

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



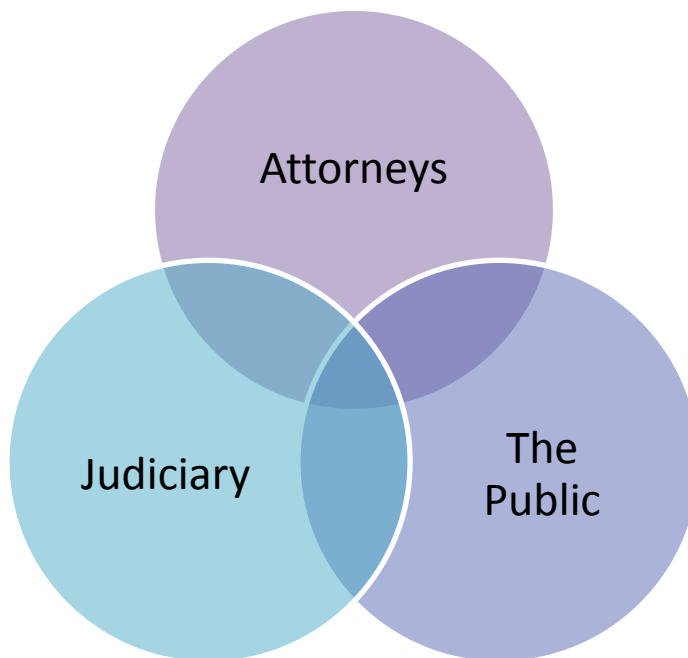
September 18, 2013

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

1. Strategy Planning.

In August, the Committee met to begin developing our strategic plan. We started with a discussion of “What would our judicial system look like in a perfect world?” The Committee identified three general beneficiary categories: the judiciary, lawyers, and the public.

The Committee developed a simple Venn diagram to illustrate the relationship between the three groups. All three groups have competing interests; SRLs represent the confluence of all three circles.



In general, the judiciary and attorneys want the system to work efficiently and fairly. Members of the public want to get a particular (or fair) result. This represents a different perspective on the goal. The Committee discussed the different purposes its efforts might serve to the different stakeholders in any given legal action. This discussion used SRL forms as an example. Consumers look at the forms differently from judges. Judges want the appropriate information to be present in every place it is called for, including often in duplicate or triplicate. The public doesn't understand the need for repetition, and no-one is in a position to explain why judges need exactly the information they ask for in exactly the form they want it. This goes to expectation, highlighting a need to improve understanding of the system, its rules, and the reasons they exist, as well as to create more realistic expectations of the court process.

Good results require good education. Everyone needs to be given the same information (judges, attorneys, and the public). The Committee discussed the need to improve fairness and transparency about how the court really works. This includes practicability, and a realistic expectation of how to practice law.

The Committee agreed that the following statement most closely represented its vision for the Committee's work: **"It is the vision of the Self-Represented Litigant Standing Committee to achieve the fair and efficient resolution of unmet legal needs."**

The Committee members moved on to a discussion of how the vision would be achieved. They identified four general emphasis areas: Collaboration/Communication, Education/Training/Communication, Developing Self-Help Resources/Tools, and Legislation & Rule Changes.

The Committee has a scheduled a second planning meeting for October 30th.

2. Central Desktop Training.

August Swanson trained all interested committee members on central desktop. Central desktop is an important tool for the Committee, especially for form development.

3. Forms Sub-Committee

The forms sub-committee completed a number of telephone conferences. The sub-committee identified the dissolution with children packet as the first form set to be revised. The Committee is using numerous outside sources to help identify areas in need of improvement. We have received input from various practitioners, self-help center staff, Child Support and Enforcement Division, and at least one standing master. Once we have a solid draft, the sub-committee will gather additional review of the draft before final approval.

4. Data Collection Report.

The Standing Committee on Self-Represented Litigants identified a three-phase data collection project.

- **First Phase:** Data collection from those in Montana's court system who are most likely to encounter self-represented litigants (SRLs): judges and clerks of court. The Committee developed, administered, and analyzed the questionnaires without the assistance of outside professionals or added cost. The Committee considers the data to be reliable, but intended as a contextual marker for use by the Access to Justice Commission, its committees and partners. The qualitative data collected during the process should be considered along with available SRL quantitative data collected by the Office of the Court Administrator.
- **Second Phase:** Data collection from practitioners on their experiences with self-represented litigants. The Committee is working with local bar associations to discuss SRLs from the unique perspective of practitioners.
- **Third Phase:** The third phase is to collect data from self-represented litigants themselves. The Committee will ask SRLs their needs and experiences as well as outcomes when navigating the court system.

The Committee completed the first phase and will submit a separate report on its findings.

5. Outreach and Education.

The Chair will present at the fall COLJ judges conference. We are working on presenting at the COLJ clerk conference and District Court judges conference next year.

If you have questions or concerns about the Committee or its work, please contact me or any committee member.

Respectfully submitted,

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