

The Supreme Court of Montana
Access to Justice Commission
Standing Committee on Self-Represented Litigants



June 24, 2013

Re: Standing Committee on Self-Represented Litigants (SCSRL) Quarterly Report (Corrected)

The Commission on Self-Represented Litigants was decommissioned and became a permanent standing committee of the Access to Justice Commission. The former Commission on Self-Represented Litigants was created to:

- Recommend a plan of action to the Supreme Court;
- Consider and recommend court rule and statutory changes;
- Coordinate with existing programs;
- Develop pilot programs;
- Seek grants to fund activities.¹

The Montana Supreme Court charged the SCSRL “to continue the Self-Represented Litigant Commission’s mission, including forms [sic] development for self-represented litigants.”²

The SCSRL members bring a broad range of experience and knowledge of the difficulties facing self-represented litigants from the perspective of the judiciary, lawyers, and those working directly with self-represented litigants.

The SCSRL members are:

- Kim Dumon, Flathead County Justice Court Administrator
- Patricia Fain, Statewide Pro Bono Coordinator
- Erin Farris, Self-Help Program Manager
- Ed Higgins, Attorney-at-Law, Montana Legal Services
- Robin Meguire, Attorney-at-Law and A2JC member
- Hon. David Ortle, District Court Judge and A2JC member
- Phyllis Smith, Clerk of District Court

¹ In Re the Establishment of a Commission on Self-Represented Litigants

² In Re the Establishment of an Access to Justice Commission, AF11-0765

- Hon. Michele Snowberger, Belgrade City Court Judge, A2JC member, and committee chair
- Randy Snyder, Attorney-at-Law and A2JC member
- August Swanson, Montana Legal Services

The SCSRL is a working committee and each individual member is committed to our purpose. This year, the SCSRL held general committee business meetings in January, February, April, and June.

The SCSRL created a forms subcommittee to begin the consistent work to improve our statewide forms. The forms subcommittee has:

- A working process for form review and approval
- Identified the following forms for immediate revision or creation:
 - Dissolution with children packet
 - Consumer debt materials
 - Guardianship packet
 - Answer to parenting plan
- Received forms from Montana Legal Services for approval
- Received forms for limited task representation for approval
- Begun to gathering links for local court forms

Form development is a long and arduous process. It is difficult to take a complicated area of law (such as dissolution) and develop statutory correct forms that are easy to understand and use. There are several barriers to access, including lack of clarity in the law, lack of uniformity of case process between judicial districts, and lack of education on how to use the forms.

Form development is not static—often, use reveals additional issues and the law is ever changing. Both case law and statutory updates are necessary. But, the interpretation of these updates is often not clear and not easily implemented. Finally, continued education for court users on how to use the forms is essential.

The SCSRL is committed to improving our judicial system for all Montanans, including tribal members, self-represented litigants, lawyers, and the judiciary. The SCSRL is in the process of assessing how best to improve upon existing practice. To this end, we developed three questionnaires for the courts: one for district and courts of limited jurisdiction judges, one for clerks of district courts, and one for clerks of courts of limited jurisdiction. We are already receiving good responses from the judges. We have approximately 30 district judges and 61 courts of limited jurisdiction judges' responses.

On June 18, 2013, Michele Snowberger and Erin Farris presented to the Clerk of District Court Convention in Miles City. This forum allowed the SCSRL and the Clerk of District Court to open a dialog about the Access to Justice Commission, the SCSRL, and the challenges surrounding SRLs.

The clerks had many suggestions to improve their questionnaire. It is important to continue to communicate and work together for actual solutions for our courts and the SRL.

The SCSRL will facilitate discussions at both the fall COLJ judges and clerks conferences. We are currently seeking time at the District Court Judges conference.

Randy Snyder has been discussing the work of our committee and the issues of SRLs with the Montana State Bar, local bar groups, and individual attorneys. This conversation is extremely important to the work of the committee.

The SCSRL is working closely with the Supreme Court Self-Help Program to coordinate our efforts. In the latest Self-Help newsletter, there is compelling data on the percentage of family law cases where at least one party is self-represented.

The SCSRL is concerned about broader issues relating to SRLs, including:

- Identification and communication of SRL trends
- Identification of rules or statutes to be amended ensuring meaningful access to our courts
- Working with lawyers, court staff, and judges to determine the “sticking points” in the process and developing real solutions for these issues
- Collaboration with agencies, organizations, and programs already working in this area
- Consider the impact of limited task representation on otherwise unrepresented litigants
- Training for judges, court staff, and attorneys about SRLs and limited task representation.

We are scheduling a strategic planning session in the next few months where we will develop specific goals and measurable objectives for our committee. If you have questions or concerns about the SCSRL or its work, please contact a committee member. Your input is critical to our work. We are requesting the A2JC to give us direction as to any area they would like the SCSRL to focus.

Respectfully submitted,

Michele L. Snowberger
Standing Committee on Self-Represented Litigant Chair

Attachments:

- SCSRL member contact information
- Judges questionnaire
- Self-Help Program update