

Montana Supreme Court Access to Justice Commission
December 2, 2022
Zoom Video Conference
10:00 AM – 12:00 PM
Meeting Minutes

Commissioners Present: Justice Beth Baker, Ed Bartlett, Hon. David Carter, Hon. Stacie Four Star, Aimee Grmoljez, Kekek Stark, Hon. John Kutzman, Katy Lovell, Juli Pierce, Alison Paul, Olivia Riutta.

Commissioners Absent: Lillian Alvernaz, Rick Cook, Hon. Leslie Halligan, Margaret Weamer, Jacob Griffith, Rep. Katie Sullivan.

Others Present: Kim Dudik, Patty Fain, Valerie Falls Down, Ann Goldes-Sheahan, McKayla Henson, Grace Loveless, Hon. Kaylan Minor, Emma Schmelzer, and Krista Partridge.

Call to Order & Introductions

Justice Baker called the meeting to order at 10:03 a.m., and she asked participants to introduce themselves. Juli Pierce stated that this is her first meeting as the representative from the State Bar of Montana. Justice Baker asked for a vote on the June and September meeting minutes. Alison Paul moved to approve the minutes and Juli Pierce seconded the motion. A quorum was not present so the minutes were approved after Justice Baker voted Judge Kutzman’s proxy in favor. Later in the meeting when a quorum was present, Judge Four Star and Judge Carter voted to approve the minutes.

ARPA Simplified Family Law Resolution Project

Emma Schmelzer provided an update on the Family Law Mediation Project. She said that the first two mediations are scheduled for next week in Yellowstone County and both will be conducted remotely. She said that she had a good discussion with the Yellowstone County Standing Masters and everyone is excited to get the pilot underway. Emma explained the remote mediations will be the default method, but that in-person mediations could be accommodated if the litigants desire. She added that the Self-Help Law Centers are helping with pre-filing referrals, but encouraged the group to suggest additional referral sources such as family therapists and faith leaders.

Emma then reported on the Informal Domestic Relations Trials that are being piloted in the First, Fourth, and Twelfth Judicial Districts. She said that she continues to get good feedback from judges and the program will be expanding in 2023. She added that they are trying to automate data collection to make it easier to gather evidence on the program’s effectiveness.

MLSA Update

Alison Paul reported that MLSA’s contract with the Department of Commerce was renewed for one year to administer rental assistance funds and provide legal advice and representation to clients facing eviction. She asked the group to refer interested attorneys to work under contract to provide services and added that the need in housing cases continues to be overwhelming.

Valerie Falls Down then reported on the progress of MLSA's Tribal Advocacy Incubator Program. She said that eight participants are scheduled to take tribal bar exams in the next two months. The participants recently completed a 12-week training course that included mock trial training. She said that by early 2023 we should have advocates working in every tribal court in the state. Valerie added that the program is set to continue for at least another year and we will begin offering stipends for the start-up of the tribal advocates' small businesses.

Alison reported that the Racial Justice Facilitated Discussion was attended by a small, but engaged group in November. She said it was challenging to keep the group focused on civil legal issues rather than criminal law, but it was still a productive exercise. She said that she just received the follow-up report from the facilitator and she will send it to Justice Baker after she reviews it. Kaylan Minor asked if Alison could provide a summary of MLSA's programs that she could share with the courts of limited jurisdiction through their newsletter. Alison said that she would connect Kaylan with Jami Campbell, MLSA's Community Outreach Coordinator.

Court Help Program Update

Grace Loveless reported that the Court Help Staff, Justice for Montanans Members, and Ed Higgins of MLSA, recently participated in a court forms summit with clerks of court. She said that she has taken over as Chair of the Education and Outreach Subcommittee after the departure of State Law Librarian Christine Mandiloff. The new Law Librarian is from Virginia and will start in January. He is very excited about access to justice and the Self Help Law Centers. Finally, Grace said that new members are needed for the Education and Outreach Subcommittee and encouraged members to contact her or refer anyone who might be interested.

Policy & Resources Committee Update

Aimee Grmoljez reported that members of the committee met with Lt. Governor Juras in October to ask for her support for the legislative funding bill. Lt. Gov. Juras met with the Governor's policy team and Budget Director Ryan Osmundson about the bill. Senator Jason Small has agreed to carry the bill. The Gianforte administration said they would not oppose the bill. Justice Baker said they are trying to get the bill directed to the Senate State Administration or Business and Labor Committee for a hearing. She added that the bill draft and data in support of the funding are included in the meeting materials. Justice Baker said that members of the committee would be reaching out to judicial groups and other groups that have supported the legislation in the past, and added that the Montana Collector's Association has agreed not to oppose the bill. Olivia Riutta said that she would talk to the CEO and Policy Director at the Montana Primary Care Association, and Alison Paul agreed to talk to the Montana Landlords Association. Katy agreed to find the current contact person for the Area Agency on Aging. Justice Baker added that a key point to make when talking to groups is that we are focusing on alternative dispute resolution and mediation.

Self-Represented Litigants Committee Update

Ann Goldes-Sheahan said that she didn't have anything to add to Grace Loveless' report and echoed Grace's call for additional members.

Outreach and Communications Committee Update

Katy Lovell said that she has surveyed members to discuss changes to the outreach materials that might be needed in preparation for the legislative session. The committee plans to meet on

December 7 and will stay in touch with Aimee to prioritize resources that are needed as the session progresses.

Pro Bono Action Committee Update

McKayla Henson shared the Action Matrix on screen while Patty explained how the committee developed the matrix as a road map for moving forward the specific suggestions received from the focus groups. Patty said they looked at what can be done right away, and what suggestions are heavier lifts and tried to prioritize accordingly. She thanked the committee members for their active involvement and creativity in coming up with new ways to promote pro bono service. Patty asked for thoughts and suggestions from the group and added that we will need partners to develop and launch initiatives. Justice Baker asked Patty to add footnotes on the meaning of low impact and other terms used in the matrix and said that she would like to share the matrix broadly. Alison Paul said that many of the items on the list are programs that MLSA already has in place and said that the matrix will be confusing if it implies that these programs don't exist. Patty said she would work on the wording with MLSA's Pro Bono Coordinator Ellie Webster to eliminate confusion. Kekek Stark said that he has recommended that the law school make the Indian/Tribal Law Course a requirement and would like to see this curriculum added to the bar exam. He said that South Dakota and Washington have already done this and they are Uniform Bar Exam states like Montana. He added that there should be more CLE opportunities on the practice of tribal law. Justice Baker said that these suggestions are broader than the pro bono committee's focus but agreed that they should be added to the next agenda in conjunction with MLSA's work in this area. She said she would contact Kekek to discuss strategy and find out what process was undertaken in South Dakota and Washington.

Public Comment and Next Meeting Dates

Justice Baker asked for public comment. There was no public comment. The 2023 meeting dates are listed on the agenda. The meeting was adjourned at 11:16 a.m.