

**Montana Supreme Court
Access to Justice Commission
Large Conference Room, Office of the Court Administrator
301 S. Park, Third Floor, Helena, MT
December 7, 2018 ~ 10am-12:00pm**

Agenda

- I. Call to Order and Introductions: Justice Baker (Tab 1)
 - a. Approval of 9/14/18 meeting minutes: Justice Baker (Tab 2)
- II. Legislative update: Justice Baker- 20 minutes (Tab 3)
- III. Montana Legal Services Association update: Alison Paul – 10 minutes (Tab 4)
- IV. Justice Initiatives Committee: Ann Goldes-Sheahan – 20 minutes
- V. ATJC Standing Committee Reports:
 - a. Self-Represented Litigants – Nolan Harris and Ann Goldes-Sheahan - 10 minutes
 - b. Law School Partnerships – Debra Steigerwalt - 10 minutes (Tab 5)
 - c. Strategic Planning – Niki Zupanic - 30 minutes (Tab 6)
- VI. Potential proposal on rule changes from State Bar Ethics Committee and Early Resolution and Mediation Project (E-RAMP) update – Patty Fain – 10 minutes
- VII. Public Comment, Review 2019 Meeting Dates
 - a. March 8, 2019
 - b. June 7, 2019
 - c. September 13, 2019
 - d. December 6, 2019

Tab 1

ORIGINAL

FILED

11/20/2018

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: AF 11-0765

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 11-0765

FILED

IN RE THE APPOINTMENT OF MEMBERS OF
THE ACCESS TO JUSTICE COMMISSION

ORDER NOV 20 2018

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

The Honorable Winona Tanner, representing the Montana-Wyoming Tribal Judges Association, has vacated her position on the Access to Justice Commission. With thanks to Judge Tanner for her service, and with the consent of the nominee,

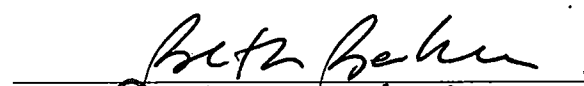
IT IS HEREBY ORDERED that the Honorable Stacie Smith, Chief Judge of the Fort Peck Tribes, is appointed to the Access to Justice Commission as a representative of Montana-Wyoming Tribal Judges Association for the remainder of the three-year term ending September 30, 2019.


The Clerk is directed to provide copies of this Order to the members of the ATJC, to Chief Judge Smith, to the Executive Director of the Montana Justice Foundation, and to the State Bar of Montana.

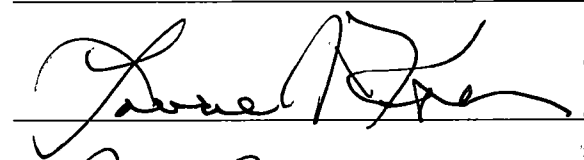
DATED this 20th day of November, 2018.



Chief Justice









José María

José Rica

Justices

Montana Access to Justice Commission
effective 10/1/2018

Members	
Justice Beth Baker, Chair <i>Montana Supreme Court Justice</i> <i>Expires: 9/30/2021</i>	E-mail: bbaker@mt.gov Phone: (406) 444-5570
Hon. David A. Carter <i>Court of Limited Jurisdiction Judge</i> <i>Expires: 9/30/2020</i>	E-mail: dacarter@co.yellowstone.mt.gov Phone: (406) 256-2895 (w) (406) 697-6087 (c)
Melissa Schlichting <i>Office of the Attorney General</i> <i>Expires: 9/30/2021</i>	E-mail: MSchlichting@mt.gov Phone: (406) 444-3602
Representative Kim Dudik <i>Montana House of Representatives</i> <i>Expires: 9/30/2020</i>	E-mail: kimberly.dudik@gmail.com Phone: (406) 239-5771
Senator Terry Gauthier <i>Montana Senate</i> <i>Expires: 9/30/2020</i>	E-mail: mrmac570@me.com Phone: (406) 461-0744
Hon. Leslie Halligan <i>District Court Judge</i> <i>Expires: 9/30/2020</i>	E-mail: LHalligan@mt.gov Phone: (406) 258-4771
Hon. John Kutzman <i>District Court Judge</i> <i>Expires: 9/30/2021</i>	E-mail: JKutzman@mt.gov Phone: (406) 454-6897
Rick Cook <i>Clerk of a District Court</i> <i>Expires: 9/30/2020</i>	E-mail: RCook@mt.gov Phone: (406) 622-5024
Hon. Stacie Smith <i>Montana-Wyoming Tribal Judges Association</i> <i>Expires: 9/30/2019</i>	E-mail: ssmith@fortpecktribes.net Phone: (406) 768-2400
Kyle Nelson <i>Montana Justice Foundation</i> <i>Expires: 9/30/2019</i>	E-mail: knelson@goetzlawfirm.com Phone: (406) 587-0618

Alison Paul <i>Montana Legal Services Association</i> <i>Expires: 9/30/2019</i>	E-mail: apaul@mtlsa.org Phone: (406) 442-9830 Ext. 15
Daniel McLean <i>State Bar of Montana</i> <i>Expires: 9/30/2019</i>	E-mail: dnmclean@crowleyfleck.com Phone: (406) 449-4165
Paul F. Kirgis <i>University of Montana School of Law</i> <i>Expires: 9/30/2021</i>	E-mail: paul.kirgis@mso.umt.edu Phone: (406) 243-5291 (w)
Ed Bartlett <i>Business/Communications Leader</i> <i>Expires: 9/30/2021</i>	E-mail: efbartlett@charter.net Phone: (406) 431-6014
Aimee Grmoljez <i>Business/Communications Leader</i> <i>Expires: 9/30/2020</i>	E-mail: agrmoljez@crowleyfleck.com Phone: (406) 457-2030 (w) (406) 459-5958 (c)
Melanie Reynolds <i>Representative of Organizations Working with Low-income Individuals</i> <i>Expires: 9/30/2021</i>	E-mail: melanie.reynolds@q.com Phone: (406) 461-0417 (c)
Georgette Boggio <i>Representative of Native American Communities</i> <i>Expires: 9/30/2019</i>	E-mail: gboggio@elkriverlaw.com Phone: (406) 259-8611
Katy Lovell <i>Legal Services Developer for the Department of Health and Human Services</i> <i>Expires: 9/30/2019</i>	E-mail: KLovell@mt.gov Phone: (406) 444-7787
ATJC Support	
Niki Zupanic Montana Justice Foundation	Staff Support E-mail: nzupanic@mtjustice.org Phone: (406) 523-3920
Carin McClain Montana Justice Foundation	Staff Support Email: cmcclain@mtjustice.org Phone: (406) 523-3920

Krista Partridge Montana Legal Services Association	Staff Support E-mail: kpartrid@mlsa.org
Kevin Cook Montana Law Library	IT Support E-mail: kcook@mt.gov Phone: (406) 444-9285

ATJC Standing Committee Members	
Self-Represented Litigants	
Ann Goldes-Sheahan Co-Chair	agoldes@montanabar.org
Nolan Harris Co-Chair	NHarris2@mt.gov
Ed Higgins	ehiggins@mtlsa.org
Holly Frederickson	HFrederickson@mt.gov
Kay Lynn Lee	kaylynnlee04@yahoo.com
Kyle Nelson	knelson@goetzlawfirm.com
Abby Brown	abby@mtwaterlaw.com
Rick Cook	RCook@mt.gov
Sarah McClain	SMcClain@mt.gov
Montana Justice Foundation Carin McClain (staffing support)	cmclain@mtjustice.org
Policy and Resources	
Abigail St. Lawrence Chair	abigail.stlawrence@gmail.com
Aimee Grmoljez	agrmoljez@crowleyfleck.com
Representative Kim Dudik	kimberly.dudik@gmail.com
Ed Bartlett	efbartlett@charter.net
Alison Paul	apaul@mtlsa.org
Andrew King-Ries	Andrew.king-ries@umontana.edu

Hon. Beth Baker	bbaker@mt.gov
Michelle Potts	mpotts@mtlsa.org
Jon Bennion	JonBennion@mt.gov
Niki Zupanic	nzupanic@mtjustice.org
Law School Partnerships	
Debra Steigerwalt Chair	dsteigerwalt7@gmail.com
Hillary Wandler	hillary.wandler@umontana.edu
Patty Fain State Court Pro Bono Coordinator	PFain@mt.gov
Kate Ellis State Bar Trustee	kate@cplawmt.com
Jessica Walker-Kelleher Law Student	jwalker.keleher@gmail.com jwalker_keleher@post.harvard.edu
Diana Garrett Montana Legal Services	dgarrett@mtlsa.org
Angie Wagenhals Montana Legal Services	awagenha@mtlsa.org
Jessica Fehr	Jessica.Fehr@mt.gov
Stefan Kolis	stefankolis@gmail.com
Hon. Leslie Halligan	LHalligan@mt.gov
Shannon Hathaway	shannonh@montanalegaljustice.com
Communications and Outreach	
Melanie Reynolds Chair	melanie.reynolds@q.com
Daniel McLean	dnmclean@crowleyfleck.com
Sarah McClain	SMcClain@mt.gov

Niki Zupanic	nzupanic@mtjustice.org
Georgette Boggio	gboggio@elkriverlaw.com

Strategic Planning	
Niki Zupanic, Chair	nzupanic@mtjustice.org
Hon. Beth Baker	bbaker@mt.gov
Melanie Reynolds	melanie.reynolds@q.com
Alison Paul	apaul@mtlsa.org
Hon. David A. Carter	dacarter@co.yellowstone.mt.gov
Ann Goldes-Sheahan	agoldes@montanabar.org
Debra Steigerwalt	dsteigerwalt7@gmail.com

Tab 2

Montana Supreme Court Access to Justice Commission
September 14, 2018
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, Sen. Terry Gauthier (phone), Hon. David Carter, Alison Paul, Dean Paul Kirgis (phone), and Aimee Grmoljez (phone)

Commissioners Absent: Rick Cook, Kyle Nelson, Hon. Winona Tanner, Ed Bartlett, Charlie Rehbein, Rep. Kim Dudik, Hon. Leslie Halligan, Hon. Greg Pinksi, Dan McLean, Melanie Reynolds, and Georgette Boggio.

Others Present: Sarah McClain, Niki Zupanic, Derrek Shepherd, Ann Goldes-Sheahan, Patty Fain, Hannah Cail, and Krista Partridge.

Call to Order: 10:06 a.m.

Since a quorum of Commissioners was not present, Justice Baker asked for brief reports from those present who were scheduled to give updates.

Interpreter Services

Derrek Shepherd provided an overview on interpreter services in the courts and referred the group to the meeting materials in Tab 5. He reported that it is the responsibility of the courts to find interpreters when requested and stated that the person's preference for interpreter services is usually honored. Derrek said that family members are discouraged from interpreting, but they are allowed to do so if the person insists. Alison Paul noted that MLSA's experience is that sometimes the courts don't know when a family member is being used as the interpreter. Justice Baker said she would mention this at the upcoming Judge's Association meeting. Judge Carter added that telephone and video conference interpretation services are a great resource and said he would provide the contact information to Derrek.

Incubator Project Update

Hannah Cail, the Program Coordinator for the Rural Incubator Project for Lawyers (RIPL), provided an update on the project. She said they are still working on securing stipend funding and are considering opening up the CLE and other training sessions to the full bar in order to raise funds. The goal is to select 2-4 participants for the inaugural Fellowship class to start in February. Fellows will be pro bono residents at MLSA and will receive mentoring and free or low-cost shared office space at MLSA's Helena office. Hannah said she would be at the State Bar Annual Meeting to talk about the program and recruit mentors.

ERAMP Update

Patty Fain reported that the in-person training in July at Flathead Community College was very successful and that the program launched this week, with the first mediations scheduled to begin

in October. Patty added that all of the judges in the 11th Judicial District are participating in the pilot. Justice Baker and Dean Kirgis thanked Patty for her hard work on the project.

Orders of Protection Project

Judge Carter provided an update on the Orders of Protection (OOP) Project and said that they are still gathering data to measure its effectiveness. He stated that it is still very difficult for litigants to collect the criminal justice information needed, but the attrition rate from the temporary to permanent order of protection hearings has gone down. Another barrier has been parenting issues and the inclusion of children on the order of protection. Judge Carter said that they are trying to identify problematic parenting scenarios early in the process and immediately direct litigants to the Standing Master for an interim parenting plan. The goal of the program is “30 days to justice” and he added that having some kind of interim parenting plan in place is better than the alternative. Justice Baker asked Judge Carter to write up a brief summary of the process so that she can solicit feedback from the district judges. Alison Paul said that MLSA’s crime victim rights group is gathering information on the various OOP processes around the state and offered that they could interview Judge Carter and write up the summary for Justice Baker. Judge Carter added that the OOP statutes in Montana are very arcane and that proposed revisions are underway to improve the statute.

Public Comment and Next Meeting Dates

Justice Baker asked for public comment. There was no public comment.

Justice Baker reminded the group that the next meeting date is December 7 and will be a joint meeting with the Justice Initiatives Committee. She encouraged in-person participation if possible since this will be the last meeting before the 2019 Legislative Session. The meeting was adjourned at 10:54 a.m.

Tab 3

2019 Civil Justice Improvements Act

The Commission's homepage now includes [a tab for the 2019 Civil Justice Improvements Act](#). It includes each of the documents following in this packet and [a separate tab for the individual Judicial District fact sheets](#).

Please visit these links for more information:

<https://courts.mt.gov/courts/supreme/boards/a2j#70359256-2019-civil-justice-improvements-act>

<https://courts.mt.gov/courts/supreme/boards/a2j/jdefforts>

Montana Access to Justice Commission

Civil Justice Improvements Act

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE CIVIL LEGAL AID ACCOUNT; INCREASING FEES FOR CERTAIN FILINGS IN DISTRICT COURT; PROVIDING A STATUTORY APPROPRIATION FOR COSTS OF PROVIDING CIVIL LEGAL AID TO PERSONS OF LIMITED MEANS; AMENDING SECTIONS 3-1-702, 3-2-714, 17-7-502, 25-1-201, 25-9-506, AND 44-7-202, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Civil legal aid account. (1) There is a civil legal aid account in the state special revenue fund. The revenue in the account must be used solely to provide legal assistance or alternative dispute resolution to persons of limited means in civil legal matters. Programs funded by the account are intended to improve court efficiency, reduce delays, and help all court users save time and money by resolving their disputes more quickly.

Explains primary purpose of the bill: funding for civil legal aid to help Montanans have a fair day in court and to improve court efficiency for everyone.

(2) The supreme court administrator shall establish procedures for the distribution and accountability of money in the account. The court administrator shall give priority to programs that serve persons with demographic barriers or in locations that lack access to legal services, including but not limited to programs in communities that serve Native American populations; programs that reach broadly across the entire state, including through technological innovations; programs that serve domestic violence survivors; programs that provide alternative dispute resolution for high-volume self-representation cases such as family law and landlord-tenant matters; programs facilitating the ability of Montanans of modest means to find attorneys they can afford; and development of forms and instructional materials explaining court processes that can be used by people representing themselves. To be eligible to receive funds from the account, a service provider must:

(a) be a tax-exempt organization and be one of the following:

(i) A 501(c)(3) non-profit organization in operation for at least one year that ordinarily renders or finances legal services to persons of limited means in civil matters or has a primary focus of coordinating volunteer or reduced-fee legal services to provide attorney representation to Montanans of limited means;

(ii) A legal aid clinic of an accredited law school operating exclusively in Montana; or

(iii) A court-connected mediation program attached to a district court or a justice court; and

(b) apply for the funds and include in the grant application a detailed plan for how the applicant will use the funds for one or more of the purposes of this section and how the applicant will collect and report data, account for the funds received, and measure progress on performance goals.

Funding recipients must be not-for-profit, with focus on helping Montanans of limited means with civil legal problems, or court-based mediation programs for civil cases.

Applicants must show detailed plan for use of funds, accountability, and performance measures.

(3) Money disbursed from the account cannot be used to bring a suit against the State of Montana or other governmental entity, unless the suit is brought to enforce an individual's right to governmental benefits provided under a statute or regulation, including but not limited to social security, medicare, medicaid, and housing benefits; acquire land or buildings; provide legal advice or representation on criminal matters; support lobbying, as defined by § 5-7-102(11), MCA; or pay attorneys employed in for-profit law firms.

Prohibits use of grant funds to sue the government, hire private lawyers, lobby, or represent criminal defendants. Exception is made when enforcing a person's legal right to recover governmental benefits.

(4) Money in this account is statutorily appropriated, as provided in 17-7-502, to the office of the court administrator for purposes provided in subsection (1).

Section 2. Section 3-1-702, MCA, is amended to read:

3-1-702. Duties. The court administrator is the administrative officer of the court. Under the direction of the supreme court, the court administrator shall:

(1) prepare and present judicial budget requests to the legislature, including the costs of the state-funded district court program;

(2) collect, compile, and report statistical and other data relating to the business transacted by the courts and provide the information to the legislature on request;

(3) to the extent possible, provide that current and future information technology applications are coordinated and compatible with the standards and goals of the executive branch as expressed in the state strategic information technology plan provided for in **2-17-521**;

(4) recommend to the supreme court improvements in the judiciary;

(5) administer legal assistance for indigent victims of domestic violence, as provided in **3-2-714**;

(6) administer civil legal assistance for persons of limited means, as provided in [section 1];

Supreme Court Administrator will administer the new account; Access to Justice Commission has adopted guidelines for administration of the funds.

~~(6)~~(7) administer state funding for district courts, as provided in chapter 5, part 9;

~~(7)~~(8) administer and report on the child abuse and neglect court diversion pilot project provided in **41-3-305**;

~~(8)~~(9) administer the pretrial program provided for in **3-1-708**;

~~(9)~~(10) administer the judicial branch personnel plan; and

~~(10)~~(11) perform other duties that the supreme court may assign.

Section 3. Section 17-7-502, MCA, is amended to read:

The civil legal aid account will be statutorily appropriated to the Court Administrator

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: **2-17-105**; [section 1]; **5-11-120**; **5-11-407**; **5-13-403**; **7-4-2502**; **10-1-108**; **10-1-1202**; **10-1-1303**; **10-2-603**; **10-2-807**; **10-3-203**; **10-3-310**; **10-3-312**; **10-3-314**; **10-3-1304**; **10-4-301**; [10-4-304;] **15-1-121**; **15-1-218**; **15-35-108**; **15-36-332**; **15-37-117**; **15-39-110**; **15-65-121**; **15-70-101**; **15-70-130**; **15-70-433**; **16-11-119**; **16-11-509**; **17-3-106**; **17-3-112**; **17-3-212**; **17-3-222**; **17-3-241**; **17-6-101**; **17-7-215**; **18-11-112**; **19-3-319**; **19-3-320**; **19-6-404**; **19-6-410**; **19-9-702**; **19-13-604**; **19-17-301**; **19-18-512**; **19-19-305**; **19-19-506**; **19-20-604**; **19-20-607**; **19-21-203**; **20-8-107**; **20-9-534**; **20-9-622**; **20-9-905**; **20-26-617**; **20-26-1503**; **22-1-327**; **22-3-116**; **22-3-117**; **22-3-1004**; **23-4-105**; **23-5-306**; **23-5-409**; **23-5-612**; **23-7-301**; **23-7-402**; **30-10-1004**; **37-43-204**; **37-50-209**; **37-51-501**; **37-54-113**; **39-71-503**; **41-5-2011**; **42-2-105**; **44-4-1101**; **44-12-213**; **44-13-102**; **50-1-115**; **53-1-109**; **53-6-148**; **53-6-1304**; **53-9-113**; **53-24-108**; **53-24-206**; **60-11-115**; **61-3-321**; **61-3-415**; **69-3-870**; **69-4-527**; **75-1-1101**; **75-5-1108**; **75-6-214**; **75-11-313**; **75-26-308**; **76-13-150**; **76-13-416**; **76-17-103**; **76-22-109**; **77-1-108**; **77-2-362**; **80-2-222**; **80-4-416**; **80-11-518**; **80-11-1006**; **81-1-112**; **81-1-113**; **81-7-106**; **81-10-103**; **82-11-161**; **85-20-1504**; **85-20-1505**; [85-25-102]; **87-1-603**; **90-1-115**; **90-1-205**; **90-1-504**; **90-3-1003**; **90-6-331**; and **90-9-306**.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with **17-2-101** through **17-2-107**, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. *(In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of **19-20-604** terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of **15-35-108** terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of **19-6-410** terminates contingently upon the death of the last recipient eligible under **19-6-709(2)** for the supplemental benefit provided by **19-6-709**; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of **76-13-416** terminates June 30, 2019; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of **17-3-112** terminates on occurrence of contingency; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of **53-9-113** terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of **50-1-115** terminates June 30, 2021;*

pursuant to sec. 28, Ch. 368, L. 2015, the inclusion of **53-6-1304** terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of **85-25-102** is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of **17-7-215** terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of **22-3-116** and **22-3-117** terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of **37-50-209** terminates September 30, 2019; pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of **20-9-905** terminates December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of **37-54-113** terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of **10-3-1304** terminates September 30, 2025; pursuant to sec. 55, Ch. 151, L. 2017, the inclusion of **30-10-1004** terminates June 30, 2021; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of **90-6-331** terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the inclusion of **81-1-112**, **81-1-113**, and **81-7-106** terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of **22-1-327** terminates July 1, 2023, and pursuant to sec. 2, Ch. 340, L. 2017, and sec. 32, Ch. 429, L. 2017, is void for fiscal years 2018 and 2019; pursuant to sec. 31(2), Ch. 367, L. 2017, the inclusion of **10-4-301** terminates July 1, 2018, and the inclusion of **10-4-304** is effective July 1, 2018; and pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of **76-17-103** terminates June 30, 2027.)

Section 4. Section 25-1-201, MCA, is amended to read:

“25-1-201. Fees of clerk of district court. (1) The clerk of district court shall collect the following fees:

(a) at the commencement of each action or proceeding, except a petition for dissolution of marriage, from the plaintiff or petitioner, ~~\$90~~ 170; for filing a complaint in intervention, from the intervenor, ~~\$80~~ 170; for filing a petition for dissolution of marriage, \$170; for filing a petition for legal separation, \$150; and for filing a petition for a contested amendment of a final parenting plan, \$120;

(b) from each defendant or respondent, on appearance, ~~\$60~~ 100;

(c) on the entry of judgment, from the prevailing party, \$45;

(d) (i) except as provided in subsection (1)(d)(ii), for preparing copies of papers on file in the clerk's office in all criminal and civil proceedings, \$1 a page for the first 10 pages of each file, for each request, and 50 cents for each additional page;

(ii) for a copy of a marriage license, \$5, and for a copy of a dissolution decree, \$10;

(iii) for providing copies of papers on file in the clerk's office by facsimile, e-mail, or other electronic means in all criminal and civil

<p>Funding source: creates parity in civil filing fees by raising fees in general civil actions to match the filing fees currently paid in marriage dissolution or parenting plan cases. Also raises defendants' appearance fees. Civil filing fees have not been changed for 20 years, and a defendant's appearance fee has not been raised for 28 years.</p>

proceedings, 25 cents per page;

(e) for each certificate, with seal, \$2;

(f) for oath and jurat, with seal, \$1;

(g) for a search of court records, \$2 for each name for each year searched, for a period of up to 7 years, and an additional \$1 for each name for any additional year searched;

(h) for filing and docketing a transcript of judgment or transcript of the docket from all other courts, the fee for entry of judgment provided for in subsection (1)(c);

(i) for issuing an execution or order of sale on a foreclosure of a lien, \$5;

(j) for transmission of records or files or transfer of a case to another court, \$5;

(k) for filing and entering papers received by transfer from other courts, \$10;

(l) for issuing a marriage license, \$53;

(m) on the filing of an application for informal, formal, or supervised probate or for the appointment of a personal representative or the filing of a petition for the appointment of a guardian or conservator, from the applicant or petitioner, \$70, which includes the fee for filing a will for probate;

(n) on the filing of the items required in 72-4-303 by a domiciliary foreign personal representative of the estate of a nonresident decedent, \$55;

(o) for filing a declaration of marriage without solemnization, \$53;

(p) for filing a motion for substitution of a judge, \$100;

(q) for filing a petition for adoption, \$75;

(r) for filing a pleading by facsimile or e-mail in all criminal and civil proceedings, 50 cents per page.

(2) Except as provided in subsections (3) and (5) through (7 ~~9~~) fees collected by the clerk of district court must be deposited in the state general fund as specified by the supreme court administrator.

(3) (a) Of the fee for filing a petition for dissolution of marriage, \$5 must be deposited in the children's trust fund account established in 52-7-102, \$19 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714, and \$30 must be deposited in the partner and family member assault intervention

and treatment fund established in 40-15-110.

(b) Of the fee for filing a petition for legal separation, \$5 must be deposited in the children's trust fund account established in 52-7-102 and \$30 must be deposited in the partner and family member assault intervention and treatment fund established in 40-15-110.

(4) If the moving party files a statement signed by the nonmoving party agreeing not to contest an amendment of a final parenting plan at the time the petition for amendment is filed, the clerk of district court may not collect from the moving party the fee for filing a petition for a contested amendment of a parenting plan under subsection (1)(a).

(5) Of the fee for filing an action or proceeding, except a petition for dissolution of marriage, \$9 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714 and \$80 must be deposited in the state special revenue account established in [Section 1].

(6) Of the fee for filing a complaint in intervention, \$90 must be deposited in the state special revenue account established in [Section 1].

(7) Of the fee collected on appearance from each defendant or respondent, \$40 must be deposited in the state special revenue account established in [Section 1].

~~(6)~~ (8) The fees collected under subsections (1)(d), (1)(g), (1)(j), and (1)(r) must be deposited in the county district court fund. If a district court fund does not exist, the fees must be deposited in the county general fund to be used for district court operations.

~~(7)~~ (9) Of the fee for issuance of a marriage license and the fee for filing a declaration of marriage without solemnization, \$13 must be deposited in the domestic violence intervention account established by 44-4-310, and \$10 must be deposited in the county district court. If a district court fund does not exist, the fees must be deposited in the county general fund to be used for district court operations.

~~(8)~~ (10) Any filing fees, fines, penalties, or awards collected by the district court or district court clerk not otherwise specifically allocated must be deposited in the state general fund.”

Section 6. Section 25-9-506, MCA, is amended to read:

“**25-9-506. Fees.** (1) Except as provided for in subsection (2), a person filing a foreign judgment shall pay to the clerk of court a

All moneys raised by this bill will be deposited in the new special revenue account.

Funding Source: Also increases fees for filing foreign judgments

fee of ~~\$60~~ 100, of which \$40 must be deposited in the state special revenue account established in [Section 1].

(those from out of state). These fees have not increased for 30 years. All new fees are deposited in the special revenue account.

(2) Fees for docketing, transcription, or other enforcement proceedings must be as provided for judgments of the district court.

(3) Fees collected by the clerk of district court not otherwise specifically allocated must be forwarded to the department of revenue for deposit in the state general fund.”

Section 7. Section 44-7-202, MCA, is amended to read:

“44-7-202. Domestic violence intervention account -- administration by board of crime control.

(1) There is a domestic violence intervention account in the state special revenue fund in the state treasury. There must be paid into this account the designated filing fees paid under **25-1-201** ~~(7)~~(9) to the clerk of the district court. The money deposited in the account must be used for services provided under 44-7-201.

Numbering change only

(2) Funds deposited in the account may be expended by the Montana board of crime control, as provided for in **2-15-2306**, to fund services and activities under and payment of administrative costs of the domestic violence intervention program provided for in **44-7-201**.

Section 8. Reporting. The supreme court administrator shall submit a report to the Law and Justice Interim Committee on or before September 30, 2023, documenting the amount of revenue deposited in the state special revenue account established in [Section 1], the amount of funds distributed pursuant to [Section 1], and the nonprofit organizations to which funds were distributed. The report shall include a summary of the legal services provided to persons of limited means by organizations receiving funds under [Section 1], a summary of outcome measures, and information concerning the impact, if any, on court efficiencies and caseloads.

Accountability and Review:
Court Administrator must give the Law and Justice Interim Committee a status update within four years after the bill becomes law.

Section 9. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 3, chapter 2, part 7, and the provisions of Title 3, chapter 2, part 7, apply to [section 1].

Section 10. Effective date. [This act] is effective July 1, 2019.

Section 11. Termination. [This act] terminates June 30, 2025.

If not reauthorized by the Legislature, the legislation will sunset within six years, and the new fee increases will terminate.

2019 House Appropriations Committee				
Monday - Friday, 8 am, Room 102				
NAME		ROLE	DISTRICT	CITY
Nancy Ballance	R	Chair	HD 87	Hamilton
Carl Glimm	R	Chair	HD 6	Kila
Dan Bartel	R	Vice Chair	HD 29	Lewistown
Llew Jones	R	Vice Chair	HD 18	Conrad
Ryan Lynch	D	Vice Chair	HD 76	Butte
David Bedey	R		HD 86	Hamilton
Tom Burnett	R		HD 67	Bozeman
Mary Caferro	D		HD 81	Helena
Kimberly Dudik	D		HD 94	Missoula
Jim Hamilton	D		HD 61	Bozeman
Brad Hamlett	D		HD 23	Cascade
Kenneth Holmlund	R		HD 38	Miles City
Mike Hopkins	R		HD 92	Missoula
Jim Keane	D		HD 73	Butte
Bill Mercer	R		HD 46	Billings
Eric Moore	R		HD 37	Miles City
Rae Peppers	D		HD 41	Lame Deer
Joe Read	R		HD 93	Ronan
Matt Regier	R		HD 4	Columbia Falls
Marilyn Ryan	D		HD 99	Missoula
Jonathan Windy Boy	D		HD 32	Box Elder
Tom Woods	D		HD 62	Bozeman
Jessica Riffel		Clerk		
Joe Triem	LFD	Staff	Rm 113, 444-5834	
Julie Johnson		Staff	Rm 112, 444-4024	

2019 House Judiciary Committee				
Monday - Friday, 8 am, Room 137				
NAME		ROLE	DISTRICT	CITY
Alan Doane	R	Chair	HD 36	Bloomfield
Barry Usher	R	Vice Chair	HD 40	Billings
Kathy Kelker	D	Vice Chair	HD 47	Billings
Seth Berglee	R		HD 58	Joliet
Barbara Bessette	D		HD 24	Great Falls
Laurie Bishop	D		HD 60	Livingston
Bob Brown	R		HD 13	Thompson Falls
Greg DeVries	R		HD 75	Jefferson City
David Dunn	R		HD 9	Kalispell
Robert Farris-Olsen	D		HD 79	Helena
Connie Keogh	D		HD 91	Missoula
Casey Knudsen	R		HD 33	Malta
Jasmine Krotkov	D		HD 25	Neihart
Dennis Lenz	R		HD 53	Billings
Theresa Manzella	R		HD 85	Hamilton
Terry Moore	R		HD 54	Billings
Shane Morigeau	D		HD 95	Missoula

House Judiciary Committee cont. . . .				
Zac Perry	D		HD 3	Hungry Horse
Derek Skees	R		HD 11	Kalispell
Abigail Konen		Clerk		
Rachel Weiss		Staff	Rm 111B, 444-5367	
Joe Carroll		Staff	Rm 110M, 444-3804	

2019 Senate Finance & Claims Committee				
Monday - Friday, 8 am, Room 317				
NAME		ROLE	DISTRICT	CITY
Ryan Osmundson	R	Chair	SD 15	Buffalo
Cary Smith	R	Vice Chair	SD 27	Billings
Jon Sesso	D	Vice Chair	SD 37	Butte
Duane Ankney	R		SD 20	Colstrip
Kenneth Bogner	R		SD 19	Miles City
Mike Cuffe	R		SD 1	Eureka
Janet Ellis	D		SD 41	Helena
Pat Flowers	D		SD 32	Belgrade
David Howard	R		SD 29	Park City
Tom Jacobson	D		SD 11	Great Falls
Doug Kary	R		SD 22	Billings
Bob Keenan	R		SD 5	Bigfork
Mike Lang	R		SD 17	Malta
Nate McConnell	D		SD 48	Missoula
Mary McNally	D		SD 24	Billings
Albert Olszewski	R		SD 6	Kalispell
Dan Salomon	R		SD 47	Ronan
Susan Webber	D		SD 8	Browning
Jeffrey Welborn	R		SD 36	Dillon
Prudence Gildroy		Secretary	Rm 322, 444-4816	
Kris Wilkinson	LFD	Lead Fiscal Analyst	Rm 114 , 444-2722	
Julie Johnson		Staff	Rm 122, 444-4024	

2019 Senate Judiciary Committee				
Monday - Friday, 9 am, Room 303				
NAME		ROLE	DISTRICT	CITY
Keith Regier	R	Chair	SD 3	Kalispell
Jennifer Fielder	R	Vice Chair	SD 7	Thompson Falls
Diane Sands	D	Vice Chair	SD 49	Missoula
Bryce Bennett	D		SD 50	Missoula
John Esp	R		SD 30	Big Timber
Jen Gross	D		SD 25	Billings
Steve Hinebauch	R		SD 18	Wibaux
Margie MacDonald	D		SD 26	Billings
Scott Sales	R		SD 35	Bozeman
Gordy Vance	R		SD 34	Belgrade
Mindy Diggins		Secretary	Rm 319, 444-4751	
Julianne Burkhardt		Staff	Rm 126, 444-4025	



Justice for All

Making Our Court System Work for All Montanans

CHILDREN • SENIORS • VETERANS • THE DISABLED • MINIMUM WAGE WORKERS • VICTIMS OF ABUSE

Civil Legal Aid

For over 50 years, Montanans providing civil legal aid to their neighbors have:

- Helped domestic violence survivors escape abuse
- Fought scams on consumers, especially seniors
- Preserved housing and improved housing conditions
- Helped returning veterans rebuild their lives

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

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

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

Having Your Day in Court

Equal justice for all?



188,687 Montanans – 18% of our state’s population – qualify for civil legal aid at or below 125% of the federal poverty level.

(Federal poverty level is \$24,250 for a family of four.)



Since 2009, total case filings in District Courts have increased by nearly 20%. Many people are left to navigate the justice system on their own.



Current resources can help only 1 in 10 Montanans of limited means with their civil legal needs.



At least half of these Montanans have a civil legal problem each year that they do not address.



The Montana Justice Foundation can fund only about half of the needs of Montana programs requesting financial assistance.

The legal system is complicated. Getting people the legal help they need gives everyone a fair chance to be heard and helps our courts manage their caseloads.

CONTACT INFORMATION:

Montana Supreme Court Access to Justice Commission
WEB: courts.mt.gov/supreme/boards/a2j
EMAIL: atjcommission@mt.gov

Let’s fulfill our nation’s promise of justice for all.

The Path to Equal Justice

\$9,645,345

Total economic impact of civil legal aid on Montana's economy in 2013¹

Montanans from many organizations work together to help their neighbors, but many people still have to navigate complex legal situations on their own.

Self Help: Court Help Program

Provided more than 93,000 customer services between November 2011 and July 2018, almost 70% of which went to families earning less than \$24,000 per year. *(Does not provide legal advice.)*

93,177

SERVED SINCE NOVEMBER 2011

Volunteer Attorneys: Pro Bono Services

More than 1,900 Montana attorneys provided 164,909 volunteer hours in 2017.

164,909

HOURS VOLUNTEERED

Free On-Line Legal Forms: MontanaLawHelp.org

More than 6,000 self-help forms completed in 2017.

6,000

SELF-HELP FORMS COMPLETED

Elder Wills: Montana Aging Services Bureau (DPHHS)

Handled 609 cases for elder Montanans in 2017.

609

CONSULTATIONS FOR SENIORS HANDLED

General Civil Legal Aid: Montana Legal Services Association

- Is a national leader in innovative technology methods to increase access and efficiency.
- Provides a low-cost, rural service delivery model by using centralized attorneys serving clients in every single county.
- Helped 9,033 Montanans in 2017 with only 18 MLSA attorneys.

18 → 9,033

LAWYERS MONTANANS HELPED

Montana Justice Foundation: Grants

Awarded \$323,100 statewide in 2018 to legal aid, domestic violence, CASA, and mediation programs.

\$323,100

GRANT FUNDS AWARDED

What Could State Funding Do?

By equalizing civil filing fees to provide people with legal help, Montana can:

- Provide court-based pilot mediation programs for family and landlord-tenant cases,
- Increase direct legal services by up to 40% for Montanans of limited means,
- Promote volunteer and reduced-fee services by Montana lawyers to help their neighbors navigate complex legal issues,
- Return economic benefit to communities by helping secure financial stability for families, child support for domestic violence survivors, and hard-earned benefits for veterans and people with disabilities,
- Improve the efficiency of the courts for all court users.

215%

Return on investment in civil legal aid in Montana

1. 2015 Report on the Economic Impact of Civil Legal Aid to Montana

Access to Justice Commission Filing Fee Legislation

What is the Access to Justice Commission?

- Created by the Supreme Court in 2012. **18** members, representing the legislature, state and local courts, the Attorney General's office, tribal communities, the State Bar, the business community, the law school, and legal service providers.
- The Commission evaluates the ability of Montanans to access our court system, engages in long-range planning, and coordinates efforts to improve efficiencies to help all court users to get their legal issues addressed.

What will this legislation do?

- Creates a fund to provide legal information and assistance to ordinary Montanans who cannot afford an attorney to help with their civil legal problems.
- These are issues like protecting survivors from domestic abuse, securing child support for parents, avoiding consumer scams against seniors, and helping returning veterans obtain benefits.

Who will pay?

- This proposal does not raise taxes and does not take money from the general fund.
- It equalizes court filing fees in civil cases filed in district courts. If it passes, a plaintiff filing a contract or personal injury case will pay the same amount that someone filing a marriage dissolution action pays now. The bill raises court filing and appearance fees only for cases that have had stagnant filing fees for decades.
- Only people using the court system who can afford to pay a filing fee will pay. People unable to pay a filing fee will still be able to get a fee waiver.

Why do we need this?

Montana's justice system faces significant challenges:

- First, many Montanans are coming to court on their own with truly desperate situations that the courts need to address;
- Second, the resulting pressures on the court system bring hardship to everyone else who is waiting their turn in a crowded docket. The wheels of justice spin slower and slower, and no one is well served.

Who will benefit?

- All court users will benefit by helping the courts operate more efficiently.
- Veterans, domestic violence survivors, children of single parents, senior citizens, victims of consumer scams, people struggling to stay in their homes, and Montanans in rural areas with few lawyers will benefit by getting the help they need to navigate legal situations.
- Montana communities will benefit by helping secure financial stability for families, child support for parents, and hard-earned benefits for veterans and people with disabilities.

Montana Legal Services Association

Summary of 2017 Services

<u>Total New Requests for Assistance:</u>	7,879
Referred to other service providers without intake:	<u>1,098</u>
<u>Total New Intake Requests:</u>	6,781
New cases opened and served :	<u>3,013</u>
New Intakes not served :	3,768
<u>Total Number of Cases Handled (new and ongoing):</u>	3,843
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>
Total Cases Closed:	2,904

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

Tab 4

Montana Domestic Violence Civil Legal Attorney Working Group

REPORT TO THE MONTANA ACCESS TO JUSTICE COMMISSION

November 2018

SUMMARY

In November 2017, the Montana Access to Justice Commission supported the formation of a Montana Domestic Violence Civil Legal Attorney Working Group (“Working Group”) to address the needs, challenges, and trends related to the civil legal issues experienced by victims of domestic and sexual violence throughout the state.

Representatives from Montana Legal Services Association and Ries Law Group, P.C. assembled a group of all civil legal services grant-funded attorneys who work with victims of domestic and/or sexual violence in the state. Currently, the following organizations/firms have representatives that serve on the Working Group:

- Dawson County Domestic Violence Program
- Montana Coalition Against Domestic and Sexual Violence
- Montana Legal Services Association
- Ries Law Group, P.C.
- Sanders County Coalition For Families
- Safe Harbor
- YWCA Billings

The Working Group as a full committee has held five meetings to date:

- January 16, 2018 (Helena)
- April 12, 2018 (Missoula, and by video)
- July 17, 2018 (Helena, and by video)
- July 17, 2018 – Stakeholders Meeting (Helena, and by video)
- October 22, 2018 (by video)

The Working Group identified 10 initial major areas of civil legal services in cases of domestic and sexual violence that require attention by stakeholders across the state¹. In an attempt to identify and accomplish specific initiatives related to the civil legal services for victims, the Working Group narrowed the scope of civil legal issues and formed four subcommittees to address specific topics in-depth. Those subcommittees are as follows:

- Civil Litigation
- Expert Witnesses
- Orders of Protection
- Procedural Justice

¹ Orders of Protection; Procedural Justice; Civil Litigation; Expert Witnesses; Vulnerable Populations; Policy; Victims' Rights; Appeals; Mediation; and Torts.

A report from each subcommittee follows.

One of the sub-issues identified by the Working Group was the lack of cohesiveness experienced by civil legal services attorneys working in the field of domestic and sexual violence throughout the state. In addition to the Working Group holding quarterly meetings, a closed list-serv for participating attorneys has been developed to exchange ideas and resources. A contact / information sheet and service map have been developed and distributed in order for the providers to better understand and connect existing domestic and sexual violence legal resources statewide.

WORKING GROUP REPORT

The quarterly Working Group meetings have proven to be incredibly valuable for participating attorneys. The meetings are facilitated by MLSA Project Coordinator Mel Fisher, and attended by attorneys who are actively working on domestic and sexual violence cases. The opportunity to meet, either in person or by video, allows the attorneys to become better acquainted, share information and resources, compare and brainstorm legal and policy strategies, and address challenges, gaps, or trends they see while practicing in the different regions and jurisdictions in Montana.

In August 2018, the Working Group invited key stakeholders to join an in-person meeting. Representatives from the Montana Board of Crime Control, the Montana State Bar, and the Montana Access to Justice Commission attended, were provided an update on the Working Group's initiatives and progress, and provided feedback to the group to help guide the Working Group's future projects.

The Working Group has also had the opportunity to evaluate systemic policy matters in partnership with the Montana Coalition Against Domestic & Sexual Violence policy team. These attorneys provide an essential perspective, as they see the real impacts of policy changes. The Working Group has had policy discussions on criminal justice reform, family law issues, orders of protection statutes, justice reinvestment policies, and sexual violence policy.

The Working Group attorney participants agree that the quarterly meeting structure, combined with the email list-serv, have positively impacted their ability to collaborate and share information. The Working Group has the potential to make long-term, significant impacts on the landscape, culture, and climate for survivors of domestic and sexual violence as they navigate the legal system.

SUBCOMMITTEE REPORTS

Civil Litigation Subcommittee

Chair: VACANT

Members: Hilly McGahan and Brandi Ries

Subcommittee Report:

The Civil Litigation Subcommittee determined that in order to improve civil litigation services, there is tremendous need for education of the bar and judiciary across the state of Montana. Therefore, education was identified as the first initiative for this sub-committee. Originally, the sub-committee was comprised of Jess Wilkerson of MLSA (who was the original chair), Hilly McGahan, SAFE Harbor, and Brandi Ries, Ries Law Group, P.C.

In late spring 2018, the Working Group was contacted by Patty Fain regarding the need for training on mediation in cases of domestic violence for the E-RAMP program in Flathead County. The Working Group directed the project to the Civil Litigation sub-committee, and the three members of the subcommittee facilitated a one-hour online training for the E-RAMP program during July 2018. The training was well-attended and received and is now available for future mediators across the state of Montana.

In late summer, Jess Wilkerson stepped down as chair of the subcommittee. As the subcommittee currently only has two members and the Working Group has identified other priority initiatives (specifically related to Orders of Protection and Procedural Justice), the ad hoc subcommittee is not currently active but anticipates resuming once additional committee members are added and specific initiatives related to civil litigation are identified.

Expert Witnesses Subcommittee

Chair: Diana Garrett

Members: Hilly McGahan, Kate Seaton, Robin Turner

Subcommittee Report:

The Expert Witness Subcommittee is working towards helping to develop training for potential DV Experts as well as compiling a list of statewide DV experts that are available at low to reasonable costs to be used in civil cases involving DV (focusing primarily on OOP and family cases for now). The Subcommittee has identified the need for more DV experts in the therapeutic field. Subcommittee members have interviewed a cross section of counselors and therapists to help determine the level of comfortability with testifying as well as the perceived barriers to acting as an expert in these cases.

An intensive training academy was held across the state this past summer on comprehensive training of crime victim advocates to become experts in DV cases. Robin Turner from the MCASDV created and facilitated this comprehensive training and Ms. Garrett and Ms. Ries were part of the faculty team in providing the training.

In turn, the DV Expert Witness Subcommittee will be further examining the process and the curriculum of the trainings that were done to see how best to expand these trainings to additional professions. This is an important step in working towards the ultimate goal of creating a statewide list of trained DV Experts from a variety of professions.

Orders of Protection Subcommittee

Chair: Emily Lucas

Members: Diana Garrett, Fawn Reed, Katy Reed, Heidi Sanders

Subcommittee Report:

The Order of Protection Subcommittee has met twice as an individual group, once on May 21, 2018 and again on October 9, 2018. The Subcommittee also met on November 11, 2018; however, this meeting was open to all members of the DV Working Group and Judge Greg Mohr (retired Richland County Justice of the Peace). The purpose of the November 11, 2018 meeting was to explore issues the DV Working Group has encountered with orders of protection across the state with Judge Mohr, who has been hired by the Court Administrator's office to conduct statewide research on procedural and substantive concerns with orders of protections in Montana.

Over the summer an intern from Montana Legal Services assisted the Subcommittee by conducting a statewide survey of the instruction coversheets and forms provided to pro se litigants seeking orders of protection in city and justice courts. The purpose of the survey was to identify any major issues which could be addressed either through a training or best practice guide. The Subcommittee is also in the process of preparing a Montana Domestic Violence Bench Card which the Subcommittee will distribute to judges presiding over family law matters and orders of protection across the state. This Bench Card should be ready for distribution by the spring of 2019.

Procedural Justice Subcommittee

Chair: Brandi Ries

Members: Trish Klanke, Emily Lucas, Fawn Reed, Diana Garrett, Hilly McGahan, Robin Turner

Subcommittee Report:

The Procedural Justice subcommittee has met several times throughout 2018. The Procedural Justice subcommittee has identified numerous issues that need immediate attention regarding procedural justice for litigants in domestic and sexual violence cases (including, but not limited to, access to justice, language barriers, safety, etc.). In an attempt to address these issues as quickly as possible, the Procedural Justice subcommittee is actively working on creating a manual for courthouse professionals (including judiciary, clerks, court administrators, bailiffs, etc.) on policies and best practices to implement. The subcommittee members have been given the opportunity to attend online trainings on Procedural Justice and have reviewed manuals from other jurisdictions. Each sub-committee member has provided the Chair with feedback on manuals from other jurisdictions and the Chair is currently working on compiling the feedback and beginning a draft of a manual that is relevant to rural Montana.

The Procedural Justice subcommittee's short-term goals are:

1. Complete a working draft of the manual;
2. Identify stakeholders to review and provide feedback on the manual;
3. Finalize manual by early Spring 2019;
4. Disseminate manual (the subcommittee has not yet discussed how to accomplish this task, but will likely need to identify funding sources); and
5. Provide training to courts, clerks and court administrators (and other applicable professionals) on the manual and Procedural Justice issues in domestic and sexual cases.

Tab 5

Law School Partnerships Committee (LSPC)
December 2018 Report to ATJC

1. Membership and Composition. The LSPC continues its interest in adding ATJC members and law students to the committee. Hannah Cail has joined the LSPC. Please note the new email address for Debra Steigerwalt. The current composition of the LSPC is:

Debra Steigerwalt Chair; Strategic Planning Committee Member	debbie@missoulafamilylaw.com dsteigerwalt7@gmail.com
Prof. Hillary Wandler Alexander Blewett III School of Law	hillary.wandler@umontana.edu
Hon. Leslie Halligan ATJC Committee Member; Montana State Bar Immediate Past President; 4th Judicial District Court Judge	LHalligan@mt.gov
Niki Zupanic Montana Justice Foundation	nzupanic@mtjustice.org also: Carin McClain (cmclain@mtjustice.org)
Patty Fain State Court Pro Bono Coordinator	PFain@mt.gov
Jessica Walker-Keleher Exec Dir. CDRC of Missoula County	jwalker.keleher@gmail.com jwalker-keleher@cdrcmissoula.org
Kate Ellis State Bar Trustee	kate@cplawmt.com
Diana Garrett Montana Legal Services	dgarrett@mtlsa.org
Shannon Hathaway Montana Legal Justice; Member of New Lawyers Section; RIPL Project Board Member Representing LSPC and Private Practice Modest Mean Firms	shannonh@montanalegaljustice.com
Angie Wagenhalls Montana Legal Services	awagenha@mtlsa.org
Jessica Fehr District Judge, 13 Judicial Dist. Court	Jessica.Fehr@mt.gov
Stefan Kolis Western Montana practitioner; former student member	stefankolis@gmail.com
Hannah Cail New Lawyers Section Board; RIPL Staff Attorney and Coordinator	hcail@mtlsa.org

2. Last Meeting. The LSPC held its last meeting as a teleconference on October 10, 2018. The LSPC continued to review the proposed strategic activities for the LSPC, including additional strategies in which LSPC was specified as an additional lead. Nikki committed to review her notes from the meeting to add additional details to the ATJC proposed strategic plan. Hannah Cail provided an update on the RIPL program. The new Law School Pro Bono Coordinator is Karlene Kuhn. Professor Gross is now supervising the Law School Pro Bono Coordinator position again (Prof. Wandler supervised it last semester while Professor Gross was on sabbatical).

3. Next Meeting. The next meeting of the LSPC was tentatively scheduled to be held on Wednesday, July 23, 2018 @ noon by teleconference.

Tab 6



October 26, 2018

Nikki Zupanic
Executive Director
Montana Justice Foundation
P. O. Box 1917
Helena, Montana 59624

Dear Ms. Zupanic:

I am pleased to inform you that the Open Society Foundations has approved, through the National Center for State Courts (hereinafter, "NCSC") a grant to the Montana Justice Foundation (hereinafter, "Grantee") to support a strategic action planning effort to expand access to justice in Kentucky and further CCJ/COSCA Resolution 5 as described in the proposal and budget received from your state on July 27, 2018.

Before payment is issued, NCSC must receive a signed copy of this Grant Award Contract which includes the attached Grant Conditions confirming your acceptance of the terms of the grant. A brief overview of the grant terms is outlined below. The complete grant award terms and deliverables are described in the Grant Conditions.

Grant amount:	\$74,371
Purpose:	Support strategic action planning to advance meaningful Access to Justice for all in Montana
Grant Period:	11/15/2018 - 5/15/2020
Payment schedule:	A payment of \$74,371 will be made within 30 days of receiving a signed Grant Award Contract.
Reporting:	A narrative report is due at the end of every quarter of the award (2/15/19, 5/15/19, 8/15/19, 11/15/2019, 2/15/2020, and 5/15/2020). A financial report must be submitted upon conclusion of the grant period. Justice for All project staff will conduct separate status calls on a monthly basis. A reminder and instructions for report preparation will be sent one week before each due date.

Through the generosity of the Open Society Foundations, NCSC is pleased to support the work and contributions of your organization and we look forward to working with you over the period of your grant. Please don't hesitate to contact me (tclarke@ncsc.org) or Shelley Spacek Miller (sspacek@ncsc.org) with any questions you may have.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas M. Clarke".

Dr. Thomas Clarke
Vice President, Research
and Technology



JUSTICE FOR ALL STRATEGIC ACTION PLANNING GRANT CONDITIONS

The following conditions apply to the use of funds provided by NCSC (the “Grantor”) to the Montana Justice Foundation (the “Grantee”) pursuant to the Grant Award Letter dated October 26, 2018.

- A. **Grant Term.** The work under this agreement shall commence on November 15, 2018 and shall be completed on or before May 15, 2020. Any change in the grant period must be requested in writing 60 days before the end of the grant term.
- B. **Grant Amount, Payment Schedule and Renewal Condition.** A payment of \$74,371 will be made to Grantee within 30 days of Grantor receipt of a signed Grant Award Contract. This is a one-time payment and the grant will not be renewed.
- C. **Scope of Work.** This grant is intended to support a strategic action planning effort to expand meaningful access to justice for all in Montana. Working with all relevant stakeholders, the Grantee shall adhere, in a professional and timely manner, to the activities, approach, deliverables, and budget described in its proposal submitted on July 27, 2018.
- D. **Grant Expenditure Limits.** Grant funds may be spent only for the specific activities and programs set forth in Grantee’s proposal and budget. Any change in the purposes for which grant funds are spent must be approved in writing by the Grantor before implementation. Except as agreed otherwise in writing, any unexpended funds remaining from a grant at the end the grant period, and any funds used in violation of these Grant Conditions, will be repaid to Grantor.
- E. **Participation in Grant-Related Activities.** Grantee shall make a good faith effort to participate in all Justice for All project activities. This includes occasional calls with fellow awardees, and attendance by Grantee planning consultants at an initial convening with fellow awardee planning consultants. Costs for the initial convening will be paid separately by Grantor.
- F. **Selection of project personnel.** The Grantee is solely responsible for the selection and direction of any organization or individual that assists in carrying out the purpose of the Grant. Grantor will not participate in such selection or direction.
- G. **Prohibition against certain activities.** Grantee may not use this Grant to:
 1. Attempt to influence legislation or the outcome of any election for public office;
 2. Carry on any voter registration drive except as provided in Section 4945(f) of the Internal Revenue Code;
 3. Induce or encourage violations of law or public policy; or
 4. Cause any private inurement or improper private benefit to occur.
- H. **Reports to the Grantor.** On a quarterly basis, Grantee will submit a brief written report based on the provided report template (Attachment A) to Grantor. The report must adequately address the sections included in the report template. A report on budget expenditures must also be provided along with the final progress report. A completed strategic action plan and an assessment/inventory shall be submitted with the final progress report. Grantor may request additional information, including budget status and project work products, as is reasonable and necessary to determine appropriate grant fund use and grant progress. Grantee agrees to participate in monthly check-in calls with project staff.

Grantee is responsible for updating the Grantor with any mailing address, telephone, email address, or significant project staffing change (including project leadership) for duration of the grant period. Grantor would also like to receive any copies of news articles or other published reports about Grantee’s work and accomplishments during the grant period.

- I. **Maintenance of Records.** The Grantee is responsible for maintaining adequate records of receipts and expenditures made in connection with grant funds, consistent with generally

accepted accounting principles. The Grantee agrees to retain such records for at least five (5) years after conclusion of the grant period.

- J. **Review by Grantor.** The Grantor may conduct a review of the strategic action planning effort for which grant funds have been committed. Such a review may include a visit by Grantor personnel to observe any efforts, discussions with the Grantee, and a review of financial and other records maintained by the Grantee in connection with the grant efforts. The Grantee agrees to fully cooperate in any such evaluation.
- K. **Conditions for funding.** Grantor may rescind funding and require any advances to be repaid if, at any time, the terms and conditions of this grant are not met.
- L. **Use of other's name.** Grantor may list the Grantee as a grantee in its annual report and on its website and may refer to this grant in other reports generate for internal and external purposes. If the Grantee includes a reference to the Open Society Foundations or NCSC support in any press release, report, or other public form, the Grantee agrees to send the language to Grantor for review and approval prior to release or publication.
- M. **Grant work product ownership and copyright.** Grantee shall retain all ownership rights, title, and interest in the data, work product, copyrights and other original materials produced pursuant to this grant agreement. Grantee agrees to allow Grantor the right to use and distribute the data, work product, copyrights and other original materials produced pursuant to this grant agreement.
- N. **Nondiscrimination and equal employment opportunity.** During the performance of this Agreement, Grantee agrees that it will not discriminate against any employee or applicant for employment because of age, race, color, religion, sex, sexual orientation, physical or mental disability, or national origin. Further, Grantee certifies that it is an equal opportunity employer and shall comply with all state and federal laws prohibiting discrimination.

**Justice for All Project
Strategic Action Planning Letter of Intent**

1) Overview of the Montana Justice for All Project

The Montana Justice for All Project is a collaborative effort of the Montana access to justice community, led by the Montana Supreme Court Access to Justice Commission (MT ATJ Commission) and supported by a diverse and committed contingent of access to justice stakeholders, including the Montana Supreme Court (MT Supreme Court), the Montana Justice Foundation, the State Bar of Montana (MT Bar), Montana Legal Services Association (MT Legal Aid), and the Montana Supreme Court Office of Court Administrator (MT Courts). Over the years, as the MT ATJ Commission has identified gaps and weaknesses in Montana's justice system, the access to justice community has studied, planned, and directed various efforts towards the ultimate goal of achieving a meaningful continuum of information and services to meet the legal needs of all Montanans.

Since submitting our initial Justice for All proposal in October 2016, Montana's access to justice community has continued to catalog legal assistance resources and update the strategic plan to address identified gaps using the Justice for All guidance materials. Without dedicated staff time and professional facilitation, however, these ongoing efforts lack the critical focus that will lead to an informed, strategic process. The inventory assessment, strategic action planning, and implementation steps included in this Project proposal will expand preliminary efforts and firmly ground them in the Justice for All methods.

2) Grant Recipient, Project Leaders, Stakeholders, and Roles

The Montana Justice Foundation (MJF) submits this application on behalf of Montana's access to justice community and will administer the requested grant funds. MJF is a 501(c)(3) nonprofit organization working to achieve equal access to justice for all Montanans through funding and statewide leadership. MJF was founded in 1979 by the State Bar of Montana to serve as the charitable arm of Montana's legal community and was designated by the Montana Supreme Court in 1986 to collect and distribute IOLTA funds. MJF has the project management experience and statewide relationships necessary to bring this project to successful fruition. An MJF board member serves on the MT ATJ Commission, the MJF executive director chairs the MT ATJ Commission Strategic Planning Committee, and MJF has provided primary staff support to the MT ATJ Commission for several years. With its strong ties to MT Bar, MT Courts, and MT Legal Aid, MJF has the exceptional ability to bring together diverse stakeholders to address the needs and challenges of justice system users.

MJF Executive Director Niki Zupanic will be the lead staff for the Project and responsible for overseeing the inventory assessment, strategic action planning, and evaluation and reporting efforts. Niki joined MJF in 2015 after nearly 15 years in civil rights advocacy, state government, and private practice. Niki was the public policy director for the ACLU of Montana, where she oversaw several successful multi-year grant projects. In 2017, Niki became the chair of the MT ATJ Commission Strategic Planning Committee and

has led the process of reviewing the Commission's mission and goals and developing a set of recommended mid-range strategies and actions.

The Project will be facilitated by consultant Tara Veazey. Tara started her career as an attorney at MT Legal Aid, where she founded and implemented a self-help law program. She coordinated state legislative efforts to secure funding for the MT Supreme Court's self-help law program. She has served on the Commission on Self-Represented Litigants, the Access to Justice Committee (precursor to MT ATJ Commission), the Public Defender Commission, and the MT Legal Aid Board of Directors. Tara also served as the senior health policy advisor to Governor Steve Bullock and was instrumental in the passage and implementation of Medicaid expansion. Tara brings a wealth of project management experience, a deep and holistic understanding of the needs of justice system users, an excellent reputation, and long-standing working relationships with the access to justice and other service provider communities.

The Project actively involves numerous stakeholders across Montana. The MT ATJ Commission Strategic Planning Committee (Strategic Planning Committee) will be the principal entity involved with the inventory assessment and strategic action planning. The Strategic Planning Committee currently includes the following members: MT ATJ Commission Chair and Supreme Court Justice Beth Baker; MJF Executive Director Niki Zupanic; MT Legal Aid Executive Director Alison Paul; former Lewis & Clark County Public Health Officer Melanie Reynolds; Yellowstone County Justice of the Peace David Carter; Law School Partnerships Committee Chair Debra Steigerwalt; and MT Bar Equal Justice Coordinator Ann Goldes-Sheahan. Additionally, MT Courts Administrator Beth McLaughlin and staff have collaborated in building the Project and will continue contributions as the Project moves forward.

The Project's strategic action planning will engage all stakeholders in the access to justice community, many of whom are already active participants with the MT ATJ Commission and its committees. The Project will actively seek participation from organizations and agencies whose primary mission involves the justice system, such as the Montana Coalition Against Domestic and Sexual Violence, American Indian Tribal Courts, the Montana Attorney General's Office, the Montana Justice Department's Office of Consumer Protection and Victim Services, the ACLU of Montana, local pro bono groups, local modest means legal service providers, the Legal Services Developer Program of the Montana Aging Services Bureau, the University of Montana School of Law, the Montana Board of Crime Control, and the Montana Department of Corrections.

The Project will also seek the expertise and viewpoints of local, state, and national organizations and agencies who serve Montana's vulnerable populations. These stakeholders will include the Area Agencies on Aging, the Montana United Indian Association, NAMI Montana, district Human Resource Development Councils, the Montana Primary Care Association (and member community health centers), the Montana Board of Housing, local public housing programs, the Montana Department of Public Health and Human Services, the Montana Office of Public Instruction, the Governor's Office of Indian Affairs, individual Tribal Nation governments, local job services organizations, Health Care Navigator Planned Parenthood of Montana, the Montana Health Network, Disability Rights Montana, Montana Association of Churches, Montana Chamber of Commerce, and the Montana-Wyoming Tribal Leaders Council.

The Strategic Planning Committee is committed to collaborating with these diverse stakeholders to provide the Planning Team with meaningful input in the inventory assessment and strategic action planning. Project leaders will expend significant effort to listen to unique viewpoints and incorporate them into a collaborative strategic action plan reflective of the diverse users of Montana's justice system.

3) Description of Montana's Approach, Vision, and Previous Efforts

The Justice for All Strategic Action Planning grant opportunity comes at a critical time for Montana. The MT ATJ Commission and its individual partners have been proactive in progressing towards the goal of meaningful access to justice for all Montanans. Each partner is strongly committed to take further action and wants to base that action on actual data to strategically serve the highest needs of system users. Despite successful initial efforts, the Montana access to justice community has lacked a unified methodological approach to conduct a complete inventory assessment and strategic plan and lacks the financial capacity to dedicate necessary staff time. This grant opportunity thus fits hand in glove with the current status of Montana's access to justice movement: we have all committed to this Project and are ready to work together on a comprehensive inventory assessment of Montana's justice system, to create a strategic action plan grounded in this inventory, and to move forward on action driven by that plan.

The MT ATJ Commission created a Strategic Planning Report with the help of a national consultant in 2013, with the vision to "exercise a forward-looking, active role to improve the capacity of the justice system in Montana to meet the needs of its citizens, particularly those who are low income or disadvantaged." This strategic planning process helped coalesce the MT ATJ Commission members around a common, articulated goal and identified multiple strategies for meeting that goal. This document and the Justice for All guidelines have served as the basis for the Strategic Planning Committee's work to create an updated set of goals, recommend strategies, and take initial actions. But there is an acute need for dedicated staffing to spearhead a complete inventory of access to justice in Montana and perform a thorough strategic planning process rooted in the Justice for All components.

Through its initial planning efforts, the MT ATJ Commission has identified priority areas that flow into the Justice for All Project's methodology:

1. Dedicating staff time to complete and maintain a consistent, accurate, and understandable inventory of legal forms and information for self-represented litigants;
2. Maintaining a consistent training and education program for court staff, volunteers, and lawyers on the forms and information available and the difference between providing legal information and legal advice;
3. Developing a web-based platform for connecting pro bono and modest means lawyers with low- and moderate-income Montanans to assist with resolving their legal needs;
4. Developing and implementing court-based pro bono mediation programs for family and self-represented litigant cases; and
5. Increasing resources for providing direct representation to those most in need of legal services who are unable to handle their own needs.

These priority areas were selected based on the MT ATJ Commission’s vision to accomplish the “big, audacious goal” of being an “agent for change” of the Montana justice system and to provide real, meaningful access to that system, especially for those Montanans most likely to experience barriers.

Through this initial work, the MT ATJ Commission and its members are poised to take full advantage of a Justice for All Strategic Action Planning grant to reach a common vision of every system user having complete access in each component of the civil justice system. Each member of the MT ATJ Commission has fully committed to dedicate time and resources to help achieve this vision.

These MT ATJ Commission members have sustained collaboration efforts since the Commission’s inception by attending quarterly meetings and serving on several active committees: Law School Partnerships; Policy and Resources; Communications and Outreach; and Self-Represented Litigants. Each committee meets regularly and has produced action toward identified access strategies: development of legal forms and instructions for self-represented litigants; training for clerks; completion of a legal needs and barriers assessment; monitoring legislative activity and making recommendations; helping secure permanent state funding for the Court Help Program; successfully proposing a court rule allocating at least 50% of class action residual funds to an access to justice organization; sponsoring an Economic Impact Report of civil legal aid in Montana; successfully developing a system for bar applicants to voluntarily report pro bono activities; and holding public forums throughout the state to both inform strategic efforts and build awareness of access to justice needs.

Recently, the MT ATJ Commission has sustained coordinated efforts to expand its educational campaign, to secure state funding for civil legal aid programs, and to build a court-based mediation project. With the MT ATJ Commission’s support, many individual members have also embarked on other collaborative projects. For example, MT Legal Aid, MT Bar, the University of Montana School of Law, and MJF recently launched the Rural Incubator Project for Lawyers, which empowers recent law school graduates to establish innovative law practices that serve underserved low- and moderate-income populations in rural Montana. MT Legal Aid, the MT Courts, and the Montana Department of Justice collaborate to administer a State AmeriCorps project that engages approximately 20 AmeriCorps members each year to increase access to the justice system. This Justice for Montanans project also provides the groundwork for the Commission’s data-gathering activities. Other examples of sustained collaborative projects include MT Courts and MT Legal Aid working together to provide staffed Self-Help Centers and kiosks across the state, and the Montana Department of Justice and MT Legal Aid coordinating to provide legal assistance to domestic violence survivors. These collaborative examples demonstrate the deep and lasting connectedness of justice stakeholders in Montana – we all truly believe in our vision and work together to achieve that vision.

Model for Other States

Montana is an ideal model for other under-resourced states with moderate-size urban communities surrounded by large rural areas. The state of Montana encompasses 145,545 square miles – it takes as long to drive from one end of Montana to the other as it does from Chicago to Washington, D.C. The average population is 6.8 persons per square mile, compared to the national average of 87.4. According to the 2010 U.S. Census, the state ranks fourth in size but 44th in population, with the third lowest population density in the United States. There are seven federally recognized Indian Reservations,

comprising over 8,000,000 acres; each is a sovereign nation with a distinct government and legal system. By 2025, 30% of the population in 42 of Montana's 56 counties will be people age 60 and older—a population with growing legal needs, spread far and wide in a rural state.

The results of this Project will be particularly relevant to other rural states that are struggling to allocate scarce resources to address the urban-rural divide, especially those with American Indian reservations. Like many other rural states, Montana has low IOLTA revenue and limited state funding. Yet Montana has other resources that are either present or replicable in other states: an established Access to Justice Commission with a history of expanding access to justice, a well-regarded legal aid program, a centralized court system, a unified bar association, and a supportive private bar. These assets make Montana's Project a valuable proving ground for the Justice for All Strategic Action Planning methodology and create a successful model for other rural or under-funded states.

Montana can also be a model for other states that have made some progress and are poised to take more steps to increase access to justice efforts. Like many states, Montana has developed some pieces of a well-integrated and highly functioning civil justice system, but has not yet fully catalogued what resources are available where, and how to address the remaining gaps. Montana's Project will be a model to other states that have created various patches and are now ready to pull those patches into a quilt.

4) Proposed Planning Efforts, Deliverables, and Time-table

The overall Project goal is to provide meaningful access to justice to all people in Montana through (1) an assessment of Montana's progress on implementing each of the 16 components identified by the Justice for All Expert Working Group's Strategic Planning Guidance Materials as present in a well-integrated, comprehensive justice system, and (2) planning strategic actions the access to justice community will take to move the needle on each of those components. The Project planning efforts will proceed in three organized segments: inventory assessment, strategic action planning, and preparing for implementation.

The Project's first segment will take a renewed, in-depth look at the full spectrum of services offered and resources available across the entire state of Montana. Guided by the Project staff and our consultant, the Strategic Planning Committee will conduct this inventory assessment by utilizing the Justice for All Expert Working Group's Strategic Planning Guidance Materials assessment tools. The inventory assessment will entail a complete review of Montana's progress on deploying the key elements for each component. The inventory process will be tailored to meet the needs of a remote, rural, and large state. The Strategic Planning Committee has committed to take a leadership role in improving access to justice in Montana, and understands that a successful inventory requires consultation with affected populations and end users. The Strategic Planning Committee will take steps to actively involve people with these viewpoints in a meaningful way that honors their capacity to participate.

The Strategic Planning Committee and consultant will build on the planning and assessment efforts already engaged in by the MT ATJ Commission. The MT ATJ Commission created a "Gaps & Barriers" Report in 2014, which detailed civil legal aid available and barriers to accessing that aid. The MT Courts staff has also undertaken a review and compilation of the local resources available in each county. But neither of these efforts were a complete and strategically focused inventory that follows the Justice for All process. The Justice for All grant will provide the committed capacity and methodology to create an

inventory of Montana's specific resources for each component of an integrated access to justice system. At the end of this six-month process, the Project will have a comprehensive inventory reflecting the true status of our access to justice system, organized and clustered by the Justice for All Expert Working Group's Strategic Planning Guidance Material components.

The Project's second segment will focus on planning strategic action steps to move the needle on each of those components. This planning will be firmly based in the realities revealed in the inventory, and prioritized by what is possible in Montana – taking into account regional politics, available leadership, and capacity. The inventory will be analyzed to identify where justice gaps occur in Montana's justice system. The strategic action planning process will involve a larger group of stakeholders, as identified above and detailed below. This larger Planning Team will actively seek the viewpoints of the ultimate justice system users, in particular those without the means to access justice through a private attorney. For example, the Planning Team will conduct electronic surveys of end users, seeking opinions which will be incorporated into the strategic action plan to address on-the-ground concerns.

The Planning Team's strategic action planning efforts will be facilitated by the consultant, who will keep the project strategically focused using the Justice for All Working Group's Strategic Planning Guidance Materials. The strategic action plan will focus on coordinating and integrating actions to fill gaps identified in the analysis of the inventory assessment. The Planning Team will review each of the 16 components in the inventory, determine its priority in the larger picture of Montana's access to justice efforts, develop measurable outcomes for improving efforts on each component, and plan individual, concrete steps that will move Montana's access to justice system toward the ultimate goal of meaningful access to justice for all. At the conclusion of the strategic action planning segment, the Planning Team will have developed a specific plan and timeline for each component, identified the responsible stakeholders for each item, and created detailed benchmarks to assess progress. The result will be a concrete plan for the Project Working Group, the MT ATJ Commission, and other stakeholders who have agreed to accomplish specific, identified tasks. The Planning Team will prioritize strategic actions that fill gaps identified in the analysis of the inventory assessment. We expect this segment to take nine months.

The Project's third and final segment will be taking actual steps to implement priority items from the strategic action plan created in the Project's second segment. In order to build momentum and cement leadership roles, the Project will conclude the grant-supported portion of the Project by taking initial steps identified in the strategic plan. Positive movement towards the measurable outcomes identified will be critical to set the stage for further implementation. This segment will also focus on finalizing deliverable reports – the inventory and the strategic plan – as well as completing evaluations and grant reporting.

Ultimately, the Project anticipates creating (and beginning steps of implementing) the foundation of real change to positively impact access to justice in Montana. Based on recent needs assessments, current resources in Montana can help only 1 in 10 Montanans under 200% of the federal poverty level with their civil legal needs. These needs are exacerbated by extremely rural and remote geography. The Project will work to fill this justice gap by thoughtfully identifying and strategically planning actions that will actually help meet the legal needs of Montanans accessing the justice system.

Time-table for Grant Activities, with Responsible Parties and Deliverables:

Dates	Responsible Parties	Task(s)	Anticipated Product(s)
First 30 days	MJF; Strategic Planning Committee	Retain Project Consultant	Executed contract and Scope of Work with Project Consultant
First 30 days	MJF; Strategic Planning Committee; Consultant	Hold preliminary communications and first Project meetings; identify and invite nontraditional interested parties with leadership capacity to join Strategic Planning Committee	Calendar of future Strategic Planning Committee meetings and calls; membership of Strategic Planning Committee expanded
Entire grant term (Months 1-18)	MJF	Maintain grant records, including financial data, and communicate with NCSC as appropriate	Quarterly grant reports
Entire grant term (Months 1-18)	MJF; Strategic Planning Committee; Consultant	Participate in meetings or calls as scheduled; exchange information as requested or as appropriate to Project	-
Months 1-6	MJF; Strategic Planning Committee; Consultant; Interested Parties involved at their capacity level	Agree on assessment strategy; tailor NCSC assessment criteria; conduct individual component assessments; draft and finalize inventory assessment report	Inventory Assessment Report
Months 7-15	MJF; Planning Team; Consultant; Interested Parties involved at their capacity level	Establish strategic planning process informed by NCSC guidance; prioritize and stage components; plan individual components	Strategic Action Plan
Months 16-18	Strategic Planning Committee; MT ATJ Commission; Stakeholders committed to individual action items	Prepare for implementation; begin implementation on identified priority items	Tangible progress toward and/or completed implementation of identified priority items
Month 18	MJF; Strategic Planning Committee; Consultant	Evaluate Project effectiveness; debrief on process and evaluation findings; finalize specific details for continued Project implementation	Evaluation Report and Recommendations

Month 18 and post-grant	MJF	Complete all necessary NCSC grant reports, project summaries, outcomes and financial reviews	Final grant report
Phase 2 – post grant	MJF; MT ATJ Commission; Strategic Planning Committee	Implement strategic plan	Implementation of specific components of strategic plan

5) Amount Requested and Budget

The Montana Justice Foundation requests \$74,371 in support of this Project. Below is a detailed Project budget and narrative.

Budget Category	Amount
Personnel	\$13,275
Consultants	\$50,000
Travel	\$6,930
Materials	\$2,000
In-kind Contributions	\$15,000
Indirect	\$2,166 (3% of direct costs)
Total Project Budget	\$89,371
Amount Requested	\$74,371

Personnel: MJF Executive Director: 0.1 FTE over 18 months to coordinate and oversee the Project and supervise and guide the consultant. The MJF Executive Director will act as the MJF liaison for the Project and will be responsible for ultimate oversight of the project, ensuring appropriate program design, and preparation of grant progress reports. The personnel amount includes both salary and standard MJF fringe benefits.

Consultant: MJF has not finalized a consultant contract with Tara Veazey, but has sought her participation in the planning process. The budgeted amount for the consultant’s services represents an estimated 400 hours of planning, facilitation, analysis, and drafting, at a rate of \$125 per hour. This hourly rate is the standard rate of qualified consultants in Montana for similar projects. The consultant’s scope of services will include facilitating the Strategic Planning Committee and Planning Team, coordinating meetings of stakeholders, guiding and conducting the inventory analysis, guiding and conducting the strategic planning process, compiling data and contributing to evaluation reports, and drafting the inventory and strategic plan reports.

Travel: The Project Consultant and MJF Executive Director will travel for collaboration of statewide stakeholders and to create a true inventory of the Montana access to justice system. Travel to meetings is required to coordinate the project partners and implement the project over the remote, rural state of Montana. Most travel will be day trips, although occasionally an overnight stay is required because of the size of Montana (over 600 miles to cross the state). The estimated travel costs also include providing mileage reimbursement to Project participants who would otherwise be unable to travel to and attend Project meetings, helping to ensure meaningful participation from underserved communities.

Budgeted travel costs include:

- Lodging at \$100 per night at 5 nights for 2 people: \$1,000
- Meal Per Diem at \$42 per day at 20 days for 2 people: \$1,680
- Mileage at 7,500 miles at \$.54 per mile: \$4,050
- Incidentals (e.g., parking) at \$100 per 2 people: \$200

Materials: MJF anticipates costs for printing and postage for the guidance materials, evaluation tools, and reports. This line item also includes supplies for Project meetings and stakeholder convening.

In-Kind Contributions: Members of the Strategic Planning Committee and partner organization staff expect to contribute at least \$15,000 worth of in-kind time and support to the Project. This amount includes administrative staff support from MJF and MT Legal Aid, and time contributed by Strategic Planning Committee members.

Indirect Costs: MJF has included an indirect cost rate of 3% of the Project's direct costs.

6) Documentation, Evaluation, and Reporting


With assistance from the Consultant, the MJF Executive Director will evaluate and report on Project progress and results. MJF will internally evaluate Project progress by preparing and submitting quarterly written assessments of advancement towards the Project goals, completion of the benchmarks identified in the Project timeline, and any challenges encountered or other observations about the Project.

In addition to evaluating Project progress within the grant term, the Strategic Planning Committee will include a similar evaluation process within the strategic action plan itself. Following the strategic planning guidance materials, the individual component planning will include creating outcome measures for tracking component progress, and a specific timeline identifying responsible parties for deploying the action plan steps. Expected Project outcomes will include: completion of the inventory assessment; final strategic plan; successful completion of strategic actions to fill justice gaps; improved ability to navigate legal system noted in surveys of Montanans accessing the justice system; and improved knowledge of resources available to help access justice noted in surveys of Montanans accessing the justice system. Ongoing evaluation of the plan's implementation – both during the grant period and thereafter -- will be conducted by MJF, as lead support staff for the MT ATJ Commission. A clear timeline and benchmarks for documentation and reporting of that evaluation process will be included in the strategic action plan.

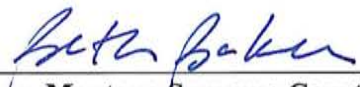
The evaluation process will include formative and summative approaches, and qualitative and quantitative methods of analysis. Formative evaluation will examine and assist in improving the action plan's early implementation. Summative evaluation will determine whether plan objectives are achieved on pace with the action plan's timeline. Project evaluations will be based on both qualitative and quantitative data and will include interviews and surveys of justice system users and stakeholders about the effectiveness of implemented strategies and the usability, usefulness, and accuracy of any innovations. Strategic Planning Committee members, such as MT Courts and MT Legal Aid, will provide evaluation data regarding justice system users and their experiences.

COMMITMENT TO SUPPORT

1. The signatories agree to collaborate to provide meaningful access to justice to all people in Montana through (1) an assessment of Montana’s progress on implementing each of the 16 components identified by the Justice for All Expert Working Group Strategic Planning Guidance Materials as present in a well-integrated, comprehensive justice system, and (2) planning strategic actions the access to justice community will take to move the needle on each of those components as most relevant in Montana.
2. We, the undersigned, have read and support this proposed grant Project.

BY: 
Mike McGrath, Chief Justice
Montana Supreme Court
215 North Sanders
Helena, MT 59620

BY: 
Beth McLaughlin, Court Administrator
Montana Supreme Court
Office of Court Administrator
301 South Park Ave, Room 328
Helena, MT 59601

BY: 
Beth Baker, Montana Supreme Court Justice
Montana Supreme Court Access to Justice Commission Chair
215 North Sanders
Helena, MT 59601

AWARD RECIPIENT

BY: 
Niki Zupanic, Executive Director
Montana Justice Foundation
PO Box 1917
Helena, MT 59624

Montana Access to Justice Commission

[DRAFT] Strategic Plan

2019-2020

Statement of Purpose

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

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

		<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. 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</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>1. Support innovative programs among other stakeholders, such as incubator programs and expanding statewide pro bono and limited scope opportunities for law students</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>
--	---	--

	<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>

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>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</p>	<p>Education and Outreach Committee <i>Office of Court Administrator</i> <i>State Law Library</i></p>
	<p>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</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>Resource Development: 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. Advocate to the legislature for civil legal aid funding</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>