

# Tab 1

**Montana Supreme Court Access to Justice Commission**

**March 1, 2024**

**Zoom Video Conference**

**10:00 AM – 12:00 PM**

**Meeting Minutes**

**Commissioners Present:** Justice Beth Baker, Hon. Stacie FourStar, Sen. Wendy McKamey, Hon. John Kutzman, Juli Pierce, Margaret Weamer, Alison Paul, Olivia Riutta, Jacob Griffith, Laura Smith.

**Commissioners Absent:** Ed Bartlett, Lillian Alvernaz, Hon. David Carter, Rick Cook, Aimee Grrmoljez, Hon. Leslie Halligan, Katy Lovell.

**Others Present:** Emma Schmelzer, Kaylan Minor, Franklin Runge, Becky Schupp Watson, Grace Loveless, Alissa Chambers, Cherie LeBlanc-Dyba, Ann Goldes-Sheahan, Stuart Segrest, and Krista Partridge.

**Call to Order & Introductions**

Justice Baker called the meeting to order at 10:03am and asked participants to introduce themselves.

**Approval of December Meeting Minutes**

Justice Baker asked that the minutes from the December meeting be corrected to reflect the actual position of the State Bar of Montana regarding lay advocates working on Indian Child Welfare cases. The minutes should state: “Lillian Alvernaz said that the Indian Law Section of the State Bar has advocated for lay advocates to work on ICWA cases. The State Bar opposed including such language in the 2023 legislation because it would fall within the purview of the Supreme Court.”

With that correction, the minutes were approved without objection.

**Eastern Montana CASA GAL Update**

Cherie LeBlanc-Dyba of Eastern Montana CASA GAL reported on the difficulties faced by foster children when they age out of the system. She stated that she is a proponent of HB 603 that would reinstate parental rights in cases where parents have done the work to turn around their lives and where the children would benefit. Justice Baker said that the Commission hasn’t been involved in dependency and neglect issues, but asked the legislators on the Commission for suggested approaches. Both Rep. Smith and Sen. McKamey offered to have follow-up discussions in working on this issue. Cherie also described the expansion of Eastern Montana CASA GAL to the Fort Peck Reservation. They will be working with the Bureau of Indian Affairs and Child Protective Services to advocate for children in the tribal court at Fort Peck. She added that they have a team of advocates on the Hi-Line and a great relationship with the Fort Peck Tribal Court.

**Strategic Planning Committee Update**

Justice Baker provided an update on the activities of the committee and shared the core values from the draft strategic plan: access, education, and resource development. She explained that the

committee is testing a diagnostic tool that the National Center for State Courts has developed to help courts and their partners assess opportunities for addressing gaps in a state's access to justice efforts. The tool will use inputs provided by the committee to generate a customized report with suggestions for potential access to justice activities as well as resources and best practices. The process also includes a survey designed to gather individual perspectives about access to justice efforts in Montana. Justice Baker said she would share the survey link with all members of the Commission, and with Grace Loveless and Franklin Runge. The committee's goal is to present a draft strategic plan for consideration at the June meeting.

### **IDRT/Family Mediation Update**

Emma Schmelzer provided an update on the status of the IDRT. Emma explained that in October 2023, IDRT became the default for domestic relations cases where at least one litigant is self-represented. Earlier this year, a survey was distributed to Judges and Standing Masters to gather input on IDRT. Half of those who responded had not presided over an IDRT, and noted that often when one party is represented the litigants opt out of the IDRT. Overall, the comments were positive, but respondents expressed the need for more explanatory materials and engagement from the State Bar. Judges commented that it has been difficult for them to explain the process and it's important for them to be confident that litigants fully understand the process. Judge Kutzman said that lots of people are asking where to find resources and materials. Emma said she would send those to him and also said that the materials are available on IDRT.mt.gov. Judge Kutzman added that there are concerns about how appeals will work after an IDRT. Justice Baker said that this model has been used extensively in Alaska and they have experienced very few appeals. She said that Tara Veazey can help connect members of the judiciary with the Court Administrator in Alaska who can answer these kinds of questions. Alison Paul said that MLSA could organize a CLE on IDRT. Justice Baker offered a Zoom Q&A on IDRT for judges and Judge Kutzman thought that was a great idea. Emma will organize and coordinate the Q&A with the Judge's Association Conference in May if possible.

Emma then gave an update on the Family Law Mediation Program. She explained that there have been a lot of challenges with the program and participation numbers have been lower than expected. As a result, the eligibility criteria have been expanded so that only one of the parties needs to qualify financially. The program receives court referrals as well as self-referrals through the Self Help Law Centers, MLSA, Clerks of District Court, community partners, and word of mouth. Emma added that most of the time, only one of the parties makes contact with the program, even when it is a court referral. In addition, more attorneys are needed to provide advice to the parties prior to mediation. Alison Paul said that those attorneys are paid at a modest means rate by MLSA as part of the contract with the Court Administrator's Office. Justice Baker asked if the State Bar can help get the word out to attorneys through an article in the Montana Lawyer. Stuart Segrest agreed, and Emma and Ann Goldes-Sheahan will work on that. Maggie Weamer said she could circulate information through the Gallatin County listserv and could also arrange for Emma to present at an upcoming lunch meeting. She suggested that other local bar associations could do the same. Ann will put Emma in touch with local bar leaders, and Juli Pierce said she would make the connection with the Yellowstone Area Bar Association. Alison added that MLSA will be presenting on Family Law Mediation at the First Judicial District bar association lunch next month.

### **State Bar Discussion of Attorney Regulation & Licensure Alternatives**

Justice Baker explained that the growing demand for legal services and the shrinking bar population, particularly in rural areas, led to discussions about the potential role of non-lawyer advocates in Montana. Stuart said that the next step is to put together a group to determine what needs to be done in terms of legislation and/or court rules in order to make this happen. Alison added that the Commission should be involved in this process and described how Alaska's Bar and Supreme Court approved a program in which Alaska Legal Services trains and certifies non-lawyer advocates called Community Justice Workers. These advocates are staff members at community organizations and domestic violence shelters, and already work with people who need legal help and can't afford an attorney. She explained that this won't change the need for licensed attorneys because this is not something they would do and so the need is unmet. She said that no one objected to this concept during the State Bar discussion and Dean Gagliardi of the UM School of Law is interested in coordinating training with the UM College in Missoula. Alison said that this would not be a legislative issue, but rather should be done through the Montana Supreme Court with the support of the State Bar of Montana. Justice Baker added that task forces across the country are looking at this model and asked anyone who is interested in participating in a work group should let her, Alison, and Stuart know. Olivia Riutta and Laura Smith both expressed an interest. Finally, Alison mentioned that there is already Montana statute that has been interpreted by the Montana Supreme Court to enable a friend or relative to assist and speak on behalf of a party at a proceeding as "one-time only" grant of a privilege in justices' court civil proceedings.

### **MLSA Update**

Alison reported that MLSA has experienced a loss of federal domestic violence grant funding and has laid off a full-time domestic violence attorney as a result. This will impact the level of services that MLSA is able to provide DV survivors, but we will still have five full-time DV attorneys and a full-time DV legal assistant on staff. Stuart suggested that a Montana Lawyer article on DV services and the loss of funding might be helpful and Alison said MLSA would work on a draft.

Alison said that MLSA conducted a benefits review over the last year in an effort to improve recruitment and retention. The top recommendation from the review was to adopt a 35-hour work week that will be effective in April. She explained that MLSA has piloted a shortened work week over the last three summers with good results. She added that most legal aid organizations have full time weeks between 32 and 37 hours in recognition of the low pay for legal aid staff relative to state government and the private sector. She said that there is a lot of evidence that this is an effective means to reduce burnout and attract high quality staff.

Alison reported that MLSA has recently partnered with the Montana Consortium of Urban Indians in an expansion of our medical legal partnership program with community health centers. Finally, she explained a recent success for MLSA in access to justice litigation. In this case, a judge refused to accept a fee waiver application without additional documentation of a litigant's income, even though the litigant received SNAP benefits and should have received a fee waiver on that basis alone. MLSA stepped in and still the judge would not approve the fee waiver. MLSA successfully petitioned for a Writ of Supervisory Control from the Montana Supreme Court.

**Public Comment and Next Meeting Dates**

Justice Baker reminded the group of the upcoming meeting dates and asked members to review the Commission roster and update their email addresses if necessary. She asked for public comment and there was none.

The next meeting is on June 7, 2024. The meeting was adjourned at 11:30am.

# Tab 2

## **Karla M. Gray Equal Justice Award**

- The Karla M. Gray Equal Justice Award will be presented at the annual Meeting of the State Bar of Montana. The annual award honors a judge who has demonstrated dedication to improving access to Montana courts. Consideration for this prestigious award will be given to nominees who demonstrate this dedication and commitment with a combination of some or all of the 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.

One award winner will be selected by the Access to Justice Commission after receiving recommendations from the Justice Initiatives Committee. Nomination materials will be retained and considered by the Equal Justice Task Force for 3 years.

The award coincides with the Commission on the Code of Judicial Conduct's approval of new language to specifically recognize a judge's ability to provide leadership in improving equal access to the justice system, develop public education programs, engage in outreach activities to promote the fair administration of justice, and convene and participate in advisory committees and community collaborations devoted to the improvement of the law, the legal system, the provision of legal services and the administration of justice.

# 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: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

**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: \_\_\_\_\_

Your address: \_\_\_\_\_  
\_\_\_\_\_

Your phone number: \_\_\_\_\_

Please email the nomination by June 20, 2024, to Becky Schupp Watson at the  
Montana Justice Foundation, [becky@mtjustice.org](mailto:becky@mtjustice.org)



# Tab 3

# An Assessment of Self-Help Resources in Montana

Prepared by Angie Wagenhals

For the Office of the Court Administrator

May, 2024

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## Background, Methodology, and Limitations

**Background:** The Court Help Program in Montana began with funding in 2007 with the goal of giving pro se litigants “the information [they] need to understand [their] legal rights and responsibilities and to help resolve [their] legal problems on [their] own if [they] cannot afford an attorney or if [they] choose not to hire one”<sup>1</sup>. The Program has multiple physical locations in urban areas across the state and provides remote assistance through computer kiosks in some rural parts of the state. The Court Help Program also provides free legal forms on its website at [www.courts.mt.gov](http://www.courts.mt.gov) and offers a free family law mediation program for pro se litigants who may be able to come to an agreement outside of court in their parenting plan matter.

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<sup>1</sup> (n.d.). *Montana Self-help Program*. Montana Judicial Branch. <https://courts.mt.gov/SelfHelp/>

In 2023, the Court Help Program determined that it would like to review the current resources available to determine what is working well, what needs to be improved, and any other changes that may be made to provide the best services possible to pro se litigants and best serve an overloaded court system. In order to complete this review, the Court Help Program contracted with Angie Wagenhals. Ms. Wagenhals has a background in legal aid and has a wide range of experience with self-help resources in the state of Montana. The assessment was conducted over several months starting in October 2023 and concluded with the writing of this report in April 2024.

**Methodology:** In order to gather up to date information on the self-help resources available through the Court Help Program, this assessment took the following data into account:

- 1) Current resources available;
- 2) Usage rates of each resource (where available);
- 3) Interviews with all self-help center staff;
- 4) Interviews with stakeholders including urban and rural court staff, Montana Legal Services, etc;
- 5) Interview with Family Law Mediation staff;
- 6) Surveys from courts and community partners;
- 7) Surveys from center users;
- 8) Surveys from center staff.

Surveys were distributed through the court's internal list serve for court staff and the Montana Legal Services Association's (MLSA's) community partner list serve for community partners. The self-help staff were contacted through the Program Administrator. Surveys for center users were made available at the center as part of the center intake process. Interviews with staff and stakeholders were all conducted over the phone, Zoom, or in person by Ms. Wagenhals in the winter and early spring of 2023-2024.

**Terminology:** While every effort was made to be consistent in terminology throughout the report, there are a few terms that may be used interchangeably and some that benefit from explanation.

**Customers/Clients/Patrons:** For the purposes of this report, these terms are used interchangeably. The centers typically refer to individuals utilizing their services as customers and so that term is what is used most often throughout this report. However, clients and/or patrons may be used as well.

**Full Court:** Full Court is the online database that courts in Montana use for filings, etc.

**Kiosk:** A kiosk is a workstation that has a computer, access to the internet, and a printer. These are set up in rural parts of the state and have access to the two websites that offer free legal forms along with online chat support offered by MLSA.

**“Top of license:”** “Working at the top of [someone’s] license” is a term that is sometimes used to describe using a professional’s time to do work that only that professional can do, i.e. an attorney effectively using their law license to practice law rather than committing time to other, non-legal tasks. In this report, it is used to describe centers and center staff in the same way and implies using those resources as best as possible and to the maximum capacity that their training allows.

**Limitations:** It is worth noting that, like all broad assessments, there are limitations to this report.

**Lack of client/customer response:** Because of the nature of the court help program, incentives could not be offered for customers to complete a survey. The customer version of the survey was shared by MLSA through their social media outlets and was made available at the self-help law centers. Unfortunately, only six individuals completed the survey. While their responses have been included as part of this report, those responses should not be taken as the final word on services from the customer community because of the limited number. It is always extremely difficult to get user feedback on services like those offered by the court help program so this lack of response is not surprising. Customers are busy with their lives and the legal issues that brought them to the center in the first place.

**JFM Turnover:** It should also be noted that many of the center “staff” who were interviewed are AmeriCorps Justice for Montanans (JFM) members. At the time of the interviews, many of these members had only recently started their positions at the center. The interviews were conducted primarily in January-February 2024 and the JFM members started their service in September 2023. Since many members had only been at the centers for about four months, their responses may lack some depth of experience. However, some permanent center staff have been in their positions for years and have a wealth of experience to draw on. It is important to keep this in mind when reviewing feedback from individual centers- both from permanent staff and JFM members.

## Current Resources Available

There are two types of resources offered through the Court Help Program- those that are local and specific to one community and those that are offered statewide. The same can be said for all self-help resources in the state.

Localized:

**Self-Help Law Centers:** Brick and mortar centers that generally provide in person assistance selecting and completing pro se civil court forms. Note that some centers do not provide in person assistance due to shortages in staff.

**Remote Self-Help Law Centers:** These are often called “kiosks” and are located in more rural areas around the state. Remote centers have a computer and printer with easy access to online forms and the live chat service- LiveHelp- administered by MLSA.

**Local Family Law Clinics:** Many communities across the state partner with the Montana Legal Services Association to host regular family law clinics. These clinics provide advice and form assistance from volunteer attorneys to pro se litigants who have a family law issue. Each clinic has different requirements for participation and most utilize MLSA to complete income screening and scheduling. Clinics currently run in Missoula, Great Falls, Billings, and Helena.

**The Cascade County Law Clinic:** The Cascade County Law Clinic (CCLC) serves Great Falls and is a separate entity from both MLSA and the Court Help Program. The CCLC places family law and landlord tenant cases with private attorneys in the Great Falls area on a pro bono basis. While the CCLC can provide limited pro se assistance, their primary aim is to work with clients to find full representation pro bono assistance. The CCLC also partners with MLSA to host a once a month limited scope family law advice clinic for Great Falls residents.

Statewide:

**Online Resources:** Montana has two online resources available to pro se litigants. The first is [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org) and is administered by MLSA and contains forms, instructions, resources, and other pro se friendly materials. The second is [www.courts.mt.gov](http://www.courts.mt.gov) and is administered by the Montana Office of the Court Administrator and contains forms, instructions, resources, and other pro se friendly materials. The forms and instructions are often the same between the two sites because forms are developed by a volunteer committee and posted to both sites. There is some variation between the two- for example [www.courts.mt.gov](http://www.courts.mt.gov) has a packet for filing motions that [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org) does not- but materials are generally the same.

**The Montana Family Transition Project:** The Montana Family Transition Project is a project of the Montana Legal Services Association and the Montana Office of the Court Administrator. The Project provides free mediators, legal advice, and child support calculations to Montanans who believe they can come to an agreement on a parenting plan out of court. The Project operates statewide but only accepts direct referrals through court order in certain counties (Gallatin, Yellowstone, Lincoln, and Cascade). In all other areas,

litigants are encouraged to contact the program themselves to complete the screening process.

**The Montana Legal Services Association:** The Montana Legal Services Association (MLSA) provides free civil legal assistance to low-income Montanans across the state and in Montana’s tribal communities. MLSA is funded by the Legal Services Corporation (LSC) and can provide legal advice, referrals to pro bono attorneys, and full representation assistance in some cases.

**The State Law Library of Montana:** The State Law Library of Montana is a free resource that is open to all Montanans. It is located in Helena but anyone in need of assistance can reach a librarian over the phone. The mission of the Library is “...to provide legal information and resources, to enhance knowledge of the law and court system, and to facilitate equal access to justice, statewide.”<sup>2</sup> The Library is staffed by highly competent law librarians and serves both the general public and Montana’s legal community.

## Current Usage of Resources

### Self-Help Law Centers

Self-help law centers ask customers to complete an intake form when they access the center. Data on the usage of each center is based on that intake form. The data used in this report is from November 2022-November 2023. During that time period:

- There were **15,526** visitors to the self-help law centers.
  - 41% of those were repeat visitors
  - 92% self-identified as needing legal forms
  - 10% self-identified as needing “other”
  - 4% self identified as needing an attorney
- Visitors during that time period accessed the following centers:
  - Yellowstone County (65%)
  - Flathead County (18%)
  - Missoula County (11%)
  - Cascade County (3%)
  - Gallatin County (1%)
  - State Law Library (1%)
- The majority of visitors were between the ages of **25-34 (36%)** and **35-44 (27%)**
- Of the visitors that reported their income: **1,462 were at or below the poverty line** while **3,135 were above the poverty line** (over twice as many).

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<sup>2</sup> (n.d.). *Law Library of Montana*. Montana Judicial Branch. <https://courts.mt.gov/library/>

- Most visitors were white (91%) followed by Hispanic/Latino (5%), Native American (4%), Black (3%), Asian or Asian American (1%)
- Only 4% of visitors were enrolled tribal members.

## The State Law Library of Montana

The State Law Library of Montana tracks its patron interactions and records which legal issue each patron needed assistance with. Between January 2022 and January 2024, the State Law Library patrons requested assistance with the following:

- Other (2112 requests)
  - Other Library research/help 558
  - CLE 108
  - Forms/Copies 53
  - Employment 46
  - Legislative History 37
  - Taxes/Financial 28
  - Tribal Law 22
  - Civil/Small Claims 19
  - Civil Rights 16
  - Guardianship 16
  - Environmental/fish & wildlife/mining 15
  - Evidence 14
  - Elder Law/Medicare/Medicaid 12
  - Montana Law research 10
  - Self Help/Family Law 7
  - District Court 6
  - Civil Procedure/Jury Instructions 6
  - Misconduct Issues 6
  - Code Information 5
  - Statutory Process Information 4
  - Security/Law Enforcement 3
- Family Law (1834 requests)
- Unknown (833 requests)
- Criminal Law (618 requests)
- Civil Procedure (497 requests)
- Wills/Estates (487 requests)
- Property (384 requests)
- Landlord/Tenant (321 requests)
- Non-legal issues (302 requests)
- Administrative (244 requests)
- Appeals (163 requests)
- Weapons (153 requests)

- Torts (64 requests)

## Montana Family Transition Project

Because all participants in the Montana Family Transition Project must complete an application with MLSA to ensure income qualification, MLSA's intake data can be used to track participation in this particular program.

Currently, there are:

- 8 cases in progress;
- 17 cases that have reached a full agreement;
- 5 cases that have reached a partial agreement; and
- 11 cases that did not come to an agreement.

Of those referred to the program:

- 119 were referred by the court;
- 72 had an unknown referral source;
- 13 were referred by "other;"
- 10 were referred by a SHLC;
- 9 were referred by a friend or family member;
- 5 heard about the program through prior use;
- 4 were self-referred; and
- 3 were referred by another legal aid (in this case, usually another service provider).

Referrals came from around the state but the top 10 counties were:

- Cascade (51)\*
- Gallatin (47)\*
- Flathead (21)\*
- Missoula (21)
- Yellowstone (12)\*
- Lewis and Clark (6)
- Mineral (4)
- Glacier (3)
- Sanders (3)
- Choteau (3)

[www.Courts.mt.gov](http://www.Courts.mt.gov)

Not available

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



Montana Legal Services tracks visitor information on its website and is able to report on which resources are accessed the most often, etc. In 2023:

- There were **180,757** visitors to [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org);
  - 54,998 accessed family law resources
  - 52,171 accessed housing law resources
  - 24,415 accessed wills/probate law resources
  - 9,242 accessed consumer law resources
  - 8,991 accessed domestic violence/stalking resources

## Trends

**Relatively few customers say they need an attorney.** Perhaps one of the most interesting data points is the relatively low number of self-help center customers who report coming to the center because they need an attorney. In fact, of the 15,526 customers only 4% reported that they came to the center because they need an attorney. This is worth noting because it may indicate that many customers of the self-help centers are capable of representing themselves and are seeking out the resources they need to do so. Of course, without a chance to ask customers more questions about their need for an attorney, it is hard to guess what might be behind this data point. However, it is worth keeping in mind.

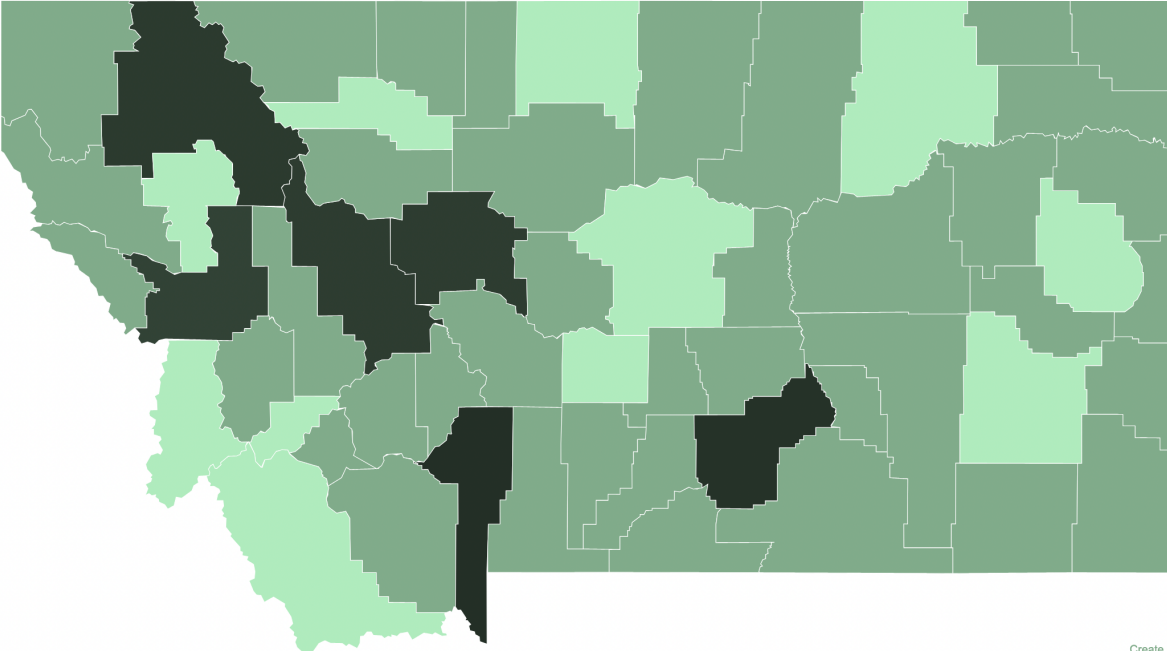
**Majority of center customers are under the age of 45.** It is also worth noting that 63% of the self-help center customers are between the ages of 25 and 44. This is a relatively young age demographic seeking out in-person services and it may be worth keeping in mind as different solutions to center services are considered (i.e. technologies, etc.).

**Overwhelming number of customers are visiting Billings.** The vast majority of self-help center visitors are accessing help at the Billings location. Of the 15,526 customers that used a self-help center between November 2022 and November 2023, 65% visited the Billings center. While this may not be surprising given the size of Billings (it is the largest city in Montana), it is worth noting given the fact that the Billings center currently does not have an AmeriCorps JFM member serving there and the center is staffed by one person. That means one person is handling 65% of walk-in self-help traffic for the entire state.

**Family law a top demand.** Family law remains one of the top resources accessed through online resources. Both the State Law Library of Montana and [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org) report family law as one of their most accessed resources. While the centers do not track the topic their customers get help with, anecdotal information from interviews with staff point to family law as the overwhelming issue for which people access self-help centers as well.

# Location of Resources:

Self-help resources are scattered throughout the state. The below map shows locations of both self-help centers and self-help kiosks across the state. Of course, there are statewide resources to keep in mind (like the two self-help websites and the mediation program), but the below chart highlights the availability of resources in certain parts of the state. Dark green represents counties that have a brick and mortar self-help center while the very palest green shows counties where there is a self-help kiosk. Everything else is a county where the self-help resources available are limited to the statewide resources and where there is no center. It is worth noting that the physical centers where individuals can get in-person services are concentrated in the Western part of the state while the Eastern part of the state is limited to kiosks or statewide resources. This concentration of resources is discussed in the “Issues” section of this report.



## User and Partner Feedback:

As part of the evaluation process, court staff, center staff, and self-help users were surveyed to help understand the effectiveness of the centers, what works well, and where improvements might need to be made. In addition to surveys, the consultant also did one-on-one interviews with all center staff and several other key partners including the Montana Legal Services Association, the coordinator for the Family Law Mediation Project, and clerks of court from both rural and urban areas.

### Survey of Users:

In order to evaluate the self-help services provided in Montana, surveys were sent to community partners, court staff, self-help center staff, and were made available to self-help users. While the survey received an excellent response rate from both community partners and self-help center staff, there were relatively few responses from self-help users. Below, the key findings from the survey are summarized according to the response group.

Services (Forms)				
		Yes	No	I don't know
Do you know about self-help forms?	Court Staff	100%	-	-
	Customers	50%	50%	-
	Center Staff	100%	-	-
Do you know about the self-help law centers located in Montana?	Court Staff	89%	11%	-
	Customers	75%	25%	-
	Center Staff	100%	-	-
Have you used or interacted with the forms from the centers or the websites?	Court Staff	94%	6%	-
	Customers	67%	33%	-
	Center Staff	100%	-	-
Do you feel the forms are accurate?	Court Staff	68%	20%	12%
	Customers	-	-	100%
	Center Staff	40%	40%	20%
Do you feel the forms are easy for pro se litigants to understand?	Court Staff	44%	32%	24%
	Customers	100%	-	-
	Center Staff	40%	60%	-
Do you feel the forms are easy for pro se litigants to use?	Court Staff	40%	38%	22%
	Customers	100%	-	-
	Center Staff	40%	20%	40%
Do you believe that the forms help pro se litigants understand the court process and how to participate?	Court Staff	70%	20%	10%
	Customers	50%	50%	-
	Center Staff	50%	25%	25%

Services (General)				
		Yes	No	I don't know
Do you believe that the in-person services generally help with the kind of legal issues pro se litigants need assistance with?	Court Staff	68%	16%	16%
	Customers	100%	-	-
	Center Staff	100%	-	-
Do you believe that the in-person services provide helpful information about legal issues and next steps?	Court Staff	58%	16%	26%
	Customers	100%	-	-
	Center Staff	100%	-	-
Do you believe that pro se litigants are able to get information on the status of their case generally?	Court Staff	68%	11%	21%
	Customers	100%	-	-
	Center Staff	67%	-	33%
Do you believe that pro se litigants are able to get information on court procedures or have someone answer their questions on court procedures?	Court Staff	53%	11%	37%
	Customers	100%	-	-
	Center Staff	100%	-	-
Do you believe that pro se litigants can get information on their legal rights and consequences at the center?	Court Staff	21%	-	79%
	Customers	67%	33%	-
	Center Staff	100%	-	-
Do you believe that pro se litigants are able to get help selecting and completing court forms at the center?	Court Staff	58%	11%	32%
	Customers	67%	33%	-
	Center Staff	100%	-	-
Do you believe that pro se litigants leave the center with completed forms?	Court Staff	21%	26%	53%
	Customers	67%	33%	-
	Center Staff	67%	33%	-

Do you believe that pro se litigants leave the center with an understanding of deadlines in their cases?	Court Staff	26%	-	74%
	Customers	67%	-	33%
	Center Staff	100%	-	-
Do you believe that pro se litigants leave the center with instructions and next steps in their case?	Court Staff	26%	5%	68%
	Customers	100%	-	-
	Center Staff	100%	-	-
Do you believe that there is technology available to pro se litigants to assist with the process of getting help at the centers?	Court Staff	21%	5%	74%
	Customers	100%	-	-
	Center Staff	33%	67%	-

Facilities				
		Yes	No	I don't know
Do you believe that the hours at the center are convenient for pro se litigants?	Court Staff	47%	26%	26%
	Customers	100%	-	-
	Center Staff	67%	33%	-
Do you believe that the hours at the center are predictable for pro se litigants?	Court Staff	53%	21%	26%
	Customers	100%	-	-
	Center Staff	100%	-	-
Do you believe that the hours for the centers are easy to find online?	Court Staff	5%	16%	79%
	Customers	100%	-	-
	Center Staff	100%	-	-
Do you believe that it is clear what services the center does not help with?	Court Staff	37%	26%	37%
	Customers	100%	-	-
	Center Staff	100%	-	-

Referrals and Partnerships				
		Yes	No	I don't know
Do you feel that centers have information about other organizations that might be able to help pro se litigants?	Court Staff	26%	-	74%
	Customers	50%	50%	-
	Center Staff	100%	-	-
Are the centers able to help pro se litigants connect with another organization that might be able to help them?	Court Staff	26%	-	74%
	Customers	100%	-	-
	Center Staff	100%	-	-
Do you believe that pro se litigants often need legal advice after getting help from a center?	Court Staff	47%	21%	32%
	Customers	67%	33%	-
	Center Staff	33%	33%	33%
Do you feel that the centers are generally able to make referrals for pro se litigants to get legal advice?	Court Staff	21%	5%	74%
	Customers	33%	-	67%
	Center Staff	33%	67%	-
Do you believe that the centers have information on how to access mediation services if a pro se litigant needs a referral to mediation?	Court Staff	26%	5%	68%
	Customers	-	-	100%
	Center Staff	100%	-	-
Do you feel that pro se litigants have all the information and resources they need when they leave the center?	Court Staff	21%	37%	42%
	Customers	21%	37%	42%
	Center Staff	33%	33%	33%

## Notes on Results:

While the results from each survey are taken into account throughout the assessment, there are a few things worth emphasizing that do not arise in other sections of this report.

**High volume of “I don’t know” response from court staff:** Court staff responded with “I don’t know” to many of the questions throughout the survey. This could be explained a few ways. The first is that many of the respondents do not live in a community with a physical self-help center and so may never interact with the program. It is also possible that many court staff refer to the centers and see some of the results but cannot give fully informed answers because their involvement in the process is limited. Regardless of the reason, the high volume of “I don’t know” responses also indicates a need for broader education and training for court staff. Regular training may help all centers become more familiar with the resources available and help expectations on the level of services provided.

**Litigants not always able to get information on the status of their case generally:** While some self-help centers in particular districts have access to Full Court, this is not uniform across districts and means that many center staff are not able to access a customer’s case file or register of actions. This is discussed in other sections of this report.

**Discrepancy between actual referrals to mediation program and center staff responses:** It is worth noting that all center staff responded that the centers have information on how to access mediation services if a pro se litigant needs a referral to mediation. However, during interviews with both center staff, JFMs, and mediation program staff it does not seem that the referrals are always made. In fact, the mediation program reports that only 10 of the 237 referrals received between April 2023 and April 2024 came from a self-help law center. This may be because the center recommends that a litigant apply for the mediation program and the litigant never follows up. It may also indicate that more training is needed so that center staff confidently refer to the mediation program on a regular basis.

**Perspective on client responses:** When reviewing the customer responses it is important to remember that the customers who are responding to the survey are those that are doing so from a self-help center. This may skew the results a bit in that just by the fact that they have made it to the center, it is more likely that center hours were clear to them, etc. While it is indeed a small pool of customers it is important to keep in mind that those that are completing a survey are those that were able to successfully access services and the results may reflect that.



## How is it working?

In order to evaluate what is working well and what needs to be improved among Montana's self-help resources, it is helpful to apply national recommendations and best practices issued by the National Center for State Courts in their report, "Court Based Self-Help Centers: National Survey Findings, Recommendations and Best Practices" published in July 2023<sup>3</sup>. While this study focuses on court centered self-help resources in state courts, its best practices are applicable outside of that context as well and can be applied to most self-help resources available in Montana.

The report highlights ten categories of standards:

1. Budget and Funding
2. Services
3. Staff
4. Referrals and Partnerships
5. Facilities
6. COOP and Program Closures
7. Access
8. Branding and Advertising
9. Data Collection and Reporting
10. Feedback and Complaints

In order to avoid a report that is too broad in scope or recommendations that are too overwhelming, this report will focus on:

1. Budget and Funding
2. Services
3. Staff
4. Referrals and Partnerships
5. Facilities

**Budget and Funding:** Best practices outlined by the National Center for State Courts (NCSC) note that "consistent and adequate funding"<sup>4</sup> are essential to the provision of self-help services. The report also recommends that the budget should include funds to support 1) facilities, 2) staff, 3) supplies and equipment, and 4) technology and subscriptions<sup>5</sup>. Overall the report recommends that programs "use data to support funding requests and communicate program impact to funders."<sup>6</sup>

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<sup>3</sup> A. Souza, L. Summers, K. Pulliam, D. Silva eds. Court-Based-Self-Help Centers. [Williamsburg, VA: National Center for State Court, 2023]

<sup>4</sup> Ibid 18

<sup>5</sup> Ibid

<sup>6</sup> Ibid

1. Consistent and adequate funding: Does the program have consistent and adequate funding?

**Generally, yes.** The self-help centers in Montana are funded primarily through the Montana Supreme Court<sup>7</sup> which, in turn, receives its funds through the state legislative budget process. Because of this, the centers have enjoyed relatively stable long-term funding since the program's inception in 2007. However, as with any legislative funding, the dollars used to support the work of the centers are always at risk if budget cuts are made by the legislature or the Montana Supreme Court. Other programs, like the Family Law Mediation Program are also funded through the Montana Supreme Court using legislative funds. However, this program is funded as part of a special legislative bill and as such has its own budget, timeline, etc.

*RECOMMENDATION 1: Diversify funding.*

2. Necessary components of program: Does the funding the program has go to support the necessary components of the program?

**Yes.** The self-help programs administered through the Montana Supreme Court's Office of the Court Administrator use their funds to support facilities, staff, supplies and equipment, and technology and subscriptions. Funds are also available for occasional travel for center staff who need to travel to more remote areas outside of their center location in order to provide remote services.

3. Use of data: Is data used to support funding requests and communicate program impact to funders?

**Generally, no.** The self-help centers do keep track of data on each center's traffic. This data is collected as a survey when customers enter the center. While this data gathers useful information on demographics, prior use, services sought, income, and domestic violence in the home it does not gather any information on the impact of each center visit for each client. In addition, little data is available to fully explain the impact of the centers and other self-help resources on the court system (i.e. time saved when litigants are prepared, etc.). Together with more qualitative data on the impact of the services provided by the center on each individual litigant (like increased understanding of the court process, etc.), gathering and tracking more data on the impact of self-help services on the courts in the state may lead to more (or more diversified) funding in addition to a better understanding of the impact of self-help resources on the state.

*RECOMMENDATION 2: Broaden and improve data collection.*

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<sup>7</sup> (Court Help Program, n.d.)

**Services:** The National Center for State Courts breaks services best practices into four categories: 1) essential services, 2) case specific information, 3) service delivery, and 4) hours<sup>8</sup>. The provision of “essential services” covers a wide range of recommendations in the NCSC report. Overall, centers should, “provide substantive and procedural information and referrals to court-based and community programs.”<sup>9</sup>. The provision of essential services means that staff should be trained to provide: 1) case status information, 2) procedural information and assistance, 3) information about legal rights and consequences, 4) help selecting and completing court forms, and 5) access to computers and other technology and help using that technology.

National standards include recommendations regarding case specific information. As suggested in the NCSC report, programs should help with as many case types as possible and should be knowledgeable about other programs that they can refer users to<sup>10</sup>. Services should be offered in person and remotely and data from the program should be used to select the method that works best for each community<sup>11</sup>. Lastly, program hours should be consistent and clearly communicated in outreach materials.

1. Essential services: Are staff able to provide case status information?

**Generally, no.** Montana’s self-help centers are able to provide case status information only if the judicial district within which they operate offers staff or clients access to Full Court or similar. This is not consistent across judicial districts and only a handful allow center staff to access Full Court to view registers of action, etc. This may improve as electronic filing becomes more ubiquitous but universal access to Full Court for center staff would allow for more robust services for customers.

*Recommendation 3: Continue to expand access to Full Court for self-help staff so that staff can help clients understand the status of their case.*

2. Essential services: Are staff able to provide procedural information and assistance?

**Generally, yes with room for improvement.** Most center staff say that they are able to provide procedural information and assistance to center customers. However, many noted that it’s dependent on the complexity of the case, how much time they have available, etc. However, some centers are not able to provide this kind of assistance at all due to shortage of staff and restricted center hours.

*Recommendation 4: Staff should be regularly trained to provide procedural information and assistance so that they can assist clients across all centers who have questions on court procedures.*

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<sup>8</sup> A. Souza, L. Summers, K. Pulliam, D. Silva eds. Court-Based-Self-Help Centers. [Williamsburg, VA: National Center for State Court, 2023]

<sup>9</sup> Ibid 19

<sup>10</sup> Ibid 20

<sup>11</sup> Ibid 21

*Recommendation 5: Standardize services across centers.*

3. Essential services: Are staff able to provide information about legal rights and consequences?

**Generally, yes.** All center staff report being able to provide information about an individual's legal rights and consequences in most cases. However, it is worth noting that only 21% of court staff report that clients are informed of their legal rights and consequences when accessing services at a center. This discrepancy may lie in a difference in expectations between center staff and the courts. The courts may expect that clients receive more in-depth information whereas the centers have to be cautious that they not provide legal advice and therefore cannot speak to rights and consequences that are specific to an individual's case. This area merits more investigation to determine whether staff are providing as thorough an explanation as possible about an individual's legal rights and consequences. There may be fear that providing more assistance gets too close to legal advice. It may also be worth working with judicial and court staff to educate them on the extent to which center staff can provide information about legal rights and consequences in order to manage those expectations.

*Recommendation 6: Consider expanding level of services provided by center staff to include legal rights and consequences.*

4. Essential services: Are staff able to provide help selecting and completing court forms?

**Generally, yes with room for improvement.** Center staff can usually help select and print forms but may not be able to help an individual complete those forms. In many centers, this comes down to staffing- center staff simply cannot take the time to help an individual go through forms if they are the only person in the center. It seems that the centers with a staff person and an AmeriCorps are more likely to be able to assist with the completion of forms. This is a vital service offered by the centers and should be a priority if possible. While an attorney may need to answer questions on legal rights and consequences or procedural information, the centers are poised to get a self-represented litigant well on their way by helping an individual complete the forms. One-on-one assistance completing these forms would likely help ensure that forms are completed in compliance with local rules, etc. and help clients file complete and accurate forms.

*Recommendation 7: Focus on this aspect as a core service of the centers and look for solutions to ensure that assistance completing forms is a service offered at all centers.*

5. Essential services: Is there technology available to facilitate services at the center and can staff assist pro se litigants with that technology?

**Generally, no.** Survey responses and individual conversations with self-help staff make clear that there is not always reliable technology available at centers across the state. In fact, 67% of center staff reported that there was not technology available to pro se litigants to assist with the process of getting help at the centers and 74% of court staff said they did not know if there was. However, during one-on-one interviews with center staff, most reported that the technology was sufficient to help pro se litigants. It is difficult to explain this difference but it is helpful to look at one respondent's interview comments. During an interview, this respondent noted that laptops or tablets would assist with intake at the centers and that, because of funding restrictions, the number of computers per center is limited. Given the need for more data, the case for technology to help with intake is compelling. Automated intake would both gather more information and may make the intake process easier for client use.

*Recommendation 8: Consider technology tools to assist with intake.*

6. Essential Services: Does Montana's self-help program offer help with as many types of cases as possible?

**Generally, yes.** Montana's self-help centers and resources offer help with as many types of cases as possible. When possible, staff at the centers help with as many case types as possible and are knowledgeable about other programs that they can refer users to. The nature of the program in Montana puts some restrictions on the types of cases that self-help services can assist with because the program is limited to civil legal assistance and cannot help with criminal law issues. Both websites that offer self-help resources in Montana- [www.courts.mt.gov](http://www.courts.mt.gov) and [www.montanalawhelp.org](http://www.montanalawhelp.org)- provide a broad array of forms and information for civil legal issues and provide some forms that apply to multiple different types of cases- like motion packets and information on service of process.

7. Essential services: Are self-help staff knowledgeable about other programs that they can refer users to?

**Generally yes with room for improvement.** Self-help staff are generally knowledgeable about other programs that they can refer users to. However, while most staff and AmeriCorps members report that they are able to make referrals to other service providers in the community, few meet with these providers regularly and many point out that they are unable to make a warm hand off to another agency. Improving these relationships may help ensure that center users are able to connect with other service providers beyond being given contact information and may also ensure that center staff have the most up to date information on services offered. For example, one of Montana's self-help resources offered to pro se litigants is the Family Law Mediation Program. While staff seemed generally familiar with the program, Mediation Program staff report very few referrals from staff. The services offered by the Mediation Program may be extremely helpful to pro se litigants whose case may benefit from mediation but center staff are either not making referrals

often or clients do not connect with the program after receiving contact information from center staff.

*RECOMMENDATION 9: Solidify ties between different self-help resources and service providers across the state.*

8. Essential services: Does the self-help program offer in person and remote service delivery using data to select the method that works best for each community?

**Generally, yes.** The self-help program offers both in person and remote service delivery. In person options include the physical self-help centers in the urban areas of the state. Remote services are provided through kiosks and the free forms provided online. While communities for the centers are chosen based on population and court traffic, there is an opportunity to more closely scrutinize the data to determine if in-person or remote services work best by community.

9. Essential services: Are program hours consistent and clearly communicated in outreach materials?

**Generally yes with room for improvement:** All centers keep regular hours but there is not program wide consistency. Hours for each center are dependent on center location and staffing. Some centers are at the mercy of the building they're located in (Great Falls) and must set their hours accordingly. Some are open consistently but are only able to take scheduled appointments and cannot accommodate walk-ins because of staffing shortages. The differences between centers in different communities means pro se litigants in some communities can get in person help without an appointment during regular business hours while litigants in other communities must make an appointment.

*Recommendation 10: Where possible, make center hours and services uniform across the state to ensure that pro se litigants can expect the same level of service regardless of where they live.*

**Staff:** The NCSC report breaks staff down into three categories: 1) staff structure, 2) staff qualifications, and 3) staff training<sup>12</sup>. Generally, best practices recommend that staff be well qualified and consist of an attorney when possible<sup>13</sup>. Staff should receive onboarding and ongoing training and new staff should be mentored by more experienced staff<sup>14</sup>.

1. Staff Structure: Are self-help programs staffed with at least one attorney and able to utilize social workers and other professionals to provide wrap around services?

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<sup>12</sup> Ibid 23

<sup>13</sup> Ibid

<sup>14</sup> Ibid 25

**Generally no.** Most of the larger programs- the court help program generally, the mediation program, the law library, etc.- employ highly qualified individuals with an extensive background in their field. In addition some individual centers employ highly qualified, long term staff who understand the ins and outs of their local court system extremely well. However, the centers are also staffed with AmeriCorps members who turn over every year. In addition, the programs are not generally staffed by attorneys and there are not qualified social workers available to provide wrap around services. It is worth noting that the extent that the centers need an attorney or other licensed professionals is open for debate as the national conversation continues to turn to the increasing use of non-lawyers to provide specialized legal help<sup>15</sup>. While the NCSC may recommend that an attorney be available to the self-help program, this may be one area where there is room for a creative approach.

*RECOMMENDATION 11: Consider whether staffing (and management staffing) is sufficient for the needs of the program and consider alternative staffing structures.*

2. Staff Qualifications: Are recruitment efforts tailored to attract staff with relevant experience and skills?

**Generally yes.** Recruitment efforts are tailored to attract staff with relevant experience and skills. While AmeriCorps members often come to the centers without any legal experience, that is not the expectation and many serve as an AmeriCorps because of their interest in law school. In addition, many staff at the centers and other programs are qualified paralegals or individuals with extensive experience in the field indicating that recruitment efforts are tailored to the needs of each entity.

3. Staff Training: Are new and current staff provided onboarding and ongoing training and given access to an electronic knowledge base to support ongoing training?

**Generally yes with room for improvement.** Self-help program staff consist of two different groups- permanent, salaried staff and AmeriCorps Justice for Montanans (JFM) service members. Both onboarding training and ongoing training differ slightly for each group. When interviewed, many permanent staff noted that they had received “a little” training when they started. However, many of them have been in their positions for several years and could not always recall specifics. Most noted that the program administrator at the time came to the center and provided some level of onboarding training. AmeriCorps JFM members receive training through MLSA because MLSA manages the overall AmeriCorps JFM program in Montana. Center JFM are included with all MLSA JFM members for onboarding training at the outset of their term of service and then receive a half day training from the Program Administrator on the centers specifically. However, they do not

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<sup>15</sup> Hughes, T., & Reichard, J. (n.d.). *How States Are Using Limited Licensed Legal Paraprofessionals to Address the Access to Justice Gap*. American Bar Association.  
<https://www.americanbar.org/groups/paralegals/blog/how-states-are-using-non-lawyers-to-address-the-access-to-justice-gap/>

seem to receive an extensive amount of center specific training after the MLSA program is complete and receive varying degrees of mentorship depending on site location.

Both AmeriCorps and center staff noted that there is not consistent ongoing training offered. Some noted that they are notified of training availability but there does not appear to be a set ongoing training schedule. Ongoing training could assist with many things by providing more in-depth topic training, refresher training on common legal issues, and updates on changes in the law or practices across counties. It could also provide an arena for site staff and JFM members to interact with one another and learn from one another.

Lastly, the program does maintain an electronic knowledge base available to both center staff and JFM members. The knowledge base is maintained by the program administrator. While the site does take considerable time to manage and keep up, it offers a database of previous training materials. A consistent ongoing training schedule would both provide an opportunity to continually update these materials and would be a good reminder for staff and JFM members that the resource exists.

*Recommendation 12: Provide more center specific training for JFMS as part of the onboarding process.*

*Recommendation 13: Start a regular ongoing training program with set schedule of topics determined in advance offered to both site staff and JFM members.*

**Referrals and partnerships:** In a large rural state like Montana, there is no doubt that the self-help program must rely on referrals and support from other agencies in order to provide complete services to users. According to the best practices laid out in the NCSC report, “Users who visit a self-help center often need more or different help, including full representation, limited scope, or referrals to programs such as rental assistance or social services. Self-help centers should be able to identify resources and connect users to these programs quickly and accurately<sup>16</sup>.” As such, best practices laid out in the report recommend that centers be able to identify users who need more help and refer them to outside agencies who may be able to provide more assistance.

1. Quick and accurate referrals: Is the self-help program able to “identify users who need more or different help and connect them to outside referrals and partner services quickly and accurately?”

**Generally yes with room for improvement.** Most center staff report that they are able to make referrals. However, it seems that these are generally done by providing the patron with the publicly available information for each agency and knowledge of local agencies

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<sup>16</sup> A. Souza, L. Summers, K. Pulliam, D. Silva eds. Court-Based-Self-Help Centers. [Williamsburg, VA: National Center for State Court, 2023] p. 26



seems to be limited in newer JFM members. This is discussed in more depth in previous sections of this report and in recommendation nine.

## What's going well:

Several things stand out as real attributes to the self-help program. These attributes are important components of the program's success and should be maintained wherever possible.

*"It is very nice to be able to direct people somewhere to get forms."*

*– Anonymous Survey Respondent*

*"...I think it is very valuable and necessary in this electronic age to provide pro se litigants this service. It really makes my job a lot easier. Thank you."*

*– Anonymous Survey Respondent*

**Long time dedicated staff and enthusiastic AmeriCorps:** Perhaps the biggest stand out of the self-help program is its team of dedicated staff and utilization of enthusiastic AmeriCorps members. Many of the staff have been with the centers for years and understand the ins and outs of the requirements of their local courts better than most. These highly skilled staff are an incredible asset to a program that provides services across a diverse range of judicial districts and, aside from providing excellent services to customers, help maintain good relationships between the court and the self-help program. While none of these staff are attorneys, they all have a combination of professional training and experience that make them invaluable to the program.

Working alongside these staff members are a group of excited and enthusiastic AmeriCorps members. These members change every year or two due to the requirements of the AmeriCorps program but the majority of the members serve in the centers because they are excited to have the opportunity to help self-represented litigants with their civil legal issues. Of those AmeriCorps members surveyed as part of this assessment, 100% report wanting to go to law school after their term of service ends. The combination of enthusiasm to serve and a dedication to the legal field make these members a rich addition to the program.

**Good relationships with courts, legal aid, etc.:** While Montana does not have the wealth of resources like some major metropolitan areas enjoy, it does have strong relationships between the providers of self-help and other access to justice stakeholders. This can be hard to come by in other areas where providers may compete with one another for resources, etc. and where the courts may not support the work of self-help and legal aid programs. However, Montana's court system, self-help programs, legal aid program, and other access to justice entities consistently support one another's work and work together as often as possible to serve the state's self-represented litigants. There are several

committees that are comprised of individuals from courts, providers, etc. that work to ensure that access to justice is as expansive as possible in Montana. This kind of cooperation and dedication to service is worth noting and is a real strength of the program.

**Extensive resources available:** For a state with a relatively small population, Montana has a number of programs that offer invaluable services to self-represented litigants. Between the self-help law centers, websites, Montana Legal Services Association, various legal clinics around the state, the free mediation program, and other initiatives, Montana enjoys a strong network of available resources from help printing and completing forms, free mediation for families navigating a parenting plan, to full representation from Montana Legal Services. While there may be room to improve how these agencies refer clients to one another, etc. it is important to note that there is a relative wealth of resources to work with.

## Issues of note:

### **Issue 1: No ability for MLSA and self-help centers to easily share information between agencies.**

As discussed throughout this report, Montana offers several different types of help for pro se litigants. However, the two major providers seem to be the Court Help Program and the Montana Legal Services Association. There are, of course, other providers but the bulk of pro se customers come through those two major agencies. Currently, there is not a way for the agencies to easily share information between each other with regard to what services each has provided to a particular client or customer. For example, a customer may come into the SHLC in Bozeman and receive a forms packet to request a security deposit back from their landlord. That customer may get some assistance completing the form but that is likely the extent of the services provided. However, that same customer may return a few days later with a legal question or a complicated process question that goes outside of what the center can assist with. The center is then likely to refer them to MLSA to complete an application and get assistance there. At this point, it is up to the customer/client to complete an application with MLSA *and to communicate with MLSA so that MLSA understands that they have already received some help with the form.* MLSA may be able to provide advice at this point but it will do so without any information from the center on services that have already been provided.

The same issue may work in reverse where a client receives some limited help from MLSA and then is told to go into the center for further assistance with a form. Again, it falls to the client to communicate to the center so that center staff understands what advice the customer has already been given. While there are many reasons why these agencies cannot communicate directly between one another (the first and most obviously being confidentiality concerns), a system that allows for communication on which services a

client has already received may be worth investigating to improve the client/customer experience.

**Issue 2: Frequent turnover of SHLC AmeriCorps and difficulty filling certain AmeriCorps positions.**

This is an issue that was raised several times during the course of this assessment. While the AmeriCorps members bring a fresh perspective and enthusiasm to the centers, they are also not guaranteed staffing. Some years, the AmeriCorps program is unable to fill certain positions leaving those centers without any additional help. This is perhaps most stark in Billings where the busiest center is left with only one staff person if the AmeriCorps position is not filled- a position the center found itself in this year. In addition, the frequent turnover means that there is not the same depth of knowledge at centers staffed solely by AmeriCorps members as there is at centers that enjoy permanent staff and AmeriCorps help.

**Issue 3: Highly localized requirements by District Courts that make utilization of statewide forms difficult.**

One of the issues that came up in interviews across the state is the trouble that many centers have adapting forms that are designed to serve the entire state to their local courts and their preferences. Many judicial districts have their own local rules that the forms are not designed to conform to. In addition, some judicial districts have preferences that require some of the forms to be changed or amended. While some of the centers that have permanent staff are able to adapt to these preferences and rules, these localized requirements mean that many of the self-help forms designed to serve the entire state are not actually usable as is in some of the districts. The challenge here is that there are not resources available to provide individualized forms for each judicial district and this is likely to be the case for the foreseeable future.

“The rotating in and out of folks at the self help center that we see from Bozeman often. Makes it unpredictable for telling pro se clients when they will be here. I think they are helpful once folks can reach them but have got mixed feed back [sic] on how easy they are to contact.”- Anonymous survey respondent

**Issue 4: Disparity between rural and urban services.**

There is a very obvious disparity that jumps out as soon as one looks at a map of available self-help services in Montana- the more urban areas that are primarily located in the Western part of the state enjoy in person self-help centers that often provide individualized (and sometimes walk-in) help for pro se litigants in the area. More rural counties may have access to a self-help kiosk but many do not. Even those with a kiosk do not enjoy in-person help and are left to navigate the forms available online with some online chat support. This

disparity in services means that, simply put, those self-help customers living in a more urban area get more help than those living in rural communities. This also affects referrals to statewide resources. For example a couple living in Sidney may be perfect candidates for the statewide family law mediation program. However, if there are no center staff to refer them to the program, their only pathway into the mediation program is a referral from MLSA or to find out about the program independently. This may leave available resources underutilized and may result in more urban clients having access to more services despite the fact that those services are designed for the whole state. This is a challenge across Montana as many resources are focused in the more urban areas but it is one that the Court Help Program could address through different service delivery models.

**Issue 5: Lack of intake system for centers that makes case tracking, follow up, and record keeping difficult.**

One issue that was raised by several center staff is the lack of a case management system available to keep track of customers that access the centers. This is certainly a challenging issue to address because there are good reasons to avoid keeping records on individual customers and the assistance they receive (concern over vulnerability to subpoena, cost of high functioning case management systems, etc.). However, the lack of any system to track individual customers means there is not a record of the assistance they have already received and so customers that come back to a center for additional help may find themselves starting from scratch if they speak with a different center staff person or JFM member. In addition, the lack of any system to track customers means that it is up to individual staff or JFM members to remember customers and the services they have already received. Additionally, the lack of a true case management system certainly impacts the quality of the data that the centers are able to maintain. A strong case management system can track case details and create in depth reports. Without that kind of system, centers rely on Survey Monkey and intake forms from patrons.

**Issue 6: Plenty of resources available but navigating the system often leaves litigants feeling like they are “getting the run around.”**

As mentioned in earlier portions of this report, there are a number of resources available to pro se litigants in Montana including the centers, the family law mediation program, the two websites that make forms available, and MLSA. However, these agencies are not always able to “talk” to one another so that referrals can be made in a way that does not require the customer or client to make contact. For example, a client referred to MLSA by a self-help center staff still has to call MLSA to complete an application on their own in order to receive help. While this may not seem like a large hurdle, it is important to remember that this means the client essentially starts over in the process of getting assistance. They must explain their situation again, complete a lengthy application, etc. They may get different information or different answers depending on who they speak to and this can leave clients/customers frustrated at the overall experience. This communication could be

facilitated between agencies and programs to ease the burden on the client and improve the services they receive.

### **Issue 7: Centers not “operating at the top of their license.”**

There are numerous reasons why this issue presents itself but, overall, it seems that most of the centers are providing a conservative level of assistance. Many are printing and providing forms without providing assistance in completing those forms. Some are able to help litigants understand the progress of a case and next steps in their own legal matters but some are not. Some are able to review court files and so provide information specific to that customer’s case and some are not. Ideally each center would be “operating at the top of its license” and able to provide a full cadre of services up to the provision of legal advice. Center staff could identify which forms a client needs, print those off, help the client complete the forms, flag any major deadlines in their legal matter, and perhaps make a warm hand off to another service provider. While staffing and statewide conversations around the provision of legal information versus advice by non-attorneys affect center staff’s ability to do this, it is a goal worth pursuing in order to improve services for customers and fully utilize the skills of the staff and AmeriCorps at each center.

### **Issue 8: Limited Internet Access in Most Rural Parts of State**

When discussing availability of resources, it is certainly important to keep in mind that there are parts of the state where limited internet availability affects an individual’s ability to access resources. Many of the rural counties that rely on the statewide websites as their primary pro se resource also struggle with reliable internet access. In fact, Montana ranks 44<sup>th</sup> in the country for internet coverage, speed, and availability<sup>17</sup>. It is important to keep this in mind when discussing any changes or improvements as some possible tech solutions may not be viable across Montana.

### **Issue 9: Need for Pro Bono services**

One issue that did not come up directly in feedback from partners but that is noticeable when the program is reviewed as a whole is the need for pro bono services. As noted, many of the pro se litigants that access the center are seeking forms and information and may not need an attorney. However, there are some individuals and some cases that require help from an attorney at no cost to the litigant. While many of these litigants are referred to MLSA for legal assistance or pro bono referral, it is worth noting that pro bono is something that the program may want to consider as a need they have an interest in addressing. This may be done multiple different ways and suggestions will be proposed in the recommendations of this report but pro bono is a need that the court help program may

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<sup>17</sup> (n.d.). *Montana Internet Coverage & Availability in 2024*. Broadbandnow. <https://broadbandnow.com/Montana>

need to work with other agencies to address as part of its commitment to serving pro se litigants.

## General Recommendations:

Based on a review of national best practices, information gathered from feedback surveys, and information gathered from one-on-one interviews, below is a list of general recommendations for the Court Help Program's consideration. Further recommendations are discussed in depth in the "Overall Recommendations" section of this report.

**Categories:** Each recommendation is designated with a timeline. Recommendations are categorized as a short term goal, a midterm goal, or a long term goal. Short term goals should be considered in the next year, midterm goals within one-three years, and long term goals within the next five years.

### **Recommendation 1: Diversify Funding** (*Long term goal*)

The Court Help Program relies on state funding that is allocated by the State Legislature every two years. While diversifying funding is not a simple step to take, it should be considered where possible in order to strengthen and expand the program and protect the program from funding shortfalls should the legislature decrease or completely remove funding.

### **Recommendation 2: Broaden and improve data collection** (*Short term goal*)

Improved data collection may assist with a diversification in funding and may help the program to make more targeted decisions in allocation of resources. The National Center for State Courts recommends that programs "Use a web based tool to collect data in real time, before, during, and after user interactions."<sup>18</sup> The Center goes on to recommend that programs "Collect demographic data, non-identifying case information, and data about what services were provided."<sup>19</sup>

As an example, it is difficult to determine whether the program should devote more resources to the development of landlord tenant resources and training for staff and AmeriCorps if there is not any data showing a demand for help with those cases at the centers or information about the number of times those resources are accessed on [www.courts.mt.gov](http://www.courts.mt.gov). A set of good data not only improves funding opportunities but, most importantly, may direct the allocation of resources so that the resources that the program does have are used as best as possible to meet the areas of demand in the state. Data collected should include:

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<sup>18</sup> A. Souza, L. Summers, K. Pulliam, D. Silva eds. Court-Based-Self-Help Centers. [Williamsburg, VA: National Center for State Court, 2023] p. 41

<sup>19</sup> Ibid 42

- Demographic information (already gathered at intake at the center);
- Legal need or issue; and
- Outcome of interaction with the Self-Help Program (if possible).

Outcome data is one of the harder pieces of information to gather but could be a powerful tool for the program to use to determine where to allocate resources and how best to work with its customers.

**Recommendation 3: Continue to expand access to Full Court for self-help staff so that staff can help clients understand the status of their case. (Midterm goal)**

In order for the centers to be as effective as possible, it is ideal if center staff and AmeriCorps members can access court filings to determine the status of the case and provide basic information to the customer. While some counties in Montana have opened their court records to center staff, this is not a universal practice and some counties do not allow access. In order to allow center staff to provide the most robust services possible, it is important to continue to advocate for expansion of access to electronic court records for center staff.

**Recommendation 4: Staff should be regularly trained to provide procedural information and assistance so that they can assist clients across all centers who have questions on court procedures. (Short term goal)**

While staff receive some onboarding training and have access to an online “knowledge platform,” (Moodle) there does not appear to be a cohesive ongoing training program for both staff and AmeriCorps members. It is highly recommended that the program consider adopting a regular training program that offers training on both the “basics” and more complex issues so that the material is useful both for relatively new AmeriCorps members as well as long term staff. The schedule should be regular and predictable with topics announced in advance and materials made available on Moodle afterwards. This ensures that staff and AmeriCorps can make room in their schedules for training and anticipate upcoming training topics.

**Recommendation 5: Standardize services across centers. (Midterm goal)**

As noted throughout the report, services vary greatly across self-help centers depending on location and staffing. Customers in an urban area are more likely to be able to access in-person help while those in rural communities have access to kiosk services or no services at all. Services even vary between urban centers depending on staffing. Some centers are fully staffed with AmeriCorps members and staff and are able to provide more in-depth walk-in services while some centers have only one staff person and must limit their hours

and restrict services to either scheduled appointments or over the phone assistance. Ideally, services should be uniform across the state so that every self-represented litigant has access to the same level of assistance. Ideally, an individual should receive the same level of service no matter where they live. While this is understandably difficult to achieve, it is a goal that should be at the heart of any program changes or expansions.

“Again just like we have to with the order of protection, I feel someone is needed to walk them through the paperwork. With out [sic] a doubt if ppl [sic] get confused, they delay and don’t get the forms completed to the best of their ability.”  
- Anonymous survey respondent

**Recommendation 6: Consider expanding level of services provided by center staff to include information on legal rights and consequences. (Midterm goal)**

In order for center staff and AmeriCorps to be as effective in the centers as possible, they should be able to provide *basic* information on a litigant’s legal rights and consequences. Currently, this seems to be somewhat center specific and it would benefit the program to expand this as much as possible so customers understand deadlines, filing responses, etc. While some centers may provide this information, the program should consider providing further training on this topic and encouraging staff and AmeriCorps members to wrap it into the services offered at the center. Because this recommendation may cause concern about the provision of legal advice, it is recommended that staff receive training and guidelines on what information they can and cannot provide along with example questions that they can and cannot answer.

**Recommendation 7: Focus on selecting and completing court forms as a core service of the centers and look for solutions to ensure that assistance completing forms is a service offered at all centers. (Midterm goal)**

One of the most valuable services a self-help center can offer is assistance selecting and completing court forms. One-on-one assistance with the sometimes daunting packet of court forms is one of the benefits of having in-person self-help centers. It allows trained staff and AmeriCorps members to help ensure forms are completed correctly prior to filing and to answer simple questions along the way. This assistance from trained staff helps ensure that the forms are complete when filed with the clerk of court and helps staff work with individual customers to understand the forms and flag any areas where they may need assistance from a lawyer prior to filing. It is also worth considering whether center staff and AmeriCorps members can provide some limited assistance with e-filing forms when the forms are complete and in districts where e-filing is preferred. Much like the court forms, the process can be somewhat daunting and assistance from the centers serves both the customers and the courts.

**Recommendation 8: Consider different technology tools to assist with intake. (Short term goal)**



Staff and AmeriCorps currently ask clients to fill out a Survey Monkey at intake to track demographic information, etc. While this does seem to result in data collected, interviews with different center staff show that it can be more challenging in some centers than others depending on the technology available. Improving the technology available to assist with intake would be helpful to both customers and center staff and could also facilitate more detailed information gathering. Tablets or dedicated computers available to customers for the purpose of intake at each physical center would improve the intake process and perhaps allow for better data collection.

**Recommendation 9: Solidify ties between different self-help resources and service providers across the state. (Long term goal)**

While center staff generally reported feeling like they had good relationships with service providers in their community or were generally aware of service providers in their community, few reported that those relationships helped facilitate warm hand offs for customers or regular meetings with said service providers. Improving these relationships would allow for a more informed system of referrals for customers and would also help center staff stay up to date on the services offered by different community partners. Stronger and more formal ties with community partners may also help those partners stay up to date on center procedures, services offered, and capacity. Solidifying these ties may consist of in-person visits and outreach from center staff to community partners, regular communication between agencies, and regular updates from center staff on any changes at the center. Often, in-person contact over a period of time improves agencies' understanding of one another's services and referral procedures and facilitates warm referrals between customers.

While this goes for individual service agencies, it is also important that the program solidify its relationship with the statewide Access to Justice Commission. The Access to Justice Commission (A2J) is made up of judges, MLSA staff, legislative representatives, and many other access to justice stakeholders and was formed by the Montana Supreme Court. Its purpose is to "...develop, coordinate, and implement initiatives to expand access to and enhance the quality of justice in civil legal matters."<sup>20</sup> Working in close connection with the Commission may help the court help program accomplish any program changes or goals it sets out. While the court help program is already a part of the Commission, it is recommended that the program consider asking the Commission to take part in any program changes it may make. A close relationship between the two entities may help expand the resources of the program.

**Recommendation 10: Where possible, make center hours and services uniform across the state to ensure that pro se litigants can expect the same level of service regardless of where they live. (Long term goal)**

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<sup>20</sup> (n.d.). *Access to Justice Commission*. Montana Judicial Branch. <https://courts.mt.gov/Courts/boards/a2j/>

It is worth noting that this recommendation is challenging because it relies on the facilities some of the centers are housed in, staffing, etc. However, the program should strive to offer the same level of services regardless of which center a customer is accessing so that assistance provided is as equitable as possible. This extends beyond the services offered (which should include help selecting and completing court forms, assistance understanding legal rights and consequences, referrals to other service providers, etc.) to include hours of operation. This would make it much easier to advertise the services of all centers on a statewide level rather than having to specify services by county and offers predictability for customers regardless of location of the center.

**Recommendation 11: Consider whether staffing (and management staffing) is sufficient for the needs of the program and consider alternative staffing structures.**

*(Long term goal)*

This recommendation will be discussed in further detail in the overall recommendations section of this report. Currently, the court help program is managed on a day-to-day basis by a full time Program Administrator who is responsible for overseeing staff and AmeriCorps members, facilitating forms updates, managing center procedures, answering questions from staff, and a myriad of other issues that arise in the day-to-day functioning of the centers. That staff person is overseen by the Court Administrator who is responsible for the management of all courts across the state. When considering the scope of the Program Administrator position it appears that the position may benefit from being split into two positions to increase capacity of the program. It may be worth considering the creation of one position that oversees the big picture aspect of the program and focuses on implementing new projects, developing new programs, and managing the program overall while the current position focuses on staff and AmeriCorps development, recruitment, and training and is available for the everyday issues that arise. The current model that puts both sets of duties- both the everyday management and the long-term project work-is unsustainable and may prevent the program from growing to accommodate changing court procedures, increasing demand for services, and long-term planning.

**Recommendation 12: Provide more center specific training for JFMs as part of the onboarding process.** *(Short term goal)*

While JFM members are provided with training when they first begin their positions, this training is primarily handled by MLSA and the amount of training time spent specific to the self-help law centers is limited to a half day. The larger training is an excellent introduction to access to justice issues but is broad in application rather than being specific to the centers. While some center training is provided after the initial orientation, it is location specific and sporadic and often at the request of JFM members. While this is an efficient way to onboard new JFM members, it does not meet all of their training needs. The Self-Help Program should consider providing in depth center specific training to new center JFMs to ensure that they understand the processes and procedures of the center and are able to provide comprehensive assistance to customers.

**Recommendation 13: Start regular ongoing training program with a set schedule of topics determined in advance offered to both site staff and JFM members. (Short term goal)**

In addition to providing additional training to JFM members at the outset, the Self-Help Program should consider providing ongoing training opportunities for both center staff and JFM members. The training topics should build on themselves and become more advanced as the year progresses. Regular training helps center staff and JFM members stay up to date on the most common issues that arise at the center, ask questions of one another, and ensure that they are following the correct procedures. In addition, it provides an opportunity to build community among the centers. While it is certainly understandable why training may be challenging to fit into some of the busier centers' schedules, it is an essential component of a self-help program and helps ensure that center staff and JFMs are able to provide the most comprehensive assistance possible.

**Recommendation 14: Consider role of pro bono in core services of court help program. (Midterm goal)**

Pro bono plays an important role in service delivery in Montana because there are relatively few legal services attorneys available considering the high demand for services. In the past, the court help program has included a staff member whose position was dedicated to cultivating pro bono in the state. Going forward, it is important that the program keep that dedication to pro bono. The program should 1) work with MLSA to determine how the centers can make pro bono referrals to MLSA when needed as MLSA is the agency that handles the majority of pro bono referrals in the state and 2) consider contracting with outside help to determine the role of pro bono in the program's future and how to increase the availability of pro bono attorneys who may be able to help the center's pro se litigants who end up needing legal assistance. The program ought to keep pro bono in its mind as it grows and makes any future changes

## Overall Recommendations:

Consider hybrid model that continues some in-person services but takes a more centralized approach to assistance.

A change in the service delivery model is certainly a large shift that would require considerable resources. However, it is worth considering in order to address some of the issues and recommendations mentioned throughout this report and to ensure long term sustainability of the program. The suggested hybrid model might:

- 1) Keep existing center staff in their physical centers across the state's urban communities;
- 2) Continue to provide in-person services in those communities;

- 3) Move JFM members to a centralized location;
- 4) Institute a centralized statewide hotline operated by the JFM members;
- 5) Provide over the phone assistance including information on forms, assistance with forms, information on general civil procedure, etc.

There are certainly other models on which to base a more centralized approach- perhaps the best example being Alaska. Alaska exclusively provides over the phone assistance from a centralized location as a way to provide services equitably across a large and mostly rural state like Montana. This approach helps them balance the services offered in rural and urban areas more evenly and to provide an initial point of contact for customers that is not reliant on location, hours, etc.

The program would benefit from this approach in many ways. A hybrid centralized model would:

- 1) Make the program more resilient to JFM hiring challenges by ensuring that a center did not have to rely on in person JFM assistance every year.
- 2) Help build comradery and community among the JFM members and allow for easier and closer supervision by the program administrator.
- 3) Ensure that the local expertise held by each center staff member remained intact.
- 4) Allow customers across the state to receive over the phone assistance, removing the need for remote kiosks across the state.
- 5) Help to ensure equitable services across the state.
- 6) Present the opportunity for all operations to be managed out of the central location so that appointments with center staff would be pre-scheduled, etc.

It is worth noting that a centralized approach may emphasize the need for a case management platform so that services could be offered seamlessly.

Consider allowing center staff and JFM members to provide more assistance to pro se litigants including help with forms, deadlines, etc.

This recommendation is raised in different contexts throughout this report. As previously mentioned, staff and JFM members are perhaps the biggest asset of the program. However, the level of services each is comfortable providing varies widely across location and by person. While there is a huge need for assistance with forms and more advanced help, the centers are often somewhat limited in what they can do both by resources and by a conservative approach to rules prohibiting the practice of law in Montana. While all of the staff and AmeriCorps JFM members are non-attorneys, they are certainly qualified to provide more services across all locations than they are currently. Assistance with forms stands out as a desperately needed service that could be a primary focus of the centers. While one of the biggest issues preventing this is the availability of staff and JFMs, there is also concern about what services a center can provide. A centralized model would likely help with some of the staffing issues and consistent ongoing training for staff and JFMs

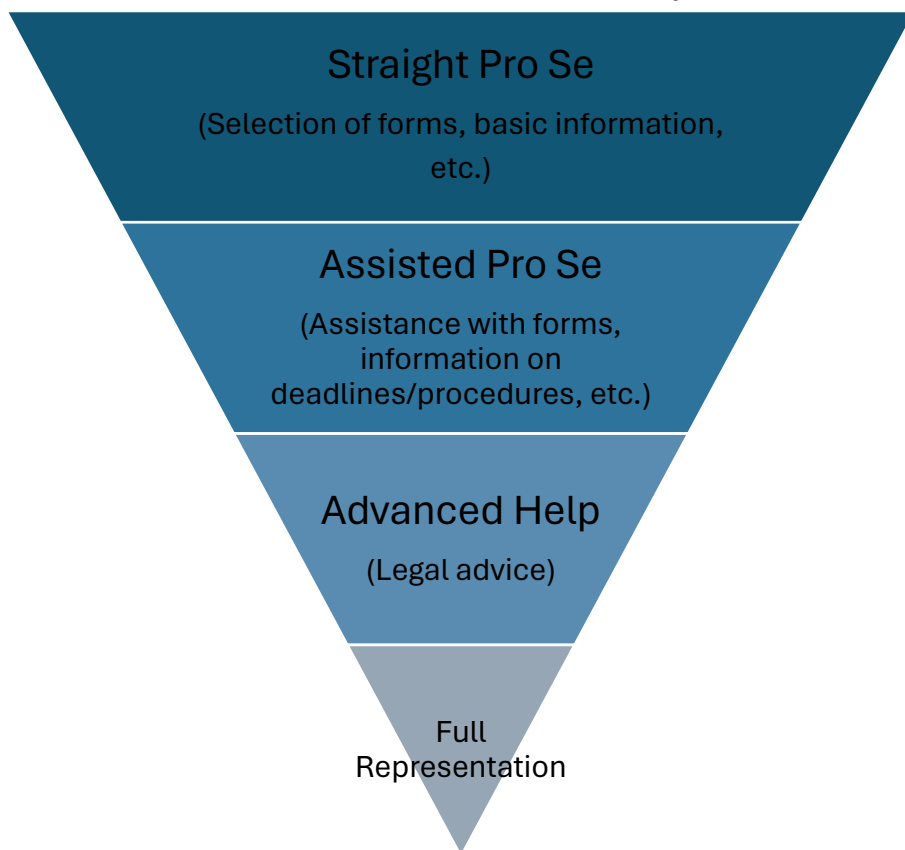
would ensure competence to provide forms assistance, information on deadlines and legal rights/consequences, etc. Enhancing the level of services that center staff could provide would ensure that they are providing the highest level of service possible and would likely better prepare customers for filing. In addition, it would help center staff identify customers who would benefit from legal advice or assistance and would allow for more informed referrals. Ideally, customers should leave the center with complete legal forms and this expansion or clarification of services would certainly go a long way to ensuring that.

Consider a staffing model that allows for sufficient management and development of self-help programs across the state.

This recommendation is discussed in the general recommendations section of this report but is worth discussing in more detail. In order to achieve some of the recommendations suggested throughout this report and the larger recommendations listed in this section, the program would benefit greatly from an additional staff member that has the capacity to provide program oversight and project management. Managing staff, AmeriCorps, and the day-to-day operations of each center leaves the current Program Administrator position with little time to work on the development of services, expanding relationships with service providers, and solidifying the program's role in the access to justice landscape in Montana. The creation of a management position would allow the current Program Administrator to focus on onboarding, training, and support of center staff and JFMs and would give the program the ability to work on many of the recommendations listed throughout this report if needed.

Work with MLSA and other service providers to clarify roles of each agency to ensure best use of available resources.

While solidifying ties between service providers is one of the general recommendations discussed above, it is worth noting that a somewhat special relationship exists between the centers and MLSA. These two entities are responsible for providing much of the pro se assistance to litigants across the state and they enjoy a good working relationship. However, there does seem to be an overlap in services between the two that may result in confusion for both the agencies and clients/customers. A focused effort to clarify the roles of each agency could lead to a more thoughtful and efficient way to provide assistance to pro se litigants across the state. It may be worth considering the adjacent graphic and answering who provides each service along with how one agency should refer to another if there is an overlap. Clarifying the roles of each agency and developing clear referral guidelines will help ensure that Montana's resources are utilized in the most efficient way possible.



## Conclusion

The Court Help Program is a robust resource in Montana that offers a much needed set of services to pro se litigants as they navigate their civil legal issues. It is composed of highly dedicated staff and provides high quality services across the state. This report offers opportunities and suggestions for the program to grow in the future but it is important to acknowledge that any changes only build on the program's current successes. As the needs of pro se litigants continue to grow and change, the program must adapt and develop new mechanisms to serve its customers. It is in a good position to make these changes because of its strong staff, positive relationship with other providers and the courts, and its willingness to remain flexible. Solidifying partnerships, examining the services the centers *can* offer, and utilizing existing resources will help ensure that the court help program continues to be a well-respected resource in the state and will help the program as it meets future challenges head on.

# Tab 4

# Legal Desert Proposals



**The Supreme Court of Montana**  
**Office of the Court Administrator**

**Beth McLaughlin**  
**Court Administrator**



**301 South Park**  
**P.O. Box 203005**  
**Helena, Montana 59620-3002**  
**Telephone (406) 841-2950**  
**FAX (406) 841-2955**

May 31, 2024

TO: Justice Beth Baker

FROM: Beth McLaughlin, Court Administrator

CC: Alison Paul, John Mudd and Rich Batterman

RE: Legal Desert Proposals

The Montana team that attended the National Center for State Court's Legal Desert summit came away with a wealth of good ideas. The conference was devoted to programs increasing the numbers of attorneys practicing in rural areas and increasing the options for providing legal assistance by expanding Bar membership. We have two recommendations for the Commission to consider implementing in partnership with various access to justice entities.

**Building the Rural Attorney Base:**

This program would encourage law students to practice in an under-served area by placing first-or-second year students with rural judges and public and private practitioners during the summer.

- Four to six students would be placed as follows:
  - Two with rural judges as summer law clerks with a salary to be paid by the state Judicial Branch.
  - Two – four students to be placed with private law firms or city or county attorneys' offices to be paid by a combination of local dollars and funding from the State Bar or bar-related organizations.
  - Any entity accepting placements would ensure the student is fully engaged in the community during the placement through introductions and community activities.
  - Placements would assist with identifying housing options, which could include campus housing in areas with community colleges.

- Planning Committee:
  - State Bar
  - Judicial Branch Human Resources
  - Law School
  - City and county attorneys' associations
  
- Timeline:
  - Planning and recruitment Fall/Winter 2024
  - First placements Summer 2025

### **Expanding Capacity for Underserved:**

This program would develop and implement a Community Justice Workers (CJW) program in Montana to support litigants involved with orders of protection, debt collection, or landlord tenant cases in the Courts of Limited Jurisdiction. This would require limited expansion of the practice of law beyond lawyers and is a critical piece of providing support to litigants, who are not served under the current legal structure.

- Community Justice Workers:
  - Using the Alaska model, the team would design a Montana-specific CJW program to provide legal services to litigants in certain case types.
  - CJW would be trained by MLSA to provide legal advice and in-court services to low and moderate income Montanans.
  - It is anticipated that the first CJW cohort would be employed by social service nonprofits in rural communities and this would be a separate certification that would be earned to assist with narrowing the justice gap. CJW may also be directly employed by MLSA. Consideration would be given to expanding the certification beyond these groups after the pilot project.
  - MLSA would look to partner with an educational institution, such as the paralegal school in Missoula, to design the training and certification.
  - The team would propose rule changes allowing CJW to provide appropriate legal advice and assistance.
  - MLSA would launch the project in several pilot courts. Expansion would be contingent on the program's success and the ability of MLSA to sustain the program going forward, including potentially charging for the services.
  
- Planning Committee:
  - Montana Legal Services Association (Lead)
  - State Bar including the Board of Bar Examiners and the Commission on Character and Fitness
  - Montana Supreme Court
  - Access to Justice Commission
  - Law School
  - Courts of Limited Jurisdiction
  - Educational Institution

- Timeline:
  - Judicial Branch applies for State Justice Institute Project Grant in August
  - Fall 2024 – Begin program work and rule development
  - Spring 2025 – Proposed Rules to Montana Supreme Court
  - Fall 2025 – first cohorts of Community Justice Workers begin work using SJI funding
  - Spring 2026 – program analysis and expansion discussion

The team looks forward to visiting with the Commission about these proposals. Alison, John and Rich can all provide additional insight from their perspective.

# **Legal Desert Summit (May 22, 2024)**

# Arizona Commission on Access to Justice – Greening Legal Deserts

Legal Deserts Summit  
May 22, 2024

**Samuel A. Thumma**  
**Chair, Arizona Commission**  
**on Access to Justice**  
**Judge, Arizona Court of**  
**Appeals, Division One**



# Outline

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The Arizona Commission on Access to Justice

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The Commission's Core Values and Audacious Goals

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Some of the Commission's recent and current activities

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Some data

# Arizona Commission on Access to Justice



AZSC Administrative Order 2014-83



Commission “will improve lives by working to promote and expand civil legal services in Arizona and by collaborating, improving, and advocating for access to civil justice for all.”



Plan for Excellence and Five-Year Audacious Goals adopted November 2022.



<https://www.azcourts.gov/cscommittees/Arizona-Commission-on-Access-to-Justice>



# **CORE VALUES OF THE COMMISSION**



- ***Support reforms*** in the delivery of legal services to expand alternative methods of helping individuals address their ***civil*** legal needs.
- ***Expand resources*** for those potentially involved in, or affected by, legal issues ***to prevent those issues from involving the civil legal system, and to self-represented litigants*** to address their civil legal needs.
- ***Increase and expand attorney engagement*** in pro bono civil legal services for those who cannot afford an attorney.

- ***Support and collaborate with courts to improve the self-represented litigant experience*** in navigating the civil legal system and encourage awareness among judges and judicial staff on best practices in creating accessible and available court systems for self-represented litigants.
- ***Enhance support, resources, and funding*** for civil legal service providers and others providing direct and adjacent civil legal services and assistance.

- ***Work with organizations that serve the public***, including the Foundation for Legal Services and Education and the State Bar of Arizona, ***to improve legal information and access*** to civil legal services for individuals with modest incomes.
- ***Collaborate with federal, state, and local governmental entities, and the public, to increase access to legal information and services*** and to share the benefits of expanding access to civil justice.

- ***Support online legal resources*** including AZCourtHelp.org and azcourts.gov, other virtual resource centers, public and law libraries, and resource center hubs and ***efforts to reduce the Digital Divide as well as collecting and sharing data to improve civil access to justice.***



**FIVE-YEAR AUDACIOUS GOALS  
FOR MAY 2027 (WE ARE ON THE CLOCK)**

**1. *Reduced the need for civil legal services*** by having championed and supported efforts to educate and empower those potentially involved in, or affected by, legal issues to prevent those issues from involving the civil legal system.

**2. *Engaged with those potentially involved in, or affected by, legal issues*** to ensure that they receive helpful legal information, including education and assistance so that they understand how the civil justice system works, how it can help them, and the benefits and risks associated with various alternatives, including expanding and constantly improving access to justice website[s].

**3. *Championed and supported reforms to simplify the civil legal system and process***, including for self-represented litigants, to help further ensure fair, equitable, and understandable systems and processes for all.

**4. *Championed and supported efforts to increase access to universal high-speed internet and other technology*** to reduce the Digital Divide and ensure all individuals can access remote legal proceedings and services.

**5. Championed and supported efforts to aggregate and share data** to promote awareness and understanding among all branches of government, public services, and the public regarding the role of the civil legal system, including how it relates to and impacts other systems and services.

**6. Championed and supported efforts to increase, by 25 percent, (1) support for legal aid agencies** serving low-income users of Arizona's legal services; **(2) individuals served by legal self-help websites and self-help clinics** and **(3) pro bono support for low-income individuals.**





# **REGULATORY REFORM IN ARIZONA**

## A Little Arizona History

- Unauthorized practice of law statutes sunset in 1984, leading to certified legal document preparers in 2003. <https://www.azcourts.gov/cld/Legal-Document-Preparer-Program>
- Changes in Arizona Ethics Rules facilitating limited scope representation/unbundling legal services in 2003. <https://www.azcourts.gov/selfservicecenter/Resources/Types-of-Legal-Representation/Limited-Scope-Representation>
- 2016 change in Arizona Ethics Rule 5.5 to focus on the type of law practiced, moving away from where the lawyer physically is located.
- Reforms for admissions to State Bar of Arizona.

A Sea  
Change in  
Regulatory  
Reform in  
Arizona (and  
elsewhere)

- *Arizona Task Force on the Delivery of Legal Services Report and Recommendations* (October 4, 2019).
- <https://www.azcourts.gov/csc/committees/Legal-Services-Task-Force>.
- It merits your repeat attention now, five years later.



**SELECTED CURRENT  
COMMISSION ACTIVITIES**

## Selected Current Commission Efforts

- Arizona State Agency Forum on Access to Justice.
- Commission hosted leadership from 13 state administrative agencies in October 2023 to discuss access to justice in Arizona.
- Thought to be the first of its kind in the nation.
- Follow up:
  - Summary shared soon after the Forum.
  - Survey about next steps at the end of 2023.
  - Second quarter 2024 follow-up meeting.
  - Second annual Arizona State Agency Forum on Access to Justice planned for October 2023

Selected Current  
Commission Efforts

- October 2023 helped facilitate a Statewide Legal Services Conference.
- Happens once every many years.
- Had more than 100 lawyers together for days of training.
- Former American Bar Association President was a keynote speaker.

## Selected Current Commission Efforts

- **Community Justice Workers.**
  - Presentation by Alaska Legal Services CEO Nikole Nelson at Commission's February 1, 2024 Meeting.
  - Commission authorized a task force to look at adapting and adopting that approach to enhance efforts already underway in Arizona.
  - Met on April 4, 2024, and May 13, 2024 and next meeting on June 17, 2024.
  - Created a census on current programs in Arizona offering legal and law-related assistance.
  - Looking to identify broad goals and objectives; best practices; potential populations for focus; possible subject matter areas to target; entities currently serving communities in need
  - Hope is to make formal recommendation to the Commission and take action by the end of 2024.

## Selected Current Commission Efforts

- Rule Change Petitions and Comments.
  - R-24-0006 Petition to Amend Arizona Code of Judicial Conduct Rule 2.6 to add a comment providing examples of actions judges may properly take to ensure a self-represented litigant's right to be heard.
    - Seeks to adopt what Colorado did in 2010.
    - <https://www.azcourts.gov/Rules-Forum/aft/1556>.
  - Filed numerous comments either supporting (largely) or opposing (in a few instances) rule change petitions filed by other individuals or entities.
- Petitions and comments will be addressed at an Arizona Supreme Court Rule Change Conference in August 2024.



## Selected Current Commission Efforts

- Remote Four Corners Access to Justice Commission Meetings.
  - Starting in July 2022, quarterly remote meetings with Four Corners Access to Justice Commission leadership (Colorado, New Mexico, Utah and Arizona).
  - Share successes, lessons learned, address specific topics and to share other information.
  - Rich and rewarding meetings, typically lasting 90 minutes, sometimes with specific topics and sometimes freeform.
  - Also resulted in programming in other venues, including at the 2023 Access to Justice Commission Chairs Meeting and a pending proposal for the 2024 Meeting.

## Ongoing and Emerging Arizona Efforts

- **Licensed Legal Paraprofessionals.**
  - A professional with specific education and experience who is licensed to provide legal services in limited practice areas, akin to a nurse practitioner in the medical field.
  - Approved in February 2021 and first license granted in November 2021.
  - The Arizona Supreme Court lists 52 licensed LPs in Arizona as of April 1, 2024.
  - <https://www.azcourts.gov/cld/Legal-Paraprofessional>

## Ongoing and Emerging Arizona Efforts

- Licensed Legal Paraprofessionals (Cont'd)
  - 45 LPs hold endorsements in family law; 6 in civil law and 5 in criminal law,
  - None licensed in the administrative law practice area and the juvenile dependency practice area examination is a work in progress.
  - More than half of the 52 licensed LPs in Arizona list a mailing address in Maricopa or Pima Counties, with 21 not listing a mailing address.

## Ongoing and Emerging Arizona Efforts

- Domestic Violence Legal Document Preparer Pilot Program (document preparer)
  - Arizona Supreme Court A.O. 2020-25 (Jan. 29, 2020)
- Domestic Violence Legal Advocate Pilot Program (legal advice)
  - Started in January 2023 and now Arizona Supreme Court A.O. 2024-35 (Feb. 7, 2024)
- Housing Stability Legal Advocate Program (legal advice)
  - Started in January 2023 and now Arizona Supreme Court A.O. 2024-34 (Feb. 7, 2024)
- Alternative Business Structures
  - Started in early 2021 and now about 70 active ABS with economic interest or decision-making authority in a law firm.  
<https://www.azcourts.gov/cld/Alternative-Business-Structure>

## Ongoing and Emerging Arizona Efforts

- Court navigator programs
  - <https://justicecourts.maricopa.gov/about-us/navigators>
- Housing stability court navigators
  - <https://www.azcourts.gov/selfservicecenter/Landlord-Tenant-Disputes-Eviction-Actions/Housing-Stability-Court-Navigator-Program>
  - <https://www.azcourts.gov/selfservicecenter/Landlord-Tenant-Disputes-Eviction-Actions/Housing-Stability-Court-Navigator-Program> Housing Stability Legal Advocate Program
- Self-service centers and legal kiosks
  - <https://www.azcourts.gov/selfservicecenter/Locations>

## Ongoing and Emerging Arizona Efforts

- Remote court hearings
  - <https://www.azcourts.gov/selfservicecenter/Resources/Remote-Court-Appearances>
- Digital evidence court portal
  - <https://www.azcourts.gov/digitalevidence/>
- Arizona income tax credit program
  - Typically generates >\$250,000 annually
  - <https://azdor.gov/tax-credits><https://>
- Arizona Bar Foundation
  - <https://www.azbf.org/>
- Legal services providers, including pro bono legal services.

## Ongoing and Emerging Arizona Efforts

- Quantifying hard-dollar value of legal aid.
  - Looking at the week of October 23-27, 2023
  - The three Legal Services Corporation entities (DNA People's Legal Services, Community Legal Services and Southern Arizona Legal Aid) plus the Arizona Bar Foundation:
    - Fielded inquiries from/helped 32,181 people.
    - Conservatively valued of aid exceeds \$1.2 Million.
    - Annualized, represents \$63 Million in aid.
    - Does not include the incredible work done by other individuals and entities in Arizona helping those most in need.

Ongoing and Emerging  
Arizona Efforts

- Arizona public libraries and law libraries as access-to-justice allies, including a fabulous Justice Gap Map.  
[https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.coconino.gov%2FDocumentCenter%2FView%2F63014%2F2024\\_05\\_law4az&wdOrigin=BROWSELINK](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.coconino.gov%2FDocumentCenter%2FView%2F63014%2F2024_05_law4az&wdOrigin=BROWSELINK)



## Recent Presentations

- International Access to Justice Forum 2023
- Law Society of England and Wales
- Legal Services Corporation
- American Bar Association Judicial Division
- National Access to Justice Chair's Conference
- National Court Technology Conference
- Missouri Bar Annual Meeting/Missouri Judicial Conference
- Arizona Summit on Artificial Intelligence, Law and the Courts
- State Bar of Arizona Board of Governors
- Arizona Court Leadership Conference
- Arizona New Judge Orientation
- Arizona Judicial Council
- Arizona Superior Court Presiding Judges
- Phoenix-area law firms
- Thurgood Marshall Inn of Court

## Recent Publications

- Thumma, et al., *Remote Court Hearings (Past, Present, and Future): Arizona's Next Steps for a New World to Enhance Access to Justice*, \_\_\_\_ SMU LAW REVIEW FORUM \_\_\_\_ (forthcoming summer 2024).
- Griffin, Laskowski & Thumma, *Enhancing Access to Justice Through Generative AI: A Preliminary Agenda*, \_\_ JUDICATURE \_\_ (forthcoming summer 2024).
- Thumma & Reinkensmeyer, *Attorneys Respond, The Sequel Post-Pandemic Video Conferencing in Law Practice*, 60 ARIZONA ATTORNEY, December 2023, at 14.
- Thumma & Marzocca, *The Most Unique Party of Them All: The Self-Represented Party*, 59 ARIZONA ATTORNEY, June 2023, at 24.
- Thumma, *We have a once-in-a-lifetime opportunity to improve access to justice – let's not squander it*, THE HILL, May 24, 2023

Final Selected Current  
Commission Effort  
(Final Example,  
Honest)

- Generative Artificial Intelligence and Access to Justice.
  - Presentation at the December 2023 *Arizona Summit on Artificial Intelligence, Law, and the Courts* at the Arizona State University Sandra Day O'Connor College of Law.
  - Resulting whitepaper *Enhancing Access to Justice Through Generative AI: A Preliminary Agenda*.
  - <https://www.azcourts.gov/aisummit/Materials>
  - Arizona Steering Committee on Artificial Intelligence and the Courts. Arizona Supreme Court A.O. 2024-33 (Jan. 24, 2024).
  - Some hard data examples:

# EFILING NUMBERS FOR SELF-REPRESENTED LITIGANTS PRESENT AN OPPORTUNITY TO IMPROVE

Data from July 1, 2022 to May 31, 2023

Courtesy of Clerk of Court Jeff Fine

<b>Family Court Cases</b>	<b>Docs eFiled</b>	<b>Docs Paper Filed</b>	<b>Percent Paper Filed</b>
Maricopa County Family Court Cases – SRL filings	13,175	432,797	<b>97%</b>

Note: Guestimate (aka off the cuff estimate) from smart people in the know is that less than 1% of SRL Family Court filings are received through the U.S. Mail.

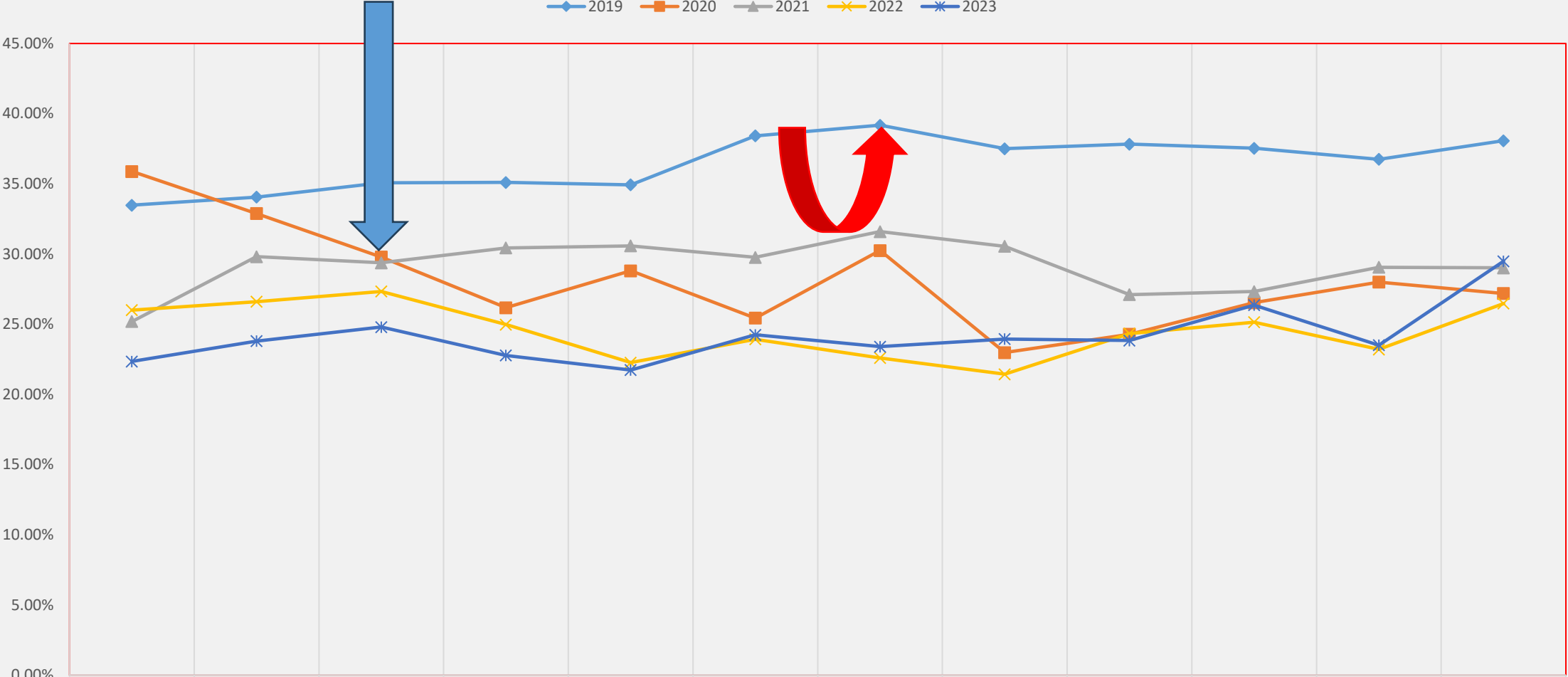
# PIMA COUNTY CONSOLIDATED JUSTICE COURT INITIAL EVICTION APPEARANCE RATES BY DAY OF THE WEEK

Data from July 12, 2023 through April 30, 2024  
Courtesy of Judge Pro Tempore Ronald J. Newman

Day of the Week	Monday	Tuesday	Wednesday	Thursday	Friday
Initial Appearances	2,248	2,350	2,051	1,685	64
Appearance Rate	59%	60%	61%	61%	66%

**Note: 8,398 total appearances during the period, with an average appearance rate over all hearings of 61.2%.**

# MARICOPA COUNTY JUSTICE COURT INITIAL EVICTION HEARINGS: FAILURE TO APPEAR RATES



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2019	33.48%	34.06%	35.07%	35.10%	34.93%	38.42%	39.17%	37.50%	37.83%	37.54%	36.75%	38.07%
2020	35.88%	32.88%	29.78%	26.17%	28.80%	25.44%	30.25%	22.98%	24.28%	26.53%	28.00%	27.19%
2021	25.19%	29.81%	29.37%	30.44%	30.58%	29.77%	31.59%	30.55%	27.11%	27.33%	29.06%	29.02%
2022	26.00%	26.60%	27.33%	24.98%	22.26%	23.92%	22.60%	21.44%	24.34%	25.15%	23.21%	26.48%
2023	22.35%	23.80%	24.79%	22.77%	21.74%	24.25%	23.40%	23.94%	23.84%	26.36%	23.50%	29.48%

**Questions/Comments**

# **Utilizing Access to Justice Commissions to Address Legal Deserts**



# Utilizing Access to Justice Commissions to Address Legal Deserts -- Arkansas & Colorado

Jordan Bates-Rogers, Executive Director  
Legal Aid Foundation of Colorado & COLTAF

Disclaimer: All opinions expressed are mine alone, not that of the Arkansas or Colorado Access to Justice Commission.

# Overview

- About Me
- About the Arkansas Access to Justice Commission
- Framing the Problem of Legal Deserts
- Identifying Solutions
- Arkansas-Specific Solutions
  - Free Legal Answers
  - Kiosks
  - Legal Information vs. Legal Advice
- Colorado-Specific Solutions
  - Statewide Virtual Pro Bono Clinics
  - Greater Colorado Legal Experience

# About Me

- From a town of 354 people with no lawyers
- Worked in the Mississippi River Delta as a legal aid lawyer after law school.
- Joined the Arkansas Access to Justice Commission & Foundation as Program Coordinator promoting limited scope representation and other programs.
- Served as Executive Director of Access to Justice Commission & Foundation for three years.
- Moved to Colorado to lead the Legal Aid Foundation of Colorado & COLTAF.
- Currently serve as an *ex officio* member of Colorado's Access to Justice Commission.

# About the Arkansas Access to Justice Commission

- Created in 2003
- Housed within the Arkansas Supreme Court's Bar Programs
- Composed of 15 voting members
- Voting members selected by supreme court, legislature, governor, and bar association
- Funded through a mix of court support and IOLTA funding

# Framing the Problem of Legal Deserts

A dark blue, solid-colored shape that starts as a thin line at the bottom left and expands diagonally upwards to the right, filling the bottom half of the page.

# What is a legal desert?

[L]egal deserts – large areas where residents have to travel far to find a lawyer for routine matters like drawing up a will, handling a divorce or disputing a traffic violation.

ABA Profile of the Legal Profession, 2020.

# Arkansas Attorney Distribution

## Profile of the Legal Profession

ABA AMERICAN BAR ASSOCIATION



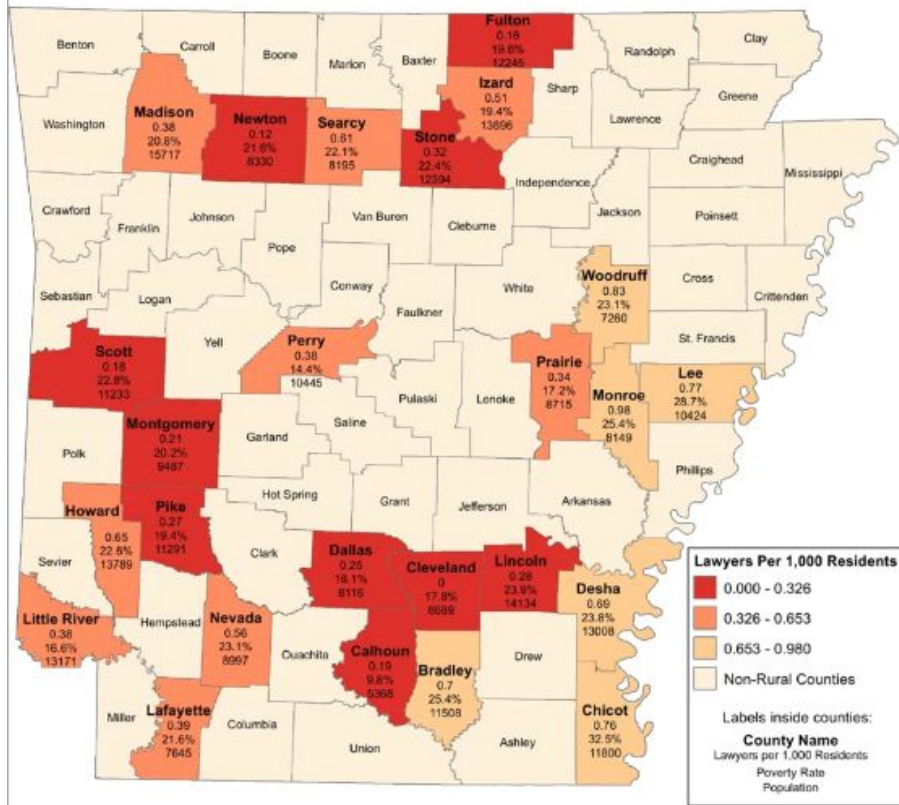
1 dot = 10 lawyers

Sources: Arkansas Judiciary,  
Louisiana State Bar Association



# Arkansas Attorney Distribution

Number of Lawyers Per 1,000 Residents  
In Arkansas's Most Rural Counties, 2015



# Why are lawyers the measure?

- This is a measure of a lawyer desert, not a legal desert.
- It's an important measure, but shouldn't be the sole measure.
- Reframing:
  - Why should someone have to hire a lawyer to get a will, contest a traffic ticket or get a divorce?
  - Why should someone have to travel to access legal help?
  - Do people have access to the resources they need to resolve a legal problem?
  - What role does your court system have in ensuring people have access to these resources?

Think about more  
than just lawyers!

Just because you  
have a hammer,  
doesn't mean every  
problem is a nail.



# Arkansas-Specific Solutions

A dark blue diagonal graphic that starts from the bottom left corner and extends towards the top right corner, creating a triangular shape in the lower half of the slide.

# Identifying Solutions

- Our team spent years traveling the state talking to and, importantly, listening to stakeholders.
- We were physically present in over 80% of Arkansas's 75 counties for some dialogue or project with stakeholders.
- Stakeholders we engaged:
  - Court Users
  - Court Clerks--District & Circuit
  - Judges
  - Non-profits & Community Organizations
  - Law Schools
  - The Administrative Office of the Courts
  - The Unauthorized Practice of Law Committee
  - Professional Programs (CLE Office)
  - Local Bar Associations

# Identifying Solutions

- Incentivizing private-practice lawyers to go to rural areas was popular with lawyers, but very resource-intensive and not responsive to the needs identified by other stakeholders.
- Many Arkansans couldn't pay a lawyer, no matter how close they were.
- What was needed:
  - Pro Bono Help
  - Answers from Court Staff
  - Fact Sheets
  - Forms, Forms, and More Forms!
  - Access to Computers, Internet, and Printers
  - Clarity About Legal Aid

# Identifying Solutions

Some Solutions We Implemented:

- ABA Free Legal Answers
- Kiosks
- Legal Information vs. Legal Advice Guidance for Court Staff

# ABA Free Legal Answers

- Clinics hosted every two weeks
- Volunteers meet on Zoom, sometimes in person
- Law students paired with volunteer attorneys
- Volunteers were concentrated in cities with large attorney populations
- Clients were dispersed throughout the state
- In 2023, nearly 900 clients were served





# Kiosks

## Overview

- Resulted from conversation with Administrative Office of the Courts staff
- Key focus in conversation was solutions that could work in Arkansas
- Funding was identified for kiosks through court improvement program
- Project funding: ~\$252,000
- Project goal: Minimum of 1 kiosk per county
- Limited resources meant that the kiosks had to be right-sized for Arkansas.

# Kiosks



# Kiosks



[Home](#) [Divorce Packet](#) [Statutes & Court Rules](#) [Criminal Law](#) [FAQs About Lawyers](#) [Leave Feedback](#) [Q](#)

## COURTHOUSE KIOSK

Helping Arkansans Navigate the Courts

Find your local court (Search by name, city, or zip code)

Search



### FORMS & FACT SHEETS

Legal fact sheets and forms are available from Arkansas's legal aid organizations. These materials generally assist with non-criminal cases, like divorce, custody, eviction, etc. Click the button below to search for fact sheets and forms.

Search Fact Sheets & Forms



### APPLY FOR LEGAL AID

Legal aid is a free service available to low-income Arkansans. Services range from over-the-phone advice to a lawyer to go to court with you.

To see if you're eligible, call 1.888.540.2941 or click the button below.

Apply for Legal Aid



### COURT RECORDS

Many Arkansas courts make their records available online.

Click the button below to search for case records, including papers filed by the parties, orders from the judge, criminal records, and scheduled court dates.

Search Court Records



### ONLINE LEGAL ADVICE

Apply for free legal advice from a volunteer attorney. Advice happens in a secure chatroom. No questions about criminal law are allowed. You will get an email notification when your question is answered.

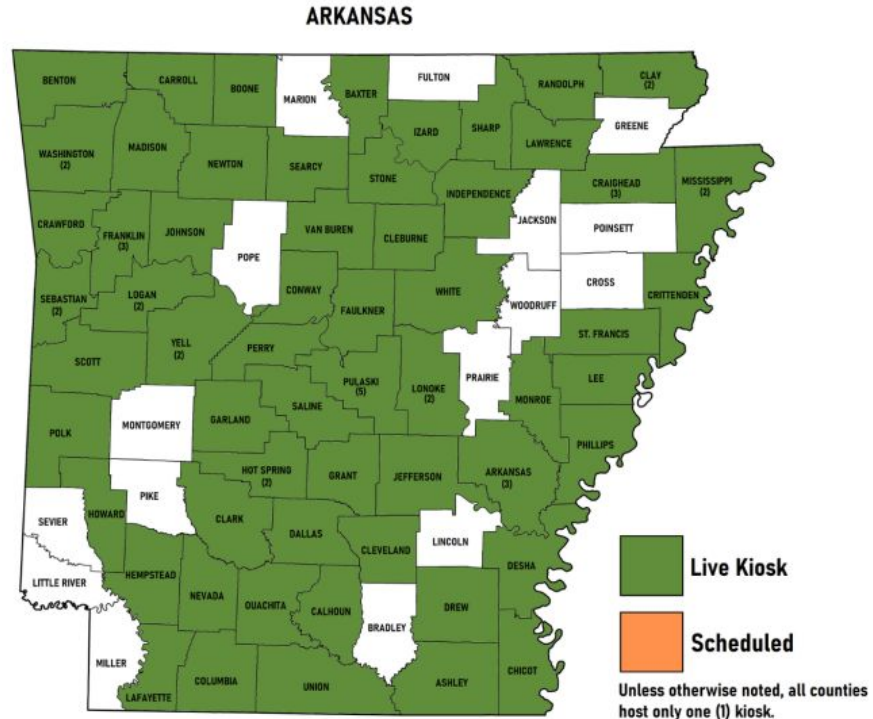
Apply for Advice

English

Check Out the  
Kiosk Site:  
[arcourtkiosk.org](http://arcourtkiosk.org)



# Kiosks



# Kiosks

## Goals Kiosks Advanced:

- Language Justice
- Access to Legal Information
- Access to Legal Forms
- Empowering Court Staff to Provide Assistance

# Legal Information vs. Legal Advice Guide



Legal  
Information  
vs.  
Legal Advice

*A Guide for Court Staff*



ARKANSAS ACCESS TO JUSTICE  
REPRESENTING HOPE

# Legal Information vs. Legal Advice Guide

- Need was clear for years
- Many courts had “no legal advice” signs that had a chilling effect
- Court users and court staff were frustrated
- Kiosk project made need more urgent
- Content was developed at Access to Justice Commission with input from Unauthorized Practice of Law Committee

# Legal Information vs. Legal Advice Guide

## Topics Covered:

- Referrals to Legal Aid
- Explaining Court Procedures
- Providing Fact Sheets & Forms
- Kiosks
- Plain Language
- Language Justice
- Child Support Guidelines
- Referrals to Private Practice Attorneys

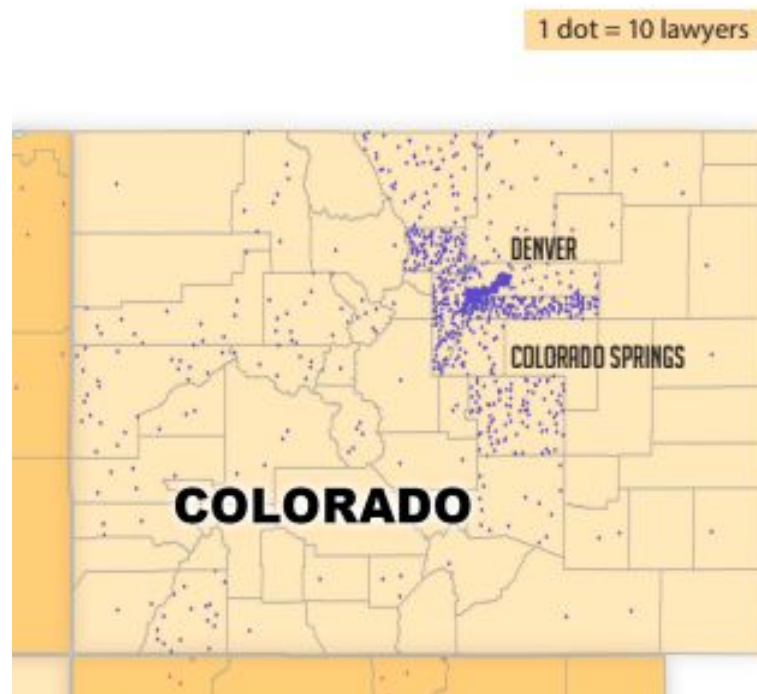


# Colorado-Specific Solutions

A dark blue, solid-colored shape that starts as a thin line at the bottom left and expands diagonally upwards and to the right, filling the bottom right portion of the slide.

# Statewide Virtual Clinics

- Similar to Arkansas, attorneys are clustered in a central region. In this case, the Front Range.
- Rural pro bono programs suffer from a lack of available volunteers.
- Meanwhile, the Denver Metro Region is rich with pro bono and legal aid programs with different capabilities and focuses.



Source: ABA Profile of the Legal Profession, 2020

# Statewide Virtual Clinics

- Program lead by Access to Justice Commission & Colorado Lawyers Committee
- Goals include:
  - Stabilizing clinic program after passing of the founder
  - Expanding capacity
  - Providing equal access for Spanish-speakers
  - Coordinating pro bono opportunities for lawyers
  - Redistributing pro bono capacity from Denver Metro to wherever there is need
  - Serving as referral source to connect clients to resources

# Greater Colorado Legal Experience

- Program will place law students in externships in rural Colorado
- Local program partners will help secure housing
- Students get a \$5,000 living expense stipend
- Total of 10 students will participate
- Externships last 8 weeks
- Commission will track long-term results of the effort

# Questions?

Jordan Bates-Rogers

[jordan@legallaidfoundation.org](mailto:jordan@legallaidfoundation.org)

**Get in  
touch here:**



# Tab 5

## DRAFT 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 nationwide, the Commission will	Court Education Committee SRL Committee Commission members:  Staff:	Provide information about availability and universal acceptance of forms, including automated forms, for self-represented litigants (SRLs)  Educate about Tribal court jurisdiction and orders  Educate about importance of and opportunities for limited scope representation.	<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</li> </ul>	



<p>identify and advocate to enhance and expand judicial and court staff education.</p>	<p>Partner Organizations:</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 use of Informal Domestic Relations Trials.</p>	<p>court staff in both district courts and courts of limited jurisdiction;</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 identified and prioritized by the Branch.</p>	<p>Policy and 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>	<p>Secure base budget funding for the Family Law Mediation Project.</p> <p>Obtain commitment of Judicial Branch staff support for Commission work</p> <p>Identify and prioritize other access to justice programs in need of funding.</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 and Resources Committee</p> <p>Commission members:</p> <p>Staff:</p> <p>Partner Organizations:</p>	<p>Review and discuss identified national resource proposals for funding to support Commission staff/capacity</p>	<p>Secure outside funding sources for Commission work to increase access to justice</p>	
<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 and Resources Committee</p> <p>Community Education and Partnerships Committee</p> <p>Commission members:</p> <p>Staff:</p> <p>Partner Organizations:</p>	<p>Secure funding to support remote hearings and other technologies to improve appearance rates at hearings throughout the State.</p> <p>Simplify and modernize service of process rules and forms.</p> <p>Create user-friendly options for e-filing by SRLs.</p> <p>Support Tribal court interaction and collaboration with State courts and recognition of Tribal court orders.</p>	<p>Submit or facilitate regular publication of access to justice related material in <i>The Montana Lawyer</i>.</p> <p>Submit or facilitate regular opinion pieces about access to justice and its relationship with other community needs and outcomes.</p>	

<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 and 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>	<p>Host community forums about access to justice issues and resources.</p> <p>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.</p>	
<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 to reduce the burden on SRLs.</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> <p>Create user-friendly options for e-filing by SRLs.</p>	<p>Review and discuss national resources and opportunities for simplification annually.</p> <p>Conduct or facilitate at least one judicial education opportunity annually related to simplifying SRL court processes.</p>	

			<p>Host community-based access to justice related meeting and education that include opportunities for simplifying processes for SRLs.</p> <p>Distribute Montana judicial court guide for simplifying processes for SRLs which is included in at least one Judicial training.</p> <p>Review and recommend changes to Service of Process rules in relation to national best practices for referral to appropriate state committees or commissions.</p>	
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# Tab 6

# Draft Support Letter for Technology Initiative Grant

[Letterhead & Date]

Ronald S. Flagg  
President  
Legal Services Corporation

Dear President Flagg:

The Montana Supreme Court's Access to Justice Commission is pleased to support the Montana Legal Services Association (MLSA) in its application for a Technology Initiative Grant.

We are dedicated to advising the Montana Supreme Court on how the legal needs of all Montanans can be met, and to bringing together statewide stakeholders to develop and expand options for access to justice across Montana. We have a range of initiatives to expand access to justice, and have found that developing support for self-represented litigants has significant impact on equal justice. MLSA maintains many resources that are integral to supporting self-represented litigants, including MontanaLawHelp.org and the automated legal forms accessed there

MLSA's project to overhaul the existing automated forms and to then eventually integrate these forms into the Court's new FullCourt case management system and e-filing promises to help further expand support for self-represented litigants. The Access to Justice Commission is excited to support MLSA's application to update and redesign automated forms for the benefit of low-income Montanans, particularly those living in rural communities.

The Access to Justice Commission views LSC's potential investment in the form overhaul project as a foundational strategy to advance community access to effective justice interventions. According to a 2014 needs study prepared for the Access to Justice Commission, increasing the availability and types of free legal assistance is one of the top strategies to close gaps in service for low-income Montanans. Self-represented litigants will have access to up-to-date forms, guidance to complete them, and eventually new capacity to file them online with the courts.

Our Standing Committee on Self-Represented Litigants will assist MLSA in developing, testing, and implementing the overhauled automated forms and the eventual integration to FullCourt case management and e-filing. The CSRL Committee is committed to providing feedback to MLSA on the accuracy and usability of the forms and will collaborate with MLSA to review forms for consistency with court requirements.

Thank you for your attention to this application.

Sincerely,

Justice Beth Baker  
Chair, Montana Access to Justice Commission

# Statewide Legal Needs Assessment (Executive Summary)



# 2023 Statewide Legal Needs Assessment

## *Executive Summary*



### Introduction:

The Montana Legal Services Association (MLSA) is the only provider of civil legal aid in the state of Montana. It centers its delivery of services around addressing the civil legal needs of Montana’s low-income population. As such, MLSA believes that it is crucial to evaluate those civil legal needs on a regular basis so that it can be responsive to changing client needs and continue to adapt and grow. This allows MLSA to be responsive to any changes in civil legal needs around the state and to ensure that its services are delivered in a way that is easily accessible for the majority of clients.

In addition the Legal Services Corporation (LSC) asks that its grantees complete regular legal needs assessments in order to: 1) help identify an organization’s priorities, 2) determine the allocation of scarce resources, 3) engage with the community to get feedback on how efficient, visible, and accessible the organization is, and 4) generate data and information that the organization can use in its effort to increase the visibility of legal aid and increase support. The Montana Legal Services Association (MLSA) last underwent a legal needs assessment in 2017.

### Summary of Findings:

Many of the findings from client, community partner, and legal partner outreach reflect changing legal needs based on Montana’s changing economic landscape. Issues like public benefits, consumer issues, housing affordability and access, and MLSA’s rental landscape appear as larger concerns than they have in previous needs assessments. Strikingly, family law has taken a back seat to some of these issues. While this could certainly change as policies and programs are developed to address the housing crisis, Medicaid unwinding, etc. it is certainly safe to say that these are among the most pressing needs for clients at this time.

“Special education help! There is NO one to help parents in the entire state. Even DRM [Disability Rights Montana] can’t help!”- Anonymous Respondent

Interestingly, special education is an issue that also appears to be on the rise. In fact, clients point to issues with their children’s school as the top life factor that made any civil legal issue more difficult to deal with. This has not been the case in previous assessments and merits further investigation to determine the exact legal issues at play and the driving forces behind them.

Lastly, many service providers and members of the legal community point to issues in MLSA’s intake system. Because MLSA is a free service for low-income Montanans, it must screen for eligibility before providing services. The frustration with the process noted by community

partners and the legal community is one that MLSA is aware of and is continuing to work to address.

## Methodology:

For MLSA’s 2023 legal needs assessment, MLSA contracted with Angie Wagenhals. Ms. Wagenhals is an independent contractor who had previously worked at MLSA for over eleven years and has extensive experience in outreach, assessment, and reporting in the legal services field. Ms. Wagenhals worked with MLSA’s deputy director to develop goals for the needs assessment, a framework for achieving those goals, and an outreach plan to gather feedback.

MLSA determined that it would gather input from three key populations- clients, stakeholders, and community partners. MLSA identified three different methods to gather this input:

1. Electronic and paper surveys;
2. In person one on one interviews with judges;
3. Focus groups hosted in communities across the state.

## Findings Across Groups:

### *Legal Issues That Have Arisen in Past Year*

	<b>Clients</b>	<b>Community Partners</b>	<b>Legal Community</b>
<b>Issue #1</b>	Consumer	Family law	Family law
<b>Issue #2</b>	Issue with child’s school	Housing	Housing
<b>Issue #3</b>	Family law	Consumer	Consumer

### *What Should MLSA Be Doing?*

	<b>Clients</b>	<b>Community Partners</b>	<b>Legal Community</b>
<b>Issue #1</b>	Housing	Housing	Family law
<b>Issue #2</b>	Public benefits	Family law	Housing
<b>Issue #3</b>	Family law	Public benefits	Public benefits

### *Trends Across Groups*

<b>Clients</b>	<b>Community Partners</b>	<b>Legal Community</b>
Most know about MLSA	Most know about MLSA	Most know about MLSA
Consumer top issue reported in past year	Family law top issue reported in past year	Family law top issue reported in past year
Most (53%) unable to get needed legal help <ul style="list-style-type: none"> <li>• Couldn't afford an attorney</li> <li>• Couldn't find materials</li> </ul>	Most clients (53%) unable to get needed legal help <ul style="list-style-type: none"> <li>• Couldn't afford an attorney</li> <li>• No attorneys available to help</li> </ul>	Most litigants (61%) unable to get needed legal help <ul style="list-style-type: none"> <li>• Couldn't afford an attorney</li> <li>• No attorneys available to help</li> </ul>
Children not getting school services biggest compounding factor	Loss of housing/potential loss of housing biggest compounding factor	Trouble paying bills biggest compounding factor
Housing should be top priority for MLSA	Housing should be top priority for MLSA	Family law should be top priority for MLSA

## Key Takeaways

After reviewing the responses outlined above, there are several key takeaways that are worth highlighting. These are not necessarily listed in order of importance but are generally recurring themes across all those that were surveyed and interviewed. It is worth acknowledging that some of the issues raised are a result of lack of funding to adequately support MLSA's work, the growing cost of living in Montana, and other issues that are largely outside of MLSA's control.

**Family law no longer the top concern:** In 2017, clients rated family law as their top legal priority and domestic violence as their second legal priority. Community partners rated domestic violence as their top legal priority and family law as their second. However, this year family law did not rise to the top for either community partners or clients. Clients rated family law as the third priority for MLSA after housing and public benefits and community partners rated family law as the second priority after housing. The legal community listed family law as the top priority for MLSA after having listed it as the second priority after housing in 2017. Part of this discrepancy between what clients and community members report and what the courts report is that family law continues to clog the court's docket. The courts may simply *see* more family law while clients are experiencing more issues with their housing and public benefits.

**Housing and homelessness a rising concern:** As mentioned throughout this report, housing is a top concern among clients, community partners, and the legal community. The comments section of each survey clearly highlights this as well with a notable number of responses referring to rising homelessness and housing instability as a chief concern in their community.

“It is sure hard to find a job that can pay for rent. So many new families from out of state...make it easier for Management to raise rents.”  
Anonymous Respondent

**Public benefits and cash assistance a key concern:** When MLSA conducted its 2017 legal needs assessment, public benefits did not appear as one of the issues clients, community

members, or court staff thought MLSA should focus on. In fact, anything to do with public benefits rarely came up in the comments or in other portions of the 2017 report. However, since then many of the private firms that took public benefits cases in Montana on a contingency basis (primarily social security disability benefits) have closed and MLSA is one of the only resources available. In addition, Montana is still recovering from the economic impact of COVID-19 in 2020 and low-income Montanans have felt the brunt of Medicaid unwinding. Perhaps because of these things (and likely others), public benefits is now a top concern among clients, community partners, and the legal community.

**Emphasis on Medicaid unwinding:** Medicaid unwinding came up again and again in both individual interviews and focus groups and in survey comments (particularly from the legal community). While public benefits generally was a main area of focus, the effects of Medicaid unwinding seem to be a chief concern for many survey respondents. As mentioned in the introduction to this report, 127,000 Montanans have lost their health insurance because of Medicaid unwinding. This loss of health coverage is likely to have a domino effect in an individual's life and may raise consumer issues and other civil problems later down the line.

**Housing conditions and repairs is an issue that merits focus:** While MLSA has understandably been focused on evictions as a result of COVID-19 and the development of the Montana Eviction Intervention Project (MEIP), both clients and community partners point to poor housing conditions and repairs as major issues that rise above evictions in what both groups consider housing priorities. The legal community did not identify housing conditions as a top priority but this may well be due to the fact that those issues do not often make it to court. However, both clients and community partners listed it as their chief housing concern. Unfortunately, there is no way to understand why this issue may be rising to the top when it hasn't in the past but it is certainly possible that the lack of housing availability in Montana pointed out by many in the comments section of their survey responses means that landlords are not under the same pressure to maintain rentals as they once were. When affordable rentals are so hard to come by, there may not be any incentive to maintain rental units.

**Education and Special Education Issues on the Rise:** While education issues were not raised in the 2017 needs assessment, they were raised several times by both community partners and clients in 2023. In fact, 27% of community partners say their clients have had a legal issue revolving around their child's school in the past year. Clients report it as the second most common issue they have dealt with in the past year after consumer issues. It is unclear what may explain this rise but it certainly stands out as a particular legal need for clients currently. While there is an agency that deals with these issues in Montana- Disability Rights Montana- the survey responses may point to this as an emerging issue that one agency is not equipped to handle by itself.

**Changing legal needs for Domestic Violence Survivors:** One of the most striking results of the survey is the lack of emphasis on domestic violence across feedback received from clients, community partners, and the legal community. While it is certainly raised as an issue- consistently listed as the top priority in the area of family law- orders of protection are further down the list of both issues experienced and issues of importance than they had been in the

previous assessment where domestic violence was often listed near the top of all audiences' areas for focus.

This should not be read as an indication that domestic violence rates have gone down (in Montana, 1 in 4 women will experience domestic violence in her relationship<sup>1</sup>) or that survivors do not need assistance with orders of protections. Orders of protection continue to be a crucial need in Montana. However, it may mean that survivors need help with additional civil legal issues that are, perhaps, rising to the top because of the current economic situation in Montana. While domestic violence survivors' legal needs have traditionally been associated with family law, many may need the stabilization that housing and public benefits can provide in addition to the safety that an order of protection offers. This may explain why housing and public benefits were chosen by client participants as the areas that MLSA should focus on above family law and orders of protection. Possible solutions are discussed in the "Solutions" portion of this report.

**Clients relying on in-person connections over online help:** Somewhat surprisingly, clients report relying on in-person connections for help rather than going online. When asked where they go for help with a civil legal problem, only 20% report going online. In fact, online resources are quite far down the list of where clients report going for help if they have a civil legal issue. Most turn to in person resources first and report that they would turn to MLSA (56%), a self-help law center (52%), a caseworker (33%), a social service agency (27%) or a friend or family member (21%) before turning to online resources. While technology is a helpful tool, it is not the prevailing way for clients to get information in Montana at this point in time.

**If clients go online, they are relying on social media for information:** If clients report going online, they are turning first to social media before accessing MLSA's legal information website, [www.montanalawhelp.org](http://www.montanalawhelp.org). When asked where they go for legal information online, clients report first turning to Facebook (66%) for help followed by Google (46%), TikTok (34%), and Instagram (26%). MLSA's website, [www.montanalawhelp.org](http://www.montanalawhelp.org) was reported as the fifth place clients would turn online for help with 24% saying that that is where they would look.

**Hesitation to refer from legal community and service providers an issue worth addressing:** Several service providers, judges, and members of the legal community raised that they are often hesitant to refer potential clients because of the application process and wait times. This is worth noting because it may well mean that MLSA is not seeing cases that it would like to. Clear communication with the legal community and judicial system may help expedite these referrals and MLSA may want to consider whether it would like to create an easier "path in" for referrals from either group. In addition, it may be worth regularly training both the courts and community partners on the application process, how clients can get connected, and tips and tricks for applicants (like checking voicemail, etc.) that may help alleviate some concerns around referrals. Clarity around the legal issues MLSA helps with may also help hesitant courts and community partners more confidently refer to MLSA.

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<sup>1</sup> Gardner, K., & Sokol, C. (2021, June 13). Statistics show domestic violence on the rise in Montana. *The Daily Interlake*.  
2023 Montana Legal Needs Assessment  
Executive Summary

**MLSA has internal improvements to make:** One issue that was raised over and over by the client community, community partners, and the legal community are the long wait times for a call back and frustration at the wait time between application and legal assistance.

MLSA must continue to look for new and creative ways to address frustrations such as waiting and response times. It goes without saying that MLSA will always face the problem of a higher demand for its services than there are resources available to help. In addition, MLSA faces issues of changing funding, staff turnover, and a need to constantly adapt to low-income Montanans changing legal needs.

However, the prevalence of these issues across different stakeholder communities indicates that it may be a worthwhile investment for MLSA to review its intake process and the ensuing delays to evaluate whether there is a system that may work better given current staffing and demand for services. It should be noted that MLSA is working to address this by hiring a new staffer solely dedicated to managing the intake process and we are looking for additional ways to simplify and streamline intakes and case processing to address client and partner concerns about delays.

*“MLSA answered my question in a 45 minute phone call, it did take 6 weeks to get the phone call, which I understand, MLSA is limited in staff. But many things can happen in days if not weeks, it would be great if there were a 15 minute help line.” – Anonymous Respondent*

**There may not be a statewide approach:** One of MLSA’s biggest challenges is providing statewide services in a state made up of vastly different communities. This is most noticeable in looking at the differences in feedback from focus groups held in different communities. The legal areas affecting residents of that community- and service providers- vary vastly from community to community and are often dependent on population makeup, location, and demographics of the community. Because of this, it is difficult to evaluate issues on a statewide basis and a priority in one community may be a non-issue in another. For example, immigration was a major concern for focus group attendees in Billings. However, it was rarely raised in any other focus groups and was hardly mentioned in any of the surveys. Solutions to any issues raised by individual communities may not work on a statewide basis.

## Conclusion:

MLSA is a dynamic organization that serves a large low-income population across a vast state. It has the very difficult job of finding statewide services that work well in urban, rural, and tribal communities and must adapt to the continually changing legal needs of its client population. MLSA does this through a combination of highly skilled and dedicated staff, innovative use of technology, and strong community partnerships.

MLSA must continue to leverage those resources as the civil legal needs change for its client population. Medicaid unwinding and the housing crisis have had a significant impact on MLSA’s client community and the legal issues that will result from these changes will continue to develop in the coming years. MLSA is an organization that can certainly meet these challenges and this assessment is intended to shed light on what some of those changing client needs may be. It is also intended to show MLSA some of the areas for growth and improvement based on feedback from the client community, community partners, and the legal community. Lastly, it is intended to highlight the strengths that others see in MLSA and to ensure that MLSA continues to build on those strengths into the future.

# Statewide Legal Needs Assessment (Full Assessment)

# 2023 Statewide Legal Needs Assessment



Prepared by Angie Wagenhals  
for the Montana Legal Services Association  
May 15, 2024



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## Introduction and Background:

The Montana Legal Services Association (MLSA) is the only provider of civil legal aid in the state of Montana. It centers its delivery of services around addressing the civil legal needs of Montana's low-income population. As such, MLSA believes that it is crucial to evaluate those civil legal needs on a regular basis so that it can be responsive to changing client needs and continue to adapt and grow. This allows MLSA to be responsive to any changes in civil legal needs around the state and to ensure that its services are delivered in a way that is easily accessible for the majority of clients.

In addition, the Legal Services Corporation (LSC) asks that its grantees complete regular legal needs assessments in order to: 1) help identify an organization's priorities, 2) determine the allocation of scarce resources, 3) engage with the community to get feedback on how efficient, visible, and accessible the organization is, and 4) generate data and information that the organization can use in its effort to increase the visibility of legal aid and increase support. The Montana Legal Services Association last underwent a legal needs assessment in 2017.

Since MLSA's last needs assessment, MLSA has undergone major changes. MLSA has grown significantly and has added a crime victim practice group, an elder law practice group, and has greatly increased its housing practice. MLSA has also lost its public benefits practice group and its low-income taxpayer clinic since its last assessment.

Montana writ large has also undergone major changes since the last assessment. Like many states across the country, Montana was plunged into a recession with the onset of COVID-19<sup>1</sup>. During COVID-19 and in the years following, housing and rental prices soared and have priced many families out of owning or renting homes<sup>2</sup>. In addition, low-income Montanans have felt the impact of Medicaid unwinding since Medicaid began cutting its rolls when the federal public health emergency declaration ended. As can be expected, these changes have been acutely felt in the low-income community and the legal issues reported by clients, community partners, and the legal community bear this out. In a report presented to the legislature in March 2024, the Montana Department of Public Health and Human Services (DPHHS) reported that over 127,000 Montanans have lost coverage during the unwinding process- 64% of those because they did not provide the "requested information" as part of the enrollment process. 40% of the cases before the Montana DPHHS lost coverage and 36,000 Montana kids lost their health insurance as part of the process<sup>3</sup>.

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<sup>1</sup> Puckett, K. (2020, May 4). Revised economic forecast: COVID-19 will cost Montana 51,000 jobs. *The Great Falls Tribune*.

<sup>2</sup> Trautman, E. (n.d.). *Housing Affordability in Montana*. Montana Labor Market Information. [https://lmi.mt.gov/\\_docs/Publications/EAG-Articles/1022-HousingAffordability.pdf](https://lmi.mt.gov/_docs/Publications/EAG-Articles/1022-HousingAffordability.pdf)

<sup>3</sup> Silvers, M. (2024, March 13). Health department shares Medicaid disenrollment numbers for children, seniors, Native Americans. *The Montana Free Press*.

## Summary of Findings:

Many of the findings from client, community partner, and legal partner outreach reflect changing legal needs based on Montana's changing economic landscape. Issues like public benefits, consumer issues, housing affordability and access, and MLSA's rental landscape appear as larger concerns than they have in previous needs assessments. Strikingly, family law has taken a back seat to some of these issues. While this could certainly change as policies and programs are developed to address the housing crisis, Medicaid unwinding, etc. it is certainly safe to say that these are among the most pressing needs for clients at this time.

Interestingly, special education is an issue that also appears to be on the rise. In fact, clients point to issues with their children's school as the top life factor that made any civil legal issue more difficult to deal with. This has not been the case in previous assessments and merits further investigation to determine the exact legal issues at play and the driving forces behind them.

Lastly, many service providers and members of the legal community point to issues in MLSA's intake system. Because MLSA is a free service for low-income Montanans, it must screen for eligibility before providing services. The frustration with the process noted by community partners and the legal community is one that MLSA is aware of and is continuing to work to address.

## Methodology:

For MLSA's 2023 legal needs assessment, MLSA contracted with Angie Wagenhals. Ms. Wagenhals is an independent contractor who had previously worked at MLSA for over eleven years and has extensive experience in outreach, assessment, and reporting in the legal services field. Ms. Wagenhals worked with MLSA's deputy director to develop goals for the needs assessment, a framework for achieving those goals, and an outreach plan to gather feedback.

A statewide legal needs assessment is a large undertaking and MLSA made some key determinations on scope and focus at the outset of the assessment (see Attachment A: 2023 MLSA Needs Assessment- Priorities for Assessment). MLSA first determined that it would gather input from three key populations- clients, stakeholders, and community partners. MLSA identified three different methods to gather this input:

- Electronic and paper surveys (see Attachment B: Client Legal Needs Survey, Attachment C: Community Partner Legal Needs Survey, and Attachment D: Legal Community Legal Needs Survey).
- In person one on one interviews with judges (Attachment D: Legal Community Legal Needs Survey was used).
- Focus groups hosted in communities across the state (Attachment E: Focus Group Questions).

Details on survey responses, outreach methods, focus groups, and interviews are found in later sections of this report.

Participants: MLSA surveyed the following populations during the course of the 2023 Legal Needs Assessment. Those populations included:

- Clients (former, current, and client eligible);
- Community service partners (self-help law centers, housing agencies, shelters, food banks, etc.);
- Courts (Judges, clerks of court, etc.);
- Private Bar (attorneys and pro bono attorneys);
- Access to Justice Stakeholders (State Bar of Montana, Access to Justice Commission, Montana Justice Foundation, etc.).

Outreach: Ms. Wagenhals worked with MLSA outreach staff to develop an outreach strategy that focused on reaching client communities across the state. Outreach focused on soliciting feedback from urban, rural, and tribal communities as well as from a diverse population that included individuals that identify as black or people of color, members of a tribal community, individuals that identify as LGBTQ+, and other populations that are a priority for MLSA as part of its strategic advocacy plan.

Staff Lead: MLSA staff played a key role in the needs assessment and hosted focus groups and in person interviews with judges and other court staff in order to gain insights and continue building partnerships across the state.

Focus Groups: MLSA held four focus groups across Montana to gain more insight into the civil legal needs of low-income Montanans. These focus groups were held in Polson, Billings, Hardin, and Great Falls. The locations were selected based on MLSA information and census data to focus on communities that represented both urban and rural populations, communities that had a high percentage of low-income residents, and communities that had a large representation of priority populations for MLSA (including racial minorities, tribal members, seniors, and individuals for whom English is a second language). A breakdown of population in each community can be found in Attachment F: Focus Group Location Matrix.

Investigation into both legal issues and compounding life circumstances: While the focus of the 2023 Legal Needs Assessment was on the *legal* needs of Montana's low-income population, MLSA understands that there are many other factors in an individual's life that contribute to civil legal issues. As such, MLSA also sought information to help it understand what life circumstances contribute to civil legal issues in order to ensure that MLSA has a holistic understanding of its client's civil legal needs.

Clients as top priority: While the 2023 Legal Needs Assessment looked to courts, service providers, and community partners for feedback, the priority was to solicit feedback from clients and the client population. This ensures that MLSA is developing priorities based on firsthand feedback from those individuals that it serves. As such, this report attempts to focus on those responses and lend significant weight to client feedback where appropriate.

## Limitations

Spam responses: As with any incentivized survey effort, it is very difficult to control for spam responses. While this is not a concern for either the community partner survey or the legal community survey, because those surveys were sent to specific email distribution lists it was an issue for the client survey which was shared more widely. To try and ensure that spam responses were minimized, the consultant reviewed as many individual responses as possible and removed those with characters that were not in English or responses that were obviously produced by a bot (for example, when “what causes deforestation” was listed in an additional comment box). While it is impossible to keep all spam responses out of the pool of data in an effort like this, reviewing as many individual responses as possible is a way to cut down on the impact on the overall data that those responses have.

Different audiences approach the survey differently: Asking about the legal needs of low-income Montanans obviously elicits different responses depending on the group being asked. While clients respond with perhaps the most pertinent information, the survey is not immune from issues that MLSA is all too familiar with- namely that it is difficult to explain civil legal issues so that it is clear they are a legal issue and not just an issue of not having enough money, etc. This may prevent some client respondents from identifying particular legal issues as problems in their own lives. For example, consumer issues are often the most difficult to identify because many perceive the issue as simply not being able to pay the bills. MLSA attempted to address this issue as much as possible by using plain language and providing explanations of each legal issue.

Correspondingly, respondents who are members of the court staff only see the legal issues affecting low-income Montanans if those issues make it to court. MLSA is well aware that many of the issues that affect low-income clients do not make it in front of a judge for a variety of reasons- tenants who receive a 30 day notice that may not be legal just move out rather than go through the court process, creditors may obtain a default judgement in a debt collection case, a victim of domestic violence may file for an order of protection and then never follow up. In addition, it is important to remember that state court staff and judges do not see public benefits issues in their courtrooms. Those issues are handled through an administrative process rather than through the courts. While state courts may see issues compounded by lack of public benefits, they do not deal with these issues directly. This limitation may affect the legal issues that this group identifies as a priority for low-income Montanans. In addition, they may tend to respond based on what issues it would be most helpful for the court to have a lawyer’s assistance with, not what issues clients most need help with.

Lastly, community partners only see the legal issues that their clients present to them and many of those clients are individuals that have managed to navigate the system in order to receive help from a social service agency. In addition, community partners often focus on one particular demographic and so their feedback may be limited to the experiences of that particular demographic.

Selected audience: The client participants that responded to the needs assessment survey are, in some ways, representative of a very specific group of individuals. Responses were primarily gathered through an online survey posted to social media, MLSA’s website, and MLSA’s email newsletter. This means clients (or client eligible individuals) that responded are online in some

way and have the technical savvy to complete an online survey. They also represent a group that has likely worked with MLSA in the past simply due to the fact that MLSA has their contact information in order to send them the electronic newsletter or they have chosen to follow MLSA's social media accounts.

All responses not listed: In the interest of brevity, this report does not list all responses from the surveys or individual interviews. Often, only the top five survey responses are referenced. Please consult the detailed survey responses or the interview and focus group notes for a more thorough understanding of feedback.

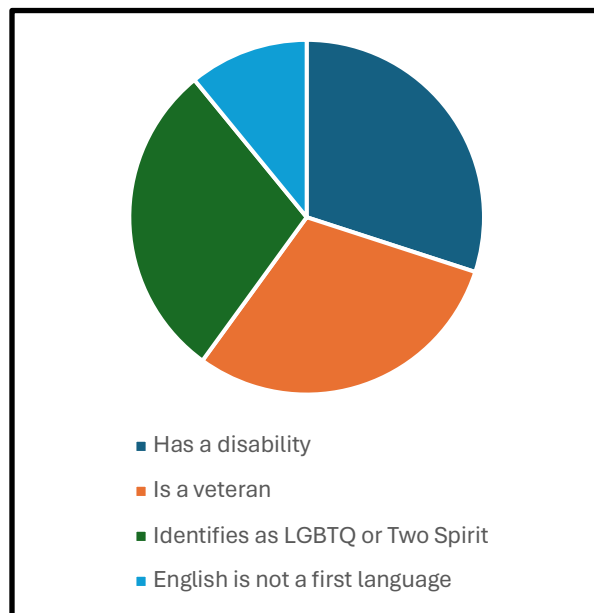
## Client Feedback

### Overview:

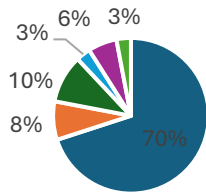
Surveys were posted in late October 2023 and distributed in MLSA's client newsletter, posted to social media, and posted to MLSA's client facing website, [www.montanalawhelp.org](http://www.montanalawhelp.org). Client respondents were offered the chance to win a \$20 gift card for their time if they completed the survey. Between October 2023 and January 2024, 517 surveys were completed.

### About the Respondents:

- Most knew about MLSA
  - 49% reported definitely knowing about MLSA while 41% said they were aware of the services it provides (with 46% saying [www.montanalawhelp.org](http://www.montanalawhelp.org) is a useful website).
- Responses came from all over the state with a good representation from rural, urban, and tribal communities and representation from communities in both the Eastern and Western part of the state.
- Respondents represented a variety of life experiences:
  - 33% reported having a disability
  - 33% were veterans
  - 32% identified as LGBTQ or Two Spirit
  - 12% reported that English was not their first language
- The majority of the respondents were white followed by Hispanic, Black, and Native American.
- Over half the respondents were men (54% men to 44% women) and 2% preferred not to report or to self-describe.
- The majority were between the ages of 25-34 (approximately 44%) and 35-44 (approximately 34%).
- Most households earned between \$30,000-\$50,000 (approximately 32%) and \$15,000-\$30,000 (approximately 30%). Only 10% reported being under \$15,000.

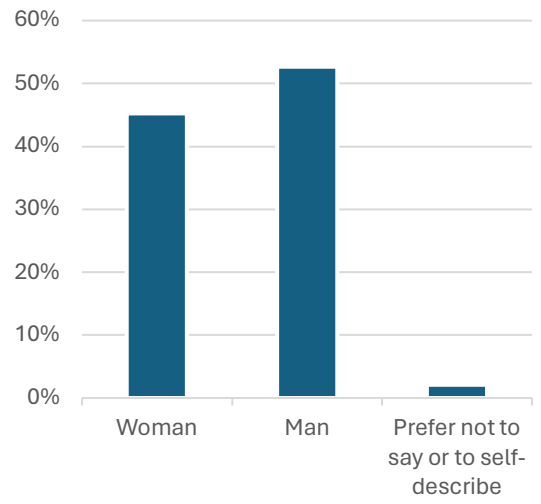


### Race of Respondents

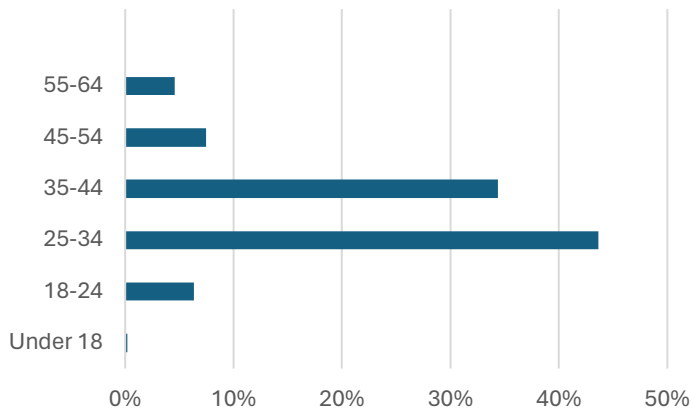


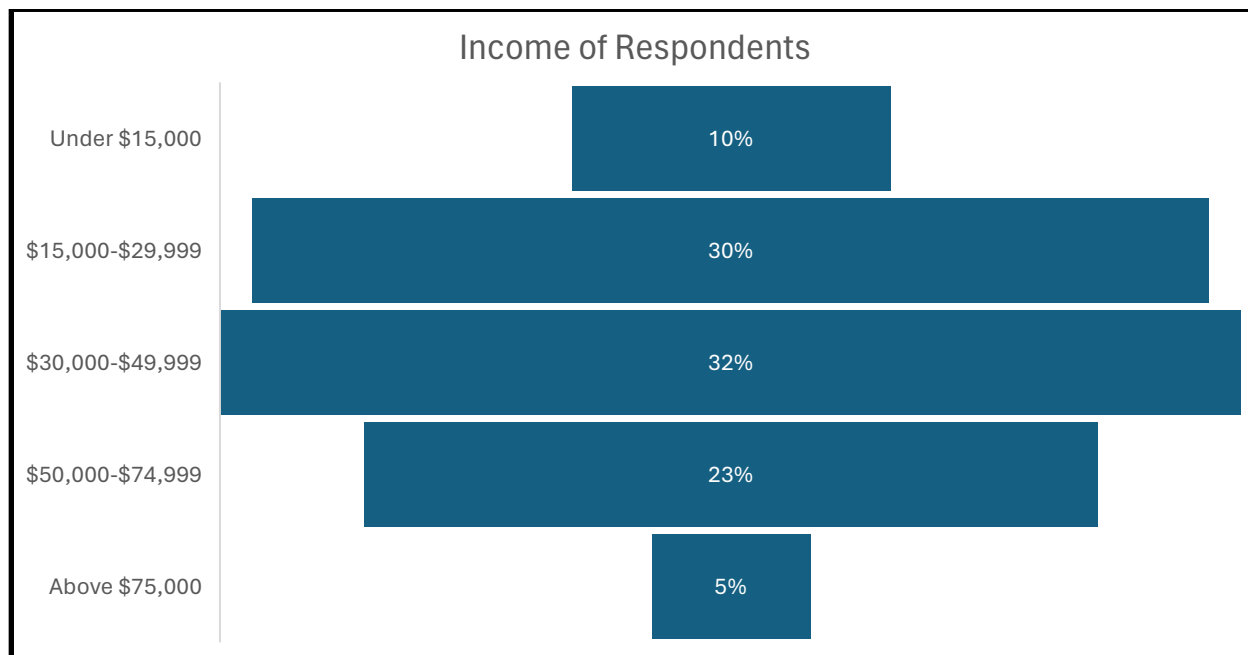
- White
- Black or African American
- Hispanic or Latino
- Asian or Asian American
- American Indian or Alaska Native
- Native Hawaiian or Pacific Islander

### Gender of Respondents



### Age of Respondents

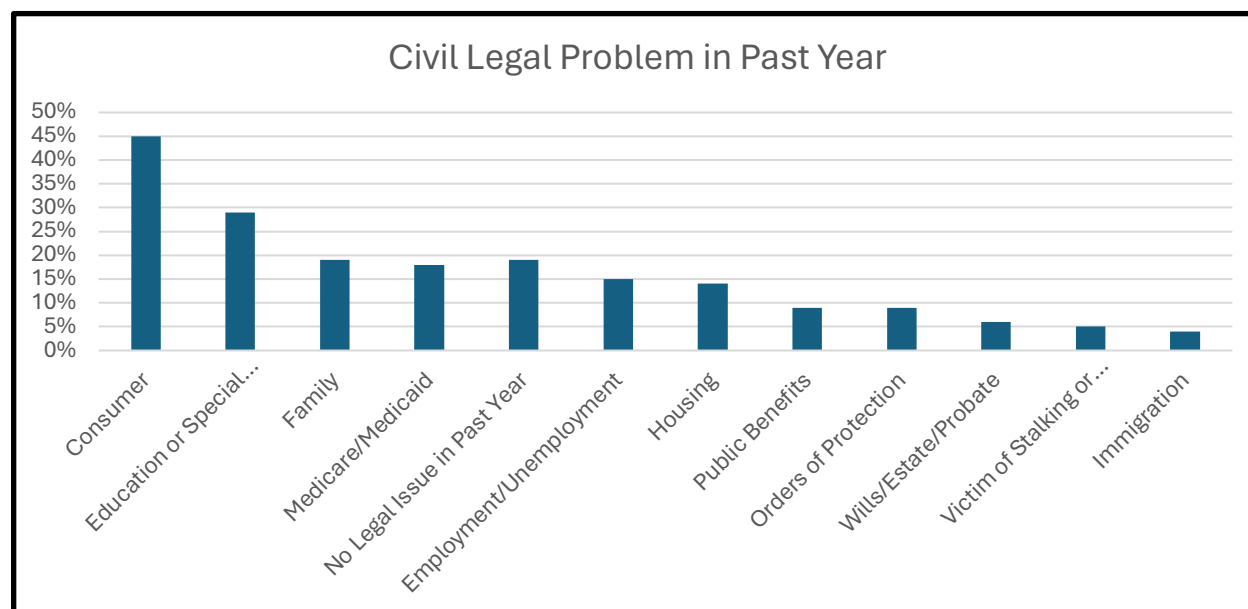




### About respondents' legal issues:

Of the 516 respondents that reported having a civil legal issue in the past year:

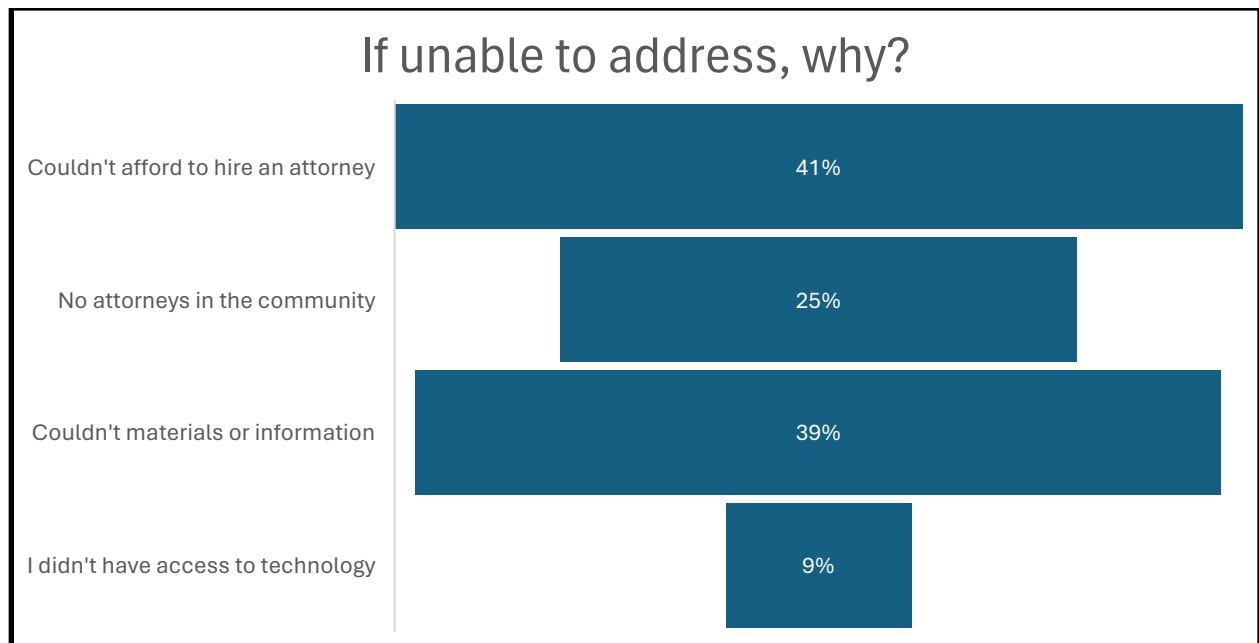
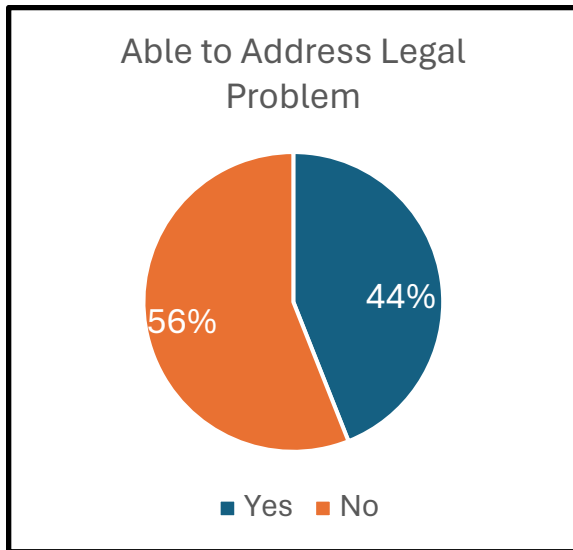
- 45% reported having a consumer issue
- 29% reported having a legal issue related to their child's school
- 19% reported having a family law issue
- 18% reported having an issue losing their Medicaid or Medicare





Of those who reported having a civil legal issue, **56% were not able to get the help they needed dealing with the issue.** Those that couldn't get the help they needed reported the following as the reasons why:

- 41% couldn't afford an attorney
- 39% couldn't find materials to explain things
- 25% said there were no attorneys in their community
- 9% didn't have access to the right technology

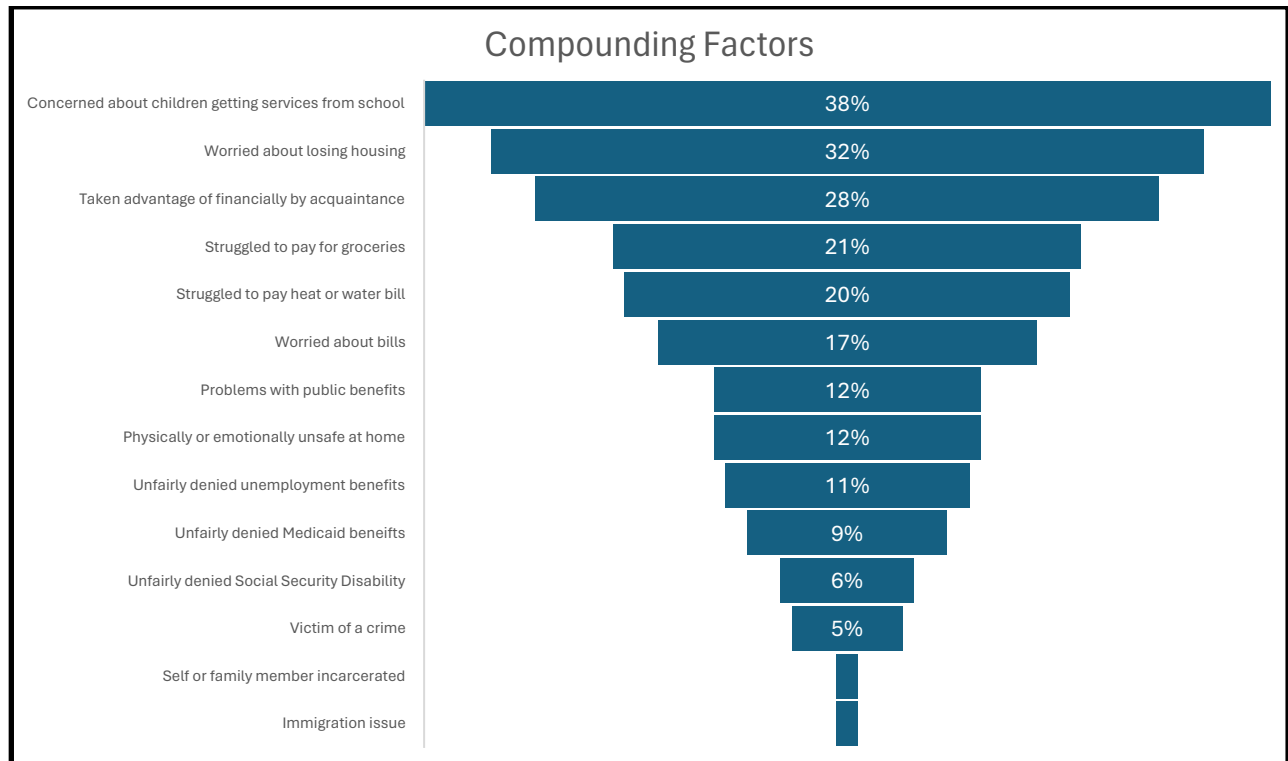


### Compounding factors:

Respondents reported the following as the things they worried about the most in the past year:

- Concerned about children getting services from school (38%)
- Worried about losing housing (32%)
- Taken advantage of financially by acquaintance (28%)
- Struggled to pay for groceries (21%)
- Struggled to pay heat or water bills (20%)

Of those respondents that had a civil legal issue in the past year, 67% said one of the above compounding factors made that problem worse.



### What should MLSA be doing?

- Housing (22%)
- Benefits (19%)
- Family law (15%)
- Consumer (15%)
- Employment (14%)

## Most important issues

The survey asked clients to rank specific legal issues within a broader category in order of importance. The results shown below reflect the percentage of respondents who ranked each issue as the top priority. The categorizations of “first priority,” “second priority,” and “third priority” were determined by a review of how clients ranked each special area of the law and the percentage that ranked an issue as “very important” or “important” compared to “not important at all.” For example, in the housing category 164 clients ranked security deposits as “very important,” 232 as “important,” 105 as “somewhat important,” and 12 as “not important.” Housing conditions were ranked as “very important” by 163 clients, “important” by 264, “somewhat important” by 78, and “not important” by 7. Even though security deposits had a higher percentage of respondents rank the issue as “very important,” it also had more respond that it was only “somewhat” or “not important.” However, most respondents placed housing conditions somewhere between “very important” and “important” therefore placing it above security deposits in order of priority. While not an exact science, this is an attempt to be true to the responses from the client community when ranking the relative priority of different legal issues. The same methodology was applied to this question and the responses from both community partner surveys and legal community surveys.

	<b>Housing</b>	<b>Family</b>	<b>Consumer</b>	<b>Other</b>
<b>First Priority</b>	Poor Housing Conditions or Repairs	Protection from Abuse and violence by family or household members	Medical Bills	End of life care/nursing home access
<b>Second Priority</b>	Security Deposits	Child support-establishing support or getting someone to pay	Threats from bill collectors	Problems with employment
<b>Third Priority</b>	Evictions	Establishing a parenting plan	Wage garnishment/bank account levy	Protection from fraud or scams

What else should MLSA help with:

Special Education or Education Issues	5
Discrimination	5
Help with CPS	5
More resources or more help	4
DV	4
Senior Issues/Elderly Abuse	3
Disability	2

“Special education help! There is NO one to help parents in the entire state. Even DRM [Disability Rights Montana] can’t help!”- Anonymous Respondent

### What Issues Are Affecting Low-Income Montanans that MLSA Should Know About?

*“Lower and available rental properties.”*

*“With the recent 28% rate increase approval with Northwestern Energy, utility payment is also important to consider.”*

*“Rental application fees are a huge barrier for lower income Montanans to find housing.”*

*“The cost of affordable housing for all. MT needs rent control.”*

*“The hoops people have to jump through to reach the final hurdle just to find out you now have a whole new obstacle course you have to maneuver through to finally be connected to a live person to help you and the amount of time or lack of that you have to have all paperwork, etc. turned in to be approved of this, that and whatever.”*

*“It is sure hard to find a job that can pay for rent. So many new families from out of state...make it easier for Management to raise rents.”*

*“The cost of renting is just out of control in my opinion...”*

### How Clients Get Information:

When asked where they’ve gone in the past if they’ve had a legal problem, clients reported that they’ve used the following resources:

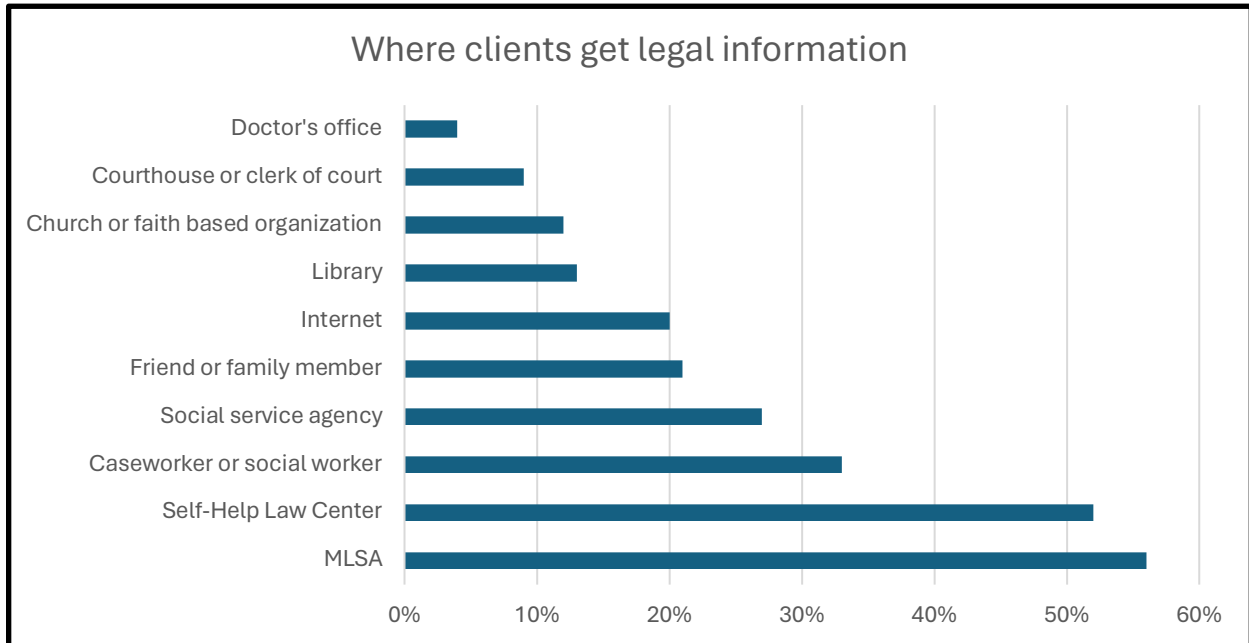
1. MLSA (56%)
2. A self-help law center (52%)
3. A caseworker or social worker (33%)
4. A social service agency (27%)
5. A friend or family member (21%)

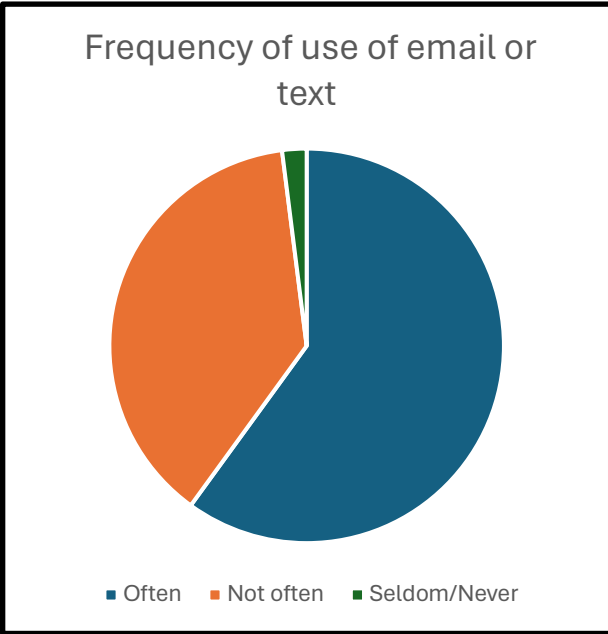
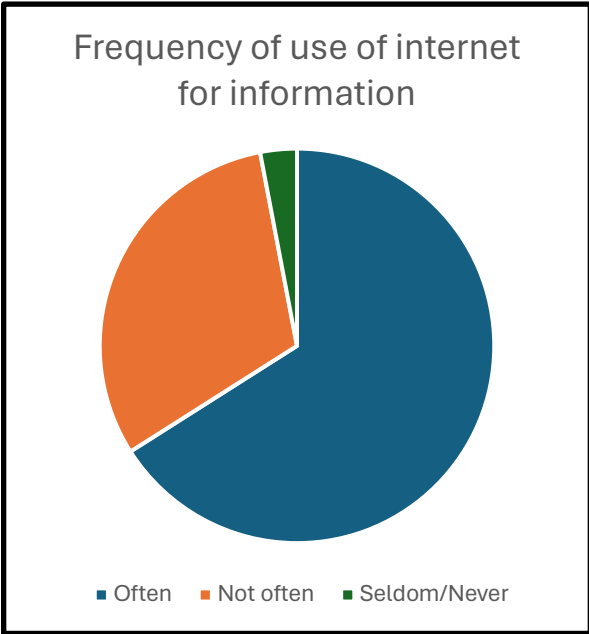
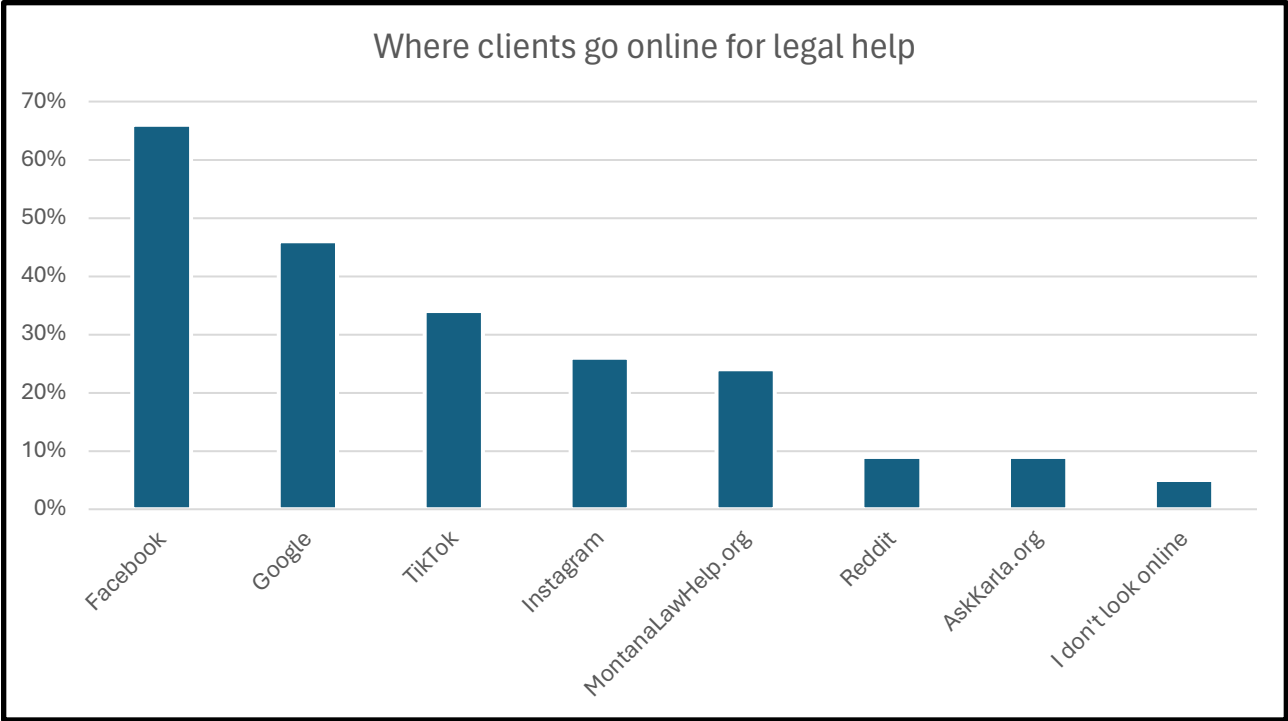
If clients go online for help, they report the five following places as their first stop for help:

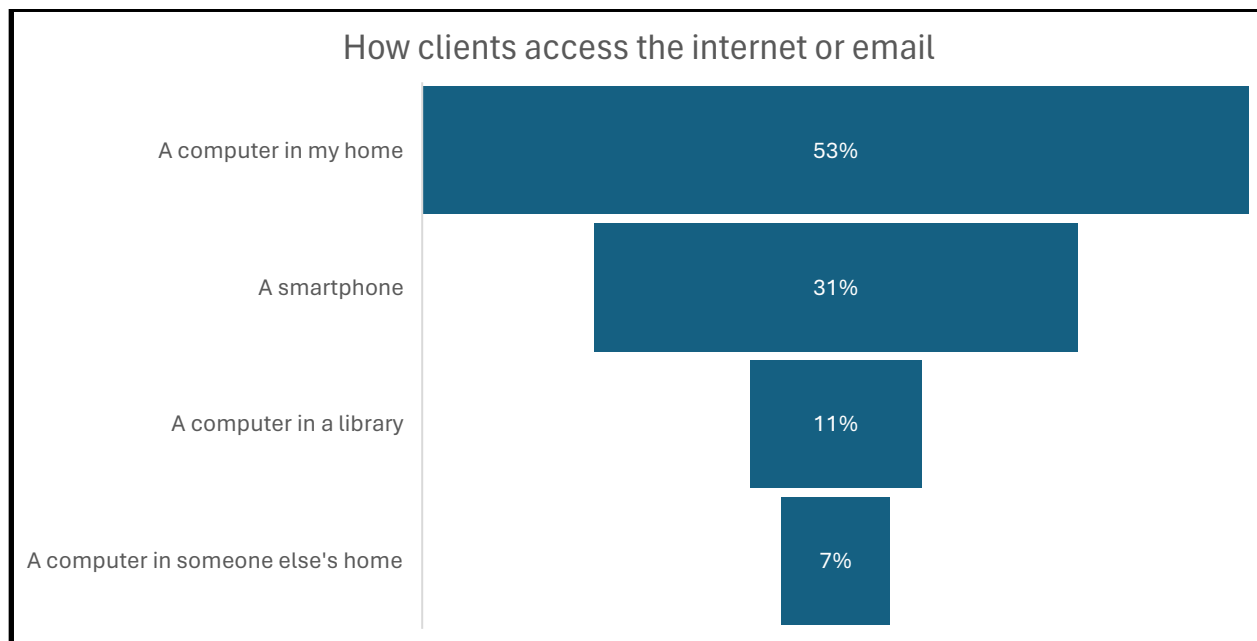
- Facebook (66%)
- Google (46%)
- TikTok (34%)
- Instagram (26%)
- MontanaLawHelp.org (24%)

### Technology Use:

- 66% report using the internet often for information while 31% they do not use the internet often;
- 60% report that they use email or text often with 38% reporting that they do not use email or text often;
- When clients do use the internet, 50% report using a computer at home while 31% report using their smart phone.







Are there any technology tools that MLSA should use to improve services to clients?

*“AskKarla should be overhauled or taken down. I never received a response the three times I used it.”*

*“An app would be very helpful. Where you can just chat with someone and ask questions about certain legal things without having to worry about calling or waiting.”*

*“Volunteers came to explain in person.”*

*“Zoom possibly. Private lines are good too, the old fashioned way.”*

*“MLSA should help rural communities access wifi...like put a computer terminal at the community center on the reservations and in libraries and at shelters.”*

## Areas for improvement

When asked “If you have received services from MLSA or know someone who has, is there anything MLSA could have done to better help you,” the most common response involved the long wait between intake and assistance. Many were understanding of the staffing issues MLSA is faced with but this delay was the most prevalent response when asked how MLSA could improve.

*“Pointing out the obvious, MLSA needs more help. It takes a long time for attorney’s [sic] or office staff to respond to messages. I have empathy for the people who work at for MLSA. I imagine they’re both frustrated and tired, but I’m also very frustrated [sic] length of time it takes to get simple answers.”*

*“They could have been organized and communicated with staff to prevent a bogus meeting being scheduled.”*

*“I received service. Just wish it [sic] not taken so long to get help.”*

*“MLSA answered my question in a 45 minute phone call, it did take 6 weeks to get the phone call, which I understand, MLSA is limited in staff. But many things can happen in days if not weeks, it would be great if there were a 15 minute help line.”*

*“We just need someone who will stand up and be on our side and not be afraid to take a tough case.”*

“...many things can happen in days if not weeks, it would be great if there were a 15 minute help line.” - Anonymous Respondent

## Community Partner Feedback

### Overview:

Surveys were sent to a wide variety of community partners. Feedback was solicited through MLSA’s Community Newsletter and emails to service providers.

70% report that MLSA is an important resource in the community

### About the respondents

53 community partners responded and they included a broad cross section of service providers in the state including partners at local healthcare centers, librarians, victim witness staff, state employees, HRDC staff, food bank staff, and more. The Winifred librarian even responded!

- Most knew about MLSA
  - 61% reported definitely knowing about MLSA and the services it provides (including [www.montanalawhelp.org](http://www.montanalawhelp.org)) and 30% reported probably knowing about MLSA and the services it provides (including [www.montanalawhelp.org](http://www.montanalawhelp.org)).



**Only 13% say it is “definitely” reasonably easy for people to apply for help with MLSA (31% report it is “probably” easy for people to apply for help with MLSA while 49% are uncertain).**



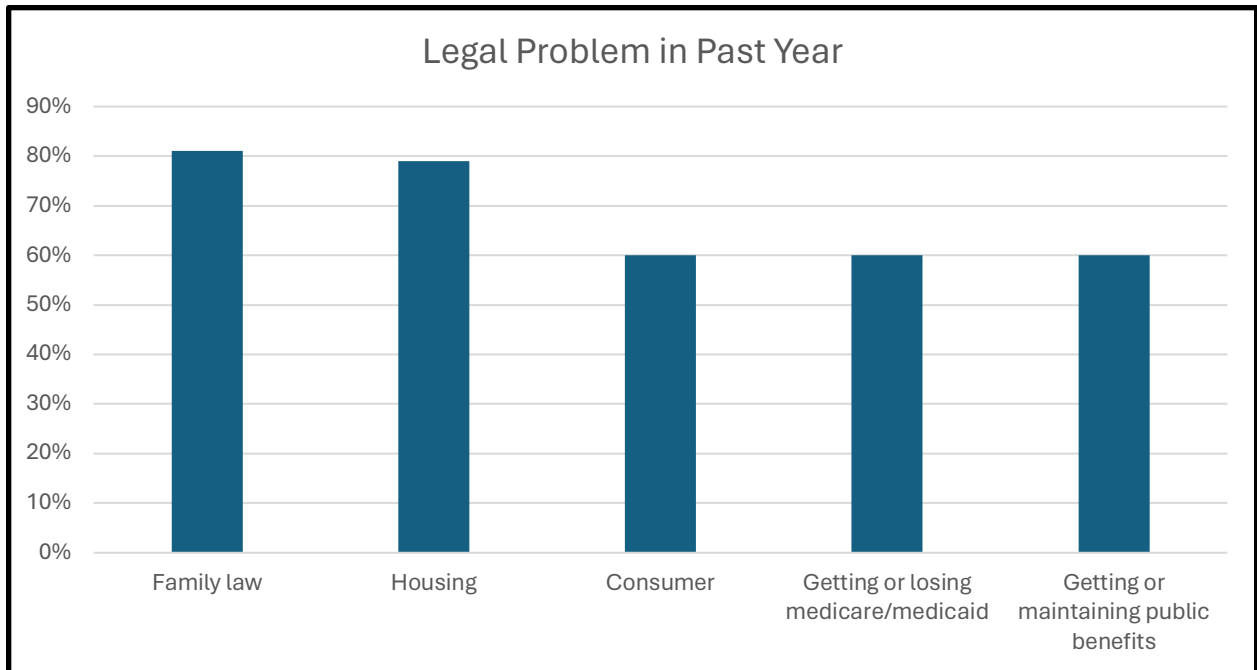
Respondents represented a variety of organizations that primarily serve a wide cross section of Montanans. Respondents report working for an organization who primarily serves the following populations:

- People with disabilities (94%)
- Seniors (91%)
- Veterans (79%)
- People who identify as black or people of color (79%)
- Native Americans (76%)

The legal issues their clients experience:

Respondents reported their clients dealing with the following legal issues in the past year:

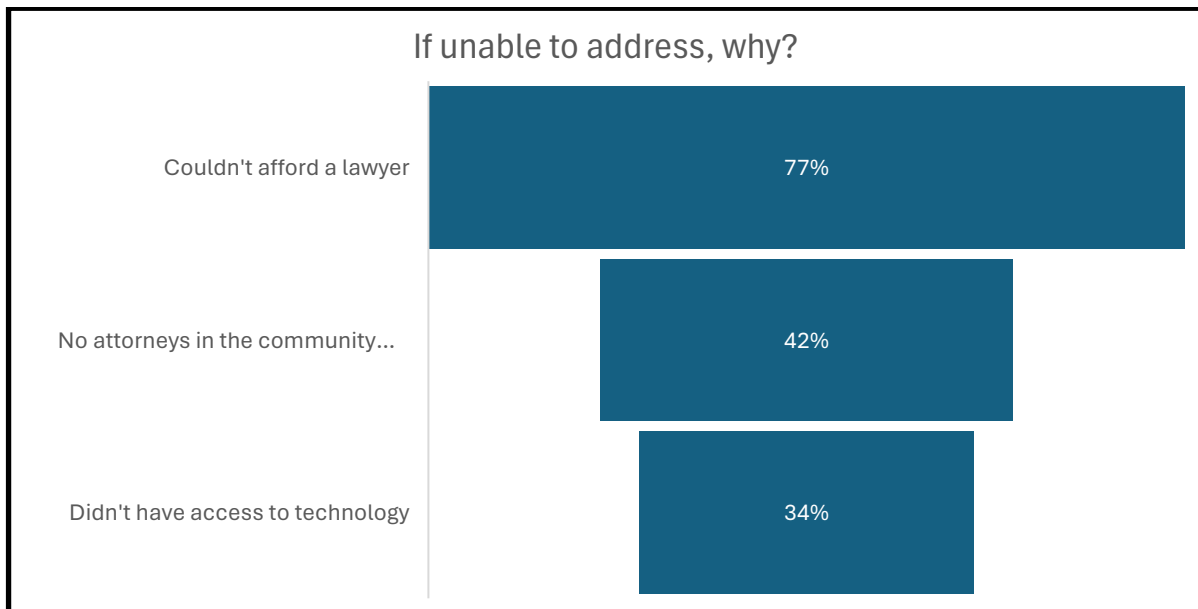
- 1) Family law (81%)
- 2) Housing (79%)
- 3) Consumer (60%)
- 4) Getting or losing healthcare like Medicare or Medicaid (60%)
- 5) Problems getting or maintaining public benefits (60%)



It is worth noting that *only 2%* say that their clients did not report any legal issues in the past year.

Of those who reported having a civil legal issue, 53% were not able to get the help they needed dealing with the issue. Those that couldn't get the help they needed reported the following as the reasons why:

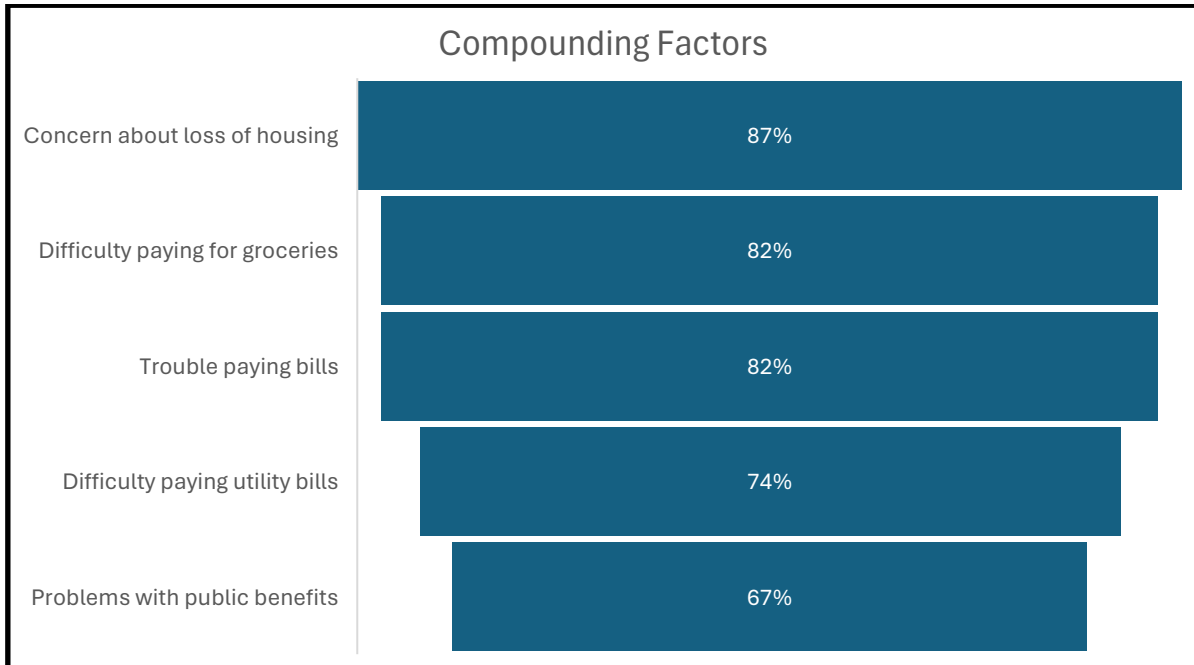
- 1) 77% say their clients couldn't afford a lawyer;
- 2) 42% say that there were not any attorneys in the community available to help;
- 3) 34% report that their clients didn't have access to the technology needed to get help.



## Compounding factors:

Respondents reported the following as the things their clients worried about the most in the past year:

- Concern around loss of housing or potential loss of housing (87%)
- Difficulty paying for groceries (82%)
- Trouble paying bills (82%)
- Difficulty paying utility bills (74%)
- Problems with public benefits generally (67%)



**55% said that one of the above issues made legal problems worse for their clients this year.**

What should MLSA be doing?

- Housing (37%)
- Family Law (34%)
- Benefits (17%)
- Orders of Protection (5%)
- Employment (14%)

## Most important issues

These rankings were determined using the same approach described in the client section of this report on page 12.

	<b>Housing</b>	<b>Family</b>	<b>Consumer</b>	<b>Other</b>
<b>First Priority</b>	Poor Housing Conditions or Repairs	Protection from Abuse and violence by family or household members	Medical Bills	End of life care/nursing home access
<b>Second Priority</b>	Evictions	Child support-establishing support or getting someone to pay	Wage garnishment/bank account levy	Protection from fraud or scams
<b>Third Priority</b>	Shut off of utilities	Enforcing a parenting plan or divorce decree	Chapter 7 bankruptcy	Problems with employment

What else should MLSA help with:

Special Education or Education Issues	2
Discrimination	1
Guardianship	2
Estate Planning	1

“Where we are, there are multiple jurisdictions, including county, state, and tribal. I think helping people navigate that with efficiency is important.”- Anonymous Respondent

What issues affecting low-income Montanans should MLSA know about?

*“Lack of transportation for people to get to needed services such as hospital, clinics, etc.”*  
*“Transportation is a huge issue in Mineral County. We are a large county with a small population. To obtain quality services and/or resources, individuals need to travel to either Missoula or Idaho.”*

*“Homelessness or threats of homelessness resulting from the threat of eviction or actual eviction, and a lack of affordable housing. Problems with losing Medicaid, SNAP, and cessations of SSDI benefits, or inability for consumers to have their SSDI/SSI claims adjusted in a timely manner. And most claimants for these benefits are denied. I am referring generally to low-income people with disabilities who are referred to us by other agencies and/or become our consumers.”*

*“Homelessness and inflation are spreading like wildfire and people are being burned up in it, so to speak. Also the lack of crisis mental health services and SUD treatment programs are leaving people hopeless.”*

*“How difficult it is to deal with DPHHS and not returning phone calls and exclusive use of fax to get documentation to their offices in a very short turn around.”*

*“Many people, especially children, have recently lost their Medicaid.”*

*“The AVERAGE working family can’t afford to rent in Montana. There is no middle ground to climb from low income to a comfortable level, once down its nearly impossible to get out.”*

*“Access to SNAP benefits is extremely reduced due to customer service issues (denial of in-person services at Office of Public Assistance even though it is required; long wait times on Public Assistance Helpline; almost no access for non-English speakers). People need help through the fair hearing process and to know that the fair hearing is an option for them.”*

## How their clients get information:

When asked where their clients look for help when they have a legal problem, respondents listed the following:

- The internet (65%)
- MLSA (60%)
- A friend or family member (53%)
- The courthouse or a clerk of court (45%)
- A caseworker or social worker (40%)

When looking online, their clients turn to:

- Google (70%)
- [www.montanatlawhelp.org](http://www.montanatlawhelp.org) (43%)
- Facebook (27%)
- Don’t look online (19%)

When asked how often their client use the internet for information or rely on email/text, **75% of respondents reported that clients use the internet often** and that 78% of their clients use text and/or email often.

### A deeper dive:

MLSA recognizes that its community partners are on the front lines serving the MLSA client population every day. Often, legal issues crop up in these contexts and community partners are may be the first to know of emerging issues or trends in the community. To that end, MLSA conducted four focus groups across the state to gather a deeper understanding of issues in urban, rural, and tribal communities in both the Eastern and Western parts of the state. While some of the findings remain the same between the survey responses and the conversations at the focus groups, there were some differences worth exploring and the focus groups were able to provide a deeper understanding of issues affecting clients in their communities.

### Overall trends:

1. The MLSA application process is slow and the callback process gets in the way of people getting help;
2. Housing a major concern including rising rents, reduction in availability, and increasing homelessness;
3. Many providers emphasized importance of public benefits and cash assistance;
4. Immigration is an emerging issue in some communities.

### A comparison of most pressing legal issues:

\*Note that these are generally listed in order of importance but participants were not specifically asked to do so.

	<b>Billings</b>	<b>Hardin</b>	<b>Great Falls</b>	<b>Polson</b>
<b>Issue 1</b>	Immigration	Probate	Taxes	Not asked
<b>Issue 2</b>	Housing	Family	Employment	
<b>Issue 3</b>	Benefits	Housing	Immigration	
<b>Issue 4</b>	Family		Consumer	
<b>Issue 5</b>			Family/OOP	

### By community:

#### *Billings:*

Generally, there was less certainty about the services MLSA provides than the responses in the online survey. Participants noted that they are generally **unfamiliar** with MLSA brochures and materials.

Participants identified the following as the most important issues for MLSA to focus on:

- Immigration
- Housing
- Benefits
- Family Law

The main focus of the Billings focus group was on **immigration and public benefits**. The initial application for public benefits was of specific note and participants pointed out that without someone advocating for them and assisting with the process, most clients will be unsuccessful in their application.

**Issues with forms:** Participants pointed out that most clients go to the Self-Help Law Center and [www.courts.mt.gov](http://www.courts.mt.gov) for information but that conflicting information is often given. Participants also noted that the court has “Billings specific” forms and that they are not always willing to accept the forms found on [www.courts.mt.gov](http://www.courts.mt.gov) or at the Self-Help Center.

**Timeliness of response:** Participants noted that they often don’t refer “emergency” cases to MLSA because they don’t feel MLSA can respond quickly enough to deal with those issues. Participants noted that they hear from clients that MLSA does not return calls or respond quickly but that participants understand that this is highly subjective and dependent on the client and their expectations.

*Hardin:*

Respondents were generally familiar with MLSA as an organization but less familiar with what MLSA does. This makes sense in the context of this community as MLSA has provided both civil assistance and criminal defense with different contracts with the tribe over the years. Participants noted that it is difficult for people to apply for help with MLSA.

Participants identified the following as the most important issues for MLSA to focus on:

- Probate
- Family
- Housing

**Importance of ties to the community:** One of the recurring themes was the importance of MLSA’s staff doing work in the area to have ties to the community. Participants noted that this builds trust and that community members are often standoffish to people coming from outside of the community. Participants also noted that **face-to-face contact** and communication are extremely important. The group suggested that a direct line to the Tribal Law Practice Group’s AmeriCorps member would be helpful.

**Probate the primary focus:** Much of the focus group spent time discussing the importance of probate. The group noted that there’s been a major uptick in the need for probate since the outbreak of COVID-19.

**Issues specific to tribal communities:** Participants flagged issues that are somewhat unique to the Hardin and surrounding community. These include:

- Utility companies requiring a contact person in order to ensure that bills are paid;
- Lack of shelter for domestic violence survivors;
- Human trafficking;
- Maintenance of tribal housing;
- Need for help reporting IHS and BIA;
- Need for Crow translation services.

**Clarification on website:** Several participants noted that MLSA’s website does not immediately make clear that it handles tribal issues. Some pointed out that they often have to explain to clients that MLSA handles tribal issues and that clients don’t know that from looking at MLSA’s website.

*Great Falls:*

Participants relayed that, while most know who MLSA is, most do not often refer to MLSA. Many were unfamiliar with the resource materials (like brochures, handouts, etc.) and most said they did not know if it was easy to apply for help with MLSA. To that point, participants noted the following issues:

- There’s a confusion between MLSA, the self-help law center, and the Cascade County Law Clinic;
- The application process is difficult for clients, especially those in crisis, and people often need help filling out the online application;
- It can be difficult to reach MLSA.

However, all agreed that MLSA is an important resource in the community but note that they only refer when clients can’t find other help.

Participants ranked the following as the most important issues for MLSA to focus on:

1. Taxes
2. Employment
3. Immigration
4. Consumer
5. Family and Orders of Protection
6. Public benefits

**Housing the most pressing concern in the community:** As in many other communities, Great Falls participants noted that housing continues to be the most pressing issue for clients in the community. One participant noted that loss of housing has really impacted crime in the Great Falls community.

**Patterns in housing issues:** Like respondents to the community partner online survey, Great Falls focus group participants noted that rental application fees and rent increases are of particular concern to the community.

**Mental health and substance abuse issues:** Participants noted that mental health and substance abuse issues are major concerns in the community. They listed these as the top issues of concern in the community and also noted that mental health issues compound an individual’s legal issues.

**Serving those under 18:** Participants raised the need to better serve and better coordinate services to those who are under 18 in the community. Along with that, participants noted that there should be different technology products to help different age groups.



*Polson:*

Unfortunately, the Polson focus group had only one participant and so the responses are fairly specific to the participant's role at job services.

**Communication Issues:** The participant noted that there are often communication issues with MLSA caused by MLSA's limited phone hours and the time between when a client initially applies and the call back. The participant also noted that people who don't use email or electronic communication struggle to communicate with MLSA and that there can be problems when people run out of minutes on their cell phone.

**Different treatment for agricultural workers:** The participant noted that H-2A agricultural workers experience different treatment depending on whether they are job attached or not.

**Unpaid wages:** The participant noted that there was a situation during harvest wages were paid to the foreman, but not to any of the migrant farmworkers. The foreman kept all the wages and threatened to report the farmworkers if they complained. The participants was not sure if MLSA could help in this scenario because the farmworkers were undocumented but believes that the situation will arise again.

## Legal Community

### Overview

Surveys were sent through several channels to reach Judges, clerks of court, and both publicly and privately employed attorneys. MLSA worked with the Office of the Court Administrator to send out a request for feedback to all court staff and the State Bar of Montana sent out the same survey to all Montana attorneys.

### About the Respondents

297 members of the legal community responded to the survey. Nearly half of the respondents (44%) were members of the private bar with a small percentage of representatives from the clerks of court (10%), Justice Court Judges (8%), publicly employed attorneys (7%), and public defenders (6%). The majority (38%) work across the entire state, 30% work in urban communities, 28% work in rural communities, and 5% work in tribal communities.

- Most know about MLSA
  - 80% reported definitely knowing about MLSA with 44% probably knowing what services it provides (including [www.montanalawhelp.org](http://www.montanalawhelp.org)) and 15% reported probably knowing about MLSA with 44% probably knowing the services it provides.
  - Only 13% say it is "definitely" reasonably easy for people to apply for help with MLSA (19% report it is "probably" easy for people to apply for help with MLSA while 55% are uncertain).

*The legal issues their clients experience:*

Respondents reported their clients dealing with the following legal issues in the past year:

- Family law (77%)
- Housing (66%)
- Consumer (63%)
- Wills/estates/probate (62%)
- Orders of Protection (57%)

**Of those who reported seeing a legal issue in their court or office, 61% say the client was not able to get the help they needed dealing with the issue.** The reasons help could not be obtained were reported as:

- 82% say the individual couldn't afford a lawyer;
- 54% say that there were not any attorneys in the community available to help;
- 28% report that the individual didn't have the technology available.

It is perhaps worth noting that members of the legal community feel that MLSA is responsible for this lack of assistance. This was raised several times in the comment section and may be an indication that the legal community expects MLSA to be able to serve more individuals than it can and believes that it is MLSA's role to address the legal issues that went unaddressed in their community. This may merit an outreach and education effort within the private bar and legal community.

Compounding factors:

Respondents reported the following as the things their clients worried about the most in the past year:

- Trouble paying bills (72%)
- Concern around loss of housing or potential loss of housing (68%)
- Difficulty paying for groceries (56%)
- Not physically or emotionally safe at home (52%)
- Difficulty paying utility bills (52%)

**76% said that one of the above issues made legal problems worse for clients this year.**

What should MLSA be doing?

- Family Law (49%)
- Housing (20%)
- Public Benefits (11%)
- Consumer (8%)
- Orders of Protection (5%)

## Most important issues

These rankings were determined using the same approach described in the client section of this report on page 12.

	<b>Housing</b>	<b>Family</b>	<b>Consumer</b>	<b>Other</b>
<b>First Priority</b>	Evictions	Protection from Abuse and violence by family or household members	Medical Bills	End of life care/nursing home access
<b>Second Priority</b>	Shut off of utilities	Child support-establishing support or getting someone to pay	Wage garnishment/bank account levy	Protection from fraud or scams
<b>Third Priority</b>	Lock outs	Establishing a parenting plan	Threats from bill collectors	Help with a will or probate

What else should MLSA help with:

Guardianship	4
Dependent Neglect/ CPS	2
Medicaid	2
Employment	2
Disability	2
Domestic violence	2
Access to mental health care	2
LGBTQ Rights	1
Expungement	1
Indian land issues	1

“Our largest area of service are family law and probate matters. I wish that we had a better system for probate in the state. Better forms/instructions would go a long way.”

*“MLSA cannot do everything and it should focus on things that it can accomplish (family law and landlord tenant law) and let other agencies deal with consumer issues and immigration, and bankruptcy.”*

*“Public benefits, particularly Medicaid.”*

## What issues affecting low-income Montanans should MLSA know about?

*“Medicaid unwinding.”*

*“Medicaid disenrollment.”*

*“Access to lawyers, courts, and administrative proceedings for limited English proficient individuals continues to be a problem. I have heard from several of my own clients and from nonprofits serving the same client as me that Montana courts continue to hold hearings without an interpreter available. I’ve also heard from a few clients that their public defender did not communicate with them through an interpreter despite their limited English proficiency.”*

*“Lack of mental health services and resources- no case management services. This definitely compounds existing issues.”*

*“Public benefits- especially Medicaid- is a serious situation in MT right now and lots of people are being kicked off probably unlawfully.”*

*“Consumer law around small loans from chain companies selling items like prefab sheds and mobile homes.”*

*“Housing in Montana has gone through the roof, both for renters and buyers. Mental health care access.”*

*“I think MLSA is well aware of the impacts of Medicaid unwinding in the last year.”*

*“Closer work with the public defense offices would be helpful. We can’t do civil work and you can’t do criminal work, but we generally work with the same populations. I feel like there is a void there.”*

*“Low-income people who just need a parenting plan or divorce but aren’t victims of abuse tend to not qualify for your assistance. Not fair.”*

## A Deeper Dive

In order to gather more in-depth information, MLSA staff members interviewed seven District Court and Justice Court judges around the state to do a deeper dive into the issues that this group sees affecting MLSA clients.

### *Overall Trends*

- Many report having frustrations with MLSA’s intake procedures and timelines. Some Judges reported being selective about referrals to MLSA because it puts them in a difficult position when someone cannot get help.

- Housing again surfaced as one of the biggest issues facing clients right now. Housing came up in many of the interviews as a key issue affecting low-income litigants- whether it is the primary issue or compounds the problem.
- Public benefits came up several times as an issue that greatly impacts low-income litigants.

**Hesitancy to Refer:** Many of the Judges interviewed (including District Court Judges, Justice Court Judges, and Standing Masters) voiced that they may hesitate to refer cases to MLSA because of a concern that MLSA will not be able to provide services or will not be able to provide services in the timeline needed. For example, Judge Berger (District Court Judge, Fifth Judicial District) notes that he is often hesitant to refer clients to MLSA because “it is a difficult position when he refers someone to MLSA and MLSA cannot provide assistance—people will often ask him why they did not receive assistance.” In addition, “from his perspective, clerks of court often refrain from referring to MLSA because MLSA has not provided assistance in the past and the clerks are unsure if they should continue referring or feel uncomfortable doing so.”

While Judge Berger elaborated on this hesitancy more than others- many of the Judges interviewed stated that they often do not refer to MLSA because of the timeline of the case or because they do not believe MLSA has resources to assist. All see MLSA as a valuable asset in the community but many raised these issues of not referring to MLSA.

**Housing a top concern:** The majority of the judges interviewed identified housing as a top concern for low-income litigants in Montana. This echoes feedback from both the client community and MLSA’s community partners. Housing comes up as a concern in different ways- some point to Montana’s increasingly expensive housing market, some to the lack of affordable rentals, and some to increasing rent prices. However, the concern generally is that low-income Montanans cannot afford the housing available to them. Many point to this lack of housing stability as a compounding factor in other legal issues that an individual may be dealing with.

**Family law more pressing in rural areas:** One pattern worth mentioning is the difference between what rural and urban communities identify as the most pressing issue in their courtrooms. Rural communities seemed to point more to family law while urban communities quickly identified housing and public benefits. This makes sense- as one judge put it the rural communities just don’t have the same rental markets that urban areas do and thus landlord tenant issues do not come up as often.

**Public benefits a recurring theme:** While different districts identified different legal issues as priorities in their communities, nearly all the districts identified public benefits as a major area of need. Some were very specific- citing Medicaid termination or unwinding in particular- and some pointed to public benefits more generally. According to a Billings District Court Judge, “[Judge Fehr] felt like all of the housing and family law issues need to be addressed. However, she stated that she feels like we [MLSA] do a good job on those, so if she were to pick something that needs attention, it would be public benefits. To that, she states that she and her staff spend 100s of hours on benefits issues and she would love to see a clinic or other service to direct people to in order to help them through the processes.”

## A Comparison

### *Legal Issues That Have Arisen in Past Year*

	<b>Clients</b>	<b>Community Partners</b>	<b>Legal Community</b>
<b>Issue #1</b>	Consumer	Family law	Family law
<b>Issue #2</b>	Issue with child's school	Housing	Housing
<b>Issue #3</b>	Family law	Consumer	Consumer

### What Should MLSA Be Doing?

	<b>Clients</b>	<b>Community Partners</b>	<b>Legal Community</b>
<b>Issue #1</b>	Housing	Housing	Family law
<b>Issue #2</b>	Public benefits	Family law	Housing
<b>Issue #3</b>	Family law	Public benefits	Public benefits

<b>Clients</b>	<b>Community Partners</b>	<b>Legal Community</b>
Most know about MLSA	Most know about MLSA	Most know about MLSA
Consumer top issue reported in past year	Family law top issue reported in past year	Family law top issue reported in past year
Most (53%) unable to get needed legal help <ul style="list-style-type: none"> <li>• Couldn't afford an attorney</li> <li>• Couldn't find materials</li> </ul>	Most clients (53%) unable to get needed legal help <ul style="list-style-type: none"> <li>• Couldn't afford an attorney</li> <li>• No attorneys available to help</li> </ul>	Most litigants (61%) unable to get needed legal help <ul style="list-style-type: none"> <li>• Couldn't afford an attorney</li> <li>• No attorneys available to help</li> </ul>
Children not getting school services biggest compounding factor	Loss of housing/potential loss of housing biggest compounding factor	Trouble paying bills biggest compounding factor
Housing should be top priority for MLSA	Housing should be top priority for MLSA	Family law should be top priority for MLSA

## Key Takeaways

After reviewing the responses outlined above, there are several key takeaways that are worth highlighting. These are not necessarily listed in order of importance but are generally recurring themes across all those that were surveyed and interviewed. It is worth acknowledging that some of the issues raised are a result of lack of funding to adequately support MLSA's work, the growing cost of living in Montana, and other issues that are largely outside of MLSA's control. Any issue identified that may be remedied by MLSA using current funding is discussed in the "Possible Solutions" section.

**Family law no longer the top concern:** In 2017, clients rated family law as their top legal priority and domestic violence as their second legal priority. Community partners rated domestic violence as their top legal priority and family law as their second. However, this year family law did not rise to the top for either community partners or clients. Clients rated family law as the third priority for MLSA after housing and public benefits and community partners rated family law as the second priority after housing. The legal community listed family law as the top priority for MLSA after having listed it as the second priority after housing in 2017. Part of this discrepancy between what clients and community members report and what the courts report is that family law continues to clog the court's docket. The courts may simply *see* more family law while clients are experiencing more issues with their housing and public benefits.

**Housing and homelessness a rising concern:** As mentioned throughout this report, housing is a top concern among clients, community partners, and the legal community. The comments section of each survey clearly highlights this as well with a notable number of responses referring to rising homelessness and housing instability as a chief concern in their community.

**Public benefits and cash assistance a key concern:** When MLSA conducted its 2017 legal needs assessment, public benefits did not appear as one of the issues clients, community members, or court staff thought MLSA should focus on. In fact, anything to do with public benefits rarely came up in the comments or in other portions of the 2017 report. However, since then many of the private firms that took public benefits cases in Montana on a contingency basis (primarily social security disability benefits) have closed and MLSA is one of the only resources available. In addition, Montana is still recovering from the economic impact of COVID-19 in 2020 and low-income Montanans have felt the brunt of Medicaid unwinding. Perhaps because of these things (and likely others), public benefits is now a top concern among clients, community partners, and the legal community.

**Emphasis on Medicaid unwinding:** Medicaid unwinding came up again and again in both individual interviews and focus groups and in survey comments (particularly from the legal community). While public benefits generally was a main area of focus, the effects of Medicaid unwinding seem to be a chief concern for many survey respondents. As mentioned in the introduction to this report, 127,000 Montanans have lost their health insurance because of Medicaid unwinding. This loss of health coverage is likely to have a domino effect in an individual's life and may raise consumer issues and other civil problems later down the line.

**Housing conditions and repairs is an issue that merits focus:** While MLSA has understandably been focused on evictions as a result of COVID-19 and the development of the

Montana Eviction Intervention Project (MEIP), both clients and community partners point to poor housing conditions and repairs as major issues that rise above evictions in what both groups consider housing priorities. The legal community did not identify housing conditions as a top priority but this may well be due to the fact that those issues do not often make it to court. However, both clients and community partners listed it as their chief housing concern. Unfortunately, there is no way to understand why this issue may be rising to the top when it hasn't in the past but it is certainly possible that the lack of housing availability in Montana pointed out by many in the comments section of their survey responses means that landlords are not under the same pressure to maintain rentals as they once were. When affordable rentals are so hard to come by, there may not be any incentive to maintain rental units.

**Education and Special Education Issues on the Rise:** While education issues were not raised in the 2017 needs assessment, they were raised several times by both community partners and clients in 2023. In fact, 27% of community partners say their clients have had a legal issue revolving around their child's school in the past year. Clients report it as the second most common issue they have dealt with in the past year after consumer issues. It is unclear what may explain this rise but it certainly stands out as a particular legal need for clients currently. While there is an agency that deals with these issues in Montana- Disability Rights Montana- the survey responses may point to this as an emerging issue that one agency is not equipped to handle by itself.

**Changing legal needs for Domestic Violence Survivors:** One of the most striking results of the survey is the lack of emphasis on domestic violence across feedback received from clients, community partners, and the legal community. While it is certainly raised as an issue- consistently listed as the top priority in the area of family law- orders of protection are further down the list of both issues experienced and issues of importance than they had been in the previous assessment where domestic violence was often listed near the top of all audiences' areas for focus.

This should not be read as an indication that domestic violence rates have gone down (in Montana, 1 in 4 women will experience domestic violence in her relationship<sup>4</sup>) or that survivors do not need assistance with orders of protections. Orders of protection continue to be a crucial need in Montana. However, it may mean that survivors need help with additional civil legal issues that are, perhaps, rising to the top because of the current economic situation in Montana. While domestic violence survivors' legal needs have traditionally been associated with family law, many may need the stabilization that housing and public benefits can provide in addition to the safety that an order of protection offers. This may explain why housing and public benefits were chosen by client participants as the areas that MLSA should focus on above family law and orders of protection. Possible solutions are discussed in the "Solutions" portion of this report.

**Clients relying on in-person connections over online help:** Somewhat surprisingly, clients report relying on in-person connections for help rather than going online. When asked where they go for help with a civil legal problem, only 20% report going online. In fact, online resources are quite far down the list of where clients report going for help if they have a civil

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<sup>4</sup> Gardner, K., & Sokol, C. (2021, June 13). Statistics show domestic violence on the rise in Montana. *The Daily Interlake*.



legal issue. Most turn to in person resources first and report that they would turn to MLSA (56%), a self-help law center (52%), a caseworker (33%), a social service agency (27%) or a friend or family member (21%) before turning to online resources. While technology is a helpful tool, it is not the prevailing way for clients to get information in Montana at this point in time.

**If clients go online, they are relying on social media for information:** If clients report going online, they are turning first to social media before accessing MLSA’s legal information website, [www.montanalawhelp.org](http://www.montanalawhelp.org). When asked where they go for legal information online, clients report first turning to Facebook (66%) for help followed by Google (46%), TikTok (34%), and Instagram (26%). MLSA’s website, [www.montanalawhelp.org](http://www.montanalawhelp.org) was reported as the fifth place clients would turn online for help with 24% saying that that is where they would look.

**Hesitation to refer from legal community and service providers an issue worth addressing:** Several service providers, judges, and members of the legal community raised that they are often hesitant to refer potential clients because of the application process and wait times. This is worth noting because it may well mean that MLSA is not seeing cases that it would like to. Clear communication with the legal community and judicial system may help expedite these referrals and MLSA may want to consider whether it would like to create an easier “path in” for referrals from either group. In addition, it may be worth regularly training both the courts and community partners on the application process, how clients can get connected, and tips and tricks for applicants (like checking voicemail, etc.) that may help alleviate some concerns around referrals. Clarity around the legal issues MLSA helps with may also help hesitant courts and community partners more confidently refer to MLSA.

**There may not be a statewide approach:** One of MLSA’s biggest challenges is providing statewide services in a state made up of vastly different communities. This is most noticeable in looking at the differences in feedback from focus groups held in different communities. The legal areas affecting residents of that community- and service providers- vary vastly from community to community and are often dependent on population makeup, location, and demographics of the community. Because of this, it is difficult to evaluate issues on a statewide basis and a priority in one community may be a non-issue in another. For example, immigration was a major concern for focus group attendees in Billings. However, it was rarely raised in any other focus groups and was hardly mentioned in any of the surveys. Solutions to any issues raised by individual communities may not work on a statewide basis.

## Possible Solutions

**Invest in training social service agencies, caseworkers, and other partner agencies:** Some partners and members expressed concerns about wait time and denial of services. MLSA should focus on additional outreach and training to help partners make appropriate referrals and educate them about our services. Given the reliance of clients on in person services over technology, it may be worth MLSA’s time to invest in training those in person services on a regular basis so that information on referrals and updated legal information is in the hands of those that are

fielding questions from clients most often. While technology is a helpful tool, it has yet to overtake the in-person connection in Montana.

**Facebook a worthwhile investment of time:** While MLSA may be limited on the outreach it can do on Facebook, it is certainly a platform that MLSA should continue to use given its popularity with clients. While MLSA has a strong social media presence currently, it may want to look at other Facebook tools (like groups and other community pages) as a potential way to reach clients.

**Publicize MLSA as a tribal law firm:** One of the notable issues raised in the Hardin focus group is the lack of clarity on MLSA's websites to make it clear that MLSA handles tribal issues. Some community partners at the focus group pointed out that they have to explain to potential clients that MLSA handles tribal issues. MLSA may want to consider how it might advertise itself as a law firm that serves all the tribal nations in Montana at the same time that it is Montana's only statewide poverty law firm. For some tribal members, "statewide" does not include the state's tribal nations and MLSA may want to consider how it might clarify that on its websites.

**Review application and intake process:** MLSA must continue to look for new and creative ways to address frustrations such as waiting and response times. It goes without saying that MLSA will always face the problem of a higher demand for its services than there are resources available to help. In addition, MLSA faces issues of changing funding, staff turnover, and a need to constantly adapt to low-income Montanans changing legal needs. However, one issue that was raised over and over by the client community, community partners, and the legal community are the long wait times for a call back and frustration at the wait time between application and legal assistance. While this is likely a frustration familiar to many legal aid organizations, the prevalence of these issues across different stakeholder communities indicates that it may be a worthwhile investment for MLSA to review its intake process and the ensuing delays to evaluate whether there is a system that may work better given current staffing and demand for services. MLSA is working to address this by hiring a new staffer solely dedicated to managing the intake process and we are looking for additional ways to simplify and streamline intakes and case processing to address client and partner concerns about delays.

**Consider an in-depth review of the legal needs of domestic violence survivors:** As discussed above, one finding of this report may be that domestic violence survivors are in need of assistance on civil issues unrelated to orders of protection. As housing and public benefits continue to be reported as a top concern by clients, MLSA may want to take additional time to do an in depth review of the changing civil legal needs of domestic violence survivors. Because many of MLSA's domestic violence services are focused on family law, this may be a beneficial practice to ensure that family law remains a top priority for domestic violence survivors.

## Conclusion:

MLSA is a dynamic organization that serves a large low-income population across a vast state. It has the very difficult job of finding statewide services that work well in urban, rural, and tribal communities and must adapt to the continually changing legal needs of its client population. MLSA does this through a combination of highly skilled and dedicated staff, innovative use of technology, and strong community partnerships.

MLSA must continue to leverage those resources as the civil legal needs change for its client population. Medicaid unwinding and the housing crisis have had a significant impact on MLSA's client community and the legal issues that may result from these changes may continue to develop in the coming years. MLSA is an organization that can certainly meet these challenges and this assessment is intended to shed light on what some of those changing client needs may be. It is also intended to show MLSA some of the areas for growth and improvement based on feedback from the client community, community partners, and the legal community. Lastly, it is intended to highlight the strengths that others see in MLSA and to ensure that MLSA continues to build on those strengths into the future.

## Additional Attachments:

Attachment G: Client Survey Response Data  
Attachment H: Community Partner Survey Response Data  
Attachment I: Legal Community Survey Response Data  
Attachment J: Great Falls Focus Group Responses  
Attachment K: Billings Focus Group Responses  
Attachment L: Hardin Focus Group Responses  
Attachment M: Polson Focus Group Responses  
Attachment N: Judge Snipes-Ruiz Interview Notes  
Attachment O: Judge Abbott Interview Notes  
Attachment P: Judge Berger Interview Notes  
Attachment Q: Judge Beal Interview Notes  
Attachment R: Judge Fehr Interview Notes  
Attachment S: Judge Piskolich Interview Notes  
Attachment T: Standing Master Bowen Interview Notes