

**Montana Supreme Court**  
**Access to Justice Commission**  
2015-2016 Forum Series Report

**APPENDIX 2**

**Witness Presentation Summaries**

**Kalispell: October 21, 2015**

**Jim Taflan, Program Administrator, Court Help Program**

- Program provides information and resources to pro-se (self-represented) litigants
- Deal mainly with civil legal issues such as landlord/tenant and custody issues
- 6 Self Help Law Centers (Great Falls, Kalispell, Bozeman, Missoula, Helena, Billings)
- 46,000 contacts with pro-se litigants since 2007

**Allison Paul, Executive Director, Montana Legal Services Association (MLSA)**

- 13 staff attorney's provide civil legal aid to low income Montanans
- Custody issues and foreclosure are two most common problems
- 40% of cases are related to housing matters
- 130 cases handled in 2014 assisted 300 people
- Montana is under-resourced federally and there is great need for more pro-bono and low cost legal help

**Hilary Shaw, Executive Director, Abbie Shelter**

- Abbie Shelter deals mostly with domestic and family violence issues
- Biggest problem is the lack of Partner Family Member Assault (PFMA) prosecution; huge gap between the severity of the actions of offenders and the ways they're held accountable
- Public Defenders attending Order of Protection hearings creates problems for victims
- Need for more domestic violence (DV) training for members of the justice system and possibly a PFMA/DV specific court

**Kay Lynn Lee, Chair, NW Bar Association Pro Bono Committee**

- Deal mainly with low income and family law issues (specifically custody battles and parenting plans)
- 90% of cases are referrals from MLSA or the State Bar's Modest Means Program
- Pro bono attorneys need assistance from other agencies/resources
- Organizations providing civil legal aid need to cultivate a network of resources and provide support to each other

**Chris Krager, Executive Director, The Samaritan House (Unable to attend)**

From provided statement:

- Provide shelter, low income rentals, and case management to approximately 1400 individuals and families each year
- Work in collaboration with area organizations to provide services to low income and homeless people
- Self Help Law Center and MLSA provide much needed legal assistance
- Commonly seen problems: unfair evictions and divorces resulting in homelessness

**Grant Snell, Attorney, Crowley Fleck Law Firm**

- Full time in house pro bono program led by Gary Connelley of Crowley Fleck's Billings office
- Commonly seen: family law, elder issues, public benefits problems
- Majority of cases are referrals from MLSA and Modest Means
- Need for more family law education for pro bono attorneys

**Jamie Campbell, Executive Director, CASA**

- Advocates for abused and neglected children
- CASA always needs more volunteers
- Need for MT attorneys to have more child specific training
- Need for more prosecution of DV/SA (sexual assault) cases

**Caitlin Overland, Board Member, Montana Justice Foundation**

- Foundation assists in providing funding for non-profit civil legal aid organizations
- Approximately \$5 million in grants provided since mid-1980s
- Also assist with loan repayment for attorneys
- Problem: decrease in federal funding in recent years

**Susan Kunda, Ombudsman and Director, Area Agency on Aging**

- Advocates for the elderly; assist with Medicare benefits, in-home care and assisted living services
- See large amount of landlord/tenant issues
- Administer legal document clinic (power of Attorney, Declaration of Homestead, Living Will, etc.) with assistance of pro bono attorneys
- Need for more funding
- Need for more basic legal education for advocates

**Lance Issak, Director, Flathead Attention Home**

- Provide services to children ages 10 to 18
- Serve 80-90 kids each year
- Deal with issues stemming from poverty, drugs and alcohol, neglect/abuse of children
- Struggle to work through the "legal limbo" surrounding the age of adulthood for 18 year old clients
- Need for more collaboration between agencies, specifically the public school system

**Leigh Anne Miller, Supervisor, Family Court Services**

- Most common issues are family related (parenting plans, divorce) and tax related
- Refer to MLSA often
- Need for more fundamental parenting education

**Jeff Folsom, COO, Aware**

- Work mostly with children suffering from emotional, mental health, and developmental disabilities
- Serve approximately 100 families each year (statewide)
- Provide clients with in-home and outpatient care
- Most commonly experienced problems deal with housing, custody of children, and access to services

**Cathy Brenneman, Executive Director, The Nurturing Center**

- Provide advocacy for approximately 25 clients each day
- Frequently assist clients in dealing with family issues such as custody, parenting plans, grandparent rights, etc.
- Collaborate regularly with other agencies such as MLSA and Family Court Services
- See a high number of clients living in poverty and struggling to find resources
- Need for more family law specific professional education

**Holly Jordt, RN, Flathead City-County Health Department**

- Homelessness, poverty, DV, substance abuse, landlord/tenant and family issues are commonly seen
- Child Protective Services involvement in many cases
- MLSA provides assistance with legal issues
- Need for realization that for average person the justice system is overwhelming and appears to move very slowly. This causes many people to avoid interaction with legal system as much as possible.

**Brian Muldoon, Attorney Mediator**

- Issues dealt with by area agencies (family disputes, poverty, substance abuse) need to be seen as social problems, not legal problems
- Need for recognition that the legal system creates adversaries
- Need for mediation: get people out of court and working together towards resolution of problems
- Need for mental health education for family lawyers

**Great Falls: November 18, 2015**

**Jessica Wilkerson, Attorney, Montana Legal Services Association (MLSA)**

- Defendants in civil suit have no right to an attorney
- MLSA has 13 attorneys, 3 offices, and 2 satellite stations in MT
- MLSA attorneys provide legal advice and limited scope representation to low income Montanans
- Work with other agencies such as the Cascade County Law Clinic and Montana AAA Legal Services
- Works to assist clients with family, housing, public benefits, consumer, Native American, and domestic violence issues
- Receive funding mainly from federal grants; minimal state funding
- Only able to meet the needs of one-third of clients due to lack of resources

**Dave Belcher, Veterans Court**

- Dave is a veteran of the Gulf War who suffered from PTSD and fell into drug addiction
- Veterans Court helped Dave with mental health counseling and drug rehabilitation
- Particularly helpful for combat veterans returning home and trying to adjust to normal life

**Captain Laura K. Buckholtz, Chief of Military Justice, Malmstrom Air Force Base**

- JAG Corps provides services to military personnel, retired military personnel, and dependents of military personnel

- Malmstrom AFB’s personnel have a low average age, therefore JAG Corps deals mostly with young people and retirees
- Attorneys are able to discuss legal options but do not represent military personnel
- Deal with such issues as family law, consumer law, tax law, landlord/tenant disputes, and assistance with legal documents
- Malmstrom attorneys work with Military Pro Bono Project, which accepts referrals and provides assistance to active-duty military personnel and their families in civil legal cases

**Kayre Chatellier, Cascade County Law Clinic (CCLC)**

- CCLC works closely with MLSA and provides many referrals
- Very focused on collaboration with other agencies such as the Cascade County Bar Association
- CCLC provides pro-bono and mediation services to civil litigants
- Cascade County Self Help Law Center and Victim-Witness Assistance Services encompassed within CCLC
- Clinic serves all of Cascade County with very limited funding and no full time paid staff

**Janet Duffy, Executive Director, YWCA**

- YWCA assists victims of domestic violence/sexual assault (DV/SA), stalking, and child abuse
- Provide temporary shelter to women and children as well as counseling services, classes and workshops
- Collaborate with Cascade County Law Clinic, Cascade County Self Help Center, Montana Legal Services Association, Montana Coalition Against Domestic and Sexual Violence, among others
- 90% of YWCA clients live in poverty
- Provide no legal advice but do provide support and advocacy to clients in court setting
- Getting Temporary Orders of Protection is a challenge for many clients

**John McCrea, State of Montana Aging Services Bureau**

- Work in partnership with such agencies as MLSA, MT State Bar, University of Montana Law School, Self Help Law Centers, Area Agencies on Aging, etc. to provide legal advice, information, and resources to seniors
- Host eight legal advice clinics each year to provide legal advice and assist seniors with legal documents
- Elder abuse and financial exploitation by family members is common; Aging Services Bureau works to help seniors protect themselves from being exploited

**Kay Pace, Montana Supreme Court – Court Help Program**

- Beginning in 2007, the Court Help Program provides tools and information to pro-se (self-represented) litigants as well as referrals to other agencies
- 46,000 contacts with customers to date
- Work in close partnership with MLSA and YWCA
- Serve primarily low to moderate income Montanans
- Landlord/tenant issues and family disputes are most commonly seen problems
- Americorps service members serve at Self Help Law Centers in six counties and provide guidance (but not legal advice) to pro-se litigants

## **Billings: March 16, 2016**

### **Erin Lambert, Director of Programs, YWCA**

- There is a need for immediate access to an attorney for an OOP
- Abusive partners make threats of legal action to keep control
- YWCA has added an attorney to their staff, but funding is a serious need
- Clients can't afford to pay for attorneys, but there is a need for attorneys, their new attorney has served 30 victims in two months
- Domestic violence is a safety risk, large risk of DV based homicide
- DV harms the economy, getting victims out of a DV situation will save various state systems money
- Note: when requesting funding for things like DV attorney, have a victim come speak to the legislature, not a lobbyist. Victim testimony will be more powerful.

### **Dr. Michael Bush, Chief Medical Officer, St. Vincent Healthcare**

- Patients face myriad of problems—access to care, access to Medicare
- DV victims are very hard patients, help is needed to avoid tragedies
- Adult and Child Protective Services don't intervene early enough, probably due to a lack of sufficient funding
- Mental illness and substance abuse patients face additional legal problems and often cannot solve on their own
- Crisis center has been a great investment, saves money, keeps people out of ER. When crisis center is full, see increases in ER visits. WAY cheaper to have someone in crisis center than in ER bed.
- There is a lot of neglect of children that goes unreported.
- Senior neglect will be an increasing issue

### **Vicky, Citizen of Yellowstone County**

- Has cerebral palsy, working, single mother. Had several falls and damaged spine, other health issues.
- Used a scooter for mobility and was able to be completely independent, cook, clean, care for grandchildren, get about.
- Medicare/Medicaid wanted to take away scooter and switch her to wheelchair, which was not going to work, too hard to get in and out of.
- Through a friend of a friend, became connected with MLSA and attorney. Attorney represented her through many hearings and ultimately Vicky was able to keep her scooter.
- She never would have been able to win without MLSA
- With help of attorney she was able to attend her own hearing, which she would not have otherwise been able to do.

### **Todd Wood, Director, Area II Agency on Aging**

- Serves counties and reservations with state and federal funds
- Many people do not realize their problems are legal in nature
- Most common legal problems: LLT, OOP, POA, Guardianship, Wills & Estates, Consumer Protection, abuse, neglect, exploitation
- Elderly often don't have transportation (geographic isolation), electricity, phone, internet
- Privacy concerns, embarrassment over issues
- There is a need to assist people through the legal system, through the whole process

- Mental health and substance abuse issues; transportation issues to get to where services are being provided.

**Terry Bouck, Superintendent, School District 2 with Sue Runkle, Homeless Education Liason, School District 2**

- Large percentage of students in poverty, 633 homeless students last year
- Unaccompanied homeless youth face the biggest challenges. Ex. have SSI benefits but can't get a bank account so must use check cashing services and lose a portion of their benefits.
  - Hard to get healthcare beyond emergency room care
  - Can't sign leases or stay in hotels
  - Don't understand implications of emancipation process
  - Grandparents/neighbors/non-guardians can't fill same role as parent/guardian in a legal issue
- Youth and schools need legal access point, an attorney they can call.
- Self-help can be overwhelming and some are not capable of it

**Georgette Boggio, Elk River Law**

- Native Americans are overrepresented in criminal and child welfare areas
- Native Americans experience the legal system as punitive
- Racism and historical bias are not just historical
- Main areas of issue: housing, contract, family law
- Need targeted outreach—feet-on-the-ground lawyers
- Tribal members face all the same legal issues as anyone—no one specific area that could house legal reforms
- Need advocates in the right geographic areas, on Reservation weekly.

**Jade Jagers, MHA, CAC, Riverstone Health**

- Sliding scale services
- “Care coordinators” trying to close the loop = housing, food stamps, insurance
- A void and an advocate
- See 150 patients a day
- Brief and long term services
- Patient driven—self reporting of problems
- Can provide services to minors w/o guardians if they are patients of Riverstone

**Terry Stapleton, Yellowstone County Veteran's Treatment Court**

- Court serves anyone who is military or has an immediate family member who is military and has a felony or misdemeanor
- Vets work through the court in stages with progressively less supervision, three stages
- Main issues: family law (custody/divorce), bankruptcy, LLT, medical care (traumatic brain injury, PTSD)
- Physical disabilities and language barriers
- Can be hard for vets to reach out for medical or legal help

**Gary Connelley, Crowley Fleck PLLP**

- Domestic violence is dangerous for victims as well as for children, attorneys, staff.
- Need more ADR for family law issues—education and mediation
- The less contentious a divorce is, the better for children

- There is a coming wave of elder law issues
- Service providers are overwhelmed
- There is an administration problem in terms of matching up need with resources
- Need FULL FUNDING of legal services
- Crowley attorneys donated almost 5k hours in MT
- Still are turning 8 or 9 out of 10 applicants away
- Need to focus on getting to people before they get to court

**Alison Paul, Executive Director, Montana Legal Services Assn.**

- MLSA is primarily federally funded and funding is based on population size so MT doesn't get much funding
- 150k people in state qualify for services, 15 attorneys to meet need
- In 2015, 7000 requests for assistance, 2700 cases, only meeting 1/3 of need.
- Provide direct representation and other services like legal advice to self-represented litigants, increase public education (montanalawhelp.org)
- The greatest need is for more lawyers, more money
- Over 300 pro bono volunteers work with MLSA, can always use more
- There are only 2 or 3 other states that don't provide state funding for civil legal aid.

**Patt Leikam, Billings Self-Help Law Center**

- SHLCs just got permanent funding
- Billings center provides services to entire east half of state
- In 2015 SHLCs assisted 16,444 people, the Billings center served 4455.
- The families have be served AND the courts have been served.
- Family law is the major issue, also name changes, guardianships, LLT, adoption, debtor-creditor
- Most customers are people in poverty
- Customers report being very satisfied with services
- Other challenges: litigants don't understand the system, litigants fear the system is unfair, litigants don't have the resources they need

**Public Comment**

- There is a huge DV need—is the creation of a DV court possible? Money is being spent in a very inefficient way and there is a need to break the cycle, the cycle costs society a lot of money.
  - It is a complex issue but it is something that is being thought about. Issue is: is specialty court needed, or just more judges?
- CASA: We need and ICWA court—there is a disproportionate number of Indian children in the courts. Dist. Cts. may not handle ICWA cases well, they are more complex.
  - As usual, funding this court is the issue.

**Missoula: April 20, 2016**

**Kat Werner, Director of Programs, Grants Manager, YWCA**

- Missoula YWCA provides emergency housing to the homeless; served 89 families and 295 people during the last fiscal year

- Domestic violence and sexual assault are the leading causes of homelessness, often these victims need legal assistance with preparing parenting plans and filing for divorce, custody and Orders of Protection
- Victims are not served as well as they could be due to a lack of understanding of DV/SA and ensuing trauma throughout the legal system
- Many visitors to YWCA deal with homelessness because of a lack of understanding of their rights as renters and the fact that landlords are often unaware of the protection provided to survivors of intimate partner violence as renters under the Violence Against Women Act
- Visitors typically have the inability to repay debts and lack access to civil legal resources
- Montana Legal Services and the Self Help Law Center are valuable resources to those who utilize the support provided by the YWCA

**Charlotte Beatty, On behalf of the Court Help Program**

- 7000 people served in person by Self Help Law Centers since 2008, with many more served by phone
- 900 new family law cases were seen by Montana Legal Services (MLSA) in 2015, 70% involved self – represented litigants and 200 veterans were served
- Missoula Self Help Law Center provides much needed guidance to those trying to navigate the legal system, resulting in the courts working more efficiently because litigants are well prepared
- Landlord/tenant disputes, probate process and family law cases are the issues most commonly seen by the Court Help Program
- Court Help Program and Americorps service members provide outreach to the YWCA, MLSA clients, Mountain Home Montana shelter and mental health center for young mothers, Women’s Opportunity & Resources Development, Inc. (WORD) and rural communities
- Partnerships with University of Montana law students, pro-bono attorneys, and volunteer paralegals make the Court Help Program much more effective

**Sindy Filler, Certified Interpreter**

- Two Spanish interpreters in Montana
- Lack of legislation requiring a certification process for interpreters leads to the involvement of third parties acting as translators for litigants, which can cause confidentiality and communication issues
- Limited English proficiency makes equal access to justice impossible if legal system operates only in English
- Many Native Americans face the same communication problems as Spanish speaking citizens and migrant workers
- Limited English complicates both civil and criminal court proceedings because non English speaking litigants often don’t understand their rights
- Although many jurisdictions are now printing legal forms in Spanish there are still many non-English speakers that need help navigating the legal system

**Maylenn Smith, Acting Clinic Program Director and Associate Professor, Alexander Blewett III School of Law**

- Law school runs 26 clinics for students to take part in, 7 of which focus on civil issues
- Indian Law clinic is a great resource that travels to The Confederated Salish and Kootenai Tribes of the Flathead Reservation to provide legal advice, assistance with legal forms and some limited scope representation (which is taken on by law students)

- Issues typically seen by Indian Law clinic involve family law, domestic violence, landlord/tenant disputes, and those surrounding the Indian Child Welfare Act
- The clinic benefits Tribal members and often leads to pro-bono civil work after participating students graduate

**Ann Sherwood, Managing Attorney, Tribal Defenders Office, Salish & Kootenai Tribes**

- Tribal Defenders offer civil and criminal legal services for those who financially qualify according to guidelines set by Tribal Council
- 7% of Montana’s population is Native American
- 26% of females in Montana prisons are Native American
- 20% of males in Montana prisons are Native American
- Many Tribal members lack understanding of their rights and how to navigate the legal system. This leads to many pro-se litigants struggling to succeed.
- Civil Division represents Tribal members in landlord-tenant matters, consumer issues, some child custody, guardianships, mental health commitments, adult protective services, and jurisdictional issues. Many of these issues are the result of criminal charges, regardless of conviction.
- Civil Division also offers mediation services through the University of Montana, School of Law, Mediation Clinic
- Also offered are psychological assessments and following treatment recommendations from clinical psychology doctoral candidates from the University of Montana with assistance from Tribal Behavioral Health

**Erin Fowler, LCSW, Poverello Center**

- The Center is a safety net for the homeless and poverty stricken
- 60 veterans are served each year through Veterans Transitional Housing programs
- 250 people are served through the Homeless Outreach Teams
- Visitors to the Center face a variety of civil legal issues such as eviction, unpaid student, medical and other debts, child support and custody, and domestic violence related issues
- There is significant fear of the justice system and a lack of awareness of rights among the homeless and those living in poverty
- Illiteracy and lack of availability of pro-bono legal assistance exacerbate these challenges
- The homeless persons are sometimes involved in crimes related to untreated addiction and mental health
- They are vulnerable to violent crimes as well as scams and being taken advantage of by employers
- Often issued fines for loitering and related offenses. These types of fines can lead to issuance of arrest warrants; basic life needs of take priority over legal issues.

**Meri Althaus, Chair, Western Montana Bar Association Pro Bono Committee**

- The Committee matches litigants with attorneys
- Partnership with Montana Legal Services
- Committee’s hotline is staffed by Americorps service members
- Volunteer attorneys and law students run a limited scope clinic each month
- Montana needs more pro-bono attorneys, legal outreach, uniformity of the court system, more prompt legal action and more mediation in place of litigation.
- Low cost legal assistance is the key to closing the “justice gap”

### **Ed Higgins, Triage Attorney, Montana Legal Services Association (MLSA)**

- MLSA is the only statewide provider of free civil legal aid
- Services provided include legal advice and full and limited scope representation
- 15 attorneys for 182,000 clients Family law, consumer law, and landlord/tenant disputes are the most commonly seen issues
- Majority of clients fall 125% below the federal poverty level
- Offices in Missoula, Helena and Billings serve clients all over the state
- Civil advocate services on the Blackfeet and Rocky Boy's reservations
- MLSA receives federal and private grant funding
- State funding has rapidly decreased: \$650,000 in 2006 vs. \$150,000 in 2015
- There is an overwhelming need for legal assistance not nearly enough volunteer attorneys

### **Kelsey, MLSA Client**

- Kelsey was the victim of domestic violence while 8 months pregnant, causing her to go into premature labor
- Missoula County Attorney referred her to MLSA
- MLSA attorney Diana Garrett assisted her with filing for custody, filing a parenting plan, obtaining housing, and getting child support
- Diana was also with Kelsey during her Order of Protection hearing to help her face the fear she had of her abuser
- Missoula's Self Help Law Center provided her with forms and guidance
- Although her abuser continued to try to manipulate her and her child, Kelsey was able to gain financial independence, find housing, and successfully finish school

### **Bozeman: May 18, 2016**

### **Pam Poon, Attorney and Mediator, found of Gallatin Legal Assistance Clinic (GLAC) and recipient of 2014 Neil Haight Pro Bono Award**

- GLAC hosts one clinic each month except for December
- All attorneys work pro bono and provide advice, forms, limited assistance/representation, phone consultations, domestic violence advocacy in helping to prepare parenting plans, filing for divorce and custody and Orders of Protection, and notary service
- GLAC partners with the Bozeman Self Help Law Center, Crowley Fleck Law Firm, Montana Legal Services, and the clerk of Bozeman District Court to make and receive referrals to appropriate resources
- GLAC provides continuing legal education (CLE) to attorneys
- In 2015 GLAC conducted 100 advice appointments and had 78 repeat customers
- There is a need for reliable funding, as all funding and materials are currently received as donations and for a single paralegal to work 10 - 15 hours per month

### **Paige Taylor, Cottonwood Case Management**

- Since 1998 Cottonwood has provided in-home care to seniors and interfaced with the court system as guardian conservators
- Services are offered pro bono to many clients
- There is a need to establish boards for guardianship services in all Montana counties
- In 2015 Cottonwood's 7 guardians provided 20 court visitor reports

**Lindsay Duckworth, Facilitator, Bozeman Self Help Law Center (SHLC)**

- Bozeman SHLC provides civil, non-criminal, legal information and forms to the citizens of 6 counties and maintains additional kiosks throughout the area
- 60% of visitors in 2015 were seeking help with family law issues; landlord/ tenant, debt collection, and guardianship are also commonly discussed
- SHLC serves all visitors regardless of income
- Daunting paperwork, low income, and lack of awareness lead to a fear of the legal system for many people
- SHLCs received 9,600 visitors statewide in 2015
- Coordination with local resources is key to providing the best possible service
- Additional training for AmeriCorps service members who staff SHLCs and regular communication with local courts would be very helpful

**Deborah Kottel, Rural Dynamics**

- Criminal issues, particularly felonies, follow people and deny them equal access
- Criminal fines are unreasonable in comparison with income and cause long term problems for low income Montanans
- Legal clinics are very helpful in providing assistance to survivors of domestic violence and those with family law issues, landlord/tenant disputes, and guardianship concerns
- Limited license legal technicians, serving a similar purpose as paraprofessionals in the healthcare industry, could provide limited scope practice and effectively help many more people and ultimately reduce the burden on the court system of unprepared pro se litigants
- Washington could be used as a model for this type of licensing
- Montana would need to look more carefully at the definition of the term paralegal and the role that paralegals play in the legal system
- It is contradictory that Justices of the Peace can be non-attorneys but that non-attorneys cannot provide any legal assistance

**Kevin Sylvester, Executive Director, Family Promise**

- Family Promise provides shelter assistance and full-time case management to homeless families with children
- Comprehensive program model assists with employment, housing and child care
- The complex personal histories of many clients cause barriers - lack of income, lack of awareness, low education and poor prior experiences lead to a fear of the legal system
- Gaining legal assistance can be intimidating and overwhelming
- Education and a more collaborative approach is needed to create entry points to the criminal justice system that all citizens can access

**Audrey Cromwell, Esq., Associated Students of Montana State University (ASMSU) Legal Service and Cromwell Law**

- Cromwell Law provides limited scope representation to low and moderate income Montanans
- ASMSU Legal Services offers 30 minute counseling sessions and advice to MSU students
- Approximately 60% of students are able to resolve problems on their own after counseling, and approximately 40% receive limited representation by ASMSU attorneys
- Students with landlord/tenant complaints, minor criminal cases and family law issues are frequently assisted by ASMSU
- Aim is to educate students about legal processes and provide support and empowerment
- ASMSU sees 200 – 250 students per year, while only operating part-time

- The program costs MSU \$100 per student

**Christopher Hahn, Ph.D., MBA, Constructive Agreement, Board Chair, Community Mediation Center**

- Mediation can lighten the load of courts
- Community Mediation Center (CMC) takes on 200 – 300 cases per year
- CMC’s family program provides service to low income clients only and has a 60-70% success rate
- Justice court program facilitates mediation in civil issues such as landlord/tenant disputes and small claims disputes; also encompasses “Project Settle,” which has 60-70% success
- CMC assists schools with peer mediation and teaches kids to mediate for themselves
- All cases are referrals from court system and are settled privately outside of courts
- Montana Supreme Court could use North Dakota as a model for instituting parenting coordinators to use mediation to resolve parenting time disputes

**Alison Paul, Executive Director, Montana Legal Services Assn.**

- Litigants have no right to an attorney in a civil case
- MLSA is the only statewide provider of free civil legal aid
- Services provided include legal advice, full and limited scope representation, outreach and education
- 15 attorneys for 182,000 clients Family law, consumer law, and landlord/tenant disputes are the most commonly seen issues
- Majority of clients fall 125% below the federal poverty level
- State funding has rapidly decreased in the past ten years and the need for low cost legal services is growing due to increasing poverty

**Mary R., Montana Legal Services Assn. Client**

- Financially isolated by her husband and unable to pay insurance fines led to a warrant for Mary’s arrest
- A survivor of domestic violence, she was helped by a Musselshell County undersheriff following a particularly terrifying incident
- Mary and her child ended up in Bozeman with family who were able to pay her bond and helped her get through her legal troubles
- Staying at the HAVEN shelter in Bozeman, she was assisted by Montana Legal Services in getting an Order of Protection, gaining sole custody of her child and filing for divorce
- Mary now has her own home, a full-time job, and stable family support and child care for her mentally challenged daughter

**Butte: September 21, 2016**

**Alison Paul, Executive Director, Montana Legal Services Association (MLSA)**

- MLSA provides statewide civil legal aid to low income clients
- Only 13 attorneys and 4 offices for the entire population of Montana
- Federal funding for civil legal aid is allotted based upon population, leaving Montana with very little
- Issues with public housing and Section 8 housing are commonly seen
- 167 people in Butte contacted MLSA last year, only 72 of those received legal aid
- MLSA assists in staffing and running the Self Help Law Centers across the state and making legal forms available to pro-se litigants

- 3 additional attorneys will soon be hired to work with crime victims
- MLSA looks for partners in every community; a Dillon, MT shelter for domestic violence survivors will soon have an attorney on site, placed by MLSA

**Steve Fournier, Action, Inc.**

- Action, Inc. provides services to the homeless, low income, elderly and disadvantaged in the areas of low income housing, Section 8, utility/electric service payment assistance and more
- These customers often have limited access to any means of communication
- There is no direct link to pro bono attorneys; many customers are referred to MLSA for legal aid
- Social security applicants are in particular need of legal representation

**Tonya Geraghty, Executive Director and Tyler Fries, Shelter Manager, Safe Space**

- Emergency shelter for domestic violence and sexual assault survivors
- 2015 saw 2,175 shelter nights provided to 358 survivors and 1,758 calls on the crisis line
- 2,200 crisis line calls have already been received in 2016 and more survivors are expected to need shelter
- Safe Space recently moved to a larger building, but the operating budget and needs of customers have remained the same
- 90% - 95% of the shelter's visitors are unable to pay for legal aid and many need assistance with getting protection orders, dissolving a marriage and filing parenting plans
- Before Butte's MLSA office was forced to close due to cost there was much more access to civil legal aid for DV/SA survivors

**Kathleen McBride, Attorney**

- Pro bono legal services in Butte have improved and become more accessible since the 1980s
- Attorneys providing pro bono services screen clients through MLSA and mainly take on family law cases, often many cases at once
- There is no official pro bono list in Butte, but many referrals come from the Law Librarian Marijo McDonald
- This referral system has helped local courts operate more efficiently
- Self-represented litigants often add to the burden of courts by being ill prepared; many Butte judges support this process of referrals to pro bono attorneys
- There are not enough attorneys doing pro bono work and the loss of MLSA's Butte office has significantly limited access to civil legal aid
- More needs to be done in Butte, especially for foster children
- Attorneys are able to advocate for foster kids much more effectively than the lay person typically acting as Guardian ad litem

**John McCrea, Legal Developer Program, Aging Services Bureau, DPHHS**

- Services provided to Montanans 60 years of age or older
- Pro bono attorneys host 8 legal document clinics at medical centers each year
- Most participants are low income and need assistance with estate planning, medical directive, homestead declaration and power of attorney documents
- Legal advice and advocacy program is in place to provide referrals to resources across Montana
- Legal Developer also operates an Indian wills program and helps attorneys obtain CLE credits

- Partnerships with MLSA and 265 senior centers statewide
- Local Area Agencies on Aging can offer phone clinics with Legal Developer attorneys

### **Rose, Self-represented Litigant**

- Where does a self-represented litigant find assistance?
- Butte’s law librarian provided direction through every step of the process, from May to September
- Rose was prepared for court and didn’t feel under-represented
- The law library is an excellent resource for the people of Butte

### **Jim Fay, Continental Gardens**

- Senior living program that sees a lack of advocacy for seniors when it comes to insurance issues and applications for benefits such as Social Security Disability
- Healthcare is a huge concern for the elderly, as ambulance service and emergency room visits can be extremely costly
- Many seniors have no assistance in recovering money after they are billed for medical services that have been denied coverage by Medicare/Medicaid
- Main issues seen at Continental Gardens: bankruptcy, reverse mortgage trouble, liens and loans, residence issues, domestic violence, elder abuse, end of life planning, divorce and the need for assistance with legal documents

### **Alveena, Foster Grandparent**

- DPHHS program works with school principals to place foster grandparents in classrooms
- Foster grandparents are able to observe children in school and provide mentorship
- Montana needs more foster grandparents
- Foster grandparents need more education and training on how to deal with certain issues such as developmental and learning disorders

### **Marijo McDonald, Self-Help and Pro Bono Coordinator, 2<sup>nd</sup> Judicial District**

- MLSA funding cuts reduced their ability to offer services in Butte but the need has not been reduced
- Self-help and pro bono program mainly deals with family law cases and provides referrals to pro bono attorneys
- Clients are screened by MLSA for eligibility and passed back to Marijo for referral to an attorney
- Not all low income Montanans are eligible for pro bono services
- Marijo works with self-represented litigants who are unable to or chose not to pay an attorney and walks them through each step of the court process
- She can only provide limited help and more attorneys are needed to offer pro bono representation
- Marijo typically meets with pro se litigants 4-5 times before their initial court appearance and often has contact with 15-25 customers per day
- Butte’s law clerks have started a free mediation program for family law issues that has been very successful and has reduced the burden on the local courts

### **Tony Dubray, North American Indian Alliance**

- After dealing with the criminal legal system as a young adult, Tony reached a point where he needed civil legal aid and utilized some local resources

- During the long and expensive process of changing his name, Butte's law librarian Marijo McDonald helped Tony at each step
- Also in need of assistance in finding housing, Steve Fournier of Action, Inc. was able to help him find a suitable place to reside

### **Helena: October 19, 2016**

#### **Alison Paul, Executive Director, Montana Legal Services Association (MLSA)**

- Litigants have no right to an attorney in a civil case
- MLSA is the primary civil legal service provider in MT, with 13 attorneys and offices in Helena, Billings and Missoula
- 49% of low income households have one or more civil legal problem - 77% of those households have no money to pay an attorney
- MLSA handled 2,761 cases in 2015, 261 cases in Lewis and Clark County
- MLSA focuses on "impact cases" - cases that will benefit the largest number of people
- Domestic violence, housing, consumer disputes, taxes and public benefits are the most commonly seen civil legal issues
- MLSA funding comes mostly from the federal government
- There is great need for more funding and more attorneys

#### **Bernie Franks-Ongoy, Executive Director, Disability Rights Montana**

- Disability Rights Montana is the designated advocacy organization for people with disabilities
- 148,000 Montanans live with disabilities
- Disability Rights has 5 attorneys and 6 non-attorney advocates and provide referrals, legal aid and training
- Work is often focused on the issues of abuse/neglect, physical access and access to programs, employment discrimination, dependent neglect, benefits, challenges to guardianship, service animals, and appropriate mental health services for prisoners
- Education for children with special needs is an especially important issue. In Montana there are 17,473 children with Individualized Education Programs (IEPs).
- Developing an IEP is a legally intense process and there is little in the way of legal resources to ensuring it is done properly
- Disability Rights can't keep up with the existing need for services. 20 calls per week were turned away for the time period of August 16 - September 16, 2016 because of high demand.
- Funding is provided by federal grants that are based on "qualifying disabilities"
- Disability Rights tries to collaborate with private attorneys but needs to do more going forward

#### **Katy Lovell, Assistant Legal Developer, Senior & Long Term Care**

- Advice and assistance program deals with 150 legal issues, including tenant/landlord disputes, debt, exploitation, and probate concerns
- Legal Service Developer has one attorney and two paralegals
- Host legal document clinics focused mainly on estate planning
- 4,625 legal documents have been completed during clinics
- There has been a rise in the exploitation of seniors by scammers and family members. A recent trend is home contractors charging for bad/incomplete work.

- Referrals are taken from local Agencies on Aging as well as senior centers, nursing homes, MLSA and hospitals
- Program needs more pro bono attorneys and earlier referrals from partners

**Alissa Chambers, Attorney, Crowley Fleck, PLLP**

- Provide direct representation and assist with self-help law clinics which last 1-2 hours
- Literacy problems can be a huge barrier
- Pro bono attorneys are often confronted with clients dealing with personal crises, mental health issues and trauma from domestic violence
- People need help understanding the legal process, which is something that judges can help with
- Mediation can be helpful in co-parenting situations, Billings is a good example of a community where mediation is working
- More attorneys need to get involved in providing pro bono services, ignoring the barriers they perceive to exist when they don't typically do a certain type of work
- More referrals should be made to the self-help law clinics

**Liza, Montana Legal Services Association Client**

- President of Residential Management Council
- Provides advice and guidance to Helena Housing Authority tenants to help resolve landlord-tenant issues
- Basic necessities are unaffordable for many households and legal issues cause a great deal of added stress
- Helps tenants fill out legal documents and refers individuals to MLSA
- Suggestion: student loan forgiveness for attorneys doing pro bono legal work

**Marcus Meyer, Consumer Protection & Victim Services, Montana Dept. of Justice**

- Office of Consumer Protection aims to protect Montana citizens against unlawful business practices
- Education and outreach are the main tools for helping consumers avoid and deal with issues
- Consumer Protection uses informal mediation through written documentation to resolve complaints; no legal representation for consumers
- Track trends and repeat offenders
- Communicate daily with consumers by phone and assist with mortgage issues, identity theft, provides data breach information, guidance on instituting security freeze on credit, and more
- Commonly seen issues are bad contractor jobs, debt collection, motor vehicle complaints, identity theft and scams
- Administer Identity Theft Passport program; so far in 2016 received 355 applications, 75 Identity Theft Passports awarded
- 4000+ calls so far in 2016, 62% were scam related
- Prevented \$150,000 in consumer losses and recovered \$500,000 for consumers

**Melinda Reed, Executive Director, Friendship Center**

- Domestic violence and sexual assault program for Lewis & Clark, Broadwater and Jefferson counties
- Provide shelter, counseling and advocacy
- Served 1,100 victims in 2015 and helped complete 80 Orders of Protection

- Utilize MLSA and very small pool of pro bono attorneys for help with legal issues such as family law, parenting plans, divorces and Orders of Protection
- Unpredictable lifestyles of victims caused by trauma, substance abuse, low self-esteem and poverty make the legal process very difficult
- Many legal proceedings are initiated but not completed
- Some survivors are reluctant to seek help because of criminal histories; most are not used to having to make decisions
- The period of highest lethality for victims is when leaving their abuser. The legal process needs to be fast but simply isn't.
- Profound need for more legal assistance as advocates cannot do legal work
- Law library clinics are helpful to victims but in shelter/on site clinics would be very useful

**Michael O'Neil, Executive Director, Helena Housing Authority (HHA)**

- Started in 1938, HHA serves eligible low income families, seniors and the disabled
- Resources have diminished over the years; many people are unaware of resources that exist
- Need for more legal outreach
- People need help navigating the process of obtaining services and legal advocacy for getting public benefits
- Issues get worse as time goes on. Legal assistance needs to begin as soon as possible.
- People facing eviction and foreclosure need legal assistance and tenants need help in protecting their rights under leases
- HHA often sees a need for help with family law issues

**Nolan Harris, Administrator, Court Help Program**

- Program operates six Self-help Law Centers that provide legal documents, information and referrals; assist mainly pro-se litigants
- AmeriCorps service members are utilized to staff each Self-help Law Center
- Funding is not available to staff Centers year round
- 63,780 customer interactions at Self-help Law Centers since 2008
- 4,479 customer interactions at Helena SHLC
- Most customers are vulnerable and from low income households
- 69% of interactions are focused on family law issues and many on probate issues
- Many people don't know about Court Help Program and rural areas are particularly underserved
- Program also operates many Self-help kiosks across Montana
- Working with Montana Legal Services to increase access to kiosks and make them more user friendly
- Helena SHLC coordinates with pro-bono program and utilizes the resources of MLSA and other organizations
- There is a need for more pro bono attorneys; limited scope representation is extremely helpful
- Need for more funding