

Tab 1

**Montana Supreme Court Access to Justice Commission**  
**December 3, 2021**  
**Zoom Video Conference**  
**10:00 AM – 12:00 PM**  
**Meeting Minutes**

**Commissioners Present:** Justice Beth Baker, Ed Bartlett, Aimee Grmoljez, Hon. Leslie Halligan, Katy Lovell, Mark Mattioli, Kyle Nelson, Alison Paul, and Olivia Riutta.

**Commissioners Absent:** Georgette Boggio, Rick Cook, Hon. Stacie Four Star, Sen. Terry Gauthier, Dean Paul Kirgis, Hon. John Kutzman, Daniel McLean, and Rep. Katherine Sullivan.

**Others Present:** Emma Schmelzer, Niki Zupanic, Kathryn Hohmann, Harley Brown, Alex Kramer, Kim Dudik, McKayla Henson, Patty Fain, Ann Goldes-Sheahan, Sarah McClain, and Krista Partridge.

**Call to Order & Introductions**

Justice Baker called the meeting to order at 10:06 a.m. Justice Baker introduced Emma Schmelzer, the new ARPA Coordinator. She noted that Emma brings a wealth of national and international experience on mediation and we were fortunate to find someone of her caliber to join the team. Emma added that she is excited to return to Montana to help implement the Simplified Family Law Resolution Project. The approval of minutes from the last meeting was postponed until a quorum was present.

**ARPA Simplified Family Law Resolution Project**

Alison Paul said that MLSA is still waiting for the final contract from the Court Administrator's Office. MLSA will be working with the court to provide mediators for family law litigants who are under 300% of the federal poverty guidelines. Emma Schmelzer said that she has discussed the E-RAMP pilot with Patty Fain and hopes to build on the success of that project to tackle backlogged court calendars, empowering people to be able to move forward with their lives. She confirmed that Cascade County will be participating in the project, and said that she will be working with MLSA on procedures and protocols. Emma added that the Informal Domestic Relations trials are less intimidating and frustrating for self-represented litigants. Justice Baker said that the focus of the project will be on getting concrete data to measure outcomes and that we hope to have a full year of experience and data to present at the next legislative session.

**MLSA Update**

Alison Paul reported that the Montana Eviction Intervention Project with the Department of Commerce has expanded beyond providing attorneys for tenants facing eviction and will include MLSA administering rental assistance funds to eligible tenants in court-connected eviction cases. MLSA is hiring additional eviction navigators and intake and compliance specialists to support the project. The expanded program will also include a mediation component. MLSA has also received a grant from the Legal Services Corporation to revamp the MontanaLawHelp website by adding guided navigation and other improvements to make the website easier to use. Finally, Alison noted that MLSA is partnering with the Court Administrator's Office and the University of Montana on a pilot project to provide social worker services in dependency and neglect cases as a

first intervention to keep children from being removed from the home. Justice Baker thanked Alison and noted the critical importance of the eviction prevention project in averting homelessness. Justice Baker also congratulated Alison and MLSA on the national recognition for the Rural Incubator Program for Lawyers as highlighted in the current issue of the Montana Lawyer.

### **Court Help Program Update**

Alex Kramer reported that four of the six self-help law centers (SHLC) are open and that the new AmeriCorps member in Bozeman will be starting soon. The Great Falls SHLC is still recruiting for an AmeriCorps member, and the center will be re-locating to the library. Justice Baker asked how people are being served in areas where the SHLC is closed. Alex said that the Helena SHLC and State Law Library staff are available by phone and have been sending out forms and assisting clients.

### **Justice for Montanans AmeriCorps Update**

Harley Brown reported that the Justice for Montanans AmeriCorps program (JFM) has 26 member slots for the 2021-22 service term, with most members serving at the SHLCs and at MLSA. Additional members serve at the Office of Consumer Protection, Montana Fair Housing, YWCA Missoula, Legal Services Developer, and the Office of Child and Family Ombudsman. She explained that members help add capacity to serve Montanans in need of legal services and said that in the last service term, members reached over 50,000 Montanans through their outreach efforts. The difficulty in recruiting members this year is largely due to housing costs. Harley noted that one of the members from the last term needed over 60% of her stipend just to pay rent. Alison encouraged everyone to think of older individuals who might be interested in serving. Justice Baker pointed out that many JFM alumni return as staff members or volunteers because their AmeriCorps experience inspires a lifelong commitment to help. Emma Schmelzer suggested that recruiting host families for members might be a good option.

### **Outreach and Communications Committee**

Katy Lovell said that the committee has been meeting monthly and is working on targeted messaging designed for different audiences. She shared a “Smart Chart” process that the group has been working on and explained that the first chart will be designed for the Governor’s office as the intended audience. Katy explained that the committee will share the chart with the members once it’s finalized. Justice Baker thanked the committee for starting on this work. Niki Zupanic added that the committee will be seeking input on the chart from other committees and members of the commission.

Katy then needed to leave the meeting, but voted to approve the September meeting minutes before leaving.

### **Self-Represented Litigants Committee**

Ann Goldes-Sheahan reported that she hasn’t been active on the committee recently due to the rollout of the new State Bar tech platform and asked Sarah McClain to give an update on the committee’s activities. Sarah said that State Law Librarian Christine Mandiloff has agreed to co-chair the committee and that the committee plans to hold a strategic planning session in early January. Sarah said that the priority for the committee is to develop resources that aren’t already

covered by MontanaLawHelp or the Legal Services Developer. The most recent project was a brochure for informal probate and supplementary family law FAQs. She said the committee is open to new members and welcomes suggestions on topics where resources are needed. Justice Baker said that the outreach to libraries is very beneficial and is thankful for the involvement of Christine and the State Law Library. Ann Goldes-Sheahan added that the new State Bar Licensed Lawyer website will go live soon and should make it much easier for the public to find lawyers and link to resources. She said she will reach out to Alex Kramer to provide training on the Licensed Lawyer site to SHLC staff.

### **Approval of September Meeting Minutes**

A quorum was reached when Aimee Grmoljez joined the meeting. Justice Baker asked if there were any additions or corrections to the September meeting minutes. There were no additions or corrections. Judge Halligan moved to approve the minutes as submitted and Alison Paul seconded the motion. The minutes were approved without objection.

### **Policy and Resources Committee**

Justice Baker reported that the committee will be working with the Outreach and Communications Committee and the ARPA program to prepare for the 2023 legislative session. She added that the committee will also be discussing the idea of a tax credit for lawyers who locate in rural areas and will look at models in Maine and Arizona for ideas.

### **ABA Racial Justice Working Group Update**

Kim Dudik reported that the group met in October and agreed on the need to take a different and systematic approach to get tribal organizations and native populations involved in the group. She said that Alison Paul is working on finding and hiring a facilitator for the next meeting. She said that Justice Baker worked with the Judges Association to include implicit bias training in the next meeting. Justice Baker clarified that Justice Gustafson has discussed the subject with the National Center for State Courts and is working to include racial justice education at the Judges Association meeting. Justice Baker said we are learning from the ABA and other national efforts and there are great resources available to educate jurors and court personnel on implicit bias.

### **2021 Pro Bono Report**

Patty Fain presented the 2021 Pro Bono report and covered some highlights from the report. She said that in 2020, 1,150 attorneys reported 100,000 hours of service, worth approximately \$14,000,000. Reporting for pro bono hours is voluntary and Montana has a great tradition of leading the nation in pro bono reporting, even ahead of states with mandatory reporting. Unfortunately, reporting is down 40% from three years ago, likely a result of the pandemic. She said that innovative approaches for reporting and ways to provide service have grown out of the pandemic and it's possible that this will foster a long-term increase in service. Patty reported that that service had started to decline even before the pandemic, and she is concerned that the aging attorney population and less volunteerism shown by newer attorneys will increase that trend. She asked the group to share perspectives and ideas on how generate more interest in pro bono service in the face of increasing need. Justice Baker thanked Patty and agreed that we need to find ways to reinvigorate a spirit of service in members of the bar and come up with different approaches to more effectively engage out-of-state attorneys being admitted by motion. She said that we need to build on the innovations that came out of the pandemic. Aimee Grmoljez suggested using Survey

Monkey to send out a survey to attorneys so that they can provide input anonymously. Patty said that she feels a need to dig a little deeper than what can be gained through an online survey, and that she's looking at ways to do focus groups that could also be anonymous. Justice Baker said that engaging law students and instilling the culture of service at an early stage in their careers will be key for the future. Ann Goldes-Sheahan said that some of the younger trustees on the State Bar Strategic Planning Committee were very interested in pro bono service and might be willing to lead the effort to engage their peers.

#### **Public Comment and Next Meeting Dates**

Justice Baker asked for public comment. There was no public comment. The 2022 meeting dates are listed on the agenda and Justice Baker asked members to put them on their calendars. The meeting was adjourned at 11:30 a.m.

**Montana Supreme Court Access to Justice Commission**

**March 4, 2022**

**Zoom Video Conference**

**10:00 AM – 12:00 PM**

**Meeting Minutes**

**Commissioners Present:** Justice Beth Baker, Ed Bartlett, Acting Dean Monte Mills, Hon. John Kutzman, Katy Lovell, Daniel McLean, Alison Paul, and Olivia Riutta.

**Commissioners Absent:** Georgette Boggio, Hon. David Carter, Rick Cook, Hon. Stacie Four Star, Sen. Terry Gauthier, Aimee Grmoljez, Hon. Leslie Halligan, Kyle Nelson, and Rep. Katherine Sullivan.

**Others Present:** Niki Zupanic, Rachel Fox, McKayla Henson, Ellie Webster, Patty Fain, Angie Wagenhals, Abigail St. Lawrence, Kim Dudik, Alex Kramer, Christine Mandiloff, Hon. Kaylan Minor, Kelsi Steele, Sarah McClain, Emma Schmelzer, and Krista Partridge.

**Call to Order & Introductions**

Justice Baker called the meeting to order at 10:02 a.m. Justice Baker welcomed new Commissioner, Professor Monte Mills, Acting Co-Dean of the Alexander Blewett III School of Law. Professor Mills thanked Justice Baker, introduced himself, and said he was happy to join the group. All the Commissioners and guests then introduced themselves. Since a quorum was not present, the approval of minutes from the December meeting was postponed until the next meeting.

**ARPA Simplified Family Law Resolution Project**

Emma Schmelzer reported that there are four pilot counties for the mediation component of the project: Yellowstone, Gallatin, Cascade, and Lincoln. She said there have been very productive meetings with those counties, and that they plan to offer virtual and in-person mediation for self-represented litigants with children. Dissolutions and parenting plan cases will be supported. Angie Wagenhals added that she has been working closely with Emma and that they are contracting with private attorneys and mediators to participate in the program. The private attorneys will provide advice in advance of the mediation. Angie explained that MLSA will do the screening and scheduling of clients and they are currently working on the first two cases that will be placed in Lincoln County. Angie thanked Patty Fain for the groundwork that was established through ERAMP and said that those resources have been invaluable. Emma added that they are paying a lot of attention to data collection so that the benefits of the program for litigants and the court system can be demonstrated. Angie said that they are working with the Montana Mediation Association to recruit mediators. Emma said that sustainability of the program is a key consideration and they are planning on building a mentorship program using the first cadre of mediators as mentors.

Emma reported that the 1<sup>st</sup> Judicial District (Lewis & Clark and Broadwater Counties), the 4<sup>th</sup> Judicial District (Missoula and Mineral Counties), and the 12<sup>th</sup> Judicial District (Hill, Chouteau and Liberty Counties) are the pilot districts for the Informal Domestic Relations Trials (IDRT). She said that forms and informational materials have been completed and that an option for a verbal opt-in has been added to help reduce barriers to participation. Emma said that an

informational video is planned to help people understand what to expect from an IDRT. She added that the first IDRT has been scheduled. Justice Baker asked if the Self-Help Law Centers are notifying people of the IDRT option, and Alex Kramer replied that the centers are collaborating on messaging for the program to ensure that litigants outside of the pilot districts aren't misinformed. Emma added that the Missoula SHLC is distributing information on IDRT.

### **MLSA Update**

Alison Paul introduced MLSA's Pro Bono Coordinator, Ellie Webster, and said that she is doing a great job. Alison said that MLSA still has vacant AmeriCorps positions and that housing costs and the tight labor market have made it very difficult to recruit members for this term. She said that MLSA is already recruiting for the next term and plans to add summer slots at both MLSA and the Self-Help Law Centers. The summer slots will help with continuity and will provide options for those who cannot commit to a full 11-month term. Justice Baker said that Alex Kramer and Sarah McClain have been working very hard with MLSA to fill the SHLC slots, but still have filled only two of seven positions. This has a big impact on the Centers at a very difficult time. She added that Sarah has been traveling weekly to help provide coverage at the Bozeman SHLC.

Alison reported that MLSA filed a Petition for a Writ of Mandamus after the Yellowstone County Sheriff refused to conduct service of process without a \$75 per respondent fee for a self-represented litigant who had been granted a filing fee waiver by the court. MLSA had tried to work with the County Attorney before filing the petition, but was unsuccessful. After the petition was filed, the service of process was provided free of charge. Alison also reported on a new Court Improvement Program pilot project that MLSA is participating in through the University of MT Center for Children, Families and Workforce Development. As part of the Pre-Filing Pilot Project, MLSA will handle ancillary civil legal issues (not the dependency and neglect case) when families are being investigated by Child Protective Services. This model has been successful in other states, and the project will test whether more supports, including civil legal services, can reduce the termination rate in Montana.

Rachel Fox, MLSA's Coordinator for the Montana Eviction Intervention Project (MEIP), provided an update on the project with the Department of Commerce that began in the fall of 2020. MLSA contracts with private attorneys to provide legal advice and representation in eviction cases at a modest means rate of \$75 per hour. MLSA provides malpractice coverage for the work and is still recruiting attorneys to participate. Under a new agreement with the Department of Commerce, MLSA has added the processing of rental assistance payments to landlords and tenants in active eviction cases. Additional staff to conduct intake and compliance activities are being hired to support the program. MLSA can expedite the payment process and hopefully avert more court-ordered evictions. Rachel added that another new component of MEIP is a diversion process to pause eviction proceedings and offer free mediation and rental payment assistance to parties that agree to diversion. She said MLSA is doing outreach and seeking input from the courts regarding diversion and how the process would work best. Alison said that we are still looking for more contract attorneys statewide, so please refer anyone who might be interested. Finally, Alison said that MLSA has asked the Montana Supreme Court to allow MLSA to distribute rental assistance payments under the Rules of Professional Conduct. Justice Baker added that the request would be considered at the Court's upcoming public meeting.





### **UM Access to Justice Programs Update**

Kelsi Steele gave the Commission an overview and update of the Law School's pro bono program. She explained that the law student pro bono program engages students at an early stage so that they are more likely to continue pro bono service throughout their legal careers. The program also serves to help students understand the difference between community service and pro bono service, offers a way for students to gain hands-on experience, and provides more low-income clients with opportunities to receive supervised legal advice. Current law school pro bono initiatives include: the Montana Afghan Project to provide CLE training for attorneys who want to help Afghan refugees with immigration matters and other civil legal issues; an estate-planning clinic with the Legal Services Developer Program; and a family law clinic with MLSA. Kelsi noted that law students have contributed over 10,000 hours of pro bono service over the last few years and she estimated that 60% of law students participate in pro bono. Justice Baker noted that the Access to Justice Commission's Law School Partnership Committee was the genesis of this program and it grew into the staff position through the leadership of former Dean Paul Kirgis. Justice Baker and others thanked Kelsi for the presentation and for doing such a great job of getting law students engaged in pro bono service.

### **Public Comment and Next Meeting Dates**

Justice Baker asked for public comment. There was no public comment. She noted that the rest of the 2022 meeting dates are listed on the agenda. The meeting was adjourned at 11:03 a.m.

# Tab 2

# Karla M. Gray Equal Justice Award

This award honors a judge from any court who has demonstrated dedication to improving access to Montana courts. Consideration for this award will be given to nominees who demonstrate this dedication and commitment with a combination of some or all of the efforts described below:


- Personally done noteworthy and/or considerable work improving access of all individuals, regardless of income, to the Montana court system.
- Instrumental in local Access to Justice efforts, including program development, cooperative efforts between programs, and support for community outreach efforts to improve understanding of and access to the courts.
- Active support of citizen involvement in the judicial system.
- Active support and commitment to increasing involvement of volunteer attorneys in representing the indigent and those of limited means.
- Other significant efforts that exhibit a long-term commitment to improving access to the judicial system.

The Access to Justice Commission selects nominees for the award, and the State Bar of Montana Past Presidents Committee selects one award winner. Nomination materials will be retained and considered by the Access to Justice Commission for three years.

Nominee: Hon. Stacie FourStar

Address: 807 Court Avenue/ P.O. Box 1027, Poplar, MT 59255

**In a separate document**, please describe how the nominee has demonstrated dedication to improving access to Montana courts. Please attach the description and other supporting documents to this nomination form.

Your signature: 

Print your name: Kathryn Seaton & Andrea Simons

Your address: 616 Helena Ave, Ste 100, Helena, MT 59601/ P.O. Box 1027, Poplar, MT 59255

Your phone number: 406-219-7844/406-768-2446

Please email the nomination by May 27, 2022, to McKayla Henson at the Montana Justice Foundation, [mhenson@mtjustice.org](mailto:mhenson@mtjustice.org)

# Montana Legal Services Association



*Provide, protect and enhance access to justice.*

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*\* Also admitted in Blackfeet Tribal Court, Chippewa Cree Tribal Court, Confederated Salish and Kootenai Tribal Court, Crow Tribal Court, Fort Belknap Tribal Court, Fort Peck Tribal Court, and Northern Cheyenne Tribal Court*

May 18, 2022

## **By email attachment**

McKayla Henson  
[mhenson@mtjustice.org](mailto:mhenson@mtjustice.org)

Re: Nomination of Hon. Stacie FourStar for 2022 Karla M. Gray Equal Justice Award

Judge Stacie FourStar has demonstrated a commitment to increasing access to justice in the Fort Peck Tribal Court. She has held the office of Chief Judge for the Fort Peck and Assiniboine Sioux Tribes since 2015.

In her role as Chief Judge, she is involved in an extensive number of projects to expand the capacity of the Court. Judge FourStar is involved in implementing and managing all of the grants that the Court has, including Family Healing to Wellness Court, DUI Court, and Justice for Families. She has also been actively involved in implementation of VAWA special domestic violence jurisdiction at Fort Peck. Fort Peck is the only tribe in Montana exercising this jurisdiction, and it is integral to providing protection and safety to Indigenous survivors of domestic violence.

Judge FourStar has also been involved in other efforts to reduce victimization of Indigenous people, such as Missing and Murdered Indigenous Persons, Tribal Access Points, Tribal Justice Coordinating Committee, and Sex Offender Management.

Judge FourStar is also actively involved in the Fort Peck Community, through the Johnson-O'Malley Program to address educational needs of American Indian Students, the Wolf Point Community Organization which works to expand development at Fort Peck, as well as assisting with cultural committees and event.

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## Administrative Office

616 Helena Ave., Ste 100  
Helena, MT 59601

Statewide HelpLine Number ☎ 1-800-666-6899

## Websites:

Toll Free: (800) 666-6124  
Phone: (406) 442-9830  
Fax: (406) 442-9817

[www.MontanaLawHelp.org](http://www.MontanaLawHelp.org)  
[www.mtlsa.org](http://www.mtlsa.org)

## Funded in part by:

Montana Justice Foundation  
&



Judge FourStar has been an advocate for Fort Peck for the use of restorative justice, particularly focusing on supporting reunification for families struggling with addiction.

Judge FourStar regularly presents locally in Montana, as well as nationally, on a variety of topics to attorneys, judges, and other interested individuals. Through these efforts she shares her considerable wealth of knowledge about tribal justice issues with the legal community.

Judge FourStar has been a tireless advocate for Montana Legal Services Association's work at Fort Peck. She is always available to provide insight, advice, and connections for any new projects to increase availability of legal aid services at MLSA. Most recently, she has supported our Tribal Advocacy Incubator Project, regularly participates in the Advisory Board meetings, and is serving as an instructor to share her knowledge with the participants.

Thank you for your consideration.

Best,



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