

Tab 1

Montana Access to Justice Commission

MEMBERS

Justice Beth Baker, Chair

Term expires: 30-Sep-2021

Montana Supreme Court Justice

bbaker@mt.gov

406-444-5570

Ed Bartlett

Term expires: 30-Sep-2021

Business/Communications Leader

efbartlett@charter.net

406-431-6014

Georgette Boggio

Term expires: 30-Sep-2022

*Representative of Native American
communities*

gboggio@elkriverlaw.com

406-259-8611

Hon. David A. Carter

Term expires: 30-Sep-2023

Court of Limited Jurisdiction Judge

dacarter@co.yellowstone.mt.gov

406-256-2895 (w)

406-697-6087 (c)

Rick Cook

Term expires: 30-Sep-2023

Clerk of a District Court

rcook@mt.gov

406-622-5024

Hon. Stacie FourStar

Term expires: 30-Sep-2022

*Montana-Wyoming Tribal
Judges Association*

sfourstar@fortpecktribes.net

406-768-2400

Sen. Terry Gauthier

Term expires: 30-Sep-2023

Montana Senate

mrmac570@me.com

406-461-0744

Aimee Grmoljez

Term expires: 30-Sep-2023

Business/Communications Leader

agrmoljez@crowleyfleck.com

406-457-2030 (w)

406-459-5958 (c)

Hon. Leslie Halligan

Term expires: 30-Sep-2023

District Court Judge

lhalligan@mt.gov

406-258-4771

Dean Paul F. Kirgis

Term expires: 30-Sep-2021

*Alexander Blewett III School of Law
University of Montana*

paul.kirgis@mso.umt.edu

406-243-5291

jkutzman@mt.gov

406-454-6897

Hon. John Kutzman

Term expires: 30-Sep-2021

District Court Judge

Montana Access to Justice Commission

MEMBERS

Katy Lovell

Term expires: 30-Sep-2022

Aging Services Bureauklovell@mt.gov

406-444-7787

Daniel McLean

Term expires: 30-Sep-2022

State Bar of Montanadan.mclean.esq@gmail.com

406-449-4165

Kyle Nelson

Term expires: 30-Sep-2022

Montana Justice Foundationknelson@goetzlawfirm.com

406-587-0618

Alison Paul

Term expires: 30-Sep-2022

Montana Legal Services Associationapaul@mtlsa.org

406-442-9830, Ext. 15

Melanie Reynolds

Term expires: 30-Sep-2021

*Representative of organizations
working with low-income
individuals*melanie.reynolds@q.com

406-461-0417

Stuart Segrest

Term expires: 30-Sep-2021

Office of the Attorney Generalssegrest@mt.gov

406-444-0584

Rep. Katie Sullivan

Term expires: 30-Sep-2023

Montana House of Representativessullivanhd89@gmail.com

406-616-3914

SUPPORT STAFF

Niki Zupanic*Montana Justice Foundation*nzupanic@mtjustice.org

406-523-3920

Kevin Cook*Montana Law Library*IT Supportkcook@mt.gov

406-444-9285

McKayla Henson*Montana Justice Foundation*mhenson@mtjustice.org

406-523-3920

Krista Partridge*Montana Legal Services Association*kpartrid@mtlsa.org

Tab 2

Montana Supreme Court Access to Justice Commission

March 5, 2021

Zoom Video Conference

10:00 AM – 11:30 AM

Meeting Minutes

Commissioners Present: Justice Beth Baker, Ed Bartlett, Rick Cook, Hon. Stacie FourStar, Sen. Terry Gauthier, Aimee Grmoljez, Hon. Leslie Halligan, Dean Paul Kirgis, Hon. John Kutzman, Katy Lovell, Alison Paul, Melanie Reynolds, and Stuart Segrest.

Commissioners Absent: Georgette Boggio, Hon. David Carter, Dan McLean, Kyle Nelson, and Katie Sullivan.

Others Present: Niki Zupanic, Carin McClain, Krista Partridge, Kimberly Dudik, Derrek Shepherd, Sarah McClain, Patty Fain, Abigail St. Lawrence, Kiley Gage, Tara Veazey, Katherine Feehan, and Joel Krautter.

Call to Order & Introductions

Justice Baker called the meeting to order at 10:00 a.m. She conducted roll call and asked each person to introduce themselves. Justice Baker welcomed new Commissioner Stuart Segrest who replaced Melissa Schlichting on the Commission. Justice Baker thanked Melissa for her service on the Commission. Stuart introduced himself and explained that he is an attorney in the Attorney General's Office, and serves on the State Bar Board of Trustees and as a member of the Justice Initiatives Committee of the State Bar. Justice Baker asked for additions or corrections to the December meeting minutes. There were no additions or corrections offered and the minutes were approved without objection.

Legislative Update

Justice Baker reported that the civil legal aid funding bill was pulled from consideration after it was determined that success was unlikely during this session. Justice Baker explained that it was a difficult decision and she thanked Sen. Gauthier, Abigail St. Lawrence, and the members of the Policy & Resources Committee for all their hard work leading up to and during the session. Safety concerns due to the pandemic made it difficult to have a lobbying presence, and the new Governor's administration needed more data and metrics in order to support the bill. The ability to produce additional data was hindered by limited staff and resources that were already stretched thin trying to support remote court services. Justice Baker emphasized that in the interim we will focus on getting more information on how civil legal aid translates to better outcomes and reduces the overall time for cases to be resolved. A working group that includes MLSA and the Office of the Court Administrator will be formed to lead the data effort. Stuart Segrest said that he would like to help with the legislative effort moving forward and added that it would be helpful to get the Attorney General's support. Abigail St. Lawrence welcomed Stuart's involvement and said that the Policy and Resources Committee will meet again in mid-May to start planning for the 2023 session. Lt. Governor Juras will be invited to the meeting. Justice Baker said that we will continue to track legislation, particularly related to federal aid that may flow into the state that could be appropriated to provide relief to the court system.

Montana Legal Services Association Update

Alison Paul reported that MLSA offices are not open to the public, but MLSA continues to provide statewide services with most employees working remotely. MLSA attorneys are going to court in person and virtually as required in different jurisdictions. The Montana Eviction Intervention Program (MEIP), funded with CARES Act money through the Montana Department of Commerce, was extended through September. The program started in October 2020 and uses 19 contract attorneys working at a modest means rate to provide advice and representation to tenants facing eviction. Alison said that MLSA is seeking additional funds to extend this successful program beyond September 2021. Out of 120 cases handled thus far, none of the clients assisted has become homeless, and MLSA hasn't turned away any tenants who requested help. The Department of Commerce has been very supportive of the program and we've been able to help the department make rental assistance more accessible. The Montana Justice Foundation also provided funding for MEIP. Alison added that MLSA recently received a grant through HUD to start a Homeless Youth Demonstration project to assist people age 25 and under with civil legal issues. MLSA has hired a person with a social work background with extensive experience working with at-risk youth in the Kalispell school system.

Informal Domestic Relations Trials Update

Niki Zupanic said that the Informal Domestic Relations Trials (IDRT) pilot was identified as a high priority in the strategic planning process and the pilot structure is now ready for the Commission to review and approve. Tara Veazey explained that the IDRT working group has been engaged in developing the pilot program over the last seven months. Members of the group include District Court judges, Standing Masters, members of the State Bar Family Law Section, and MLSA staff. The group reviewed how other states have implemented IDRT and sought input from a wide variety of stakeholders. Tara noted that the recommendation of the IDRT working group and the draft IDRT guidelines are included in the meeting materials for review. She highlighted several key points: the pilot program is voluntary and judicial districts may choose to opt into the program; the program allows flexibility to accommodate the needs and preferences of participating judicial districts; the IDRT requires the consent of both parties and the permission of the court; and the draft guidelines lay out the rules and procedures for an IDRT. Tara explained that the working group is still in the process of collecting input and comments, so it is possible that the final guidelines will include changes. Tara asked that the Commission approve a petition to the Montana Supreme Court asking for adoption of the IDRT pilot program, including minor revisions to the guidelines that may be made to the current draft. Tara will submit revisions to Justice Baker who will determine if the changes warrant reconsideration and approval by the Commission. Tara said the petition to the Supreme Court should be submitted within the next two months at the latest.

Justice Baker asked for a motion to approve a petition to the Supreme Court to adopt the IDRT pilot program with the guidelines as presented. If substantive changes are made to the guidelines, the proposal will be brought back to the Commission before a petition is submitted to the Supreme Court. Judge Halligan so moved and Aimee Grmoljez seconded the motion. Justice Baker asked for discussion on the motion. Judge Kutzman asked what is intended by the reference to appeal of a final judgment under Section 8 of the IDRT Guidelines. Tara replied that the group wanted to make it clear that a right to appeal exists and that the wording could be adjusted to say that the normal rules for appeal apply, except for appeals involving evidentiary issues. Judge Kutzman also asked about the process for getting a proposed order, and Tara responded that one of the goals for

the pilot will be to develop resources to help judges move more quickly using automated orders. Justice Baker said that the Self Represented Litigants Committee should develop templates for proposed and final orders and asked Kiley Gage to put this on the list for the committee. Judge Halligan suggested that the pilot could be used to help determine the types of cases that are most appropriate for IDRT and make suggestions for best practices. Justice Baker called for a vote on the motion. The motion was approved without opposition.

ABA Racial Justice Working Group

Alison Paul reported on the Access to Justice Commissions Racial Justice Working Group meeting organized by the ABA and attended by representatives of ATJ Commissions around the country. Justice Baker, Kim Dudik and Alison Paul attended on behalf of Montana's Commission and decided it would be useful to establish a Racial Justice Working Group here. Justice Baker said that the focus of the working group will be on the civil legal system, not criminal. Kim Dudik added that it will be important for this group to learn about impacts on the Native American population in Montana. Alison said that the ABA will be hosting national Racial Justice Working Group meetings over the rest of the year. Kim Dudik has agreed to chair the Montana ATJC Racial Justice Working Group and members who are interested in joining or referring other interested parties should contact Kim. Carin McClain agreed to send out Kim's contact information following the meeting.

Support for Justice for Montanans AmeriCorps Program

Justice Baker reported that the Justice for Montanans program did not receive a direct federal award during the last application cycle, but the state program filled the gap so that we did not lose AmeriCorps positions for this year. Justice Baker sent a letter on behalf of the Commission to Montana's Congressional delegation in support of the Justice for Montanans program, and received responses back from each member of the delegation.

Public Comment and Next Meeting Dates

Justice Baker asked for public comment. There was no public comment. She reviewed the meeting schedule through the rest of 2021, which is noted on the agenda. Justice Baker said that the remaining meetings will likely be held by Zoom, but she will send out a survey on meeting preferences once it appears to be safe to meet in person again. She noted that the Zoom option has helped increase attendance. The meeting was adjourned at 11:02 a.m.

Montana Supreme Court Access to Justice Commission

June 4, 2021

Zoom Video Conference

10:00 AM – 11:30 AM

Meeting Minutes

Commissioners Present: Justice Beth Baker, Hon. David Carter, Dean Paul Kirgis, Katy Lovell Alison Paul, Melanie Reynolds, and Stuart Segrest.

Commissioners Absent: Ed Bartlett, Georgette Boggio, Rick Cook, Hon. Stacie FourStar, Sen. Terry Gauthier, Aimee Grmoljez, Hon. Leslie Halligan, Hon. John Kutzman, Dan McLean, Kyle Nelson, and Rep. Katie Sullivan.

Others Present: Niki Zupanic, Tara Veazey, Abigail St. Lawrence, Kaylan Minor, Christine Mandiloff, and Krista Partridge.

Call to Order & Introductions

Justice Baker called the meeting to order at 10:05 a.m. She conducted roll call and asked each person to introduce themselves. There were no additions or corrections offered on the minutes, but the minutes were not approved because there was not a quorum of members present.

Policy and Resources Legislative Update

Justice Baker provided an update on HB 632, the legislation to allocate federal pandemic relief funds. She thanked Senator Gauthier and Representatives Frank Garner and Bill Mercer for their work on the bill and directed members to Tab 3 of the meeting materials for the funding request and the bill text allocating \$944,721 to the judicial branch for remote mediation and Informal Domestic Relations Trials (IDRT). Justice Baker explained that the remote mediation program was patterned on the E-RAMP pilot and is designed to divert cases to remote mediation before they are ever filed. A goal of both programs is to compile data that demonstrates how civil legal aid saves time and money in the court system. Abby St. Lawrence said that she will send out minutes from the committee meeting in the next week and explained that the group brainstormed ways to gather and present data showing the direct and tangible cost saving benefits of civil legal aid. Abby also thanked Stuart Segrest for joining the committee. Dean Kirgis asked if the IDRTs would be remote or in-person. Justice Baker replied that it will depend on the capabilities, needs, and preferences of the particular district and that IDRT could be viable for remote proceedings.

Informal Domestic Relations Trials Update

Tara Veazey referred members to Tab 4 of the meeting materials for IDRT guidelines drafted by the working group. Following approval of the IDRT at the Commission meeting in March, several changes were made to the guidelines. The changes were made in response to additional feedback from stakeholders and are highlighted in the meeting materials. Justice Baker said that in keeping with the previous action, a formal vote is not needed to approve the revised guidelines unless members feel that the changes are substantive enough to warrant reconsideration. Tara reviewed the changes that include: a requirement that districts notify the Supreme Court if they establish an IDRT pilot; and guidelines that govern the admissibility of IDRT evidence in separate proceedings and when a trial transitions from IDRT to a formal proceeding. Justice Baker asked for questions

or comments on the proposed changes. Stuart Segrest asked how separate proceedings come about with respect to IDRT, and Tara explained that in family law cases where domestic violence is involved, there is often a concurrent criminal case and the guidelines are meant to add clarity to how evidence deemed admissible in the IDRT is not necessarily admissible in a related formal proceeding. Justice Baker added that this situation may also come up in dependency and neglect cases. Dean Kirgis asked if normal rules of discovery will apply in the IDRT. Tara said that the rules of discovery would apply unless the judge in an IDRT decides otherwise, but that discovery does not tend to be initiated in these kinds of trials because most involve self-represented litigants who voluntarily choose this process to limit the time and expense involved. Niki Zupanic said that the program is ready to launch as soon as sample forms and a toolkit are finalized. Justice Baker asked if there were any concerns about the changes made to the guidelines and none were expressed. She said that given the approval at the last meeting and the fact that these changes are relatively minor, we can move forward without a formal vote. She asked Tara and Niki to draft a summary of all the steps taken in developing the program. Justice Baker will send an email to inform the full Commission that we are moving forward with the pilot. Tara added that several judges are eager to start as soon as the program is approved. Justice Baker thanked Tara and Niki for their efforts in making this program possible.

Montana Legal Services Association Update

Alison Paul said that staff are returning to MLSA offices this month and that we expect office locations to be open to the public at the end of the month. The Montana Eviction Intervention Program is going strong, with an increase in applications expected as the end of the eviction moratorium nears. This program is funded with CARES Act money through a contract with the Department of Commerce, and private attorneys are paid at a modest means rate to provide services to tenants facing eviction. Alison added that we are also working with first year law students supervised by Klaus Sitte at the ABIII School of Law to provide telephone advice to tenants. Alison also reported that MLSA received funding from the Legal Services Corporation to start a Tribal Advocate Incubator Program modeled on the Rural Incubator Program for Lawyers (RIPL). She explained that one of the findings of MLSA's ongoing Native American Legal Needs Assessment is that there is a huge need for lay advocates in the tribal courts and a lack of capacity to recruit and train those advocates. MLSA is hiring a coordinator to run the program at 2-3 pilot locations, to develop a curriculum, and to recruit mentors and trainers in tribal advocacy skills and small business development. Alison added that the RIPL program has been a huge success and that we now have 10 participants from Libby to Ekalaka.

Alison also reported that the ABA Racial Justice Group continues its national meetings and that she, Kim Dudik and Justice Baker are participating on behalf of the Commission. Alison said that they are looking for more members, so contact her if you would like to join. She said that the ABA is revising standards for civil legal aid and she is on the drafting committee. She will send out a link to the standards when they are final. She also highlighted the recent article in the "Montana Lawyer" magazine featuring Judge Stacie FourStar. The interview on tribal court systems with Judge FourStar was conducted by MLSA Staff Attorney Kathryn Seaton, and we hope to turn this into a series that will focus in turn on each of the seven tribal court systems in Montana.

Self-Represented Litigants Committee Update

Niki Zupanic said that she would circulate a written update on the committee's activities from Ed Higgins.

Communications and Outreach Committee Update

Katy Lovell reported that the committee is working on drafting a 2-year plan with the assistance of Sam Scarrow from Voices for Civil Justice. The committee will recirculate a PowerPoint slide template and will draft a narrative version for use in outreach. They are also planning a communications effort about the pro bono report to help generate awareness and interest in providing pro bono services. Alison Paul added that Voices for Civil Justice is doing a training session on communications for MLSA and anyone is welcome to join. She will send the agenda to Niki for all who are interested.

Biannual Report

Niki Zupanic said that this report is usually done by May, but she is running a little behind this year. Justice Baker said that we can do an email vote to approve the report when it's ready.

Public Comment and Next Meeting Dates

Justice Baker asked for public comment. There was no public comment. She said the next meeting is on September 17 and we may be able to hold it in person since most participants are in Helena. It is a joint meeting with the Justice Initiatives Committee. Dean Kirgis and Judge Carter said that Zoom option is helpful for out of town participants and should continue, at least as a hybrid option. Justice Baker said she would send out an email survey to get input on the meeting venue and added that she would look into whether a hybrid meeting is feasible. Alison Paul offered the MLSA conference room as an option since it is large and is set up with large video screen and good internet. The meeting was adjourned at 11:01 a.m.

Tab 3

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

July 1, 2021

TO: Kurt Alme
Governor's Budget Director

FROM: Beth McLaughlin
Supreme Court Administrator

RE: HB632 Funding

I am pleased to present the attached plan for family law case processing as part of the ARPA projects. The Judicial Branch was allocated \$944,721 in HB632 to streamline and expediate the processing of family law matters, which were delayed by the COVID-19 pandemic. The funding will support early mediation and simplified case processing for self-represented and low-income litigants. As a state entity, the Judicial Branch meets the eligibility for these funds.

For a decade, the number of domestic relations cases (DR) filed each year in Montana's District Courts remained stable with little growth or decrease. In 2020, DR case filings decreased by 11 percent and order of protection filings in the limited courts dropped 5 percent. Yet, criminal partner and family member assault cases increased; in fact, violent crime increased 13.7% in 2020. National experts agree this dip in family law cases filings was largely driven by the economic situations created by the public health emergency (i.e. partners who would have normally left a situation and filed DR cases were economically unable to do so, often for reasons involving housing). The Judicial Branch is anticipating an increase in DR case filings as the public health emergency decreases, which will tax an already overwhelmed court system.

Further, a large of percentage of cases (upwards of 65% in some districts) involve self-represented individuals seeking a dissolution or a parenting plan action. A final parenting plan or dissolution decree creates economic certainty for parties because assets and debts are divided, and child support and other economic matters are clearly resolved. Finding ways to make it easier for self-represented litigants to resolve cases quickly is key to managing the backlog and the anticipated increase in family law cases.

The Judicial Branch project falls under the Public Health and Economic Impacts rules – specifically Section A, which includes programs designed to address economic harm caused by, and increases in domestic violence as a direct result of, the public health emergency. The Treasury Department noted on June 24, 2021, that courts are authorized to use the funding to expedite case processing. Specifically:

2.19. Would expenses to address a COVID-related backlog in court cases be an eligible use of funds as a response to the public health emergency? [6/23]

The Interim Final Rule recognizes that “decrease[s to] a state or local government’s ability to effectively administer services,” such as cuts to public sector staffing levels, can constitute a negative economic impact of the pandemic. During the COVID-19 public health emergency, many courts were unable to operate safely during the pandemic and, as a result, now face significant backlogs. Court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic decreased the government’s ability to administer services. Therefore, steps to reduce these backlogs, such as implementing COVID-19 safety measures to facilitate court operations, hiring additional court staff or attorneys to increase speed of case resolution, and other expenses to expedite case resolution are eligible uses.

The attached plan provides details about each project, information about sustainability, and an outline of performance measurements. The Judicial Branch anticipates most aspects of the project can be continued beyond the ARPA funding because the funding is being used to build “infrastructure” to change the way in which some family law cases are handled. We are also anticipating that diverting cases into the ARPA-funded projects will allow courts to focus on significant civil and criminal trial backlogs created by the public health emergency.

I look forward to your approval of the plan. If there are additional questions, please let me know.

cc: Justice Beth Baker

Cathy Pennie

Amy Sassano

Program Plan: HB 632 Federal Pandemic Relief – Simplified Family Law Resolution Project

As noted by recent U.S. Treasury guidance, court operations throughout the nation – including in Montana – are facing significant backlogs due to safety concerns that required courts to significantly restrict court access during the pandemic. The overarching goal of the Simplified Family Law Resolution Project is to help reduce this backlog and increase overall court capacity by expediting case resolution and increasing court efficiency, thereby increasing the government's ability to administer judicial services and help affected families.

Project Summary:

The Court Help Program will work in conjunction with multiple Montana District Courts around the state, as well as the Montana Legal Services Association (MLSA), over three years to develop and implement remote mediation (online dispute resolution, or ODR) access and Informal Domestic Relations Trials (IDRT) across Montana without increasing the administrative burden on local jurisdictions. The Simplified Family Law Resolution Project includes:

1. The development of a pilot project for implementing remote mediation services (ODR) and IDRT programs to assist with the efficient, effective, and safe resolution of family law disputes.
2. The coordination and provision of qualified mediator training for remote mediation.
3. A free legal advice service for low-income parties participating in the Simplified Family Law Resolution Project to assist with fair and efficient dispute resolution and enhance participation by domestic violence survivors.

The Project is designed to work collaboratively with local courts, legal service providers, existing court services, and pro bono programs in coordinating fair, efficient dispute resolution for family law matters.

Project Partners:

The **Office of the Supreme Court Administrator (OCA)** will be responsible for the overall direction, management, and completion of the Simplified Family Law Resolution Project. The OCA will oversee the entire project, providing project management, development, implementation, testing, project maintenance, evaluation, and partner coordination. The OCA will also direct and implement the ODR and IDRT portions of the Project. The Montana Legal Services Association will work to direct and implement the legal aid portion of the Project to provide services to low-income participants in the Project.

The OCA will identify multiple **Montana District Courts** interested in piloting one or more components of the Simplified Family Law Resolution Project, concentrating on jurisdictions with a high volume of civil and family cases and those in remote areas with limited resources. These jurisdictions will be selected to implement the Project to provide meaningful access to justice to court users and to reduce backlogged court dockets. These essential partnerships help create court awareness and advance buy-in at the local level.

The OCA will partner with the **Montana Legal Services Association (MLSA)**, the only statewide provider of free civil legal aid in Montana, to provide legal advice to low-income court users participating in the

Project. MLSA also will assist with building the qualified mediator training for remote mediation, based on MLSA's current provision of qualified Continuing Legal Education (CLE) on a monthly basis to private members of the bar.

Project Sustainability:

The Simplified Family Law Resolution Project is designed to be sustainable after the one-time only investment of COVID-19 relief funding. Much of the funding for the proposed project is necessary only for the initial start-up of the project, including the build out and testing of the ODR and IDRT systems. These systems will take advantage of established court workflow and be integrated into existing systems, allowing them to become a standard offering of family law case resolution. The ODR system will be based on the work already done to provide in-person early resolution through the court-connected Early Resolution and Mediation Project (E-RAMP) and will flow into that established system. Continuation of the Project will be based on the results of the evaluation, and will be dependent on successful outcomes as described below. The Court Administrator anticipates that the project costs will decrease once the pilot has been established, making it possible for the Project Partners to incorporate the ongoing ODR and IDRT costs (such as technology upgrades, maintenance, staff training, and partner coordination) into their normal budgets should this approach prove to be an effective method of addressing family law issues.

The Project will gather court efficiency data, as described in the performance measures section, and this data will be used to conduct a cost benefit analysis of the Simplified Family Law Resolution Project. With increased efficiency freeing court time to focus on complex cases, the Court Administrator anticipates that investing staff time on continued Project coordination will be a worthwhile investment. Based on the Project evaluation at the end of the three-year funding term, it is also anticipated that the Simplified Family Law Resolution Project may be extended to other jurisdictions to further enhance court efficiency.

Need for the Project:

Montana's outbreak of COVID-19 created significant additional burdens on local court systems. District courts and courts of limited jurisdiction had to cancel and postpone nearly all civil jury trials and most hearings for several months, placing strain on already overwhelmed caseloads and creating delayed dockets. Courts have prioritized criminal jury trials and have shifted to conducting many proceedings remotely. Accordingly, we expect to see increased backlogs for civil cases like family law in a system still adapting to the evolving changes.

At the same time, the pandemic has put families under significant pressure as Montanans struggle to navigate financial hardships and to manage stress over medical concerns and worries about continued work and income. More than half of completed intakes at MLSA have involved cases impacted by COVID-19, including an increase in domestic violence survivors seeking legal services. People who turn to the courts in increasing numbers to address marital difficulties, to seek safety, and to find support for their children and families are experiencing increased cost and time delays due to court backlogs and lack of access to adequate and COVID-safe self-help services.

The Project will address this intersection of Court and Montana family needs by developing a statewide court-connected remote mediation project for early intervention and referral of family cases. In order to increase the efficiency and effectiveness of the mediation process, the Project will offer free legal advice to people attempting to handle their legal issues without legal representation. Upon approval by the Supreme Court, the Project will also implement a recently created Montana process for Informal Domestic Relations Trials (IRDTs) to streamline family law trials and clear dockets congested with civil caseloads delayed by pandemic-related safety measures.

Performance Measurement and Goals:

The OCA will assess the Project processes on an ongoing basis during implementation. We will employ a formative evaluation to examine the Project's development and improve process, structure, and implementation of the project. Both qualitative and quantitative methods will assure depth, scope, and the dependability of findings. The OCA will seek input and data from all partners to assess: (1) what project activities were conducted and if they were conducted as planned or changed; (2) who conducted the activities and what training they received; (3) who and how many partners and court users participated; (4) how often Project activities were conducted; (5) what resources were used to conduct the activities and if they were sufficient; and (6) how well partners and court users responded to the activities.

The Court Help Administrator will also assess project results by looking at whether the desired outcomes are being accomplished. Through the evaluation process, the Court Help Administrator will seek input and data from all partners, from Montana's FullCourt case management systems, from MLSA's LegalServer case management system, and directly from court users for evaluation of Project impact.

Data tracking processes will be utilized to track the number of court users served and their demographics, along with: (1) Process Outcomes: number of referred court users and number completing process; numbers of clients referred by partners compared to number of family law cases filed; court partner feedback on Project implementation; numbers of outreach communications; (2) Court and Justice Outcomes: number of cases which do not result in litigation after mediation; number of partially settled cases that result in litigation but experience saved court event time;; court user self-report of perception of process fairness and simplicity of access; and (3) Legal Service Outcomes: client's family law matter resolved successfully; client obtained parenting plan; client obtained agreement on financial responsibilities; improved financial stability of client; client increased understanding of legal rights and legal system; and economic benefit to clients.

Performance evaluation data will be utilized to calculate economic performance indicators for improved court efficiency. This assessment will consider the costs and benefits of the Project when conducting a financial analysis to assess the financial viability of the Project. Non-monetary costs and benefits will also be quantified (e.g., value of time, perception of fair implementation of justice, etc.) to calculate economic performance indicators used to assess the overall economic viability of the Project.

The OCA will collaborate with District Courts and other partners to set specific Project deliverables. The Project goals are as follows:

1. Increase access to justice and reduce case costs by providing parties a path to early-opportunity mediation for resolving family law related disputes utilizing ODR;
2. Increase interest and participation in mediation by providing a platform that does not require parties to be physically present at a mediation;
3. Reduce conflict earlier in the court process for the benefit of the parties and their children;
4. Create sustainable family law mediation training modules to support (and create) current and future mediators;
5. one; and
6. Make the justice procedural system easier to understand and use for parties in family law cases, while still incorporating aspects of procedural justice to ensure users have confidence that the system is fair and transparent.

Detailed Project Description: There are three primary prongs of the Simplified Family Law Resolution Project: (1) Online Dispute Resolution (ODR); (2) Low Income Legal Assistance (Legal Aid); and (3) Informal Domestic Relations Trial (IDRT) pilot.

Online Alternative Dispute Resolution (ODR):

- Court-related Online Dispute Resolution allows parties to convene digitally to resolve District Court family law related disputes through facilitative mediation and is particularly helpful in circumstances where parties are unable to convene in the same physical space due to practical, financial, safety, and geographical barriers. Apart from practicality benefits, ODR:
 1. Increases access to justice by giving parties decision-making power in resolving their own disputes with minimal adversarial court intervention.
 2. Allows parties to minimize costs and save time while improving future amicability for the benefit of child-involved family law matters.
 3. Improves court efficiencies with potential to quickly resolve current family law case backlogs with innovative technology.
 4. Reduces the likelihood of returning to court for modification because parties are more likely to comply with the terms of an agreement they structured with the assistance of a mediator.
- The Project will develop and deliver adaptive ODR-mediation training materials and modules to expand capacity in offering conflict resolution services across the state as mediation awareness grows and demand increases.
 1. Training will be offered across the state in hybrid, innovative platforms to reduce costs and increase participation, putting into place a framework for future necessary continued training and education to maintain a high-quality mediator pool.
 2. The Project will develop new and expand existing outreach components and delivery portals designed to inform and educate current and future court users about the benefits and processes of mediation to increase participation and positive outcomes. The project will utilize current resources such as MontanaLawHelp.org, the Self Help Law Centers and the State Law Library.
- The Project will coordinate and deliver high-quality, free or reduced fee contract mediation services to parties in family law matters and offer volunteer opportunities to qualified

volunteer mediators. This mediation will be primarily remote, although in-person mediation may be incorporated into the project to accommodate court users with technology or special needs.

- The Project will identify and refer cases to contract mediation. Backlogged family law dockets result in delays and increase opportunity for conflict. Through the Project, cases appropriate for mediation referral can be identified at the time of filing with the court through existing case management systems.
 1. Parties are provided educational materials, screening tools, and necessary referrals. Referrals may include opportunity for legal advice prior to entering mediation and to explore opportunity for reaching an agreement without mediation.
 2. One of the primary portals for information and resources for self-representing parties are the Self-Help Law Centers and the State Law Library. Parties often visit these portals prior to filing and often result in the traditional adversarial process of a Petition and Response. These services offer an ideal opportunity for parties to learn about and seek a facilitated agreement prior to filing with the court. The result is an abbreviated court process and early resolution for the benefit of the parties and the court.
 3. The Project also includes outreach and education to community, service, and faith-based organizations to encourage mediation and to assist in identifying available legal and mediation resources in the communities where parties live and work.
 4. MLSA will coordinate placement of referred cases with mediators on a free and reduced-fee basis. This referral system will be integrated with MLSA's existing statewide modest means attorney referral system and pro bono volunteer attorney coordination program.
- The Project Budget will include creation of one limited-time position for the ODR portion:
 1. ODR Project and Referral Manager, who will develop the project and create program policies and procedures including case identification, screening, referrals and scheduling; develop and implement sustainable mediator training and participant ADR-ODR education models; provide virtual case tracking and management for program-involved cases; communicate with and provide orientation to judicial officers, court staff and the community at large regarding local and statewide needs and issues related to ADR-ODR services; assist in facilitating recruitment and retention of volunteer mediators through statewide and local pro bono programs; and conduct program performance monitoring and improvement plans.
 2. ODR Contract Mediators, who will provide mediation services for parties of limited means not otherwise able to pay for or gain access to mediation services; develop and deliver remote mediation training modules for program volunteers, including domestic violence assessment tools in conjunction with domestic violence specialists and advocates; and assist in the development of participant informative materials.
- ODR Stakeholders, including MLSA and OCA staff and District Court staff from the selected pilot jurisdictions, will meet and decide the working details of the ODR project that will best serve the staffing situation and constituents in each jurisdiction. The ODR factors to be determined by the stakeholders include the following:
 1. Opt-in mediation or assignment of all cases to mediation with an opt-out provision.

2. Identification of family matters which could be referred to mediation prior to court participation.
3. Incorporation of a sliding fee scale for modest means referrals to mediators.
4. Incorporating options for in-person Alternative Dispute Resolution for court users lacking access to online services.
5. Inclusion in remote mediation of appropriate family law cases involving domestic violence (such as parenting plans and marriage dissolutions) with consent of victim and representation by attorney. Mediation where the parties are not in the same physical space may benefit otherwise lengthy, complex domestic violence family law case resolution. An attorney's presence on behalf of a survivor during mediation will address power imbalances between a survivor and abuser.

Low Income Legal Assistance (Legal Aid)

- The Project will partner with the Montana Legal Services Association (MLSA) to provide low-income family law court users with free legal advice. This advice will focus on explaining legal rights and responsibilities, identifying legal issues, and providing assistance on how to efficiently navigate the judicial system.
 1. Project participants will receive information about how to contact MLSA for free legal advice for those living on low incomes.
 2. Referrals will be screened by MLSA Intake Specialists to determine income eligibility.
 3. MLSA will provide family law advice to eligible applicants with experienced attorneys, including MLSA staff attorneys and contracted attorneys reimbursed at a modest means rate.
- Legal aid will help empower court users to successfully and efficiently navigate the family law court.
 1. A 2018 randomized study of family law cases in Philadelphia County shows that low-income people paired with attorneys are 87% more likely to successfully navigate the court system for their family law needs.¹
 2. Another study conducted in partnership with the National Center for State Courts shows that a vast majority of civil legal cases include at least one unrepresented party and that the greater the extent of poverty, the less likely it is that a person will be represented.²
- The Project legal aid will help ODR and IDRT court users efficiently and effectively navigate these processes and will reduce the burden Montana Courts overwhelmed by the backlog of cases delayed by COVID-19 closures.
 1. According to the Conference of Chief Justices in 2017, unrepresented court users have “negative consequences not only for them, but also for the effectiveness and efficiency of courts striving to serve them and other segments of the community who need their disputes resolved. More staff time is required to assist unrepresented parties. In the absence of a fair presentation of relevant facts, court

¹ Degnan, Ellen and Ferriss, Thomas and Greiner, Daniel James and Sommers, Roseanna, *Trapped in Marriage* (October 23, 2018). Available at SSRN: <https://ssrn.com/abstract=3277900>.

² Whitfield, John, *Virginia Self-Represented Litigant Study* (April 4, 2018).

procedures are slowed, backlogs of other court cases occur, and judges confront the challenge of maintaining their impartiality while preventing injustice.”³

2. The Project legal aid will also help Family Law court users access equal justice under the law.

Informal Domestic Relations Trial (IDRT)

- IDRTs are family law trials governed by relaxed rules of civil procedure and evidence. IDRTs were first adopted in Idaho in 2008 as a response to the growth in self-represented litigants (SRLs) in family law cases and the resulting inefficiencies, delays, and frustrations for all court users. Since their implementation in Idaho, IDRTs have been adopted in Oregon, Alaska, Utah, and Iowa.⁴
 1. Upon the recommendation of a group of Montana judges, the Montana Supreme Court Access to Justice Commission recently voted unanimously to petition the Court to allow for pilot IDRTs in Montana.⁵
 2. The funding will be invested to create and coordinate the pilots, evaluate the effectiveness of the program, and build resources that can be used if the pilots expand to additional geographic regions or statewide.
 3. The pilots will test a promising practice that creates efficiencies in court practices in an area of the law that is particularly time consuming for the court system and for parties involved: family law. By reducing case complexities and requirements, the IDRT pilot will make it easier for the low-income and rural litigants to navigate the justice system while also reducing delays and inefficiencies that impact other users of the

³ John D. Minton and Arthur W. Pepin, letter to John Michael Mulvaney, “Conference of Chief Justices, Conference of State Court Administrators” (Washington, D.C.: Government Relations Office, 2017). Available at <https://www.olaf.org/wp-content/uploads/2018/01/Conference-of-Chief-Justices-LSC-Letter.pdf>

⁴ See generally, William J. Howe III and Jeffrey E. Hall, *Oregon’s Informal Domestic Relation Trial: A new Tool to Efficiently and Fairly Manage Family Court Trials*. Although variations exist among the states, certain commonalities also exist, including: The process is available to both represented and self-represented litigants; both parties are given information about their right to choose between a formal trial and an IDRT; both parties must opt into the IDRT process and waive their rights to a formal trial in which the normal rules of evidence would apply; all evidence offered by the parties is admitted, and the judge determines its weight; direct and cross-examination are largely prohibited; instead, parties speak directly to the judge; witnesses and experts are either limited or prohibited; the judge plays a more active role in questioning witnesses and receiving evidence from both parties.

⁵ Funded by a “Justice for All” grant from the National Center for State Courts, the Montana Justice Foundation and the Strategic Planning Committee of the Montana Access to Justice Commission (ATJ Commission) researched options for simplifying court rules and procedures to better accommodate the reality of a system too often overwhelmed by- and overwhelming to- SRLs. To inform that research, the ATJ Commission assembled an ad hoc judicial advisory committee to provide input. Committee meetings, a presentation about Alaska’s experience with IDRTs, and individual interviews with judges all led to a recommendation that Montana pursue the possibility of IDRTs in the state. The members of the working group that recommended that pilot projects be allowed by the Supreme Court are: Hon. Dusty Deschamps, 4th Judicial District Court; Hon. Brenda Gilbert, 6th Judicial District Court; Hon. Michael McMahon, 1st Judicial District Court; Hon. Robert Olson, 9th Judicial District Court; Hon. Olivia Rieger, 7th Judicial District Court; Hon. Howard Recht, 21st Judicial District Court; Molly Rose Fehringer, Standing Master, 13th Judicial District Court; Hon. Kaydee Snipes Ruiz, 12th Judicial District Court; and representatives from the Family Law Section of the State Bar and Montana Legal Services Association.

court system, as self-represented litigants attempt to navigate cumbersome rules and processes designed for lawyers.

4. This one-time-only, short-term investment will allow the Court to support, coordinate, and evaluate IDRT pilot projects, reducing pandemic-related backlogs and delays, creating short- and long-term efficiencies in the courts, and building resources that can be used if and when the project expands into other areas of the state. The Court anticipates that at least four jurisdictions will choose to implement an IDRT pilot.
- The Project Budget will include hiring a part-time, time-limited FTE to coordinate the planning, launch, and evaluation of the IDRT pilot projects over a two- to-three year period. Responsibilities of the IDRT Coordinator will include
 1. Coordinating communications between participating jurisdictions, including sharing best practices, lessons learned, and troubleshooting issues as they arise.
 2. Identifying and creating resources that support SRLs, court clerks and staff, and judges selecting IDRTS.
 3. Identifying and seeking agreement upon data collection protocols and metrics for measuring program successes and challenges.
 4. Drafting an interim report regarding the outcomes of the pilots.

MONTANA JUDICIAL BRANCH JOB ANNOUNCEMENT

JOB TITLE: Simplified Family Law Resolution Project Administrator – Position #21130010

POSITION LOCATION: Court Administrator's Office, Helena MT

POSITION STATUS/SCHEDULE: Full-time, Monday – Friday (*see Special Information)

SALARY AND GRADE LEVEL: Grade 17, \$21.50 per hour

JOB POSTING STATUS: External

CLOSING DATE: Open until filled.

SPECIAL INFORMATION:

- The successful applicant will be subject to a background check.
- Newly hired Judicial Branch employees are subject to one-year probationary period.
- 15% travel will be required.
- *This position is funded through December 2024 by the 2021 American Rescue Plan Act (ARPA), approved for use by the 67th Montana Legislature.

Nature of Work:

The Project Administrator works to develop, implement, and administer two court-based pilot projects in four of Montana's judicial districts. The Project Administrator works collaboratively with district courts, legal service providers, existing court services, and pro bono programs. Work includes supporting courts in implementing one or both pilots; coordinating communications between participating jurisdictions; overseeing project data collection, evaluation, and related grant reporting; and maintaining regular contacts the Montana Supreme Court Access to Justice Commission and the State Bar's Justice Initiatives Committee. Work is performed under the supervision of the Court Services Director. The employee is expected to exercise initiative and independent judgment in the management, coordination, administration, oversight, and evaluation of the project in accordance with established statutes, court rules, policies, procedures, and regulations.

The Simplified Family Law Resolution Project seeks to increase the overall capacity and efficiency of Montana's courts by implementing two new pilot programs: (1) online mediation, and (2) informal domestic relation trials (IDRTs). These initiatives aim to expedite case resolution and reduce the backlog of cases in Montana's courts, thereby enhancing the administration of judicial services while improving access to justice for parties in family law cases, many of whom are self-representing.

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

- Manages contracts with service providers to ensure compliance with ARPA requirements.
- Provides initial and ongoing support to four pilot judicial districts participating in the pilot projects.
- Develops project guidelines, structure, and evaluation measures; maintains ongoing communication with participating courts to ensure consistent services and proper data collection.
- Coordinates communications between participating jurisdictions, including sharing best practices, lessons learned, and troubleshooting issues as they arise.
- Develops and implement training curriculum for contract and volunteer mediators participating in the program.
- Develops data collection protocols and metrics for measuring program successes, including seeking agreement with necessary local judicial districts, clerks of court, and staff.
- Prepares and submits all necessary reporting regarding the progress and outcomes of the project.

Knowledge, Abilities and Skills:

- Ability to maintain confidentiality.
- Knowledge of family law in Montana is preferred.
- Knowledge of the systems for delivering civil legal services to persons with limited financial means in Montana is preferred.
- Work effectively with diverse people and groups.
- Communicate effectively in public settings, including public presentations and trainings.
- Research, evaluation, statistical analysis, and report writing.
- Operation of personal computer equipment, including competent utilization of spreadsheet, word processing, and graphic software applications.
- Ability to organize, implement, and maintain a variety of projects and functions simultaneously; research information and compile data; establish and maintain effective working relationships with judges, attorneys, other agencies, and the public; and effectively communicate orally and in writing.
- Work in a team environment and establish and maintain effective and positive relationships with others.

- Maintain accurate and up-to-date records and documentation.

Working Conditions:

Work will require travel throughout Montana and may be subject to irregular hours to perform work assignments. Completion of work assignments may occasionally require work on weekends and holidays.

Qualifications:

Graduation from an accredited college or university, and one to three years of responsible professional experience in the fields of law, social or human services, and/or public or business administration preferred. Combinations of education and experience will be considered on a case-by-case basis. Graduation from an accredited law school is also preferred.

Licensure and Certification Requirements:

None

Tab 4

ORIGINAL

FILED

08/17/2021

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: AF 11-0765

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 11-0765

FILED

AUG 17 2021

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ACCESS TO JUSTICE COMMISSION:
IN RE THE ADOPTION OF GUIDELINES FOR
ESTABLISHING PILOT INFORMAL
DOMESTIC RELATIONS TRIALS

ORDER

The Montana Supreme Court Access to Justice (ATJ) Commission petitions this Court to authorize a pilot project with guidelines for district courts wishing to participate in informal domestic relations trials (IDRT) within their jurisdictions during the pilot. The petition is supported by facts that over the last decade, Montana courts have witnessed a growth in domestic relations cases; a large percentage of domestic relations cases filed in Montana's district courts involve at least one self-represented litigant; self-represented litigants experience difficulty navigating complex rules of civil procedure and evidence; and judges and litigants alike can experience stress, frustration, and delays.

In light of these challenges and as part of the ATJ Commission's ongoing efforts to increase access to justice and improve efficiency, in 2020 the Commission assembled the IDRT Working Group, a working group of district judges and others, to make a recommendation about the advisability of IDRTs in Montana. After learning about how IDRTs were operating in other states, the rules under which they are governed, and the reactions from judges, lawyers, and litigants, the IDRT Working Group recommended that the ATJ Commission request from this Court that district courts in Montana be allowed to pursue pilot IDRT projects in their jurisdictions under proposed guidelines.

The Commission has reviewed and approved the IDRT Working Group's proposal and now requests that the Court issue an order approving a pilot IDRT project for participating district courts, temporarily adopting the guidelines attached as Exhibit B to the

petition for use in such pilot IDRT projects. The Montana Judges Association supports the proposal.

Good cause appearing,

IT IS HEREBY ORDERED that a pilot informal domestic relations trial project is approved for participating district courts, temporarily adopting the guidelines attached to this Order.

IT IS FURTHER ORDERED that:

- (1) Each district establishing a pilot informal domestic relations trial project shall notify the Court of the existence of the pilot;
- (2) Each district establishing a pilot may submit a recommendation to this Court within 18 months from the issuance of the informal domestic relations trial order regarding the continuation, adaptation, or suspension of the pilot projects.
- (3) Upon review of the recommendations, the Court will invite public comment and afford the Access to Justice Commission an opportunity to provide additional feedback from other interested stakeholders before the Court considers any proposal to adopt the program on a permanent basis or to rescind or supersede the Order;
- (4) This Order shall remain in effect until the Court rescinds, amends, or otherwise takes action that supersedes the Order.

This Order and the attached guidelines will be published on this Court's website. In addition, the Clerk is directed to provide copies of this Order and the attached guidelines to: the State Bar of Montana, with the request that they be posted on the State Bar's website; the State Law Library; the members of the Access to Justice Commission; the Executive Director of the Montana Legal Services Association; the President of the University of Great Falls; and the Dean of the Alexander Blewett III School of Law.

DATED this 17th day of August, 2021.


Chief Justice

Beth Palmer
James J. H. Co.
August 11, 1897
Dr. M. L. L. L.

John Rice
Justices

INFORMAL DOMESTIC RELATIONS TRIALS PILOT PROJECT GUIDELINES

- (1) Upon the consent of both parties, informal domestic relations trials may be held to resolve some or all issues in original and modification actions for dissolution of marriage, parenting and visitation, child and medical support, declaration of invalidity of marriage, paternity, separation, grandparent-grandchild contact, and orders of protection brought under MCA Title 40, including interim proceedings.
- (2) During an informal domestic relations trial, the court may admit any evidence that is relevant and material, despite the fact that such evidence might be inadmissible under formal rules of evidence, and the traditional format used to question witnesses at trial does not apply. In many cases, the only witnesses will be the parties. In the discretion of the court, other relevant witnesses may be called.
- (3) The court may at any time offer the parties the option of electing an informal domestic relations trial. If the parties make that election, the court will explain the process and obtain their consent.
- (4) The court may refuse to allow the parties to utilize the informal domestic relations trial process at any time and may direct that a case proceed in the traditional manner.

(5) The court may allow a party to withdraw from an informal domestic relations trial election as long as the other party would not be prejudiced by the withdrawal. The court will not allow a withdrawal of an election that has the effect of postponing the trial date absent a showing of good cause.

(6) Any evidence offered during an informal domestic relations trial initiated under these guidelines shall not be admissible in any other proceeding unless the court in the other proceeding determines the evidence meets the applicable rules of evidence.

(7) If an informal domestic relations trial converts to a formal proceeding, the court will determine the admissibility of evidence previously offered in the informal proceeding. The court may not rely on any evidence in a formal proceeding unless that evidence is admissible under the applicable rules of evidence.

(8) The court shall allow each party an opportunity to file any objections or motions on the admissibility or use of any evidence offered in an informal domestic relations trial before relying on that evidence in a formal proceeding.

(9) An informal domestic relations trial will proceed as follows:

(a) At the beginning of an informal domestic relations trial the parties will be asked to affirm that they understand the rules and procedures of the informal domestic relations trial process, they are consenting to this process freely and voluntarily,

and they have not been threatened or promised anything for agreeing to the informal domestic relations trial.

(b) The court may ask the parties or their lawyers for a brief summary of the issues.

(c) The moving party will be allowed to speak to the court under oath concerning all issues in dispute. The party is not questioned by the other party or any lawyers but may be questioned by the court to develop evidence required by any statute or rule or necessary in the court's discretion to address the matters at issue.

(d) The parties will not be subject to cross-examination. However, the court will ask the nonmoving party or their lawyer whether there are any other areas the party wishes the court to inquire about. The court will inquire into these areas if requested and if relevant to an issue to be decided by the court.

(e) The process in subsections (6)(c) and (6)(d) is then repeated for the other party.

(f) Expert reports will be received as exhibits. Upon the request of the court or either party, the expert will be sworn in and subjected to questioning by the parties, their lawyers, or the court.

(g) The court may receive any exhibits offered by the parties which are capable of being made a part of the record of the case. The court will determine the materiality, relevance, and what weight, if any, to give each exhibit. The court may order the record to be supplemented.

(h) The parties or their lawyers will then be offered the opportunity to respond briefly to the statements of the other party.

(i) The court will offer each party or the party's lawyer the opportunity to make a closing statement.

(j) At the conclusion of the case, the court shall render judgment. The court may take the matter under advisement, but best efforts will be made to issue prompt judgments.

(k) The court may modify these procedures as justice and fundamental fairness requires.

(10) A case proceeding as an informal domestic relations trial will be subject to the same pretrial procedures and orders of the court that apply to traditional cases.

Parties seeking a dissolution proceeding under informal domestic relations trials are subject to the mandatory disclosure requirements of MCA § 40-4-252.

(11) The court's final judgment will have the same force and effect as if entered after a traditional trial and may be appealed or objected to on any grounds that do not rely on the rules of evidence.

Tab 5

Materials to Follow