

**Montana Supreme Court  
Access to Justice Commission  
Large Conference Room, Office of the Court Administrator  
301 S. Park, Third Floor, Helena, MT  
June 7, 2019 ~ 10:00-12:00am**

Agenda

- I. Call to Order and Introductions: Justice Baker (Tab 1)
  - a. Approval of 3/8/19 meeting minutes: Justice Baker (Tab 2)
  
- II. Highlights from recent key conferences
  - a. Equal Justice Works Conference: Ann Goldes-Sheahan – 5 minutes
  - b. Access to Justice Commission Chairs Meeting: Judge Halligan – 5 minutes
  
- III. Elder Law Training: Legal Services Developer Program: Katy Lovell – 10 minutes
  
- IV. 2019 Annual Pro Bono Report: Justice Baker – 5 minutes (Tab 3)
  
- V. ATJC Standing Committee Reports
  - a. Self-Represented Litigants: Ann Goldes-Sheahan and Nolan Harris – 10 minutes
  - b. Policy and Resources: Abigail St. Lawrence – 10 minutes (Tab 4)
  - c. Communications and Outreach: Melanie Reynolds – 10 minutes
  - d. Strategic Planning: Niki Zupanic and Tara Veazey – 10 minutes (Tab 5)
  
- VI. 2019 Biennial Report of the Montana Access to Justice Commission: Justice Baker – 10 minutes (Tab 6)
  
- VII. Karla M. Gray Equal Justice Award nominations: Justice Baker – 5 minutes (Tab 7)
  
- VIII. Legal Services Corporation budget update: Justice Baker – 5 minutes (Tab 8)
  
- IX. Public Comment, Review 2019 Meeting Dates
  - a. September 20, 2019 [NOTE MEETING DATE CHANGE]
  - b. December 6, 2019

# Tab 1

# Montana Access to Justice Commission

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# Tab 2



**Montana Supreme Court Access to Justice Commission**  
**March 8, 2019**  
**Large Conference Room, Office of the Court Administrator**  
**301 S. Park, Third Floor, Helena, MT**  
**10:00 AM – 12:00 PM**  
**Meeting Minutes**

**Commissioners Present:** Justice Beth Baker, Georgette Boggio, Hon. David Carter, Rick Cook, Aimee Grmoljez, Hon. Leslie Halligan, Dean Paul Kirgis, Hon. John Kutzman, Katy Lovell, Dan McLean, Alison Paul, and Melanie Reynolds.

**Commissioners Absent:** Ed Bartlett, Rep. Kim Dudik, Sen. Terry Gauthier, Kyle Nelson, Melissa Schlichting, and Hon. Stacie Smith.

**Others Present:** Hannah Cail, Brian Copeland, Patty Fain, Ann Goldes-Sheahan, Nolan Harris, Sarah McClain, John Mudd, Derrek Shepherd, Debbie Steigerwalt, Tara Veazey, Hannah Wilson, and Niki Zupanic.

**Call to Order & Introductions**

Justice Baker called the meeting to order at 10:00 a.m. Justice Baker asked for corrections on the December meeting minutes. There were no corrections. Alison Paul moved to approve the December minutes and Melanie Reynolds seconded. The minutes were approved without objection.

**Legislative Update**

Justice Baker provided an update on the 2019 Civil Justice Improvement Act. The House Judiciary Committee heard the bill in late January. Justice Baker said the bill hearing went very well and the witness testimony in support was very compelling, but the committee members would not support the filing fee increases and voted against the bill, 10-9. The legislation is a revenue bill and has a later transmittal deadline, but there still does not appear to be a path forward and the bill is likely dead. Justice Baker said the group working on the bill is regrouping and the Policy & Resources Committee will be meeting on May 13 to discuss next steps after the session. Alison Paul noted that it took seven tries to pass the legislation creating state funding for domestic violence legal services.

**Montana Legal Services Association Update**

Alison Paul reported on the new federal grants that MLSA was awarded at the end of last year, resulting in MSLA hiring 12 new people. MLSA has restructured its supervision and hired two new directors, who will be starting soon. The other new hires included adding new attorneys and filling positions that had been vacant. Alison shared that MLSA also has a new partnership with the Aging Services Bureau to hire an elder abuse attorney. Alison also reported on several technology projects that MLSA is working on. MSLA is continuing work on a website for crime victim services and expects it to be launched within this year; refreshing the Law Help website to improve search functionality and update content; enhancing the AskKarla online advice platform; and extending rural videoconferencing services with the Court Self-Help Centers. Alison said the

Domestic Violence Working Group had been on a short break while MLSA added new staff, so there is no current update from the group, but it should be meeting again soon.

### **Rural Incubator Project for Lawyers**

Hannah Cail reported that the RIPL program received five applications for its inaugural cohort of Fellows and she shared the backgrounds of the two participants who were selected. The initial “boot camp” CLE is taking place this week, with experienced attorneys serving on panels about ethics, data security, business practices, and other topics. Additional CLE programming will be offered throughout the program and the Fellows will begin providing pro bono hours through MLSA. The program is also connecting the Fellows with mentors and modest means referrals.

### **Self-Represented Litigants Committee**

Nolan Harris reported on the committee’s family law forms project. He thanked the judges and masters who offered their feedback and said the parenting plan and final decree forms are getting ironed out with more plain and user-friendly language. Final drafts will be ready in May and will be shared at the judges’ conference, with a survey also going to all judges. Nolan expects the project will be done in June. He thanked Hannah Wilson, a clerk for Justice Sandefur, and Anisa Ricci, a Justice for Montanans AmeriCorps Service Member serving at the State Law Library Self Help Law Center, for their help with collecting feedback on the forms. Nolan welcomed others to join the form subcommittee’s meetings and calls.

### **Self Help Video Project**

Hannah Wilson and Sarah McClain reported on a new project between the Law Library and the Court Self-Help Centers to create a series of videos to familiarize self-represented litigants with the centers and the legal process. The first videos are now available on [the Court’s YouTube channel](#) and on the Court’s website. They said more videos are to come and welcomed ideas for video topics. They then played one of the videos, which shares best practices for filing documents in Montana district courts.

### **Strategic Planning Committee**

Niki Zupanic provided an update on the grant received from the National Center for State Courts for the “Justice for All Project” to support the Commission’s strategic planning effort and introduced Tara Veazey, the consultant selected to facilitate the project. Tara directed the group to the slide deck at Tab 3 of the meeting packet. Tara shared the progress of the strategic planning committee’s Justice for All work. The committee reviewed the project work plan and reserved nine months of the project for implementation of a handful of items to be determined by the Commission at its June meeting.

Tara reviewed the first phase of the project, which is to conduct an inventory assessment. She reported she was in the process of summarizing the existing research and current data from the courts and MLSA. Tara will be surveying stakeholders and the committee will assess the results and analyze our strengths and challenges in each of the Justice for All assessment components. Tara reviewed those components and shared that more detailed descriptions of each component were in the meeting packet. The committee does not anticipate suggesting significant changes to the Commission’s recently adopted strategic plan, but will be back at the June meeting with the inventory assessment, any suggestions for refining the Commission’s strategic plan priorities, and

work plan options for the implementation phase of the project. Justice Baker said the committee will be meeting again on April 1 and will keep the other committee chairs updated.

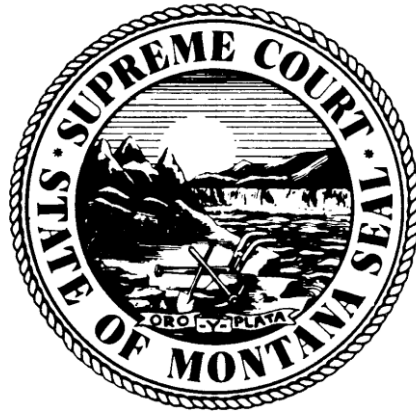
**2019 Biennial Report of the Montana Access to Justice Commission**

Justice Baker shared that the Commission’s biennial report to the Montana Supreme Court is due this year. Niki Zupanic will be contacting the committee chairs to collect more information and will draft the report. Justice Baker asked members to watch for an email with the draft report for their review.

**Public Comment and 2019 Meeting Dates**

Justice Baker asked for public comment. There was no public comment. Justice Baker reviewed the 2019 meeting dates. The meeting was adjourned at 11:07 a.m.

# Tab 3



MONTANA SUPREME COURT

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# Annual Pro Bono Report June 2019

MONTANA SUPREME COURT  
STATEWIDE PRO BONO PROGRAM

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# EXECUTIVE SUMMARY

## Pro Bono Pledge

Rule 6.1 of the Montana Rules of Professional Conduct for lawyers states that Montana attorneys authorized to practice law in the state should provide 50 hours of *pro bono publico*<sup>1</sup> service with the substantial majority of those hours devoted to provision of legal services to people of limited means. The annual Pro Bono Report is designed to capture, analyze, and report the extraordinary contributions of Montana attorneys in providing pro bono services across Montana.

## 2018 Pro Bono Highlights

**1,881 Montana attorneys** provided **164,211 hours** of pro bono service to people of limited means, and organizations designed to assist people of limited means, valued at almost **\$25 million**.

## Exceptional Response Rates

Annual Pro Bono Reports were received from a total of **2,829** attorneys licensed to practice law in Montana, with **2,218** indicating a practice primarily in **Montana** and **611** attorneys indicating an out-of-state practice. The reporting rate for Montana attorneys is 72 percent. The reporting rate for out-of-state attorneys is 78 percent.<sup>2</sup>

## Critical Data

The Annual Pro Bono Report is designed to assist the access to justice community to:

- Identify and evaluate how Montana attorneys are helping to meet the legal needs of Montanans and improve operation of the courts by volunteering their services.
- Assess the time attorneys spend providing volunteer services, in what categories, and the representative groups to whom those services are provided.
- Assess the financial impact of pro bono contributions by Montana attorneys.
- Identify ways to improve pro bono participation and experiences among Montana attorneys.
- Identify areas of improvement for promoting participation in pro bono services and programs by Montana attorneys.
- Help assess the need for legal assistance by Montanans of moderate and limited means.

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<sup>1</sup> *Pro bono publico* is a Latin term meaning “for the public good.”

<sup>2</sup> State Bar of Montana April 2019 Membership Information Report

## Introduction and Reporting Summary

The Pro Bono Reporting process is managed jointly by the State Bar of Montana and the Montana Supreme Court Office of the Court Administrator through its Statewide Pro Bono Coordinator. The Statewide Pro Bono Coordinator was responsible for compiling and analyzing the data. This report summarizes the results of pro bono hours since the last reporting period. Pro Bono Reporting is voluntary. Lawyers are asked to report hours contributed at a substantially reduced rate or without expectation of fee. Reports are submitted through an online reporting mechanism.

This report includes information for **2,829 attorneys**, including **2,218 in-state** lawyers and **611 out-of-state** attorneys, received by April 31, 2019. This report includes data received from attorneys with a status other than active.

**1,881 in-state** attorneys reported pro bono hours in at least one pro bono category in 2018.<sup>3</sup> In addition, **58 out-of-state** attorneys reported pro bono hours for the benefit of Montanans.

- **1,797** attorneys reporting Montana pro bono hours provided **85,406** hours of pro bono services *without expectation of fee* for individuals/families of limited means or organizations designed to assist people of limited means.
- **743** attorneys reporting Montana pro bono hours provided **34,419** hours of pro bono service *at a substantially reduced fee* to people/families of limited means or organizations designed to assist people of limited means.
- **724** attorneys reporting pro bono hours provided **28,637** hours of free services to charitable, religious, civic, community, governmental or educational organizations in furtherance of their organizational purposes.
- **170** attorneys reporting pro bono hours provided **15,749** hours of reduced fee services to charitable, religious, civic, community, governmental or educational organizations in furtherance of their organizational purposes.
- In addition to reported pro bono hours, **696** in-state attorneys reported **20,934** hours participating in volunteer activities for improving the law, legal system or legal profession.

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<sup>3</sup> Some attorneys reported service in multiple categories.



## 2018 Pro Bono Hours Recapitulation

CATEGORY	Hours	Category	Total
Without expectation of fees to/for persons of limited means or charitable, religious, etc. serving people of limited means	86,111		
Free to charitable, religious, etc. in furtherance of their purposes	<u>28,637</u>		
<b>Total Free</b>		<b>114,748</b>	
Reduced to people/organizations to/for persons of limited means or charitable, religious, etc. serving people of limited means	34,419		
Reduced to charitable, religious, etc. for furtherance of their purposes	<u>15,749</u>		
<b>Total Reduced Fee</b>		<u><b>50,168</b></u>	
<b>TOTAL PRO BONO HOURS</b>			<b>164,916</b>

### Analysis of Reported Pro Bono Publico Service Value

(Does not include Volunteer Activities for improving the law, legal system, legal profession)

Free Services	114,748 hours x \$175/hr <sup>4</sup>	\$20,080,900.00
Reduced fee services	50,168 hours x \$ 85/hr <sup>5</sup>	<u>\$ 4,264,280.00</u>
<b>TOTAL</b>		<b><u>\$24,345,180.00</u></b>

<sup>4</sup> Hourly rate based median hourly rate of responders to the 2014 Montana State Bar Membership Survey

<sup>5</sup> Reduced rate services calculated at one-half the average hourly rate

## GENERAL CHARACTERISTICS AND EXPERIENCES OF REPORTING ATTORNEYS

This section utilizes the pro bono reporting to present a general overview of practice types and experiences of Montana lawyers. Because of the substantial in-state attorney reporting volume, this data provides a general descriptive measure of the overall Montana attorney population. Firm size evaluations are based on in-state reporting attorneys.

### Firm Size

- 27 percent are **solo practitioners** and 86 percent reported hours in at least one category.
- 23 percent work in **government/public interest** employment and 45 percent reported hours in at least one category.<sup>6</sup>
- 15 percent are in **3-5 attorney** firms and 86 percent reported hours in at least one category.
- 7 percent are in a **2-attorney firm** and 91 percent reported hours in at least one category.
- 6 percent are in **6-10 attorney** firms and 81 percent reported hours in at least one category.
- 10 percent are in firms larger than 10 attorneys and collectively 89 percent reported pro bono hours in at least one category.

### Years in Practice

Ninety-two percent of reporting attorneys provided a response to the number of years in practice. The **average years** of practice for reporting attorneys is **20.41**, and the **median** years in practice is **18**.

### Pro Bono Experience

Approximately 94 percent of attorneys providing pro bono service rated their pro bono experience and **74 percent** of responses indicated the pro bono experience **positive or very positive** and **24 percent** indicated **neutral**. **Two percent** of attorneys indicated a **negative or very negative experience**.

## BENEFICIARIES OF PRO BONO SERVICE

Pro bono reporting includes a series of questions regarding to whom pro bono service was provided and distinguishes between services without the expectation of fee and substantially reduced fee.

### Without Expectation of Fee

Among lawyers who reported pro bono in any category, **1,797** (96 percent) provided services **without the expectation of fee** to people of limited means or organizations designed to assist people of limited means. **Table T.1** represents how those reported free pro bono hours were provided.

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<sup>6</sup> 13% state government, 8% county/city government, 2% federal government and 2% other government/public interest

**Table T.1 - Pro Bono Hours - Without Expectation of Fee to People of Limited Means**

CATEGORY	Attorney Number	Total Hours
Individuals referred by MLSA or one of its programs	204	4,788
Individuals referred by organized local or state pro bono program	134	2,492
Individuals through a court-based program	114	2,424
Individuals/families self-referred/outside organized pro bono program	1,277	51,044
Charitable organizations that assist people of limited means	304	7,515
Religious organizations that assist people of limited means	158	2,440
Community organizations that assist people with limited means	219	4,023
Civic organizations that assist people of limited means	87	1,493
Governmental organizations that assist people of limited means	78	2,890
Educational Organizations that assist people of limited means	124	2,335
Organizations seeking to secure/protect civil or public rights and/or liberties	118	4,667
<b>TOTAL</b>		<b>86,111</b>

### Improving the Law or Legal System

691 reporting lawyers provided 20,939 hours participating in volunteer activities for improving the law, legal system or legal profession.

### Substantially Reduced Fee

Among lawyers who provided pro bono services in any category, 676 lawyers provided 34,419 hours of services at a substantially reduced fee to people of limited means or organizations designed to assist people of limited means. Table T.2 represents how those reported substantially reduced fee hours were provided.

**Table T.2 - Substantially Reduced Fee - Limited Means**

CATEGORY	Attorney Number	Total Hours
Referred by MLSA or one of its programs	29	2,077

Referred by organized local or state pro bono program	22	1,682
A court-based program	24	2,036
Individuals/families of limited means outside organized pro bono	547	22,611
Charitable organizations that assist people of limited means	41	534
Religious organizations that assist people of limited means	22	284
Community organizations that assist people with limited means	32	1,950
Civic organizations designed to assist people of limited means	7	156
Governmental organizations that assist people of limited means	24	1,451 <sup>7</sup>
Educational Organizations that assist people of limited means	23	958
Organizations to secure/protect civil/public rights/ Liberties	19	680
<b>TOTAL</b>		<b>34,419</b>

### Services to Charitable, Religious, Civic, Community, Governmental, or Educational Organizations.

Among reporting lawyers who provided pro bono services in any category, **724** provided **28,637 hours of free legal services**, and **170** provided **14,171** hours of **substantially reduced fee** service to charitable, religious, civic, community, governmental or educational organizations in furtherance of their organizational purposes, where payment of fees would greatly deplete their economic resources.

### Pro Bono by legal type

**Family law** continues to lead the type of individual pro bono services performed at **35 percent**. Non-profit legal work has remained the second most common category for eight successive years. Estate planning replaced criminal law as the third most common category, and criminal law moved to the number five spot. There was a measurable percentage increase in employment/labor (3%) and landlord/tenant (3%). There was a measurable percentage decrease in Criminal law (4%). **Table T.3** below provides percentages in all categories.

**Table T.3 - Pro Bono Service by Category**

CATEGORY	Percentage	CATEGORY	Percentage
Family Law	35%	Domestic violence	7%

<sup>7</sup> This year's analytics allows filtering out of entries that plainly do not meet the criteria of pro bono service, such as salaried work performed for government entities, resulting in a 90 percent reduction of hours reported in this category.

Non-profit	20%	ADR-All types	7%
Estate planning	17%	Civil rights	6%
Landlord/Tenant	16%	Youth In Need of Care	5%
Criminal law	15%	Conservatorship	5%
Business	14%	Adoption	5%
Real estate (incl. foreclosure)	14%	Disability Rights	4%
Employment/Labor	11%	Tax	3%
Probate	11%	Self-help support	3%
Guardianship	10%	Bankruptcy	3%
Elder Law	9%	Indian Law	3%
Consumer law	8%	Social Security	3%
Insurance	8%	Military/veterans	3%
All Other Categories	8%	Health Law	3%
Education	8%	Human Rights	2%
End-of-life planning	7%	Immigration	1%
		Pro Bono Admin.	1%

## No Pro Bono

The Pro Bono Reporting Form allowed attorneys to indicate no reportable pro bono hours and offered options to indicate reasons for no pro bono hours. **Forty-six percent** of no-pro bono hours responses came from **government/public service attorneys**. The allocation of percentages across no pro bono service are illustrated in **Table T.5**.

Table T.4 - No Pro Bono Service

REASONS	Percent
Do not have time to do pro bono	29%
Other	23%
Employment/employer prohibits pro bono	16%
No opportunity given to me to provide pro bono	11%
Work outside the legal profession	11%
No reason	8%
Lack necessary skills or training	8%
Cannot afford to do pro bono	7%
Only recently admitted to the practice of law	5%
Specific rule/regulation prohibits participation	5%
No longer practice law	4%
Unemployed	2%
Do not believe pro bono is my professional responsibility	2%

### Limited Scope Representation<sup>8</sup>

Seventy percent of reporting attorneys responded to this question and **twenty percent** indicated they provided pro bono LSR services and **eighty percent** did not.

### Improving Pro Bono Participation

Attorneys were asked what could be done to improve the ability to do pro bono work. **Table T.5** below illustrates response percentages.

Generally, responses that did not offer a viable opportunity to improve ability to do pro bono work (winning the lottery, or more hours in a day) were included in the “other” category. Thorough screening of cases (financial and merit) increased by 5% while other categories remain within 2 percentage points of previous years.

<sup>8</sup> In limited scope representation, a lawyer assists a client with a specific task or tasks, including legal advice, document preparation or review, and limited court appearance.

Table T.5 - How to Improve Pro Bono Participation

REASONS	Percent
Additional Training/CLE	33%
Opportunities for finite hour contributions (e.g. legal clinic, limited task representation)	30%
Co-counsel or assistance from a paralegal or law student	24%
Administrative/staff support for pro bono cases	24%
Referral from an organized program	23%
Experienced attorney mentor	21%
Choose a case from a list with details	20%
Thorough screening of cases - financial and merit	15%
Opportunities in area of expertise	13%
Accommodations from employer or changes to department policies	9%
Other	9%
Expanded opportunities in my geographic location	6%

# Tab 4



**Montana Access to Justice Commission  
Policy and Resources Committee Meeting  
May 13, 2019**

**Notes**

In attendance: Abigail St. Lawrence; Justice Beth Baker; Michelle Potts; Melanie Reynolds; Paul Kirgis; Ed Bartlett; Niki Zupanic; Carin McClain; and Alison Paul.

Abigail St. Lawrence called the meeting to order at 1:33 pm and reviewed the agenda. Committee members reviewed the committee roster and noted that Andrew King-Ries was likely not still on the committee and agreed to confirm his membership with him.

Recap of legislative session

Justice Baker recapped the efforts to pass the civil justice improvements act during the legislative session. The bill had bipartisan support, but did not have enough votes in the House Judiciary Committee to pass as many of the committee members did not want to vote for fee increases. All of the lawyers serving in the House supported the bill. There can be only so much progress made without state funding, as the state funding piece is the largest player not yet at the table. The fiscal note for the bill estimated that it would have generated \$700,000 to \$900,000 per year, which is triple the amount that Montana Justice Foundation typically grants.

The committee discussed the need for broader public outreach and support, clarifying misconceptions about what legal aid is for, and emphasizing that civil legal aid is not just a “welfare” program, but is a tool for Montanans to be more productive, and will help all court users. Efforts to have the bill referred to a different committee are an uphill battle. The committee set out interim goals to work with returning legislators, including potential candidates for House Speaker and Senate President.

Justice Baker noted Senator Terry Gauthier (also an ATJC member) successfully carried two revenue bills (for the Historical Society and State Parks) and we may be able to learn more from his experiences. His bills did not include an appropriation, so they could be started in Senate, rather than the House, which more easily allowed for a blast motion after one of his bills was tabled in committee. While the bills did not include a statutory appropriation, and the funds needed to be appropriated in HB 2, the bills did create special revenue accounts and guidelines for how the funds could be used.

Review of strategic plan to discuss priorities for 2019-2020 interim and opportunities for cooperation with Education and Outreach Committee

The committee reviewed the ATJC strategic plan priority items that identified the committee as a strategy leader. First, the committee discussed the item “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.” Some examples of possible areas to explore under that item included E-RAMP, LLLT / additional licensure for paralegals, an automated forms process, Domestic Violence working group recommendations. The second strategic plan priority item is “Advocate to the legislature for civil legal aid funding.” The committee members discussed how to approach this task during the interim and agreed to work on approaching legislators and to meet with Senator Gauthier to explore making the legislation a Senate non-appropriations bill.

Regarding coordination with the Education and Outreach Committee, the committee discussed ways to engage the public and legislators for educational events regarding the importance of funding and how it would help ordinary Montanans, to create consolidated messaging, and to hold community events to discuss the legislation and need with legislators in their districts. The committee decided to work on creating a messaging toolkit and Justice Baker will send the materials and resources we already have from the legislation link on the ATJC website.

The committee also decided to work on developing plans for in-district community meetings. Ed Bartlett will ask Representative Terry Moore (one of our yes votes in House Judiciary) for suggestions. Various committee members agreed to follow-up with other supportive legislators, including Ken Holmlund (Ed Bartlett), Bill Mercer (Abigail St. Lawrence), Joel Krautter (Paul Kirgis), and Kim Dudik (Justice Baker).

While the Education and Outreach Committee hasn’t met recently, its priority items include developing materials and garnering stories and op-eds in local media, and that work can help the legislative effort. Alison Paul shared that MLSA has a story database and media contacts database that can be helpful. Justice Baker asked that Ed, Abigail, and Aimee Grmoljez create a target list of 10-12 legislators to focus on for in-district events and outreach. Melanie Reynolds and Niki Zupanic agreed to set up an Education and Outreach Committee meeting.

Assign tasks, select next meeting date

The committee reviewed the tasks above and set a goal of making initial contacts with legislators by the June 7 ATJC meeting. The goals for those contacts are to get feedback and insights about what worked what didn’t last session and what can we do differently. The committee agreed to set its meeting for early July and Carin McClain will send a meeting scheduler for the week of July 8.

# Tab 5

# Montana Justice for All Inventory Assessment

A Report by the Montana Supreme Court Access to Justice Commission  
Supported by the Justice for All Project of the National Center for State Courts

## Introduction and Background

Montana access to justice stakeholders initiated the Justice for All (“JFA”) planning process with a wealth of existing resources and data to inform the inventory assessment phase of the project. For example, in 2005, the Montana Supreme Court Equal Justice Task Force<sup>1</sup> completed a comprehensive legal needs study “detailing the grievous need for legal help... in low income households across the state,” finding:

- on average low-income Montana households experienced 3.5 legal problems per year, and
- legal assistance to address those problems was only provided 16.4% of the time.<sup>2</sup>

An additional legal needs study was commissioned and completed in 2010, similarly finding that “low-income Montanans have substantial unmet civil legal needs,” and estimating that in the previous year, 14,226 low income households had gone without legal help needed “to address at least one civil legal problem.”<sup>3</sup> Since the last comprehensive legal needs study, various access to justice stakeholders in Montana have collaborated on numerous studies, reports, and forums to provide ongoing assessments of the legal needs, barriers, gaps, and opportunities in providing better access to civil legal justice in the state. Those reports were reviewed for this assessment and include:

- A 2015-2016 [series of public forums](#) throughout Montana that brought together members of the Montana Supreme Court Access to Justice Commission (“ATJ Commission”), legal and social service providers, judicial leaders, low-income litigants, and members of the public to discuss successes and challenges in ensuring access to the civil legal system in their communities and statewide. The forums were held in Montana’s seven largest cities: Kalispell, Great Falls, Billings, Missoula, Bozeman, Butte, and Helena. Information about panelists, participants, and forum notes are included in Appendix A.
- [The Justice Gap in Montana](#) (“Justice Gap Report”), a 2014 report on the gaps and barriers to legal assistance for low- and moderate-income Montanans based on extensive interviews, surveys, and listening sessions that included the perspectives of legal providers, low- and- moderate income Montanans, community service providers, and court personnel. The executive summary of the report is included as Appendix B.

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<sup>1</sup> The Equal Justice Task Force was later reorganized as the Montana Supreme Court Access to Justice Commission.

<sup>2</sup> D. Michael Dale, [The Legal Needs of Low-Income Montanans: Final Report](#), Montana State Bar Association in conjunction with the Equal Justice Task Force and Access to Justice Committee, 2005.

<sup>3</sup> Bureau of Business and Economic Research, [2010 Montana Legal Needs Survey Final Report](#), March 3, 2011 (also noting that “The estimate of unmet legal need presented here almost certainly understates the magnitude of the true need in Montana....”).

Despite significant efforts by various stakeholders to increase access to justice in Montana, the findings of these various inquiries have been consistently bleak over the many years of study, invariably finding insufficient legal resources to meet the existing legal needs. For example, the 2014 Justice Gap Report summarized that, “the gaps in free and reduced cost civil legal assistance in Montana are as large as or larger than the available assistance. They engulf every region and encompass every population studied in Montana.”<sup>4</sup>

These access to justice reports and assessments have thoroughly evaluated the scope of unmet demand across all types of services and resources. As a result, recommendations and insights have understandably reflected a need to increase resources across virtually all activity areas. For example, the 2014 report identified the following goals for addressing the gaps and barriers:

- Increase availability and types of free legal assistance;
- Increase the legal areas in which legal assistance is available;
- Increase the amount of in-person services;
- Increase the awareness of services among eligible individuals and service providers;
- Increase the collaboration between the legal providers and other service providers;
- Give particular attention to specific gaps and barriers of some populations.

The existing reports have provided a critically important basis for understanding the scope of the existing need and building support for increased resources for access to justice efforts in the state. With the support of the Justice for All Project of the National Center for State Courts, the Montana ATJ Commission now has the resources to take the next step and delve more deeply into the specific needs and corresponding capacities across the spectrum of components necessary for a fully functioning civil justice infrastructure.

This resulting assessment was overseen by the Strategic Planning Committee (“Committee”) of the ATJ Commission. To help inform the assessment, the Committee distributed two assessment surveys, one focused on the legal community and the other on non-legal community stakeholders. The Committee received 162 responses to the legal community survey, including from judges, pro bono and legal aid attorneys, court staff, and self-help law center staff. The community stakeholder survey garnered 125 responses from a diverse array of service providers including foodbanks, domestic violence shelters, area agencies on aging, and providers to people with disabilities. Findings from the surveys are woven into this assessment, and the survey results are included as Appendix C and D.

This resulting inventory assessment of access to justice efforts in Montana is organized by the four core values previously adopted by the Montana ATJ Commission, with each of the recommended Justice for All component categories assigned to the core value to which it most closely aligns.

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<sup>4</sup> Carmody and Associates, [The Justice Gap in Montana: As Vast as Big Sky County](#), prepared for the Access to Justice Commission of the Montana Supreme Court, July 2014.

Core Value	ATJ Articulation of Value	Aligned JFA Components
Access	<ul style="list-style-type: none"> <li>• Access to justice depends on the availability of affordable legal information and services, including assistance and representation when needed.</li> <li>• Barriers to access to justice must be prevented, removed, or reduced.</li> <li>• Court users should have access to justice through full participation in the judicial process, regardless of their socio-economic status, English language proficiency, cultural background, legal representation status, or other circumstances.</li> </ul>	<ul style="list-style-type: none"> <li>• Judicial &amp; Court Staff Education</li> <li>• Broad Self-Help Information Services</li> <li>• Language Services Integration</li> <li>• Plain Language Forms</li> <li>• Compliance Assistance</li> <li>• Courtroom Assistance Services</li> <li>• Expansion &amp; Efficiency Improvement for Full-Service Representation</li> <li>• Unbundled Legal Assistance</li> <li>• Technology</li> <li>• Simplification</li> <li>• Role Flexibility for Other Professionals</li> </ul>
Coordination & Education	<p>Coordination:</p> <ul style="list-style-type: none"> <li>• A coordinated and comprehensive statewide system for delivering legal services must be maintained.</li> <li>• The justice system must collaborate with other persons, professions, and organizations to meet the legal and law-related needs of the public.</li> </ul> <p>Education:</p> <ul style="list-style-type: none"> <li>• Public legal education must be provided to create and sustain an informed and empowered public and to build broad support for access to justice.</li> <li>• Public awareness of the importance of civil legal services is needed to expand justice.</li> </ul>	<ul style="list-style-type: none"> <li>• Design, Governance &amp; Management</li> <li>• Triage, Referral &amp; Channel</li> <li>• Community Integration &amp; Prevention</li> <li>• Alternative Dispute Resolution Integration</li> </ul>
Resource Development	<ul style="list-style-type: none"> <li>• Access to justice requires adequate funding, resources, and support.</li> <li>• Adequate and sustained public and private funding, resources, and support must be provided to assure access to justice for low-and moderate income and other vulnerable persons</li> </ul>	<ul style="list-style-type: none"> <li>• Resource Planning</li> </ul>

## Access: An Assessment

### Components:

- Judicial & Court Staff Education
- Broad Self-Help Information Services
- Language Services Integration
- Plain Language Forms
- Compliance Assistance
- Courtroom Assistance Services
- Expansion & Efficiency Improvement for Full-Service Representation
- Unbundled Legal Assistance
- Technology
- Simplification
- Role Flexibility for Other Professionals

The most fundamental measure of a justice system's progress in achieving access to justice is whether those with legal issues have adequate support and resources to have their issues fully resolved in a fair, timely, and appropriate matter, without regard to their socio-economic status, English language proficiency, cultural background, legal representation status, geography, health, or other circumstances.

In Montana, the court system, legal services providers, members of the bar, and other stakeholders have a proud tradition of working together to assist low-income Montanans in addressing their civil legal needs. However, like the rest of the nation, inconsistent, insufficient, and often-restricted funding have hampered the ability of legal services providers to deliver full representation, brief services, or advice to many of those who need it. Making matters worse, Montana does not provide general state funding to support comprehensive civil legal aid.<sup>5</sup>

Over 188,000 Montanans, roughly 18% of the state's population, live at or below 125% of the poverty line (\$30,313 for a family of four), and are thus eligible for services from Montana Legal Services Association (MLSA), the largest statewide provider of free civil legal services to low-income Montanans. For most if not all of these individuals, the cost of private legal representation is out of reach when they are faced with an important legal problem. To serve this entire population, MLSA has only 16 attorneys and 14 paralegals or other case handlers. With these limited resources, in 2017, MLSA served 2,597 individuals directly and another 1,246 through referrals to pro bono attorneys. See Appendix E for a further breakdown of client information and data, including the kinds of cases handled and level of services provided.

Exacerbating the resource challenges of service providers, the court system in Montana is seeing an increase in workload that current funding and staffing levels do not support. The district court

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<sup>5</sup> State funding is available to support some legal services for domestic violence survivors.

system alone saw a 28% increase in cases filed (or reopened) in the last 10 years and would need an estimated 24 new judges to adequately address the current workload.<sup>6</sup> The stresses on the court system inevitably create challenges for adequately addressing the needs of self-represented litigants struggling to navigate a system that can often seem confusing and overwhelming.

Despite these challenges, access to justice stakeholders have worked diligently in recent decades to supplement the assistance delivered by legal service providers with innovations that provide other avenues and support for individuals to address their legal needs, including but not limited to:

- Pro bono programs
- Self-help centers, resources, and assistance
- Legal information
- Mediation programs

Unfortunately, despite the considerable efforts made by a wide range of access to justice stakeholders to stretch resources, as recently as 2014 the ATJ Commission estimated that “less than one in ten Montanans with low or moderate income who likely need legal help receive it.”<sup>7</sup> Identified gaps and barriers to legal assistance include:

- Cost of services;
- Lack of free & reduced fee legal assistance;
- Lack of full representation, advice, mediation and pro se assistance available;
- Lack of help in a variety of areas of the law;
- Shortage of in-person services, intensified by long distances;
- Difficulty using phone and internet services;
- Lack of access to information about services;
- Insufficient personal ability or lack of desire to access services; and
- Additional or intensified barriers for some populations, including American Indians, veterans, survivors of domestic violence, people who are homeless, as well as individuals with developmental or physical disabilities, mental health or substance abuse issues, and limited-English proficiency.<sup>8</sup>

Each component of “Access” is assessed in more detail below.

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<sup>6</sup> On file with author, estimate from Office of the Court Administrator. I didn’t see #s on SRLs, which the court used to have. Need to see if numbers are available for final report.

<sup>7</sup> Justice Gap, p14.

<sup>8</sup> Justice Gap, Executive Summary.



## Judicial & Court Staff Education Component Assessment

This component contemplates the existence of a judicial education program that engages judges and promotes leadership on ATJ issues within and without the courts.

**Key Elements:** Education programs should follow adult learning principles, be dynamic and interactive, and address the following topics:

- Engagement with self-represented litigants
- Availability of community resources and other referral opportunities
- Change leadership for judges
- Language access requirements and procedures
- Procedural fairness
- Cultural sensitivity

**Montana System Strengths:**

- Annual trainings are included in judicial conferences and trainings and have been consistently supported by judicial leadership.

**Montana System Challenges:**

- Training modules have not been formalized or systematized;
- The frequency and content of trainings tend to be highly dependent on individual stakeholder leadership, particularly in the areas of trainings for clerks of court and court staff;
- The ATJ community lacks a formal, agreed-upon process and funding for increasing, improving, or updating trainings.

Relevant Survey Responses

Q (legal community): How is Montana doing at having a judicial education program that engages judges on access to justice issues? NCSC suggests judicial education programs should include the following topics: (a) effective engagement with self-represented litigants; (b) availability of community resources and referral opportunities; (c) principles of procedural fairness; (d) cultural sensitivity; (e) language access requirements and procedures.

ANSWER CHOICES	RESPONSES	
Not well at all. This doesn't exist in Montana.	10.56%	17
We are doing the bare minimum but lack adequate resources to make significant progress.	23.60%	38
We are doing a sufficient job but could still make improvements.	29.19%	47
We are doing a great job in Montana and don't need to make any substantial improvements.	4.97%	8
I don't know.	31.68%	51
<b>TOTAL</b>		<b>161</b>

Q (non-legal stakeholders): Overall, how satisfied are you that judges and court staff effectively and fairly engage with your clients when they have to go to the courthouse for a civil (non-criminal) legal issue?

ANSWER CHOICES	RESPONSES	
Very satisfied	4.88%	6
Somewhat satisfied	18.70%	23
Neither satisfied nor dissatisfied	18.70%	23
Somewhat dissatisfied	16.26%	20
Very dissatisfied	4.88%	6
I don't know	36.59%	45
<b>TOTAL</b>		<b>123</b>

### Technology Capacity Component Assessment

<p>This component refers to creating the capacity to use technology to automate and scale ATJ solutions in a cost-effective and appropriate manner.</p>	
<p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>• User experience and multimedia design expertise</li> <li>• Application integration expertise</li> <li>• Process simplification expertise</li> <li>• Facilitates remote access and resolution</li> </ul>	<p><b>Montana System Strengths:</b></p> <ul style="list-style-type: none"> <li>• MLSA is recognized nationally as a program that uses technology effectively to reach users in rural areas;</li> <li>• MLSA effectively leverages national funding sources for technology enhancements in the state;</li> <li>• Coordination between courts, MLSA, and other legal programs has begun but could be strengthened;</li> <li>• Montana courts are working toward e-filing and an electronic user interface.</li> </ul> <p><b>Montana System Challenges:</b></p> <ul style="list-style-type: none"> <li>• Insufficient resources for outreach to inform legal community, non-legal providers, and users about the existing technology, as reflected in survey responses below;</li> <li>• Only 18.63% of the respondents to the legal community survey thought that Montana was doing either a sufficient or great job in using technology effectively, with the greatest number of respondents (37.27%) acknowledging that they didn't know enough to rate Montana's use of technology;</li> <li>• Improvements could be made in coordinating technological resources and advancements between the courts, MLSA, and other legal providers (e.g. making sure users can easily find forms whether they start at the Court website or MLH.org);</li> <li>• Additional resources would be necessary for large scale improvements to Court technology, including but not limited to allowing for e-filing systemwide;</li> <li>• All stakeholders could improve the incorporation of user experience feedback.</li> </ul>

Relevant Survey Responses

Q (to legal community): How is Montana doing at effectively using technology to automate and scale access to justice solutions? NCSC suggests the following key features: (a) users can effectively access resources remotely; (b) effective use of technological expertise (e.g. multimedia design, application integration, and process simplification expertise); (c) incorporation of user experiences.

ANSWER CHOICES	RESPONSES	
Not well at all. This doesn't exist in Montana.	24.84%	40
We are doing the bare minimum but lack adequate resources to make significant progress.	19.25%	31
We are doing a sufficient job but could still make improvements.	16.15%	26
We are doing a great job in Montana and don't need to make any substantial improvements.	2.48%	4
I don't know.	37.27%	60
<b>TOTAL</b>		<b>161</b>

Broad Self-Help Informational Services Component Assessment

This component contemplates broad self-help informational services being accessible to users.	
<p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>• All information provided in plain language</li> <li>• Instructions on legal processes, applicable law, and how to prepare for and present a case</li> <li>• Links to information and forms on specific subject matters, including out-of-court resolution</li> <li>• Materials optimized for mobile viewing</li> <li>• Information on which courts hear what cases and court access (e.g. transportation)</li> <li>• Staffed self-help centers in/near courthouse or accessible in community</li> <li>• Multiple channels of providing information (e.g. workshops, online)</li> </ul>	<p><b>Montana System Strengths:</b></p> <ul style="list-style-type: none"> <li>• Significant efforts to increase and improve self-help information and forms by ATJ stakeholders;</li> <li>• Significant information available on most common civil issues faced by self-represented litigants (SRLs);</li> <li>• Information available online and in self-help centers and workstations in many areas of the state;</li> <li>• Stakeholders strive for plain language in self-help resources;</li> <li>• Efforts are underway to increase workstations and kiosks in additional rural parts of the state;</li> <li>• ATJ Commission has an active SRL committee;</li> <li>• MLSA and MLH.org resources are optimized for mobile viewing;</li> <li>• The legal community assesses Montana's efforts at providing broad self-help information services relatively high with almost 57% ranking efforts as being at least sufficient.</li> </ul> <p><b>Montana System Challenges:</b></p> <ul style="list-style-type: none"> <li>• Lack a formal, agreed-upon process and funding for automatically updating information and forms;</li> <li>• Significant increased resources would be needed to extend self-help centers and workstations to all rural courthouses;</li> <li>• Insufficient resources for outreach, as reflected in large percentage of non-legal survey respondents lacking the information to know how to assess current efforts (29.27%);</li> <li>• Court resources not yet optimized for mobile viewing.</li> </ul>

Relevant Survey Responses

Q (legal community): How is Montana doing at providing comprehensive self-help information and services, with both in-person and online options? NCSC suggests the following key features: (a) information provided in plain language; (b) information on the law, legal processes, court logistics, and how to present a case; (c) information that is viewable on mobile devices; (d) self-help centers in or near courthouses; (e) multiple avenues for accessing information (e.g. online, workshops, self-help centers).

ANSWER CHOICES	RESPONSES	
Not well at all. This doesn't exist in Montana.	3.70%	6
We are doing the bare minimum but lack adequate resources to make significant progress.	32.72%	53
We are doing a sufficient job but could still make improvements.	50.62%	82
We are doing a great job in Montana and don't need to make any substantial improvements.	6.17%	10
I don't know.	6.79%	11
<b>TOTAL</b>		<b>162</b>

Q (non-legal stakeholders): How satisfied are you with the quality of self-help legal information, forms, and services for your clients who are trying to handle a legal issue on their own?

ANSWER CHOICES	RESPONSES	
Very satisfied	3.25%	4
Somewhat satisfied	17.89%	22
Neither satisfied nor dissatisfied	15.45%	19
Somewhat dissatisfied	26.02%	32
Very dissatisfied	8.13%	10
I don't know	29.27%	36
<b>TOTAL</b>		<b>123</b>

## Language Services Integration Component Assessment

This component contemplates integrating meaningful language access services into all points of the civil justice system.	
<p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>• Language access services at all points of contact between Limited English Proficiency (LEP) users and all legal system components (e.g. forms, interpreters)</li> <li>• Quality of language access services and providers</li> <li>• Language access planning and monitoring</li> <li>• Effective use of multi-lingual outreach and court staff</li> <li>• Increased availability of multi-lingual information and educations for LEP users</li> <li>• <i>MT addition: language services include full ADA compliance</i></li> </ul>	<p><b>Montana System Strengths:</b></p> <ul style="list-style-type: none"> <li>• Court has a project underway to translate the most frequently used forms into Spanish;</li> <li>• Legal aid providers are generally aware of and provide language and ADA-compliant services as needed.</li> </ul> <p><b>Montana System Challenges:</b></p> <ul style="list-style-type: none"> <li>• Significant increased resources would be necessary to adequately educate all ATJ stakeholders regarding LEP needs and resources given the relative infrequency of LEP contact;</li> <li>• Lack a formal, agreed-upon process for providing, assessing, and improving language access services;</li> <li>• Some judges and court staff are unaware of available language access services.</li> </ul>

### Relevant Survey Responses

Q (legal community): How is Montana doing at providing language access services to people with limited English proficiency (LEP)? NCSC suggests the following key features: (a) increased availability of multi-lingual information and education for LEP users; (b) effective use of multi-lingual outreach and court staff; (c) quality language access services for LEP users at all points of contact with the legal system; (d) language access planning and monitoring.

ANSWER CHOICES	RESPONSES	
Not well at all. This doesn't exist in Montana.	24.84%	40
We are doing the bare minimum but lack adequate resources to make significant progress.	19.25%	31
We are doing a sufficient job but could still make improvements.	16.15%	26
We are doing a great job in Montana and don't need to make any substantial improvements.	2.48%	4
I don't know.	37.27%	60
<b>TOTAL</b>		<b>161</b>

Q (non-legal stakeholders): How satisfied are you with the language access services available for people with limited English proficiency (LEP) who have legal issues?

ANSWER CHOICES	RESPONSES	
Very satisfied	3.23%	4
Somewhat satisfied	7.26%	9
Neither satisfied nor dissatisfied	22.58%	28
Somewhat dissatisfied	5.65%	7
Very dissatisfied	9.68%	12
I don't know	51.61%	64
<b>TOTAL</b>		<b>124</b>

### Plain Language Forms Component Assessment

<p>This component contemplates implementing standardized, plain language forms that are also user-friendly.</p>	
<p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>• Implementation of standardized plain language forms</li> <li>• Testing for comprehensibility and usability</li> <li>• Form data integration with the court information system</li> <li>• Protocols for assessing and updating forms</li> </ul>	<p><b>Montana System Strengths:</b></p> <ul style="list-style-type: none"> <li>• Significant efforts in recent years to increase and improve self-help forms;</li> <li>• Most frequently used forms are available in a variety of formats and are available online and in self-help centers and workstations in many areas of the state;</li> <li>• Stakeholders strive for plain language in forms;</li> <li>• ATJ Commission has an active SRL committee that works on reviewing and approving forms;</li> <li>• The legal community assesses Montana’s efforts at providing plain language forms relatively high with over 60% ranking efforts as being at least sufficient.</li> </ul>
	<p><b>Montana System Challenges:</b></p> <ul style="list-style-type: none"> <li>• Lack of formal, agreed-upon process for automatically updating forms;</li> <li>• Lack of formal, agreed-upon protocols for testing comprehensibility and usability of forms;</li> <li>• Insufficient resources for outreach, as reflected in large percentage of non-legal survey respondents lacking the information to know how to assess current efforts (29.27%);</li> <li>• Insufficient resources at this time for court investment in data integration between forms and court information systems.</li> </ul>

Relevant Survey Responses

Q (legal community): How is Montana doing at providing standardized, user-friendly, and easy-to-understand forms for self-represented litigants? NCSC suggests the following key features: (a) standardized forms accepted by all courts; (b) forms that have been tested for plain language and usability; (c) protocols for assessing and updating forms; (d) printable, online, and automated (“turbo-tax-like”) forms; (e) data integration between automated forms and court information systems.

ANSWER CHOICES	RESPONSES	
Not well at all. This doesn't exist in Montana.	5.59%	9
We are doing the bare minimum but lack adequate resources to make significant progress.	26.09%	42
We are doing a sufficient job but could still make improvements.	54.04%	87
We are doing a great job in Montana and don't need to make any substantial improvements.	6.21%	10
I don't know.	8.07%	13
<b>TOTAL</b>		<b>161</b>

Q (non-legal stakeholders): How satisfied are you with the quality of self-help legal information, forms, and services for your clients who are trying to handle a legal issue on their own?

ANSWER CHOICES	RESPONSES	
Very satisfied	3.25%	4
Somewhat satisfied	17.89%	22
Neither satisfied nor dissatisfied	15.45%	19
Somewhat dissatisfied	26.02%	32
Very dissatisfied	8.13%	10
I don't know	29.27%	36
<b>TOTAL</b>		<b>123</b>

## Compliance Assistance Component Assessment

This component addresses strategies for increasing comprehension of and compliance with legal processes and court orders.	
<p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>• Written orders and compliance information available immediately after hearing</li> <li>• Use of plain language orders and judgments</li> <li>• Explanations provided by judges and other court staff</li> <li>• Reminders prior to deadlines</li> <li>• Online tools to assist with compliance and enforcement</li> <li>• Collaboration with stakeholders and users to identify common problems and ways to address them.</li> </ul>	<p><b>Montana System Strengths:</b></p> <ul style="list-style-type: none"> <li>• Judicial leadership in some courts, including the development of resources that could be used in other jurisdictions.</li> </ul> <p><b>Montana System Challenges:</b></p> <ul style="list-style-type: none"> <li>• Lack of formal, agreed-upon process or protocols for providing compliance assistance statewide.</li> <li>• Insufficient resources at this time for creating additional tools to improve compliance.</li> </ul>

### Relevant Survey Responses

Q (legal community): How is Montana doing at assisting litigants with understanding how to comply with legal processes and court orders? NCSC suggests the following key features: (a) written orders and compliance information provided immediately after the hearing; (b) use of plain language in orders and judgments; (c) explanations provided by judges and court staff; (d) reminders prior to deadlines; (e) online tools to assist with compliance and enforcement.

ANSWER CHOICES	RESPONSES	
Not well at all. This doesn't exist in Montana.	11.73%	19
We are doing the bare minimum but lack adequate resources to make significant progress.	37.65%	61
We are doing a sufficient job but could still make improvements.	33.95%	55
We are doing a great job in Montana and don't need to make any substantial improvements.	1.85%	3
I don't know.	14.81%	24
<b>TOTAL</b>		<b>162</b>



Q (non-legal stakeholders): How satisfied are you with the information available to your clients about how to comply with legal processes and court orders?

ANSWER CHOICES	RESPONSES	
Very satisfied	4.10%	5
Somewhat satisfied	13.11%	16
Neither satisfied nor dissatisfied	16.39%	20
Somewhat dissatisfied	27.05%	33
Very dissatisfied	7.38%	9
I don't know	31.97%	39
<b>TOTAL</b>		<b>122</b>

### Courtroom Assistance Services Component Assessment

<p>This component involves a more dynamic provision of information to system users through technology and in-person assistance. Judges and court staff are also central to providing courtroom assistance.</p>	
<p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>• Instructional videos on logistics and procedures</li> <li>• In-person assistants</li> <li>• Technology tools to support work of assistants, such as automated forms</li> <li>• Technology tools for the judges to prepare and explain final orders in the court room</li> <li>• Training tools for personal assistants and court staff</li> </ul>	<p><b>Montana System Strengths:</b></p> <ul style="list-style-type: none"> <li>• In-person informational services available through self-help law centers in most urban areas;</li> <li>• Efforts underway to increase the availability of technological tools and videos regarding court logistics and procedures.</li> </ul> <p><b>Montana System Challenges:</b></p> <ul style="list-style-type: none"> <li>• Lack of formal, agreed-upon process, protocols, or funding for providing or increasing courtroom assistance.</li> </ul>

Relevant Survey Responses

Q (legal community): How is Montana doing at providing real-time and tailored court-based assistance? NCSC suggests the following key features: (a) instructional videos about logistics and procedures; (b) in-person assistance; (c) technology tools to support assistants (e.g. automated forms); (d) training tools to support assistants and other court staff.

ANSWER CHOICES	RESPONSES	
Not well at all. This doesn't exist in Montana.	24.07%	39
We are doing the bare minimum but lack adequate resources to make significant progress.	33.95%	55
We are doing a sufficient job but could still make improvements.	15.43%	25
We are doing a great job in Montana and don't need to make any substantial improvements.	2.47%	4
I don't know.	24.07%	39
<b>TOTAL</b>		<b>162</b>

Q (non-legal stakeholders): How satisfied are you with the quality of self-help legal information, forms, and services for your clients who are trying to handle a legal issue on their own?

ANSWER CHOICES	RESPONSES	
Very satisfied	3.25%	4
Somewhat satisfied	17.89%	22
Neither satisfied nor dissatisfied	15.45%	19
Somewhat dissatisfied	26.02%	32
Very dissatisfied	8.13%	10
I don't know	29.27%	36
<b>TOTAL</b>		<b>123</b>

## Expansion & Efficiency Improvement of Full-Service Representation Component Assessment

This component contemplates ensuring sufficient levels of full-service legal representation across income levels.	
<p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>• Assessment of existing service capacity in the state, factoring in geographic differences</li> <li>• Identification of effective pro bono, legal aid and market-based delivery strategies with potential for replicating/scaling</li> <li>• Training &amp; assistance with implementation of best practices for utilizing technology and process improvement; identification of potential support to make this possible</li> <li>• Incorporation of litigation strategies that have the potential to impact many people and decrease the need for full representation in the future</li> <li>• Training and mentoring for pro bono volunteers, both on substantive issues and on how to work with low-income clients</li> </ul>	<p><b>Montana System Strengths:</b></p> <ul style="list-style-type: none"> <li>• Legal aid and pro bono representation are well-coordinated and delivered throughout the state but constrained by insufficient resources;</li> <li>• Traditional and innovative pro bono programs are well-coordinated by the court system, MLSA, the law school, and the bar.</li> </ul>
	<p><b>Montana System Challenges:</b></p> <ul style="list-style-type: none"> <li>• Lack of sufficient resources to meet demand, across issue areas, geography, and vulnerable populations.</li> </ul>

### Relevant Survey Responses

Q (legal community): How is Montana doing at ensuring sufficient levels of full-service legal representation across income levels? NCSC suggests the following key features: (a) assessments of existing capacity, including geographic disparities; (b) effective use of pro-bono, legal aid, and market-based strategies, including identification of opportunities for replication and scaling; (c) use of impact litigation strategies that have the potential to improve conditions for many people and/or reduce the need for future representation; (d) training and mentoring for pro bono attorneys.

ANSWER CHOICES	RESPONSES	
Not well at all. This doesn't exist in Montana.	21.12%	34
We are doing the bare minimum but lack adequate resources to make significant progress.	43.48%	70
We are doing a sufficient job but could still make improvements.	16.15%	26
We are doing a great job in Montana and don't need to make any substantial improvements.	1.86%	3
I don't know.	17.39%	28
<b>TOTAL</b>		<b>161</b>

Q (non-legal stakeholders): How satisfied are you with the availability of full representation by attorneys for your clients who need it most?

ANSWER CHOICES	RESPONSES	
Very satisfied	0.82%	1
Somewhat satisfied	4.92%	6
Neither satisfied nor dissatisfied	12.30%	15
Somewhat dissatisfied	18.03%	22
Very dissatisfied	27.05%	33
I don't know	36.89%	45
<b>TOTAL</b>		<b>122</b>

### Unbundled (Discrete Task) Legal Assistance Component Assessment

This component contemplates achieving sufficient levels of discrete task legal assistance deployed at strategic points for the highest possible impact for users.

**Key Elements:**

- Lawyers willing to provide legal services on a discrete task basis
- Processes for conclusion of limited scope representation (i.e. client is aware of any remaining legal needs and how to follow-through)
- Training and resources to support participating lawyers
- Adoption of rules that facilitate limited scope representation and ease in entering/exiting a matter
- Good lines of communication between the limited scope attorney and the client
- Screening, triage and referral components to connect these lawyers with persons seeking their services
- Full acceptance by the judiciary of the practice

**Montana System Strengths:**

- Court, legal aid, and bar have been working to increase the availability of discrete task assistance, including but not limited to pro bono services;
- Rules governing discrete task assistance have been adopted and additional revisions to ease taking limited scope cases are being worked on but have not yet been adopted;
- Resources regarding providing discrete task representation have been developed for attorneys and made available online through courts.mt.gov.

**Montana System Challenges:**

- Additional outreach and support/resources would be necessary to attract further pro bono and modest means attorneys willing to do discrete task services;
- Insufficient mechanisms in place to determine whether discrete task assistance has been fully accepted by the judiciary in all jurisdictions.

Relevant Survey Responses

Q (legal community): How is Montana doing at providing limited representation for “unbundled” or discrete tasks (e.g. assistance filling out a form or preparing for court, but not representation in court)? NCSC suggests the following key features: (a) availability of lawyers willing to provide discrete services; (b) agreed-upon processes and rules for concluding limited scope representation; (c) training and resources to assist participating lawyers; (d) appropriate screening, triage, and referrals for discrete services; (e) acceptance by the judiciary of limited scope representation.

ANSWER CHOICES	RESPONSES	
Not well at all. This doesn't exist in Montana.	12.42%	20
We are doing the bare minimum but lack adequate resources to make significant progress.	35.40%	57
We are doing a sufficient job but could still make improvements.	27.33%	44
We are doing a great job in Montana and don't need to make any substantial improvements.	4.97%	8
I don't know.	19.88%	32
<b>TOTAL</b>		<b>161</b>

Q (non-legal stakeholders): How satisfied are you with the services available to your clients when they need help with discrete legal tasks but might not need full representation by an attorney? Examples of discrete legal tasks might include assistance filling out forms, help sending a letter to a landlord, or preparing for court.

ANSWER CHOICES	RESPONSES	
Very satisfied	4.07%	5
Somewhat satisfied	13.01%	16
Neither satisfied nor dissatisfied	18.70%	23
Somewhat dissatisfied	22.76%	28
Very dissatisfied	10.57%	13
I don't know	30.89%	38
<b>TOTAL</b>		<b>123</b>

## Simplification Component Assessment

This component contemplates simplification of legal processes and the user’s legal experience.	
<p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>• One-stop shopping used to simplify user experience</li> <li>• Streamlined internal court operations, including automated generation of orders and judgments</li> <li>• Online dispute resolution</li> <li>• Forms, legal documents, and oral communications use plain language</li> <li>• Review of courtroom procedures to determine more effective ways of providing information, helping parties come to resolution</li> <li>• Simplified court rules to eliminate unnecessary appearances and filings</li> </ul>	<p><b>Montana System Strengths:</b></p> <ul style="list-style-type: none"> <li>• Some judges, courts, and court staff have worked to simplify instructions and processes.</li> </ul> <p><b>Montana System Challenges:</b></p> <ul style="list-style-type: none"> <li>• Lack of formal, coordinated, and agreed-upon process for simplifying legal processes and users’ experiences;</li> <li>• Lack of uniformity among judges and jurisdictions regarding procedures, forms, and handling cases with pro se litigants;</li> <li>• A major influx of resources would be necessary to achieve full streamlining and simplification of court operations and procedures.</li> </ul>

### Relevant Survey Responses

Q (legal community): How is Montana doing at simplifying legal processes to facilitate better understanding of and experiences with the legal system? NCSC suggests the following key features: (a) review of court procedures to determine whether there are more effective ways of providing information to litigants; (b) simplified court rules that eliminate unnecessary appearances and filings; (c) streamlined court operations, including automated generation of orders and judgments; (d) all interactions with court users, oral and written, utilize plain language.

ANSWER CHOICES	RESPONSES	
Not well at all. This doesn't exist in Montana.	18.63%	30
We are doing the bare minimum but lack adequate resources to make significant progress.	39.13%	63
We are doing a sufficient job but could still make improvements.	24.84%	40
We are doing a great job in Montana and don't need to make any substantial improvements.	0.62%	1
I don't know.	16.77%	27
<b>TOTAL</b>		<b>161</b>

Q (non-legal stakeholders): How satisfied are you that court procedures are as simple as possible for your clients, understanding that the law can be complicated no matter how accessible the court and court processes are?

ANSWER CHOICES	RESPONSES	
Very satisfied	1.67%	2
Somewhat satisfied	8.33%	10
Neither satisfied nor dissatisfied	25.00%	30
Somewhat dissatisfied	21.67%	26
Very dissatisfied	10.00%	12
I don't know	33.33%	40
<b>TOTAL</b>		<b>120</b>

### Role Flexibility for Other Professionals Component Assessment

<p>This component contemplates a new set of roles that provides legal services by professionals who are not lawyers.</p>	
<p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>• Assist litigants in navigating court processes on-site</li> <li>• Assist litigants in selecting and filling out forms</li> <li>• Assist litigants in complying with legal processes for case types with large numbers of self-represented litigants</li> </ul>	<p><b>Montana System Strengths:</b></p> <ul style="list-style-type: none"> <li>• Stakeholders have recognized role flexibility as a component of access to justice and investigated possible approaches;</li> <li>• Self-help law centers in some parts of the state utilize non-lawyers to assist in navigating self-help materials and resources, with a planned expansion to connect other communities via video conferencing.</li> </ul> <p><b>Montana System Challenges:</b></p> <ul style="list-style-type: none"> <li>• Role flexibility has not been prioritized relative to other component needs;</li> <li>• Previous investigations into the potential for allowing more robust use of limited license professionals in Montana concluded that the system was not ready;</li> <li>• Additional uniform forms and resources would be necessary for a substantial increase in effective use of non-lawyer professionals.</li> </ul>

### Relevant Survey Responses

Q (legal community): How is Montana doing at allowing for productive roles by non-lawyers? NCSC suggests the following key features: non-lawyer assistance with (a) navigating court processes; (b) selecting and filling out forms; and (c) complying with legal processes, especially in areas of the law where there are large numbers of self-represented litigants.

ANSWER CHOICES	RESPONSES	
Not well at all. This doesn't exist in Montana.	13.66%	22
We are doing the bare minimum but lack adequate resources to make significant progress.	36.02%	58
We are doing a sufficient job but could still make improvements.	21.74%	35
We are doing a great job in Montana and don't need to make any substantial improvements.	3.11%	5
I don't know.	25.47%	41
TOTAL		161

### **Coordination and Education: An Assessment**

Components:

- Design, Governance & Management
- Triage, Referral & Channel
- Community Integration & Prevention
- Alternative Dispute Resolution Integration

Since at least 2000, the Montana Supreme Court has had an officially appointed commission responsible for planning, coordinating, and implementing civil access to justice initiatives in the state, most recently constituted as the Supreme Court's Access to Justice Commission. The ATJ Commission has enjoyed strong leadership from the Montana Supreme Court since its inception and includes meaningful involvement from the private bar, legal aid, judges, and clerks of court. Major efforts to increase access to justice in Montana, including securing state funding for the Court Self-Help Law Program and more recent attempts to seek state funding for civil legal aid have been coordinated by the Commission. The Commission and its predecessor, the Supreme Court Equal Justice Task Force, have also been responsible for coordinating many of the legal needs assessments and reports referred to throughout this report.

Those previous assessments have focused primarily on the need for additional services and resources across the spectrum of delivery. However, an increasing number of stakeholders have also recognized and articulated a corresponding need to improve:

- Coordination across legal providers to assess allocation of existing resources to best meet needs; and
- Collaboration between legal providers and other social service and community providers.



In addition, many of the previously conducted interviews, surveys, and forums have noted that cultural, historical, and societal factors can influence access to the court system, including but not limited to racism, historical biases, and other negative individual, familial, and community-wide experiences with the legal system. Social service providers and other non-lawyers have consistently reminded other access to justice stakeholders that the legal system can seem confusing, scary, overwhelming, and unfair to many of their clients, and articulated a need to:

- Engage in more targeted outreach to remote communities, and
- Increase awareness of services by eligible individuals and service providers.

Each component of “Coordination” and “Education” is assessed in more detail below.

### Design, Governance & Management Component Assessment

<p>This component contemplates ensuring continuing, effective governance and management processes and structures are in place to address ATJ in a state. Included in this is a commitment to user-focused design and full engagement of the user voice.</p>	
<p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>• An established body and processes to address ATJ issues</li> <li>• ATJ body includes all relevant stakeholders</li> <li>• Collection of user data and information (through surveys, focus groups, etc.)</li> <li>• User membership on ATJ body</li> </ul>	<p><b>Montana System Strengths:</b></p> <ul style="list-style-type: none"> <li>• Well-established ATJ Commission, recognized, supported, and appointed by the Montana Supreme Court;</li> <li>• A working committee structure that increases diversity of input on ATJ efforts in the state and that moves priority work forward;</li> <li>• ATJ membership includes a diversity of perspectives within the legal community, including judges, clerks, private attorneys, and legal aid.</li> </ul> <p><b>Montana System Challenges:</b></p> <ul style="list-style-type: none"> <li>• Insufficient user and non-legal stakeholder membership and input on the ATJ commission and committees;</li> <li>• Processes and protocols for pursuing ATJ improvements and priorities could be further systematized and institutionalized.</li> </ul>

Relevant Survey Responses

Q (legal community): How is Montana doing at ensuring effective governance and management of access to justice efforts in the state? NCSC suggests the following key features: (a) having an established body and processes to address access to justice issues; (b) the body includes all relevant stakeholders, including “users” (i.e. low-income litigants); and (c) the body effectively collects and analyzes user data and information.

ANSWER CHOICES	RESPONSES	
Not well at all. This doesn't exist in Montana.	13.66%	22
We are doing the bare minimum but lack adequate resources to make significant progress.	36.02%	58
We are doing a sufficient job but could still make improvements.	21.74%	35
We are doing a great job in Montana and don't need to make any substantial improvements.	3.11%	5
I don't know.	25.47%	41
<b>TOTAL</b>		<b>161</b>

**Triage, Referral & Channel Integration Component Assessment**

<p>This component contemplates creating “no wrong door” to enter the legal system through referrals or channels and a robust and continued triage that assesses what services each individual and situation needs, followed by appropriate and verified referrals.</p>	
<p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>• Triage/assessment and referral by any existing resource</li> <li>• Identified, consistent triage and referral protocols &amp; practices</li> <li>• Triage supported by technology (i.e. portal)</li> <li>• All stakeholders, including non-traditional ones, aware of referral information</li> <li>• Effective referrals (i.e. entity can take matter without time, income, or subject matter restrictions precluding service)</li> <li>• Central legal aid hotlines and market-based equivalents for moderate income people to diagnose legal issues/potential solutions and resolve less complex issues at an early stage</li> </ul>	<p><b>Montana System Strengths:</b></p> <ul style="list-style-type: none"> <li>• Within the legal community, there is fairly good coordination between legal aid, pro bono, court self-help, and modest means programs;</li> <li>• The Legal Services Developer program is creating a triage portal and is open to coordinating with other stakeholders to build upon that technology.</li> </ul> <p><b>Montana System Challenges:</b></p> <ul style="list-style-type: none"> <li>• Montana has not prioritized a unified triage and referral system;</li> <li>• Additional efforts could be made to formalize and systematize cross-trainings and outreach between and among legal providers and community providers.</li> </ul>

Relevant Survey Responses

Q (legal community): How is Montana doing at making it easy for low-income Montanans to find the right services and resources to address their legal needs?

ANSWER CHOICES	RESPONSES	
Not well at all. This doesn't exist in Montana.	4.32%	7
We are doing the bare minimum but lack adequate resources to make significant progress.	42.59%	69
We are doing a sufficient job but could still make improvements.	40.74%	66
We are doing a great job in Montana and don't need to make any substantial improvements.	1.23%	2
I don't know.	11.11%	18
<b>TOTAL</b>		<b>162</b>

Q (non-legal stakeholders): Overall, how satisfied are you that you and other staff at your organization have enough information to effectively refer individuals struggling with legal issues to the right services and resources?

ANSWER CHOICES	RESPONSES	
Very satisfied	4.84%	6
Somewhat satisfied	25.81%	32
Neither satisfied nor dissatisfied	14.52%	18
Somewhat dissatisfied	30.65%	38
Very dissatisfied	9.68%	12
I don't know	14.52%	18
<b>TOTAL</b>		<b>124</b>

## Community Integration & Prevention Component Assessment

This component contemplates integrating the ATJ response to include system access through community stakeholders and more effective responses to users' legal issues on the front end.

**Key Elements:**

- Robust information exchange, including cross trainings
- Community resources integrated into provider services
- Collecting and sharing information on user experience across providers
- Collaborative partnerships, including social services providers
- Community outreach, enabled by a robust communication strategy
- Cross-training between organizations
- Early issue identification and proactive, robust referrals in a range of areas
- Education about dispute resolution without legal action

**Montana System Strengths:**

- Where resources are available, significant integration has occurred or begun between community and legal stakeholders, with the fullest integration occurring in the area of domestic violence services;
- Collaborative partnerships have begun between the medical and legal aid communities with the funding of medical-legal partnerships;
- Collaborative partnerships with local libraries have been strengthened;
- Increased collaboration is occurring in the area of legal and community services for seniors;
- Community resources are well-integrated with the legal information available at self-help centers and workstations as well as on MontanaLawHelp.org.

**Montana System Challenges:**

- Integration tends to be isolated to certain areas of law or types of users, depending in part on funding and individual leadership;
- Integration has not been systematized statewide;
- Significant additional outreach and cross-training could be done to increase early issue identification and referrals.

Relevant Survey Responses

Q (legal community): How is Montana doing at making sure that access to justice efforts are integrated with other community stakeholders and service providers to help address legal issues early or before they arise? NCSC suggests the following key features: (a) cross-trainings between organizations; (b) collaborative partnerships, including with social service providers; (c) community outreach; (d) early issue identification by partners; (e) information exchange across providers about user experiences.

ANSWER CHOICES	RESPONSES	
Not well at all. This doesn't exist in Montana.	11.11%	18
We are doing the bare minimum but lack adequate resources to make significant progress.	39.51%	64
We are doing a sufficient job but could still make improvements.	25.93%	42
We are doing a great job in Montana and don't need to make any substantial improvements.	1.23%	2
I don't know.	22.22%	36
<b>TOTAL</b>		<b>162</b>

Q (non-legal stakeholders): How often does staff in your organization work with clients who are dealing with a civil (non-criminal) legal issue, like child custody, wills, consumer debt, or issues with a landlord?

ANSWER CHOICES	RESPONSES	
Always	9.68%	12
Usually	32.26%	40
Sometimes	39.52%	49
Rarely	5.65%	7
Never	12.90%	16
<b>TOTAL</b>		<b>124</b>

Q (non-legal stakeholders): Do you ever use or refer to any of these resources to help your clients? Please select all that apply.

ANSWER CHOICES	RESPONSES	
Montana Legal Services Association	76.36%	84
Another free or reduced-price legal program	20.91%	23
A court self-help law center or program (where people can get help finding resources to handle a legal issue on their own)	42.73%	47
A local pro bono program (where private attorneys assist low-income individuals for free in certain cases)	17.27%	19
MontanaLawHelp.org	41.82%	46
The Montana Supreme Court website	7.27%	8
Self-help legal forms	43.64%	48
Self-help legal information	36.36%	40
Other (please specify)	20.00%	22
Total Respondents: 110		

Q (non-legal stakeholders): How often do you use or refer to the resources listed above?

ANSWER CHOICES	RESPONSES	
Always	13.33%	16
Usually	37.50%	45
Sometimes	28.33%	34
Rarely	11.67%	14
Never	9.17%	11
TOTAL		120

Q (non-legal stakeholders): Overall, how satisfied are you that you and other staff at your organization have enough information to effectively refer individuals struggling with legal issues to the right services and resources?

ANSWER CHOICES	RESPONSES	
Very satisfied	4.84%	6
Somewhat satisfied	25.81%	32
Neither satisfied nor dissatisfied	14.52%	18
Somewhat dissatisfied	30.65%	38
Very dissatisfied	9.68%	12
I don't know	14.52%	18
<b>TOTAL</b>		<b>124</b>

Q (non-legal stakeholders): Would you be interested in more information or training opportunities regarding the services and information available for low-income individuals with legal issues?

ANSWER CHOICES	RESPONSES	
Yes	81.67%	98
No	18.33%	22
<b>TOTAL</b>		<b>120</b>

## Alternative Dispute Resolution (ADR) Integration Component Assessment

This component addresses providing information about ADR and ensuring ADR is appropriately integrated into the civil justice system.

<p><b>Key Elements:</b></p> <ul style="list-style-type: none"> <li>• Provision of information about ADR modes and processes, substantive ADR law, and consequences</li> <li>• ADR information available online and integrated into portal</li> <li>• Clear codes of ethics for the non-judicial neutrals</li> <li>• Access to ADR modes provided within procedural context, possibly through self-help</li> <li>• Ethically appropriate collaborations between ATJ stakeholders and ADR providers</li> </ul>	<p><b>Montana System Strengths:</b></p> <ul style="list-style-type: none"> <li>• ADR is integrated to varying degrees depending on the court and the type of case;</li> <li>• A court-connected early mediation pilot program in the 11<sup>th</sup> judicial district may offer insights for replication;</li> <li>• Several dispute resolution centers provide high quality and affordable services in select Montana communities.</li> </ul>
	<p><b>Montana System Challenges:</b></p> <ul style="list-style-type: none"> <li>• The use of and integration of ADR varies widely throughout the state, without agreed upon processes or procedures to ensure integration is appropriate or consistent;</li> <li>• ADR is unavailable in many rural areas of the state, especially for people with low or moderate incomes.</li> </ul>

### Relevant Survey Responses

Q (legal community): How is Montana doing at providing information about and access to alternative dispute resolution (ADR) options? NCSC suggests the following key features: (a) information about ADR options, laws, and consequences are available with all other legal and self-help resources (e.g. online, self-help centers); (b) clear codes of ethics for ADR practice; (c) integration with other resources and services, as appropriate and aligned with access to justice principles.

ANSWER CHOICES	RESPONSES	
Not well at all. This doesn't exist in Montana.	14.37%	23
We are doing the bare minimum but lack adequate resources to make significant progress.	38.13%	61
We are doing a sufficient job but could still make improvements.	16.88%	27
We are doing a great job in Montana and don't need to make any substantial improvements.	2.50%	4
I don't know.	28.13%	45
<b>TOTAL</b>		<b>160</b>



Q (non-legal stakeholders): How satisfied are you with the information available to your clients about alternative dispute resolution (ADR) options like mediation that might help your clients avoid litigation or solve a problem out of court?

ANSWER CHOICES	RESPONSES	
Very satisfied	0.00%	0
Somewhat satisfied	5.69%	7
Neither satisfied nor dissatisfied	18.70%	23
Somewhat dissatisfied	18.70%	23
Very dissatisfied	10.57%	13
I don't know	46.34%	57
<b>TOTAL</b>		<b>123</b>

### Resource Development: An Assessment

<p>Component:</p> <ul style="list-style-type: none"> <li>• Resource Planning</li> </ul>
---

Access to justice stakeholders in Montana have consistently recognized the need for additional resources to expand capacity across the spectrum of civil legal needs and to increase and improve the delivery options available for meeting those needs. In 2007, efforts of the precursor to the ATJ Commission (the Supreme Court Equal Justice Task Force) resulted in successful legislation creating and funding a court-based self-help law program, the first ever state funding for broad-based civil legal assistance in Montana. Continued efforts resulted in securing permanent funding for the program in 2015.

In recent years, the Commission has coordinated renewed efforts to increase state funding for civil legal assistance in Montana. Although efforts in the 2017 and 2019 legislative sessions were ultimately unsuccessful, community support and bipartisan leadership has been developed as a result of these legislative campaigns, and there is an increased understanding about the consequences of unmet legal needs in Montana. The Commission plans to revisit ideas for securing state funding over the coming biennium and to work with supporters and interested organizations to develop new ideas for a more successful effort.

In addition, various access to justice stakeholders consistently work to find opportunities to collaborate on funding and fundraising opportunities, including successful funding requests for Commission-supported projects like the NCSC Justice for All grant supporting this assessment and a grant to support the launch of the Rural Incubator Program for Lawyers.

## Resource Planning Component Assessment

This component contemplates robust and continued resource planning, including the identification of existing resources, new resources, reallocating current resources, and identifying savings opportunities.	
<b>Key Elements:</b> <ul style="list-style-type: none"> <li>Staffing position dedicated to resource planning</li> <li>Existence of an updated resource budget</li> </ul>	<b>Montana System Strengths:</b> <ul style="list-style-type: none"> <li>The ATJ Commission includes a working policy and resource committee that has actively worked to increase state resources for ATJ efforts in the state.</li> </ul>
	<b>Montana System Challenges:</b> <ul style="list-style-type: none"> <li>Lack of a coordinated budget or full picture of access to justice budgets across providers;</li> <li>No funding for dedicated Commission staff.</li> </ul>

### Relevant Survey Responses

Q (legal community): How is Montana doing at resource planning for access to justice efforts in the state? NCSC suggests the following key features: (a) identification of existing resources and potential new resources; (b) analysis of the allocation of current resources; (c) identification of savings opportunities; (d) staff dedicated to resource planning; (e) an up-to-date resource budget across access to justice efforts.

ANSWER CHOICES	RESPONSES
Not well at all. This doesn't exist in Montana.	11.80% 19
We are doing the bare minimum but lack adequate resources to make significant progress.	25.47% 41
We are doing a sufficient job but could still make improvements.	24.84% 40
We are doing a great job in Montana and don't need to make any substantial improvements.	2.48% 4
I don't know.	35.40% 57
<b>TOTAL</b>	<b>161</b>

## Next Steps and Ongoing Assessments

As a part of the Justice for All process, the Strategic Planning Committee and Access to Justice Commission will use the results of this assessment to re-evaluate the Commission's strategic plan, develop workplans for its standing committees, and begin executing priority strategies for achieving improvements to the civil justice system in Montana. In addition, the Planning Committee will recommend the following set of options for the Commission to consider for institutionalizing ongoing self-assessments of access to justice efforts in the state:

- Using the survey instruments developed for this assessment as templates for annual or biannual surveys of the legal community and community stakeholders;
- Engaging the Strategic Planning Committee and/or the full Commission in an annual self-assessment using the JFA components employed in this assessment;
- Encouraging standing committees of the Commission to engage in annual workplans;
- Identifying key metrics for priority components to assist in measuring year-to-year progress;
- Updating the list of legal services providers and resources annually, using the template provided in Appendix F;
- Identifying a person, entity, or committee responsible for ensuring that an annual assessment is conducted;
- Dedicating resources for a small annual contract to assist in conducting and facilitating the annual assessment.

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## Appendix E

### Montana Legal Services Association Summary of 2017 Services

<u>Total New Requests for Assistance:</u>	<b>7,879</b>
Referred to other service providers without intake:	1,098
<u>Total New Intake Requests:</u>	<b>6,781</b>
New cases opened and <b>served</b> :	3,013
New Intakes <b>not served</b> :	3,768
<u>Total Number of Cases Handled (new and ongoing):</u>	<b>3,843</b>
Handled by 366 volunteer Pro Bono Advocates:	1,246
Handled by MLSA Staff:	2,597

#### Nature of Problems Served:

Consumer:	495	17%
Education:	2	0%
Employment	146	5%
Family	1,198	41%
Juvenile	25	1%
Health	19	1%
Housing	682	23%
Income Maintenance	91	3%
Individual Rights	12	0%
Miscellaneous/Other	234	8%



Services Provided in 2017 Cases Closed:

Advice or Brief service:	2,590
Settlement negotiated:	80
Handled through administrative agency:	22
Uncontested court action:	40
Contested court action:*	93
Appeals	1
Other	<u>78</u>
<b>Total Cases Closed:</b>	<b>2,904</b>

**Closed cases resolved without court action: 95.4%**

\*Of the cases with contested court action, 48 involved family law (of 1,198 total family law cases handled), and 13 involved housing issues (of 682 total housing cases handled).

**On-line Access to Legal Information:**

Visitors to MontanaLawHelp.org:	100,380
Pages viewed on MontanaLawHelp.org:	229,403
Self-Help materials downloaded:	12,237
Documents finalized using LawHelp Interactive forms:	6,276

**Insert Appendix F -**

<https://docs.google.com/spreadsheets/d/1Tn6zF9Nil6pc7aqqqGO8MUIX53GwZq90pAsvL317X-l/edit?usp=sharing>

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# Tab 5

# Montana Access to Justice Commission

## Strategic Plan 2019-2020

adopted 12/7/18

PROPOSED REVISION ON PAGE 11

### 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.

### Core Values

As members of the Montana Access to Justice Commission, we believe:

#### Access

- Access to justice depends on the availability of affordable legal information and services, including assistance and representation when needed.
- Barriers to access to justice must be prevented, removed, or reduced.
- Court users should have access to justice through full participation in the judicial process, regardless of their socio-economic status, English language proficiency, cultural background, legal representation status, or other circumstances.

### Coordination

- A coordinated and comprehensive statewide system for delivering legal services must be maintained.
- The justice system must collaborate with other persons, professions, and organizations to meet the legal and law-related needs of the public.

### Education

- Public legal education must be provided to create and sustain an informed and empowered public and to build broad support for access to justice.
- Public awareness of the importance of civil legal services is needed to expand justice.

### Resource Development

- Access to justice requires adequate funding, resources, and support.
- Adequate and sustained public and private funding, resources, and support must be provided to assure access to justice for low-and moderate income and other vulnerable persons.

## Access

Objective Statement	Strategies and Activities	Strategy Leader <i>And Partners</i>
Develop and advocate for adequate support and resources for people to have their legal issues fully resolved in a fair, timely, and appropriate manner	<b>1. Create a mechanism for the ongoing development, review, and updating of standardized, plain-language forms and instructions for use by self-represented litigants</b>	Self-Represented Litigants Committee  <i>Court Help Program</i>  <i>Montana Legal Services Association</i>
	<b>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</b>  <i>(see also under Coordination)</i>	Self-Represented Litigants Committee  <i>Education and Outreach Committee</i>  <i>Montana Legal Services Association,</i>

		<i>Justice for Montanans AmeriCorps Program</i>  <i>Court Help Program</i>  <i>State Pro Bono Program</i>  <i>State Bar of Montana</i>  <i>Justice Initiatives Committee</i>
	<p>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</p>	<p>Self-Represented Litigants Committee</p> <p><i>Court Help Program</i></p>
	<p>4. <b>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</b></p>	<p>Policy and Resources Committee</p>

	<p>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</p>	<p>Self-Represented Litigants Committee</p> <p><i>Law School Partnerships Committee</i></p> <p><i>Office of Court Administrator</i></p>
	<p>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</p>	<p>Self-Represented Litigants Committee</p> <p><i>Office of Court Administrator</i></p> <p><i>State Law Library</i></p> <p><i>State Pro Bono Program</i></p>



	<p>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</p>	<p>Self-Represented Litigants Committee</p> <p><i>Office of Court Administrator</i></p> <p><i>State Pro Bono Program</i></p> <p><i>State Law Library</i></p>
	<p>8. Monitor and support the Court Help Program to provide services to pro se litigants across the state</p>	<p>Self-Represented Litigants Committee</p>
	<p>9. Support and promote pro bono attorneys providing services to low-income Montanans</p>	<p>State Pro Bono Program</p> <p><i>Montana Legal Services Association</i></p> <p><i>State Bar of Montana</i></p> <p><i>Justice Initiatives Committee</i></p>

		<i>Alexander Blewett III School of Law</i>
	10. Foster models for mediation and other alternative dispute resolution services programs	State Pro Bono Program  <i>Montana Legal Services Association</i>  <i>Justice Initiatives Committee</i>  <i>Alexander Blewett III School of Law</i>
	11. Encourage attorneys to provide limited scope representation through model materials, training, and a referral system	State Bar of Montana  Justice Initiatives Committee  <i>Montana Legal Services Association</i>  <i>State Pro Bono Program</i>

	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 <i>Justice Initiatives Committee</i> <i>State Pro Bono Program</i> <i>Montana Legal Services Association</i>
	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 <i>State Pro Bono Program</i> <i>Montana Legal Services Association</i> <i>Justice Initiatives Committee</i>

## Coordination

Objective Statement	Strategies and Activities	Strategy Leader
<p>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</p>	<p><b>1. Support innovative programs among other stakeholders, such as incubator programs and expanding statewide pro bono and limited scope opportunities for law students</b></p>	<p>Law School Partnerships Committee</p> <p><i>State Pro Bono Program</i></p> <p><i>Montana Legal Services Association</i></p> <p><i>State Bar of Montana</i></p> <p><i>Justice Initiatives Committee</i></p> <p><i>Alexander Blewett III School of Law</i></p>

	<p>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</p> <p><i>(see also under Access)</i></p>	<p>Self-Represented Litigants Committee</p> <p><i>Education and Outreach Committee</i></p> <p><i>Montana Legal Services Association, Justice for Montanans AmeriCorps Program</i></p> <p><i>Court Help Program</i></p> <p><i>State Law Library</i></p> <p><i>State Pro Bono Program</i></p> <p><i>State Bar of Montana</i></p> <p><i>Justice Initiatives Committee</i></p> <p><i>Alexander Blewett III School of Law</i></p>
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	<p>3. Facilitate partnerships with and among agencies and organizations to address the relationships between civil legal needs and non-legal needs</p>	<p>Education and Outreach Committee Policy and Resources Committee</p>
	<p>4. Coordinate with local bar associations and the State Bar Justice Initiatives Committee on recruitment and recognition of pro bono attorneys</p>	<p>State Bar of Montana Justice Initiatives Committee <i>State Pro Bono Program</i></p>
	<p>5. Create a recruitment and retention plan for the Commission and committees to ensure continuity and strong leadership and to focus on involving more non-legal stakeholders, including users of the civil justice system</p>	<p>Strategic Planning Committee</p>

## Education

Objective Statement	Strategies and Activities	Strategy Leader
<p>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</p>	<p><b>1. 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</b></p>	<p>Education and Outreach Committee <i>Office of Court Administrator</i> <i>State Law Library</i></p>
	<p><b>2. Develop and seek publication of news articles, opinion-editorials, and informational pieces on the importance and economic impact of legal aid, pro bono service, and access to justice</b></p>	<p>Education and Outreach Committee <i>Montana Legal Services Association</i> <i>State Bar of Montana</i></p>

		<i>Montana Justice Foundation</i>  <i>State Law Library</i>
	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  <i>Office of Court Administrator</i>  <i>State Law Library</i>



## Resource Development

Objective Statement	Strategies and Activities	Strategy Leader
<p><b>Resource Development:</b> Secure adequate, sustainable funding to create and maintain an effective 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</p>	<p>1. <b>Advocate to the legislature for civil legal aid funding</b></p>	<p>Policy and Resources Committee</p>
	<p>2. Seek grant funding for Commission activities and staff and collaborate with other stakeholders to secure funding for joint projects</p>	<p>Policy and Resources Committee</p> <p><i>Montana Justice Foundation</i></p> <p><i>Montana Legal Services Association</i></p> <p><i>Office of Court Administrator</i></p>

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

Potential Objective and Tasks	Est. Timeline	with Whom	Estimate of Consultant JFA Project Time	Primary JFA Component/s																														
Research and recommend best practices for streamlining and simplifying court procedures, rules, and processes in areas of the law with highest volumes of SRLs		Policy and Resources Committee	60%	Simplification Component																														
<table border="1"> <tr> <td>Create and facilitate meeting of subcommittee</td> <td>Sep-19</td> <td>SRL Committee</td> <td></td> <td></td> </tr> <tr> <td>Research</td> <td>Oct-19</td> <td>Courts of Limited Jurisdiction</td> <td></td> <td></td> </tr> <tr> <td>Present findings, seek input</td> <td>Nov-19</td> <td>Commission on Uniform District Court Rules</td> <td></td> <td></td> </tr> <tr> <td>Draft materials and rules</td> <td>Feb-20</td> <td>Court Technology Commission</td> <td></td> <td></td> </tr> <tr> <td>Finalize</td> <td>Apr-20</td> <td>Clerks of Court</td> <td></td> <td></td> </tr> </table>	Create and facilitate meeting of subcommittee	Sep-19	SRL Committee			Research	Oct-19	Courts of Limited Jurisdiction			Present findings, seek input	Nov-19	Commission on Uniform District Court Rules			Draft materials and rules	Feb-20	Court Technology Commission			Finalize	Apr-20	Clerks of Court											
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Finalize	Apr-20	Clerks of Court																																
Facilitate Planning with each Commission Committee		All ATJ Committees	20%	Design, Governance & Management																														
<table border="1"> <tr> <td>tbd based on committee schedules</td> <td>fall 19</td> <td>SRL Committee</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td>Justice Initiative Committee</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td>Education &amp; Outreach Committee</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td>Policy &amp; Resources Committee</td> <td></td> <td></td> </tr> </table>	tbd based on committee schedules	fall 19	SRL Committee					Justice Initiative Committee					Education & Outreach Committee					Policy & Resources Committee																
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		Education & Outreach Committee																																
		Policy & Resources Committee																																
Project Mgmt for: Judicial Handbook/Toolkit*		SRL Committee with:	7.5%	Judicial & Court Staff Education																														
<table border="1"> <tr> <td>Inventory existing training materials and resources</td> <td>Sep-19</td> <td>Office of Court Administrator</td> <td></td> <td></td> </tr> <tr> <td>Research best practices and national resources</td> <td>Sep-19</td> <td>Judicial Education Committee</td> <td></td> <td></td> </tr> <tr> <td>Propose topics to SRL Committee et al.</td> <td>Oct-19</td> <td>State Law Library</td> <td></td> <td></td> </tr> <tr> <td>Assign topics for drafting and reviewing</td> <td>Nov-19</td> <td>SHL Program</td> <td></td> <td></td> </tr> <tr> <td>Draft for review by SRL Committee et al.</td> <td>Feb-20</td> <td>State Pro Bono Program</td> <td></td> <td></td> </tr> <tr> <td>Finalize</td> <td>Apr-20</td> <td></td> <td></td> <td></td> </tr> </table>	Inventory existing training materials and resources	Sep-19	Office of Court Administrator			Research best practices and national resources	Sep-19	Judicial Education Committee			Propose topics to SRL Committee et al.	Oct-19	State Law Library			Assign topics for drafting and reviewing	Nov-19	SHL Program			Draft for review by SRL Committee et al.	Feb-20	State Pro Bono Program			Finalize	Apr-20							
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Finalize	Apr-20																																	
<i>*project and timeline dependent on ATJ capacity</i>																																		
Assist w/ creation, planning, and early staffing of a technology and/or triage and referral committee or subcommittee*		Legal Developer Program with	5%	Technology Capacity																														
<table border="1"> <tr> <td>Assist with formation and planning of first meeting</td> <td>Sep-19</td> <td>MLSA</td> <td></td> <td>Triage, Referral &amp; Channel Integration</td> </tr> <tr> <td>Assist with ongoing facilitation and planning of meetings as capacity allows</td> <td>Apr-20</td> <td>Court Commission on Technology</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td>State Law Library</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td>SHL Program</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td>State Pro Bono Program</td> <td></td> <td></td> </tr> </table>	Assist with formation and planning of first meeting	Sep-19	MLSA		Triage, Referral & Channel Integration	Assist with ongoing facilitation and planning of meetings as capacity allows	Apr-20	Court Commission on Technology					State Law Library					SHL Program					State Pro Bono Program											
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		SHL Program																																
		State Pro Bono Program																																

Potential Objective and Tasks	Est. Timeline	with Whom	Estimate of Consultant JFA Project Time	Primary Component/s
Project Mgmt for: creation of statewide comprehensive civil justice budget*				
		Policy and Resources Committee	7.5%	Resource Planning

Research and report examples of comprehensive civil justice budgets	Oct-19
Collect budget and program information from ATJ providers	Jan-20
Create and finalize comprehensive civil justice budget	Apr-20

Montana Justice Foundation

MLSA

Office of Court Administrator

*\*project and timeline dependent on ATJ capacity*

# Tab 6

## **Biennial Report of the Montana Access to Justice Commission**

In accordance with the Montana Supreme Court's Order of May 22, 2012, the Access to Justice Commission (Commission) submits this third biennial report to the Court. Since the Commission's last report, submitted in March 2017, the Commission and its committees have adopted a new strategic plan, begun work on a more in-depth resource inventory and planning project, helped launch a court-connected early mediation program, pursued legislation to secure state funding for access to justice programs, and finalized automated, standardized fee waiver and family law forms, among many other activities. Much of the Commission's work continues to be carried out through the four standing committees created under its initial strategic plan: the Standing Committee on Self-Represented Litigants, the Committee on Law School Partnerships, the Committee on Outreach and Communication, and the Committee on Policy and Resources. Additionally, the Commission has created ad hoc committees for strategic planning and a court-connected early mediation project, as well as several working groups for specific topics. This report outlines the work being done by each Committee and the Commission as a whole as directed by the Court's Order.

### **Assess the legal needs of low- and moderate-income Montanans, evaluate the extent to which those needs are going unmet, and coordinate efforts to better meet those needs.**

In 2017, the Commission reconvened its Strategic Planning Committee to begin the process of reviewing the 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. As the Commission was nearing adoption of its new strategic plan, it applied for and was offered a Justice For All project strategic planning grant from the National Center for State Courts. Accordingly, the Commission finalized the short-term strategic plan it had been developing, and then transitioned its existing strategic planning work into the new, more robust Justice For All grant project.

The Strategic Planning Committee 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 the National Conference of State Courts' Justice For All strategic planning guidelines; and drafted a new strategic plan for the Commission. Following this year-long strategic planning process, the Commission adopted a revised [two-year Strategic Plan](#) in December 2018. The new plan provides a road map for accomplishing a renewed set of Commission goals over the next two years.

The new strategic plan contains four main components: 1) an organizational statement of purpose reflecting on the Commission's core purpose and approach to its work; 2) overarching objective statements capturing the ultimate outcome the Commission hopes to achieve in each of its four focus areas of increasing access to legal services and information, coordinating efforts among various entities, increasing support for access to justice efforts, and securing adequate funding and other resources; 3) a list of strategies and activities designed to accomplish the goals expressed in the focus area objective statements, with special emphasis on several priority items of particular importance in the near term; and 4) designated entities to lead each of the strategies and activities.

Since being awarded the Justice For All grant, the Commission's Strategic Planning Committee engaged a consultant to facilitate the project, reviewed the existing resource inventory research, conducted additional stakeholder and community surveys, analyzed results, and evaluated Montana's progress in each of the Justice For All key components. The Commission is now nearing completion of the inventory assessment phase of the grant project and will soon begin strategic action planning and implementation of the resulting plan. The full project is expected to be completed in May 2020.

**Assess the ability of all court users to access the courts, and make recommendations to improve rules, statutes, and judicial processes to assure accessibility to all.**

The Commission's Standing Committee on Self-Represented Litigants (SCSRL) continued significant work to revise and automate standardized, plain-language forms and instructions for use by self-represented litigants and pro bono attorneys. The Committee completed a pilot project of updated family law forms, collecting valuable feedback that will be used as the committee continues towards finalizing and promoting

statewide, automated, standardized forms. The Committee also secured approval for a standardized fee waiver form, concluding more than a year of work to address inconsistencies in fee waiver forms used among the courts and that had resulted in disparities among litigants.

Commission members also worked diligently to develop a mechanism for developing, reviewing, and updating additional forms and instructions in the future. Aided by one of the Montana Supreme Court's law clerks and a Justice for Montanans Americorps member, the committee is developing an inventory of all the automated pro se forms available and comparing them to the forms used in various judicial districts. This review will help identify differences between the statewide forms and other forms being used in specific districts and foster more support for broader use of the statewide standardized forms. The forms project is a top priority for the Court Help Program, and its staff have been instrumental in moving this project forward.

Additionally, members of the committee launched a new project to create videos that familiarize self-represented litigants with the legal process and the Court's Self Help Centers. The videos are available on the Court's website and [YouTube channel](#).

In September 2017, the Commission held a joint meeting with the State Bar of Montana's Justice Initiatives Committee (JIC), during which the two entities focused on the specific challenges survivors of domestic and sexual violence face within the civil legal system. Members of the Commission and JIC reviewed research regarding procedural fairness principles in the context of domestic violence survivors and discussed opportunities for furthering various domestic violence initiatives. The Commission and JIC agreed to convene a domestic violence working group to better coordinate efforts. The working group has met several times since the joint meeting and began its work by creating an inventory and map of domestic violence legal assistance resources across the state.

An SCSRL working group also continued its work to develop and implement an order of protection pilot project. Commission members conducted a small pilot program for a checklist to assist litigants with collecting evidence and preparing for a permanent order of protection hearing. Copies of the checklist were distributed to parties, resulting in a marked improvement in hearing participation, better understanding of the process, and



more instances of participants gathering appropriate evidence for the hearing. Commission members have also worked on ways to better coordinate order of protection hearings with the resolution of other civil legal needs, such as creating or modifying parenting plans.

**Provide long-range, integrated planning among legal assistance providers and other interested entities and people in Montana, and continue to facilitate networking and communication among them.**

The Commission continues to lead the state's long-range, integrated planning efforts for access to justice issues, most notably through its strategic planning, uniform forms development, and Justice For All projects discussed above, and through its work in the Legislature, discussed more below. The Commission also remains a forum for information-sharing and networking among legal assistance providers and other interested entities. The Commission and its committees continue to involve individuals representing a variety of access to justice stakeholders, including legal assistance providers and other interested entities. In particular, the Commission's strategic planning and Justice For All projects have included participants and solicited input from a broad section of community members. The Commission also maintained its strong relationship with the State Bar of Montana's Justice Initiatives Committee, holding joint meetings in September 2017 and December 2018, and ensuring JIC representation on Commission committees. Communication and knowledge-sharing is further bolstered by Commission members and others frequently reporting back to the Commission regarding state and national conferences and sharing new resources and information regarding access to justice topics, such as limited scope representation and using technology to expand access to legal services.

**Foster the development of a statewide integrated civil legal services delivery system, design and implement new programs to expand opportunities for access to justice, and work toward the most efficient use and delivery of resources relating to civil access to justice.**

Over the biennium, the Commission's Committee on Law School Partnerships (CLSP) collaborated with Montana Legal Services Association, Alexander Blewett III School of Law, Montana Justice Foundation, and the Montana State Bar in an Incubator Working Group to develop the Rural Incubator for Lawyers Program (RIPL). With the Commission's support, the program successfully secured initial funding, hired an attorney coordinator, and welcomed the program's first two participants, known as RIPL Fellows, in March 2019.

RIPL provides lawyer participants with legal skills training, mentor guidance, and business development resources to launch and enhance sustainable, rural law practices that include low- and moderate-income legal services. RIPL Fellows also provide hours of pro bono services to Montana Legal Services Association clients during the program.

CLSP also continued to work with the Alexander Blewett III School of Law and Montana Legal Services Association to promote pro bono initiatives through the law school. During the biennium, CLSP developed a Pro Bono Coordinator Project. Initially, through an agreement between Montana Legal Services Association and Blewett School of Law, and with funding from the Family Law Section of the State Bar of Montana, a Justice for Montanans AmeriCorps member began developing and coordinating law student pro bono activities. The law school's faculty then institutionalized these and other efforts by approving a new pro bono program at the law school that offers incentives, recognition, and support for students to engage in pro bono work. The law school now employs a pro bono coordinator who works to connect law students and faculty with pro bono opportunities, among other projects.

The Commission continued to provide guidance and support for a court-connected early mediation program initiated by Justice Laurie McKinnon and Supreme Court Pro Bono Coordinator Patty Fain and developed under their leadership by a dedicated working group of lawyers, judges, mediators, and law school faculty. The purpose of the program, known as E-RAMP (Early Resolution and Mediation Program), is to provide litigants in family law disputes involving children a path to mediation for self-determined, early resolution; to facilitate early District Court case management; to produce greater likelihood of compliance with agreements; and to provide pro bono opportunities to volunteer attorneys and mediators. The E-RAMP pilot program is limited to financially eligible cases involving two self-represented litigants involved in district court domestic relations cases. With the Commission's support and feedback over the last two years, the ad hoc Mediation Project Committee developed an intake form and other materials, created a training program, trained over 30 mediators, and launched the program in early September 2018. The 11<sup>th</sup> Judicial District is serving as the pilot site for the program, with all of the judges in the district agreeing to participate in the pilot. Intake and scheduling is handled through an

online platform, which the court may access through its case management system, furthering the automated design of the program.

**Work toward securing and maintaining adequate funding for civil access to justice, and coordinate statewide efforts to do so.**

The Commission continues to focus on Montana's lack of legal and judicial resources to meet the civil legal needs of our citizens and to manage the growing burden on the court system. Recognizing that an effective continuum of legal services requires adequate and sustainable funding, and after the 2017 Legislature's defeat of the Commission's initial funding proposal, the Commission redoubled its efforts to examine ways to work toward an effective continuum of legal services. The Commission again concluded that state funding in some form will be critical to ensure a sustainable civil justice system.

With the knowledge gained from the 2017 legislative session, the Commission worked to address questions and concerns by developing a revised legislative proposal for the 2019 session. Similar to its initial proposal, the Commission proposed a bill to generate new revenue by raising certain civil filing fees in district court and appropriating the new revenue to the Office of Court Administrator for grants to legal aid organizations. This year, however, the Commission's proposal included court-connected mediation programs in the list of eligible recipients and added a specific list of priorities and qualifications for available funds. Once again, community support for the bill was overwhelming and broad-based. Despite this broad support and a strong bipartisan coalition of co-sponsors for the bill, however, the bill was defeated in the House Judiciary Committee.

The Commission plans to revisit its ideas for state funding over the coming biennium and to work with supporters, legislators, and interested organizations to develop new ideas for a more successful effort.

Additionally, the Commission supported successful funding requests for Commission-supported projects, including the Justice For All grant and a grant to support the launch of the Rural Incubator Program for Lawyers, and recognized the Family Law Section of the State Bar of Montana for its support of the law school pro bono program.

**Serve as the advisory council for the Montana Legal Services Association VISTA project.**

MLSA's AmeriCorps VISTA project ended in 2014. Still, the Commission continues to play a vital role in AmeriCorps in Montana by serving as an advisor to the Justice for Montanans AmeriCorps Project (JFM). JFM is a partnership between MLSA, the Supreme Court Administrator's Office, the State Bar of Montana, and the Montana Attorney General's Office of Consumer Protection and Victim Services. Through this project, 20 AmeriCorps service members provide assistance to low- and moderate-income Montanans seeking assistance with their civil legal problems. Their work includes coordinating community education campaigns, providing access to services, assisting people with completing pro se documents, and making referrals to additional resources. This project has the dual benefit of training our next generation of community leaders on access to justice, while at the same time providing information and referrals to people in need. The JFM project supports the work of the Court Help Program by providing staff for Self Help Centers across the state; the Commission receives and reviews Court Help Program updates regularly.

**Conduct regular meetings to achieve the ATJC's purposes.**

The Commission held eight public meetings during 2017 and 2018, and will continue to meet quarterly. Meetings took place on the following dates:

- March 10, 2017
- June 9, 2017
- September 8, 2017 (Joint Meeting with the Justice Initiatives Committee)
- December 8, 2017
- March 9, 2018
- June 8, 2018
- September 14, 2018
- December 7, 2018 (Joint Meeting with the Justice Initiatives Committee)
- March 8, 2019

Minutes and materials of all Commission meetings are posted on the Commission's website, <https://courts.mt.gov/courts/supreme/boards/a2j>.

**Establish the former Self-Represented Litigants Commission as a permanent ATJC committee to continue the Self-Represented Litigants Commission's mission, including forms development for self-represented litigants.**

The SCSRL continues to be a strong and active Commission committee. In addition to its work on revising and promoting standardized forms described above, the SCSRL continues to prepare resources and provide training for clerks and the judiciary regarding the forms and other issues related to pro se litigants.

**Conclusion**

The Commission again thanks the Court for its vision in creating a Commission with exclusive focus on improving the way in which Montana’s court system responds to and addresses the legal needs of all Montanans. The Commission expresses special thanks to the Court and the Office of Court Administrator for making access to the civil justice system a priority of both the Court Help and Law Library staff. Many people have volunteered their time in the Commission’s efforts to date and the Commission is grateful for their work and dedication. Finally, the Commission is grateful for staff support graciously provided by the Montana Justice Foundation. The Foundation has been instrumental in moving the Commission’s work forward.

Over the past two years the Commission has made considerable progress in assessing the state’s justice system and promoting robust, statewide, integrated access to that system. The Commission respectfully submits this summary of its findings, accomplishments, and plans for working to assure access to justice for all Montanans.

Dated this \_\_ day of June, 2019.

For the Commission,

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Justice Beth Baker, Chair

Commission Members:

Ed Bartlett  
Georgette Boggio  
Hon. David A. Carter  
Rick Cook  
Rep. Kim Dudik  
Senator Terry Gauthier

Aimee Grmoljez  
Hon. Leslie Halligan  
Paul F. Kirgis  
Hon. John Kutzman  
Katy Lovell  
Dan McLean

Kyle Nelson  
Alison Paul  
Melanie Reynolds  
Melissa Schlichting  
Hon. Stacie Smith

DRAFT

Tab 7

# KARLA M. GRAY EQUAL JUSTICE AWARD

Karla served 18 years on the Montana Supreme Court and was elected the first female chief in 2001, serving until she retired in 2008. Throughout her career on the bench, Karla remained Montana's access to justice vanguard, serving for ten years on the State Bar Justice Initiatives Committee and guiding the launch and critical leadership of the Equal Justice Task Force. Under Karla's watch, the Montana Supreme Court created the Court Help Program and established the first statewide pro bono coordinator position. Karla's courage and dedication were pivotal in the advancements of access to justice efforts over two decades. Karla reminded us that equal justice was "not an impossible dream", and insisted, "We can't afford to think otherwise unless and until we have given our all to make the dream a reality . . . and do Montana justice." Karla passed away in February, 2017, but her legacy continues through the justice foundation she laid, the access programs she built, and through this legacy award given with honor in her name.

The Karla M. Gary Equal Justice Award honors a judge from any court who has demonstrated dedication and significant efforts to improving access to the Montana justice system.

The Karla M. Gray Equal Justice Award is conferred annually after review of all nominations by the State Bar of Montana Justice Initiatives Committee and selected by the Montana Supreme Court Access to Justice Commission.

## **Nomination Requirements**

1. Complete and submit the *Karla M. Gray Equal Justice Award* nomination form.
2. Provide nominee's resume, biography or other information which includes a history and contributions to improving access to the courts in Montana.
3. In additional pages, provide award criteria description, letters of support or publications which provide specific examples of nominee's contributions for any of the following that might apply:

*a. personally done noteworthy or considerable work improving access of all individuals, regardless of income, to the Montana court system;*

*b. Instrumental in local access to justice efforts, including program development, cooperative efforts between programs, and support for community outreach efforts to improve understanding of and access to the courts;*

*c. active support of citizen involvement in the judicial system; existing pro bono program sponsored by a bar association;*

*d. active support and commitment to increasing involvement of volunteer attorneys in representing the indigent and those of limited means;*

*e. Other significant efforts that exhibit a long-term commitment to improving access to the judicial system.*

## **Deadline and Timetable**

**Nominations for the 2019 Karla M. Gray Equal Justice Award are due by June 17, 2019.**

Complete the attached Nomination Form or visit [www.montanabar.org](http://www.montanabar.org) to download materials.

The State Bar of Montana Justice Initiatives Committee (JIC) will forward eligible names to the Montana Supreme Court Access to Justice Commission.

The Commission will select recipient(s) no later than July 15, 2019.

All nominators and recipient(s) will be notified about the status of nominations as soon as possible after selections are made.

The Karla M. Gray Equal Justice Award will be presented at the 2019 State Bar of Montana Annual Meeting Awards Banquet in Billings September 2019.



# Tab 8

# THE SUPREME COURT OF MONTANA

BETH BAKER  
JUSTICE

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JUSTICE BUILDING  
215 NORTH SANDERS  
PO BOX 203001  
HELENA, MONTANA 59620-3001

May 29, 2019

Sent Via E-mail to [bergmanc@lsc.gov](mailto:bergmanc@lsc.gov)

Board of Directors  
Legal Services Corporation  
3333 K Street, NW 3<sup>rd</sup> Floor  
Washington, DC 20007-3522

Dear LSC Board of Directors,

As a member of Montana's Supreme Court and Chair of its Access to Justice Commission, I write to offer my observations about the need for LSC-funded services in Montana.

Montana's Access to Justice Commission, on which I have served since its establishment in 2012, exists in part to provide long-range, integrated planning among legal assistance providers and to foster the development of a statewide integrated legal services delivery system. Our Commission has spent the last several years studying the availability of and need for resources to meet the civil legal needs of low- and moderate-income Montanans. We have found that, although Montana excels in providing innovative solutions and volunteer services toward achieving access to justice, many people still are left to navigate complex legal situations on their own, and many more remain without even the basic information or skills to understand that they have a legal problem or how to begin to address it.

Recent data show that nearly 20% of Montana's population qualifies for civil legal aid under the LSC guidelines. In the meantime, Montana courts face ever-growing challenges, seeing an approximate 28% increase in workload over the last ten years without a corresponding increase in resources. More and more Montanans are coming to court on their own with truly desperate situations that the courts need to address, while the resulting pressures on the court system bring hardship to everyone waiting their turn in a crowded docket. Our estimates are that current resources, both publicly and privately funded, can help only one in ten Montanans of limited means with their civil legal needs.

Letter to LSC Board of Directors  
May 29, 2019  
Page 2

The Montana Legal Services Association, which has been providing civil legal aid to Montanans for more than 50 years, is a vital partner in our equal justice efforts. Indeed, it is often the key player in coordinating collaborative efforts among governmental and private entities to make sure people with civil legal needs have access to a range of legal information and advice, up to full-service representation. For approximately ten years, the Montana judiciary has had modest state funding for the Court Help Program, which coordinates self-help services around Montana through community self-help centers and works to develop and streamline legal forms and information for people facing legal challenges on their own. Despite an extremely austere budget, the program has prospered in large part because of our partnership with the AmeriCorps program and MLSA. MLSA coordinates the Justice For Montanans Program, which provides more than a dozen AmeriCorps service members to assist civil legal justice efforts; several are placed with the Court Help Program, and others are working with the State's consumer protection office, the State Bar of Montana's modest means program, and MLSA. MLSA also is the key statewide leader in coordinating local pro bono programs and alternative service delivery models, such as access to online information, clinics, and limited advice services.

The data show that when MLSA attorneys provide people with legal advice or representation, more than 95% of the cases are resolved without court action. These services clearly improve people's lives and the efficiency of the court system. But MLSA turns away approximately half the requests it receives for assistance. And the program is at maximum capacity for providing assistance and coordination among pro bono attorneys. Meanwhile, the demand does not diminish, but continues to grow. At the same time, we have not been successful in repeated efforts to obtain state funding for civil legal aid. Private funding from the Montana Justice Foundation also falls far short of meeting the need; typically, the Foundation can fund only about half the needs of Montana programs requesting financial assistance.

In short, I cannot overstate the importance of Montana Legal Services Association to the people and the courts of the State of Montana. Continuing adequate funding for this vital service is critical if we are ever to hope to meet the promise of our United States Constitution to "establish Justice . . . and secure the Blessings of Liberty" to all.

Thank you for considering my comments.

Sincerely,

  
Beth Baker

BB:kg