

HOUSE BILL NO. 60

INTRODUCED BY J. PARKER, RICE, WILSON, LASLOVICH, PERRY, WILLIAMS, MCGEE
BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA ACCESS TO CIVIL JUSTICE ACT;
ESTABLISHING A SELF-HELP LAW PROGRAM ADMINISTERED BY THE SUPREME COURT WITHIN
APPROPRIATED FUNDING; SPECIFYING A PURPOSE, DEFINITIONS, AND DUTIES; PROHIBITING
PROGRAM STAFF FROM PROVIDING DIRECT LEGAL REPRESENTATION THROUGH THE PROGRAM;
REQUIRING DATA AND REPORTS; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE
DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 5] may be cited as the "Montana Access
to Civil Justice Act".

NEW SECTION. **Section 2. Purpose.** The purpose of [sections 1 through 5] is to make Montana's court
system more accessible by:

- (1) providing all Montanans with user-friendly information about Montana's civil law, courts, and legal system;
- (2) providing state-level, self-help legal resources, tools, information, and training materials on a statewide basis in a cost-effective manner emphasizing technology and volunteer services; and
- (3) facilitating the efficient use of judicial resources in civil court proceedings that involve self-represented litigants.

NEW SECTION. **Section 3. Definitions.** As used in [sections 1 through 5], the following definitions
apply:

- (1) "Program" means the self-help law program established in [section 4].
- (2) "Self-represented litigant" means a person involved in the civil legal system without direct representation by an attorney.

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2 **NEW SECTION. Section 4. Self-help law program -- duties -- staff -- coordination.** (1) There is a
3 self-help law program. The program is administered by the supreme court. The supreme court may designate
4 a commission to implement the provisions of [sections 1 through 5].

5 (2) The supreme court may hire program staff or contract for the performance of duties under [sections
6 1 through 5]. Any members of a program staff employed by the judicial branch are subject to the personnel plan
7 established in 3-1-130.

8 (3) The program must, to the extent that funds are appropriated for the operation of the program, provide
9 for:

10 (a) the development, maintenance, and availability of self-help legal forms and instructions regarding
11 civil legal proceedings in Montana's courts;

12 (b) the development of curriculum and materials suitable for classes and clinics about civil legal
13 proceedings and forms;

14 (c) the development, updating, and provision of information and training materials for judges, clerks of
15 court, other court officers, judicial branch employees, and volunteers about self-help legal resources and how to
16 assist self-represented litigants in a manner that is impartial, facilitates effective and efficient court operations,
17 and does not constitute providing direct legal representation; and

18 (d) the establishment and maintenance of multimedia materials that provide information about Montana's
19 civil laws, courts, rules, legal forms, and available legal resources.

20 (4) The program may also, to the extent that funds are appropriated for operation of the program,
21 develop a pro bono component to coordinate, recruit, and train volunteer attorneys to provide legal advice and
22 direct legal representation to persons with civil legal needs who are unable to pay for those services.

23 (5) The program may coordinate and cooperate with other access to justice efforts, such as programs
24 initiated by state or local bar associations, nonprofit legal services organizations, pro bono attorney networks,
25 volunteer programs, and other public or private efforts that are consistent with the purposes of [sections 1 through
26 5].

27 (6) Program staff employed by the judicial branch may not provide direct legal representation through
28 this program.

29 **(7) THE PROGRAM MAY ALSO, TO THE EXTENT THAT FUNDS ARE APPROPRIATED FOR THE OPERATION OF THE**
30 **PROGRAM, DEVELOP AND IMPLEMENT AN ALTERNATIVE DISPUTE RESOLUTION COMPONENT TO THE PROGRAM.**

