

Montana Supreme Court Access to Justice Commission

Executive Summary: 2015-2016 Forum Series

The Access to Justice Commission hosted a series of public forums between October 2015 and October 2016 in Kalispell, Great Falls, Billings, Missoula, Bozeman, Butte, and Helena. Community service providers, justice leaders, and members of the public gathered to discuss the successes and challenges in ensuring equal access to civil legal justice in Montana, both locally and statewide.

Findings

Approximately 182,000 Montanans (18%) live at or below the poverty line and face daily barriers to necessities such as food, shelter, or safety. When a civil legal crisis arises, those barriers multiply. Moreover, legal crises typically intersect with non-legal issues such as mental illness, substance abuse, disabilities, economic barriers, transportation, and child care.

Montanans identified as particularly underserved with regard to civil legal needs include the homeless, indigenous groups, minors, non-English speakers, people with disabilities, seniors, veterans and survivors of abuse. Common civil legal crises include housing, parenting and custody disputes, domestic violence, debt collection, and needs of Montana's isolated senior population.

Statewide programs that help people with civil legal problems include Montana Legal Services Association (MLSA), Montana AAA Legal Services, and the Court Help Centers. Legal aid programs rely on volunteers like *pro bono* attorneys and AmeriCorps service members to supplement their work and reduce pressures on court staff. At the local level, resources include domestic violence shelters, community courts, and mediation programs. Effective civil legal services require dedicated, full-time legal aid lawyers and advocates, as well as coordinated community responses.

Legal aid programs operate at capacity and face a demand for services greater than their resources allow. For example, MLSA, the primary source of attorneys for low-income Montanans, has only 13 case-handling attorneys for the entire state, and none are housed within Montana's Indian Reservations. Many Montanans face civil legal issues alone and risk giving up important rights due to lack of knowledge, adding further pressure on the courts.

Suggestions

Sustainable, adequate funding for civil legal aid remains the most pressing need. Other models for expanding access to legal services also merit consideration, such as alternative dispute resolution, state authorization of limited-license legal technicians, and community-based "legal navigators."

Recommendations

The Commission recommends the following actions:

1. Develop and maintain a statewide inventory of services and programs available by region, and a means for making that inventory known and available throughout our communities.
2. Develop and maintain a means for linking Montanans encountering legal problems with appropriate programs, attorneys, and service providers.
3. Promote better understanding of, and facilitate partnerships with, agencies and organizations to address the relationships between civil legal needs and non-legal issues involving health, housing, education, seniors, veterans, and re-entry of offenders.
4. Secure adequate, sustainable funding to achieve an effective continuum of services, from self-help services to civil legal aid, including mediation or other dispute resolution mechanisms that can act quickly to address civil legal problems when they first arise.