

Montana Supreme Court Access to Justice Commission
June 7, 2024
Zoom Video Conference
10:00 AM – 12:00 PM
Meeting Minutes

Commissioners Present: Justice Beth Baker, Ed Bartlett, Lillian Alvernaz, Hon. David Carter, Rick Cook, Hon. Stacie FourStar, Sen. Wendy McKamey, Kekek Stark, Hon. John Kutzman, Katy Lovell, Juli Pierce, Margaret Weamer, Alison Paul, Olivia Riutta.

Commissioners Absent: Aimee Grmoljez, Hon. Leslie Halligan, Jacob Griffith, Rep. Laura Smith.

Others Present: Alissa Chambers, Becky Schupp Watson, Beth McLaughlin, Franklin Runge, Grace Loveless, Emma Schmelzer, Valerie Falls Down, John Mudd, Megan Dishong, Ann Goldes-Sheahan, and Krista Partridge.

Call to Order & Introductions

Justice Baker called the meeting to order at 10:05am and asked participants to introduce themselves.

Approval of March Meeting Minutes

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

Karla Gray Award

Justice Baker reviewed the criteria for the Karla Gray Award and reminded the group that this is the only State Bar award for judges and is meant to recognize judges who focus on access to justice issues. The Commission's role is to make nominations, not to vote for the winner. She asked for nominations no later than June 20 and asked Rebecca to make a note that we should begin the process for nominations at the March meeting next year.

Self-Help Resources Assessment

Beth McLaughlin reviewed the report, "An Assessment of Self-Help Resources in Montana," located at Tab 3 in the meeting materials. Beth explained that the self-help program has grown organically since its inception in 2007 and has not been systematically evaluated until now. She added that her group is still processing the report, but she shared some initial takeaways. The current self-help resources fall into two main categories - Self-Help Law Centers (SHLC) and automated court forms. One of the more pressing problems faced by the SHLCs is difficulty recruiting the Justice for Montanans (JFM) AmeriCorps members, who make up most of the SHLC staff, largely due to the high cost of living in Montana. To help address this issue, the decision was made to consolidate all the JFM members in Helena at the State Law Library. The members will travel to the other SHLC locations weekly and may be able to share housing costs. The members will also have access to more supervision and training in Helena and will be able to offer support to one another. Justice Baker asked about the plan for the Billings SHLC since it is the busiest, and Beth replied that a member will travel to Billings for two full workdays each week. Beth added

that they are looking at national standards for self-help centers and Franklin Runge in the State Law Library will help the SHLCs provide more assistance for self-represented litigants. Justice Baker asked Beth to update the Commission at the next meeting. Beth also reported that there will be a budget proposal for the 2025 legislative session to continue the Family Law Mediation Program for an additional six months after the ARPA funding sunsets in December 2026. Judge Carter asked if the Billings SHLC staff can be moved into the courthouse. Beth replied that there is no space available and that her office does not have leverage with the counties when it comes to office space. She added that OCA plans to ask for three more Yellowstone County judges at the next legislative session.

Legal Deserts Summit

Alison Paul, Beth McLaughlin, John Mudd, and Rich Batterman, an attorney from Baker, recently attended the Legal Deserts Summit in Las Vegas, put on by the National Center for State Courts. The focus of the conference was on how to facilitate the recruitment and retention of attorneys in rural areas and how to expand the number and types of people who can provide legal services. Based on what they learned at the summit and dovetailing with work already underway at the law school and at the State Bar, the group asked for the support of the Commission on two proposals. The first involves providing paid internships and housing stipends for first- and second-year law students with judges, at law firms, or at public agencies in small communities. The host organization will be responsible for integrating and engaging the students in the community. Students who are originally from these small towns will also be recruited. John Mudd said that the State Bar will facilitate the program, but it will be a collaborative effort with the law school. He said they are ready to move forward with the program to begin in the summer of 2025 and asked for the Commission's support. Justice Baker moved to support the plan submitted by the State Bar and Court Administrator to place attorneys in rural areas and Ed Bartlett seconded the motion. The motion was approved without objection.

A second proposal for Community Justice Workers (CJW) was presented by Alison Paul and is focused on the goal of expanding the types of people who can provide legal services. Alison explained that the CJW or "Allied Legal Professionals" concept is a big movement around the country and is different from the limited license practitioner idea that was considered and rejected by the Commission a couple of years ago. The proposal for a Montana-specific CJW program is modeled on the successful Alaska program that allows trained individuals to provide legal services in specific types of cases. MLSA would train people working in social services agencies, domestic violence shelters, and other human services organizations to represent low- and moderate-income people in landlord-tenant and debt collection matters in Justice Court, and to represent domestic violence victims who are seeking Orders of Protection. MLSA would work with the State Bar and law school to develop a training curriculum and would seek a planning grant from the State Justice Institute to fund a coordinator for the program. Alison said that MLSA has already applied for a federal grant from the Office on Violence Against Women to start a Community Justice Worker program for Orders of Protection. Beth McLaughlin added that Rich Batterman is particularly enthusiastic about the potential for this program because he sees firsthand the impact on people in his community when they can't find anyone to represent them, particularly in Order of Protection hearings. Beth said that the support of the Commission will be very important for the planning grant application. Ed Bartlett asked why Montana wouldn't pursue limited license practitioners. John Mudd said that the limited licenses failed in Washington State because of the high cost and

resistance from stakeholders. Alison added that the infrastructure and resource requirements to implement a limited license program are not within reach of the State Bar and Court Administrator and would be outside of MLSA's mission. Both John and Alison stated that an incremental pilot approach is the best option. Justice Baker asked Alison to elaborate on the sustainability considerations for the CJW program. Alison explained that CJWs can be employed by MLSA and that we're currently doing this under a sub-grant from Alaska Legal Services. She said that MLSA's model doesn't currently include charging for services, but it's something that we would contemplate. Ed Bartlett said that he supports the CJW concept with an overall goal of working toward a limited license. He also recommended charging a nominal fee for the services. Beth McLaughlin noted that Texas is proposing a significant expansion of bar memberships, but their bar is much bigger and better funded. Alison also mentioned that MLSA's Tribal Advocacy Incubator Program (TAIP) is another model that could be replicated. She added that we need to evaluate TAIP to ensure that it has succeeded in increasing access to justice in tribal courts. Sen. McKamey added that she's excited about this program and being able to apply previous experience to make it a success. Justice Baker said that a formal motion is not necessary; the Commission agreed to support the development of a CJW plan from a working group of volunteers (Lillian Alvernaz, Katy Lovell, David Carter, and Alison Paul).

MLSA Update & Legal Needs Assessment

Alison Paul reported that MLSA needs to update automated pro se court forms to take advantage of improvements in technology since they were first developed and will apply for a technology grant from the Legal Services Corporation to pay for these updates. Alison asked for a letter from the Commission in support of the application and a draft letter is included in the meeting materials. She added that MLSA is already updating family law forms through funding from the Family Mediation Program and said that the goal is to make all the forms available in Full Court for e-filing. Justice Baker asked Beth McLaughlin for an update on the status of e-filing. Beth said that the system is almost completely deployed and that the contract with the e-filing vendor will expire in four years. At that time, the Court Administrator will put out an RFP for a new vendor and will include a self-represented litigant component. Justice Baker asked about the finding in the legal needs assessment report that people aren't using technology to find help for their legal problems. Alison replied that MontanaLawHelp.org is used extensively, but it could be used more and MLSA is doing a lot of outreach to increase awareness. Justice Baker asked for a motion to approve the support letter for MLSA's technology grant application. Ed Bartlett so moved and Olivia Riutta seconded the motion. Alison Paul abstained from the vote. The motion was approved without objection.

Megan Dishong explained that MLSA conducts a statewide legal needs assessment study every 3-5 years. This is required by the Legal Services Corporation, and it's also a valuable way to uncover issues. MLSA hired Angie Wagenhals to conduct the assessment in 2024, and she distributed electronic and paper surveys to a diverse mix of urban, rural, and tribal community partners, members of the State Bar, court personnel, and members of the Access to Justice Commission. She also conducted focus groups and arranged for one-on-one interviews of judges by MLSA attorneys. The assessment report is included in the meeting materials and Megan reviewed some of the key takeaways. The legal needs that rose to the top of the list were housing, public benefits, and education. Housing and public benefits were predictable given the eviction crisis and Medicaid unwinding, but education was a surprise and appears to be related to access to services for special

needs children. The report found that people with legal needs rely on in-person connections, along with Facebook and TikTok. Megan said that MLSA currently puts out a lot of content on social media but will focus on doing even more. Megan also noted that MontanaLawHelp.org analytics show that over 40,000 unique users have visited the site thus far in 2024, with most accessing housing and family law resources.

The biggest gap identified in the report is the difficulty in navigating MLSA's intake process and the long wait times for applicants. Megan said that MLSA is aware of this problem and MLSA's new Intake Manager has already implemented several process improvements. She explained that some of the inefficiencies are baked into the restrictions and requirements placed on MLSA by LSC and other funders, making eligibility determinations very time-consuming and complex. Megan also mentioned that the focus groups revealed that different communities were concerned about very different issues and that MLSA will look at ways to address these diverse needs. Alison added that public benefits and education legal issues don't often require an attorney, but rather trained navigators can be deployed to guide people through paperwork and processes. She said that MLSA's new CJW will focus on public benefits issues.

Finally, Alison reported that tenant groups in Bozeman and Missoula are pursuing "right to counsel" in landlord-tenant hearings and have approached MLSA for cost proposals to provide attorneys for tenants in these cities. Judge Carter said that in Colorado, fees for the licensure of rental property go into a legal fund to handle disputes in mediation or through a complaint process to prevent eviction filings.

Strategic Plan Update

Justice Baker explained that the simplified draft strategic plan in the meeting materials is the culmination of many hours of work from the Strategic Planning Committee and consultant Tara Veazey who worked with the committee under a grant from the National Center for State Courts. Justice Baker pointed out that a vision statement inspired by the "Justice For All" initiative was added to the plan. She reviewed the core values of access, education, and resource development, and explained that the overarching principles and commitments apply across the entire plan. Justice Baker then reviewed the list of goals that begin on page 120 of the meeting materials and pointed out that Commission members and others will be asked to volunteer to serve on committees as "Goal Champions". Justice Baker asked for comments and questions. Alison Paul said she supported the plan and Sen. McKamey said that the plan looks thorough and well thought-out. Justice Baker said that current committee assignments and new committee opportunities will be sent out and she asked members to volunteer. She then asked for a motion to authorize the committee to complete the plan and to adopt the completed plan. Sen. McKamey so moved and Judge Kutzman seconded the motion. The motion was approved without objection.

Public Comment and Next Meeting Dates

Justice Baker asked for public comment and there was none. The next meeting is on September 6, 2024. The meeting was adjourned at 11:48am.