

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.

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. **Section 5. Data and reports.** (1) The supreme court shall ensure that relevant and

detailed data concerning program costs and services is collected, recorded, reported, and used for program planning.

(2) The supreme court shall report to the law and justice interim committee established in 5-5-226 and each regular legislative session to the house appropriations and the senate finance and claims committees concerning the program's status. Each report must include the status of program funding and services and any strategic plan changes, implementation problems, or recommendations to the legislature.

NEW SECTION. Section 6. Appropriation. The following money is appropriated from the general fund to the supreme court for the purposes of [sections 1 through 5]:

Fiscal year 2008	\$ 505,000
Fiscal year 2009	505,000

NEW SECTION. Section 7. Codification instruction. [Sections 1 through 5] are intended to be codified as an integral part of Title 3, chapter 1, and the provisions of Title 3, chapter 1, apply to [sections 1 through 5].

NEW SECTION. Section 8. Effective date. [This act] is effective July 1, 2007.

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