

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.