

Montana Supreme Court Access to Justice Commission

December 6, 2024

Zoom Video Conference

10:00 AM – 12:00 PM

Meeting Minutes

Commissioners Present: Justice Beth Baker, Ed Bartlett, Lillian Alvernaz, Hon. David Carter, Hon. Leslie Halligan, Kekek Stark, Katy Lovell, Juli Pierce, Margaret Weamer, Alison Paul, Olivia Riutta, Sen. Laura Smith.

Commissioners Absent: Rick Cook, Hon. Stacie FourStar, Sen. Wendy McKamey, Jacob Griffith Aimee Grmoljez, Hon. John Kutzman.

Others Present: Alissa Chambers, Emma Schmelzer, Dave McAlpin, Grace Loveless, Patty Fain, Franklin Runge, Madiera Zehnder, Beth McLaughlin, Linden Howard-Murphy, Valerie Falls Down, Ann Goldes-Sheahan, and Krista Partridge.

Call to Order & Introductions

Justice Baker called the meeting to order at 10:00am and asked participants to introduce themselves. She welcomed the new Court Administrator, Dave McAlpin, and thanked Beth McLaughlin for her years of service.

Approval of September Meeting Minutes

Justice Baker asked for a motion to approve the minutes from the September meeting. Judge Halligan so moved and Olivia Riutta seconded the motion. The minutes were approved without objection.

Court Administrator Update

Beth McLaughlin reported that the State Justice Initiative grant application was submitted with MLSA's help, and she expects to receive a favorable decision by the end of the month. The funding request was for \$297,000 over three years to start a Community Justice Worker program for landlord-tenant and consumer debt matters. She also reported that funding to continue the Family Mediation Program was included in the governor's budget and she's optimistic that the program will be funded. Beth reminded the group that one of the recommendations from the evaluation of the Self-Help Law Centers was to bring all of the access to justice programs under one management umbrella and to support the Access to Justice Commission with program staff. For this reason, the position of Access to Justice Program Coordinator was created and Katy Lovell was hired for that role. Beth added that Katy is already doing great work. Katy said that she's thrilled with her new role and has begun a weekly training program with the Justice for Montanans AmeriCorps members and is working with Emma Schmelzer and MLSA on a communications plan for the Family Law Mediation Program. Justice Baker welcomed Katy to her new role and said that Katy will help the Commission move forward on projects and the strategic plan. Justice Baker added that we need to replace Katy on the Commission and asked members to send recommendations. Justice Baker also said that the Commission will not be taking an active role in advocating for the Family Law Mediation program at the legislature unless Dave or Beth request assistance. Dave said he would reach out to Ed Bartlett and Aimee Grmoljez if needed.

Community Justice Workers Support Letter

Justice Baker pointed out the support letter in Tab 3 of the meeting materials that was submitted with the State Justice Initiatives grant application on behalf of the Commission.

Self-Represented Litigants Committee Report: Alissa Chambers said that the committee has prioritized text message reminders and said that coordination with the Supreme Court Technology Commission will be crucial. Beth McLaughlin said this is not technically possible right now and that they are still finishing implementation of Full Court. She said that this would need to be a separate budget line item in 2027 and that planning would need to start in 2026. She added that text messaging for the pre-trial program has been very challenging and has taken a huge amount of effort. She cautioned that this should be a long term project with realistic goals. Maggie Weamer mentioned that she and Megan Dishong had discussed MLSA's text reminders system and she would like to continue to pursue this project. Justice Baker noted that technology enhancements in the court system are very difficult to implement because consistency is needed across all courts and because many people don't have cell phone plans, but use systems such as WhatsApp for communication. Alison Paul added that MLSA has been using text reminders from our case management system for years and that we're currently building a system called "What's Next Text" to allow clients to opt in for text reminders on what steps to take for their legal matter.

Policy and Resources Committee Report: Justice Baker reported on the committee's three priorities. The first to secure funding for the Family Law Mediation Project has already been discussed during the Court Administrator's update. The second priority is to secure outside funding for the Commission and to target grants to fund the areas of greatest need. She added that perhaps the text reminder project would be a good candidate for outside funding support. The third priority of the committee is to continue long-term outreach efforts at the legislature. Sen. McKamey and Aimee Grmoljez are developing an outreach plan. Sen. Smith and Jacob Griffith will assist in this effort.

Community Education & Partnerships Committee Report: Katy Lovell reported that the committee is conducting a survey of different projects to assess funding needs and to support community outreach. She said that she plans to meet with Emma Schmelzer and Madiara Zehnder to work on a communications plan for the Family Law Mediation Program. Finally, she added that the committee needs to elect a new chair since she will be stepping down from the Commission. Justice Baker said that Katy will be the link for all of the different committees in her new role as the Access to Justice Program Coordinator.

Court Education Committee Report: Justice Baker said that the committee will present a report at the March meeting.

State Law Library Update

Franklin Runge reported on the role of the State Law Library in promoting access to justice, adding that the seeds of access to justice can be found in the written history of the library. Montana's State Law Library is unique in that it's open to the general public. He said that the library staff are very dedicated to access to justice, and they help train prison law library staff to assist prisoners. He added that the library's digital collection includes legislative histories from 1975-1997, and the librarians are a resource when the legislative website isn't available. Justice Baker said that

Franklin is also ensuring that updated court rules are all available free of charge on the website and that they are formatted to be more accessible and readable. She said that 30-40% of the filings at the Supreme Court are made by non-lawyers and they need access to the rules. Finally, Franklin said that 70% of the customers served by the law library are the general public and prisoners. He thanked the Justice for Montanans members, Katy, Emma, and Grace for their assistance.

MLSA Update

Alison Paul said that the poverty population in Montana declined relative to other states, and so MLSA's funding from the Legal Services Corporation will be reduced slightly in 2025. Alison then reported on a number of projects at MLSA, including: a new 3-year grant to represent victims of human trafficking; expungement clinics that are scheduled for March 2025 in Helena, Missoula, and Billings, organized by MLSA's Skadden Fellow Amy Reavis; a special clinic in Helena to assist workers from a Montessori school in Helena that closed suddenly. Many of the workers hadn't been paid appropriately and have potential tax issues. Alison also discussed her participation on the State Bar's Committee on the Future of the Legal Profession that is tasked with exploring alternative legal education, alternative practices in the legal profession, and with vetting the Community Justice Worker (CJW) initiative. She said that court rule changes might be needed in order to implement the CJW program, and the committee will seek the support of the State Bar for those changes. Olivia Riutta asked if legislation would be needed to allow the CJW program and Alison said that it probably won't require legislation. The rule changes would be in the form of a petition to the Supreme Court and then the legislature would have two years to overturn any decision by the court.

ABA Access to Justice Commissions Meeting Update

Alissa first congratulated Alison on receiving the 2024 Pierce-Hickerson Award at the National Legal Aid and Defender Association's Annual Conference in Atlanta in November in recognition of her outstanding contributions to the advancement and preservation of Native American rights. At the ABA meeting, Alissa learned about the wide variety of Commission structures across the country. Montana is an example of an unfunded commission that has accomplished a great deal despite the lack of funding. She reported that the Self-Help Law Centers, needs assessments, and other initiatives such as the Informal Domestic Relations Trials, put Montana ahead of the curve compared to many funded commissions in larger states. Alissa said that she is really proud of Montana's Access to Justice Commission and what we've achieved without dedicated funding.

Upcoming Meeting Dates and Public Comment

Justice Baker congratulated Sen. Wendy McKamey on her selection as a 2024 Henry Toll Fellow by the Council of State Governments. The Fellowship includes an intensive leadership boot camp with other state government officials from across the country. Justice Baker asked for public comment and there was none. She noted that the first three meeting dates for 2025 are listed on the agenda. The meeting was adjourned at 11:23am.