

Performance Evaluation Fact Sheet

COURT HELP, JUDICIAL BRANCH

ISSUE STATEMENT

The Joint Appropriations Subcommittee on Judicial Branch, Law Enforcement, and Justice voted to request monitoring of this item. The legislature appropriated funding for the Court Help Program in the 2009, 2011, and 2013 biennia with one-time funding. With this funding, has the program achieved its intended purpose, as stated below by assumption from a bill that failed to be enacted by the legislature?

HISTORY AND PURPOSE OF PROGRAM OR ITEM

SJ 6 of the 2005 Legislature requested a study of access by low-income Montanans to the Montana civil legal system. The Law and Justice Interim Committee requested HB 60 during the 2007 Legislature, which would have established the “Montana Access to Civil Justice Act” to be administered by the Supreme Court; identified the duties of the program, then identified as the self-help law program; and appropriated \$505,000 general fund for each year of the 2009 biennium. HB 60 also stated the purpose for the program was to “make Montana’s court system more accessible by:

- Providing Montanans with user-friendly information about Montanan’s civil law, courts, and legal system
- 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
- Facilitating the efficient use of judicial resources in civil court proceedings that involve self-represented litigants”

HB 60 failed to pass the legislature having died in the House Appropriations Committee. Instead, the legislature appropriated general fund to the Supreme Court Program of the Judicial Branch in the amount of \$252,500 in each of the 2009 biennium, and specified in language the various uses of the funds.

The 2009 Legislature funded the program in HB 645 for the 2011 biennium, a bill that implemented the American Recovery and Reinvestment Act of 2009, with \$250,000 general fund per year. For the 2013 biennium, the legislature funded the program with nearly \$296,000 of restricted, biennial, and one-time-only general fund per year but without the restricted language that was included for the 2009 biennium.

The current program includes the following:

- Two full-time staffed centers have now been established in Flathead and Yellowstone counties
- Four centers have been established in Missoula, Great Falls, Bozeman, and the State Law Library in Helena. The centers provide services four or more days a week and are staffed by a combination of paid employees, AmeriCorp service members, and volunteers.
- Leveraged funds to support six AmeriCorps members who staff the established centers and travel and provide services to 17 rural counties

Includes a program coordinator and a legal resources developer positions

MEASURES FOR DETERMINING EFFECTIVENESS

Measure One:

To measure if the program is facilitating the efficient use of judicial resources, surveys will be used to compare case filings in civil court proceedings involving self-represented litigants. Specific measures are:

1. Beginning December 1, 2011, paperwork filled by self-represented litigants involved in domestic relations cases in Hill, Missoula, Gallatin, Cascade, Lewis and Clark, and Yellowstone Counties who received court help center services will be stamped with a “Court Help” stamp and paperwork for self-represented litigants not receiving center services will not be stamped.
2. In March 2012, clerks of the district court in the five participating counties will complete a survey comparing the quality of paperwork submitted by litigants who have visited a center (as verified by the stamp) and those who have not visited a center. The survey will ask for general assumptions about whether center assistance improves the quality of the paperwork and the ability of the court to process the cases.
3. In March 2012, the judges in each of the five participating counties will be asked to complete a survey comparing the quality of paperwork submitted by self-represented litigants who have visited a center (as verified by the stamp) and those who have not visited a center. The survey will ask for general assumptions about whether center assistance improves the quality of the paperwork and the efficiency of the court to process the cases.

Expected outcomes:

- Litigants receiving center services will have better prepared and more complete paperwork than those not receiving service
- Litigants receiving center services will have a better understanding of the court process
- Clerks will be able to process case filings more efficiently for litigants who received center services than for litigants who did not seek services from a center
- Judges will notice an improved ability of self-represented litigants to navigate the legal system
- Litigants who received center services will provide more orderly and complete case filings and court efficiency will increase as a result

Measure Two:

To measure if the legal clinics facilitated by volunteer attorneys improve the ability of a self-represented litigant to represent themselves in court, cases for a specific group of litigants will be tracked. This measure is limited to the 13th District Family Law & Motion Clinics staffed by volunteer attorneys. Specific measures that will be monitored beginning in January 2012 are:

1. In Billings, the judges will hold a monthly Law & Motion day in which family law self-represented litigants with uncontested cases will be offered the assistance of a volunteer attorney to review the sufficiency of their filing documents prior to appearing before the Judge.
2. Litigants will be asked to complete a survey at the end of their filing to determine if the clinic improved their understanding of the process and their confidence in the court’s decision.
3. Clerks will be asked to complete a survey at the end of the Law & Motion day to determine if the clinic improved the completeness of documents submitted by the litigants, how well prepared litigants were, and if time and efficiency of the court was enhanced.
4. Judges will be asked to complete a survey at the conclusion of the Law & Motion hearings to ascertain if the documents, as well as the individual litigants were better prepared, the impact on time and efficiency of the court, and the anticipated reduction of return visits of the litigants.
5. The volunteer attorneys will be asked to complete a survey to determine if they believe the clinics improved how well prepared the litigants were, as well as the accuracy and quality of the final documents submitted to the court.

Expected outcomes:

- Litigants attending the clinic will present complete and accurate required documents, and will have an improved understanding of the court process and more confidence in the court's decision
- The clerks will observe that self-represented litigants are more prepared, and their documents are complete and accurate which will improve the efficiency and effectiveness of the court's time
- The judges will observe that self-represented litigants are more prepared, and their documents will be complete and accurate which will improve the efficiency and effectiveness of the court's time. These litigants will demonstrate a better understanding of the court process and therefore confidence in the court's decision
- Finally, the volunteer attorneys providing assistance prior to the hearing will enhance how well prepared litigants are for their hearing, and the documents they submit will be more accurate and complete. This will improve the issuance of a decree without the need for the litigant to amend their documents or the need to return to court

CURRENT STATUS

- December 1, 2011 – Began stamping filed paperwork with a “Court Help” stamp for court help center served self-represented litigants involved in domestic relations cases in the five participating counties
- January 2012 – Began measuring 13th District Family Law & Motion Clinics
- January 2012 – Completed development of surveys that will be used, beginning in March 2012, to survey clerks of district courts and judges of the five participating counties

Once the surveys are completed, the next step is to compile the survey results. The surveys associated with measure 2 will occur monthly and a final report will be presented to the Legislative Finance Committee in June 2012.

POTENTIAL OPTIONS OR DECISION POINTS

This report updates the committee on progress of the Court Help pilot project and no committee actions are expected.