

MONTANA SUPREME COURT PUBLIC MEETING MINUTES

Tuesday, August 18, 2026, 1:00 p.m.

Joseph P. Mazurek Justice Building

215 N. Sanders, Helena

Attorney's Lounge, 4th Floor

Chief Justice Swanson called the meeting to order at 1:01 p.m. In attendance were the Chief Justice and Justices Baker, Bidegaray, McKinnon, and Rice. Justices Gustafson and Shea attended via Zoom.

Also in attendance were Jeanine Blaner, Staff Attorney for the Montana Supreme Court; Bowen Greenwood, Clerk of the Montana Supreme Court; Dave McAlpin, Court Administrator; Cathy Pennie, Financial Services Director, Montana Supreme Court Administrator's Office; Alison Paul, Montana Legal Services Association Executive Director; William Hooks, Montana Legal Services Association Director of Advocacy; Harley Ternes, DV Community Justice Worker Team Lead for Montana Legal Services Association; Robert Smaus, Montana Landlords Association; Sharon Lodge, Montana Landlords Association; and Alis Auch, and Erin Brosten, Law Clerks of the Montana Supreme Court.

Attending via Zoom were Katy Lovell, Access to Justice Program Director; Kelly Mantooth, Fergus County Justice of the Peace; Hayden Ramsey, Community Justice Worker at Fontline Justice; Brooke Dolan, Outreach Coordinator for the Montana Supreme Court; and Ryan Davies, IT Director.

Item 1: Minutes from July 14, 2026, Public Meeting

- Chief Justice Swanson introduced the matter of approving the minutes from the July 14, 2026 Public Meeting.
- The Court unanimously approved the minutes from the previous public meeting.

Item 2: Amendments to the Access to Justice Commission Rules on Certified Lay Advocates

- Chief Justice Swanson introduced the matter.
- Justice Baker thanked everyone for their hard work on the proposed rule amendments and explained that Jeanine Blaner will be able to review formatting and wording pending approval. Justice Baker inquired as to whether the word "or" in subsection 2(c) of the proposed rules contemplated persons employed by MLSA, and therefore being paid by MLSA. Alison Paul clarified that it includes individuals employed by MLSA but not paid by the client. With that clarification, Justice Baker expressed her support for the proposed rules.

- Justice Rice expressed support for the program filling a void of needed legal services. Justice Rice also expressed his concern with allowing people to do legal work who lack the same training as lawyers and who have not adopted the same set of ethical rules. Justice Rice inquired about the grievance process for future problems that may arise and expressed concern that there was no involvement by the State Bar. Alison Paul explained that the MLSA grievance process has three levels of decision-making and review, the third level being decision review by the MLSA Board of Trustees. Alison expressed her willingness to change the grievance process if the Court desires. Justice Baker suggested adding a final review by the oversight committee which includes a member of the State Bar. Justice Baker suggested Jeanine Blaner could draft the necessary language.
- Justice Rice inquired about malpractice insurance coverage for Community Justice Workers under the rule. Alison clarified that the workers would be covered under MLSA's malpractice insurance.
- Chief Justice Swanson noted that he was concerned with the new rule at first given its radical departure from attorney requirements, but after speaking with other chief justices at the Chief Justice Conference he found that many states were benefiting from similar programs.
- Justice Baker raised a concern that the Rules for Admission do not include the student practice rule which allows law students to engage in limited practice of law. Justice Baker asked Bowen Greenwood if the clerk's office receives many questions about the student practice rule—given it is difficult to find—to which Bowen responded affirmatively. Jeanine Blaner added that the rule can be found in the student handbook at the University of Montana's law school. Chief Justice Swanson expressed concern that having the rule in the handbook may not be adequate for out-of-state law students.
- The Court unanimously agreed to add language requiring a final grievance review by the oversight committee to the rule's grievance procedure, and to add the student practice rule.

Item 3: Appointments to the Drug Treatment Court Advisory Committee

- Chief Justice Swanson introduced the matter, noting Judge Gilbert's retirement and the Judges Association's recommendation of Judge Wittman to replace her. Justice McKinnon inquired as to where Judge Wittman is located, and Chief Justice Swanson noted she is in Miles City.
- Dave McAlpin noted that Judge Wittman has been attending Drug Treatment Court Advisory Committee meetings as a non-member.
- The Court unanimously agreed to appoint Judge Wittman.
- Chief Justice Swanson noted he had discussed appointment of a chair with the Drug Treatment Court Advisory Committee members, and after consideration of both Judge Abbott and Judge Ulbricht, Judge Ulbricht was recommended. Chief Justice

Swanson appointed Judge Ulbricht as Drug Treatment Court Advisory Committee Chair.

Item 4: Appointment to the Criminal Jury Instructions Commission

- Chief Justice Swanson introduced the matter, noting that Mardell Ployhar's appointment expired as of August 1, 2026, and that she has expressed a willingness to continue to serve in that position.
- The Court unanimously agreed to reappoint Mardell Ployhar as a member of the Criminal Jury Instructions Commission.

Item 5: Judicial Branch Policies – Drug Court Funding

- Chief Justice Swanson introduced the matter, noting the update from District Court Council and inviting Dave McAlpin to address the Court.
- Dave McAlpin explained the update is not a policy update, but rather a formulaic update primarily changing the year.
- The Court unanimously agreed to the updates.

The meeting adjourned at 1:20 p.m.