANF 🗆 SSI	□ Medicaid □ WIC □ LIEAP

If you checked any one of the three boxes above, skip to the end of this form, and sign the declaration on page 3. You don't need to fill out the remainder of the form.

If you did not check a box above, you may still qualify for a fee waiver. Please continue to fill out pages 2 and 3 of this form so the court has the information it needs to decide if you qualify for the fee waiver.

I. INCOME (Complete this Section	on to the best of	your abilit	ty.)
What do you do for work?	Who is your employer?		employer?
What is your household's annual income, bef (The tables below will help you answer these			
If you are unemployed, when were you last e	employed (Month, Yo	ear)?	Your job?
Are you married? ☐ Yes ☐ No ☐ Separate spouse are separated, or if one of you is filing income below. Fill in the chart below with the income receive you or your spouse don't receive the income	g for dissolution of r ed by you, and by yo	narriage, yo	ou do not need to provide your spou
Income Sources	Amount YOU re		Amount YOUR SPOUSE receive per month before taxes
Employment	\$		\$
Retirement/Pension	\$		\$
Workers' Compensation	\$		\$
Social Security	\$		\$
Unemployment	\$		\$
Government Benefits	\$		\$
Child Support Received	\$		\$
A person or agency pays my rent or other monthly expenses and the amount is:			\$
Other Income—e.g., rental income, stocks, investments, etc.—describe:	\$		\$
Total here:	\$		\$
What is your household size? How many p below. Attach another page if needed and ch		-	
Dependents (Initials Only)	Age		Relationship to You
1.			
2.			
3.			
4.			

II. ASSETS (Complete this Section	n to the best of your ability.))
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What property do you and your spouse own? Include your spouse's property if you are married and not separated and not filing for dissolution. Fill in the chart below, only listing items that you could sell for \$600 or more. If you don't own an item listed, write "N/A" in the "Value" column for that item. "Value" means the total amount the item(s) identified in a column would sell for, minus the amount you still owe on the item(s), if anything.

Asset	Value
Cash (This includes the money in your savings and checking accounts)	\$
Vehicle 1: provide year, make and model	\$
Vehicle 2: provide year, make and model	\$
Home where you live now	\$
Real estate or other homes/mobile homes (Not including the home you are living in now)	\$
Recreational vehicle(s) such as snowmobile, ATV, camper/RV, boat, motorcycle, etc.	\$
Guns or other collections	\$
Other Item(s) worth more than \$600—describe:	\$

III. DEBTS AND EXTRAORDINARY EXPENSES (Complete this Section to the best of your ability.)

What bills do you and your spouse pay each month? Fill in the chart below.

Monthly Expenses	Value
Housing Expense: Mortgage or Rent	\$
General Household Expenses: Utilities, Phone/Internet/Cable, etc.	\$
Insurance Expenses, Healthcare Costs and/or Medical Debt(s)	\$
Childcare Expenses	\$
Other Extraordinary Expenses: e.g., Collection actions, Student Loans—describe:	\$

IV. ADDITIONAL INFORMATION (This Section is optional.)

If you have additional information that you want the court to consider about your inability to pay court costs, write that information under your signature below or attach an extra page. Check here if you attached another page:

V. DECLARATION (This Section is Required.)

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

Date:	City:	State:
	YOUR Signature:	

Court Use Only

☐ MONTANA	JUDICIAL DISTRICT COURT,	COUNTY
\square IN THE JUSTICE COURT OF $_$	COUNTY, STATE OF	MONTANA
□IN THE MUNICIPA	L OR CITY COURT OF	, MONTANA
Petitioner / Plaintiff, and Respondent / Defendant.	Case No:, (leave blank, the clerent order Regarding State Court Costs	
Warning!	Read carefully the section checked l	below.
☐ Temporary Waiver of court cost	ed. Declarant shall proceed without parts is Granted . Declarant may file without e at a later time that the declarant has	out payment of court fees or
☐ Temporary Waiver of fees is Gr but must appear before the Court	ranted. Declarant may file without pay at a.m/p.m. on the dake the ability to pay all fees or costs.	
	ecked, you must come to court on the leny your request to waive court cos	
☐ Waiver of Fees and costs is De	nied . Waiver is denied based on the f	[:] ollowing:
Ordered this day of	, 20	
	Presiding Judge	

Tab 3

Law School Partnerships Committee (LSPC) December 2017 Report to ATJC

1. <u>Membership and Composition</u>. The LSPC continues its interest in adding ATJC members and two law students to the LSPC. The current composition of the LSPC is:

Debra Steigerwalt	DSteigerwalt@mt.gov
Chair; Strategic Planning Committee Member	
Prof. Hillary Wandler	hillary.wandler@umontana.edu
Alexander Blewett III School of Law	imary.wandier(@jumomana.edu
Hon. Leslie Halligan	LHalligan@mt.gov
ATJC Committee Member; Montana State Bar	<u>Situmguno,ma.gov</u>
President; 4th Judicial District Court Judge	
Niki Zupanic	nzupanic@mtjustice.org
Montana Justice Foundation	also: Crystine Miller (cmiller@mtjustice.org)
Patty Fain	PFain@mt.gov
State Court Pro Bono Coordinator	
Jessica Walker-Keleher	walker.keleher@gmail.com
Exec Dir. CDRC of Missoula County	walker-keleher@cdrcmissoula.org
Kate Ellis	kate@cplawmt.com
State Bar Trustee	
Diana Garrett	dgarrett@mtlsa.org
Montana Legal Services	
Shannon Hathaway	shannonh@montanalegaljustice.com
Montana Legal Justice; Member of New	
Lawyers Section	
Angie Wagenhalls	awagenha@mtlsa.org
Montana Legal Services	
Jessica Fehr	Jessica.Fehr@moultonbellingham.com
Eastern Montana, Civil Practice	
Stefan Kolis	stefankolis@gmail.com
Law Student Member	

2. <u>Last Meeting</u>. The LSPC held its last meeting on January 22, 2018 at the law school in conjunction with Dean Kirgis and law school faculty. The meeting was a brainstorming session designed to assist in the strategic planning of the LSPC's activities over the next 2-3 years and to assist the Strategic Planning Committee in making recommendations to the ATJC. Please see the attached notes from the meeting.

- 3. Next Meeting. The next meeting of the LSPC will be held on Wednesday, April 11, 2018 @ noon by teleconference. Please note that this represents a change from our teleconferences in 2017, which were held at 10:00 am.
- 4. <u>Projects</u>. Please see the attached notes from the LSPC's January 22, 2018 meeting and these subsequent updates, if any:
- a. <u>Law School Pro Bono Coordinator Project</u> (LSPC Members: Debra, Hillary, Patty, Angie). The law school's faculty approved the proposed pro bono program at the law school (the LSPC discussed the program at the January 22, 2018 meeting). Please see the summary of the program in Dean Kirgis's section of the ATJC packet for the March meeting. The law school will welcome Craig Cowie (of the Consumer Financial Protection Bureau) to the is consumer protection faculty position this fall.
- b. <u>Veteran's Advocacy Clinic Opportunities</u> (Professor Wandler, Patty Fain, and Bruce Fain). No further update.
- c. <u>Law School Incubator Project Working Group with MTLSA and Montana State Bar.</u> (LSPC Members: Debra, Hillary, Patty, Niki, Shannon). The Montana Justice Foundation decided to fund the Law School Incubator Project Proposal (the Rural Incubator Program for Lawyers) with Bank of America Grant Funds. The funding is for two years of support for the Incubator Coordinator and related expenses. The Incubator Working group met on February 2, 2018 to continue its work on developing the project. Hannah Cail will start in May 2018 in the Incubator Coordinator position and the project hopes to recruit its first class of participants for Fall 2018, provided the project can secure funding for the participants' stipends. Please note that the MJF also funded Professor Monte Mill's project for a summer 1-week "justice bus," a topic discussed at the January 22, 2018 meeting.
- d. <u>Landlord Tenant Subcommittee.</u> (LSPC Members: Shannon (chair), Stefan, Patty, Angie). No further update.
- e. <u>Missoula Self-Help Center Subcommittee</u> (LSPC Members: Debra, Hillary, Shannon, and Stefan). No further update.
- f. End of Life Document Clinic Support at Law School: (LSPC Member: Stefan). No further update.

Law School Partnerships Committee

January 22, 2018 Meeting Notes Joint Meeting with Law School Faculty/Staff

LSPC Present: Debra Steigerwalt, Prof. Wandler, Angie Wagenhalls, Jessica Walker-Keleher, Patty Fain (By phone), Hon. Leslie Halligan (By phone)

Additional Attendees: Justice Baker, Dean Kirgis, Prof. Panarella, Prof. Gross, Jane Fisher, Ann Goldes (By phone)

1. Updates:

- a. The Montana Justice Foundation's board will be voting on Thursday, January 25, 2018, on the (partial) funding of the Law School Incubator Project. Separately, Professor Monte Mills was involved in developing a proposal (also before the MJF) for a "Justice Bus" under which students that would travel as a clinic for 1 week in rural Montana.
- b. Professor Gross and Jane Fisher shared updates related to Jane's AmeriCorps position as pro bono coordinator. Law school faculty will be voting Friday, January 26, 2018 about the creation of a stand-alone pro bono project at the law school. In the past, Professor Gross has required pro bono service (or a substitute) as part of her Professional Responsibility Class, making the pro bono project limited to a single class. Jane continues to match law students to pro bono positions and has worked closely with the Missoula Self Help Law Center. Jane has also been coordinating student participation in a satellite monthly low income advice clinic at the law school (the WMBA Pro Bono Committee does an additional monthly clinic with practitioners elsewhere), in which students are paired (usually with faculty) for a longer appointment with a client. Law student interest is high in the clinic, which is booked with student participants through April 5th. Jane and Professor Gross anticipate law student involvement doing intake as part of the veteran's advocacy clinic during the first week of March. They have also worked with Lisa Mecklenberg Jackson, Executive Director of the Montana Innocence Project, on student involvement with expungement forms under the new law. Jane and Professor Gross have been exploring using the summer months for providing pro bono opportunities for students outside of Missoula, including through Prof. Mill's traveling clinic grant proposal. Jane worked with Professor Panarella on some pro bono marketing ideas. She will be posting the first in a series of law professor interviews about pro bono soon online/through social media. Further phases for pro bono coordination will include providing additional opportunities for law school faculty and staff.
- c. Jessica Walker-Keleher shared an update on a (partially) MJF-funded 10-month pilot project that partners the Community Dispute Resolution Center of Missoula County (CDRC) with Homeword and the Missoula Housing Authority. Jessica will be talking with Professor Capulong about law student involvement as part of the volunteer pool in this small project involving 20 neighbor-to-neighbor and landlord-tenant mediations. Ten mediations will be through Homeword and ten will be through the Missoula Housing Authority. The mediations will begin in March. The project will have both formative and summative evaluation components and will prioritize, in its referrals, the problem-solving needs of the following populations found by a recent access to justice

study in need of particular consideration:

- Victims of domestic violence
- Persons with a mental illness or mental disability,
- American Indians.
- Persons who do not speak English or who cannot hear,
- Older Montanans, and
- Veterans

(In cases of domestic violence, the pilot will be available to mediate collateral housing issues that may arise when DV is or has been present – these mediations will not, however, involve the abuser.)

d. Professor Wandler shared that Patty is getting forms together for the Veteran's Law Project involving the Montana State Bar. She has been talking to stakeholders, discussing priority groups, and education about the many different types of military discharge. Jane has been assisting with the structure of the project.

2. Ideas for Future Activities/Role for LSPC Over the Next 2-3 Years in the Areas of Access, Communication, Education, and Resource Development

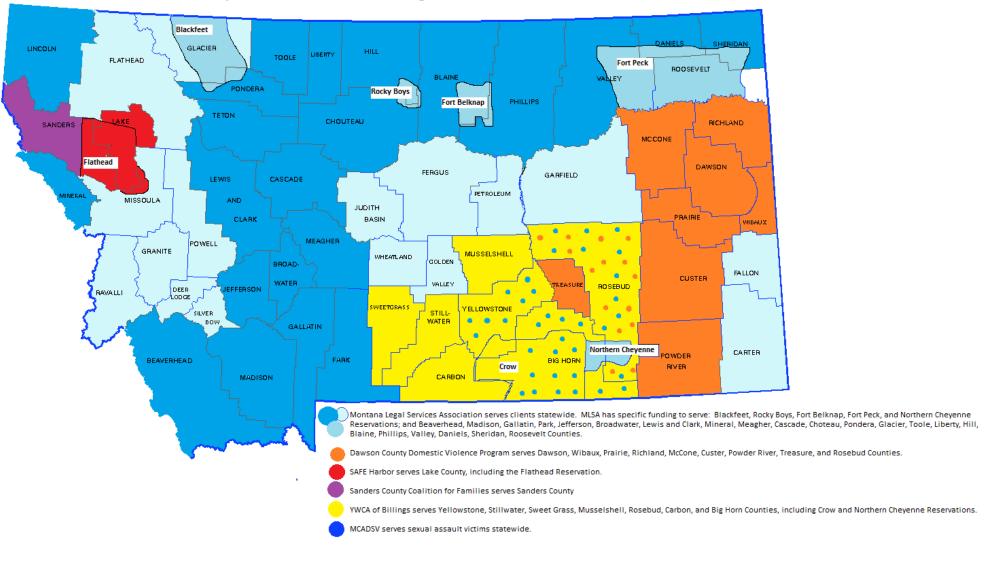
- a. Dean Kirgis: The law school is about to hire a faculty member in the area of consumer law and has significant funds designated in the two areas of 1) consumer law and 2) access to justice. Once the faculty member is hired and begins to develop programming, the next steps are to: 1) get students involved in the consumer protection area and 2) reach outside of Missoula (not just in the consumer protection area). Landlord/Tenant is obviously a consumer protection area. Other areas include healthcare, mortgage foreclosure, and elder law issues
- b. Judge Halligan: Reaching outside of Missoula can include technology or planned trips. Justice Baker: Webinars can help expand and improve outreach to rural areas. The Court has video technology conferencing in all of the courthouses. Prof. Panarella: Everyone has a phone or access to a phone these days. We may be able to implement many outreach activities by simply better utilizing the systems we already have. For example, phone scanning apps, to improve programs like MTLSA's bankruptcy program. Prof. Panarella can assist in this area, for example, by helping to create one sheet that has basic apps for long distance communications for attorneys and clients. We could think of piloting the use of such a long distance outreach program in one particular geographic location and later extending the program's reach.
- c. Angie: MTLSA needs Chapter 7 bankruptcy help, which has a huge payoff for clients. Pro Bono attorneys currently work remotely with clients using phones and clients sending jpeg images to the attorney. Montana Bankruptcy Judge Hursh was identified as someone with an interest in outreach in this area.

- d. Outreach through the library network around the state. Lisa Mecklenberg Jackson is the president of the state library association and is interested in legal outreach. Sarah (ATJC) is the contact for the libraries.
- e. Patty: Leverage the court help programs around the state. For example, is there a way for an attorney to call someone back who goes to a self-help center but has a question that would require legal advice?
- f. Jordan: Find ways to get private practitioners involved and develop resources outside of large population centers.
- g. Justice Baker: It seems that we have identified two good areas for our continuing focus:
 - i. Pro Bono opportunities outside of Missoula for law students
- ii. Finding attorneys outside of Missoula to work with and train students in pro bono service.
- h. Patty: It is key to identify leaders in the bar to mentor and to help recruit others. There is no substitute for the personal connection. Judge Halligan: Internship opportunities with practitioners developed through relationships. Mentees become mentors. Ann: Many attorneys show up for the New Lawyers Tool Kit (Boot Camp) that the State Bar holds annually. That is a good way to get people on board. We can at least put pro bono mentorship on the agenda at that meeting. The Justice Initiatives Committee of the bar works on this issue almost exclusively. Patty: It is good to have a toolbox for mentors, for example, a one page agreement with the mentee. Angie: It is hard to place full representation cases outside of Missoula, but limited scope is more popular in the rural areas. Someone else observed that we could use libraries for videos or other instructional materials, i.e., the basic structure of family law, to help narrow issues for the mentee.
- i. Prof. Panarella shared, from his role as the Director of the Max S. Baucus Institute, that the Institute is a non-partisan policy institute focused on the area of economic development. Both Max and Melodie Baucus are attorneys who recognize the necessity of access to legal services for economic development, particularly in Indian County. Therefore, the Institute is interested in finding a way to help in the area of legal services outreach.
- j. The Strategic Planning Committee of the ATJC meets at the end of this month. However, the Strategic Plan will not be finalized until March 2018. Therefore, if any one has additional thoughts on activities, particularly in light of new developments with respect to projects, please continue to share them with Debra.

Meeting Adjourned.

Tab 4

Montana Map of Service Providers for Civil Legal Assistance for Domestic Violence Victims



Montana Domestic Violence Civil Legal Assistance Attorneys

Montana Legal Services Association

Website: www.mtlsa.org

Online Application: www.mtlsa.org

Client Intake Phone Number: 1-888-666-6899

Locations: Offices in Billings, Helena, and Missoula; Satellite offices in Dillon, and Bozeman. Serve clients statewide.

Referrals: Clients can apply online, by phone, or in person in Billings, Helena, and Missoula.

Name	Region/Specialization	Phone	<u>Email</u>
Diana Garrett	Supervising Attorney, Statewide, TA	406-543-8343 x 205	dgarrett@mtlsa.org
Jean Bearcrane	Northern Cheyenne & Fort Peck, DV	406-248-7113 x 303	jbearcra@mtlsa.org
Kate Seaton	Central, North Central, Rocky Boy, Belknap	406-442-9830 x 142	kseaton@mtlsa.org
Jess Wilkerson	Bozeman, DV & Immigration	406-442-9830 x 136	jwilkers@mtlsa.org
Bree Williamson	Dillon, DV	406-442-9830 x 146	bwilliam@mtlsa.org
Gerard Padgett	Blackfeet Reservation	406-338-7623	gpadgett@mtlsa.org
Heidi Sanders	Statewide, DV, SA, Crime Victims' Rights	406-442-9830 x 145	hsanders@mtlsa.org

SAFE Harbor

Website: www.safeharbor.org

Client Intake Phone Number: Call Jolene Schmitz or Jacqueline McElderry at (406) 883-3350 **Location:** Office in Polson. Serve Lake County, including Flathead Indian Reservation.

Referrals: Contact Jolene or Jacqueline for referrals.

Name	Region/Specialization	Phone	<u>Email</u>
Hilly McGahan	Lake County, Flathead, DV, SA, Stalking	406-382-0480	hilly@safeharbormt.org
Liz Abers	Lake County, Flathead, DV, SA, Stalking	406-241-0800	liz@safeharbormt.org
Brandi Ries	Supervising Attorney	406-541-4141	brandi@rieslawgrouppc.com

Sanders County Coalition for Families (SCCFF)

Website: www.sccff.org

Client Intake Phone Number: 406-827-3218

Location: Thompson Falls

<u>Name</u>	Region/Specialization	Phone	<u>Email</u>
SCCFF Advocate	Sanders County	406-827-3218	
	Advocate will conduct intake may inter	nally refer client to Bra	andi Ries for DV legal assistance

Ries Law Group, P.C.

Client Intake Phone Number and email: 406-541-4141 or office@rieslawgrouppc.com

Location: Missoula, Private cases in Western Montana **Referrals:** 406-541-4141 or office@rieslawgrouppc.com

Name Region/Specialization Phone Email

Brandi Ries Supervising Attorney 406-541-4141 <u>brandi@rieslawgrouppc.com</u>

Emily Lucas DV, SA, Stalking, Western MT

Holistic Legal Services

MCADSV

Website: www.mcadsv.com

Online Application: www.mcadsv.com

Client Intake Phone Number: 1-406-443-7784 x 113

Location: Helena, serve clients statewide **Referrals:** Clients can apply online or by phone

NameRegion/SpecializationPhoneEmailRobin TurnerStatewide, SA, Holistic Legal Services406-493-4182rturner@mcadsv.comTrish KlankeStatewide, SA, Holistic Legal Services406-443-7794 x 116pklanke@mcadsv.com

Billings YWCA

Website: www.ywcabillings.org

Client Intake Phone Number: 1-406-245-4472 (YWCA Helpline)

Location: Billings

Referrals: Service providers can make direct referrals with contact info below.

NameRegion/SpecializationPhoneEmailFawn ReedEastern/Central MT, Crow & Northern Cheyenne406-252-6303ywlegal@ywcabillings.org

DV, SA, Stalking - Civil legal advice, advocacy, & referrals

Dawson County Domestic Violence Program

Website: https://www.facebook.com/pg/dcdvprogram

Client Intake Phone Number: 1-406-377-6477

Location: Glendive

Referrals: Contact DCDVP at phone number above, or at dcdv@midrivers.com

Name Region/Specialization Phone Email

Mark Epperson Eastern MT (Dawson, Prairie and Wibaux Counties) 406-377-6477 markepperson@midrivers.com

Help with divorce, parenting plan, and OOPs

Tab 5



LAW SCHOOL PRO BONO PROGRAM

I. Pro Bono Program Goals and Definition of Student Pro Bono Service

Raising awareness of access to justice concerns and supporting Pro Bono service reflects a shared community value and it is an institutional priority. ABIII graduates recognize the character, values, and professionalism necessary to serve society as lawyers, including the importance of Pro Bono work, service, and access to justice for underserved communities. To support this learning outcome, the Law School maintains a voluntary Pro Bono Program. The goals of the Pro Bono Program are to: (1) support and encourage student awareness of their professional obligation to engage in Pro Bono service, (2) provide hands-on learning opportunities for students through approved Pro Bono service opportunities, and (3) promote, encourage, and recognize Student, Staff, and Faculty participation in Pro Bono service.

The Pro Bono Program focuses on the promotion and development of professional legal values and the delivery of free legal services to underserved persons, communities, and organizations. Service in the Pro Bono Program is limited to law-related service that meets an access to justice need. It does not include non-legal volunteer work, and it does not include service for which any compensation or academic credit is received.

Students are encouraged to render at least (50) hours of student Pro Bono service during their law student career. Law Student Pro Bono service is defined as:

Supporting or (if authorized by a jurisdiction's Rules of Professional Conduct and Student Practice Rule) rendering law-related services with no compensation or expectation of compensation and with no receipt of academic credit to:

- (1) persons of limited means or
- (2) charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the needs of persons of limited means
- (3) individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate.
- II. Inclusion of Pro Bono Service in the 1L Introductory Program, and in Staff and Faculty Orientation

To reflect the Law School community's shared commitment Pro Bono service, the Oath administered to incoming Law Students includes a pledge to engage in Pro Bono services. The Introductory Program for new Law Students includes a Pro Bono Service and Access to Justice

component. Orientation programs for new Students, including transfer Students, and orientation programs for Staff, and Faculty include information about the Pro Bono Program and how to enroll and participate in the Program.

III. Requirements and Recognition

A. Pro Bono Program Enrollment

Students, Staff, and Faculty can participate in the Program by completing a Pro Bono Program pledge form. The pledge form includes: 1) a description of the Pro Bono Program's purpose and goals; 2) a definition of qualifying Pro Bono Service; 3) the hour goals to be eligible for institutional recognition; 4) an agreement to log hours in a database designated by the Pro Bono Coordinator, in a form and on a schedule designated by the Pro Bono Coordinator; and 5) an agreement to provide follow-up information and feedback about the participant's experience with the Program.

B. Service Recognition

Students, Staff and Faculty enrolled in the Pro Bono Program are eligible for institutional recognition.

1. Student Pro Bono Service

a. Hours Required for Recognition

Students who complete at least fifteen (15) hours of Pro Bono service during their first year in Law School (from the first day of a student's first year of Law School to the day before the first day of the student's second year of Law School) receive a "Dean's First Year Student Pro Bono Recognition" certificate.

Students who complete at least fifteen (15) hours of Pro Bono service during their second year in Law School (from the first day of the student's second year of Law School to the day before the first day of the student's third year of Law School) receive a "Dean's Second Year Student Pro Bono Recognition" certificate.

Students who complete at least twenty (20) hours of Pro Bono service during their third year in Law School (from the first day of the student's third year of Law School to the last day of final exams of the student's last semester of Law School) receive a "Dean's Third Year Student Pro Bono Recognition" certificate.

Students who complete at least fifty (50) hours of Pro Bono service during their Law School career (from the first day of Law School to the last day of final exams of the student's last semester in Law School) receive a notation on their Law School transcript that they completed the Law School Pro Bono Service Program requirements.

Students who complete at least one hundred fifty (150) hours of Pro Bono service during their Law School career (from the first day of Law School to the last day of final exams of the student's last semester in Law School) receive:

• A "Pro Bono Honors" notation on their Law School transcript

• An announcement during the graduation ceremony and a notation in the graduation ceremony materials that the student is graduating with "Pro Bono Honors"

Student Pro Bono recognition certificates, transcript designations, and honors designations are official confirmation and recognition of a student's commitment to Pro Bono service, and may be referenced and included in employment applications materials.

b. Application to Current Students and Transfer Students

Students whose law school career began before the adoption of this Program and transfer students who engaged in Pro Bono service at another Law School are eligible to participate in the Program and receive transcript and graduation recognition.

Students in this category may participate in the Program by completing a Pro Bono Pledge form and submitting verification to the Faculty Pro Bono Supervisor of: (1) the number of hours of Pro Bono service completed, (2) the type or nature of Pro Bono service provided; and (3) contact information for the lawyer or legal services provider who supervised the student's Pro Bono service. The Faculty Pro Bono Supervisor will review student submissions to ensure the Pro Bono service complies with the goals of the Program and the Program's definition of Pro Bono service. The Faculty Pro Bono Supervisor will verify the hours and type of service with the lawyer or legal services provider who supervised the student's Pro Bono service. With the Faculty Pro Bono Supervisor's authorization, students in this category may record Student Pro Bono hours completed before the adoption of the Program or at another Law School and will be eligible to receive Student Pro Bono Recognition certificates on the same terms as other students.

2. Staff and Faculty

Staff and Faculty are encouraged to participate in the Pro Bono Program are eligible for recognition by the Dean at the Dean's discretion.

In consultation with the Staff and Faculty, the Dean will develop and publish Staff and Faculty Pro Bono service recognition guidelines no later than the last day of the Spring Semester of every year.

IV. Staffing

A. Pro Bono Coordinator

The Program is administered by a Pro Bono Coordinator under the direct supervision of a Faculty Pro Bono Supervisor. It is the Faculty's intent that the position be filled by an AmeriCorps Service Member whenever possible. The Pro Bono Coordinator position description is developed by the Dean and the Faculty Pro Bono Supervisor in consultation with the Faculty and the Student Bar Association, and in collaboration with any participating partner agencies or organizations.

B. Faculty Pro Bono Supervisor

The Pro Bono Coordinator is supervised by a Faculty Pro Bono Supervisor. The Faculty Pro Bono Supervisor is a full-time member of the Faculty. The Faculty Pro Bono Supervisor is appointed by the Dean in consultation with the Faculty. The position description for the Faculty Pro Bono Supervisor is developed by Dean in consultation with the Faculty.

For workload purposes, the Faculty Pro Bono Supervisor designation is allocated 50 workload hours each semester, including summer semester. Fulfilling the Faculty Pro Bono Supervisor responsibilities is part of the designated Faculty member's job for which the faculty member is compensated and allocated workload credit. It is, therefore, not considered Pro Bono service.

V. Oversight and Assessment

The Dean, the Faculty Pro Bono Supervisor, the Pro Bono Coordinator, and a Student representative appointed by the Student Bar Association meet at least quarterly to set goals and priorities for the Pro Bono Program, and to assess the Program's effectiveness. The quarterly meetings are announced at least one week prior to the meeting and are open to Students, Staff, and Faculty. The Faculty Pro Bono Supervisor submits a written report of the quarterly meeting to the Faculty within two (2) weeks of the meeting.

APPENDIX A – REVISED STUDENT OATH

Additions to the current ABIII Oath in italics:

Today I begin my professional legal career as a member of the Alexander Blewett III School of Law community. As a student, I pledge to seek knowledge and understanding of the law and the role of the law and lawyers in society. I pledge to strive to develop the professional skills and the character and values necessary to fulfill the role of a lawyer. I pledge to work to increase access to justice for underserved people and communities. I understand that as a lawyer I will be a representative of clients, an officer of the legal system, and a public citizen with special responsibility for the quality of justice. As a student and as a lawyer, I pledge to pursue the truth, to promote justice, to serve the community, and to uphold the principles of honesty, integrity and civility.

Tab 6

Memo to the Montana Access to Justice Commission

Re. Strategic Planning Committee Report and Draft Plan Submitted by Niki Zupanic March 5, 2018

In August 2017, the Commission's Strategic Planning Committee convened and began the process of reviewing the Access to Justice Commission's existing mission and goals and developing a set of recommended strategies and actions for the Commission and its partners to pursue over the coming years. The committee has met four more times between its initial meeting and today.

Over the course of the committee's work so far, it surveyed the Commission's views of its strengths, weaknesses, opportunities, and threats; reviewed the Commission's first strategic plan adopted in 2013 and the Commission's work accomplished to date; considered the recommendations from the Commission's public forum series report; consulted other states' strategic plans; and referred to the National Conference of State Courts' *Justice For All* strategic planning guidelines. All of these resources and perspectives helped inform the committee's work and contributed to the ideas contained in this draft plan.

The committee divided the scope of its work into developing language for four main components:

1. Statement of Purpose

The Commission has yet to consider or adopt an organizational statement of purpose. The committee agreed that a simple and straightforward statement of purpose is important to help inform people of what the Commission does. Committee members developed the draft statement included in this report after reviewing sample statements from dozens of other state commissions and reflecting on the Commission's core purpose and approach to its work.

2. Focus Area Objectives

The Commission's 2013 Strategic Plan divided the Commission's work into four core areas: Access, Coordination, Education, and Resource Development. Each focus area roughly corresponds to a charge included in the Montana Supreme Court order that created the Commission. The

committee reviewed these areas and agreed that they continued to be a good way to organize the Commission's various efforts and duties. The committee then developed overarching objective statements for each of the four focus areas. The objective statements are intended to capture the ultimate outcome we hope to achieve in each of the focus areas.

3. Strategies and Activities

The committee then turned to creating, refining, and prioritizing a list of potential activities the Commission could undertake to accomplish the goals expressed in the focus area objective statements. The committee began by reviewing the list of activities from the Commission's 2013 plan and updating or deleting the activities the Commission has completed or decided not to pursue. The committee then looked to the public forum series report recommendations, other states' strategic plans, and the *Justice For All* resources for new ideas. The committee brainstormed several potential new activities, discussed and refined the list, and reorganized all of the activities within the four focus areas.

The committee then considered what items it wanted to recommend that the Commission focus its energy on for the next two years. The committee identified several activities that it felt rose to the top as good candidates for focused Commission attention in the near term. Those recommended priority items are activities the committee believes are feasible and will make a significant impact.

4. Strategy Leaders

The committee's final step was to identify who is best suited to lead each of the suggested activities, along with additional partners who will be critical to implementing each activity. The committee considered the Commission's standing committees, various state agencies, and other partners such as the State Bar of Montana and Montana Legal Services when developing this list of recommended strategy leaders.

The committee entered the planning process with the aim of providing a road map for accomplishing a renewed set of Commission goals; the initial plan shared with the Commission today is unfinished in that the final layer of strategic planning work – creating detailed plans of action for the Commission's

priority items – is still on the horizon. The committee, however, feels it has reached a natural point to share its work with the full Commission for feedback and further direction, before delving into the next phase of planning.

Discussion Points

The attached draft plan reflects the committee's recommendations to the Commission for each of the plan's main components. Below are questions for the Commission to consider as a framework for its discussion of the draft plan at its March meeting:

1. Statement of Purpose

- Does this statement adequately reflect the Commission's purpose, scope of work, and approach to accomplishing its goals?
- o What is missing? What should be revised?

2. Focus Area Objectives

- Do these four focus areas capture and properly organize the Commission's areas of work?
- Do the objective statements accurately reflect the Commission's overall goal for each of these areas?

3. Strategies and Activities

- o Will these activities help us accomplish our goals?
- o Are they feasible?
- o What strategies are we missing?
- What 3 to 4 activities rise to the top when thinking about what the Commission can and should focus on over the next two years (the committee's recommended priority items are in **bold**)?

4. Strategy Leaders

- Is the committee's recommended strategy leader for each item the appropriate entity? Is another person or entity better suited to take the lead on the item?
- Have we identified the appropriate partners to help with leading the item (helpful partners are in *italics*)?

Next Steps

The Commission's feedback on the committee's initial work and recommendations is critical to the committee's next steps. The committee hopes the Commission will reach consensus on the recommended components, identify its priority activities, and provide guidance to the committee for the next phase of creating detailed action plans. With that guidance, the committee can begin work with the strategy leaders to provide a more detailed road map and timeline for the Commission's priority activities.

Montana Access to Justice Commission [DRAFT] Strategic Plan 2018-2020

Statement of Purpose

The purpose of the Montana Access to Justice Commission is to develop, coordinate, and implement initiatives to expand access to and enhance the quality of justice in civil legal matters.

Access

Objective Statement	Strategies and Activities	Strategy Leader
Develop and advocate for adequate support and resources for people to have their legal issues fully resolved in a fair, timely, and appropriate manner	Create a mechanism for the ongoing development, review, and updating of standardized, plain-language forms and instructions for use by self-represented litigants	Self-Represented Litigants Committee Court Help Program
	2. Develop and maintain mechanisms for linking Montanans who have legal problems with the programs, attorneys, and service providers who may be able to assist with their particular issues in their community (see also under Coordination)	Self-Represented Litigants Committee Education and Outreach Committee Montana Legal Services Association, Justice for Montanans AmeriCorps Program Court Help Program

			State Pro Bono Program State Bar of Montana, Justice Initiatives Committee
	3.	Create a statewide inventory of the resources, materials, and support available to self-represented litigants and develop a mechanism for updating the inventory on a regular basis	Self-Represented Litigants Committee Court Help Program
	4.	Research and make recommendations to streamline and simplify court procedures, rules, and processes in areas of law with a high volume of self-represented litigants	Policy and Resources Committee
	5.	Evaluate and recommend policies to enable remote access to the court system, allowing litigants, legal aid, and pro bono attorneys greater access to the court system	Self-Represented Litigants Committee Law School Partnerships Committee Office of Court Administrator

6.	Identify and address gaps in existing training materials for judges, clerks of court, and court staff, update existing materials, and develop new materials as needed	Self-Represented Litigants Committee Office of Court Administrator State Law Library State Pro Bono Program
7.	Develop new strategies for disseminating training materials with judges, clerks of court, and court staff, and provide new opportunities to engage judges, clerks of court, and court staff about access to justice issues	Self-Represented Litigants Committee Office of Court Administrator State Law Library State Pro Bono Program
8.	Monitor and support the Court Help Program to provide services to pro se litigants across the state	Self-Represented Litigants Committee

9. Support and promote pro bono attorneys providing services to low-income Montanans	State Pro Bono Program Montana Legal Services Association State Bar of Montana, Justice Initiatives Committee
Foster models for mediation and other alternative dispute resolution services programs	State Pro Bono Program Montana Legal Services Association State Bar of Montana, Justice Initiatives Committee
11. Encourage attorneys to provide limited scope representation through model materials, training, and a referral system	State Bar of Montana, Justice Initiatives Committee

		Montana Legal Services Association State Pro Bono Program
	12. Increase judicial understanding and support of limited scope representation	Self-Represented Litigants Committee
	13. Promote and support statewide implementation and utilization of the State Bar of Montana's modest means program	State Bar of Montana, Justice Initiatives Committee State Pro Bono Program Montana Legal Services Association
	14. Revisit the gaps and barriers study and recommend strategies for legal aid providers, courts, and other entities to adopt in response	Self-Represented Litigants Committee State Pro Bono Program Montana Legal Services Association State Bar of Montana

Coordination

Objective Statement	Strategies and Activities	Strategy Leader
Coordinate legal assistance providers, the law school, the bar, and other entities to foster an effective and efficient statewide, integrated civil legal services delivery system that addresses the relationships between civil legal needs and non-legal issues	and expanding statewide pro bono and limited scope opportunities for law students	Law School Partnerships Committee State Pro Bono Program Montana Legal Services Association State Bar of Montana
	2. Develop and maintain mechanisms for linking Montanans who have legal problems with the programs, attorneys, and service providers who may be able to assist with their particular issues in their community	Self-Represented Litigants Committee Education and Outreach Committee Montana Legal

	(see also under Access)	Services Association, Justice for Montanans AmeriCorps Program Court Help Program State Law Library State Pro Bono Program State Bar of Montana, Justice Initiatives
3.	Facilitate partnerships with and among agencies and organizations to address the relationships between civil legal needs and non-legal needs	Education and Outreach Committee Policy and Resources Committee
4.	Coordinate with local bar associations and the State Bar Justice Initiatives Committee on recruitment and recognition of pro bono attorneys	State Bar of Montana, Justice Initiatives Committee State Pro Bono Program

Education

Objective Statement	Strategies and Activities	Strategy Leader
Increase support for improving access to justice, recognizing the value of a strong, adequately-funded civil legal services delivery system, and addressing the relationships between civil legal needs and non-legal issues	Create a library of educational materials promoting access to justice programs, with up-to-date and relevant statistics and information, and develop a mechanism for regularly updating and disseminating those materials on a variety of platforms	Education and Outreach Committee Office of Court Administrator State Law Library
	Develop and seek publication of news articles, opinion-editorials, and informational pieces on the importance of legal aid, pro bono service, and access to justice	Education and Outreach Committee Montana Legal Services Association State Bar of Montana

		Montana Justice Foundation State Law Library
3.	Promote better understanding of the relationships between civil legal needs and non-legal needs	Education and Outreach Committee
4.	Expand upon the Court Help Program legislative audit findings to show the importance of civil legal assistance to court efficiency	Education and Outreach Committee Office of Court Administrator State Law Library

Resource Development

Objective Statement	Strategies and Activities	Strategy Leader
Resource Development: Secure adequate, sustainable funding to create and maintain an effective	Advocate to the legislature for civil legal aid funding	Policy and Resources Committee
continuum of services for resolving civil legal problems, both in and out of court, and to increase the capacity and infrastructure available to support those services	Seek grant funding for Commission activities and staff and collaborate with other stakeholders to secure funding for joint projects	Policy and Resources Committee Montana Justice Foundation Montana Legal Services Association Office of Court Administrator

3.	Advocate for support from the Montana congressional delegation for funding for Legal Services Corporation and other access to justice programs	Policy and Resources Committee Montana Legal Services Association State Bar of Montana
4.	Examine the potential for increasing <i>pro hac vice</i> fees and dedicating the proceeds to legal aid providers	Policy and Resources Committee State Bar of Montana
5.	Increase <i>cy pres</i> awards to access to justice organizations	Policy and Resources Committee Montana Justice Foundation Montana Legal Services Association State Bar of Montana