

Montana Supreme Court Access to Justice Commission

March 7, 2025

Zoom Video Conference

10:00 AM – 12:00 PM

Meeting Minutes

Commissioners Present:

Justice Beth Baker, Ed Bartlett, Lillian Alvernaz, Kekek Stark, Alison Paul, Olivia Riutta, Kimberly Dudik, Hon. Stacie FourStar, and Jacob Griffith

Commissioners Absent:

Rick Cook, Sen. Wendy McKamey, Aimee Grmoljez, Hon. John Kutzman, Leslie Halligan, Margaret Weamer, Sen. Laura Smith, Hon. David Carter and Juli Pierce

Others Present:

Alissa Chambers, Becky Schupp Watson, Emma Schmelzer, Dave McAlpin, Franklin Runge, Madiera Zehnder, Linden Howard-Murphy, Valerie Falls Down, Katy Lovell, Megan Dishong, and Justice Katherine Bidegaray

Call to Order & Introduction:

Justice Baker called the meeting to order at 10:02 am. She welcomed Justice Katherine Bidegaray who joined the Supreme Court in January. Justice Bidegaray will participate in the Access to Justice Commission when she has the capacity to do so.

Approval of September Meeting Minutes:

No quorum, therefore, the minutes were not approved. Will try to pass the minutes during the June 2025 meeting.

Court Administrator Update:

Dave McAlpin provided an update on the Legislature, which has reached its transmittal break. He highlighted challenges the Judicial Branch is facing in both the Senate and House, particularly regarding tight deadlines and the limited time available to analyze fiscal notes. In some cases, the short turnaround has resulted in bills being considered without a full understanding of their financial implications.

Dave emphasized the high priority of adding judges in Billings due to a significant caseload and increased violent crime. Although his office requested three additional judges, the House Appropriations Committee approved only two. During the same budget review process, funding for the Pretrial Program was cut. His office is actively working to restore it.

The Pretrial Program provides judges with important information to assess the risk of individuals absconding or reoffending—an especially critical tool in county jails facing limited bed space. Justice Baker pointed out that this could potentially impact the work of the Commission as pretrial incarceration can lead to job and housing loss, which often escalates into broader civil legal issues.

Dave mentioned that his office asked for a floating law clerk in Missoula which was okayed in budget and Justice Baker pointed out the budget subcommittee did approve the continuation of our family mediation project with general fund money.

SB 31 Update:

Justice Baker asked Alissa Chambers about the IOLTA bill, which was introduced to make the IOLTA program voluntary. Alissa offered a brief synopsis of IOLTA and the SB31 bill and explained that if it had passed it would have given clients three choices regarding their funds, including keeping them in a non-interest-bearing account, an interest-bearing account, or elect to have their funds go to into an IOLTA account. All options would make client funds taxable.

The bill was met with opposition, and it was voted down on the Senate floor. The discussion also highlighted the significance of legislative involvement in our commission because it promotes understanding of civil legal aid and what access to justice means. Justice Baker acknowledged the efforts of Senator Wendy McKamey, Senator Laura Smith, Alissa Chambers, and the Montana Legal Services Association (MLSA) in addressing the bill.

Karla Gray Award Nominations:

Justice Baker announced that nominations are now open for the Karla Gray Award, presented annually by the State Bar to honor a Montana judge from any court who has demonstrated dedication to improving access to Montana courts. She reviewed the award criteria and reminded members to send their nominations to the Montana Justice Foundation by May 16. These submissions will be considered at the June meeting, and the Commission will send nominations to the State Bar President's Committee for final selection.

Access to Justice Commission Report:

Katy Lovell shared her progress on multiple projects and expressed gratitude for the team's support.

Community Justice Worker Grant (awarded in December)

Currently navigating the contract process. Due to the legislative session, further momentum is expected once the session concludes.

Self Help Law Center Leases

New leases are underway in Great Falls and Billings. Reese Loveless and Katy will soon begin drafting grant applications and developing an initial budget overview. Katy is planning site visits to the Kalispell and Great Falls centers in the coming weeks to visit with their coordinators and observe operations.

AmeriCorps Members

Two new AmeriCorps members have been placed: one in Bozeman (through August) and one in Billings (through early June).

AmeriCorps Recruitment

Recruitment has begun for the next group who will start in September. Two members are already placed, and additional placements are being sought in Missoula, Bozeman, Helena, and Billings.

Weekly Training Series

Every Tuesday afternoon, AmeriCorps members participate in an hour-long training series with attorneys covering topics such as veteran service coordination, immigration law, Social Security, child and family services, and other areas supported by the Self Help Law Centers. It is a good opportunity to ask questions about all sorts of different areas of law that Self Help law centers assist with. Professional development workshops are also a part of the training series, which can cover grant writing, public speaking, and Excel use.

Data Collection for Service Delivery

Over the next few months, Katy will begin collecting data to identify opportunities for expanding service delivery. Plans are in motion to update the new Family Law forms and to brief judges and court clerks on what to expect during the transition.

Support for New Legal Service Developer

Katy is coordinating introductory meetings for Gretchen Hall and assisting in the recruitment of legal volunteers. They are currently looking for legal volunteers for their upcoming legal clinics.

RFP for the Legal Contract. The contract position for a supervising attorney will be posted on the department's website soon. Attorneys interested in a contract with the Legal Services Developer Program should apply.

Family Transition Project update:

Emma Schmelzer provided an update on the Family Transition project, highlighting its growth and promising potential. Five new attorneys and a few new mediators have been recruited, which is already driving an increase in referrals. Outreach from social media has helped bring in many self-referred cases. Emma would like to get the rest of the district courts on board this summer. The program has added another child-support consultant, bringing the total number of consultants to three.

IDRT: Justice Baker noted that the Supreme Court recently had its first appeal decided that involved the Informal Domestic Relations Trials process and published the opinion. This could be helpful to other judges going forward. Emma discussed the need for further outreach to community groups about the process.

MLSA Update:

Alison Paul pointed out a couple issues MLSA is facing now. Currently, 70 percent of MLSA's budget is supported by federal grants. Their recent grant successes have triggered requests to certify compliance with recent Executive Orders regarding DEI. The

looming federal budget uncertainty and proposed funding cuts pose a risk to long-term sustainability. While MLSA isn't in crisis today, Alison stressed the importance of securing stable funding for the future.

Justice Baker noted that the Commission had sent a letter to Montana's Congressional delegation in the past, urging continued support for the Legal Services Corporation, and discussed whether it would be helpful to do so now. Alison noted that MLSA cannot lobby Congress but agreed with the importance of educating new Congressional members about MLSA's work. Justice Baker also suggested involving Aimee Grmoljez, who works in the business community, and Todd O'Hare in finding potential advocates for the cause.

Ed Bartlett proposed a motion for the Commission to send a strong letter to all members of the Montana delegation. The motion was seconded by Olivia Riutta and unanimously approved by the present members. Justice Baker agreed to revisit the motion in the June meeting or through email when the timing appears right to present advocacy on the topic.

Alison provided an update on the Community Justice Worker project, which is moving forward with training and relationships. The project involves a federal grant and will also add a Medicaid piece.

Upcoming Meeting Dates and Public Comment:

Justice Baker noted the next three meeting dates listed on the agenda for 2025. The meeting was adjourned at 11:00 a.m.