

**Montana Supreme Court  
Access to Justice Commission  
Zoom Video Conference  
June 5, 2020 ~ 10:00am – 12:00pm**

- I. Call to Order and Introductions: Justice Baker (Tab 1)
  - a. Approval of 3/6/20 meeting minutes: Justice Baker (Tab 2)
- II. Discussion of COVID-19 impact on access to justice work: Justice Baker and Alison Paul – 10 minutes (Tab 3)
- III. Strategic Planning and Justice for All Grant update: Tara Veazey and Niki Zupanic – 20 minutes (Tab 4)
- IV. 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
  - c. Communications and Outreach: Melanie Reynolds – 10 minutes
  - d. Law School Partnerships: Kelsi Steele – 10 minutes
    - i. Discussion on making committee dormant
- V. Review 2020 Meeting Dates
  - a. September 18, 2020 (Joint Meeting with JIC)
  - b. December 4, 2020

# Montana Access to Justice Commission

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## SELF-REPRESENTED LITIGANTS

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## STRATEGIC PLANNING

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Montana Supreme Court Access to Justice Commission  
March 6, 2020  
Conference Room, State Law Library of Montana  
215 N. Sanders, Helena, MT  
10:00 AM – 12:00 PM  
Meeting Minutes

**Commissioners Present:** Justice Beth Baker, Hon. David Carter, Aimee Gromljev, Kyle Nelson (phone), Sarah McClain, Dan McLean (phone), Ed Bartlett (phone), Dean Paul Kirgis (phone), Melissa Schlichting, Katy Lovell, Rep. Kim Dudik (phone), Alison Paul and Hon. Leslie Halligan (phone)

**Commissioners Absent:** Rick Cook, Sen. Terry Gauthier, Hon. John Kutzman, Melanie Reynolds, and Hon. Stacie Smith

**Others Present:** Tara Veazey, Brian Coplin, Patty Fain (phone), Carin McClain, Hon. Kaylan Minor, Nolan Harris, Ann Goldes Sheahan and Sarah McClain

**Call to Order and Introductions**

Justice Baker called the meeting to order at 10:01 am

**ACTION: APPROVE 9/20/19 AND 12/6/19 MEETING MINUTES**

Justice Baker asked Commissioners to approve the minutes from the September 20, 2019 and December 6, 2019 meetings. The minutes for the September and December meetings were approved unanimously.

**Early Resolution and Mediation Project (E-RAMP) Update**

Patty Fain provided the update to the Commission, briefly reviewing that E-RAMP is a court-connected, volunteer-based program that provides no-cost mediation services to those unable to pay. Patty reviewed the summary which starts on page 18 of the meeting materials. Patty reviewed the outcome of the pilot program and shared that there has been an overwhelming positive response to mediation by both participants and those in the justice system. She went on to share that in her 13 years working on access to justice issues she has never received so much positive feedback. Patty stressed that a key to the positive outcome is the education component which includes relevant materials provided by the program.

Justice Baker commented that the judges in the 11<sup>th</sup> Judicial District have adopted the standards and guidelines of the project. She also asked Patty who is going to provide the staffing and resources to facilitate the program moving forward. Patty responded that Flathead

County District Court Administrator Devin Kuntz will take care of the administrative function. Statewide will provide intake but each court will be responsible for own administration.

Dean Kirgis commented that he is quite gratified to see the report and that it is an important success that the access to justice community needs to share more broadly. Justice Baker shared that she mentioned the program at a recent meeting of the District Court Council, of which Flathead County Commissioner Randy Brodehl is a member. He is also enthusiastic about the project. Justice Baker wrapped up the discussion by thanking Patty for her work and sharing that she thinks E-RAMP has the potential to make a meaningful difference.

### **Strategic Planning and Justice for All Grant Update**

Tara Veazey reported that the first round of funding will be wrapped up in mid-May. She and Niki Zupanic recently received word that they will receive additional funding, likely around \$25,000, for a total of around \$40,000 of funding. Tara reviewed some of the priorities that have been identified:

- Court process and simplification: they met with a group of judges to understand how they might streamline the court processes. She summarized the concept of Informal Domestic Relations Trials, which has been adopted in 5-6 other states, mostly in the West. She went on to share that the basic idea is that two litigants waive certain things so the process is more informal. In this model the judge takes a much more active role and the rules of evidence do not apply.
- Judicial Toolkit: in 2004 the access to justice community provided a bench guide to judges tailored from a national model. A nearly 300-page document, it was helpful at the time but was not widely used and is now hard to find. There is still an appetite for these types of tools, but most now think that a more accessible toolkit format would be more useful. Tara explained that the idea for a toolkit is that it will include some written descriptions, including how to handle evidence with self-represented litigants. It will also include bench cards and a checklist so there are tools that judges can easily grab. Tara shared that the group hopes to get one chapter done by May 15.
- Access to Justice Conference: Tara shared that the group had some initial discussions about having a conference in June as a way to build enthusiasm and coordination around the possibility of using some of the grant funding to create mini-grants for things like E-RAMP.

Justice Baker asked the group if anyone had questions for Tara. Hearing none, she thanked Tara for all her work and shared that it is exciting to see all of the work in the hopper.

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

Nolan Harris shared that a few forms are now done including: affidavit to waive hearing, dissolution decree, probate, quick claim deed with instructions and a few generic documents. Justice Baker asked Nolan to email her when they are finalized.



Nolan also shared the work being done creating guidelines for translating forms. He added that they don't have a lot of requests but want to be sure to have them ready in case they are needed. Additionally, the committee is working on explanation videos that will be 3-4 minutes long.

Co-chair Ann Goldes Sheahan, shared that the committee worked on strategic planning with Tara Veazey through the JFA grant which they found very helpful. They identified the following priorities

1. Creation of process: internal structure for committee to follow to ensure continuity
2. Seamless referral system: will include flowcharts that can be used at different levels
3. Explainers: videos that are focused on self-represented litigants

Ann summarized that the committee believes that if they focus on these things they can get the most impact.

There was a discussion about how various courts and groups might use these resources.

#### **Policy and Resources Committee Update**

Justice Baker provided the update since Chair Abigail St. Lawrence was unable to attend. She directed attendees to look at materials provided in meeting packet including the bill draft, 2-pager and longer FAQs. Justice Baker reported that after the primary election in June they plan to do district visits including meeting with judges to talk about caseloads. She added that they did some meetings in January during Legislative Week and received some good feedback.

Discussion followed about ideas for moving the Commission's legislative proposals forward in the 2021 session.

#### **Communication and Outreach Committee Update**

Katy Lovell provided the committee update since Chair Melanie Reynolds was unable to attend. She shared that the committee met on January 29 and has been reviewing handouts from the Policy and Resources committee, working on an infographic, and updating district-specific fact sheets. Katy went on to share that they are also collecting stories on how civil legal aid impacts communities, preparing letters to the editor on why civil aid is essential. She also shared that like the others, the Communication and Outreach committee is working with Tara Veazey on strategic planning.

Justice Baker asked if anyone had questions for Katy and added that the two committees are working to make sure that bill materials are easy to read and provide a clear, consistent message.

## Montana Legal Services Association Update

Alison Paul shared the following update for MLSA:

- Pro Bono: Around 1,000 cases. Angie is taking a sabbatical, but they have a backup system in place to support the program. Please reach out to Alison with any questions.
- Emeritus Program: going well with 17 volunteers and have applied for LSC sustainability grants
- Medical Legal Partnership: 6 health centers that refer cases and a new attorney at St. Pat's, a hospital in Missoula
- Indian Legal Needs Assessment: hired Kelly Carmody who is going to run survey and write paper. AmeriCorps members will be working on this as well.
- Equal Justice Conference: Katy, Sarah, Justice Baker, Niki and a few others plan to attend
- Crime Victim Website: in progress under a cooperative agreement, which means it is subject to government oversight and approval. Redid child support calculator and restitution calculator
- LSC technology innovations: money provided to build an online support for small claims.
- Building consumer tools online: an interactive tool people can use that includes a garnishment calculator that MLSA's consumer attorney designed.

## Law Library Update

Sarah McClain shared that Kevin Cook is building a new test ATJC website; the Communications and Outreach Committee reviewed other states' sites and picked what parts they liked, including what categories to include.

She also shared that there is a great video from the Kresge Foundation – [“What is Civil Legal Aid?”](#)

Justice Baker asked Sarah to share the test site with the Commission and others who might be interested.

Sarah also discussed the upcoming Law Day on May 1 that will take place in libraries across the state. The event coordinator is Amelea Kim, who should be contacted if any attorneys want to volunteer to present. Alison shared that an MLSA attorney is doing a presentation on Northern Cheyenne Reservation.

## Yellowstone County DV Exploratory Project

Judge Carter presented the project taking place in Yellowstone County and shared that Amanda Green with the prerelease center in Billings did a majority of the work making the project a reality. He directed commissioners to materials on page 76 of the meeting packet which illustrates many program objectives and metrics. He reviewed the program at length, including

what makes someone eligible, project implementation and evaluation plans and potential challenges. Judge Carter's presentation focused on all the benefits of this type of court approach.

Judge Carter answered various questions from attendees and there was some discussion. Justice Baker thanked Judge Carter for his important work.

**Justice Baker called for public comment and hearing none, adjourned the meeting at 11:41 am.**

## **CIVIL LEGAL AID MORE IMPORTANT THAN EVER**

**Justice Beth Baker, Montana Supreme Court**

**Chair, Access to Justice Commission**

May 12, 2020

As the impacts of the COVID-19 crisis grow daily, health and economic hardships can quickly develop into legal problems, for which most Montana families are completely unprepared. Legal problems can be the breaking point when added to the stress and heartbreak employees, contract workers, small business owners, and families experience as they look toward an uncertain future. As low-wage workers and families struggle to pay rent, access public benefits, and understand the changing landscape of their legal rights, civil legal aid for Montanans who can't afford a private lawyer is essential to Montana's pandemic response.

Legal issues arising from the pandemic are soon likely to overwhelm Montana's legal aid capacity. Before COVID-19, Montana had just one civil legal aid lawyer for every 9,800 people living in poverty. Unlike criminal cases, people dealing with a civil justice crisis do not have the right to an attorney at public expense.

With the state projecting to lose over 50,000 jobs, Montanans who never before applied for public benefits now find themselves navigating a complex system. Many need legal assistance to secure access to unemployment benefits and food assistance so they can care for their families' basic needs. Additionally, isolation and increased stress at home are two big risk factors for domestic violence. Civil legal aid keeps people fed, housed, and safe—measures that are imperative to our communities' recovery.

Service providers like the Montana Legal Services Association and local domestic violence organizations, together with the help of many volunteer lawyers, have transitioned to virtual law firms in the wake of the crisis. They are responding to questions and providing assistance to Montanans facing new job losses, health impacts, domestic abuse, public benefits confusion, and potential loss of housing. (Learn more at [MontanaLawHelp.org](https://montanalawhelp.org).)

But Montanans' legal needs from the COVID-19 crisis are just beginning. If, as anticipated, economic conditions continue to worsen even as the health pandemic subsides, demand for civil legal aid will increase, not decrease, over time. For Montanans forced to navigate the legal system on their own when the cost of an attorney is out of reach, the consequences can be dire, affecting whether they can be safe from violence, support their families, stay in their homes, and protect their parents and grandparents from scams.

The pandemic's effect on Montanans' civil legal needs is urgent and will be long-lasting. The Governor's advisory council has recommended enhanced support for providers of immediate social safety net services. Civil legal aid should be part of that immediate response in putting federal CARES Act dollars to work for those most affected. And we must commit to a long-term state strategy to strengthen our capacity to serve our neighbors' legal needs in these uncertain times and beyond. Montana's justice system must be ready to respond if we expect true and lasting recovery.



# THE SUPREME COURT OF MONTANA

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May 4, 2020

Sent Via E-mail to [Raphael.graybill@mt.gov](mailto:Raphael.graybill@mt.gov) and [Abovingdon@mt.gov](mailto:Abovingdon@mt.gov)

Governor Steve Bullock  
Montana State Capitol  
Helena, MT 59620

Re: CARES Act and Civil Legal Aid

Dear Governor Bullock,

Thank you for your ongoing leadership in protecting the health and safety of all Montanans and your attention to the devastating economic impact of the current pandemic on those most affected. I write today in my capacity as Chair of the Montana Supreme Court's Access to Justice Commission. You are familiar with the Commission's work to improve the ability of Montanans to access our court system and to enhance efficiencies for all court users. As the impacts of the COVID-19 crisis grow daily, health and economic burdens on Montana families develop into legal problems for which most are completely unprepared. As low-wage workers and families struggle to pay rent, access public benefits, and understand the changing landscape of their legal rights, legal aid is essential to Montana's pandemic response. We hope you will consider awarding funds to legal aid to address these growing needs as you make decisions about the distribution of federal appropriations awarded to our state. With approval of the ATJC's Policy and Resources Committee, I am therefore reaching out to encourage your consideration of civil legal aid as you determine how best to use federal CARES Act dollars in Montana's crisis response.

As you know, the Montana Legal Services Association (MLSA) has been providing civil legal aid to Montanans for over fifty years. As the only statewide provider of these services, it is well-equipped to coordinate the state's civil legal aid response, and it is doing so already. As the attached summary shows, MLSA has transitioned to a virtual law firm in the wake of the crisis and is responding to questions and providing assistance to Montanans facing new job loss, health impacts, domestic abuse, public benefits confusion, and real or potential loss of housing.

Montanans' legal needs from the COVID-19 crisis are just beginning. The likelihood is that the lasting effects of the pandemic will increase the number of people needing civil legal aid for months and likely years into the future. If, as anticipated, economic conditions continue to worsen, moderate-income Montanans increasingly will qualify as low-income or be without any income for some period of time. This will mean additional legal crises and more people in need of critical help.

At the same time, the Montana Justice Foundation—which provides grant funding for a considerable portion of MLSA's annual budget—is seeing a major decline in its revenue as interest rates plummet and investment returns decline. The MJF presently projects more than a 50% decline in annual revenue from Interest on Lawyer Trust Accounts (IOLTA) and more than a 25% reduction in annual investment income. This will mean significant reductions in funding available for grants to MLSA and other legal-aid organizations in the immediate, and perhaps long-term, future.

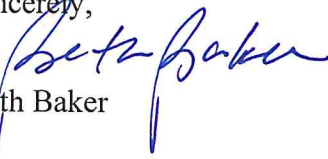
I realize there are many needs at this devastating time. I regret that I am bringing this to your attention too late for your Coronavirus Relief Fund Advisory Council to consider the request directly. Funding for civil legal aid, however, fits neatly within the Advisory Council's recommendation to provide enhanced support for providers of immediate social safety net services. Legal issues arising from the pandemic have not been developing as immediately or as visibly as other medical and economic needs, but they are soon likely to overwhelm Montana's legal aid capacity. Because MLSA has the infrastructure in place and an excellent track record with grant administration, it is well-positioned to shepherd any federal dollars that could be steered toward meeting the legal aspects of this crisis. MLSA also has existing connections with tribal communities and partnerships with healthcare, government, and community organizations that would allow it to leverage funds and provide a broader reach to address immediate legal needs.

At this time, a grant of \$250,000 would allow MLSA to add additional staffing to address the emerging needs of people of limited means with respect to public benefits, housing, and domestic violence legal aid. Of course, any amount would bolster MLSA's resources and allow for continued services to low-income Montanans in crisis due to the devastating effects on our economy of COVID-19. I am happy to gather and provide any additional information you may need. You also should feel free to contact Alison Paul, Executive Director of MLSA, directly at 442-9830, ext. 115, or by e-mail, [apaul@mtlsa.org](mailto:apaul@mtlsa.org).

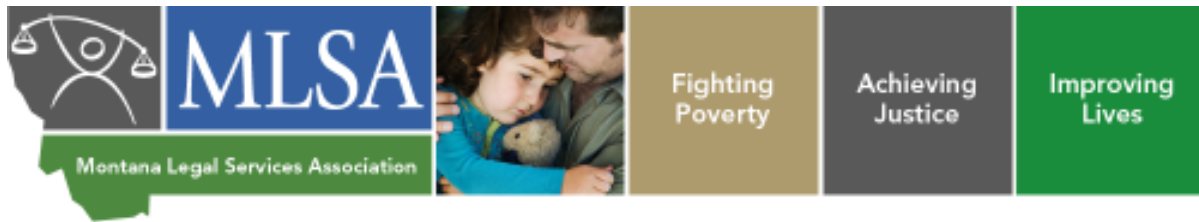
Thank you for your consideration of this request as you work to revive our communities and keep Montanans safe and stable.

Sincerely,

Beth Baker

A handwritten signature in blue ink, appearing to read "Beth Baker", is written over the printed name.





## Civil Legal Aid Response to COVID-19: Helping Montanans Access Basic Needs

Montana Legal Services Association is a nonprofit law firm providing the only statewide general civil (non-criminal) legal aid to Montanans living in poverty. In the face of this crisis, MLSA is open and helping clients – our disaster plan has been enacted and we are now a virtual law firm serving clients on the phone, by email, through video calls, and online.

**The COVID-19 health disaster is coupled with a near complete shutdown of our economy.** This increases the number of people living in poverty who need help accessing basic needs, while new federal laws, court rules, and Governor Directives result in complicated disaster-related civil legal issues.

**Legal services providers are a critical component of comprehensive disaster relief, with Montanans now seeking assistance from MLSA with a range of basic needs:**

- **HOUSING:** Unlawful evictions during the moratorium and when it lifts.
- **SAFETY:** Orders of protection and safety planning for families impacted by violent reactions to severe stress of the pandemic and stay-at-home order.
- **ECONOMIC STABILITY:** Incorrectly denied unemployment benefits for workers laid off in the shut-down, improper application of sick leave, pandemic scams, collections abuse.
- **FOOD:** Unfair denials of SNAP and TANF food benefits for hungry families.
- **HEALTHCARE:** Improperly restricted access to Medicare and Medicaid.
- **END-OF-LIFE LEGAL CARE:** At-risk individuals and essential workers need quickly executed wills and medical powers of attorney.

MLSA's intake specialists have seen the impact of COVID-19. From March 13 to April 27:

- **36%** of MLSA's completed intakes were COVID-19 related.
- **332 clients and their family members** with COVID-19 legal issues went through intake.
- **Over 30,500 unique page views** of COVID-19 specific legal resources on MLSA's self-help website, [MontanaLawHelp.org](https://montanalawhelp.org).
  - Number of average weekly users tripled and LiveHelp chats doubled.
  - Over 3,000 people clicked the interactive link to complete a letter to their landlord.
- MLSA **mobilized more volunteer attorneys** to help meet the increased need. However, with just one civil legal aid lawyer for every 9,800 Montanans in poverty, MLSA was already meeting only a portion of the need to help people access equal justice under the law.

**In this climate, civil legal aid is an essential, emergency service helping people access housing, food, and safety. Further, the need for legal assistance will not end when the COVID-19 pandemic slows and the stay-at-home directive ends. Job loss, health impacts, domestic abuse, and immediate loss of housing when the eviction moratorium ends will increase the number of people needing civil legal aid for months and likely years into the future.**

For information contact: Alison Paul, Executive Director 406-442-9830 x115, [apaul@mtlsa.org](mailto:apaul@mtlsa.org) or Michelle Potts, Director of Strategic Focus & Development 406-438-3448, [mpotts@mtlsa.org](mailto:mpotts@mtlsa.org)



STRATEGIC PLANNING COMMITTEE  
ACCESS TO JUSTICE COMMISSION  
5/11/20 MEETING SUMMARY

The Strategic Planning Committee (Committee) of the Access to Justice Commission (ATJ Commission) met on May 11, 2020, via Zoom to:

- Assess making changes to the ATJ Commission's strategic plan
- Commit to next steps for the Justice for All (JFA) project

The following is a summary of the recommendations made by the Committee, to be presented to the ATJ Commission at its June 5, 2020, meeting.

CHANGES TO STRATEGIC PLAN

The Committee recommends the following changes to the ATJ Commission's strategic plan:

- For each strategy and activity, two columns were added to allow for notes on milestones and metrics.
- The Committee recommends that the strategy leader for each priority strategy (emphasized in bold in the strategic plan) recommend key milestones and metrics before the next full ATJ Commission meeting in September. Examples of milestones and metrics are provided below. At each subsequent Commission meeting, the lead partner will have an opportunity to report on relevant progress in working toward the milestones.
- The Committee recommends Access Strategy and Activity #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.4) become a priority strategy (noted in bold); that the Commission create a technology committee, which will become the strategy leader for this activity; and that the new committee include representation from the Court's Commission on Technology.
- The Committee recommends that the Commission acknowledge the significant progress made on Coordination Strategy and Activity #1 ("Support innovative programs among other stakeholders, such as incubator programs and expanding statewide pro bono and limited scope opportunities for law students," p. 8) by deprioritizing (de-bolding) that activity and deactivating the Law School Partnerships Committee.
- The Committee recommends that the Commission prioritize (in bold) Coordination Strategy and Activity #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. 10). The strategy leader will remain the Strategic Planning Committee.

- Miscellaneous formatting changes were made to accommodate the above substantive recommendations


The strategic plan is attached with this summary and will be included in the ATJ Commission’s June 5 meeting packet.

#### RECOMMENDED JUSTICE FOR ALL NEXT STEPS

The first round of JFA funding ended on May 15, 2020. With expected funds for round two anticipated to be approximately \$42,000, the Committee has recommended a framework for spending priorities. The proposal is attached with this summary and will be included in the Commission’s June 5 meeting packet.

#### EXAMPLES OF MILESTONES AND METRICS

The following is provided as an example of milestones (agreed-upon tasks necessary for making progress on the strategy or activity and an associated timeline) and metrics (data points for measuring progress on the strategy or activity) for one ATJ strategic priority:

Strategies and Activities	Strategy Leader and Partners	Milestones/ Progress 	Metrics
1. Create a mechanism for the ongoing development, review, and updating of standardized, plain-language forms and instructions for use by self-represented litigants	<ul style="list-style-type: none"> <li>• Self-Represented Litigants Committee</li> <li>• Court Help Program</li> <li>• Montana Legal Services Association</li> </ul>	<p>(Example only:)</p> <ul style="list-style-type: none"> <li>• Adopt a process for review, adoption, and evaluation of forms, including incorporating end-user feedback (by 6/1/21)</li> </ul>	<p>(Examples only:)</p> <ul style="list-style-type: none"> <li>• A written process exists and is followed</li> <li>• # of forms adopted</li> <li>• # of SRLs using forms</li> <li>• Results of user satisfaction surveys for forms</li> </ul>

## Montana Access to Justice Commission

### Strategic Plan 2019-2020

Adopted 12/7/18, Amended 6/7/19

#### 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:** Develop and advocate for adequate support and resources for people to have their legal issues fully resolved in a fair, timely, and appropriate manner

Strategies and Activities	Strategy Leader <i>and Partners</i>	Milestones/ Progress 	Metrics
1. Create a mechanism for the ongoing development, review, and updating of standardized, plain-language forms and instructions for use by self-represented litigants	<ul style="list-style-type: none"><li>• Self-Represented Litigants Committee</li><li>• Court Help Program</li><li>• Montana Legal Services Association</li></ul>		


Commented [tv1]: New columns have been added to provide for milestones/progress and metrics.

Strategies and Activities	Strategy Leader <i>and Partners</i>	Milestones/ Progress 	Metrics
<p><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></p> <p><i>(see also under Coordination)</i></p>	<ul style="list-style-type: none"> <li>• Self-Represented Litigants Committee</li> <li>• <i>Education and Outreach Committee</i></li> <li>• <i>Montana Legal Services Association</i></li> <li>• <i>Justice for Montanans AmeriCorps Program</i></li> <li>• <i>Court Help Program</i></li> <li>• <i>State Pro Bono Program</i></li> <li>• <i>State Bar of Montana</i></li> <li>• <i>Justice Initiatives Committee</i></li> </ul>		
<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>	<ul style="list-style-type: none"> <li>• Self-Represented Litigants Committee</li> <li>• <i>Court Help Program</i></li> </ul>		

Strategies and Activities	Strategy Leader and Partners	Milestones/ Progress 	Metrics
4. Research and make recommendations to streamline and simplify court procedures, rules, and processes in areas of law with a high volume of self-represented litigants	<ul style="list-style-type: none"> <li>Policy and Resources Committee</li> </ul>		
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	<ul style="list-style-type: none"> <li>Policy and Resources Committee</li> <li>Self-Represented Litigants Committee</li> <li>Court Commission on Technology</li> <li>Law School Partnerships Committee</li> <li>Office of Court Administrator</li> </ul>		
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	<ul style="list-style-type: none"> <li>Self-Represented Litigants Committee</li> <li>Office of Court Administrator</li> <li>State Law Library</li> <li>State Pro Bono Program</li> </ul>		


**Commented [tv3]** : PRC now lead; SRL moved to partner; Court commission added as partner; ATJ Committee to consider creation of Technology Committee. If created, technology committee would take lead.

**Commented [tv2]** : bolded to emphasize priority

Strategies and Activities	Strategy Leader <i>and Partners</i>	Milestones/ Progress 	Metrics
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	<ul style="list-style-type: none"> <li>• Self-Represented Litigants Committee</li> <li>• <i>Office of Court Administrator</i></li> <li>• <i>State Pro Bono Program</i></li> <li>• <i>State Law Library</i></li> </ul>		
8. Monitor and support the Court Help Program to provide services to pro se litigants across the state	<ul style="list-style-type: none"> <li>• Self-Represented Litigants Committee</li> </ul>		
9. Support and promote pro bono attorneys providing services to low-income Montanans	<ul style="list-style-type: none"> <li>• State Pro Bono Program</li> <li>• <i>Montana Legal Services Association</i></li> <li>• <i>State Bar of Montana</i></li> <li>• <i>Justice Initiatives Committee</i></li> <li>• <i>Alexander Blewett III School of Law</i></li> </ul>		

Strategies and Activities	Strategy Leader <i>and Partners</i>	Milestones/ Progress 	Metrics
10. Foster models for mediation and other alternative dispute resolution services programs	<ul style="list-style-type: none"> <li>• State Pro Bono Program</li> <li>• <i>Montana Legal Services Association</i></li> <li>• <i>Justice Initiatives Committee</i></li> <li>• <i>Alexander Blewett III School of Law</i></li> </ul>		
11. Encourage attorneys to provide limited scope representation through model materials, training, and a referral system	<ul style="list-style-type: none"> <li>• State Bar of Montana</li> <li>• <i>Justice Initiatives Committee</i></li> <li>• <i>Montana Legal Services Association</i></li> <li>• <i>State Pro Bono Program</i></li> </ul>		
12. Increase judicial understanding and support of limited scope representation	<ul style="list-style-type: none"> <li>• Self-Represented Litigants Committee</li> </ul>		



Strategies and Activities	Strategy Leader <i>and Partners</i>	Milestones/ Progress 	Metrics
13. Promote and support statewide implementation and utilization of the State Bar of Montana's modest means program	<ul style="list-style-type: none"> <li>• State Bar of Montana</li> <li>• <i>Justice Initiatives Committee</i></li> <li>• <i>State Pro Bono Program</i></li> <li>• <i>Montana Legal Services Association</i></li> </ul>		
14. Revisit the gaps and barriers study and recommend strategies for legal aid providers, courts, and other entities to adopt in response	<ul style="list-style-type: none"> <li>• Self-Represented Litigants Committee</li> <li>• <i>State Pro Bono Program</i></li> <li>• <i>Montana Legal Services Association</i></li> <li>• <i>Justice Initiatives Committee</i></li> </ul>		


### Coordination


**Objective Statement:** 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

Strategies and Activities	Strategy Leader <i>and Partners</i>	Milestones/ Timelines	Progress 
1. Support innovative programs among other stakeholders, such as incubator programs and expanding statewide pro bono and limited scope opportunities for law students	<ul style="list-style-type: none"> <li>• Law School Partnerships Committee</li> <li>• State Pro Bono Program</li> <li>• Montana Legal Services Association</li> <li>• State Bar of Montana</li> <li>• Justice Initiatives Committee</li> <li>• Alexander Blewett III School of Law</li> </ul>		

**Commented [tv4]:** Deemphasized in recognition that progress has been made and is ongoing

**Commented [tv5]:** ATJ Commission to consider deactivating the law school partnerships committee, with ongoing work continuing and led by partner organizations


Strategies and Activities	Strategy Leader <i>and Partners</i>	Milestones/ Timelines	Progress 
<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>	<ul style="list-style-type: none"> <li>• Self-Represented Litigants Committee</li> <li>• <i>Education and Outreach Committee</i></li> <li>• <i>Montana Legal Services Association, Justice for Montanans AmeriCorps Program</i></li> <li>• <i>Court Help Program</i></li> <li>• <i>State Law Library</i></li> <li>• <i>State Pro Bono Program</i></li> <li>• <i>State Bar of Montana</i></li> <li>• <i>Justice Initiatives Committee</i></li> <li>• <i>Alexander Blewett III School of Law</i></li> <li>• <i>Justice Initiatives Committee</i></li> </ul>		
<p>3. Facilitate partnerships with and among agencies and organizations to address the relationships between civil legal needs and non-legal needs</p>	<ul style="list-style-type: none"> <li>• Education and Outreach Committee</li> <li>• <i>Policy and Resources Committee</i></li> </ul>		


Strategies and Activities	Strategy Leader and Partners	Milestones/ Timelines	Progress 
4. Coordinate with local bar associations and the State Bar Justice Initiatives Committee on recruitment and recognition of pro bono attorneys	<ul style="list-style-type: none"> <li>State Bar of Montana</li> <li><i>Justice Initiatives Committee</i></li> <li><i>State Pro Bono Program</i></li> </ul>		
5. <b>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</b>	<ul style="list-style-type: none"> <li>Strategic Planning Committee</li> </ul>		

Commented [tv6]: Bolded to emphasize priority

## Education

**Objective Statement:** 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

Strategies and Activities	Strategy Leader <i>and Partners</i>	Milestones/ Timelines	Progress 
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	<ul style="list-style-type: none"> <li>• Education and Outreach Committee</li> <li>• <i>Office of Court Administrator</i></li> <li>• <i>State Law Library</i></li> </ul>		
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	<ul style="list-style-type: none"> <li>• Education and Outreach Committee</li> <li>• <i>Office of Court Administrator</i></li> <li>• <i>State Law Library</i></li> <li>• <i>Montana Justice Foundation</i></li> <li>• <i>State Law Library</i></li> </ul>		

Strategies and Activities	Strategy Leader <i>and Partners</i>	Milestones/ Timelines	Progress 
3. Promote better understanding of the relationships between civil legal needs and non-legal needs	<ul style="list-style-type: none"> <li>Education and Outreach Committee</li> </ul>		
4. Expand upon the Court Help Program legislative audit findings to show the importance of civil legal assistance to court efficiency	<ul style="list-style-type: none"> <li>Education and Outreach Committee</li> <li><i>Office of Court Administrator</i></li> <li><i>State Law Library</i></li> </ul>		

### Resource Development

**Objective Statement:** 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

Strategies and Activities	Strategy Leader <i>and Partners</i>	Milestones/ Timelines	Progress 
1. Advocate to the legislature for civil legal aid funding	<ul style="list-style-type: none"> <li>Policy and Resources Committee</li> </ul>		
2. Seek grant funding for Commission activities and staff and collaborate with other stakeholders to secure funding for joint projects	<ul style="list-style-type: none"> <li>Policy and Resources Committee</li> <li><i>Montana Justice Foundation</i></li> <li><i>Montana Legal Services Association</i></li> <li><i>Office of Court Administrator</i></li> </ul>		
3. Advocate for support from the Montana congressional delegation for funding for Legal Services Corporation and other access to justice programs	<ul style="list-style-type: none"> <li>Policy and Resources Committee</li> <li><i>State Bar of Montana</i></li> </ul>		

Strategies and Activities	Strategy Leader <i>and Partners</i>	Milestones/ Timelines	Progress 
4. Examine the potential for increasing pro hac vice fees and dedicating the proceeds to legal aid providers	<ul style="list-style-type: none"> <li>• Policy and Resources Committee</li> <li>• <i>State Bar of Montana</i></li> </ul>		
5. Increase cy pres awards to access to justice organizations	<ul style="list-style-type: none"> <li>• Policy and Resources Committee</li> <li>• <i>Montana Justice Foundation</i></li> <li>• <i>Montana Legal Services Association</i></li> <li>• <i>State Bar of Montana</i></li> </ul>		





## JUSTICE FOR ALL ROUND TWO: A PROPOSAL FOR DISCUSSION

### POTENTIAL SOURCES OF FUNDING

Total potential funding available: approx. \$42k

- Carry-over funding - approx. \$9k
- JFA beta-testing funding – approx. \$8k
- Potential for another round of funding from NCSC - \$25k

### POTENTIAL BUDGET PRIORITIES FOR ROUND TWO

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#### INFORMAL DOMESTIC RELATION TRIALS – 0-\$5K\*

Proposal: Contract with a project manager for approximately three months to assist in moving an IDRT proposal into rulemaking (statewide) or court order (local pilot/s), details TBD after completion of 5/14 conference call with district court judges.

##### *\*Considerations:*

- The is amount could be directed toward increased mini-grants and/or MJF funding if internal capacity exists to carry the project forward.
- Additional funding could also be directed toward local pilots through the mini-grant program after rules or an administrative order is issued.

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#### JUDICIAL TOOLKIT - \$5K-\$10K\*

Proposal: Contract with a lead editor and project manager to engage Montana experts and create comprehensive toolkit for one or more of the following topics:

- Judicial ethics and cases with SRLs, and/or
- Evidentiary issues and cases with SRLs<sup>1</sup>

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<sup>1</sup> The primer for “effective hearings with SRLs: setting the stage and expectations” will be drafted in Round One.

A proposed scope of work for up to \$5k for each topic could include relevant deliverables such as:

- A short primer on the topic that could be included in a larger judicial manual
- Relevant tools for that topic, including guiding scripts, questions, bench cards, or checklists<sup>2</sup>
- Relevant resources for judges to use directly with SRLs (e.g. introductory videos to be played before hearings)
- A model curriculum on the topic, including a slide deck and presenters' guide
- A webinar and guided discussion covering the topic;
- A video of the executed webinar, available online for future viewing, and
- A request to the appropriate judicial education committee and sponsors of other large judicial convenings (e.g. Bench/Bar and Montana Judges Association/Courts of Limited Jurisdiction trainings) to include the training at upcoming conferences

*\*Considerations:*

- This amount could be directed toward increased mini-grants and/or MJF funding if internal capacity exists to carry the project forward.
- Alternatively, judicial toolkit topics could be opened up to the mini-grant process, with either internal or contract project management only considered if adequate proposals are not submitted.

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#### JFA WEBINAR SERIES - \$3K\*

Proposal: Contract with a planner to plan and manage a series of JFA webinars that provide relevant information on and opportunities for discussion about the JFA components and emerging best practices, with speakers invited from other jurisdictions and NCSC when appropriate and feasible. The webinar series could be coordinated with the announcement about the availability of JFA mini grants (see below). The goals of the webinar series would be to:

- share best practices in key JFA component areas
- generate enthusiasm and buy-in around key implementation priorities
- generate interest in and ideas for JFA pilot projects, with potential funding provided through JFA mini grants

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<sup>2</sup> See the [Dependency and Neglect Practice Manual](#) and bench cards for a helpful example referenced by multiple Montana judges.

*\*Considerations:*

- This amount could be directed toward increased mini-grants and/or MJF funding if internal capacity exists to carry the project forward without a contract.
- This amount assumes that MJF assists with topic and speaker development. If preferred, I would be interested in a smaller contract to assist with that task.

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MINI-GRANTS –\$25K-\$30K\*

Proposal: Offer mini-grants of up to \$5k each to non-profits, pro bono bar committees, current MJF grant recipients, mediation programs, courts/judges, self-help centers, clerks of court, and other ATJ stakeholders that propose projects associated with best practices in any one of the (newly revised) Justice for All Components, listed in Attachment A. In selecting mini-grants for funding, the selection committee will consider sustainability. A list of some of the ideas that have been discussed during various stages of the JFA grant and that may benefit from a mini grant are included as Attachment B.

*\*Considerations:*

- Assumes internal administration and project management for mini grants.
- The amount of funding dedicated toward the mini grants could be increased to the extent that project management for IDRTs, the webinar series, or the judicial toolkit is handled internally, assuming that the total costs allocated to MJF for that work is less than the contract amounts proposed.

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MJF ADMINISTRATION, OVERHEAD, AND STAFF TIME - \$X\*

*\*Considerations:*

- In addition to overhead, MJF may want to consider administrative and staff costs associated with the administration and management of the mini-grant program.
- MJF may want to consider additional funding allocated to staff time if project management for IDRTs, the webinar series, and/or the judicial handbook topics is handled internally rather than through an external contract.

**Structural Capacities**

- Consumer Needs and Experience
- Jurisdiction Infrastructure
- Stakeholder Capacity and Governance
- Emerging Practices and Innovation

**Foundational Capacities**

- Judicial and Court Staff Education
- Community Integration and Prevention

**Foundational Services**

- Self-Help Centers
- Plain Language Forms
- Triage and Referral
- Courtroom Assistance Services
- Compliance Assistance

**Resolution Strategies**

- Alternative Dispute Resolution
- Navigator (non-lawyer) Services
- Limited Scope Representation (LSR)
- Full Representation

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ATTACHMENT B: ADDITIONAL IMPLEMENTATION IDEAS THAT MAY BENEFIT FROM  
ADDITIONAL FUNDING FOR PILOTS OR FULL IMPLEMENTATION

- Research and planning for online mediation
- Coordinated online portal
- Electronic self-help community resource guide
- Annual A2J planning session w/ benchmarks
- Alaska community mapping project (local pilot)
- Library of outreach and communications materials on the importance ATJ
- Court navigator program (pilot)
- Early resolution program (pilot)
- Solidifying processes and protocols for form development
- Additional development of videos for SRLs
- Increasing support/tools for limited scope representation
- Increasing support/tools for modest means
- Integrating user feedback into ATJ efforts
- Improving (post-judgment) compliance by SRLs



# The Court Help Reporter

Spring 2020

## Court Help Program Services During COVID-19

Through the COVID-19 pandemic and subsequent service limitations, the self-help law centers across the state have continued provision of legal assistance to self-represented litigants through its regular channels, except for walk-in traffic at center locations. Zoom appointments will be available in late June 2020.

In addition to continued services available through self-help law centers, Court Help Program staff have also used available time in working remotely to produce form

to assist SRLs in completing legal forms. Explainers are created in two ways: 1) cheat sheets providing written prompts instructing litigants about needed information for each area of a legal document; and 2) form explanation videos providing the same information for individuals that prefer to receive information visually. .

*For contact and other information about Self-Help Law Centers, please visit the Self Help Law Program website at [courts.mt.gov/selfhelp](https://courts.mt.gov/selfhelp).*

Appointments will be available soon for litigants needing special COVID-19 related accommodations and in-person form review. The public should call ahead and wear a mask.

## COVID-19 & COURT HELP PROGRAM

### Service delivery - NO walk-in traffic

Telephone      Email      Mailing forms      Zoom video conferencing



### Focusing on creating online resources

Form cheat sheets      Form explanation videos      Use of automated forms

## Pro bono programs transition to remote services amid virus outbreak

In an effort to continue provision of critical pro bono services during a time of social distancing and remote working conditions, local pro bono programs across the state quickly shifted advice clinic service delivery to online and phone platforms. **Clinics in Billings, Great Falls, Bozeman, Kalispell and Missoula** report positive responses from both volunteers and clients. As Montana begins to advance through its reopening phases, it is likely clinic services will continue remotely in an effort to promote staff, volunteer and client safety. Most local Montana pro bono advice clinic services are offered in partnership with Montana Legal Services Association. MLSA will continue to screen and schedule eligible clinic participants and coordinate with local programs to provide uninterrupted service to those in need. For further information about clinic services, please contact Patty Fain.



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Statewide Pro Bono Coordinator  
pfain@mt.gov  
406/794-7824

Nolan Harris  
Court Help Administrator  
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## LEGAL NEEDS SURGE

It's been a challenging spring for everyone. These uncertain times are stressful and complicated as we continue to adapt to a new normal. You've likely worked remotely, and some may continue to do so. But many low-income Montanans already faced with personal crises are disproportionately affected by the consequences of the virus—lost employment or without the ability to work remotely coupled with no financial safety net. Many will lose jobs permanently, sinking further into poverty under the weight of crushing debt. Others may lose housing and Montana's eviction ban is lifted, or be denied access to public benefits.

Domestic violence was already on the increase before the pandemic hit. According to Ben Halverson, Billings Deputy City Attorney and member of the City's Domestic Violence Unit, the City of Billings reported an 85% increase in domestic violence arrest warrants and incarceration in the month of March 2020 alone, compared to the same time last year. And those increases only represent criminally-involved cases. With shelters at capacity, victims and their children have no place else to go. So they

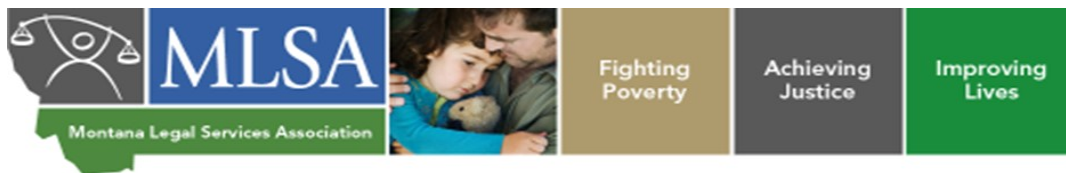
stay; the abuse continues and often escalates. HAVEN, a Bozeman domestic violence shelter, has seen a 300% increase in use of its online chat feature. When survivors are sheltering in place with their abusers, a phone call to an advocate or legal services provider could be lethal.

"This two month stretch in 2020 is by far the most consistent increase since I started at the City in 2015."

*Ben Halverson, Billings  
City Attorney*

All of the unaddressed legal issues will not go away as the pandemic begins to fade, restrictions are loosened and our courts open doors to the public. The inability to address critical legal needs will further exacerbate

challenges that living in poverty can bring. We have great hope in our legal community to create a pro bono boom. One that helps get people with the least resources on stable ground again; helps make survivors and their children safe; and helps families stay in their homes. In this time of trouble, Montana attorneys have a chance to make the difference no one else can and we great confidence they will.



Montana Legal Services Association reminds us that legal service providers are a critical component of any comprehensive disaster relief. In the six weeks beginning March 13, 36% of MLSA's completed intakes were identified as COVID-19 related. Montanans are seeking MLSA assistance with a range of basic needs:

- **SAFETY:** Orders of protection and safety planning for families impacted by violent reactions to severe stress of the pandemic and stay-at-home order
- **ECONOMIC STABILITY:** Incorrectly denied unemployment benefits for workers laid off in the shut-down, improper application of sick leave, pandemic scams, collections abuse.
- **FOOD:** Unfair denials of SNAP and TANF food benefits for hungry families.
- **HEALTHCARE:** Improperly restricted access to Medicare and Medicaid.
- **END-OF-LIFE LEGAL CARE:** At-risk individuals and essential workers need quickly executed wills and medical powers of attorney.



## COURT HELP CONNECT WORKSTATIONS AND FORMS

The Office of the Court Administrator and Montana Legal Services Association have partnered to provide services to rural Montanans through the deployment of remote workstations and expanded online forms. The rural project was funded with a Technology Initiative Grant from the Legal Services Corporation. Host-Site Locations:

- Beaverhead County Courthouse
- Dawson County Courthouse
- Fergus County Courthouse
- Pondera County Courthouse
- Valley County Courthouse
- Bitterroot Public Library
- Havre-Hill County Library
- Harlowton Public Library
- Hearst Free Library
- Library of Miles City
- North Lake County Public Library

The workstations are located throughout Montana at courthouses and libraries to meet more self-represented litigants where they live and work. This initiative limits unnecessary travel for litigants and Court Help program staff, increasing the efficiencies of the program's remote service delivery. These workstations consist of a laptop and printer/scanner placed on moveable carts.

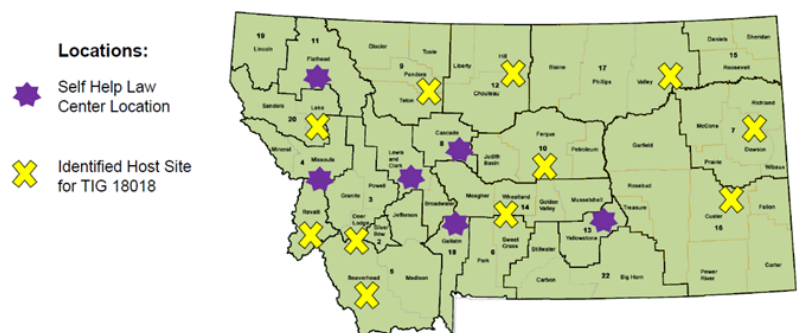
Another important piece of TIG includes funding for additional automation of forms, utilizing an online interview platform to auto-populate forms from the information entered by a litigant. These automated forms will increase the successful completion and understanding of forms filed with the court by self-represented litigants and improve efficiencies, saving valuable court time. The forms automated with this grant focus on landlord-tenant/housing, name changes, and guardianships. Family Law forms are also available online at [montanalawhelp.org](http://montanalawhelp.org).

**Appointment Scheduling**—Self represented litigants can schedule appointments by contacting the Helena Self-Help Law Center at **406/444-9300** or by email at [statelawlibraryselfhelp@mt.gov](mailto:statelawlibraryselfhelp@mt.gov).

**Future Scheduling**—Beginning in September 2020, appointments can be scheduled by contacting a self-help law center directly through the locator found at [courts.mt.gov/self-help](http://courts.mt.gov/self-help).

For more information about work stations and automated forms, please contact Nolan Harris at [nharris2@mt.gov](mailto:nharris2@mt.gov).

### Map of Identified Videoconferencing Host Sites for TIG 18018





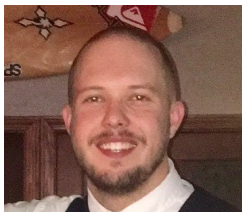
## HIGHLIGHTING AMERICORP MEMBERS PAST AND PRESENT



AmeriCorps Justice for Montanans members empower low-to-moderate-income Montanans to advocate for their legal rights and increase access to justice—bridges to the communities in which they serve. Members of the AmeriCorps State Justice for Montana's Project serve many organizations, including the Self-Help Program in partnership with Montana Legal Services Association.

### FORMER MEMBERS CONTINUE IN LEGAL FIELD

Nine Self-Help Law Program service members entered into Law School after their time with AmeriCorps in Montana. Davis, Rob, Sabrina, Christine, Emily and Joy are attending or have graduated from the University of Montana Alexander Blewett III School of Law. Gregory attends University of Utah SJ Quinney College of Law, Kyle graduated from UC Hastings College of Law and Arianna attends the University of Washington School of Law.



#### From Service Member to Law School Graduate

***Davis Connelley** entered the Alexander Blewett III School of Law after his service time in 2017. Davis shares thoughts about how his time as an AmeriCorp member*

Like a lot of people who serve with the Justice For Montanans program, I initially viewed my service as a trial run to see if the legal field and I fit together before committing to law school. Four years and a law degree later, I am not sure there was anything better I could have done to help me make that decision as well as prepare me to engage with the legal profession. Through my time with AmeriCorps, I was exposed to substantive law in addition to the impact the law has on everyday people. This exposure to both the letter of the law and where the rubber meets the road helped me to visualize the legal field as broader than just what is contained in the statutes, and I found that interesting. Figuring a legal education would allow me to engage with that idea more fully, I applied and was accepted. In law school, I felt like those of us who had served through JFM had a unique insight into the legal system directly because of our time in AmeriCorps. So much of law school is filled with learning the law and how to think about it, so the ability to contextualize that information with direct knowledge of how some of the process works on the ground was incredibly useful. My AmeriCorps service allows me to recognize the ways the justice system, as currently constructed, leaves some people without access to justice and inspires me to use my law degree to address those unmet needs.

### SELF HELP LAW PROGRAM AMERICORP MEMBERS

The Self-Help Law Program is fortunate to welcome our newest AmeriCorps members to the Self-Help Law Program for the 2019-2020 service year.

**Caitlin A. (Great Falls)** - Caitlin moved to Montana from Chicago, Illinois to serve the people of Montana and gain valuable experience in the legal field. Throughout this term, Caitlin has helped over 1,100 Montanans navigate the legal system in the Great Falls community. Caitlin has also helped create form explainers to assist self-represented litigants in understanding legal paperwork, and assisted in testing new online forms as part of the continuing Technology Initiative Grant (TIG).

**Harry St. C. (Great Falls)** - Harry came all the way to Montana from New York City last fall to help self-represented litigants in Cascade county (8th Judicial District). Harry provides services in a multitude of ways—serving more than 1,100 people in his time at the Great Falls Self Help Law Center. Harry has also



## HIGHLIGHTING AMERICORP MEMBERS PAST AND PRESENT



### AMERICORPS MEMBERS (CONTINUED)

**Daniel F. (Bozeman)** - Danny relocated to the Gallatin Valley to serve in the Bozeman Self-Help Law Center from Spokane, Washington. Danny has helped increase the understanding of the self-help law center's services by connecting with the local police department and other community organizations; this is in addition to the 1,300+ customers served by the Bozeman Self-Help Law Center. Danny also played an integral role in the creation of form explainers with the parenting plan cheat sheet and video.



**Kaylyn R. (Billings)** Kaylyn moved to Billings from Orange, Texas to help people here in Montana, hoping her time at the Billings Center will help prepare her for law school and a career in the legal field. Kaylyn has helped serve over 3,400 Yellowstone County residents in finding information, resources, and forms, including outreach to the Billings pre-release centers and has also worked on the development of the form explanations in partnership with other service members.

#### **Patrick A. (Helena)**

Patrick has already made a large impact on the Court Help Program after moving to Helena from Iowa by helping set up the Court Help Connect workstations across the state. Patrick has been the primary contact for rural Montanans accessing the remote workstations and will be leading the sustainable transition of responsibility for the workstations taking place in September. Patrick has also served hundreds self-represented litigants since the start of his service term, with 116 looking for family law help.

**Anna M. (Kalispell)** Anna made one of the longest trips out to Montana from College Park, MD after graduating from the University of Maryland. This has been a rewarding experience for Anna as she has helped assist over 2,500 Montanans in the Kalispell Self-Help Law Center, increasing the capacity of the program. In addition to the pro se litigants helped in the center, Anna has helped test automated forms for future use, created form explainers to assist litigants, and has also helped draft grant applications for MSLA.

**Madeleine L. (Missoula)** – Madeleine is an all-star AmeriCorps member for the Court Help Program, helping serving more than 1,400 patrons so far in her service. Madeleine assisted with multiple grant applications for MSLA and the Court Help Program and is producing several form explainers for self-represented litigants. Madeleine moved to Montana from Philadelphia, PA to join the Justice for Montanans. Look for Madeleine to continue assisting under-served populations in the Pacific Northwest in the coming years.

## MONTANA SUPREME COURT STANDING COMMITTEE ON SELF REPRESENTED LITIGANTS ADVANCING INITIATIVES

The Access to Justice Commission's Standing Committee on Self-Represented Litigants is tasked with providing support to self-represented litigants, court staff and other community partners. The Forms and Education Outreach Subcommittee leads efforts in creating user-friendly forms; training of staff and others; and development and identification of informational resources that explain legal topics and court processes. Beginning in winter of 2019, the Committee, after reviewing [Access to Justice Commission Strategic Plan](#), identified objectives for the 2020 year with dual goals: to improve access to and understanding by Montanans of our court and justice system while increasing efficiencies in case management and our courts across the state.

**Active Priority 1:** Formalize process for review, adoption, and evaluation of forms, including incorporating end-user feedback. The Forms Subcommittee, chaired by MLSA attorney Ed Higgins, will continue the important work on this priority.

**Active Priority 2:** Work toward coordinated triage and referral, including creating a referral flow chart for all relevant stakeholders.

**Activity Priority 3:** Recommended Activity Priority: Increase and improve "explainers" for SRLs in a variety of user-friendly formats.

### **Standing Committee on Self-Represented Litigants Members:**

Ann Goldes-Sheahan, Co-chair

Hon. John Kutzman

Nolan Harris, Co-chair

Kay Lynn Lee, Esq.

Abby Brown, Esq.

Sarah McClain, Esq.

Alex Clark

Hon. Kaylan Minor

Rick Cook

Kyle Nelson, Esq.

Ed Higgins, Esq.

William Williard, Esq.

Please consider providing your valuable suggestions, feedback and comment by emailing the Committee at [scsrl@mt.gov](mailto:scsrl@mt.gov) or by following [this link](#) to complete a short survey. We welcome input from all stakeholders, including court staff, judges, members of the State Bar and members of the public. Information from the survey will be used by the Committee to help direct the Committee's future work and priorities.

To view additional materials and information about the Standing Committee, you can visit the website at <https://courts.mt.gov/courts/supreme/boards/a2j/srl>



## COURT-CONNECTED MEDIATION PILOT WRAPS UP

### Program History

The Early Resolution and Mediation Project (E-RAMP), working in partnership with E-RAMP qualified volunteer mediators and local courts, provides court-connected, no-cost mediation services to program eligible parties unable to otherwise pay for mediation services. The goals of E-RAMP are: 1) to provide parties a path to mediation for self-determined, early resolution of parenting disputes; 2) to facilitate early District Court case management and efficiencies; 3) to produce greater likelihood of compliance with agreements; and 4) to provide *pro bono* opportunities to volunteer attorneys and mediators.

An E-RAMP committee of 17, facilitated by Patty Fain of the Court Help Program, enjoyed wide representation of the legal and mediation communities working for 16 months in outlining pilot program parameters and developing E-RAMP Standards and Guidelines. The success of E-RAMP is anchored in the experience, diligence, and participation of these Committee members. The program also gratefully acknowledges the time, expertise, insight, and dedication of Art and Kitty Lusse in providing the critical, no-cost mediation training and for the continued program support.

### 11<sup>th</sup> Judicial District Pilot Project

The 11<sup>th</sup> Judicial District Court (Flathead County) hosted the E-RAMP Pilot Project beginning in the fall of 2018. The 11<sup>th</sup> Judicial District Court judges, District Court Clerk Peg Allison (and staff), Self-Help Law Center Facilitator Linda Frank, and Court Administrator Devin Kuntz were critically essential to launching and sustaining the Pilot and should be highly commended for their efforts.

The Montana Supreme Court Statewide Pro Bono Program hosted a full-day mediation training for attorney volunteers focused on a facilitative mediation model. Training also included an additional eight hours of online learning specific to child devel-

opment, domestic violence, and parenting plan considerations. E-RAMP enjoys a roster of 24 eligible attorney mediator volunteers. Without volunteer mediators, there is no court-connected program, and are therefore the single most important element to any successful volunteer mediation program. The program is grateful for the time and dedication of its program volunteers.

Child-informed mediation is a core value of an E-RAMP styled program. The positive impact of accessing early mediation has significant favorable measures to parties, their children and the communities in which they live, during and long after the court case has been resolved. Studies show that parties who reach an agreement on their own are generally more likely to follow through and comply with terms as compared to those whose settlements are imposed by a third-party decision maker.

### Program Success

E-RAMP volunteer attorney mediators mediated 25 parenting-involved cases during the pilot period, resulting in **resolution of 86% of parenting plan disputes..**

The Pilot was managed and evaluated by Patty Fain, but the 11th Judicial District will continue E-RAMP as a fully integrated part of its court services with Devin Kuntz, Court Administrator, will take over the administration of the local E-RAMP program and Ms. Fain will continue to provide outreach, assistance, and support to the program's volunteers.

Other courts are exploring the implementation of E-RAMP styled mediation programs in other Districts, Ms. Fain, acting as the statewide coordinator, will offer guidance with development and implementation in additional locations. Ms. Fain recently completed a semester certificate program at the Harvard Law School Program in Mediation and Conflict Management and hopes to use the knowledge and experience in advancing mediation across the state.