

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 11-0765

IN RE THE PETITION TO ADOPT RULES
AUTHORIZING CERTIFIED LAY ADVOCATES
TO PROVIDE LIMITED LEGAL SERVICES IN
JUSTICE COURTS AND CITY COURTS

ORDER RE: PROPOSED
COMMUNITY JUSTICE
WORKER PROGRAM
AND ASSOCIATED
AMENDMENTS TO THE
RULES FOR ADMISSION
TO THE BAR OF
MONTANA

On September 15, 2025, the Montana Legal Service Association (MLSA) filed a petition with this Court to adopt rules authorizing certified lay advocates (“Community Justice Workers”) to provide limited legal services in Justice Courts and City Courts. This Court granted that petition on March 27, 2026, and ordered the creation of a working group to draft any recommended rule changes and an implementing order.

On June 9, 2026, the working group filed its report and, as part of this Court’s directive to address any necessary rule changes, proposed changes to Rule 1 of the Rules for Admission to the Bar of Montana and submitted proposed Community Justice Worker Program Rules. Both are attached to this Order

Because the working group is recommending changes to the Rules for Admission to the Bar of Montana to implement the program, we believe an additional 30-day public comment period is warranted.

IT IS THEREFORE ORDERED that the Court will accept public comment for a period of 30 days from the date of this Order. This Order will be published on this Court's website. In addition, the Clerk is directed to provide copies to: the State Bar of Montana, with the request that they be posted on the State Bar's website; the State Law Library; the members of the Access to Justice Commission; the Executive Director of the Montana Legal Services Association; and the Dean of the Alexander Blewett III School of Law.

Dated this _____ day of June, 2026.

For the Court,

Chief Justice

Proposed Changes to the Rules for Admission to the Bar of Montana:

I. APPLICATION PROCESS

B. Methods of Admission

Admission to the State Bar of Montana may be accomplished by ~~four~~ five methods:

(5) limited admission waiver to practice law.

(a) Community Justice Workers shall be permitted to engage in the limited practice of law under the Rules for the Community Justice Worker Program as promulgated and revised from time to time by the Montana Supreme Court; and

(b) Law Students, having completed the requirements under the Montana Supreme Court's Student Practice Rule, shall be permitted to engage in the limited practice of law under the provisions of the same.

Proposed Community Justice Worker Program Rules:

Purpose: The bench and bar are responsible for assisting in providing competent legal services to address the legal needs of low-income Montanans. The Community Justice Worker Program Rules are adopted as one means of expanding access to justice by providing assistance to clients of Montana Legal Services Association (MLSA) through certified non-lawyer lay advocates in specific types of proceedings before Montana's courts of limited jurisdiction.

1. Definitions. For purposes of this Order:

- (a) **"Legal assistance"** means the services provided by the Community Justice Worker (CJW) with respect to orders of protection, consumer and debt relief issues or housing issues, with services to include preparing a document, in any medium, on behalf of a client for filing in any court of limited jurisdiction; negotiating legal rights or responsibilities on behalf of a client; preparing a document, in any medium, intended to affect or secure a client's legal rights; representing a client in an action or proceeding in a court of limited jurisdiction; or providing legal advice and counsel. Legal advice and counsel includes legal assistance that is limited to the review of information relevant to the client's legal problem(s) and counseling the client on the relevant law, and may involve recommending a specific course of action. Legal

assistance does not include providing services or advice in criminal litigation in any state court proceeding.

- (b) **“Legal information”** means general, substantive information about the law that is not specific to a client’s individual situation and does not involve applying legal judgment or recommending a specific course of action.

2. Eligibility. A person not otherwise admitted to the practice of law in this state may receive permission to provide legal assistance in a limited capacity in certain civil matters in the state if such person meets all of the following conditions:

- (a) The person has completed the required training provided by MLSA and approved by the Community Justice Worker Oversight Committee in the following areas: Montana Rules of Professional Conduct, including, but not limited to conflicts of interest, confidentiality and duty of candor, the substantive area of law in which the person will practice, and appropriate tribunal procedures;
- (b) The person has been evaluated by MLSA and found competent to provide legal assistance in at least one of the following areas: orders of protection, consumer and debt relief issues, or housing;
- (c) The person will engage in the limited practice of law exclusively in coordination with MLSA on a full-time or part-time basis or as a volunteer and will not charge for their services;
- (d) The person will inform all clients in writing that they are not a lawyer and obtain consent confirmed in writing from the client to their representation by the lay advocate; and
- (e) The person provides legal assistance only as authorized under this order.
- (f) An established CJW must be recertified periodically as deemed appropriate by MLSA. Failure to maintain certification requirements will result in a loss of status and will be reported pursuant to Section 6.

3. Application. Application for such permission shall be made as follows:

- (a) The executive director of the MLSA or his or her designee shall apply to the State Bar of Montana on behalf of a person or persons eligible under Section 1;
- (b) Application shall be made on forms approved by the State Bar of Montana and shall include the proposed scope of each applicant’s practice;
- (c) Proof shall be submitted with the application that the applicant meets the eligibility requirements as set forth in Section 2.

4. Approval. The State Bar of Montana shall consider the application(s) as soon as practicable after it has been submitted. If the State Bar finds that the applicant meets the requirements of Section 2 above and the applicant has completed training adequate for

the scope of practice sought, it shall grant the application and issue a certificate to allow the applicant to provide legal assistance in the state of Montana in the substantive areas of law in which they have completed requisite training. Upon approval, the CJW will become a Community Justice Worker member of the State Bar of Montana and will be included in the State Bar's member database for purpose of monitoring the program.

- 5. Authorized Legal Assistance.** To protect the rights and interests of clients and to ensure accountability, a Community Justice Worker (CJW) may provide legal assistance only if all of the following are satisfied:
- (a) The CJW successfully completes all required training;
 - (b) The CJW provides legal assistance to clients only in the areas of orders of protection, consumer and debt relief issues, or housing;
 - (c) Before providing legal assistance to a client, the CJW has informed the client in writing that the CJW is not a lawyer and has obtained the client's written consent to representation by the CJW;
 - (d) The CJW provides legal assistance in matters in which the legal assistance is free of any charges, costs, fees, or other financial obligations to the client;
 - (e) The CJW provides legal assistance, in excess of providing legal information, only after MLSA has conducted MLSA's required process for eligibility screening and conflict checks, has opened a file in the matter, and provided the existing or prospective client with written information about how to make a complaint concerning the manner or quality of legal assistance, and the client has signed the appropriate retainers;
 - (f) If the client's legal issue cannot be resolved by the CJW, the file will be reviewed by MLSA for further consideration within MLSA's available resources; and
 - (g) When a CJW's representation of a client for legal assistance is terminated or completed:
 - 1. The outcome of the legal assistance will be recorded (if known);
 - 2. A closing letter or email will be given to the Client that:
 - a. Details the assistance provided;
 - b. Includes a client satisfaction survey; and
 - c. Informs the client about how to complain and utilize the available grievance procedure concerning the legal assistance received.
- 6. Reporting.** MLSA shall provide the names of the authorized CJWs and the areas of law in which they have been certified. MLSA shall collect data and information and provide annual reports to the Montana Supreme Court and the State Bar of Montana. The reports will be available to the public. The reports will not include personal identifiable information or confidential client information. MLSA will report on the following:
- (a) The number of clients served by CJWs;
 - (b) The courts in which CJWs appeared;
 - (c) Adjudicatory outcomes of cases filed in court;

- (d) A summary of any case in which the legal issue could not be resolved by the CJW to whom it was referred and was reviewed by MLSA for further consideration within MLSA's available resources;
 - (e) Complaints regarding CJWs submitted through MLSA's grievance procedure and the status and outcome of such complaints as determined by MLSA;
 - (f) The termination of any active certificates;
 - (g) A summary of client satisfaction data received.
7. **Oversight.** The Community Justice Worker program shall operate under the authority of the Montana Supreme Court and under the oversight of the State Bar of Montana. The State Bar shall create a Community Justice Worker Oversight Committee to monitor, support, and help guide the CJW program. The State Bar will provide administrative support for the Committee. The Committee shall be comprised of a member designated by the Commission on Courts of Limited Jurisdiction, a member designated by the State Bar of Montana; a member designated by MLSA, an active Community Justice Worker, and a private attorney designated by the Montana Supreme Court. The Committee will meet quarterly during the first two years of the CJW program, and thereafter as the Committee deems necessary.
 8. **Grievance.** Any client dissatisfied with their experience as a client in the CJW program may file a grievance under the terms of MLSA's grievance policy.
 9. **Final Authority.** The State Bar of Montana is the final authority as to whether an applicant may be admitted to the CJW program.
 10. **Records and Confidentiality.** CJW application files are confidential. Only the State Bar, the Community Justice Worker Oversight Committee, and the Montana Supreme Court may have access to information in the files. An applicant's file must be maintained for at least five years from the date of the last action in the file, after which, if no litigation is pending concerning the application, the file may be destroyed. Notwithstanding the foregoing, anonymized program data will be provided to the Community Justice Worker Oversight Committee.
 11. **Judicial Immunity; Privileged Communication; Waiver of Privilege** All commissions, committees, boards, and their members and personnel, including personnel and employees of the State Bar of Montana, acting on behalf of the Montana Supreme Court under the Rules for Admission to the Bar of Montana, including Rules pertaining to the Community Justice Worker program, have the judicial immunity the Montana Supreme Court would have if performing the same functions. Records, statements of opinion, and other information regarding an applicant for admission to the State Bar of Montana, including an application for the Community Justice Worker Program, communicated in good faith and without malice by any person or entity to any commission, committee, or board involved in the admissions process, including the person's or entity's members,

employees, or agents, are privileged and the information communicated is not admissible in any lawsuit. Waiver of the privilege, if any, is governed by Mont. R. Evid. 503.