

Tab 1

Montana Supreme Court Access to Justice Commission
September 6, 2024
Zoom Video Conference
10:00 AM – 12:00 PM
Meeting Minutes

Commissioners Present: Justice Beth Baker, Ed Bartlett, Hon. David Carter, Hon. Stacie FourStar, Jacob Griffith, Hon. Leslie Halligan, Hon. John Kutzman, Katy Lovell, Juli Pierce, Margaret Weamer, Alison Paul, Olivia Riutta.

Commissioners Absent: Lillian Alvernaz, Rick Cook, Aimee Grmoljez, Sen. Wendy McKamey Rep. Laura Smith, Kekek Stark.

Others Present: Alissa Chambers, Becky Schupp Watson, Beth McLaughlin, Franklin Runge, Grace Loveless, Morgan Dake, Ellie Webster, Linden Howard-Murphy, Madiera Zehnder, Patty Fain, Ann Goldes-Sheahan, and Krista Partridge.

Call to Order & Introductions

Justice Baker called the meeting to order at 10:01am and asked participants to introduce themselves.

Approval of June Meeting Minutes

Justice Baker asked for a motion to approve the minutes from the June meeting. Juli Pierce so moved and Katy Lovell seconded the motion. The minutes were approved without objection.

Court Administrator Update

Beth McLaughlin reported that her office has created a new “Access to Justice Manager” position and applications are currently being sought. She also updated the group on the status of the two initiatives that resulted from the Legal Deserts Summit and that were endorsed by the commission in June. She said that the initiative to place law students in rural communities will kick off in the summer of 2025. Students will be hosted by judges in the 19th, 12th, and 7th Judicial Districts. Beth added that her office is submitting a grant application to the State Justice Initiative (SJI) to build state approval for Community Justice Workers (CJWs) to represent debtors and tenants in Justice Courts; to build and implement a training program for CJWs; and to evaluate the CJW training program. The preliminary application is due at the end of September, and the final grant request will be due in November.

Beth stated that the 2024-25 Justice for Montanans AmeriCorps members began their training this week. She reminded the group that as a result of the Self-Help Resources Assessment all of the Self-Help Law Center members, with the exception of the Bozeman member who had been recruited prior to the restructuring, will be based in Helena at the State Law Library and will travel regularly to the other SHLC sites. Justice Baker said that she administered the oath to the 18 new Justice for Montanans members on Monday, adding that we are only one member short of a full class, and thanked Beth for her efforts.

JIC Committee Report

Morgan Dake and Ellie Webster reported on the activities of the Justice Initiatives Committee. Morgan explained the main objective of the committee is to promote and support pro bono programs and remove as many barriers as possible to pro bono service. Based on input from pro bono clients, the JIC is working on guidelines to improve the referral process. They are also researching best practices for developing pro bono policies for law firms, and seeking to increase awareness by doing presentations on pro bono service at firms and authoring the “Pro Bono Chronicles” series in the Montana Lawyer. In addition, the JIC is updating and revamping the Pro Bono Toolkit that was developed by Patty Fain. The JIC is actively seeking new members to improve the geographic diversity of the group and to bring fresh energy and perspectives.

Pro Bono Annual Report

Patty Fain summarized the results of the 2024 Pro Bono Report that was included in the meeting packet and highlighted some areas of particular interest. She pointed out that volunteer hours reported for participation in State Bar activities are not included in the total hours of service. Patty noted that older/more experienced attorneys are the most likely to report pro bono hours, and that time constraints are the biggest reason given for not doing pro bono service. She added that lack of awareness and structure for volunteering are also significant barriers. Patty said that a key recommendation for improvement is more training and CLE opportunities related to typical pro bono practice areas. She added that it will be critical to recruit younger/less experienced attorneys to replace the cadre of active volunteers who will be retiring in the coming years. Justice Baker agreed and said that we need to be proactive about fostering a culture of pro bono service.

Standing Committee Reports

Self-Represented Litigants Committee: Maggie Weamer reported that the committee is focusing its priorities on working with the courts to support a text messaging project for litigants.

Policy and Resources Committee: Justice Baker reported that the committee had a good meeting and decided on three priorities: 1) to support efforts to secure funding for the Family Law Mediation Project; 2) to work with MLSA and MJF to obtain funding in support of other access to justice initiatives; and 3) to develop and maintain an open dialogue with the legislature.

Community Education & Partnerships Committee: Katy Lovell reported that the committee is reviewing the priorities from the Legal Needs Assessment and consulting with Disability Rights Montana regarding the educational needs identified in the assessment. The committee will then prioritize where to focus their efforts.

Court Education Committee: Justice Baker reported that the committee is set to meet on September 16, and plans to discuss how to educate court staff to work with pro se litigants and to accept pro se forms.

Justice Baker suggested that the standing committees should update the charts included in the strategic plan in addition to giving verbal reports. This will allow everyone to see what is going on across all the committees and working groups.

2024 ABA Access to Justice Meeting

Alissa Chambers said that she plans to attend the 2024 ABA Forum On Building Access to Justice for All, scheduled for October 23-25, 2024, and will report back at the next commission meeting. Justice Baker asked if MLSA planned to send anyone and Alison Paul explained that she will not be attending and that this conference is not normally one that MLSA attends.

MLSA Update

Alison Paul reported on some new and ongoing projects at MLSA including: a new technology grant to update the automated pro se forms and put them on a new software platform; and a 2-year foreclosure assistance contract with the Department of Commerce that will cover a full time attorney and legal assistant. Alison then introduced two MLSA staff members who serve on standing committees. Madiera Zehnder is MLSA's Communications & Outreach Manager, and Linden Howard-Murphy is MLSA's Community Legal Education Coordinator. MLSA's Pro Bono Coordinator, Ellie Webster, then provided an update on the Pro Bono Academy. Ellie explained that the Pro Bono Academy is an online learning platform that has been built out over the last year with self-paced training modules designed for pro bono attorneys. She said that there are two five-minute required videos that provide an overview of the program, but once the attorney has completed the overview, they will have on-demand access to the entire library of training resources.

Alison then provided an update on the Community Justice Worker (CJW) initiative. Alison reminded the group that the CJW concept would involve MLSA certifying and training advocates who work at MLSA or other social services non-profits to appear in Justice Court on a limited set of legal matters (Orders of Protection, evictions, and debt collection). She said that MLSA is awaiting a decision on a grant application for a CJW project and plans to submit an application with the Office of the Court Administrator for another CJW project. Alison added that she sits on the State Bar Task Force on the Future of the Legal Profession, and they will be working to build support and to develop a strategy to move this initiative forward. Alison offered to arrange for a representative from FrontLine Justice, a national non-profit that is spearheading CJW initiatives across the country, to give a presentation at a future commission meeting. FrontLine Justice is led by the former Executive Director of Alaska Legal Services who was integral to the adoption of the CJW model in that state. Justice Baker said she would welcome the opportunity.

State Bar Meeting and Art for Justice Auction

Ann Goldes-Sheahan reported that the commission's nominee for the Karla M. Gray Equal Justice Award, Hon. Benjamin Hursh, was approved. All of the awardees will be recognized at the State Bar Banquet and in the next issue of the Montana Lawyer. Alissa Chambers pointed out that online bidding is open for the Art for Justice Auction and the link is in the agenda. The auction will end at the State Bar Banquet, with proceeds benefiting MJF.

Upcoming Meeting Dates and Public Comment

Justice Baker thanked the six commissioners who recently agreed to renew their terms of service on the commission. She said she is looking forward to good committee reports at the December 6th meeting and hopes to have the Access to Justice Coordinator hired in time for that meeting. Justice Baker asked for public comment and there was none. The meeting was adjourned at 11:09am.

Tab 2

**MONTANA JUDICIAL BRANCH
DIRECTOR OF ACCESS TO JUSTICE SERVICES**

Nature of Work:

This is advanced professional work involving the management and administration of access to justice programs throughout the Montana court system.

Work is performed independently under the direction of the State Court Administrator. The employee is expected to exercise initiative and independent judgment in the management, coordination, administration, oversight, and evaluation of access to justice functions and activities in accordance with established statutes, court rules, policies, procedures, and regulations.

Provides direct supervision of access to justice program officers and is the primary liaison with justice partners including attorney and legal aid organizations.

Essential Functions: (Any one position may not include all of the duties listed, nor do the examples cover all the duties which may be performed)

- Plans, develops, manages, and oversees the access to justice programs in partnership with program staff and the Access to Justice Commission.
- Provides direct staff support to the Commission and takes primary responsibility for ensuring Commission objectives are implemented. Provides information to the Commission on emerging issues and assists the Commission in developing new objectives.
- Develops and implements policies and procedures for administration of access to justice programs. Develops and implements outcome measures to ensure programs are meeting the needs of citizens in a cost-effective manner.
- Directs and assigns staff in management reviews, data collection, court performance and productivity evaluation projects to assist in improving administrative structures, processes and procedures.
- Develops and implements new solutions to access problems through partnerships with both internal and external agencies. Stays current on emerging trends in providing court access to all citizens in a cost-effective manner.
- Works closely with internal partners including the state Law Library and information technology staff to ensure services are integrated with other court services.
- Directs, develops, and implements court improvement projects and secures grant and other funding as needed. Works closely with legal aid agencies on projects including securing funding for projects.

Knowledge, Abilities and Skills:

- Knowledge of principles and practices of public and business administration, court management and administration, budgeting and financial management, court funding, case management, supervision, process improvement, performance management, negotiation and conflict management, and group facilitation.
- Extensive understanding of access to justice issues including experience with addressing institutional barriers.
- Knowledge of court process and terminology including a solid understanding of issues facing litigants who are self-represented.
- Knowledge of principles of leadership, organizational structures, and management effectiveness.
- Ability to think logically and apply analytical reasoning.
- Ability to interpret and resolve problems and issues.
- Ability to work with a variety of partners with diverse viewpoints. Experience working with judges and lawyers is preferred.

Working Conditions:

Work is performed primarily in an office setting.

Physical Demands:

Work is essentially sedentary with occasional walking, standing, bending, and carrying items under 25 pounds such as papers and files.

Qualifications:

Possession of a bachelor's degree in public or business administration, court management, judicial administration, or related field from an accredited college or university and at least three years of progressively responsible administrative, or professional experience in a legal or legal adjacent field is preferred. Management experience is required.

Licensure and Certification Requirements:

None required

Tab 3

THE SUPREME COURT OF MONTANA

BETH BAKER
JUSTICE

EMAIL: bbaker@mt.gov
TELEPHONE: (406) 444-5570
FAX: (406) 444-3274



JUSTICE BUILDING
215 NORTH SANDERS
PO BOX 203001
HELENA, MONTANA 59620-3001

November 4, 2024

Mr. Jonathan Mattiello
State Justice Institute
12700 Fair Lakes Circle, Suite 340
Fairfax, VA 22033

RE: Montana Community Justice Workers Project

Dear Mr. Mattiello,

I write in my capacity as Chair of the Montana Supreme Court's Access to Justice Commission to support the Montana Office of the Court Administrator (OCA)'s Community Justice Workers Project. The Commission has expressed strong interest in this Project and looks forward to working with OCA as it moves forward.

The Access to Justice Commission has long been concerned about underserved populations and the lack of attorney resources in Montana. We know that the limited availability of private attorneys in many rural communities means many more Montanans struggle to find anyone able to help them. To a person without any legal training, especially one going through a stressful situation, even a relatively straightforward legal case can be overwhelming. This shortfall of civil legal aid resources leaves the vast majority of low-income Montanans fending for themselves and vulnerable to catastrophic consequences, including abuse, economic instability, and homelessness.

The Commission has worked to advance traditional methods of addressing these issues, including robust self-help resources and pro bono programming. But we must move beyond the same tried-and-true methods to resolve this gap in resources. The OCA's Community Justice Workers Project will address one of the biggest barriers Montanans face when trying to resolve their civil legal problems — the lack of available low-cost advocates, particularly in rural communities. Increasing the number of trained advocates available to provide essential legal services to these Montanans will help preserve access to justice and prevent our most vulnerable citizens from falling deeper into poverty.

Letter to Mr. Jonathan Mattiello
State Justice Institute
November 4, 2024
Page 2

The Commission is committed to supporting the OCA in the following key ways:

1. Providing technical assistance and feedback on the project;
2. Supporting, through the Commission's ongoing committee structure, this new approach to filling the legal needs gap; and
3. Providing oversight as the team creates and implements the training curriculum and certification process needed to ensure that community justice workers can provide accurate and effective legal assistance to clients.

As a member of the Montana Supreme Court, I have worked together with the State's strong equal justice community to help develop innovative solutions to access to justice programs. I see this project as the next step in bringing necessary services to underserved communities and people.

I welcome the opportunity to discuss any questions or concerns with you.

Sincerely,



Beth Baker
Justice