

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

- I. Call to Order and Introductions: Justice Baker (1:00– 1:05)
 - a. Approval of 9/8/17 meeting minutes: Justice Baker (Tab 1)
- II. ATJC Standing Committee Reports:
 - a. Self-Represented Litigants: Ann Goldes-Sheahan and Abby Brown (1:05-1:15)
 - i. Fee Waiver Form update
 - b. Law School Partnerships: Debbie Steigerwalt (1:15-1:30) (Tab 2)
 - i. Action item: Commission support of Incubator Project Grant Proposal (Tab 3)
 - c. Strategic Planning: Niki Zupanic (1:30-1:40) (Tab 4)
- III. Working Group on civil legal issues for DV survivors: Angie Wagenhals for Alison Paul (1:40-1:45) (Tab 5)
- IV. ATJC JIC Liason Report and Orders of Protection Update: Patty Fain and Judge Carter (1:45-1:55)
- V. Limited License Legal Technician Update and report and public comment period: Georgette Boggio (1:55-2:05)
- VI. Guardianship Program update: Patty Fain, Angie Wagenhals, and Ann Goldes-Sheahan (2:05-2:10)
- VII. Veterans Law Initiative and Law School project: Patty Fain (2:10-2:20)
- VIII. Unbundling Conference presentation: Patty Fain and Ann Goldes-Sheahan (2:20-2:40) (Tab 6)
- IX. Public Comment and Review 2017 and 2018 Meeting Dates (2:40-2:50)
 - a. March 9, 2018
 - b. June 8, 2018
 - c. September 14, 2018
 - d. December 7, 2018

Tab 1

Montana Supreme Court Access to Justice Commission
September 8, 2017
Large Conference Room, Office of the Court Administrator
301 S. Park, Third Floor, Helena, MT
12:00–3:15 PM
Meeting Minutes

Commissioners Present: Justice Beth Baker, Matthew Dale, Rep. Kim Dudik, Hon. David Carter, Rick Cook, Alison Paul, Ed Bartlett, Aimee Grmoljez, Hon. Leslie Halligan, Dan McLean, and Sen. Terry Gauthier.

Commissioners Absent: Hon. Greg Pinski, Hon. Winona Tanner, Kyle Nelson, Dean Paul Kirgis, Melanie Reynolds, Georgette Boggio, and Charlie Rehbein.

Others Present: Niki Zupanic, Crystine Miller, Debra Steigerwalt, Sarah McClain, Patty Fain, Nolan Harris, Derrek Shepherd, Brian Coplin, Ann Goldes-Sheahan, Angie Wagenhals, Brandi Ries, Stuart Segrest, Abby Brown, Abby St. Lawrence, Sarah Urban, Holly Frederickson, Kayre Chatelier, Kay Lynn Lee, Chris Manos, and Krista Partridge.

Call to Order: 12:33 p.m.

Justice Baker welcomed new Commissioners Judge Leslie Halligan, Dan McLean, and Senator Terry Gauthier. She then asked for comments or corrections on the June meeting minutes. There were no comments or corrections. Aimee Grmoljez moved to approve the June minutes and Judge Carter seconded the motion.

The June minutes were adopted with no objections.

Introduction to Joint Meeting with Justice Initiatives Committee

Justice Baker welcomed the members of the Justice Initiatives Committee (JIC) to the joint meeting of the Access to Justice Commission and the JIC. She explained that the JIC works closely with the Commission with a focus on pro bono efforts.

Justice Baker then reviewed committee assignments for new and returning Commissioners. Randy Snyder and Judge Carter are no longer on the Self-Represented Litigants Committee and Justice Baker asked for volunteers to join the committee. Sen. Terry Gauthier and Abby St. Lawrence will join the Policy Committee, Judge Halligan volunteered for the Law School Partnerships Committee, Dan McLean will join the Communications and Outreach Committee, and Kyle Nelson will join the Law School Partnerships Committee. Justice Baker asked JIC members to consider volunteering for the Communications and Outreach Committee.

JIC Update and Upcoming Priorities

Brandi Ries noted that the JIC had a busy year with many new projects. Ann Goldes-Sheahan reported on the JIC initiative to establish a mechanism for non-profit organizations to qualify for pro bono services from emeritus members of the State Bar. An article in the October Montana Lawyer will encourage non-profits to apply for the program, and there are now four approved

organizations including the Western Montana Bar Association, Gallatin Legal Assistance Clinic, and Montana Legal Services Association. There are currently only 10 emeritus members of the State Bar, but Patty Fain noted that there are approximately 500 active members who are at least 62 years of age and said that attorneys nearing retirement should be encouraged to stay involved as emeritus members.

Brandi reported on the Domestic Violence (DV) initiatives undertaken by the JIC, including a series of articles in the Montana Lawyer and free training webinars on topics such as DV 101, Safety and Screening, Lethality Assessment, Childhood Impacts, and DV in Indian Country. An in-person training held in Missoula attracted over 80 participants, and the JIC is surveying attorneys for suggestions on DV-related topics of interest, and on the best ways to continue outreach and education about DV. Abby St. Lawrence mentioned that the Order of Protection webinar was very informative, and Judge Carter asked for details on this training. Angie Wagenhals explained that the format of the webinar was “Ask an Expert” where registered participants sent in questions in advance to MLSA DV attorneys Diana Garrett and Shannon Fuller. Angie noted that the webinars are recorded and are available for viewing on the ProBonoNet and State Law Library websites. Judge Carter suggested that the Clerks of Court Association should be included when these training opportunities are offered or webinars are posted since they have frequent contact with self-represented litigants seeking Orders of Protection. Abby St. Lawrence mentioned her recent experience with pro se forms from the State Law Library not being accepted by the clerk at the Lewis and Clark County District Court. Rick Cook asked that this and any other issues with form acceptance should be referred to him so that he can address this issue during statewide meetings and training with the Clerks of Court.

Patty Fain reported on the Government Lawyers Initiative. She stated that government attorneys were surveyed on the pro bono reporting form regarding the best methods for outreach and barriers to pro bono participation. As a result, the JIC will be offering a Pro Bono CLE and Summit tailored specifically for government attorneys to address policy and ethical issues and to dispel the common misconception that state policy prohibits pro bono involvement. She noted that Stuart Segrest has been a big help in this effort and that they already have a lot of registrations for the CLE. Patty also reported that the Rural Pro Bono project is ongoing, but that the recently scheduled meeting in Havre was postponed. The goal of the Rural Pro Bono project is to identify unique rural needs and areas of overlap with other initiatives.

Self-Represented Litigants Committee Report

Ann Goldes-Sheahan reported that committee’s final draft of the Fee Waiver Form is included in the meeting packet and asked the Commission to recommend approval of the form by the Attorney General’s office. She reminded the group that the form was drafted in order to facilitate consistent statewide practices with regard to fee waiver eligibility and assessment. She thanked Randy Snyder and Amy Hall for their work on the form. Ann confirmed that legislative action is not needed for the form’s adoption, only Department of Justice approval. Justice Baker asked for feedback or concerns on the form. Patty asked about the requirement for a certificate of eligibility from legal aid and noted that most pro bono attorneys don’t provide services through legal aid. Alison Paul responded that the certificate is required by statute to obtain an automatic waiver and that the court does the financial determination if the applicant isn’t eligible for an automatic waiver. Patty suggested that the wording in this section should be changed from “volunteer/pro bono attorney”

to “attorney through a legal aid entity.” Abby Brown stated that the committee is looking into allowing automatic waivers for clients represented by non-legal aid pro bono attorneys, but this would require legislative action. Brandi Ries asked if the form could include language stating that domestic violence victims who are represented by attorneys funded through the Office of Violence Against Women are not subject to income guidelines. Others expressed concern that this would be confusing.

Matt Dale moved that the Commission approve the Fee Waiver Form with modifications and Alison Paul seconded the motion. Stuart Segrest asked that the final version be sent to him for review by the Attorney General’s office.

The Fee Waiver Form was approved without objection.

Ann Goldes-Sheahan reported that the final revisions to the automated dissolution forms have been tested and the forms will be ready in time for the training of the new Justice for Montanans AmeriCorps members. She noted that a document checklist is now included in the form packet and that one of the major changes was to remove notary blocks on many of the forms. Nolan Harris and Ed Higgins will provide training on the new forms upon request. Chris Manos asked if the forms will be presented at the District Judges Conference in October. Derrek Shepherd replied that he and Justice Wheat will highlight the new forms in their updates to the judges.

Law School Partnerships Committee

Debra Steigerwalt reported that the new Justice for Montanans member at the Alexander Blewett III School of Law will start next Monday and will help connect law students and faculty with pro bono opportunities. She also reported that the Incubator Project working group has developed a draft curriculum and budget. She noted that the committee is working on potential changes to the student practice rule. Debra asked for input on current barriers in the student practice rule that should be addressed. The group agreed that lack of coordination is the biggest barrier, not the student practice rule, and no changes to the rule were suggested.

Policy and Resources Committee Update

Matt Dale reported that the focus of the committee leading up to and through the legislative session was on House Bill 46. The committee is now reviewing lessons learned during the legislative effort in preparation for the 2019 session. He noted that the date for the interim hearing of the Law and Justice Committee has not yet been set, but that we may have up to an hour on their agenda, so we need to make the most of this opportunity. Justice Baker asked Matt to schedule a meeting in advance of the Interim Committee’s meeting and suggested that Rep. Dudik and Sen. Gauthier be consulted regarding strategy and whether or not to show the public forum video. Justice Baker also suggested that we should approach other members of the Senate since that is where the bill died in the end. She noted that even though Sen. Swandal is no longer on the Commission, he has agreed to give us feedback on future legislation. Matt thanked Justice Baker, Rep. Dudik, Niki Zupanic, Aimee Grmoljez, and Ed Bartlett for all their support during the session. He noted that most of the objections raised by legislators focused on adding an entitlement for legal assistance, and that one of the best ways to counter this argument is to focus on the efficiencies to be gained in the court system.

Communications and Outreach Committee Update

Niki Zupanic reported that the committee's big initiative leading up to the legislative session was the public forum series. She added that the committee has reviewed national resources available and that communication and outreach efforts should be coordinated with the Strategic Plan and focused on high priority issues.

Strategic Planning Committee Update

Niki Zupanic reported that the committee met at the end of August and referred the group to the minutes of that meeting that were included in the packet. She explained that the goal of the committee is to review the 2013 Strategic Plan, reassess priorities in light of accomplishments and remaining areas of need, and to map a way forward based on the four focus areas identified in the plan: access, coordination, education, and resource development. She said that the committee plans to meet four more times between now and March 2018 and will develop a workable plan of top priorities and next steps for the standing committees. Niki added that the committee will undertake a SWOT analysis (Strengths, Weaknesses, Opportunities, Threats) and will survey the commission members as part of that analysis.

Orders of Protection Project and JIC Domestic Violence Initiatives

Brandi Ries reported on the JIC's Domestic Violence Initiative regarding systemic and procedural changes that would make the courts more accessible, friendly, and consistent. She encouraged the group to read the article on procedural justice by the Center for Court Innovation that was included in the meeting materials. The article includes practical tips on how to make the courts more accessible. Brandi added that the issue is bigger than pro se forms and that a major problem is the lack of coordination between the courts and all the entities that work on domestic violence issues. Rick Cook suggested that training and education for court personnel can be coordinated through him and the education committee. Alison Paul asked whether or not the Commission can form a DV Task Force and Justice Baker suggested that the Strategic Planning Committee can work on the formation of a task force. Judge Carter stated that we need to develop a project to take to the legislature and added that the biggest problem he sees is the attrition rate between the Temporary Order of Protection and Order of Protection hearing. He added that he's seen anecdotal evidence of success in his Order of Protection checklist pilot project, but that he doesn't have the resources to gather data to confirm the results. Nolan Harris offered that the Self Help Law Center could be leveraged to collect data. Judge Carter noted that it's very difficult for attorneys, much less self-represented litigants, to get criminal justice information in Montana due to the way the statutes are written. Finally, Judge Carter pointed out that unmarried people with children and no parenting plan are a huge problem when they enter the system through courts of limited jurisdiction, as is the case with most Orders of Protection. He would like to implement a program to send people in this situation to District Court to initiate a parenting plan action on the same day as their Order of Protection hearing. Justice Baker suggested that some of the issues being raised can't necessarily be addressed by the Commission, but she agreed that the Commission can work with the JIC and other groups to better coordinate efforts on DV issues in the courts. Alison Paul offered to lead a DV Working Group with Brandi, Patty, Judge Carter and Nolan Harris. Alison also suggested that MLSA's Victim Legal Assistance Network group could take on the issue of access to criminal justice information. Judge Carter asked the Commission to support development of a survey and form for collecting criminal justice information, but Justice Baker said that the Commission should be careful in considering initiatives that require the courts to take on more work. She stated that

the informal working group led by Alison Paul can work on the survey and criminal justice form. Ed Bartlett expressed concern that the Commission might be overstepping its mission by getting too deep into DV and Order of Protection issues, but Judge Carter reiterated that this area of law has the highest proportion of self-represented litigants. The Commission agreed to defer consideration of these issues pending further study by the DV working group.

Update on ERAMP Mediation Project

Patty Fain reported that intake and mediator qualifications have been approved and that the group is ready to begin training mediators for the pilot project. Professor Capulong has developed a curriculum and will conduct training in two locations, one in Kalispell and the second in a more rural area. The group has submitted a grant application to the Montana Justice Foundation to help cover the training costs and will find out if the grant is funded sometime in the next month or two. Justice Baker suggested reaching out to Holly Frederickson in Liberty County for a possible rural pilot location. Patty stated that she will send out a notice once funding for the pilot training has been secured and asked the group to please refer people to the training. Justice Baker mentioned that there upcoming CLE opportunities for mediation training this fall.

Limited License Legal Technician Update

Chris Manos reported that the group has met four times and that Justice Pat Cotter is the chair of the committee. The group has gathered information on the experiences of Washington and Utah with limited license legal technicians and is drafting a report on the issue for the Montana Supreme Court.

Public Comment and Next Meeting Dates

Justice Baker asked for public comment. There was no public comment. Justice Baker stated that the meeting dates have been set for 2018 and are listed on the agenda. The next meeting will take place on December 8, 2017. The meeting was adjourned at 3:03 p.m.

Tab 2

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

1. Membership and Composition. Judge Fagg has resigned from the LSPC concurrently with his retirement from the bench and the LSPC thanks him for his service. The LSPC welcomed ATJC member Hon. Leslie Halligan to the LSPC in October. The LSPC continues its interest in adding ATJC members to the LSPC. LSPC Shannon Hathaway joined the LSPC Incubator Working Group (with MTLA and the State Bar), providing insight as a shareholder of a modest means law firm. LSPC Chair Debra Steigerwalt agreed to replace member Shannon Hathaway as a member of the new ATJC Strategic Planning Committee. The LSPC would like to add two law students to its membership: (1) the Montana Justice Foundation's new student fellow (who as of the LSPC's last meeting, had not yet been selected) and (2) a first year law student who applies through the Law School Pro Bono Coordinator (LSPC sent position description in late October). The current composition of the LSPC is:

Debra Steigerwalt Chair	DSteigerwalt@mt.gov
Prof. Hillary Wandler Alexander Blewett III School of Law	hillary.wandler@umontana.edu
Hon. Leslie Halligan ATJC Committee Member; Montana State Bar President; 4th Judicial District Court Judge	LHalligan@mt.gov
Niki Zupanic Montana Justice Foundation	nzupanic@mtjustice.org also: Crystine Miller (cmiller@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	shannonh@montanalegaljustice.com
Angie Wagenhalls Montana Legal Services	awagenha@mtlsa.org
Jessica Fehr Eastern Montana, Civil Practice	Jessica.Fehr@moultonbellingham.com
Stefan Kolis Law Student Member	stefankolis@gmail.com

2. Last Meeting. The LSPC held its last teleconference on October 11, 2017 at 10:00 a.m.

3. Projected Next Meeting. The next meeting of the LSPC was tentatively scheduled for January 10th. However, the LSPC would prefer to have its next meeting with law faculty/staff at the law school prior to the Strategic Partnership Committee meeting at the end of January to assist in the planning process. The last meeting with law faculty to identify barriers to student involvement in pro bono work and brainstorm activities to address them was in February 2016.

4. Projects.

a. Law School Pro Bono Coordinator Project (LSPC Members: Debra, Hillary, Patty, Angie). Jane Fisher, the new AmeriCorps Pro Bono Coordinator at the law school began her term of service in September, was trained at Montana Legal Services, and headed up the November family law clinic at the law school. The student volunteer slots for the clinics are already filled months in advance. Under Professor Gross's supervision, Jane is working to develop a Pro Bono Database in order as a platform for managing and tracking quality pro bono opportunities and involvement. She is working closely with law student leadership. Professor Gross and the Pro Bono Coordinator are working on a faculty proposal to recognize student pro bono hours with Dean's recognition (50 hrs)/pro bono honors (150 hrs) on student transcripts. Professor Panarella is assisting with creating a website marketing strategy regarding law student/provider pro bono involvement. Patty Fain has been in contact with Jane about an initiative to have all law students take a pro bono pledge. Professor Gross will be on sabbatical next semester and Professor Wandler will supervise Jane.

b. Veteran's Advocacy Clinic Opportunities - Professor Wandler, Patty Fain, and Bruce Fain of the Montana State Bar's New Veteran's Law Section have been meeting to develop a veteran's type of clinic that could provide another pro bono clinic opportunity at the law school. The idea has potential for broad implementation across Montana through matching with practitioners. Currently, they are working on an intake sheet for a pilot project. The project has the additional benefit of training future pro bono practitioners in this area.

c. Law School Incubator Project - Working Group with MTLA and Montana State Bar. (LSPC Members: Debra, Hillary, Patty, Niki, Shannon). The Law School Incubator Working Group met on October 24, 2017. The Working Group determined that given the progress the group had made and that the Montana Justice Foundation had set November 27, 2017 for the deadline of submitting proposal for Bank of America Grant funds, that MTLA would go forward with drafting a grant proposal for the Rural Incubator Program for Lawyers (RIPL) and obtaining letters in support of the proposal. Because the deadline for the proposal came before the next ATJC, MTLA submitted the proposal with a note that the LSPC would seek the ATJC's letter of support for the proposal at the December 8, 2017 ATJC meeting.

(i). Action Item: Consider Sending Letter in Support of Law School Incubator Project to Montana Justice Foundation. A copy of the narrative portion of the submitted proposal and letters of support from the State Bar of Montana Alexander Blewett III School of Law, and Montana Supreme Court are attached.

d. Landlord Tenant Subcommittee. (LSPC Members: Shannon (chair), Stefan, Patty, Angie). Jessica Walker-Keleher reports that the Community Dispute Resolution Center of Missoula is in the initial stages of an Eviction pilot program with the organization Homeword,

which could involve student opportunities. Shannon and Patty volunteered to be involved to the extent appropriate in program development.

e. Missoula Self-Help Center Subcommittee (LSPC Members: Debra, Hillary, Shannon, and Stefan). The Missoula Self-Help Law Center and its staff has been in close communication with Professor Gross and Jane Fisher to develop quality student placements at the Self-Help Center, building on the Self-Help Center's previous identification of 8 potential pro bono positions earlier this year.

f. End of Life Document Clinic Support at Law School: (LSPC Member: Stefan). Stefan remains committed to assisting with this yearly clinic, as appropriate.

Tab 3

Rural Incubator Project for Lawyers

MJF Bank of America Grant Program

Montana Legal Services Association

Ms. Alison L. Paul
616 Helena Avenue, Suite 100
Helena, MT 59601

mlsa@mtlsa.org
O: 406-442-9830 x115

Ms. Alison L. Paul

616 Helena Avenue, Suite 100
Helena, MT 59601

mlsa@mtlsa.org
O: 406-442-9830 x115

Application Form

Instructions

Please review the Montana Justice Foundation's Bank of America Grants Program Information before continuing with this application.

Applications for the Bank of America Grants Program are **due by November 27, 2017**. Please direct any questions to Niki Zupanic, Executive Director, at nzupanic@mtjustice.org or (406) 523-3920.

Proposal Summary

Project Name*

Please give your proposal a brief, descriptive project name.

Rural Incubator Project for Lawyers

Short Project Description*

Please provide a one-paragraph summary of your request for funding.

The Montana Legal Services Association (MLSA) seeks Montana Justice Foundation (MJF) funding through the Bank of America grants program on behalf of the Rural Incubator Project for Lawyers (Incubator Partnership), a partnership of MLSA, the Alexander Blewett III School of Law at the University of Montana (ABIII), the Access to Justice Commission of the Montana Supreme Court (ATJ), the State Bar of Montana (SBM) and the Montana Justice Foundation (MJF). Much like other business incubators designed to assist entrepreneurs in building their businesses, the Incubator Partnership is a legal incubator dedicated to empowering recent law school graduates to establish innovative law practices that serve low- and moderate-income and underserved populations in rural areas of Montana. The Incubator Partnership will be a "force multiplier" and have a ripple effect throughout rural Montana communities by training passionate new lawyers to solve their rural clients' legal problems, preventing escalating financial hardship and foreclosures. The law practices built within the Incubator Partnership will both revitalize local communities themselves and assist the communities they serve with redevelopment efforts. MLSA is requesting \$81,675 per year for two years in funding to hire a Coordinator for the Incubator Partnership to work with all partners and recruit Fellows to begin this project.

Project Category*

Please tell us which category below best reflects your proposal.

Both

Amount Requested*

\$163,350.00

The grant period will generally run from January 1, 2018, to December 31, 2018. However, alternative start and end dates, as well as multi-year proposals, will be considered. Please indicate your project start and end dates below.

Project Start*

When will your project start?

07/01/2018

Project End*

Does this project have a finite duration, or is it an ongoing part of your operation? If possible, please tell us when you expect the project to end.

Ongoing

Project Information

Organization Description*

Please provide a narrative description of your organization, including its history, purposes, and programmatic scope.

Incorporated as a 501(c)(3) nonprofit organization in 1966, MLSA has a 50-year history as the sole statewide provider of general civil legal assistance to Montanans living in poverty, including people on Montana's seven Indian reservations. MLSA's mission is to protect and enhance the civil legal rights of, and promote systemic change for, Montanans living in poverty. MLSA offers legal assistance to clients with incomes of up to 125% of the poverty level, with limited exceptions based on a client's expenses. MLSA and its volunteers represent individual clients primarily in the areas of consumer, housing, domestic violence, family law, and public benefits. In 2016, MLSA served over 3,198 clients (closing 2,212 cases with another 986 remaining open on the last day of the year). Each case closed helps more than just the client served, it also helps all of the family members living with that client by increasing economic security, stabilizing housing, or ensuring physical safety. In 2016, MLSA's closed cases helped 7,540 clients and their family members – including 3,418 children. MLSA provides a truly statewide service; in the last ten years, MLSA helped clients in every single county in Montana.

Project Description*

Provide a general overview of your proposed project. Describe the legal assistance services that will be provided and activities that will be completed during the grant period. How will you communicate the availability of services to the community? Describe the project's specific goals and the expected outcomes for low-income individuals and communities.

The Incubator Partnership will cultivate the next generation of rural legal practitioners to serve low-income and rural Montanans, and provide a critical forum to innovate for the future of rural legal practice and continue to serve rural Montanans' legal needs. The main purpose of the Incubator Partnership is to address the growing justice gap which prevents low and moderate income Montanans from achieving justice. The

Incubator Partnership intends to achieve this goal by training and supporting recent law school graduates in building their own sustainable solo and small practices dedicated to serving rural and under-served populations thereby increasing the legal services available to low- and moderate-income Montanans in rural areas. These Fellows will develop skills in practice management that include innovative and alternative models beyond the traditional hourly model to offer sliding scale services and limited scope representation and ultimately provide more services to rural Montanans in need. Fellows will also gain substantive legal knowledge necessary for rural practice. Fellows will be connected to successful rural and public interest practitioners that will provide mentorship and guidance. By working with MLSA and the State Bar modest means program, the Fellows will also help build a future referral base for clients. As a result of the training received through the Incubator Partnership, Fellows can spread out to underserved communities, bridge the widening access to justice gap, assist clients in tackling their civil legal issues to prevent mounting legal and financial problems, and provide for community redevelopment in rural areas.

Step One will be building upon the strong partnership already in place. Over a year ago, the partners started working on solutions to the access to justice problem in Montana. All agreed more private attorneys are needed to provide services to low and modest income persons, both through pro bono and low fee paid work. The partners developed an incubator model focused on encouraging recent law school graduates to provide affordable legal services in rural Montana. None of the partner organizations have the capacity to move this project forward. Accordingly, the partners request funding from the Montana Justice Foundation to hire a full-time Attorney Coordinator. Dedicated staff will allow implementation of the project beginning July of 2018 so it will be fully ready to recruit law students graduating in the 2019 class.

The full-time Attorney Coordinator will be housed at MLSA and will be responsible for working with the partners to finalize the incubator model, develop program infrastructure, and recruit the inaugural class of participants. A first step will be to cultivate a coalition of legal and non-legal service providers that offer resources to enable Fellows to build successful and sustainable law practices that reliably reach rural community members in need. These potential partners include local bar associations, local attorneys, Courthouse self-help centers, area Chambers of Commerce, medical providers, public libraries, tribal colleges, community colleges, and legal software platform providers. In building collaborative partnerships with rural communities across Montana, the Attorney Coordinator will ask local stakeholders to offer expertise in providing services to rural communities, and assist in outreach to rural community members regarding available legal services. For example, medical providers within the rural communities could screen and refer patients for legal needs. Local partnerships with public libraries and Self-Help Centers could potentially provide client meeting spaces and even help clients seeking attorneys be referred to Fellows.

The Attorney Coordinator will seek partnerships with legal support services to include case management software, such as CLIO, and legal research services, such as Lexis and WestLaw, to offer in-kind support to Fellows at a discounted rate. Like traditional incubator programs, the Incubator Partnership will offer Fellows affordable office and meeting space in addition to shared office equipment and other in-kind support such as printing.

Building relationships with rural and legal aid practitioners to offer mentorship is an integral part of the Incubator Partnership. The Partnership will seek current practitioners with rural and/or solo, small, and public interest practice experience to serve as mentors. New graduates recognize their inexperience and may be apprehensive about starting a law practice without guidance. The Incubator Partnership will therefore connect Fellows with dedicated mentors that can offer support in building a public interest and rural practice.

The Incubator Partnership will seek additional funding to pay each Fellow a modest living stipend during the first 6 months of the fellowship, to foster practice development and growth. If funding allows, the Incubator Partnership would like to offer a smaller stipend during the second 6 months of the program to help Fellows offset costs of building a business. In the second year of the Fellowship, when a Fellow's practice is generating income, each Fellow will pay a small fee to cover costs of the ongoing program. In return for the fee, the Fellows will continue to receive support and referrals.

Step Two will be Fellow recruitment. The Incubator Partnership seeks to attract law school graduates and new lawyers within the first five years of legal practice dedicated to serving rural and low- and moderate-income communities. The Attorney Coordinator will seek attorneys committed to building a sustainable law practice in underserved rural communities. The Attorney Coordinator will recruit attorneys with an entrepreneurial spirit who are prepared to innovate for the future of rural practice, public interest, and legal aid services in Montana. Initially, the Incubator Partnership will accept 2 to 4 new graduates to participate for the 18- to 24-month program, with the potential to grow the fellowship class based on support and interest.

Step Three will be the inauguration of the Fellowship, which will consist of a mandatory training curriculum that includes an in-house practical fellowship with MLSA, and an initial business/law practice boot camp. Ongoing mandatory group meetings that will serve as both training and sharing sessions will occur throughout the Fellowship.

During the first six months of the Fellowships, the Fellows will participate in an in-house training practicum with MLSA during which they will provide remote legal services to MLSA low income clients throughout Montana. These services will focus on limited scope practice, and will include phone advice, and brief services to clients. MLSA will provide Fellows with the same training all new MLSA associate attorneys receive. Fellows will also be encouraged to provide pro bono services to eligible clients.

Month seven of the Fellowships will engage Fellows in a business/law practice boot camp, in which Fellows learn about creating a solo, small, and public interest practice management, then design and create their own practice.

During Months eight through twelve of the Fellowships, the Fellows will establish solo, small, and public interest law practices serving one or more rural communities. It is anticipated that Fellows will either live in a rural community, or conduct circuit-rides to rural communities. Fellows will deliver legal services, at a reduced rate, to low- and moderate-income Montanans that need help solving unmet legal needs, helping prevent foreclosures, helping stimulate the local economy by assisting rural clients with small business legal needs, and helping improve delivery of social services by holding state agencies accountable. Fellows will be encouraged to connect with their local governments and area Chambers of Commerce to provide community redevelopment legal assistance.

Step Four of the Incubator Partnership will expand to include participation of law students. Within two to three years of the inaugural Fellowship class, the Incubator Partnership will recruit law students to explore rural and public interest practices. Third year law student placements within another Fellow's practice will provide valuable mentoring and introduction to rural practice to students, and introduce students to a rural public interest practice model. Student placements will also serve as an additional recruitment tool for Fellowships.

The Incubator Partnership will enhance sustainability by include fundraising, revenue from Fellow fees, continuing legal education seminars (CLEs), fee-for-service income, and modest grant funding beyond funds from this Bank of America grant. By creating a sustainable program, the Incubator Partnership will attract dedicated attorneys that can deliver legal services to underserved communities and improve the quality of life for low-income Montanans.

The Incubator Partnership addresses both purpose areas of "foreclosure prevention and community redevelopment." Rural and low-income communities in Montana are plagued with persistent unmet civil legal issues that contribute to a cycle of poverty. By providing civil legal assistance to low- and moderate-income residents of rural communities and addressing the financial, physical safety, and housing consequences of not being able to tackle legal problems, Fellows can help prevent future foreclosures and provide a foundation for community redevelopment. The Incubator Partnership will train a cadre of socially-conscious attorneys dedicated to serving their rural communities, creating a ripple effect throughout Montana. By offering low- and moderate-income Montanans access to the justice system and disrupting the legal causes of continuing poverty, the Fellows will help prevent future foreclosures and provide a financial foundation for the redevelopment of communities.

Staffing and Collaboration*

Please describe how the project will be staffed. Explain your organization's ability to carry out the project, including any experience implementing similar projects. Provide information about current and planned collaboration with other organizations.

The Incubator Partnership will initially be staffed by one full-time Attorney Coordinator. At this time it is anticipated the Coordinator to be hired will be Hannah Cail. Ms. Cail received her J.D. from the ABIII School of Law at the University of Montana in 2016, and worked closely with the Law School Administration on the Student Bar Association Executive Committee and researched legal incubators as part of a collaboration with MLSA and the Committee on Law School Partnerships of the Access to Justice Commission of the Montana Supreme Court. Ms. Cail is currently clerking for the Hon. Jim Shea of the Montana Supreme Court. The Attorney Coordinator will be based out of MLSA's Helena office and supervised by Alison Paul, Executive Director of MLSA. The Attorney Coordinator position will be funded through this MJF Bank of America grant request.

MLSA's strong infrastructure will help support the Incubator Partnership, including non-casehandlers who perform necessary administrative functions, such as accounting, human resources, information technology, development, and grants administration. Other non-casehandlers are involved in projects such as the implementation of technology-related projects, community legal education and outreach, and website maintenance.

MJF's Bank of America funding is critical to launch the Incubator Partnership with the dedication of a 1.0 FTE staff Attorney Coordinator.

The Incubator Partnership will be directed and supported by a Working Group currently comprised of:

- Alison Paul, Executive Director of MLSA;
- Niki Zupanic, Executive Director of MJF;
- Chris Manos, Executive Director of SBM (replacement pending his retirement)
- Ann Goldes-Sheahan, Equal Justice Coordinator at SBM;
- Patty Fain, Statewide Pro Bono Coordinator of the Montana Supreme Court;
- Debra Steigerwalt, representative of the Committee on Law School Partnerships of the Access to Justice Commission of the Montana Supreme Court (CLSP);
- Hillary Wandler, Professor at ABIII; and
- Shannon Hathaway, Attorney at Montana Legal Justice, PLLC (a modest means law firm in Missoula).

Each member of the Working Group brings expertise and enthusiasm to create an incubator program that can place new attorneys in underserved and rural areas and help get legal help to Montanans that need access to the justice system. The Incubator Partnership members State Bar of Montana and the ABIII School of Law have provided letters of commitment, as attached, to continue their support. The Access to Justice Commission will review the request for a letter of commitment at its December 8, 2017 meeting. Also attached is a letter of support from the Montana Supreme Court and the Court Administrator's Office. The Incubator Partnership's fundamental change to the availability of rural legal services will help bridge the justice gap between the legal problems of rural Montanans and affordable legal assistance.

In the second half of 2016, the Working Group formed as a collaboration between MLSA, the CLSP of the Supreme Court Access to Justice Commission, the ABIII School of Law, and the State Bar of Montana to develop a detailed proposal for a legal incubator program to help new attorneys serve the unmet legal needs of low- and moderate-income Montanans. Over the past year, the Working Group developed a draft proposal for the Incubator Partnership based on research by the CLSP and then third-year law student Ms. Cail regarding legal incubator programs. The CLSP administered a survey for Montana law students, and results showed strong support for limited scope practice and interest in starting a practice in a town with fewer than

10,000 residents. Participants noted several barriers to starting rural practices serving modest means clients, including student loan debt. The CLSP then held facilitated focus groups with law students to explore the students' interest in, and suggestions for, a legal incubator program in Montana. Ms. Cail incorporated focus group results and additional research on various existing incubator programs from across the county into a presentation and a proposal exploring a potential legal incubator model for Indian Country and rural Montana. The Incubator Partnership is focused on the challenges of Montana's rural communities that are distinct from existing incubator models designed to deliver legal services within urban communities. This proposal represents the hard work of the CLSP and the Working Group to develop a program to help Montanans access legal services by helping to attract and place new attorneys in underserved areas, and with this requested Bank of America Grant, MJF will empower a vital transformation of rural legal services for rural low- and moderate-income Montanans.

Need and Communities Served*

Please discuss the demonstrated need or problem the project seeks to address. Describe your target populations, including their demographic characteristics and unmet needs, and the geographic areas to be served. If you have materials that illustrate the need, please upload them as a single pdf.

Roughly 76% of Montana's population lives in rural areas. Those in rural counties make up an average population of 6.8 persons per square mile compared to 87.4 persons per square mile nationally. Montana encompasses 145,545 square miles—630 miles east to west (like driving from Chicago to Washington, D.C.) and 255 miles north to south (like driving from the Great Lakes to Tennessee). According to the 2010 U.S. Census, Montana ranks fourth in size but 44th in population at 1,015,165 residents, with the third lowest population density in the United States. Montana has seven federally recognized Indian Reservations, comprising over 8,000,000 acres; each is a sovereign nation with a distinct government and legal system. State demographics show that 90% of the population of Montana consists of white non-Hispanic residents, followed by 6.5% American Indian, 3.1% Hispanic or Latino, 2.5% of two or more races, 0.7% Asian and 0.6% black or African American.

Poverty is also a significant issue in these rural areas. According to estimates used by the United States Census Bureau, 19.2% of Montanans live at 125% of the federal poverty rate or below. A family of four at the poverty level has to try to make ends meet with \$24,600 per year. Rural poverty rates across the state can be much higher: 26.7% in Big Horn County and 33.7% in Glacier County, and ranging from 22.9% to 46.1% on Montana's Indian reservations. Lower income exacerbates barriers facing all rural Montanans needing legal services, and rural low-income individuals are more likely to leave legal needs unmet. A 2010 Montana Legal Needs Study commissioned by MJF reported that over 33,000 low income households in Montana had at least one civil legal need, with 67% of those households facing more than one civil legal problem in a given year. 77% identified a need for legal assistance but reported being able to do nothing to address that need. The 2014 Gaps & Barriers study by the Montana Supreme Court's Access to Justice Commission agreed, reporting that 9 out of 10 Montanans under 200% of poverty have a legal problem for which they have not received any assistance. This study concluded that the number one barrier to finding civil legal assistance is not being able to afford a lawyer and that the number one gap for adequate civil legal assistance is not enough free or reduced fee legal services.

Reaching this rural and remote population with face-to-face full representation presents a huge challenge. Attorneys tend to cluster in urban centers, leaving rural communities with limited access to justice. Even if there are a small handful of lawyers in a rural county, none may be available to take a particular case because one may be a judge, another a prosecutor, and the third has a conflict with the client. Statewide civil legal aid in Montana, as provided by the Montana Legal Services Association, is available only to clients who live at or below 125% of poverty – leaving those at modest incomes without legal assistance. MLSA is excited to help the Incubator Partnership build a new generation of rural attorneys committed to pro bono volunteering and serving clients of low and modest means.

Exacerbating the need for lawyers in rural Montana communities, new law school graduates are apprehensive of moving to areas without an established professional network and have trepidation about establishing a practice as an outsider within a potentially distrustful community. They often lack both confidence in their skills and the resources to start a practice. Existing legal incubator models are designed for urban areas – participating attorneys share office space in a law practice based in low-income neighborhoods with large client populations. The Incubator Partnership research showed the need for different solutions to address the complications of providing legal services in rural Montana: distance, low populations, isolation of both potential clients and new attorneys, and distrust of outsiders. The Incubator Partnership adapts current legal incubator models to work for rural Montana by (1) recruiting and cultivating attorneys interested in public service and rural life; (2) training new lawyers in low-income legal service provision alongside experienced statewide civil legal aid attorneys; (3) educating and providing necessary tools to new lawyers about how to set up a solo law practice in or to serve a rural community; (4) providing statewide mentoring for new rural attorneys; (5) dispatching new attorneys to rural areas to provide legal services to low-income Montanans through a “circuit rider” model, allowing new attorneys to find a community that is right for them; and (6) supporting new attorneys as they build a sustainable rural practice focused on low and moderate income Montanans.

The justice gap impacts the lives of rural Montanans and flows throughout rural communities – leaving those without access to reasonably priced attorneys to face legal matters alone. The Incubator Partnership will impact rural community redevelopment by bringing in money through a thriving rural law practice, returning money to clients by reducing debt, enhancing housing stability by helping clients enforce rights, and fostering family stability by helping resolve family law disputes.

Expected Challenges and Evaluation*

Please describe your plans and process for evaluating or monitoring the effectiveness of your work and progress toward the project's goals. How will you ensure program quality? What challenges do you anticipate encountering in achieving the project's goals?

The Incubator Partnership goals are (1) to recruit and train two to four Fellows in each year of the Partnership; (2) to successfully implement rural clinics and outreach efforts in at least four rural communities in each year of the Partnership; and (3) to have Fellows assist at least 100 MLSA clients in their first six months while working in-house at MLSA. The expected outcome of these goals is to dispatch Fellows into underserved rural communities, providing essential legal aid services to rural low and moderate income Montanans.

The Incubator Partnership will be evaluated both with respect to program design and the benefits provided to Fellows and clients. The Incubator Partnership will use both qualitative and quantitative data collection methods. The Incubator Partnership will examine the program's development to assist in improving structure and implementation and to examine whether the Partnership objectives were achieved. Both qualitative and quantitative methods will assure depth, scope and the dependability of findings. The Partnership will be evaluated based on data collected through MLSA's LegalServer case management system and computerized accounting system, the State Bar's training records, and reports provided by Fellows established in their own practices. With these systems, the Partnership will track information including the number of Fellows recruited and trained; the locations and numbers of rural clinics held; and the number of clients served, along with types of legal issues, race, location, level of services provided, case outcomes, and referral sources. The Attorney Coordinator will collect data from Fellows, including evaluations and practice data. Through the evaluation process, the Attorney Coordinator will evaluate whether the Incubator Partnership goals and objectives were accomplished, and if the Partnership implementation methods are effective in producing the desired outcomes for rural low and moderate income Montanans with legal needs.

The Incubator Partnership anticipates recruitment of clients to be slow at first, building as the Partnership establishes a strong reputation and presence in rural communities. Rurality presents distinct

challenges: distance, remoteness and isolation, community, and culture. The distance clients and attorneys must travel to obtain and provide legal services are great in Montana. The Incubator Partnership's circuit rider model will help get Fellows into underserved communities regularly to establish relationships integral to building a sustainable practice and providing services to rural Montanans that otherwise lack access to legal aid.

The Attorney Coordinator will work to build strong relationships within communities. By consistently engaging in rural communities through regular advice clinics, the Incubator Partnership will establish a solid reputation for its Fellows to help attract potential clients in need of legal services.

As a new project, the Partnership will remain flexible in our training and curriculum to to incorporate changes based on outcomes results and feedback from Fellows in the development of their rural legal practices.

Significant Changes

If you have received funds from the MJF during the past year, please describe any significant changes in your organization's structure, staffing, general operation, funding, and priorities during the current year.

This is a pilot project with no baseline to measure significant changes.

Data Collection

All Bank of America Grant recipients must agree to collect and report the data described below, in addition to client stories and general program data:

Foreclosure Prevention Legal Assistance

- How many individuals were served (and how many were elderly, children, or veterans)
- How many foreclosures were prevented
- How many foreclosure clients benefited in other ways

Community Redevelopment Legal Assistance

- How many individuals benefited (and how many were elderly, children, or veterans)
- How many non-profits benefited, if any
- How many small business clients benefited, if any

I agree to collect and report this data

Budget and Funding

Use of Requested Funds*

Briefly describe how the funds you are requesting will be spent.

If granted, MJF funds will be used to pay (1) 100% of the 1.0 FTE Partnership Attorney Coordinator's salary and benefits per year; (2) 100% of the travel costs to reach rural and remote clients and communities; (3) 100% of national training costs for the Partnership Attorney Coordinator; (4) laptop, dock, monitor, keyboard, mouse, scanner, and carry bag for the Partnership Attorney Coordinator; (5) office furniture for the new Partnership Attorney Coordinator; (6) computer research costs and bar fees for the Partnership Attorney Coordinator; and (7) Loan Repayment Assistance for Fellows.

Each partner will make significant in-kind contributions to support the Incubator Partnership. MLSA will provide the salary and benefits for the Attorney Supervisor for the Attorney Coordinator; Partnership printing and postage. MLSA's commitment to the Incubator Partnership will include covering its own indirect costs of the Incubator Partnership, including office space rental, utilities (heat/cooling, power), clerical staff, financial oversight staff, management staff, Internet access, data transmission & storage, insurance, and maintaining compliance with federal, state, and local regulations. The ABIII School of Law will provide the salary and benefits for the Law School Professor to provide Fellow training and serve on the Working Group, along with their indirect costs. Preliminary discussions with the ABIII School of Law indicate they will provide or assist with raising the stipends for the Fellows. The State Bar of Montana will provide the salary and benefits for the Equal Justice Coordinator to provide Fellow training and serve on the Working Group, along with their indirect costs. The Access to Justice Commission, the Montana Justice Foundation, and the Court Administrator's Office will support the Incubator Partnership by continuing on the Working Group.

The requested MJF funds will support the costs for implementing this sea change in provision and availability of legal services for rural low and moderate income Montanans.

Budget*

Please upload a pdf of your project budget for the period for which you are requesting MJF funds. **Include, at minimum, the following:** the start and end dates for your fiscal year, start and end dates for the project, sources and amounts of income, expenses broken out by your own internal cost category (to include both personnel and non-personnel costs), and an indication of where MJF funds would fall in your budget if your proposal is funded.

2017 BOA Incubator Project Budget 11.21.2017 submission.pdf

MLSA operates on a calendar fiscal year – from January 1 to December 31. The attached Incubator Partnership project budget includes budgeted expenditures broken out into itemized personnel and non-personnel expenditures. MLSA requests that MJF cover 2 years of funding for the Incubator Partnership at \$81,675 per year.

If this request is funded, MLSA will use MJF funds for the Attorney Coordinator time for project management. This will include salary and benefits. Fringe benefits include health, dental, vision, worker's compensation, unemployment, malpractice and life insurance, retirement plan contributions, FICA withholding, and student loan repayment assistance. MLSA will also use MJF funds for travel costs to reach rural and remote communities; national training costs for the Attorney Coordinator; computer set up for the Attorney Coordinator; office furniture for the Attorney Coordinator; and computer research for the Attorney Coordinator. MLSA will use MJF funds to provide Loan Repayment Assistance to Fellows.

The partners have worked together to craft an incubator model that will function for Montana's unique rural communities, which will help close the justice gap currently preventing rural Montanans living in and near poverty to access justice.

Other Funding*

Briefly describe the organization's efforts to obtain other funding and community support for the project. Include all current funding sources and the amount received in your current fiscal year from each source. Indicate if a funding application for this project is being submitted to any other funding source, and if so, provide details about the funding sources being pursued and the amount(s) being requested.

The Incubator Partnership is currently operating as a Working Group supported by in-kind contributions by the partners. The requested MJF funding will allow the implementation of the project. The Incubator Partnership has no other funds at this time to support the Attorney Coordinator. This same application is not yet being submitted to any other funding source. MLSA does seek funding from LSC and other funders for similar work, but all grants received are used to complement the funds received from MJF and provide additional legal services to low-income Montana residents.

The Incubator Partnership members will seek financial and in-kind support from partners in rural communities served, such as area Chambers of Commerce and city and county governments. Potential partnerships with legal services providers such as CLIO, Lexis, Westlaw, and ALPS may provide in-kind support of services to Fellows and reduced rates for subscription services and legal malpractice insurance necessary in operating a law practice. The Incubator Partnership has also planned for future sustainability through collection of fees from Fellows, CLEs and seminars, and fee-for-service arrangements.

List of MLSA's Current Funding Sources

Amounts received from January 1, 2017 to October 31, 2017

Local

State of Montana Filing Fee Surcharge: \$133,134

Public Defender Contract for Dependency and Neglect Cases: \$4,373

Federal

Legal Services Corporation: \$1,117,436

Legal Services Corporation - Technology Grants: \$102,097

MT Attorney General for ETA project (Federal Pass Through): \$69,451

Women's Resource Center Dillon - OVW Rural (Federal Pass Through): \$25,998

IRS - Low Income Taxpayer Clinic Grant: \$63,006

Montana Board of Crime Control (VAWA STOP Grant Pass Through): \$38,685

MCADSV BAKKEN (Pass Through): \$42,893

MBCC Vision 21 Victim Legal Assistance Project: \$44,242

MBCC VOCA (Victims of Crime, Pass Through): \$100,960

HAVEN Bozeman VAWA LAV Pass Through: \$48,047

Equal Justice Works (Federal Pass Through): \$22,169

Governor's Office on Community Service AmeriCorps State Grant Pass Through: \$207,455

Area on Aging (Pass Through): \$3,250

Legal Aid of Tennessee HUD (Pass Through): \$24,363

Native American Rights Fund Pass Through: \$32,721

US DOJ VAWA Tribal Governments Grant: \$53,019

US DOJ VAWA Civil Legal Assistance Grant: \$92,238

Foundation

Montana Justice Foundation (IOLTA, Consumer & Spec Project): \$215,500

Mary Byron Project: \$10,000

Sample Foundation: \$7,000

Yellowstone Club Community Foundation: \$3,000

Bar Association or Groups

Seattle University - ATJ Tech Fellow Stipend: \$4,000

Individual Contributions

Donations (Donors, State Employee's Charitable Giving & MT Shares): \$5,306

Other

Contract, Supreme Court, AmeriCorps State Partnership: \$41,037

Contract, State Bar, AmeriCorps State Partnership: \$7,051
 Contract, Andrew Blewett III School of Law for AmeriCorps State Partnership: \$2,500
 Contract, Community Health Centers, Medical Legal Partnership: \$40,000
 Contract, Indian Land Tenure Foundation: \$12,600
 Contract, Missoula Board of County Commissions for Mineral County: \$2,220
 Contract, Volunteers of America Northern Rockies: \$205
 Total Revenue: \$2,585,956

(Since MLSA bills many funding sources on a reimbursement basis, this list does not reflect all funding to which MLSA is entitled for this period. The amounts are all subject to change, based on the end-of-year accrual and audit process which will occur in spring of 2018.)

MJF funding is necessary for the implementation of the pilot Incubator Partnership project. Accordingly, MLSA is requesting \$81,675 per year for 2 years of the Incubator Partnership. The radical redevelopment of rural legal service availability and retention of capital in rural areas make the Incubator Partnership a good fit with the MJF Bank of America funding, and will allow MJF to reach the underserved rural communities of Montana with legal services focused on low and modest income Montanans.

Impact of Partial Funding*

Briefly indicate how the requested funds would be used if less than the entire request were approved and, if possible, prioritize sub-activities of the grant request. A clear picture of how your organization will proceed if you receive only partial funding will assist our Board in determining the value of awarding partial funding in lieu of denying the entire request. We want to understand your "Plan B".

If the Incubator Partnership receives partial funding, the partners will seek to find other funding to supplement the partial funding so project implementation can go forward. If no additional funders were located, the Incubator Partnership would create a part-time attorney coordinator position, which would reduce the number of rural communities served and the number of Fellows placed, and negatively impact the growth and long term viability of the entire project.

Without the Incubator Partnership funding from MJF, the members of the Incubator Partnership would not have the capacity to implement the project. It is also unlikely that the partners would identify alternative funding sources without pilot funding from MJF.

Tax Status and Financial Statements

Tax-exempt status*

Grantees of the Montana Justice Foundation must be recognized as tax-exempt organizations by the Internal Revenue Service, either in sections 501(c)(3) and 509(a)(1), (2), or (3) of the Internal Revenue code of 1986, or other appropriate section therein. Please submit your most recent IRS determination letter as proof of your tax-exempt status, or otherwise explain your tax-exempt status.

MLSA 501c3 Determination Letter dtd 02021967.pdf

Fiscal Oversight*

Please briefly describe your organization's financial oversight structure and procedures.

Fiscal oversight of MLSA is provided by Alison Paul, MLSA Executive Director, and MLSA Director of Finance and Administration (DFA), Lisa Heimbach, with ultimate oversight by MLSA's Board of Trustees. In addition, MLSA has two additional accounting personnel that include an accounting technician for payroll, and an accounting technician for accounts payable, both supervised by the DFA. All administrative personnel are located in the Helena office. MLSA uses MIP accounting software to manage its finances. MIP is a specific accounting package tailored for use by non-profit organizations.

MLSA has internal control procedures in place to protect against the potential for fraud. MLSA's internal control procedures have been reviewed and approved by several large federal funders, in addition to review by MLSA's auditors each year. No deficiencies have been found. These internal control procedures include sufficient separation of duties among personnel that process MLSA funds to ensure that no one person has control over both the receipt of funds and the reconciliation of accounts.

All expenses are reviewed, approved, and paid through the Helena Administrative Office. MLSA does not maintain any petty cash accounts. All expenditures require pre-approval by the ED or the DFA, except that managing attorneys in the Billings and Missoula offices have spending authority to purchase office supplies up to a limit of \$100 per instance. The ED's expenses are sent to the Board of Trustees Secretary/Treasurer every quarter for review and approval.

All checks require two signatures. The primary signatories are the ED and the Program Administrator. The Director of Strategic Focus & Development and the Helena Managing Attorney are also authorized signatories.

Financial reports are reviewed by the Board of Trustees at their quarterly meetings. These reports include a revenue and expense statement, a balance sheet, and budget to actual comparisons.

Additional detail regarding MLSA's fiscal oversight procedures, including MLSA's accounting manual and internal control procedures, is available upon request.

Form 990*

Please provide a pdf copy of your most recent Form 990. If you do not have a recent Form 990 (filed within the past three years), please provide an explanation as to why.

2016 MLSA 990 Public Disclosure File 062017.pdf

Audited Financial Statements*

Please provide a pdf of your most recent audited financial statements. If you do not have audited financial statements, please provide an explanation as to why.

MLSA 2016 AZ FINAL Audit.pdf

Thank You!

Thank you for completing your application to the Montana Justice Foundation's Bank of America Grants Program. We appreciate your thorough and thoughtful responses.

File Attachment Summary

Applicant File Uploads

- 2017 BOA Incubator Project Budget 11.21.2017 submission.pdf
- MLSA 501c3 Determination Letter dtd 02021967.pdf
- 2016 MLSA 990 Public Disclosure File 062017.pdf
- MLSA 2016 AZ FINAL Audit.pdf

MJF Incubator Partnership

July 1, 2018 - June 30, 20120

\$81,675 per year for 2 years (\$163,350 Total Request)

Personnel

							MJF Reques	MLSA	Total
Atty Supervisor	0.1 FTE	\$ 100,537	per year *	1 Supervisor *	1 years	\$ 10,054		\$ 10,054	\$ 10,054
Staff Attorney	1 FTE	\$ 53,000	per year *	1 Attorney *	1 years	\$ 53,000	\$ 53,000		\$ 53,000

*Note: Salary rates for staff include Loan Repayment Assistance and Cell Phone Supplement treated as Compensation

Fringe Benefits

Atty Supervisor	Salary *	22%		\$ 2,242		\$ 2,242	\$ 2,242
Staff Attorney	Salary *	28%		\$ 14,762	\$ 14,762		\$ 14,762

Total Personnel

\$ 80,057	\$ 67,762	\$ 12,295	\$ 80,057
-----------	-----------	-----------	-----------

Non-Personnel**Travel**

Mileage	3,000 miles/year @	0.535 cents/mile *	1 years	\$ 1,605	\$ 1,605	\$ 1,605
Lodging (2018 MT rate)	\$93 per night *	6 nights *	1 years	\$ 558	\$ 558	\$ 558
Per Diem	\$41 per day *	12 days *	1 years	\$ 492	\$ 492	\$ 492

*Fringe Benefits include health, dental, vision and life insurance, FICA, HAS/HRA, retirement, Unemployment and Worker's Compensation

Training

Airfare	\$750 per staff *	1 staff *	1 years	\$ 750	\$ 750	\$ 750
Lodging	\$225 per night *	4 nights (1 staff * 4 nights) *	1 years	\$ 900	\$ 900	\$ 900
Per Diem	\$74 per day *	6 days (1 staff * 6 days)	1 years	\$ 444	\$ 444	\$ 444
Conference Fee	\$450 per staff *	1 staff *	1 years	\$ 450	\$ 450	\$ 450
Other: (transport, bag fees, etc)	\$175 per staff *	1 staff *	1 years	\$ 175	\$ 175	\$ 175

Supplies

Laptop, dock, monitors, keyboard, mouse, scanner, carry bag	\$2,100 per staff *	1 staff *	1 year	\$ 2,100	\$ 2,100	\$ 2,100
Printing	\$1,000 per year *		1 years	\$ 1,000	\$ 1,000	\$ 1,000
Office Supplies/Postage	\$50 per month *	1 staff *	12 months	\$ 600	\$ 600	\$ 600
Office Furniture - headset, phone, desk, bookshelves, filing cabinet, work table, client chair	\$1,800 per staff *	1 staff *	1 year	\$ 1,800	\$ 1,800	\$ 1,800
Sonic Wall (if stand alone office w an MLSA phone)	\$950 per office *	0 offices		\$ -		\$ -

Other Costs

Computer Research	\$52 per atty *	1 Attorney *	12 months	\$ 624	\$ 624	\$ 624
Bar Fees	\$415 per atty *	1 Attorney *	1 years	\$ 415	\$ 415	\$ 415

Total Non- Personnel			\$ 11,913	\$ 10,313	\$ 1,600	\$ 11,913
-----------------------------	--	--	-----------	-----------	----------	-----------

Total Direct Costs			\$ 91,970	\$ 78,075	\$ 13,895	\$ 91,970
---------------------------	--	--	-----------	-----------	-----------	-----------

Indirect Costs

Provisional Rate for 2018 is 28.85%			\$ 23,097		\$ 23,097	\$ 23,097
-------------------------------------	--	--	-----------	--	-----------	-----------

Total Budget			\$ 115,067	\$ 78,075	\$ 36,992	\$ 115,067
---------------------	--	--	------------	-----------	-----------	------------

Grant Request

Total Budget for Incubator Staffing:	\$ 78,075
--------------------------------------	-----------

LRAP for Participants	
(\$1,800 per person * 2)	\$ 3,600

Grant Request for First year	\$ 81,675
------------------------------	-----------

Grant Request for Second year	\$ 81,675
-------------------------------	-----------

Total Request	\$ 163,350
---------------	------------



Supreme Court of Montana

Access to Justice Commission

December 8, 2017

DRAFT

Montana Justice Foundation
PO Box 1917
Helena, MT 59624

Re: Bank of America Grant

Dear Grants Selection Committee:

The Access to Justice Commission of the Montana Supreme Court is pleased to submit this Letter of Commitment to partner with the Montana Legal Services Association, the Alexander Blewett III School of Law at the University of Montana, the State Bar of Montana, and the Montana Justice Foundation to develop the Rural Incubator Program for Lawyers with the support of the Bank of America Grant.

As directed by the Court, the Commission works to “[f]oster the development of a statewide integrated civil legal services delivery system, design and implement new programs to expand opportunities for access to justice, and work toward the most efficient use and delivery of resources relating to civil access to justice.” As reflected in the Commission’s 2017 Biennial Report, its Standing Committee on Law School Partnerships (CLSP) has been exploring the potential for an “incubator” program through a law student survey and focus group sessions. The results of that survey showed strong interest in a legal incubator program to help new graduates launch limited scope and modest means practices in rural areas. The CLSP, as part of the Incubator Working Group, developed a detailed proposal for the Rural Incubator Program for Lawyers.

The Rural Incubator Program fits well with the objectives of the Bank of America settlement. It will focus on providing civil legal aid to address rural Montanans’ legal problems, with an eye toward preventing escalating financial hardship and foreclosures. As explained in the grant application, the Incubator Partnership seeks to establish rural law practices, which will help revitalize the communities in which those practices are established and assist the communities they serve with redevelopment efforts. We are excited to partner with Montana Legal Services Association (MLSA) on this innovative project to expand opportunities for access to justice and deliver legal services to ordinary Montanans. Through the CLSP, and with assistance from Patty Fain, the Supreme Court’s Statewide Pro Bono Coordinator, the Commission will continue to offer advice and time in developing the curriculum and to assist in the recruitment of participants and

mentors. We are dedicated to continuing our collaboration with MLSA by developing and implementing a robust incubator program that will help new lawyers build successful law practices that serve rural Montana and bring access to the justice system for all Montanans.

Sincerely,

Justice Beth Baker, Chair

Commission Members:

Ed Bartlett

Georgette Boggio

Hon. David A. Carter

Rick Cook

Matthew Dale

Rep. Kimberly Dudik

Sen. Terry Gauthier

Aimee Grmoljez

Hon. Leslie Halligan

Paul F. Kirgis

Kyle Nelson

Alison Paul

Hon. Greg Pinski

Charlie Rehbein

Melanie Reynolds

Hon. Winona Tanner



STATE BAR OF MONTANA

Serving the people of Montana and their attorneys

OFFICERS

President

* Leslie Halligan, Missoula

President-Elect

* Eric E. Nord, Billings

Secretary-Treasurer

* Jason T. Holden, Great Falls

Immediate Past President

* Bruce M. Spencer, Helena

Chair of the Board

* Juli M. Pierce, Billings

* Executive Committee

November 21, 2017

Montana Justice Foundation

PO Box 1917

Helena, MT 59624

Re: Bank of America Grant

Dear Grants Selection Committee:

TRUSTEES

Area A

Ryan G. Hennen, Whitefish

Area B

Beth A. Brennan, Missoula

Brian C. Smith, Missoula

David J. Steele, Missoula

Area C

Kaylan A. Minor, Dillon

Area D

Channing J. Hartelius, Great Falls

Paul R. Haffeman, Great Falls

Area E

Kent M. Sipe, Lewistown

Area F

Kate McGrath Ellis, Helena

J. Stuart Segrest, Helena

Michael P. Talla, Fort Harrison

Area G

Christopher B. Gray, Bozeman

Lynda S. White, Bozeman

Area H

Shane P. Coleman, Billings

Juli M. Pierce, Billings

Ben T. Sather, Billings

ABA DELEGATES

Damon L. Gannett, Billings

Shane A. Vannatta, Missoula

Eli J. Patten, Billings

EXECUTIVE DIRECTOR

Christopher L. Manos, Helena

The State Bar of Montana is pleased to submit this Letter of Commitment to partner with the Montana Legal Services Association, the Alexander Blewett III School of Law at the University of Montana, the Access to Justice Commission of the Montana Supreme Court, and the Montana Justice Foundation to develop the Rural Incubator Program for Lawyers (RIPL) with the support of the Bank of America Grant.

The State Bar is committed to expanding legal services within Montana, and supporting this innovative legal incubator is a great way to enable new attorneys to create sustainable law practices that serve low- and moderate-income Montanans that often lack access to the justice system. I have worked with Professor Hillary Wandler in developing the critical curriculum for this wonderful program while serving on the Incubator Working Group over the past year.

The State Bar will continue to offer advice and time in developing the curriculum, to assist in the recruitment of participants and mentors, and to have our Modest Means Program collaborate with RIPL through Ann Goldes-Sheahan, the State Bar's Equal Justice Coordinator.

Sincerely,

Chris Manos

Executive Director, State Bar of Montana

Alexander Blewett III
SCHOOL OF LAW
UNIVERSITY OF MONTANA



Paul F. Kirgis

Dean & Professor of Law
32 Campus Drive
Missoula, MT 59812-6552
(406) 243-5291
paul.kirgis@umontana.edu

October 31, 2017

Montana Justice Foundation
PO Box 1917
Helena, MT 59624

Re: Bank of America Grant

Dear Grants Selection Committee:

The Alexander Blewett III School of Law at the University of Montana is pleased to submit this Letter of Commitment to partner with the Montana Legal Services Association, the Access to Justice Commission of the Montana Supreme Court, the State Bar of Montana, and the Montana Justice Foundation to develop the Rural Incubator Program for Lawyers (RIPL) with the support of the Bank of America Grant.

The School of Law's mission is to prepare students for the people-oriented practice of law, serve as the academic legal center in Montana, and contribute to the development of national, state, and tribal law and legal institutions through teaching, scholarship, and service. We are dedicated to building a legal incubator program that will enable our graduates to create their own law practices to better serve people in Montana. We see the potential with this grant (1) to increase professional opportunities for our graduates that, in turn, (2) provide legal services to underserved Montanans.

Over the past few years, Associate Dean of Students and Professor Hillary Wander has researched and written about the growing justice gap in rural Montana and ways to address legal services needs. Serving on the Incubator Working Group over the past year, Hillary, with Chris Manos of the State Bar, developed the curriculum for the RIPL. The School of Law will continue to offer advice and time in developing the curriculum and assist in the recruitment of participants and mentors. We are dedicated to continue in our long and cherished partnership with MLSA through building a robust incubator program that will enable our graduates to build successful legal practices to serve rural Montana.

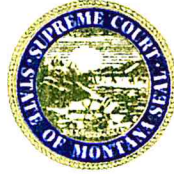
Sincerely,

A handwritten signature in black ink that reads "Paul F. Kirgis". The signature is written in a cursive, flowing style.

Paul F. Kirgis

THE SUPREME COURT OF MONTANA

MIKE McGRATH
CHIEF JUSTICE



JUSTICE BUILDING
215 NORTH SANDERS
PO BOX 203001
HELENA, MONTANA 59620-3001
TELEPHONE (406) 444-5490
FAX (406) 444-3274

November 21, 2017

Montana Justice Foundation
PO Box 1917
Helena, MT 59624

Re: Bank of America Grant

Dear Grants Selection Committee:

The Montana Supreme Court and the Court Administrators Office are pleased to submit this Letter of Commitment to continue our partnership with the Montana Legal Services Association, the Alexander Blewett III School of Law at the University of Montana, the Access to Justice Commission of the Montana Supreme Court, the State Bar of Montana, and the Montana Justice Foundation to develop the Rural Incubator Program for Lawyers (RIPL) with the support of the Bank of America Grant.

We are dedicated to expanding access to justice across Montana, and developing new programs that expand services in underserved areas is key. Through the work of the Access to Justice Commission and the Court Administrator's Office, we are prepared to offer our advice in developing the curriculum and to assist in the recruitment of participants and mentors. Over the past year, Patty Fain, our Statewide Pro Bono Coordinator, has worked with the Incubator Working Group in developing the proposed program, and we are excited to see RIPL empower new lawyers to build law practices that help Montanan's in need.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike McGrath".

Mike McGrath
Chief Justice

Tab 4

ATJC SWOT Survey Responses

10/23/17

Q1 Strengths: What are the Access to Justice Commission's strengths? What do we do well? What capabilities and resources do we have?

- 1) It is diverse group of hardworking professionals who really want to make a difference. Creating community momentum with collaboration. SIM (Sequential Intercept Mapping) System (L&C County)
- 2) I'm very new to the Commission, but from what I've gleaned the Commission is very proactive in creating forms and other how-to guides for self-represented litigants.
- 3) 1. Because of membership and support, great access to information/data - indigent parties, needs, institutional knowledge; 2. Use of the courts to drive change in the legal profession; 3. Support from Montana Supreme Court and State Bar in all activities.
- 4) Broad membership from constituent organizations; members and participants who are willing to devote time and energy to the mission; good coordination among each other; resources in the form of Court staff (Court Help program, pro bono coordinator, law library), MJF staff, MLSA staff, and Bar staff all giving at least some time to help the ATJC's activities.
- 5) Strong Supreme Court leadership and guidance legislative involvement key players involved
- 6) Membership is strength. We listen and don't overreact. We also keep our to do list manageable.
- 7) Good clearinghouse for statewide initiatives.
- 8) The ATJC has done a good job of creating committees to tackle real projects. The ones I am most familiar with are the ERAMP project and the incubator project. Both address matters of real need in Montana and have dedicated, engaged people pushing them forward.
- 9) I don't know much about strengths and history of AJC, and what it does well, because I am new to the board. I believe the commission has a strong board, with highly qualified and committed commissioners and leadership. From what I saw at my first meeting, I also recognize the strong links and partnerships the AJC has with other organizations committed to access to justice issues.
- 10) Strengths: Diversity of membership - not just regular players in A2J Collaborative nature of membership - work well together Strong leadership Do well - Pull together to accomplish a goal Good concise meetings Capabilities and Resources - Members are strong Support from MJF

Q2 Strengths: What makes the ATJC unique? What do we do better than other entities?

- 1) It is beginning the process of filling the vacuum of the social injustices. Bring the invested players from all levels to the table.

- 2) It is forward looking - not necessarily a Commission considering academic questions.
- 3) Unique - advocate at the Montana Legislature. Unfortunately, we do not have too broad of a mission and too many vested interests to remained focused on one task and build upon incremental success.
- 4) Representation from all branches and forms of government, as well as the law school and service providers, good leadership from all entities represented, and ability to give coordinated oversight of ATJ issues and direction/guidance to other entities. Unique ability to engage in strategic planning for the broad mission of achieving effective operation of the courts for all users.
- 5) Bring together all sectors of the civil legal system
- 6) Again our Membership. And our Mission is broad vs. others.
- 7) Policy makers sit on the Commission. It has the blessing of the Supreme Court.
- 8) The ATJC is effective because it draws on people from all the major legal institutions in Montana. It has the ability to look at access to justice issues from 50,000 feet, but also can act to carry out policy through its committees.
- 9) I don't know.
- 10) Provide a multi-faceted perspective on the A2J landscape in Montana

Q3 Weaknesses: What are the ATJC's weaknesses? What isn't working? Where do we have room for improvement?

- 1) More collaboration with local CJCC, & Local Advisory council on Mental Health & Community Intervention Teams or any other community advocates Ask Brian Coplin & HELP
- 2) I'm not sure I've been on the Commission to really comment on this.
- 3) 1. Too many ways of defining our targeted groups for help, which in turn does not result in specific plans of action with measurable results - income, geography, types of cases/disputes causes of action, role of lawyers/legal profession, underrepresented groups, etc.). In short, too many things to too many people. 2. Failure to select priorities that create secondary benefits - build constituencies or vested interests that can apply political pressure, publicity, ongoing use of technology, partnerships with other groups, etc. Improvement: 1. Focus on projects that can be built and measured within nine months for use in the next legislative session. 2. Focus on projects that use technology to allow the delivery of services to ensure positive results across the state in a time of decreasing budgets and funding.
- 4) Despite assistance from stakeholder staff, we have no full-time staff or resources to devote to various projects. We have many laudable goals, but lack the ability with a group of mostly volunteers to take them all on.
- 5) Need to have a yearly work plan from our strategic plan. We can do that when we get a new strategic plan
- 6) We don't meet often (which is good), but that limited what we can do. I do not think we need changes.
- 7) Getting the right information into the right hands is always difficult. The Commission is not well known.

- 8) Limited resources are always a problem, of course. The ATJC is trying to plug holes in the dike, mostly using volunteer labor. That really isn't the way to find long-term, sustainable solutions to Montana's access to justice problem. Even the successful projects (again, ERAMP and incubator being the ones I'm most familiar with) will have a very limited scope and may make only a modest dent in the overall problem.
- 9) I believe it is time to implement ideas, not just discuss and outline objectives. The annual report showed a lot of progress, but I didn't see too much implementation yet.
- 10) A weakness is a lack of funding and dedicated staff to move initiatives forward. MJF does a good job, but their staff is pulled in too many directions already.

Q4 Weaknesses: What resources do we need that we don't currently have?

- 1) Boots on the ground
- 2) Again, I haven't been around long enough to identify resources we don't currently have.
- 3) Partnership with a technology company or non profit organization that will donate or provide the platform for the implementation of any project the ATJC approves.
- 4) Staffing; resources to complete some of the projects we've taken on, such as the statewide inventory of resources, completion and updating of forms, etc.
- 5) Funds for the legal system especially for the low income community
- 6) It would help to have a few \$\$ for research or a project from time to time.
- 7) Can't think of any
- 8) Money. Does the Commission have potential sources of grant funding and a dedicated person to write grants?
- 9) Sufficient money.
- 10) Funding for a part-time staff person to move initiatives forward. Also need some strategic goals, but we are working on that with this process.

Q5 Opportunities: What trends and outside conditions might have a positive impact on the ATJC and its work?

- 1) County Sequential Intercept Mapping System
- 2) The public forums held over the past couple of years certainly helped raise awareness in those communities as to the Commission's work.
- 3) Current litigation to address social justice reform may offer an opportunity to allow projects approved by the ATJC to gain support. For example, driver's license reform to address poverty, wherein the ATJC could draft and seek sponsorship on legislation to assist low income litigants.
- 4) More awareness of legal injustices and income inequality, more awareness of pressures on the courts, recognition of the importance of legal aid through the national budget situation.
- 5) National and state funding issues.
- 6) The Legislature. Supreme Court orders.

- 7) Our connection w/ the legislature will help in this regard. The public is supportive of legal assistance for vulnerable groups.
- 8) There is a renewed interest in the rule of law triggered by the Trump Administration. That may increase both the number of people going to law school and the willingness of current lawyers to volunteer.
- 9) I don't know.
- 10) Highlight on need for civil legal aid that has happened as a result of the Trump administration's call for elimination of LSC has gathered supporters in a unique way. Mounting support for uniform forms might give Commission a needed push toward making courts more accessible.

Q6 Opportunities: What opportunities can the ATJC take better advantage of?

- 1) Montana Peer Network
- 2) I'm not sure.
 1. Use of the courts to implement reform.
 2. Social media.
- 3) Messaging, media, relations with legislators and other state policy makers, as well as with congressional members and their staffs
- 4) Looking at more communication and interaction with legislature
- 5) None. We do well with what we have.
- 6) Can't think of any
- 7) Again, I'm not sure what grant opportunities might be available. Finding external funding would be extremely helpful.
- 8) I don't know.
- 9) Not sure - need to be more focused so can identify what is in line with where we want to go. Strategic planning committee is a good first step.

Q7 Threats: What trends and outside conditions might negatively impact the ATJC and its work?

- 1) Overflow of injustice
- 2) Lack of funding seems to be the biggest concern that comes to mind.
- 3) No well-defined or targeted group of people served by the ATJC that can serve as a political base or future publicity.
- 4) So many pressures on government resources, lack of understanding of how legal aid could help in all of these areas, push to reduce the size of government, and impression that resources would create an "entitlement."
- 5) Funding issues state and national
- 6) Action of the Legislature.
- 7) Lack of resources. Lack of key & obvious initiatives to bring attention to the work of the Commission.
- 8) I would think the main threat is simple exhaustion. You can only ask people to work overtime for free for so long.
- 9) Don't know
- 10) Overburden of court system Overwhelming need for civil legal aid and shortage of resources to address the problem

Q8 Threats: How might our weaknesses leave us vulnerable to new challenges?

- 1) Stress
- 2) I'm not sure I have enough knowledge yet to comment on this.
- 3) 1. Lack of funding. 2. Lack of support outside the legal profession.
- 4) Without a strong public and policy-maker understanding of the work of the ATJC and the importance of meeting people's legal needs, there is little chance of competing for dwindling public resources. People get burned out and give up hope of succeeding in a climate of constant threats and pressures.
- 5) Respondent skipped this question
- 6) We fail or are delayed in achieving goals.
- 7) Not being well known may threaten resources.
- 8) See Q7.
- 9) Many organizations with similar goals, spreads out the field for potential fundraising. Our objectives may be diluted with too many entities working on the same goals.
- 10) Lack of dedicated staff to Commission makes it hard to take advantage of opportunities for growth, or to address the challenges.

Q9 Any other thoughts you want to share? You may submit your responses anonymously, but are also welcome to share your name in this comment box.

- 1) Respondent skipped this question
- 2) Respondent skipped this question
- 3) The ATJC is an entity with the best of intentions. The future would best be served by taking a three-year approach to having five to seven successful projects that can be shown to the 2019 and 2021 legislatures for a renewed push on a dedicated funding source.
- 4) We need to focus on the priorities recommended in the report of the public forum series and carefully fine-tune our activities to have the most impact and keep people involved. Beth :)
- 5) Respondent skipped this question
- 6) Ed Bartlett
- 7) Respondent skipped this question
- 8) This is Paul Kirgis. I'm continually amazed by how much we are able to get done in this state with so few resources. The ATJC is an example of that. It is succeeding because we have so many dedicated and capable people willing to volunteer their time. I just wonder whether that's sustainable.
- 9) I don't mind sharing my name. I don't have much in the way of thoughts, because I am new to the commission and how it works, and what has been done in the past. I need education on the commission's charter and *raison d'être*. Dan McLean
- 10) Alison Paul. Glad we are doing this, thanks for putting it together.

Tab 5

Update on Domestic Violence Civil Legal Working Group

Alison Paul

MLSA is putting together a meeting of the attorneys primarily providing civil legal services to domestic violence survivors in Montana. The purpose of the meeting is to better coordinate services, referrals and training and to identify and tackle systemic issues faced by dv survivors in the Court system. The meeting will be co-chaired by Diana Garrett, MLSA's Supervising Attorney for its Domestic Violence Practice Group, and Brandi Ries of Ries Law Group and a past Chair of the Justice Initiatives Committee of the State Bar of Montana. The suggestion for the meeting came out of discussions at an Access to Justice Committee meeting regarding a better way to coordinate the issues faced by dv survivors in the courts in Montana.

We are currently planning the first meeting for January in Helena. We are including representatives from the Montana Board of Crime Control as they are interested in funding more civil legal help for dv survivors out of their Victims of Crime funding. After the first meeting, we will be identifying a few working subcommittees and looking for representatives from the broader civil legal community as appropriate for these subcommittees.

Tab 6

What is Unbundling?

In Montana, “unbundling” is usually referred to as Limited Scope Representation (LSR) and is an alternative to traditional, full-service representation. Instead of handling every task in a matter from start to finish, the lawyer handles only certain parts and the client remains responsible for others. LSR is often, but not exclusively, used in the provision of *pro bono* services. Providing LSR generally increases access to legal services because it can be more affordable to those who do not qualify for legal aid or *pro bono*, but cannot afford the cost of full-service representation. A copy of the LSR litigant brochure is attached.

Limited Scope Representation in Montana

In March 2011, the Montana Supreme Court issued two orders revising the [Montana Rules of Professional Conduct](#) and the [Montana Rules of Civil Procedure](#) to specifically address and facilitate the LSR. Montana’s Rule 1.2(c) is more specific than [the American Bar Association Model Rule 1.2\(c\)](#).

There remains substantial need in Montana for full representation, but the demand outstrips the supply of lawyers willing or available to take full representation cases. Self-representation continues to increase, and most recent surveys indicate litigants would prefer to hire a lawyer for at least part of their case.¹ Through LSR, clients can get the advice and services they need for a more affordable fee; and courts benefit from greater efficiency when litigants receive some legal assistance. To date, there is no unified or formalized effort to increase the delivery of LSR services in Montana.

The Conference

The Better Access Through Unbundling Conference brought together leaders across North America to discuss and creation of paths to help close the justice gap through unbundled legal services. The breadth and knowledge of the faculty was extraordinary. For more information, view the [Agenda](#) and faculty [biographies](#).

Major Take-Aways

1. *What We Know from the Research.*
 - According to the National Center for State Courts (NCSC) Civil Justice Report²:
 - a. 76% of cases involve at least one self-represented litigant.

¹ [Cases without counsel – Research on Experiences of Self-Representation in U.S. Family Court](#)

² [National Center for State Courts Civil Justice Initiative – The Landscape of Civil Litigant in State Courts Civil Justice Report](#) (2015)

- b. Of almost 1 million state court civil cases, only 8% are tort or real property cases. The remainder are family law, debt collection, landlord/tenant, contract, foreclosure, and small claim matters.
 - c. Self-representation in non-family civil cases has increased by 70% since 1992.
 - d. Somewhere between 11-14% of persons with civil legal problems seek assistance from a lawyer
- According to the [ABA 2016 Law Graduate Employment Data](#), 32% of 2016 law school graduates were **NOT** hired in long-term, full-time jobs requiring bar passage.
- According to the [key findings Voices for Civil Justice Summer 2017 Voters Study](#)
 - 59% of voters have a favorable perception of the civil justice system
 - 61% of voters have a favor perception of the judicial branch
 - 43% of voters have a favorable perception of lawyers
- According to the *Cases without Counsel Study*, 62.5% of self-represented litigants are women, and 85% of all litigants would have preferred some assistance of an attorney.
- According to the ABA [Perspectives on Finding Personal Legal Services](#)
 - 70% of litigants were not familiar with the concept of limited scope representation or unbundling, and 66% indicated they would be very or somewhat likely to talk to a lawyer about limited scope services.
 - 65% of lawyers thought LSR would expose them to malpractice claims.
 - Half of lawyers thought it might be unethical.
 - Nationwide, in 2011 54% of solo practitioners provided LSR³
- 2. *Expanding access to justice in the “Access Ecosystem” through LSR – General Concepts*
 - LSR/Unbundling should be viewed as a continuum of services
 - Expanding LSR resources and support will expand LSR and increase demand for practice models
 - Get people to those that can help them through referrals to LSR resources
 - Create a strategic access plan
 - Don’t just allow LSR, engage and promote the practice
 - Don’t automate inefficient systems
 - Create LSR panels

³ We have no current statistic on Montana lawyers who provide LSR. The [2016 Pro Bono Report](#) indicates 20% provided limited scope services as part of their pro bono hours.

- Incorporate LSR models and training in incubator programs
- Give legitimacy to LSR
- Build capacity to link lawyers to clients who want lawyers
- LSR Law School practicum/courses.
- Courts can advance this as an access initiative at state and local levels.
- Educate the public
- Utilization of LSR will increase mediation. SRL are more likely to attend a mediation if they can consult with a lawyer first.
- Involve malpractice carriers and LSR practitioners in training and advancement.
- Develop universal limited scope appearance forms and educate the courts and lawyers on their use and implications.
- Court notification to SRL of limited scope services through regular case management (Orders, correspondence)
- Formal ethics opinion addressing LSR after new Rules (see [Colorado Bar Formal Opinion 101](#))
- Appellate Unbundling (See [Colorado C.A.R. 5\(e\)](#))
- Specific local rules and procedures regarding unbundling – or Model Rules to be adopted statewide.

3. *Resources developed and ready to customize and utilize*

Institute for Advancement of the American Legal System (Family Law):

[A Guide for Consumers](#)

[A Guide for Lawyers](#)

[A Toolkit for Court Leadership](#)

[Chicago Bar Foundation Limited Scope Representation Toolkit](#). This effort was a joint project of the Justice Entrepreneurs Project (JEP), the Illinois Supreme Court Commission on Access to Justice, The Lawyers Trust Fund of Illinois, and The Chicago Bar Foundation.

[Risk Management Practice Guide of Lawyers Mutual – Unbundled Legal Services](#)

[American Bar Association Unbundling Resource Center](#)

4. Discussions and Recommendations

- a. Consider creation of a multi-disciplinary LSR committee or task force to create and implement a strategic plan for expanding LSR provision and utilization of LSR services through the support of the State Bar of Montana, the Statewide Pro Bono Program.
- b. Development of best practices and toolkits utilizing modification of existing models.

- c. Development of a public awareness/attorney training campaign and (*See* Colorado's Road Show model)
- d. Development of LSR lawyer panels and referral services
- e. Examination of court practices that increase and encourage LSR
- f. Survey Self-Help Law Center patrons to assess needs, experiences, and attitudes towards LSR services.

What is an example of LSR?

A dissolution of marriage (or divorce) offers one example of an LSR opportunity. An entire divorce might involve many tasks. You and your lawyer could create a list of the tasks that you can do and those best left to the lawyer. You might fill out the financial forms, get necessary documents or contact witnesses. The attorney could draft legal briefs and motions, provide legal advice on division of property, appear for you at a hearing, draft a parenting plan or property settlement agreement. You agree with your lawyer ahead of time what each of you will do and put that in a document called a **Limited Scope Retainer Agreement**. If the tasks each of you will do change, so will the LSR Retainer Agreement.

How might you benefit?

You can get help with the parts of your case that are too hard for you to do on your own. You may not have enough money to hire an attorney to handle your entire case – even if you'd like one. You limit the attorney's "scope" of representation and pay only for the work agreed upon and performed.

There are trade-offs

You might save money and keep control over parts of your case. You'll get legal advice and tasks from a licensed attorney. But, the law and court procedures can be complicated. Failure to perform certain tasks on your own could cause your case to fail. There are legal matters that you should not perform without an attorney's professional expertise. Lawyers have legal education and experience that may increase your chances of a successful outcome to your case.

Not right for all cases

Not all cases work well with limited representation. Complexity of the case and dividing up responsibilities between you and the lawyer might make LSR very unwise for your case. Talk to a lawyer who understands LSR and consider all of the possible options for you (self-representation, limited task representation or a full service lawyer), before making your decision.

There are important things to remember.....

- If you hire an attorney on an LSR basis, get the Agreement in writing. Make sure it carefully outlines what the lawyer will do for you and what the lawyer expects of you. You can always expand the scope of the lawyer's representation as long as both of you agree. Make sure any changes are put in writing first.
- In LSR, you and the lawyer work as a team, but it is your case. If you cannot agree on the decisions that need to be made in your case, you should not proceed with LSR. Rules and regulations that lawyers must follow mean they are obligated to inform you about certain things, so listen carefully to any reasons the lawyer might give about why your course of action is not in your best interests or why the tasks can't be allocated the way you wish.
- It is your case, your decision and your responsibility. You have the right to disregard the lawyer's advice, but if the case does not turn out the way you hoped, you must be willing to accept responsibility for your decision.

If you aren't sure if a lawyer you are interested in hiring provides LSR, ask him or her to meet with you to discuss if you have options for the scope of legal services he or she provides.



Limited Scope Representation ("LSR")

Can't Afford the Cost of a Lawyer for Full Representation?

Limited Scope Representation ("LSR") May be a Solution.



September 2012

Office of the Court Administrator

Court Help Pro Bono Program

What is Limited Scope Representation?

Limited scope representation (LSR) is a method of handling your legal issue where you and a lawyer agree that the lawyer will handle some parts of your case and you will handle others. LSR is sometimes called “unbundling” or “discrete task representation”.

If you cannot afford a lawyer to represent you in all parts of your case, LSR might offer you a chance to have the legal help you need within your financial circumstances. It is most likely you will do a better job of following proper court procedures and presenting important information to the court if you have the help of a lawyer at the time it is most needed.

Disclaimer

The information about limited scope representation (LSR), provided in this brochure is for general information only. It presents some considerations that might be helpful in deciding if you should consider limited scope representation in your case. It is not intended as legal advice or opinion. It is not intended to establish a legal standard for the practice of law. There is no guarantee the information or guidelines will improve your decision making regarding the kind of legal services you need. Legal consumers have different legal needs and requirements and you are responsible for decisions involving hiring a lawyer for your legal issue. You should consult with a lawyer to find out if this is right for you.

To find out more about limited scope representation, visit the State Law Library at www.courts.mt.gov/library or scan the code on the back of the brochure with your smart phone.

Is LSR right for you and your case?

- Discuss your case with a lawyer in depth, including the parts you want to handle yourself. Discuss the entire case, even those parts you think are simple. You may not know if you overlooked something that is legally important. Once you have this discussion, you and the lawyer can decide if LSR is right for both of you.
- Determine if you are willing to take responsibility for those parts of the case you will handle. Remember, the lawyer went to law school. That means she will know things you do not about the legal process. It is impossible for the lawyer to teach you everything she knows.
- Determine if your case has technical issues or is time-sensitive. Decide if you have the time to put into educating yourself and effectively and efficiently handle your assigned tasks.
- Is there a lot at stake in your case? For instance, could you lose your home, lose rights to see your children, or owe a lot of money? Balance your legal budget with the benefit of what you receive.
- Do you have the time and skills to complete the tasks you want to be assigned? Be honest about your capabilities and expectations. There are trade-offs for not having a lawyer to handle your entire case.

This document printed at state expense. Information on cost of publication may be obtained by contacting the Office of the Court Administrator.

Important reasons to get the help of a lawyer

- Only attorneys licensed to practice law in Montana can give you legal advice.
- If you are preparing or have been asked to sign documents that affect your legal rights or property.
- To help you prepare for a court hearing.
- To discuss strategies for your case, like where to file a lawsuit, when and how to file a response, whether to ask for a jury, discovery matters, and many other decisions that will come up during the case.
- Even cases that seem simple often have hidden complications that lawyers are trained to identify. That doesn't mean there aren't simple cases that could end up fine without the help of a lawyer, but you are almost always better off at least talking to a lawyer before trying to tackle your own legal problems.
- You are worried the other side will not play fair (a lawyer is more likely to notice this and know how to make others follow the rules).
- There are complicated decisions to make about a trial like selecting a jury, when to object to introduction of evidence by the other party and what evidence you should or are allowed to present for your case.
- You are emotionally too close to the case and have a hard time seeing things objectively.