Judicial Branch Update:
ARPA Report to Legislative Finance Committee

Included in this packet:

- July 2021 Branch request for ARPA funding for streamlined family law case processing
- January 2022 quarterly program update
- Performance Measures for Information Domestic Relations Trial (IDRT) pilot

2021-2022 Law and Justice Interim Committee

Documents referenced in update at January 19, 2022 meeting

The Supreme Court of Montana
Office of the Court Administrator

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July 1, 2021

TO: Kurt Alme
Governor's Budget Director

FROM: Beth McLaughlin
Supreme Court Administrator

RE: HB632 Funding

I am pleased to present the attached plan for family law case processing as part of the ARPA projects. The Judicial Branch was allocated $944,721 in HB632 to streamline and expediate the processing of family law matters, which were delayed by the COVID-19 pandemic. The funding will support early mediation and simplified case processing for self-represented and low-income litigants. As a state entity, the Judicial Branch meets the eligibility for these funds.

For a decade, the number of domestic relations cases (DR) filed each year in Montana's District Courts remained stable with little growth or decrease. In 2020, DR case filings decreased by 11 percent and order of protection filings in the limited courts dropped 5 percent. Yet, criminal partner and family member assault cases increased; in fact, violent crime increased 13.7% in 2020. National experts agree this dip in family law cases filings was largely driven by the economic situations created by the public health emergency (i.e. partners who would have normally left a situation and filed DR cases were economically unable to do so, often for reasons involving housing). The Judicial Branch is anticipating an increase in DR case filings as the public health emergency decreases, which will tax an already overwhelmed court system.

Further, a large of percentage of cases (upwards of 65% in some districts) involve self-represented individuals seeking a dissolution or a parenting plan action. A final parenting plan or dissolution decree creates economic certainty for parties because assets and debts are divided, and child support and other economic matters are clearly resolved. Finding ways to make it easier for self-represented litigants to resolve cases quickly is key to managing the backlog and the anticipated increase in family law cases.

The Judicial Branch project falls under the Public Health and Economic Impacts rules – specifically Section A, which includes programs designed to address economic harm caused by, and increases in domestic violence as a direct result of, the public health emergency. The Treasury Department noted on June 24, 2021, that courts are authorized to use the funding to expedite case processing. Specifically:

2.19. Would expenses to address a COVID-related backlog in court cases be an eligible use of funds as a response to the public health emergency? [6/23]

The Interim Final Rule recognizes that "decrease[s to] a state or local government's ability to effectively administer services," such as cuts to public sector staffing levels, can constitute a negative economic impact of the pandemic. During the COVID-19 public health emergency, many courts were unable to operate safely during the pandemic and, as a result, now face significant backlogs. Court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic decreased the government's ability to administer services. Therefore, steps to reduce these backlogs, such as implementing COVID-19 safety measures to facilitate court operations, hiring additional court staff or attorneys to increase speed of case resolution, and other expenses to expedite case resolution are eligible uses.

The attached plan provides details about each project, information about sustainability, and an outline of performance measurements. The Judicial Branch anticipates most aspects of the project can be continued beyond the ARPA funding because the funding is being used to build "infrastructure" to change the way in which some family law cases are handled. We are also anticipating that diverting cases into the ARPA-funded projects will allow courts to focus on significant civil and criminal trial backlogs created by the public health emergency.

I look forward to your approval of the plan. If there are additional questions, please let me know.

cc: Justice Beth Baker
Cathy Pennie
Amy Sassano

Program Plan: HB 632 Federal Pandemic Relief – Simplified Family Law Resolution Project

As noted by recent U.S. Treasury guidance, court operations throughout the nation – including in Montana – are facing significant backlogs due to safety concerns that required courts to significantly restrict court access during the pandemic. The overarching goal of the Simplified Family Law Resolution Project is to help reduce this backlog and increase overall court capacity by expediting case resolution and increasing court efficiency, thereby increasing the government's ability to administer judicial services and help affected families.

Project Summary:

The Court Help Program will work in conjunction with multiple Montana District Courts around the state, as well as the Montana Legal Services Association (MLSA), over three years to develop and implement remote mediation (online dispute resolution, or ODR) access and Informal Domestic Relations Trials (IDRT) across Montana without increasing the administrative burden on local jurisdictions. The Simplified Family Law Resolution Project includes:

1. The development of a pilot project for implementing remote mediation services (ODR) and IDRT programs to assist with the efficient, effective, and safe resolution of family law disputes.
2. The coordination and provision of qualified mediator training for remote mediation.
3. A free legal advice service for low-income parties participating in the Simplified Family Law Resolution Project to assist with fair and efficient dispute resolution and enhance participation by domestic violence survivors.

The Project is designed to work collaboratively with local courts, legal service providers, existing court services, and pro bono programs in coordinating fair, efficient dispute resolution for family law matters.

Project Partners:

The **Office of the Supreme Court Administrator** (OCA) will be responsible for the overall direction, management, and completion of the Simplified Family Law Resolution Project. The OCA will oversee the entire project, providing project management, development, implementation, testing, project maintenance, evaluation, and partner coordination. The OCA will also direct and implement the ODR and IDRT portions of the Project. The Montana Legal Services Association will work to direct and implement the legal aid portion of the Project to provide services to low-income participants in the Project.

The OCA will identify multiple **Montana District Courts** interested in piloting one or more components of the Simplified Family Law Resolution Project, concentrating on jurisdictions with a high volume of civil and family cases and those in remote areas with limited resources. These jurisdictions will be selected to implement the Project to provide meaningful access to justice to court users and to reduce backlogged court dockets. These essential partnerships help create court awareness and advance buy-in at the local level.

The OCA will partner with the **Montana Legal Services Association** (MLSA), the only statewide provider of free civil legal aid in Montana, to provide legal advice to low-income court users participating in the

Project. MLSA also will assist with building the qualified mediator training for remote mediation, based on MLSA's current provision of qualified Continuing Legal Education (CLE) on a monthly basis to private members of the bar.

Project Sustainability:

The Simplified Family Law Resolution Project is designed to be sustainable after the one-time only investment of COVID-19 relief funding. Much of the funding for the proposed project is necessary only for the initial start-up of the project, including the build out and testing of the ODR and IDRT systems. These systems will take advantage of established court workflow and be integrated into existing systems, allowing them to become a standard offering of family law case resolution. The ODR system will be based on the work already done to provide in-person early resolution through the court-connected Early Resolution and Mediation Project (E-RAMP) and will flow into that established system. Continuation of the Project will be based on the results of the evaluation, and will be dependent on successful outcomes as described below. The Court Administrator anticipates that the project costs will decrease once the pilot has been established, making it possible for the Project Partners to incorporate the ongoing ODR and IDRT costs (such as technology upgrades, maintenance, staff training, and partner coordination) into their normal budgets should this approach prove to be an effective method of addressing family law issues.

The Project will gather court efficiency data, as described in the performance measures section, and this data will be used to conduct a cost benefit analysis of the Simplified Family Law Resolution Project. With increased efficiency freeing court time to focus on complex cases, the Court Administrator anticipates that investing staff time on continued Project coordination will be a worthwhile investment. Based on the Project evaluation at the end of the three-year funding term, it is also anticipated that the Simplified Family Law Resolution Project may be extended to other jurisdictions to further enhance court efficiency.

Need for the Project:

Montana's outbreak of COVID-19 created significant additional burdens on local court systems. District courts and courts of limited jurisdiction had to cancel and postpone nearly all civil jury trials and most hearings for several months, placing strain on already overwhelmed caseloads and creating delayed dockets. Courts have prioritized criminal jury trials and have shifted to conducting many proceedings remotely. Accordingly, we expect to see increased backlogs for civil cases like family law in a system still adapting to the evolving changes.

At the same time, the pandemic has put families under significant pressure as Montanans struggle to navigate financial hardships and to manage stress over medical concerns and worries about continued work and income. More than half of completed intakes at MLSA have involved cases impacted by COVID-19, including an increase in domestic violence survivors seeking legal services. People who turn to the courts in increasing numbers to address marital difficulties, to seek safety, and to find support for their children and families are experiencing increased cost and time delays due to court backlogs and lack of access to adequate and COVID-safe self-help services.

The Project will address this intersection of Court and Montana family needs by developing a statewide court-connected remote mediation project for early intervention and referral of family cases. In order to increase the efficiency and effectiveness of the mediation process, the Project will offer free legal advice to people attempting to handle their legal issues without legal representation. Upon approval by the Supreme Court, the Project will also implement a recently created Montana process for Informal Domestic Relations Trials (IRDTs) to streamline family law trials and clear dockets congested with civil caseloads delayed by pandemic-related safety measures.

Performance Measurement and Goals:

The OCA will assess the Project processes on an ongoing basis during implementation. We will employ a formative evaluation to examine the Project's development and improve process, structure, and implementation of the project. Both qualitative and quantitative methods will assure depth, scope, and the dependability of findings. The OCA will seek input and data from all partners to assess: (1) what project activities were conducted and if they were conducted as planned or changed; (2) who conducted the activities and what training they received; (3) who and how many partners and court users participated; (4) how often Project activities were conducted; (5) what resources were used to conduct the activities and if they were sufficient; and (6) how well partners and court users responded to the activities.

The Court Help Administrator will also assess project results by looking at whether the desired outcomes are being accomplished Through the evaluation process, the Court Help Administrator will seek input and data from all partners, from Montana's FullCourt case management systems, from MLSA's LegalServer case management system, and directly from court users for evaluation of Project impact.

Data tracking processes will be utilized to track the number of court users served and their demographics, along with: (1) Process Outcomes: number of referred court users and number completing process; numbers of clients referred by partners compared to number of family law cases filed; court partner feedback on Project implementation; numbers of outreach communications; (2) Court and Justice Outcomes: number of cases which do not result in litigation after mediation; number of partially settled cases that result in litigation but experience saved court event time;; court user self-report of perception of process fairness and simplicity of access; and (3) Legal Service Outcomes: client's family law matter resolved successfully; client obtained parenting plan; client obtained agreement on financial responsibilities; improved financial stability of client; client increased understanding of legal rights and legal system; and economic benefit to clients.

Performance evaluation data will be utilized to calculate economic performance indicators for improved court efficiency. This assessment will consider the costs and benefits of the Project when conducting a financial analysis to assess the financial viability of the Project. Non-monetary costs and benefits will also be quantified (e.g., value of time, perception of fair implementation of justice, etc.) to calculate economic performance indicators used to assess the overall economic viability of the Project.

The OCA will collaborate with District Courts and other partners to set specific Project deliverables. The Project goals are as follows:

1. Increase access to justice and reduce case costs by providing parties a path to early-opportunity mediation for resolving family law related disputes utilizing ODR;
2. Increase interest and participation in mediation by providing a platform that does not require parties to be physically present at a mediation;
3. Reduce conflict earlier in the court process for the benefit of the parties and their children;
4. Create sustainable family law mediation training modules to support (and create) current and future mediators;
5. one; and
6. Make the justice procedural system easier to understand and use for parties in family law cases, while still incorporating aspects of procedural justice to ensure users have confidence that the system is fair and transparent.

Detailed Project Description: There are three primary prongs of the Simplified Family Law Resolution Project: (1) Online Dispute Resolution (ODR); (2) Low Income Legal Assistance (Legal Aid); and (3) Informal Domestic Relations Trial (IDRT) pilot.

Online Alternative Dispute Resolution (ODR):

- Court-related Online Dispute Resolution allows parties to convene digitally to resolve District Court family law related disputes through facilitative mediation and is particularly helpful in circumstances where parties are unable to convene in the same physical space due to practical, financial, safety, and geographical barriers. Apart from practicality benefits, ODR:
    1. Increases access to justice by giving parties decision-making power in resolving their own disputes with minimal adversarial court intervention.
    2. Allows parties to minimize costs and save time while improving future amicability for the benefit of child-involved family law matters.
    3. Improves court efficiencies with potential to quickly resolve current family law case backlogs with innovative technology.
    4. Reduces the likelihood of returning to court for modification because parties are more likely to comply with the terms of an agreement they structured with the assistance of a mediator.
- The Project will develop and deliver adaptive ODR-mediation training materials and modules to expand capacity in offering conflict resolution services across the state as mediation awareness grows and demand increases.
    1. Training will be offered across the state in hybrid, innovative platforms to reduce costs and increase participation, putting into place a framework for future necessary continued training and education to maintain a high-quality mediator pool.
    2. The Project will develop new and expand existing outreach components and delivery portals designed to inform and educate current and future court users about the benefits and processes of mediation to increase participation and positive outcomes. The project will utilize current resources such as MontanaLawHelp.org, the Self Help Law Centers and the State Law Library.
- The Project will coordinate and deliver high-quality, free or reduced fee contract mediation services to parties in family law matters and offer volunteer opportunities to qualified

volunteer mediators. This mediation will be primarily remote, although in-person mediation may be incorporated into the project to accommodate court users with technology or special needs.

- The Project will identify and refer cases to contract mediation. Backlogged family law dockets result in delays and increase opportunity for conflict. Through the Project, cases appropriate for mediation referral can be identified at the time of filing with the court through existing case management systems.
    1. Parties are provided educational materials, screening tools, and necessary referrals. Referrals may include opportunity for legal advice prior to entering mediation and to explore opportunity for reaching an agreement without mediation.
    2. One of the primary portals for information and resources for self-representing parties are the Self-Help Law Centers and the State Law Library. Parties often visit these portals prior to filing and often result in the traditional adversarial process of a Petition and Response. These services offer an ideal opportunity for parties to learn about and seek a facilitated agreement prior to filing with the court. The result is an abbreviated court process and early resolution for the benefit of the parties and the court.
    3. The Project also includes outreach and education to community, service, and faith-based organizations to encourage mediation and to assist in identifying available legal and mediation resources in the communities where parties live and work.
    4. MLSA will coordinate placement of referred cases with mediators on a free and reduced-fee basis. This referral system will be integrated with MLSA's existing statewide modest means attorney referral system and pro bono volunteer attorney coordination program.
- The Project Budget will include creation of one limited-time position for the ODR portion:
    1. ODR Project and Referral Manager, who will develop the project and create program policies and procedures including case identification, screening, referrals and scheduling; develop and implement sustainable mediator training and participant ADR-ODR education models; provide virtual case tracking and management for program-involved cases; communicate with and provide orientation to judicial officers, court staff and the community at large regarding local and statewide needs and issues related to ADR-ODR services; assist in facilitating recruitment and retention of volunteer mediators through statewide and local pro bono programs; and conduct program performance monitoring and improvement plans.
    2. ODR Contract Mediators, who will provide mediation services for parties of limited means not otherwise able to pay for or gain access to mediation services; develop and deliver remote mediation training modules for program volunteers, including domestic violence assessment tools in conjunction with domestic violence specialists and advocates; and assist in the development of participant informative materials.
- ODR Stakeholders, including MLSA and OCA staff and District Court staff from the selected pilot jurisdictions, will meet and decide the working details of the ODR project that will best serve the staffing situation and constituents in each jurisdiction. The ODR factors to be determined by the stakeholders include the following:
    1. Opt-in mediation or assignment of all cases to mediation with an opt-out provision.

2. Identification of family matters which could be referred to mediation prior to court participation.
3. Incorporation of a sliding fee scale for modest means referrals to mediators.
4. Incorporating options for in-person Alternative Dispute Resolution for court users lacking access to online services.
5. Inclusion in remote mediation of appropriate family law cases involving domestic violence (such as parenting plans and marriage dissolutions) with consent of victim and representation by attorney. Mediation where the parties are not in the same physical space may benefit otherwise lengthy, complex domestic violence family law case resolution. An attorney's presence on behalf of a survivor during mediation will address power imbalances between a survivor and abuser.

Low Income Legal Assistance (Legal Aid)

- The Project will partner with the Montana Legal Services Association (MLSA) to provide low-income family law court users with free legal advice. This advice will focus on explaining legal rights and responsibilities, identifying legal issues, and providing assistance on how to efficiently navigate the judicial system.
    1. Project participants will receive information about how to contact MLSA for free legal advice for those living on low incomes.
    2. Referrals will be screened by MLSA Intake Specialists to determine income eligibility.
    3. MLSA will provide family law advice to eligible applicants with experienced attorneys, including MLSA staff attorneys and contracted attorneys reimbursed at a modest means rate.
- Legal aid will help empower court users to successfully and efficiently navigate the family law court.
    1. A 2018 randomized study of family law cases in Philadelphia County shows that low-income people paired with attorneys are 87% more likely to successfully navigate the court system for their family law needs.[1]
    2. Another study conducted in partnership with the National Center for State Courts shows that a vast majority of civil legal cases include at least one unrepresented party and that the greater the extent of poverty, the less likely it is that a person will be represented.[2]
- The Project legal aid will help ODR and IDRT court users efficiently and effectively navigate these processes and will reduce the burden Montana Courts overwhelmed by the backlog of cases delayed by COVID-19 closures.
    1. According to the Conference of Chief Justices in 2017, unrepresented court users have "negative consequences not only for them, but also for the effectiveness and efficiency of courts striving to serve them and other segments of the community who need their disputes resolved. More staff time is required to assist unrepresented parties. In the absence of a fair presentation of relevant facts, court

[1] Degnan, Ellen and Ferriss, Thomas and Greiner, Daniel James and Sommers, Roseanna, *Trapped in Marriage* (October 23, 2018). Available at SSRN: https://ssrn.com/abstract=3277900.
[2] Whitfield, John, *Virginia Self-Represented Litigant Study* (April 4, 2018).

procedures are slowed, backlogs of other court cases occur, and judges confront the challenge of maintaining their impartiality while preventing injustice."[3]

2. The Project legal aid will also help Family Law court users access equal justice under the law.

Informal Domestic Relations Trial (IDRT)

- IDRTs are family law trials governed by relaxed rules of civil procedure and evidence. IDRTs were first adopted in Idaho in 2008 as a response to the growth in self-represented litigants (SRLs) in family law cases and the resulting inefficiencies, delays, and frustrations for all court users. Since their implementation in Idaho, IDRTs have been adopted in Oregon, Alaska, Utah, and Iowa.[4]
    1. Upon the recommendation of a group of Montana judges, the Montana Supreme Court Access to Justice Commission recently voted unanimously to petition the Court to allow for pilot IDRTs in Montana.[5]
    2. The funding will be invested to create and coordinate the pilots, evaluate the effectiveness of the program, and build resources that can be used if the pilots expand to additional geographic regions or statewide.
    3. The pilots will test a promising practice that creates efficiencies in court practices in an area of the law that is particularly time consuming for the court system and for parties involved: family law. By reducing case complexities and requirements, the IDRT pilot will make it easier for the low-income and rural litigants to navigate the justice system while also reducing delays and inefficiencies that impact other users of the

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[3] John D. Minton and Arthur W. Pepin, letter to John Michael Mulvaney, "Conference of Chief Justices, Conference of State Court Administrators" (Washington, D.C.: Government Relations Office, 2017). Available at https://www.olaf.org/wp-content/uploads/2018/01/Conference-of-Chief-Justices-LSC-Letter.pdf

[4] See generally, William J. Howe III and Jeffrey E. Hall, *Oregon's Informal Domestic Relation Trial: A new Tool to Efficiently and Fairly Manage Family Court Trials.* Although variations exist among the states, certain commonalities also exist, including: The process is available to both represented and self-represented litigants; both parties are given information about their right to choose between a formal trial and an IDRT; both parties must opt into the IDRT process and waive their rights to a formal trial in which the normal rules of evidence would apply; all evidence offered by the parties is admitted, and the judge determines its weight; direct and cross-examination are largely prohibited; instead, parties speak directly to the judge; witnesses and experts are either limited or prohibited; the judge plays a more active role in questioning witnesses and receiving evidence from both parties.

[5] Funded by a "Justice for All" grant from the National Center for State Courts, the Montana Justice Foundation and the Strategic Planning Committee of the Montana Access to Justice Commission (ATJ Commission) researched options for simplifying court rules and procedures to better accommodate the reality of a system too often overwhelmed by- and overwhelming to- SRLs. To inform that research, the ATJ Commission assembled an ad hoc judicial advisory committee to provide input. Committee meetings, a presentation about Alaska's experience with IDRTS, and individual interviews with judges all led to a recommendation that Montana pursue the possibility of IDRTs in the state. The members of the working group that recommended that pilot projects be allowed by the Supreme Court are: Hon. Dusty Deschamps, 4th Judicial District Court; Hon. Brenda Gilbert, 6th Judicial District Court; Hon. Michael McMahon, 1st Judicial District Court; Hon. Robert Olson, 9th Judicial District Court; Hon. Olivia Rieger, 7th Judicial District Court; Hon. Howard Recht, 21st Judicial District Court; Molly Rose Fehringer, Standing Master, 13th Judicial District Court; Hon. Kaydee Snipes Ruiz, 12th Judicial District Court; and representatives from the Family Law Section of the State Bar and Montana Legal Services Association.

court system, as self-represented litigants attempt to navigate cumbersome rules and processes designed for lawyers.

4. This one-time-only, short-term investment will allow the Court to support, coordinate, and evaluate IDRT pilot projects, reducing pandemic-related backlogs and delays, creating short- and long-term efficiencies in the courts, and building resources that can be used if and when the project expands into other areas of the state. The Court anticipates that at least four jurisdictions will choose to implement an IDRT pilot.

- The Project Budget will include hiring a part-time, time-limited FTE to coordinate the planning, launch, and evaluation of the IDRT pilot projects over a two- to-three year period. Responsibilities of the IDRT Coordinator will include
    1. Coordinating communications between participating jurisdictions, including sharing best practices, lessons learned, and troubleshooting issues as they arise.
    2. Identifying and creating resources that support SRLs, court clerks and staff, and judges selecting IDRTS.
    3. Identifying and seeking agreement upon data collection protocols and metrics for measuring program successes and challenges.
    4. Drafting an interim report regarding the outcomes of the pilots.

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January 11, 2022

TO: Ryan Osmundson
Governor's Budget Director

Rep. Bill Mercer
Section D Interim Committee

FROM: Beth McLaughlin
Supreme Court Administrator

RE: HB632 Quarterly Update

As required by HB632, Section 21, the Judicial Branch must report quarterly on program implementation, expenditure of funds, and measurable outcomes. The Branch was allocated $944,721 in HB632 to streamline and expediate the processing of family law matters, which were delayed by the COVID-19 pandemic. The funding will support early mediation and simplified case processing for self-represented and low-income litigants.

The Branch hired a highly experienced staff person to oversee the program. The new program director has extensive mediation experience and has worked as a victim advocate. The expenditures during the first quarter reflect her salary and set-up costs. The Branch will work with the Montana Legal Services Association as the service provider for the mediation program. During this quarter, the procurement bureau was completing the contract with MLSA, which means no expenses were invoiced and paid.

The program has two components:

Informal Domestic Relations Trials:

The Branch will implement simplified domestic relations trials, which allow litigants to agree to an informal process that does not adhere to the formal court process. The following has been done:

- The Supreme Court approved the IDRT rules.

- The Branch selected the 1st Judicial District (Lewis and Clark and Broadwater counties), the 4th Judicial District (Missoula and Mineral counties), and the 12th Judicial District (Hill, Chouteau, and Liberty counties) as the pilot districts.
- The Branch completed forms and informational materials for litigants who are interested in the process. Most litigants who will seek this out are representing themselves so it's critical to have easy-to-understand informational materials. (Parties with attorneys may also opt to use IDRT – it is not limited to only self-represented litigants.)
- The Branch completed the performance measurement framework, which is attached. Performance measurement reporting will start in July 2022.
- The Branch anticipates IDRT to begin by the end of January 2022.

Domestic Relations Mediation Program:

The Branch, through a contract with the Montana Legal Services Association, will provide family law mediators in certain cases where litigants meet financial requirements, are self-represented, and need a parenting plan as part of the domestic relations case. Through MLSA, litigants will also receive legal advice before mediation. Again, litigants are self-represented and providing legal advice should shorten the mediation process as clients will understand the legal framework before entering mediation. The following has been done:

- The Branch selected the 8th Judicial District (Cascade County), the 13th Judicial District (Yellowstone County), the 18th Judicial District (Gallatin County), and the 19th Judicial District (Lincoln County) as the pilot sites. Each district has many self-represented litigants and has a case backlog from Covid-19 impacts on the court.
- The Branch has designed the mediation process and worked informally with MLSA on developing selection criteria for mediators.
- The Branch is designing a process to identify older cases in the pilot districts that could be appropriate for mediation with the aim of closing those cases first.
- The procurement bureau finalized the contract in early January, which means the remaining program development (selecting and training mediators, selecting cases, and developing performance measurements) can now move forward quickly in the new year.
- The Branch anticipates mediation will begin by March 2022.

Please let me know if you need additional information.

Cc: Justice Beth Baker
Emma Schmelzer, Project Manager
Cathy Duncan, Legislative Fiscal Analyst
Montana Legal Services Association

<u>Essential IDRT Performance Measures</u>

December 2021

Case Data Specific Measures – Quantitative:

1. <u>Number of Cases</u> for which the data are being analyzed in the time period (e.g., during the project) – are litigants using the new process
Breakdown by:
   - district

2. <u>Time to Disposition</u> - the average time from filing to disposition – how quickly cases are reaching resolution
Breakdown by:
   - district

3. <u>Time to Disposition/Case Closure For Regular Track Cases</u> - the average time from filing to disposition – are IDRT cases resolving faster than regular track cases
Breakdown by:
   - district

Collection Method:

1. All IDRT Case Numbers will be reported to the ARPA coordinator.
2. Using the Full Court case management system, the ARPA coordinator will track days to disposition/case closure for IDRT cases.
3. Using the District Court Dashboard, the IDRT time to disposition/case closure will be compared to regular track time to disposition/case closure.

Timeline:

1. Case Specific Measure will be reported every six months starting in July 2022.

Case Data Specific Measures – Qualitative:

1. <u>Litigant satisfaction</u> during the data analysis (e.g., during the project) – are litigants satisfied with the IDRT process
Breakdown by:
   - district

2. <u>Judicial Satisfaction</u> – during the data analysis (e.g., during the project) - are judges satisfied by the IDRT process
Breakdown by:
   - district

Collection Method:

1. The ARPA Coordinator and MLSA will develop a short survey gauging satisfaction with the IDRT for litigants.
2. Litigants will be handed the hardcopy survey in court and asked to complete it before leaving the courtroom.
3. Survey will be forward to the ARPA coordinator and input using Survey Monkey
4. Participating judges will be surveyed using Survey Monkey

Timeline:

1. Litigant survey measures will be reported every six months starting in July 2022.
2. Judges will be surveyed every six months starting in July 2022.