

# Tab 1

**Montana Supreme Court Access to Justice Commission**  
**September 5, 2025**  
**Zoom Video Conference**  
**10:00 AM - 12:00 PM**  
**Meeting Minutes**

**Commissioners Present:**

Justice Beth Baker, Alanah Griffith, Gretchen Hall, Olivia Riutta, Ed Bartlett, Alison Paul, Juli Pierce, Lillian Alvernaz, Magaret Weamer, and Aimee Grmoljez

**Commissioners Absent:**

Hon. Stacie FourStar, Hon. Leslie Halligan, Kekek Stark, Jacob Griffith, Hon. David Carter, Rick Cook, and Hon. John Kutzman

**Others Present:**

Katy Lovell, Becky Schupp Watson, Franklin Runge, Brooke Dolan, Alissa Chambers, Madiera Zehnder, Linden Howard-Murphy, Katherine Bidegaray, Sebastian Driver, Kimberly Dudik, Ann Sheahan, Valerie Falls Down, and Morgan Dake

**Call to Order & Introduction:**

Justice Baker called the meeting to order at 10:05 am and asked participants to introduce themselves.

**Approval of June 6, 2025 Meeting Minutes:**

There were no questions or additions to the June 6, 2025 meeting minutes and they were moved and seconded. The minutes were approved.

**Committee Reports:**

**Communication and Outreach**

Katy Lovell provided an update on communication and outreach efforts, including plans to promote the new family law forms, offer training sessions, and expand outreach to judges and court staff. A letter from Dave McAlpin, along with a link to a recorded training, will be sent to all court personnel to introduce the new forms. The committee is also exploring the possibility of publishing an article in the December/January issue of *The Montana Lawyer*.

MLSA and Emma Schmelzer conducted outreach in Eastern Montana, meeting with judges and receiving strong interest and positive feedback about MLSA's work. Madiera Zehnder staffed a table and presented at the Montana Perinatal Association Annual Conference, making several valuable contacts. Reese Loveless will attend the statewide Clerks of Court training in October, where she plans to highlight the fee waiver form, mediation services, and the Family Transition Project.

**Policy and resources:**

Aimee Grmoljez and Justice Baker discussed strategies for educating legislators and diversifying funding sources, with a focus on improving court forms and processes. They emphasized the importance of facilitating discussions with both legislators and judges, as well as strengthening public outreach efforts with the courts and enhancing communication with other branches of government. The committee hopes to spend time over the next year to research possibilities to diversify funding streams, and to pinpoint specific projects in need of support such as ongoing forms work.

**Self-represented litigants:**

Alissa Chambers and Margaret Weamer provided updates on initiatives to increase access for self-represented litigants, including exploring text reminders and standardizing Zoom usage across Montana courts. The group also discussed updating a small estate guide.

**Self-Represented Litigant Forms Update:**

MLSA currently has a contractor working on updates to several family law forms. Because form development is part of the judiciary's responsibilities, the group discussed the need to fund a permanent position within the Judicial Branch dedicated to form creation and management. Updated forms would undergo a formal review process before being posted on the public access website, and the Judicial Branch should serve as the central repository for all official forms.

Katy Lovell, Justice Baker, and Franklin Runge will continue meeting with Dave McAlpine and Judicial Branch Financial Services Director Cathy Pennie throughout the fall to determine the feasibility of a judiciary position focused on forms management. Justice Baker emphasized the importance of establishing clear processes for reviewing and approving new forms, ensuring consistency, and securing adequate funding

**Judicial Meet and Greets Discussion:**

The Commission discussed launching "Justice Discussions," a series of informal, community-based meetings between legislators and judges to strengthen understanding and communication. Inspired by Senator McKamey, the pilot sessions likely will begin in Great Falls and Helena and will focus on local needs and court system performance. Meetings will feature roundtable discussions with judges, court staff and self-help center representatives - intentionally avoiding a lecture format to encourage open dialogue.

These events will be hosted by the Commission and the Chief Justice, held at local courthouses, and will last one to one and a half hours. They will not be public events; the audience is limited to local legislators and participating judicial branch representatives. Discussions will highlight community-specific information, such as court statistics and staffing levels, to give legislators a clear picture of what is happening in their districts and create space for questions about real community

needs. Cory Swanson will attend all sessions, and Access to Justice Commissioners are encouraged to participate.

The Commission agreed to move forward with the project, with Justice Baker and Brooke Dolan planning to identify local legislative champions to help recruit participation. The goal is to begin the series in fall 2025. The commission noted the importance of a compelling “hook,” a justice-focused name, and having the invitation come directly from the Commission and being potentially pitched by a fellow legislator to increase engagement.

### **Montana Justice Foundation Update:**

Alissa Chambers announced a record-breaking year of grants, distributing over \$1.6 million to 22 nonprofits across Montana, including significant funding for civil legal aid and a new project with Partners for Justice.

### **Justice Improvement Committee (JIC) Report:**

Morgan Dake reported strong progress from the Justice Initiatives Committee, noting that the group has re-energized its membership and expanded its reach statewide, though it continues to seek representation from Eastern Montana. The committee has been actively promoting pro bono service through regular Montana Lawyer columns and presentations to local bar associations, with plans to present at the upcoming State Bar meeting and deepen collaboration with Montana Legal Services. Katy Lovell volunteered to continue as JIC’s liaison to the Commission.

### **Access to Justice Commission Report:**

#### **Biennial Report:**

Katy and Alissa are working on the draft report, which will include several new sections to provide a clear introduction to the Commission’s work for those unfamiliar with it. It will feature a history of the Commission and a glossary explaining key terms and acronyms. An overview of IOLTA and its role in expanding access to justice will be included, along with a description of the Commission’s partnerships, how the organizations collaborate, and the roles each plays within the system. The report will also highlight the legal clinics, emphasizing the Montana Justice Foundation’s support in funding them. Additional accomplishments, such as the creation of the Community Justice Worker position, the growth of the Family Transition Project, and Katy’s new role as Access to Justice Program Coordinator will be noted. Commissioners are encouraged to reach out to Katy or Alissa with other accomplishments that should be noted. A draft will be ready for the December meeting.

#### **Pro Bono and Mediation Updates:**

Katy presented updates on two major projects: the Pro Bono Report and the Family Transition Project. For the Pro Bono Report, she outlined plans to make

it more engaging by incorporating narratives and success stories, as well as compiling a list of attorneys interested in pro bono opportunities. Regarding the Family Transition Project, Katy reported that roughly 116 cases have completed mediation; 21 withdrew before mediation began; 7 withdrew during mediation; and 7 were canceled before any activity started. Of the completed cases, 67 reached full agreement and 17 reached partial agreement, while 71 cases remain ongoing. In total, 187 cases have progressed to the assignment stage. She highlighted the program's significant growth, now supported by 17 mediators, 19 attorneys, and 4 child support consultants, and noted the need to reclassify Emma's position due to expanded responsibilities.

### **AmeriCorps Program Growth and Expansion**

Katy expressed gratitude for the support from the Commission and the Montana Supreme Court, which allowed Montana to maintain the AmeriCorps program, with 6 members at self-help law centers. Katy invited the Commission to participate in weekly training and one-on-one conversations with AmeriCorps members interested in their fields.

### **MLSA Update:**

Alison reported that they were awarded 24 AmeriCorps slots this year, two more than in the past, and have filled 22 of them with partners across the state. MLSA is now fully staffed and has hired a Donor Engagement Specialist, who will begin at the end of October, to help strengthen fundraising efforts.

She noted that while current funding is stable, Legal Services Corporation funding may face a 22-40% reduction, with the House proposing a 45% cut and the Senate proposing a 1% increase. Alison also outlined progress on the Community Justice Worker project, which has two components: the Order of Protection Project is moving forward, with a proposal to the Supreme Court for a rule change expected to be filed next week; however, the consumer and housing component is delayed due to unresolved contract issues with the Department of Administration. The State Bar has approved the overall project, and Alison will present it at an upcoming Bar meeting and to the paralegal section.

### **Upcoming Meeting Dates and Public Comment:**

Justice Baker noted the next three meeting dates listed on the agenda: December 5, 2025, and March 6 and June 5, 2026.

The meeting was adjourned at 11:20 a.m.

# Tab 2

# Executive Summary

The Legal Services Corporation (LSC) is the single largest funder of civil legal aid in the United States. With LSC's support, legal aid providers offer free legal services to low-income persons in every state and territory. Each Congressional district in the nation is served by a nonprofit legal aid organization that provides life-changing (and in many cases life-saving) services to Americans in need, including survivors of natural disasters and domestic violence, families and individuals facing loss of their homes, seniors struggling with crushing debt, veterans unable to access the supportive benefits they've earned through service, and more.

Since 2005, LSC has periodically measured the need and extent of Americans' civil legal issues relative to the resources available to meet these needs.<sup>1</sup> The difference is known as the justice gap.<sup>2,3</sup> As one result of this research, LSC identified a need to examine the unique challenges rural Americans face in finding assistance to resolve their civil legal problems. In December 2021, LSC convened the Rural Justice Task Force (Task Force) to examine this issue.<sup>4</sup> This report details the Task Force's findings.

This report summarizes the Task Force's key learning and the unique contours of the justice gap in rural communities. This report also highlights model practices and innovations in rural America to narrow the justice gap. Lastly, this report offers recommendations for federal and state legislators, state and tribal courts, civil legal services providers and private practitioners, law schools and other stakeholders to ensure that more low-income rural residents can get the legal assistance they urgently need.

## Assessing the Rural Justice Gap

LSC's 2022 [Justice Gap Report](#) found that low-income households in the U.S. did not receive any or enough legal assistance to resolve 92% of their legal problems.<sup>5</sup> In rural communities, the situation was even more severe, rising to 94%. Closing the justice gap is an immense challenge throughout the nation, but addressing the problem in rural America requires an understanding of the unique characteristics that exacerbate challenges and leave people underserved.



Glimpses of rural America.



This report delves deeper into some of the conditions that contribute to the justice gap like poverty, housing insecurity and substance dependency. It also identifies difficulties encountered by distinct rural communities — including low-income agricultural workers, Native Americans, veterans and senior citizens — and how these challenges may contribute to their specific legal needs.

For more information about this report, LSC or the Task Force's work, visit [www.lsc.gov/rural](http://www.lsc.gov/rural).



### Addressing Key Barriers to Justice in Rural Areas

In the course of its work, the Task Force focused on four barriers to justice in the nation's rural and remote areas. This report explains each of these barriers, highlights ways communities address them and offers recommendations for further action. The barriers in this report are as follows.

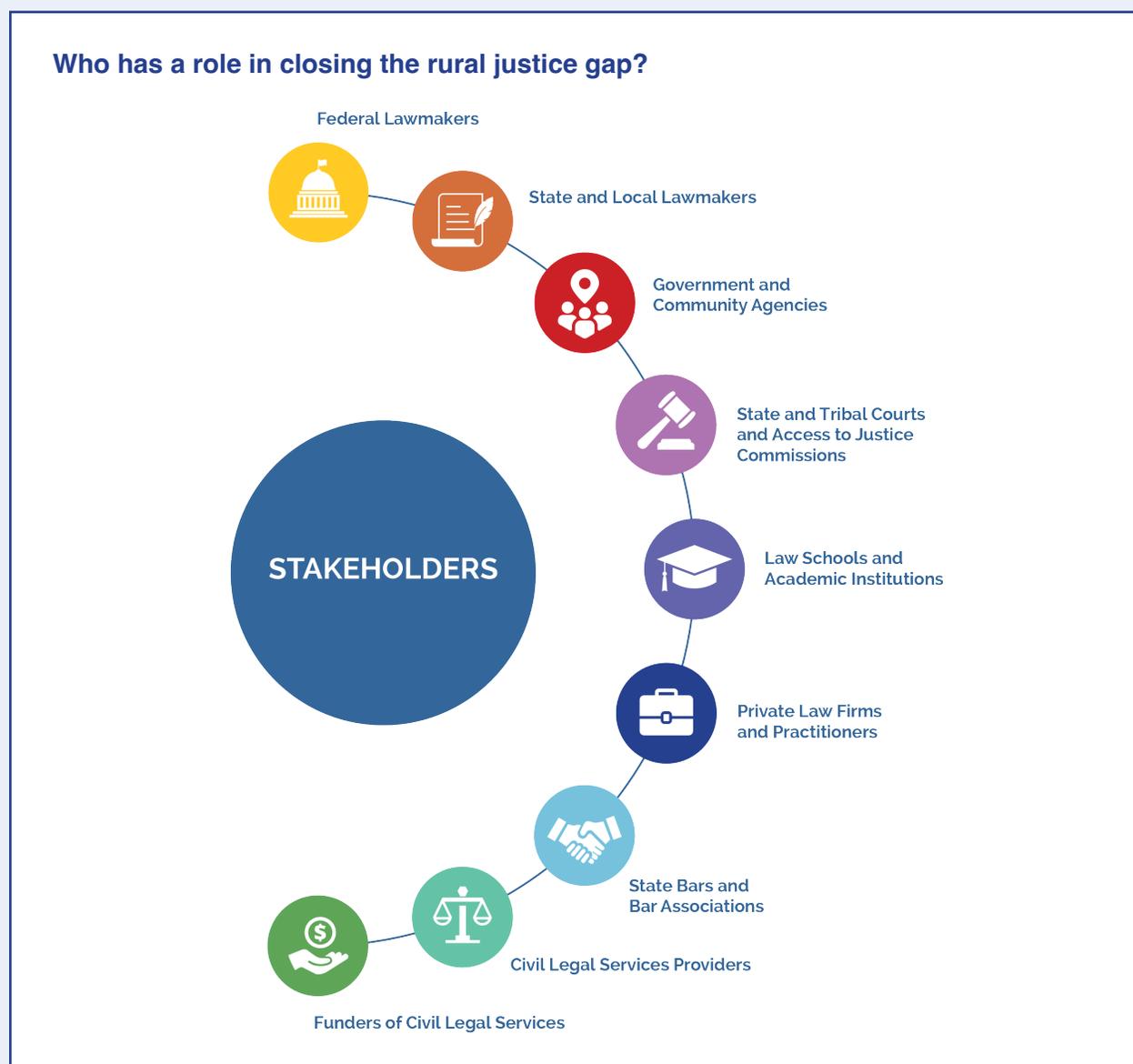


Clients meet with a Legal Aid of Arkansas attorney during the organization's 2024 Spring Break on the Road to Justice Clinics, which brought free estate planning services to Augusta, Wynne and Marked Tree, AR.

- **The shortage of attorneys in rural areas.** There is a severe shortage of legal professionals in rural areas throughout the U.S. This leaves many rural Americans unsure of where to go when they need a lawyer. Without clear places to turn for help, people may struggle to recognize when their everyday challenges — whether financial, housing or health-related — are actually legal in nature.<sup>6</sup> This lack of access not only hides legal issues in plain sight, it also contributes to a sense that the legal system is out of reach, eroding trust in the justice system itself.
- **The digital divide.** The rise of online technologies holds enormous promise for reducing barriers to justice for residents of the nation's rural communities. However, too many Americans, including a disproportionate number of rural Americans, still do not have reliable internet access at home. Many also lack the skills and equipment needed to utilize online legal services.
- **Distance and transportation obstacles to accessing legal help.** While people living in urban and suburban areas tend to have public transportation options, people in rural areas often need to own or have access to a vehicle to travel anywhere for services. The combination of travel distances and transportation obstacles inhibits rural residents' access to the courts and legal and other forms of assistance.
- **Community trust and local needs.** Rural communities across the country are far from a monolith. Each has its own traditions, values and circumstances. These unique qualities sometimes make it harder for residents to seek or access legal help. In some communities, challenges are further shaped by factors like local laws, language differences or the kinds of work people to do, all of which influence how, when and where residents seek help. Expanding access to justice in rural America depends on building trust — trust that begins with listening, understanding and respecting what matters most to local residents — and tailoring services to meet the specific needs of each community.

## Solutions and Recommendations

Rural communities and practitioners have met many of these challenges head on. The recommendations and solution spotlights in this report highlight practical solutions and show how lawmakers, courts, legal aid providers, academia, the organized bar and other stakeholders have and can take concerted action to expand legal services and support in the nation's rural communities. The Task Force's purpose is exploring, understanding and elevating the tremendous work that is happening to close the rural justice gap so that others in rural communities and beyond can learn about and shape solutions that address their communities' needs.



The Task Force offers the following recommendations to bridge the rural justice gap.

### Recommendations to address the shortage of attorneys in rural areas.

- 1 Elevate the rural justice gap via research, communications, task forces and convenings.  

- 2 Invest in programs to increase the number of lawyers in rural and remote communities.  

- 3 Expand opportunities for professionals beyond lawyers to help close the rural justice gap.  

- 4 Provide current and prospective rural practitioners with support to manage student loan debt.  

- 5 Offer practical courses on starting and running small law practices and fund programs encouraging rural practice.  

- 6 Expand benefits and programs for rural practitioners, such as reduced dues and fees and targeted training on succession planning.  


### Recommendations to bridge the digital divide.

- 1 Apply a human-centered approach to deployment of technology.  

- 2 Prioritize broadband expansion.  

- 3 Use online platforms and face-to-face support to expand the availability of legal assistance to rural clients, including virtual consultations and support from attorneys in urban and suburban areas.  


### Recommendations to ease distance and transportation obstacles.

- 1 Scale proven models for easing local access to federal infrastructure funding and resources for transportation.  

- 2 Expand court modernization to increase remote access.  

- 3 Bring legal help closer to people.  

- 4 Experiment with and support various types of access to physical and virtual services to see what works best in reaching targeted client groups.  

- 5 Establish rural legal clinics in collaboration with law schools.  


### Recommendations to build community trust and meet local needs.

- 1 Expand partnerships with community-based organizations serving low-income rural populations to connect residents to critical legal aid services.  

- 2 Train community members, staff and volunteers without formal legal credentials to serve as first responders and navigators for rural clients in need.  

- 3 Train judges, lawyers, client-facing staff and volunteers on cultural factors impacting distinct rural populations.  

- 4 Widen pathways to pursue legal education for rural residents and members of underrepresented communities to encourage more rural practitioners..  

- 5 Use high- and low-tech community outreach tactics to raise awareness about the availability of free legal help  


# Tab 3



# BIENNIAL REPORT 2024-2025

**Montana Access to Justice Commission**

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# GLOSSARY OF TERMS

**ABIII School of Law** – *Alexander Blewett III School of Law*, the law school at the University of Montana.

**ARPA** – *American Rescue Plan Act*. A federal economic stimulus package signed into law in 2021 to provide direct relief to individuals, businesses, state and local governments, and nonprofits affected by the COVID-19 pandemic. ARPA funding has supported civil legal aid initiatives in Montana, including technology modernization and service expansion.

**ATJC** – *Access to Justice Commission*. A statewide body created by the Montana Supreme Court to coordinate efforts, identify barriers, and promote programs that expand access to civil justice for all Montanans.

**Cy Pres** – A legal doctrine in class action litigation that directs unclaimed or residual settlement funds to organizations whose work indirectly benefits the class and advances access to justice. Under Montana law and the Montana Rules of Civil Procedure, at least 50% of residual funds in class actions must be allocated to an “Access to Justice Organization,” such as the Montana Justice Foundation (MJF).

**CJW** – *Community Justice Worker*. Certain certified lay advocates who provide limited legal services in Justice and City Courts, particularly in order of protection, housing, and consumer cases. The Montana CJW Project, developed by MLSA in partnership with the State Bar of Montana, the Office of the Court Administrator, and several community organizations, was made possible by a State Justice Initiative grant. The project, if approved, will collaborate closely with the ATJC and TAIP program and enhance access to legal help in underserved areas.

**DR** – *Domestic Relations*. Legal matters involving family relationships, including dissolution of marriage, parenting plans, guardianships, and orders of protection.

**DV** – *Domestic Violence*. Physical, emotional, or psychological abuse occurring within domestic or intimate partner relationships.

**FTP** – *Family Transition Project*. A mediation initiative that offers free mediation services, legal advice, and child support consultations to parents with minor children when at least one party qualifies financially. With leadership from the ATJC and the Office of Court Administrator, and with support from the Montana Legislature, the project initially received funding from ARPA funds and another \$300,000 in one-time funding in 2023 to continue operations through the biennium. The

2025 Montana Legislature appropriated general fund money to continue the program. Its effectiveness will continue to be evaluated.

**IDRT** – *Informal Domestic Relations Trial*. A streamlined alternative to traditional court proceedings for family law cases such as dissolutions, parenting plans, and orders of protection. Parties agree to an informal process that relaxes formal rules of evidence and procedure. As of October 1, 2023, IDRT is the default process for domestic relations cases involving at least one self-represented litigant (SRL) under Montana Uniform District Court Rule 17.

**IOLTA** – *Interest on Lawyers' Trust Accounts*. A mandatory program established by the Montana Supreme Court and governed by Rule 1.18 of the Montana Rules of Professional Conduct. IOLTA collects interest from pooled client trust accounts containing nominal or short-term funds and uses it to fund civil legal aid and access to justice initiatives across the state.

**JFM** – *Justice for Montanans AmeriCorps Project*. A partnership among MLSA, the Montana Supreme Court Administrator's Office, the Governor's Office of Community Service, the Attorney General's Office of Consumer Protection, the Child and Family Ombudsman, DPHHS Legal Services Developer, and the ABill School of Law. JFMs provide civil legal assistance, community education, document preparation, and referrals statewide, while gaining practical experience in operations of the court system. JFMs do not provide legal advice.

**JIC** – *Justice Initiatives Committee*. A State Bar of Montana volunteer committee that works to expand civil legal services by recruiting, training, and supporting pro bono attorneys; coordinating with the ATJC, judiciary, and local bar associations; and tracking progress on access to justice initiatives.

**LSC** – *Legal Services Corporation*. A federally funded nonprofit created by Congress in 1974 to promote equal access to civil justice. LSC distributes annual appropriations to qualified nonprofit legal aid organizations nationwide, including MLSA.

**LSDP** – *Legal Services Developer Program*. A program of the Montana Department of Public Health and Human Services (DPHHS) that provides legal information, resources, and support to older Montanans, their families, and service providers, often in partnership with civil legal aid organizations.

**MLSA** – *Montana Legal Services Association*. The state's only statewide nonprofit legal aid provider, offering free civil legal assistance to low-income Montanans.

**OOP** – *Order of Protection*. A court order issued to prevent continued domestic violence, harassment, or stalking by restricting an abuser's contact with the victim.

**Pro Bono**—Professional legal services voluntarily provided for free or at a substantially reduced fee to individuals and communities who cannot afford legal help. Montana Rules of Professional Conduct, Rule 6.1, encourages every lawyer to contribute at least 50 hours of pro bono service annually, with the majority dedicated to serving people of limited means or the organizations that assist them. Pro bono also encompasses reduced-fee public-interest representation, activities to improve the law and legal system, and voluntary financial support for legal aid programs.

**RIPL** – *Rural Incubator Project for Lawyers*. A program designed to increase the number of attorneys practicing in rural and underserved communities by providing mentorship, business support, and training.

**SBM** – *State Bar of Montana*. The mandatory bar association for licensed attorneys in Montana.

**SHLC** – *Self Help Law Center* (also known as the Court Help Program). A statewide network of centers operated by the Montana Judicial Branch providing free legal information, forms, and assistance to self-represented litigants (SRLs). SHLCs do not provide legal advice.

**SRL** – *Self-Represented Litigant*. An individual who represents themselves in court without an attorney. (Also known as *Pro Se Litigants*.)

**TAIP** – *Tribal Advocate Incubator Project*. A program launched by MLSA in 2021 to train and support advocates practicing in tribal courts. Participants receive comprehensive instruction in jurisdiction, evidence, family law, and trauma-informed advocacy, as well as business development training, exam preparation support, and startup grants. Graduates must agree to offer services at modest means rates to referred clients.

# HISTORY OF THE MONTANA ACCESS TO JUSTICE COMMISSION

Access to Justice in Montana has a long and storied history. In the 1990s, the State Bar of Montana started a program to address the different pro bono initiatives that were happening across the state. The entity went through several name changes, but it worked closely with MLSA and with Court staff.

In August of 2000, the Supreme Court created the Equal Justice Task Force. The taskforce's Establishing Order directed it to: 1) study the legal needs of low-and-moderate-income people in Montana; 2) provide long-range, integrated planning among the numerous legal assistance providers and other interested agencies and entities in Montana; 3) coordinate civil access to justice, foster the development of a statewide, integrated civil legal services delivery system, and design and implement new programs to expand access to justice opportunities; and 4) work toward securing adequate funding for civil access to justice. As part of this work, the Supreme Court created the Self-Represented Litigants Commission, which worked on the pro se forms, among other priorities.

In January of 2008, the Supreme Court created the Court-Help Program, which has evolved into the SHLCs located in Kalispell, Great Falls, Missoula, Bozeman, Helena and Billings. The centers provide access to pro se forms, legal information, and assistance with answering questions for self-represented litigants. SHLCs do not provide legal advice or representation.

In September of 2008, the Equal Justice Task Force, the Commission on Self-Represented Litigants and the State Bar Access to Justice Committee all met to work on coordinating their efforts and sharing resources. The groups agreed to meet annually to coordinate further and update on progress being made across the state.

In May of 2012, the ATJC was established by order of the Montana Supreme Court. The establishment of the ATJC formally dissolved the Equal Justice Task Force and the Self-Represented Litigants Commission. The ATJC Commission included the work of the Self-Represented Litigants Commission as a founding tenet of goals of the ATJC.

The Montana ATJC comprises 18 volunteer members appointed by the Montana Supreme Court, who serve staggered three-year terms. The ATJC was tasked with the following:

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

- Assess the ability of all court users to access the courts, and make recommendations to improve rules, statutes, and judicial processes to assure accessibility to all;
- Provide long-range, integrated planning among legal assistance providers and other interested entities and people in Montana, and continue to facilitate networking and communication among them;
- Foster the development of a statewide integrated civil legal services delivery system, design and implement new programs to expand opportunities for access to justice, and work toward the most efficient use and delivery of resources relating to civil access to justice;
- Work toward securing and maintaining adequate funding for civil access to justice, and coordinate statewide efforts to do so;
- Serve as the advisory council for the MLSA AmeriCorps program;
- Conduct regular meetings to achieve the ATJC's purposes;
- Establish the former Self-Represented Litigants Commission as a permanent ATJC committee to continue the Self-Represented Litigants Commission's mission, including forms development for SRLs;
- Report to the Montana Supreme Court at least biennially the findings, accomplishments, plans, and recommendations of the ATJC for assuring access to justice for all Montanans.

The following is a list of major accomplishments of the ATJC since its inception:

- Oversaw the Legal Needs and Economic Impact Studies.
- Secured funding for the Montana Supreme Court Self-Help Law Program.
- Conducted a statewide series of public forums designed to evaluate access to the civil justice system in Montana.
- Researched and crafted a recommendation to the Montana Supreme Court providing a revision to Rule 23 of the Montana Rules of Civil Procedure, which provides for 50% of cy pres/residual funds in class actions to be directed to an access to justice organization.
- Researched and recommended the IDRT pilot for Montana Courts, which has now been adopted as a uniform rule.
- Secured a one-time only funding in the amount of \$300,000 from the general fund to continue the FTP.

# PARTNER ORGANIZATIONS

The ATJC works with many organizations and partners across the state that share a common goal of increasing Montanans' ability to access the civil legal justice system. Each of these organizations plays a unique role on the ATJC and in the access to justice service delivery system.

**MLSA** has been at the forefront of expanding civil legal services in Montana since 1966. MLSA provides free legal advice, representation and legal information to low-income Montanans facing civil legal issues like eviction, domestic violence, consumer finance issues and tribal law. MLSA staff sit on each of the ATJC's sub-committees and provide administrative support to the ATJC. MLSA pioneers programs and technologies that assist SRLs and those looking for legal information. MLSA curates [montanalawhelp.org](http://montanalawhelp.org), which provides legal information and forms on a wide range of topics. MLSA also supports many OCA grants and programs including the FTP and the CJW Program.

**The Justice for Montana AmeriCorps Member Program** is a partnership between MLSA and host sites across Montana. The JFM members that serve in Montana assist access to justice programs and work in the legal system to improve access. JFMs do not provide legal advice. Six JFM members serve at SHLCs, one member serves with the Legal Services Developer Program, five members serve with the Office of Public Defender, one member serves with the Montana Innocence Project, one member serves with the Office of the Child and Family Ombudsman, and nine members serve at MLSA. In 2024 alone, JFM members served 40,807 Montanans. JFMs typically serve from September through July annually and serve in communities across Montana.

**The State Bar of Montana** assists Montana's over 3,500 active attorneys. The State Bar partners with the ATJC on many important initiatives like the CJW Program, pro bono opportunities as well as working with the ABIII School of Law.

**The State Law Library**, part of the Montana Judicial Branch, is a source of information, resources and support for pro se litigants as well as attorneys, judges, law students and court staff across the state and beyond. The State Law Library is the host site for the Helena JFM Member and assists all the SHLC JFMs in answering difficult legal questions and following up with patrons that need more assistance than the SHLCs can provide.

**The Court Administrator's Office** houses the SHLC Facilitator, the Simplified Family Law Program Facilitator, and the Access to Justice Program Director. These positions serve critical

roles in the direct delivery of access to justice services. The SHLC Facilitator supervises all six SHLCs, the six JFM members who serve at the SHLCs, and the four facilitators. The Simplified Family Law Program Facilitator provides oversight to the FTP and works to help courts understand and utilize IDRT procedures. The Access to Justice Program Director position evolved in the fall of 2024 from the former Pro Bono Coordinator position and provides supervision, support and guidance to both programs as well as the new CJW grant.

**The Legal Services Developer Program** provides legal advice and limited-scope assistance to older Montanans, adults with disabilities, caregivers and professionals working in aging services. The program provides pro bono opportunities for attorneys to assist in estate planning document clinics across the state of Montana. The program serves approximately 900 Montanans annually.

**Montana Justice Foundation (MJF) / Montana's Interest on Lawyers' Trust Accounts (IOLTA) Program.** The Montana Justice Foundation (MJF) administers Montana's Interest on Lawyers' Trust Accounts (IOLTA) program - the state's only dedicated, sustainable source of civil legal aid funding. Established as an opt-out program in 1986 and made mandatory in 1995 under Rule 1.18 of the Montana Rules of Professional Conduct, Montana's IOLTA program ensures that interest earned on pooled client trust accounts is directed to charitable purposes. In Montana, these funds are transferred automatically to MJF, an independent 501(c)(3) nonprofit, which then distributes grants supporting critical civil legal services statewide.

Because Montana does not provide a direct legislative appropriation for civil legal aid outside the SHLC and the FTP, IOLTA funding is essential to maintaining a functioning access-to-justice infrastructure. MJF also leads statewide partnerships, banking relationships, and advocacy necessary to protect Montana's IOLTA framework - particularly as recent legislative proposals have sought to dismantle or replace IOLTA with approaches inconsistent with established IRS and banking rules. Preserving Montana's IOLTA system ensures that interest on client trust funds continues to help low-income Montanans secure safety, housing, and stability, and promotes equal access to justice across the state.

# **ASSESS THE LEGAL NEEDS OF LOW- AND MODERATE-INCOME MONTANANS, EVALUATE THE EXTENT TO WHICH THOSE NEEDS ARE GOING UNMET, AND COORDINATE EFFORTS TO BETTER MEET THOSE NEEDS**

## **Community Justice Worker Grant**

In November of 2024, the Court Administrator's Office was awarded a grant from the State Justice Institute for the development of a CJW program in partnership with MLSA. The CJW program will train non-attorney advocates to assist clients with consumer debt and landlord tenant cases that have been filed in Justice Court. The CJWs will come from advocates already employed by non-profits and government agencies experienced in consumer and housing issues. The advocates will be trained using a curriculum created by MLSA program attorneys and will receive ongoing mentorship and guidance through the program. A final contract was signed in October of 2025 and work on hiring a project manager has begun at MLSA.

## **Domestic Violence Non-Attorney Advocate Program from MLSA**

MLSA has been approved for a grant and is developing training for CJWs who will represent clients in OOP cases in courts of limited jurisdiction. The program has been proposed for approval by the Montana Supreme Court and is awaiting consideration at the time of submitting this report. If approved, the program will work with domestic violence caseworkers at community non-profits or government agencies to become CJWs. The services will be offered to clients free of charge, and all clients will be clients of MLSA and protected by their malpractice insurance.

Caseworkers, also known as advocates, regularly interact with the court, law enforcement, landlords and other community members to provide support for their clients. They are trained to work with clients in a trauma-informed way. Caseworkers are often involved with safety planning for their clients, as well as monitoring compliance with the order of protection, and offering ongoing support. Caseworkers will be empowered to support their clients in completing the necessary forms and documentation and focusing their testimony on the legal requirements for the issuance of an OOP. This efficiency will help alleviate strain on the court system by decreasing delays and increasing the quality of the filings before the court.

MLSA will assign a CJW program attorney to develop the training and offer shadowing and mentoring opportunities. The attorney will conduct evaluations, discuss any reported concerns, and provide additional guidance to the CJWs.

## **Tribal Advocate Incubator Program (TAIP)**

TAIP is a program created by MLSA to train and support non-attorney tribal advocates. Participants in the program are recruited from each tribal community, with a preference for prior legal experience. The program has an advisory board that is staffed by the volunteers who each teach one week of the course. Each year, 20-25 students start the program, with about half of those being tribal court staff.

The program consists of a 14-week lecture series that runs from May to August. Each week participants are assigned reading and a legal assignment that is due the day before the next lecture. The course is offered remotely to decrease costs and travel burden for both participants and instructors. In September of each year, there is a business-plan training. In October of each year, there is an in-person mock trial training for all participants.

Each year, the program provides a \$1,000 stipend to one participant from each tribal community. These funds can be used for office supplies, technology, furniture, or anything else a participant needs to set up their business. The program also covers the costs of tribal bar exams and helps participants who pass their tribal bar exams get their business license. MLSA sends referrals to the participants who graduate the program and set up their own business. The majority of referrals are family law cases. The advocates charge a modest means rate for their services. The program helps fill the immense gap in the availability of legal services in tribal communities as compared to the need.

MLSA's TAIP program has also been recognized nationally for its innovative approach to expanding access to justice in tribal communities. The LSC *2024 State Justice Commission Assessment Report* (LSC Report) cited TAIP as a model initiative that strengthens the capacity of tribal advocates and enhances collaboration across justice partners.

The LSC Report further highlighted Montana's broader leadership in addressing access challenges in rural areas, where the shortage of attorneys remains significant. It noted programs such as the JFM Project, which places AmeriCorps members in communities statewide, and provides support for Montana's latest efforts to develop CJW Program who can extend outreach and support at the local level.

The LSC report also commended the ATJC for advancing practical, community-based outreach strategies - like posting legal information in public gathering places, using local radio, and sharing resources on community calendars and social media - to better reach rural residents. It further referenced research on Montana's justice gap, including findings that older rural Montanans often hesitate to seek assistance due to confidentiality concerns.

Together, these efforts demonstrate Montana's sustained commitment to creative, collaborative strategies that expand meaningful access to justice in every community. The full LSC report is available here, <https://lsc-live.app.box.com/s/mv52lja5n42j9auu0pywl07ozkzgv6d>, and a copy of the LSC Report Executive Summary is included in the Appendix for reference.

### **Family Transition Program**

The FTP combines mediation, legal advice and child support consultation to assist families in Montana with parenting plans and dissolutions. The program began operating statewide in 2024 and is now accepting cases in all judicial districts. Since its inception, 242 cases have started mediation, and 178 cases have been completed. A total of 138 cases have completed the full mediation process and of those, 78 reached full agreement with another 18 reaching partial agreement. There are currently 64 cases somewhere in the process.

The FTP has added an additional component to the program by bringing on board child support consultants who work with participants to complete child support calculations for each party to help them work through their parenting plans. Participants often have questions about child support, are unsure how the process works, and may experience delays in the resolution of the case if they work on their own with the Child Support Enforcement Division. The child support consultants the program contracts with have decades of experience in calculating child support and use the same technology used by the State. This addition has been hugely beneficial and appreciated by participants, contract mediators and contract attorneys.

The FTP Coordinator, Emma Schmelzer, left the program in July of 2025 to pursue a new project. The position has remained vacant and will continue to remain vacant until at least February of 2026. These vacancy savings will help support the growth that the program has experienced over the last year, and supplement ARPA funds that are set to expire at the end of 2026 before the additional 2027 biennium funding assumes the costs.

# **ASSESS THE ABILITY OF ALL COURT USERS TO ACCESS THE COURTS, AND MAKE RECOMMENDATIONS TO IMPROVE RULES, STATUTES, AND JUDICIAL PROCESSES TO ASSURE ACCESSIBILITY TO ALL**

## **Forms**

The development, update and maintenance of legally accurate and accessible forms has been a major focus of the access to justice community in Montana since its inception. In 2024, MLSA undertook an overhaul of the family law form packets. Those revisions are pending final approval and will be rolled out in late 2025 or early 2026. The revisions aim to make the forms easier to understand and include new instructions for the forms. The packets were reviewed by SHLC staff, Law Library staff, JFMs as well as attorneys and staff within MLSA. MLSA is also working to create fillable PDFs that would decrease the time and difficulty for completion. Ten total fillable family law form packets will be created under this initiative.

The Court Administrator's Office is pursuing several ideas to find ways to bring form development and updates in-house to improve timeliness and consistent oversight.

# **PROVIDE LONG-RANGE, INTEGRATED PLANNING AMONG LEGAL ASSISTANCE PROVIDERS AND OTHER INTERESTED ENTITIES AND PEOPLE IN MONTANA, AND CONTINUE TO FACILITATE NETWORKING AND COMMUNICATION AMONG THEM**

## **Community Justice Forums**

Beginning in the Winter of 2025, together with Chief Justice Cory Swanson, the ATJC will host events in communities across the state. The programs will bring together court officials, partner organizations and local legislators to provide an overview of local court services and resources available to court participants as well as to discuss the justice system generally. The events are designed to include an overview of local court user data, an overview of the life of a court case, and a question-and-answer session. Tours of the courthouse will be available either before or after the presentation for those who are interested. Local organizations like the Office of Public Defender, the SHLC, victim-witness coordinators, the prosecutor's office, probation and parole, and juvenile justice services will be invited to attend and participate to provide a fuller picture of those involved in Montana's justice system. The first event will be held on December 5, 2025, in Great Falls, followed by an event on December 10 in Kalispell.

## **Taskforce on the Future of the Legal Profession**

Members of the ATJC served on the Delivery of Legal Services and Access to Justice Subcommittee of the Task Force on the Future of the State Bar of Montana. The subcommittee was tasked with looking at developments within the delivery of legal services within Montana, and access to justice in Montana. When looking at the delivery of legal services, the committee focused on alternative licensure and paraprofessional licensing, CJW models, and the impact of artificial intelligence and other state-based developments. When looking at access to justice, the subcommittee focused on rural communities and Tribal communities.

The subcommittee recommended pursuing the use of CJW in the areas of domestic violence, consumer debt, and landlord-tenant cases that are filed in Justice Court. The committee recommended eight milestones for the CJW project:

1. Development of the CJW pilot project to be administered by MLSA;
2. Creation of an Advisory Group for the OOP project, comprised of judges (all levels), court personnel, domestic violence advocates, attorneys, and survivors of domestic violence;

3. Work collaboratively to secure revisions to existing court rules that may impede the ability to provide the service through a CJW Program;
4. Develop a Training Curriculum and certification process to include skills-based assessments;
5. Develop a process to address complaints;
6. Research the impact of appeals to district court;
7. Develop a list of questions that still need to be decided to ensure the greatest acceptance and endorsement of the CJW program; and
8. Expand the program to include debt collection defense and representation in landlord/tenant evictions in courts of limited jurisdiction.

### **Justice Initiatives Committee (JIC)**

The ATJC held joint meetings with JIC on September 6, 2024 and September 5, 2025. JIC has begun submitting quarterly articles to the Montana Lawyer about pro bono. The articles include pro bono opportunities as well as document the experience of attorneys who do pro bono service. JIC is beginning to look at ways attorneys can participate in impact litigation and working with law firms in Montana to expand pro bono opportunities.

# **FOSTER THE DEVELOPMENT OF A STATEWIDE INTEGRATED CIVIL LEGAL SERVICES DELIVERY SYSTEM, DESIGN AND IMPLEMENT NEW PROGRAMS TO EXPAND OPPORTUNITIES FOR ACCESS TO JUSTICE, AND WORK TOWARD THE MOST EFFICIENT USE AND DELIVERY OF RESOURCES RELATING TO CIVIL ACCESS TO JUSTICE**

## **Access to Justice Program Coordinator**

In November of 2024, the Court Administrator's Office hired the Access to Justice Program Director after former Pro Bono Coordinator Patty Fain retired following years of service to the justice system. As modified, this position now serves as a resource for all Court Office Administrator access to justice work as well as a liaison with the ATJC. This position provides support for ATJC initiatives and will work with partner organizations to facilitate clear and efficient communication and collaborative work between the civil court system and legal assistance providers.

## **Strategic Planning**

In the spring and summer of 2024, the Montana ATJC partnered with National Center for State Courts (NCSC) to pilot a tool to help states assess opportunities for addressing gaps in access to justice efforts. In February of 2024, ATJC members met with Tara Veazey, who facilitated the group's work with the tool through her work with NCSC. In March of 2024, the group met again to review the report generated by the tool. After the group met in March, Ms. Veazey helped draft a simplified strategic plan with goals and objectives. The ATJC used the draft simplified strategic plan to finalize the strategic plan adopted at the June 2024 meeting. A copy of the 2024 Strategic Plan is attached in the appendix.

Following adoption of the 2024 Strategic Plan, the ATJC undertook structural review of its internal committees to better align with the plan's priorities. The ATJC revised and reframed its working committees and the current committees are: Court Education Committee; Policy & Resources Committee; Community Education & Partnership Committee; and the SRL Committee. Each committee's scope of work was defined to support measurable progress on access to justice priorities identified in the 2024 Strategic Plan.

## **WORK TOWARD SECURING AND MAINTAINING ADEQUATE FUNDING FOR CIVIL ACCESS TO JUSTICE, AND COORDINATE STATEWIDE EFFORTS TO DO SO**

During the 2025 legislative session, the legislature approved a budget line item for the FTP. This funding will begin on January 1, 2026 and will continue through the end of 2026. The budget will be part of the biennial budget that the Court Administrators Office submits moving forward. The represents a significant investment in mediation and alternative dispute resolution at the state level.

Starting in the fall of 2025, the Chief Justice and ATJC will host several Community Justice Forums bringing together legislators and judicial officers to discuss current court needs and how the system is functioning in local communities. These forums will hopefully create a dialogue that can provide important understanding for the 2027 legislative session.

## **SERVE AS THE ADVISORY COUNCIL FOR THE MLSA VISTA PROJECT**

MLSA's AmeriCorps VISTA project ended in 2014. The ATJC continues to support the AmeriCorps project in Montana by serving as an advisor to the JFM project. In 2024, 19 JFM members served in Montana. In 2025-2026, 22 JFM members will serve at organizations across the state.

In 2024, federal funding cuts threatened to shut down the Montana JFM Program. The Montana Supreme Court submitted a letter of support for the program that all sitting Justices signed. The letter discussed the impact that AmeriCorps Members make across the state and asked Montana's congressional delegation to work to save the program. The letter was sent to each of Montana's congressional delegates. The JFM program maintained its funding for the 2024/2025 term and is fully funded for the 2025/2026 term. The Court's letter is included in the Appendix of this report.

## CONDUCT REGULAR MEETINGS TO ACHIEVE THE ATJC'S PURPOSES

The ATJC held eight public meetings in 2024 and 2025. The ATJC will continue to meet quarterly. Meetings generally are held by Zoom. All meetings are noticed on the Montana Courts website and are open to the public. <https://courts.mt.gov/Courts/boards/a2j/>.

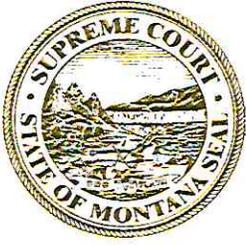
Meetings took place on the following dates:

1. March 8, 2024
2. June 7, 2024
3. September 6, 2024
4. December 6, 2024
5. March 7, 2025
6. June 6, 2025
7. September 5, 2025
8. December 5, 2025

Meetings are scheduled for 2026 on the following dates:

1. March 6, 2026
2. June 5, 2026
3. September 11, 2026
4. December 4, 2026

# APPENDIX



## THE SUPREME COURT OF MONTANA

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

April 22, 2025

The Honorable Steve Daines  
United States Senate  
c/o Matt Lloyd  
matt\_lloyd@daines.senate.gov

The Honorable Tim Sheehy  
United States Senate  
c/o Matt Sommer  
matt\_sommer@sheehy.senate.gov

The Honorable Ryan Zinke  
United States House of Representatives  
c/o Heather Swift  
heather.swift@mail.house.gov

The Honorable Troy Downing  
United States House of Representatives  
c/o Blayne Callas  
blayne.callas@mail.house.gov

Re: Funding for the Corporation for National and Community Service

Dear Senators Daines and Sheehy and Representatives Zinke and Downing:

As Justices of the Montana Supreme Court, we write to express our deep concern with the alarming news that the Corporation for National and Community Service sent home all AmeriCorps National Civilian Community Corps members and has placed nearly 85% of its federal staff on administrative leave. This program is a critical partner in the Montana justice system's efforts to meet the Constitution's command to "establish Justice . . . and secure the Blessings of Liberty" to all Montanans. We strongly urge you not to let it go.

Since 2009, Montana Legal Services (MLSA) and the Supreme Court have partnered on the Justice for Montanans AmeriCorps program (JFM) to expand access to justice for low-income people across the state of Montana. With 19 members serving at six partner agencies, the JFM program in 2024 alone served 40,807 individuals in Montana with just \$460,000 in federal funding, costing eleven dollars per person served. According to a 2020 economic study from Voices for National Service, every dollar in federal taxes invested in AmeriCorps and Senior Corps returns over \$17 to society, program members, and the government. This minimal investment also leverages limited state resources to allow a statewide reach.

JFM members at Montana's court-based Self-Help Law Centers have made it possible to reach thousands of Montanans across our entire State, providing legal information, resources and referrals to people who are facing civil legal matters without an attorney. The centers provide vital information about civil law, assisting Montanans in completing parenting plans, dissolution of marriage paperwork, orders of protection, responses to civil suits, and information on small claims court. Center staff also have worked with victims of human trafficking to identify resources and escape their situations.

Many of the individuals who visit the centers are able to move forward with their cases without the assistance of an attorney. This work helps protect domestic violence victims and obtain support for their children; secure housing for veterans; relieve seniors from consumer scams; and obtain access to justice in rural Montana where few, if any, other legal services are available. Because of the limited budget for the Self-Help Centers, the termination of our JFM program would require the Judicial Branch to close the Center in Bozeman and would hamstring our ability to meet the immense demand for services across the state, especially in Billings, which receives more than half the total number of patrons.

Together, these programs help meet a vital need in a Montana court system that is simply overwhelmed with record-setting caseloads, self-represented litigants, and growing increases in time-intensive cases involving abused and neglected children. Our recently completed workload assessment across all Montana judicial districts showed that domestic relations cases—where our courts see a majority of parties to a case with no legal representation—are the third most time-consuming cases for our district court judges, second only to criminal and parental rights termination cases. When people show up in court unprepared and with their lives in crisis, the system becomes inefficient and hurts all court users. Because children and families in crisis take the courts' priority, other cases move to the back of the line, and justice waits. This slows the resolution process for Montana businesses and others involved in general civil legal disputes.

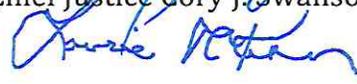
The plain truth is that the AmeriCorps Justice For Montanans Program is a key partner in helping Montana meet a **core function of government**: an operational court system that provides timely justice to all who interface with it. The JFM Program is an incredibly effective use of an incredibly small amount of federal dollars that delivers results to Montana every day. Our justice system depends on these service members, as partners with the courts, the private bar, and non-profit community organizations to address the demands on Montana courts and to achieve our Nation's promise of Justice for All.

Now is a critical time for your leadership. Through its 1993 establishment of the program and over more than thirty years since, Congress has recognized the societal benefits of the Corporation for National and Community Service by consistently funding it, with bipartisan support. We encourage you to stand firm in retaining this vital support for your Montana communities.

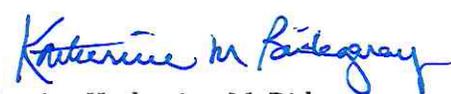
Sincerely,



Chief Justice Cory J. Swanson



Justice Laurie McKinnon



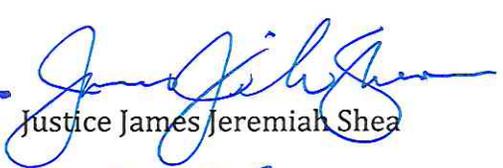
Justice Katherine M. Bidegaray



Justice Jim Rice



Justice Beth Baker



Justice James Jeremiah Shea



Justice Ingrid Gustafson



## MONTANA ACCESS TO JUSTICE COMMISSION

### SIMPLIFIED STRATEGIC PLAN 2024 -2026

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

#### **VISION**

When justice for all has been achieved, everyone will have access to the information and assistance they need to address essential civil legal needs, when and where they need it, and in a format they can use.

#### **CORE VALUES**

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

##### **Access**

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

##### **Education**

A civil justice system that provides equal access to justice requires:

- Robust public legal education to court participants, policymakers, and the community;
- Broad public awareness of the importance of civil legal services to expand justice; and
- Ongoing education of judges, court staff, and legal professionals regarding access to justice limitations, needs, available resources, and solutions.

## Resource Development

Achieving equal access to justice requires sufficient funding, resources, and support to ensure that people without adequate means have access to the legal advice and information they need to resolve their civil legal issues.

## OVERARCHING PRINCIPLES AND COMMITMENTS

Overarching principles and commitments that should be integrated throughout the Strategic Plan and in the execution of the Strategic Plan:

- Strong governance with clear roles and responsibilities.
- A shared understanding of working priorities and benchmarks with progress reported regularly at Commission meetings.
- A commitment to addressing the inequities experienced in Montana’s justice system by marginalized populations, including tribal communities.

## GOALS

To fulfill the Commission’s purpose and vision, consistent with the Commission’s core values, the Commission will prioritize the following activities while also serving as a venue for sharing information and progress toward access to justice efforts in the state:

	<b>Champions/Staff and Partners</b>	<b>Tasks and Topics:</b>	<b>Metrics/Benchmarks</b>	<b>Progress Reports</b>
<b>1. Support Judicial and Court Staff Education about Access to Justice Issues:</b> Building from existing resources in Montana and best practices developed	Court Education Committee Commission members: Staff: Partner Organizations:	Provide information about availability and universal acceptance of forms, including automated forms, for self-represented litigants (SRLs)  Educate about Tribal court jurisdiction and orders	<ul style="list-style-type: none"> <li>• Review existing state and national resources on best practices for judicial and court staff education.</li> <li>• Develop or update materials for judges, clerks of court, and other court staff in both district courts and courts of limited jurisdiction;</li> </ul>	

<p>nationwide, the Commission will identify and advocate to enhance and expand judicial and court staff education.</p>		<p>Educate about the importance of and opportunities for limited scope representation.</p> <p>Educate about the importance of pro bono programs.</p> <p>Direct SRLs to resources and referrals to help address additional unmet needs.</p> <p>Promote efficient and effective approaches in working with SRLs, including the importance of standardizing and simplifying processes.</p> <p>Provide information about and encourage the use of Informal Domestic Relations Trials.</p>	<ul style="list-style-type: none"> <li>• Offer or facilitate regular trainings for judges, clerks of court and other court staff.</li> </ul>	
<p><b>2. Secure Resources to Support Collaborative Work (A):</b> Support efforts to seek permanent funding in the Judicial Branch budget for the Family Law Mediation Project and other access to justice programs</p>	<p>Policy &amp; Resources Committee</p> <p>Commission members:</p> <p>Staff:</p> <p>Partner Organizations:</p>	<p>Assist Office of Court Administrator as needed in support of budget proposals.</p>	<ul style="list-style-type: none"> <li>• Secure base budget funding for the Family Law Mediation Project.</li> <li>• Obtain commitment of Judicial Branch staff support for Commission work</li> <li>• Identify and prioritize other access to justice programs in need of funding.</li> </ul>	

<p>identified and prioritized by the Branch.</p>				
<p><b>2. Obtain Resources to Support Collaborative Work (B):</b> Explore sources of funding to increase the Commission’s capacity to pursue coordinated activities that increase access to justice.</p>	<p>Policy &amp; Resources Committee Commission members: Staff: Partner Organizations:</p>	<p>Review and discuss identified national resource proposals for funding to support Commission staff/capacity</p>	<ul style="list-style-type: none"> <li>Secure outside funding sources for Commission work to increase access to justice</li> </ul>	
<p><b>2. Obtain Resources to Support Collaborative Work (C):</b> Provide public education that builds support for access to justice efforts in Montana, especially focused on policymakers as an audience.</p>	<p>Policy &amp; Resources Committee Community Education &amp; Partnerships Committee Commission members: Staff: Partner Organizations:</p>	<p>Secure funding to support remote hearings and other technologies to improve appearance rates at hearings throughout the State. Simplify and modernize service of process rules and forms. Create user-friendly options for e-filing by SRLs. Support Tribal court interaction and collaboration with State courts and</p>	<ul style="list-style-type: none"> <li>Submit or facilitate regular publication of access to justice related material in <i>The Montana Lawyer</i>.</li> <li>Submit or facilitate regular opinion pieces about access to justice and its relationship with other community needs and outcomes.</li> </ul>	

		recognition of Tribal court orders.		
<p><b>3. Promote Court and Community Collaborations:</b> Support community-based and data-driven collaborations between local courts, community partners, and legal stakeholders, including legal services and the private bar.</p>	<p>Community Education &amp; Partnerships Committee</p> <p>Commission members:</p> <p>Staff:</p> <p>Partner Organizations:</p>	<p>Identify and agree on local needs and priorities.</p> <p>Educate local community partners about forms, automated forms, and other resources.</p> <p>Educate local community partners about the importance of standardized and simplified court processes and rules for SRLs.</p> <p>Strengthen pro bono programs and participation</p> <p>Create and share intake and referral information and protocols.</p>	<ul style="list-style-type: none"> <li>• Host community forums about access to justice issues and resources.</li> <li>• Facilitate development of and meetings with local working groups formed to develop and implement local partnerships and ATJ strategies designed to improve local access to justice efforts.</li> </ul>	
<p><b>4. Recommend Areas to Further Standardize and Simplify Court Processes and Rules:</b> Review and make recommendations to simplify and standardize court rules and processes</p>	<p>SRL Committee</p> <p>Commission members:</p> <p>Staff:</p> <p>Partner Organizations:</p>	<p>Adopt best practices model for remote hearings to improve appearance rates at remote hearings; advance other efforts designed to ease barriers to appearance.</p> <p>Simplify and modernize service of process rules and forms.</p>	<ul style="list-style-type: none"> <li>• Review and discuss national resources and opportunities for simplification annually.</li> <li>• Conduct or facilitate at least one judicial education opportunity annually related to simplifying SRL court processes.</li> <li>• Host community-based access to justice related meetings and education that include</li> </ul>	

<p>to reduce the burden on SRLs.</p>		<p>Create user-friendly options for e-filing by SRLs.</p>	<p>opportunities for simplifying processes for SRLs.</p> <ul style="list-style-type: none"><li>• Distribute Montana judicial court guide for simplifying processes for SRLs which is included in at least one Judicial training.</li><li>• Review and recommend changes to Service of Process rules in relation to national best practices for referral to appropriate state committees or commissions.</li></ul>	
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# Executive Summary

The Legal Services Corporation (LSC) is the single largest funder of civil legal aid in the United States. With LSC's support, legal aid providers offer free legal services to low-income persons in every state and territory. Each Congressional district in the nation is served by a nonprofit legal aid organization that provides life-changing (and in many cases life-saving) services to Americans in need, including survivors of natural disasters and domestic violence, families and individuals facing loss of their homes, seniors struggling with crushing debt, veterans unable to access the supportive benefits they've earned through service, and more.

Since 2005, LSC has periodically measured the need and extent of Americans' civil legal issues relative to the resources available to meet these needs.<sup>1</sup> The difference is known as the justice gap.<sup>2,3</sup> As one result of this research, LSC identified a need to examine the unique challenges rural Americans face in finding assistance to resolve their civil legal problems. In December 2021, LSC convened the Rural Justice Task Force (Task Force) to examine this issue.<sup>4</sup> This report details the Task Force's findings.

This report summarizes the Task Force's key learning and the unique contours of the justice gap in rural communities. This report also highlights model practices and innovations in rural America to narrow the justice gap. Lastly, this report offers recommendations for federal and state legislators, state and tribal courts, civil legal services providers and private practitioners, law schools and other stakeholders to ensure that more low-income rural residents can get the legal assistance they urgently need.

## Assessing the Rural Justice Gap

LSC's 2022 [Justice Gap Report](#) found that low-income households in the U.S. did not receive any or enough legal assistance to resolve 92% of their legal problems.<sup>5</sup> In rural communities, the situation was even more severe, rising to 94%. Closing the justice gap is an immense challenge throughout the nation, but addressing the problem in rural America requires an understanding of the unique characteristics that exacerbate challenges and leave people underserved.



Glimpses of rural America.



This report delves deeper into some of the conditions that contribute to the justice gap like poverty, housing insecurity and substance dependency. It also identifies difficulties encountered by distinct rural communities — including low-income agricultural workers, Native Americans, veterans and senior citizens — and how these challenges may contribute to their specific legal needs.

For more information about this report, LSC or the Task Force's work, visit [www.lsc.gov/rural](http://www.lsc.gov/rural).



### Addressing Key Barriers to Justice in Rural Areas

In the course of its work, the Task Force focused on four barriers to justice in the nation's rural and remote areas. This report explains each of these barriers, highlights ways communities address them and offers recommendations for further action. The barriers in this report are as follows.

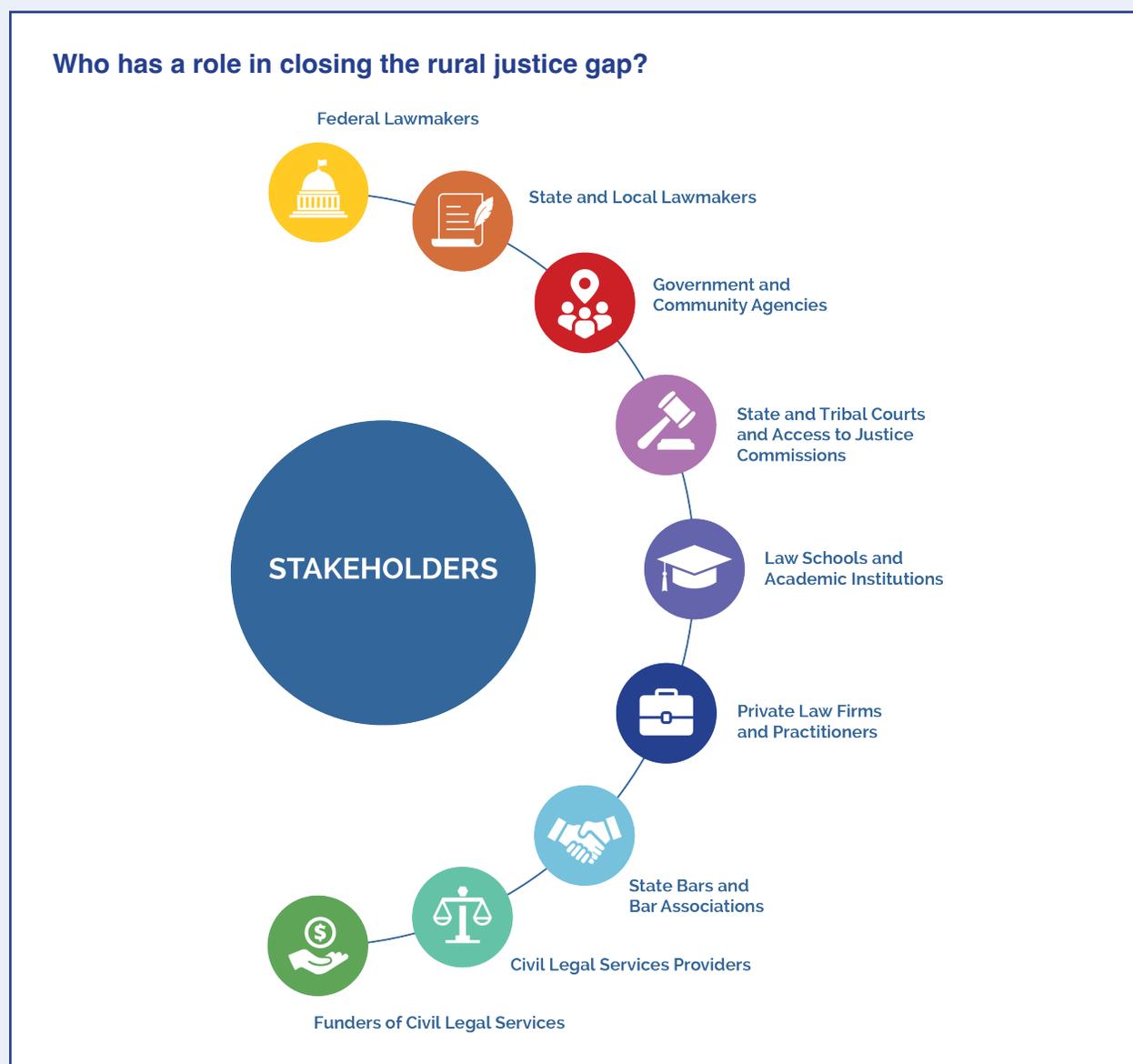


Clients meet with a Legal Aid of Arkansas attorney during the organization's 2024 Spring Break on the Road to Justice Clinics, which brought free estate planning services to Augusta, Wynne and Marked Tree, AR.

- **The shortage of attorneys in rural areas.** There is a severe shortage of legal professionals in rural areas throughout the U.S. This leaves many rural Americans unsure of where to go when they need a lawyer. Without clear places to turn for help, people may struggle to recognize when their everyday challenges — whether financial, housing or health-related — are actually legal in nature.<sup>6</sup> This lack of access not only hides legal issues in plain sight, it also contributes to a sense that the legal system is out of reach, eroding trust in the justice system itself.
- **The digital divide.** The rise of online technologies holds enormous promise for reducing barriers to justice for residents of the nation's rural communities. However, too many Americans, including a disproportionate number of rural Americans, still do not have reliable internet access at home. Many also lack the skills and equipment needed to utilize online legal services.
- **Distance and transportation obstacles to accessing legal help.** While people living in urban and suburban areas tend to have public transportation options, people in rural areas often need to own or have access to a vehicle to travel anywhere for services. The combination of travel distances and transportation obstacles inhibits rural residents' access to the courts and legal and other forms of assistance.
- **Community trust and local needs.** Rural communities across the country are far from a monolith. Each has its own traditions, values and circumstances. These unique qualities sometimes make it harder for residents to seek or access legal help. In some communities, challenges are further shaped by factors like local laws, language differences or the kinds of work people to do, all of which influence how, when and where residents seek help. Expanding access to justice in rural America depends on building trust — trust that begins with listening, understanding and respecting what matters most to local residents — and tailoring services to meet the specific needs of each community.

## Solutions and Recommendations

Rural communities and practitioners have met many of these challenges head on. The recommendations and solution spotlights in this report highlight practical solutions and show how lawmakers, courts, legal aid providers, academia, the organized bar and other stakeholders have and can take concerted action to expand legal services and support in the nation's rural communities. The Task Force's purpose is exploring, understanding and elevating the tremendous work that is happening to close the rural justice gap so that others in rural communities and beyond can learn about and shape solutions that address their communities' needs.



The Task Force offers the following recommendations to bridge the rural justice gap.

### Recommendations to address the shortage of attorneys in rural areas.

- 1 Elevate the rural justice gap via research, communications, task forces and convenings.  

- 2 Invest in programs to increase the number of lawyers in rural and remote communities.  

- 3 Expand opportunities for professionals beyond lawyers to help close the rural justice gap.  

- 4 Provide current and prospective rural practitioners with support to manage student loan debt.  

- 5 Offer practical courses on starting and running small law practices and fund programs encouraging rural practice.  

- 6 Expand benefits and programs for rural practitioners, such as reduced dues and fees and targeted training on succession planning.  


### Recommendations to bridge the digital divide.

- 1 Apply a human-centered approach to deployment of technology.  

- 2 Prioritize broadband expansion.  

- 3 Use online platforms and face-to-face support to expand the availability of legal assistance to rural clients, including virtual consultations and support from attorneys in urban and suburban areas.  


### Recommendations to ease distance and transportation obstacles.

- 1 Scale proven models for easing local access to federal infrastructure funding and resources for transportation.  

- 2 Expand court modernization to increase remote access.  

- 3 Bring legal help closer to people.  

- 4 Experiment with and support various types of access to physical and virtual services to see what works best in reaching targeted client groups.  

- 5 Establish rural legal clinics in collaboration with law schools.  


### Recommendations to build community trust and meet local needs.

- 1 Expand partnerships with community-based organizations serving low-income rural populations to connect residents to critical legal aid services.  

- 2 Train community members, staff and volunteers without formal legal credentials to serve as first responders and navigators for rural clients in need.  

- 3 Train judges, lawyers, client-facing staff and volunteers on cultural factors impacting distinct rural populations.  

- 4 Widen pathways to pursue legal education for rural residents and members of underrepresented communities to encourage more rural practitioners..  

- 5 Use high- and low-tech community outreach tactics to raise awareness about the availability of free legal help  




**Report of the Delivery of Legal Services and Access to Justice Subcommittee (“Group 2”)  
of  
The Steering Committee of the Task Force on the Future of the State Bar of Montana,  
a Special, Ad Hoc Task Force of the State Bar of Montana**

June 19, 2025

Members of Group 2 Subcommittee:

**Claire Lettow**, Subcommittee Chair, State Bar Board of Trustees  
**Hon. Yvonne Laird**, District Court Judge, Montana 17<sup>th</sup> Judicial District  
**Alison Paul**, Executive Director, Montana Legal Services Association  
**Elaine Gagliardi**, Dean, ABlI School of Law, University of Montana  
**Hon. Jessie Connolly**, Justice of the Peace, Sweet Grass County  
**Pam Bucy**, Chief Disciplinary Counsel for Montana  
**Peter Habein**, Chair, State Bar of Montana Ethics Committee  
**Hon. Kelly Mantooth**, Justice of the Peace, Fergus County  
**Katy Lovell**, Access to Justice Program Coordinator, State of Montana

In accordance with the Charge from the co-chairs of the Steering Committee of the Task Force and the President of the State Bar of Montana, Group 2 submits this report.

**I. Charge to Group 2**

The Charge to Group 2 is to examine the delivery of legal services and access to justice by reporting on the following matters:

1. Developments in the delivery of legal services, including (a) alternative licensure and paraprofessional licensing; (b) community justice worker models and opportunities; (c) the impact of artificial intelligence on the delivery of legal services; (d) other state-based developments.
2. Access to justice in Montana, with particular focus on Montana’s rural communities and, to the extent possible, recognizing sovereignty, Montana’s Tribal Communities.
3. Any recommendations of the subcommittee.

Group 2 previously produced an Interim Report, which included a thorough look at 1(a) and 1(b) above, and detailed the proposed Community Justice Worker project from Montana Legal Services Association (MLSA).

This final report incorporates the substance of the Interim Report and includes an additional discussion of the impact of artificial intelligence on the delivery of legal services, particularly

ongoing discussions about the potential benefits available to address the justice gap, and on the remainder of the subcommittee's charge.

## II. Overview of the Challenge of Access to Justice in Montana

There are simply not enough lawyers in Montana to meet people's legal needs, and rural lawyers are overloaded. Studies routinely show that over 70%<sup>1</sup> of civil<sup>2</sup> and family law<sup>3</sup> cases have at least one party representing themselves, with over 90% of evictions<sup>4</sup> and debt-collection cases<sup>5</sup> involving an unrepresented defendant. The Montana Access to Justice Commission estimates that 9 out of 10 low-income Montanans do not get any or enough legal assistance.<sup>6</sup>

Because the typical Montana attorney charges an hourly rate of \$200 or more and requires a retainer, many low or even moderate-income Montanans are unable to hire a private attorney, particularly if the issue they face involves financial distress or abuse. The inability to afford or find a lawyer leads people to ignore their legal problems and fail to respond to legal actions filed against them, or to represent themselves when it is impossible to avoid going to court. These self-represented cases not only burden Montana Courts and clog dockets but also devastate individual Montanans.

Even accessing private lawyers can be difficult: Montana's 30 eastern-most counties (excluding the state's most populous county of Yellowstone) have just 79 active attorneys - one attorney for every 2,386 citizens in eastern Montana. Most of Montana's lawyers are concentrated in larger towns and cities. Out of Montana's 56 counties, 26 have five or fewer attorneys<sup>7</sup>, with some of those attorneys inactive due to age, serving as judges, conflicted out, or otherwise unable to represent a low-income client.

County	No. of Attorneys
Blaine	3
Broadwater	3
Carter	2
Choteau	3
Daniels	2

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<sup>1</sup> Altender, Katherine, *Self-Representation Is Becoming the Norm and Driving Reform*, Fordham L.Rev. 170 (2019)

<sup>2</sup> Paula Hannaford-Agor Et Al., Nat'l Ctr. for State Courts, *The Landscape of Civil Litigation In State Courts* 31 (2015), [https://www.ncsc.org/\\_\\_data/assets/pdf\\_file/0015/25305/civiljusticereport-2015.pdf](https://www.ncsc.org/__data/assets/pdf_file/0015/25305/civiljusticereport-2015.pdf).

<sup>3</sup> Paula Hannaford-Agor Et Al., Nat'l Ctr. For State Courts & Inst. for The Advancement of The Am.Legal Sys., *Family Justice Initiative: The Landscape of Domestic Relations Cases In State Courts* 20-24 (2018), [https://www.ncsc.org/\\_\\_data/assets/pdf\\_file/0018/18522/fji-landscape-report.pdf](https://www.ncsc.org/__data/assets/pdf_file/0018/18522/fji-landscape-report.pdf).

<sup>4</sup> Russell Engler, *Connecting Self-Representation to Civil Gideon: What Existing Data Reveal about When Counsel Is Most Needed*, 37 FORDHAM URBAN L.J. 37, 47 n.44 (2010), <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=2321&context=ulj>

<sup>5</sup> Pew Charitable Trs., *How Debt Collectors Are Transforming The Business of State Courts* 2 (2020), <https://www.pewtrusts.org/-/media/assets/2020/06/debt-collectors-to-consumers.pdf>.

<sup>6</sup> Access to Justice Commission, *The Justice Gap in Montana: As Vast a Big Sky Country* (June 2014) available at <http://courts.mt.gov/supreme/boards/a2j/materials.mcp.x>.

<sup>7</sup> ABA Profile of the Profession (2020)

Fallon	2
Garfield	1
Golden Valley	0
Judith Basin	5
Liberty	2
McCone	1
Meagher	0
Mineral	5
Musselshell	1
Petroleum	0
Phillips	2
Powder River	1
Powell	5
Prairie	2
Rosebud	2
Sheridan	4
Sweet Grass	4
Toole	5
Treasure	1
Wheatland	3
Wibaux	1

Without access to legal assistance, low-income and rural clients are at a distinct disadvantage when pursuing legal protections. The U.S. justice system assumes that lawyers with specialized education will be the primary drivers of court actions; as a result, unrepresented litigants risk losing not because their cases lack merit, but because they fail to understand or follow the often-complicated procedural requirements.<sup>8</sup>

Researchers have found that there is significant opportunity and demand for non-attorney advocates to provide legal services, and the difference between non-attorney and attorney assistance is a straightforward choice for Montanans who may have few options but to navigate “a life-changing justice problem with no legal assistance at all, which is the situation many currently confront.”<sup>9</sup>

At present, the only provider of statewide civil legal aid in Montana is Montana Legal Services Association (MLSA). MLSA attempts to fill this gap by providing free legal information, advice, and representation to as many Montanans facing civil issues as possible; however, the demand far outstrips its available resources. The federal government provides 70% of MLSA’s funding,

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<sup>8</sup> Anna Carpenter et. al., “America’s Lawyerless Courts,” American Bar Association Law Practice Magazine (2022), available at [https://www.americanbar.org/groups/law\\_practice/resources/law-practice-magazine/2022/americas-lawyerless-courts/](https://www.americanbar.org/groups/law_practice/resources/law-practice-magazine/2022/americas-lawyerless-courts/)

<sup>9</sup> Rebecca Sandefur, “Legal Advice from Nonlawyers,” Stanford Journal of Civil Rights and Civil Liberties (2020), page 305, available at <https://law.stanford.edu/wp-content/uploads/2020/06/04-Sandefur-Website.pdf>

however the federal budget proposal from the current administration completely eliminates funding for Legal Services Corporation, and aims for an “orderly closeout” of the program.<sup>10</sup> MLSA receives no direct money from the State of Montana legislature and relies on contracts and donations to make up the remainder of its funding.

In 2023, MLSA had 9,459 requests for assistance, but only had resources to handle 4,698 statewide cases. 56% of these cases were in rural counties, and 30% of clients identified with a race other than white. Unfortunately, for every case MLSA takes, it must turn away another due to a lack of resources. It is clear that the current legal resources available in Montana are not enough to handle many Montanans' basic legal needs, and that more creative approaches are required.

a. Alternative Licensure and Paraprofessional Licensing

The legal profession across the country is exploring different options to address the access to justice crisis and the lack of attorneys. One option adopted by several states is the creation of a class of Allied Legal Professionals, trained in traditional higher education settings and licensed by either the state's attorney licensing association or the courts.<sup>11</sup> Most states are limiting the use of allied legal professionals to three areas of the law: family, landlord/tenant, and debt collection. This structure requires a state bar or court infrastructure to license and monitor these paraprofessionals.

i. *Community Justice Workers*

Community Justice Workers are community members who are trained specifically to assist low- and moderate-income individuals with their legal needs. Community Justice Workers can take on basic legal tasks that lawyers don't want to do, and which civil legal aid lacks the resources to represent, helping to bridge the justice gap for vulnerable Montanans. For example, Community Justice Workers can be trained to handle several types of cases where legal aid currently provides the most representation in Montana:

- Supplemental Nutritional Assistance Program (SNAP) benefits, and other public benefits representation
- Unemployment advocacy
- Employment benefits
- Tenant Representation in Eviction Cases
- Debt collection defense
- Domestic Violence Protection Orders

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<sup>10</sup> [https://www.whitehouse.gov/wp-content/uploads/2025/05/appendix\\_fy2026.pdf#page=1108](https://www.whitehouse.gov/wp-content/uploads/2025/05/appendix_fy2026.pdf#page=1108)

<sup>11</sup> <https://iaals.du.edu/projects/allied-legal-professionals>

Members of the private bar do not seek these cases, nor do the clients with these issues have the money to pay for an attorney. Community Justice Workers do not “take work” from attorneys: instead, they work in a supportive role by providing basic assistance to individuals who otherwise cannot afford legal services, especially in rural areas where lawyers are scarce. They can help keep issues from escalating to the point where an attorney is required. In addition, their work is restricted to providing basic legal assistance in defined areas and referring more complex legal matters to attorneys.

*ii. Growing Interest and Acceptance for Community Justice Worker programs*

Jurisdictions across the United States are investigating, researching, supporting, and adopting the inclusion of Community Justice Workers in providing services to their citizens. As the discussion has developed, a recognition of longstanding legal practice has been brought to the forefront: there is an established practice of authorizing individuals without law licenses to perform certain acts that one might consider the practice of law, provided the individual has been appropriately trained.<sup>12</sup>

Community Justice Workers – whether they have been identified by that term or not - have long been accepted in what may be thought of as ‘legal spaces.’ Before community justice worker models became more prevalent, there was an acceptance of legal navigators and administrative representatives.<sup>13</sup> Federal agencies have a practice of permitting non-lawyer representation in administrative proceedings.<sup>14</sup> The assistance is “varied, and can include representation in immigration court removal procedures or helping someone file the correct form, with the correct date, and the correct boxes checked.”<sup>15</sup> The individuals working in these existing spaces have demonstrated that the authorization of trained community members can help alleviate the justice gap experienced by many.

More recently, there has been a growing interest in the community justice model. In November 2022, the Alaska Supreme Court approved a waiver of the unauthorized practice of law restrictions,<sup>16</sup> permitting the Alaska Legal Services Corporation to train and supervise Community Justice Workers who live in the rural and remote communities of the state. In Delaware, registered agents can now represent both landlords and tenants in eviction

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<sup>12</sup> Burnett, M. and Sandefur, R., *A People-Centered Approach to Designing and Evaluating Community Justice Worker Programs in the United States*, 51 *Fordham Urb. L.J.* 6, pg. 1509-1510 (2024); see also Anderson, J. and Carver, S. “Community Justice Workers – Alaska’s Response to the Access to Justice Crisis” *Management Info. Exch. J.* Spring 2024.

<sup>13</sup> Balsler, C. and Jane, S., “The Diverse Landscape of Community-Based Justice Workers” (Feb 22, 2024). <https://iaals.du.edu/blog/diverse-landscape-community-based-justice-workers>

<sup>14</sup> *Id.*, see also 2023 Report: Access to Justice in Federal Administrative Proceedings, Legal Aid Interagency Roundtable 25 (2023).

<sup>15</sup> *Id.*

<sup>16</sup> See Order No. 1994, Adopting Bar Rule 43.5 concerning waivers for non-lawyers trained and supervised by Alaska Legal Services Corporation (Nov. 29, 2022).

proceedings.<sup>17</sup> Meanwhile, for close to four years, the Utah Supreme Court has been running a program that permits individuals with special training and supervision to provide limited legal services.<sup>18</sup> The American Bar Association recently adopted a resolution in support of Community Justice Workers (Resolution 605, adopted August 12, 2025), as did the Conference of Chief Justices and State Court Administrators (Joint Resolution 1-2025, adopted July 30, 2025).

Alaska Legal Services Corporation’s explanation for the rule change to permit Community Justice Workers echoes the issues that MLSA has highlighted in this report and is a consistent theme in seeking the expansion of these programs. As of 2019, the Alaska Court System’s “Justice For All” Statewide Action Plan estimated that “Alaskans experience 2.1 civil legal issues per person, or nearly 1 million legal issues among adult Alaskans, every 18 months.”<sup>19</sup> The entity recognized that, while pro bono services are offered in addition to the work it does, ultimately, there were just not enough resources from the existing pool of licensed attorneys to meet the legal needs of their residents.<sup>20</sup> As explained in this report, these issues are not unique to Alaska, but are also felt every day in the lives of thousands of Montana residents.

Attached to this report are additional resources that may help to provide background and information regarding the community justice worker movement throughout the United States. In addition, the following are endorsed for your consideration, including resources from the Institute for the Advancement of the American Legal System (IAALS), a chart of Community Justice Workers and other programs from around the country, and materials from Frontline Justice.

b. Artificial Intelligence and its impact on the delivery of legal services

The development of Artificial Intelligence (“AI”) poses opportunities and vulnerabilities to the practice of law. The field is rapidly developing with a record amount of funding invested in legal tech during the first quarter of 2025 tied to the increasing investment in AI.<sup>21</sup> AI technology spans a wide range of products and services that can be used to assist with accessing the justice system, but also presents challenges that evolve alongside some otherwise promising developments.

i. *Potential Beneficial Uses of AI*

Perhaps one of the most promising uses of AI in the access to justice arena is the potential for consumer-based improvements in some traditional access to justice resources, such as the use of

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<sup>17</sup> Megginson, Charles. “New Court Rule Allows Non-Lawyers to Represent Tenants in Eviction Proceedings” February 2, 2022; In re Order Adopting Rule 57.1 of the Rules of the Supreme Court of Delaware (Mar 1, 2022).

<sup>18</sup> Id.

<sup>19</sup> Alaska Legal Services Corporation Memo and Proposed Bar Rule 43.5, pg. 2.

<sup>20</sup> Id.

<sup>21</sup> <https://www.law360.com/pulse/articles/2321847/legal-tech-sees-80-funding-surge-amid-ai-boom>

standardized forms for self-represented litigants.<sup>22</sup> AI can draft forms that are fully customizable, allow only limited editing, or that are interview-based with the client inputting information into one document that then feeds that information into all other applicable documents. Across the country, these potential uses are being explored, allowing practitioners or self-represented litigants to customize forms based on judicial district. This use can decrease the burden on self-represented litigants and attorneys working with pro bono clients by decreasing the amount of time necessary to fill out the forms. Current AI technology requires attorneys to review the documents produced to make sure all formatting is correct, as well as legally valid, as the forms are developed.

Chatbots provide another promising use, affording the ability to quickly and accurately create prompts to draft letters, pleadings, and other case documents. The chatbot can be told to limit the source of the information, or to rely on specific formatting guidelines which help decrease the instances of hallucinated cites. The process can be repeatedly refined to create a more accurate or more specific document depending on the needs of the user. The chatbot can be told to write the letter as a specific speaker, for example, as the attorney or on behalf of the client, or with a specific audience in mind, which can allow attorneys to translate complicated legal concepts into plain language for their clients or opposing parties.

Chatbots can review documents that are uploaded into the program to check for language levels, or to see how they will appeal to a specific audience provided by the human user. This information can be used to help target services to specific populations by making the messaging as specific as possible. This technology can help access to justice programs in developing printed materials or making the information available on public-facing websites is understandable and accessible to people with lower reading levels or those without a working knowledge of legal jargon.

Other use-cases may be less obvious. For example, AI systems can be used to drastically increase the quantity and timeliness of translation services. AI translation technology can produce translation and transcription in real-time and could be used in almost any legal setting, from hearings, to reviewing and drafting forms. Translation can be provided in virtually any language without the need to have a native speaker on call for each language. While this presents a significant support for non-English speakers, AI translation services vary in their degree of accuracy and translations often need to be reviewed by a human translator to verify the content. A significant area of weakness in the currently available technology is legal terminology and concepts. Current AI technology does not work well translating sign language to spoken language or vice versa, although models are on the market and continue to improve.

One technology that recently came on the market is Google Notebook LM. Users can upload an almost unlimited number of documents, and the technology can synthesize the information. The

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<sup>22</sup> <https://www.americanbar.org/groups/journal/articles/2025/access-to-justice-how-ai-powered-software-can-bridge-the-gap/>

program can create study guides, outlines, and even a podcast-style audio synopsis of the information. The program relies on the information it is provided to create the summaries without independently adding any additional research or fact-checking. This poses the threat that the information in the summaries will be inaccurate if inaccurate source material was uploaded by the user.

AI technology can be used to create visual aids and even video content. This material can be used to explain a complicated concept or by access to justice organizations in presentations. The material can be made at varying reading levels to allow for easy understanding for a wide variety of audiences. The cost associated with AI-generated videos and images is significantly less than hiring a graphic designer or videographer to develop the content. It allows even users with little technological or editing background to create images quickly and with increased specification. As this technology improves, courts will be faced with developing rules of evidence to make sure the information being presented is correctly identified as AI-generated.

AI can be used to generate entire presentations. Slideshows, graphics, outlines and even handouts can all be generated by AI and then reviewed by human users. This significantly decreases the staff time involved in developing both legal and public education. This has the potential to increase the amount of training available to Montana attorneys and self-represented litigants by decreasing the burden on potential presenters.

#### *ii. Challenges presented by developments in AI*

Despite its potential benefits, AI can also pose threats to the legal system in general and to litigants. For example, AI can be used to create images, videos or voice recordings of individuals without their consent. This is becoming increasingly relevant in family law, where courts are trying to decide the fitness of individuals to parent children, or in distribution of assets. Images that purport to show evidence of abuse or mistreatment, or manufacture assets or destruction of property can have especially damaging consequences. Determining the authenticity of digital evidence will pose increasing challenges to courts as the technology and the quality of the images improve.

Another huge barrier to the widespread adoption of AI, especially in the access to justice community, is the cost. Many technologies have monthly fees that can range from hundreds to thousands of dollars per user. It can be challenging to determine which product will yield the most benefits for a particular practice, and the rapid pace of AI development can render expensive products obsolete in a short period. Small firms and nonprofits can find these costs prohibitive, and the time-saving benefits of AI may make larger firms more competitive and more cost-effective for potential litigants. Since many attorneys in Montana operate as solo practitioners or work in small firms of two or three attorneys, this can pose a particularly significant problem in Montana compared to more urban areas.

The biggest concern faced by many legal practitioners is the privacy of the clients' information. AI uses a specific source of information to create answers to queries. The information put into the AI technology determines the answers it produces. If client information is provided to open AI, that information becomes accessible to all AI, drawing its answers from that same pool. AI that is secured by limiting the information it shares with other AI systems can be purchased but often comes with significant cost as well as the need for server space.

Finally, AI consumes an enormous amount of energy. According to an article in the LA Times, a single query in an AI chatbot uses ten times the energy that a Google search uses. Similarly, only 10 queries in a chatbot requires 16 oz of water. The need for increased consumption of fossil fuels is expected to rise dramatically as the world shifts towards greater reliance on AI technology. The use of fossil fuels disproportionately affects low-income communities.

*iii. Resources to help guide development and deployment of AI in the Montana justice system*

Montana practitioners and legal scholars are at the forefront of exploring this new frontier. Professor Anna Connley, in conjunction with the University of Montana Law Library, is in the process of developing a one-day CLE to be held in September 2025 to discuss the practical applications of AI and the ethical use thereof. Legal research search engines Westlaw and Lexis+ have developed AI tools that continue to enhance natural language searches to assist in legal research and writing.

The American Bar Association has developed Formal Opinion 512, issued July 29, 2024, providing a critical guide to lawyers delving into the use of AI with special consideration of Rules of Professional Conduct 1.1 (competence), 1.6 (confidentiality of information), 1.4 (communications), and 1.5 (fees).

c. Access to Justice in Montana's Tribal Communities

Montana is home to seven Native American reservations, including the Confederation of Salish Kootenai, the Blackfeet Reservation, Fort Belknap Indian Reservation, Fort Peck Reservation, Crow Agency, Rocky Boy's Agency, and the Northern Cheyenne Agency. While the Little Shell Chippewa Tribe received federal recognition, the Tribe does not have a reservation and thus does not have a tribal court system.

Each reservation in Montana is its own sovereign nation and as such has its own tribal court system, and authorization system for practicing law in that jurisdiction, such as a tribal bar exam or other requirements. Accordingly, each reservation has its own access to justice challenges. The Subcommittee realizes that the task of reporting on access to justice issues among Montana's tribal communities is varied, and the taskforce is particularly sensitive and respectful of tribal

sovereignty. The Task Force is recommending that a more comprehensive study of access to justice in tribal communities should be conducted with the input of tribal court partners.<sup>23</sup>

### **III. Recommendations and Specific Solutions**

The access to justice challenges in Montana are broad. 72% of respondents to the Task Force Survey responded that addressing the access to justice gap in Montana is “critical and urgent.” Finding the best and most cost-effective way to do that is challenging. For example, at present, there are no resources within the State Bar of Montana or the Court Administrator’s office to create and monitor a structure like Alaska’s Civil Justice Worker program discussed above. However, a partnership model involving the State Bar, MLSA and the court system, may provide an avenue for modest experimentation in a way that could provide real results.

For that reason, all three organizations have supported investigating a model that would be managed by MLSA. With the support of the State Bar and the Court Administrator’s office, MLSA and the Courts have been able to raise funds to create a Community Justice Worker program. Group 2 believes that exploring alternate models to the provision of legal services by attorneys, such as Community Justice Workers, is warranted for Montana.

#### **a. A Community Justice Worker Program for Montana**

While lawyers play an essential role in representing victims of domestic violence in court, there are insufficient attorney resources to meet the need. With the addition of Community Justice Workers to the services that a victim can receive, the State of Montana can significantly enhance the legal process and overall outcomes for these individuals. Domestic violence caseworkers bring specialized knowledge, emotional support, and resources that can complement the existing services that victims now receive, making them exceptionally placed to take up the task.

A Montana Community Justice Workers Project would increase the number of legal providers available in Montana communities, particularly rural communities, and increase the authorized scope of their work, reducing barriers preventing rural Montanans from accessing legal help.

This portion of Group 2’s report focuses on the use of Community Justice Workers in domestic violence order of protection cases in Justice Courts. We also see an application in consumer debt collection cases and landlord/tenant eviction cases in Justice Courts.

#### ***i. The need: sexual and domestic violence***

Each year, millions of individuals experience physical, emotional, and psychological abuse from others, including intimate partners and family members. In response, many states have developed

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<sup>23</sup> The Montana Legal Services Association conducted an assessment of the legal needs of low-income Native Americans in Montana in 2023. A copy of this assessment can be obtained by contacting task force member, Alison Paul at [apaul@mtlsa.org](mailto:apaul@mtlsa.org).

systems to offer legal protections to those at risk of harm, one of which is the order of protection. While these orders are essential tools for protecting victims of sexual and family violence, the resources available to victims to secure this help are inadequate. A promising solution to this challenge lies in the involvement of Community Justice Workers in the order of protection process.

Domestic violence “includes physical violence, sexual violence, psychological violence, and emotional abuse. The frequency and severity of domestic violence can vary dramatically; however, the one constant component of domestic violence is one partner’s consistent efforts to maintain power and control over the other.”

Crimes of domestic violence, stalking, sexual assault, and dating violence are all too common in Montana. In 2022, 44% of all aggravated assaults in Montana were assaults on a victim with an intimate or family relationship to the offender, with 5,838 partner or family member assaults occurring in total. Meanwhile, a 2017 National Center for Injury Prevention and Control Report estimated that 37.2% of Montana women and 34.6% of Montana men experience intimate partner violence or abuse in their lifetimes. For Native American women, the likelihood of facing these crimes is even greater, with an estimated 84.3% of Native American and Alaska Native women nationwide experiencing violence in their lifetime. The outcomes of these offenses can be dire. From 2018-2023, at least 91 people were killed in Montana as a result of domestic violence-related murders

Unfortunately, evidence shows that severe violence and murder risk escalates when a victim tries to leave. For rural victims leaving an abusive relationship, receiving community-based DV services is vital to ensure safety, because it provides local access to legal protections needed to safely exit their relationship.

*ii. The potential solution: training domestic violence workers as Community Justice Workers*

By training domestic violence caseworkers as Community Justice Workers with the authority to represent victims in limited circumstances, Montana can significantly improve outcomes for both victims and the broader community. Caseworkers bring specialized knowledge and expertise in handling the complexities of domestic violence cases; knowledge which has the potential to greatly enhance the effectiveness of legal protections. An exploration of how domestic violence caseworkers can benefit Montana in various ways, from improving victim safety and providing vital support services to promoting a more efficient legal system, is outlined herein.

Montana Legal Services Association (MLSA) has been approved for a grant that, with the support of the State Bar of Montana, would develop training for Community Justice Workers who would represent clients in order of protection cases in courts of limited jurisdiction. This collaboration would improve the efficiency, effectiveness, and long-term success of orders of protection cases, benefiting state residents and the Bar alike.

MLSA's proposal acknowledges the unique position domestic violence caseworkers have in the judicial system. Caseworkers, also referred to within the law as advocates,<sup>24</sup> are not only regularly interacting with Montana's courts in a supportive role for their clients, but they are trained to do so in a way that recognizes the trauma and impacts of abuse on the victims that they serve. As outlined below, these skills place domestic violence caseworkers in a perfect position to become Community Justice Workers in this area of law.

Domestic violence caseworkers have already been trained on trauma and abuse in the context of sexual assault and family violence. As part of the regular work that these individuals do, they are interacting with law enforcement, court systems, landlords, and other community members with the goal of ensuring a broad range of services to assist victims. This existing training and knowledge, combined with other elements discussed below, establishes the domestic violence caseworker as an excellent starting point for developing a community justice worker program.

### **Expertise and Specialized Knowledge**

Domestic violence is not just a series of isolated incidents of aggression; it involves complex psychological and emotional patterns of behavior, often driven by control and power dynamics. Domestic violence caseworkers are trained to understand these dynamics in depth. They are skilled in identifying the signs of abuse, recognizing patterns of manipulation, and understanding the psychological trauma that victims often face.

Lawyers, while skilled in legal processes, may not always have the specialized expertise to fully recognize or address the subtle dynamics of abuse. Domestic violence caseworkers, however, can provide invaluable insights into the victim's situation to ensure greater protection. For example, caseworkers can identify issues such as coercion, financial control, or emotional abuse that may not be immediately visible but are essential to understanding the victim's experience. They can also identify potential psychological effects on the victim, which can help shape the legal strategy and the way the case is presented to the court.

### **Enhanced Victim Support**

Sexual and domestic violence victims often experience trauma, fear, and anxiety, making the process of seeking an order of protection emotionally challenging. Meanwhile, as outlined above, there are insufficient attorney resources available for victims in orders of protection, thus amplifying the isolation that a victim experiences.

Domestic violence caseworkers are specifically trained to offer emotional support and guide victims through the legal process in a compassionate and empathetic manner. They can provide critical reassurance, help victims understand their rights, and give them the confidence to move forward with their case. Caseworkers can also assist victims in preparing for court by helping

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<sup>24</sup> See Mont. Code Ann. § 26-1-812 for Montana's advocate privilege.

them stay focused on their safety and their long-term goals, offering them a sense of empowerment.

With caseworkers on board, victims may feel more comfortable sharing critical details about their situation, knowing they have someone who understands and can offer emotional and practical support. This, in turn, helps to build a more comprehensive and effective case, improving the chances of securing a favorable order of protection for the victim.

### **Enhanced Victim Safety**

One of the primary goals of orders of protection is to enhance the safety of individuals who are at risk of domestic violence. However, the mere issuance of an order is not always enough to ensure the victim's safety. Abusers often violate these orders, and the process of enforcement is not always smooth. Domestic violence caseworkers regularly play a crucial role in addressing this gap by providing victims with safety planning, monitoring compliance, and offering ongoing support.

Domestic violence caseworkers often help victims develop personalized safety plans that take into account their specific circumstances, including where they live, their relationship with the abuser, and their access to resources. These plans may include identifying safe places to go in case of an emergency, establishing contact with shelters or advocacy groups, and providing information about how to alert law enforcement if the order is violated. This embedded training and practice can be enhanced by training the caseworkers as Community Justice Workers. Permitting more proactive involvement increases the likelihood that the victim will be protected, especially if the caseworker is familiar with the abuser's behavior patterns and the potential risks to the victim.

### **Improving Court Efficiency and Outcomes**

The involvement of Community Justice Workers in the orders of protection process can lead to more efficient court proceedings. Caseworkers can assist victims in navigating the often complex and intimidating legal process, ensuring that all required documentation is in order and that the victim's testimony is clear and focused to the legal standards the law requires. By helping victims prepare for court appearances and providing emotional support, caseworkers can reduce delays and improve the likelihood that the court will issue an order of protection that is in the best interest of the victim.

In addition, permitting caseworkers to act as envisioned by the community justice worker program can help to ensure that the orders of protection are enforceable and tailored to the needs of the victim. Caseworkers can help identify gaps in protection or areas where additional safeguards may be needed, thus improving the overall outcome of the case.

## **How Would it work?**

MLSA would train and certify non-attorney Community Justice Workers to represent victims of domestic violence in orders of protection cases in courts of limited jurisdiction. Community Justice Workers would be “volunteers” of MLSA and could be employed by non-profit or government agencies around Montana with similar missions. These Workers would be required to offer their services free of charge to clients, although they could receive pay from their respective nonprofit or government employers.

## **Community Justice Worker OOP Project Details**

MLSA will establish the training framework for domestic violence shelter advocates, tribal lay advocates and other appropriate volunteers to provide skilled representation to victims seeking orders of protection. Community Justice Workers will be trained to provide legal services specifically limited to order of protection proceedings in Montana’s justice and city courts. The services would include drafting documents, providing legal advice, and appearing in court on behalf of the petitioner for the order of protection. All participating clients will be clients of MLSA and thus protected under MLSA’s malpractice insurance.

Applicants for legal assistance will be advised that the Community Justice Workers are not lawyers. Applicants must give their informed consent, confirmed in writing, in order to receive the legal assistance. The training will include discussion of the relevant Rules of Professional Conduct for lawyers and limitations on the information that Community Justice Workers may provide. The Community Justice Workers will be instructed to avoid conflicts of interest, abide by confidentiality rules, and refrain from revealing any information about the client’s situation except to program staff. The program will set up a process by which clients may submit a grievance relating to their relationship with the program.

MLSA will assign a Community Justice Worker program attorney to develop the training and offer shadowing and mentoring opportunities to the Community Justice Workers. The attorney will conduct evaluation sessions with the Community Justice Workers to review the assistance they are providing, discuss reported concerns, provide additional guidance, and ensure the Community Justice Workers are complying with all program requirements. Partners will refer survivors and victims who need additional civil legal aid assistance to MLSA.

The Montana Community Justice Workers Project will increase the number of legal providers available in Montana communities, particularly rural communities, and increase the authorized scope of their work, reducing barriers preventing rural Montanans from accessing legal help. We also see an application in consumer debt collection cases and landlord/tenant eviction cases in Justice Courts.

#### **IV. Next Steps**

Subcommittee 2 recommends to the Task Force Steering Committee and, ultimately, to the State Bar of Montana Executive Committee and Board of Trustees, that the State Bar work with MLSA to take the following as the next steps in proceeding toward the goal of closing the justice gap:

##### Community Justice Worker Project

1. Development of the Civil Justice Worker pilot project to be administered by MLSA;
2. Creation of an Advisory Group for the Order of Protection project, comprised of judges (all levels), court personnel, domestic violence advocates, attorneys, and survivors of domestic violence;
3. Work collaboratively to secure revisions to existing court rules that may impede the ability to provide the service through a Community Justice Worker Program;
4. Develop a Training Curriculum and certification process to include skills-based assessments;
5. Develop a process to address complaints;
6. Research the impact of appeals to district court;
7. Develop a list of questions that still need to be decided to ensure the greatest acceptance and endorsement of the program; and
8. Expand the program to include debt collection defense and representation in landlord/tenant evictions in courts of limited jurisdiction.

##### Artificial Intelligence

The Subcommittee does not have any immediate recommendations regarding the use of AI in the delivery of legal services, aside from the need for practitioners to follow ABA guidance in Formal Opinion 512, and monitor developments in the AI frontier to ensure practitioners are utilizing AI ethically and adequately.

##### Access to Justice in Tribal Communities

The Task Force is recommending that the State Bar of Montana establish a new Task Force to carry on a more comprehensive study of access to justice in tribal communities, and that this study should be conducted with the input of tribal court partners as Task Force members.