

**SJR 6 Study:
Pro Se Subcommittee Report
LC0072: Montana Access to Civil Justice Act**

prepared by
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for the
Law and Justice Interim Committee

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Pro Se Subcommittee members

Sen. Gary Perry -- Chairman
Sen. Bent Cromley
Rep. Ron Stoker
Rep. Jeanne Windham

Scope of work

The *Pro Se* Subcommittee was appointed at the LJIC's January 19, 2006, meeting to develop a preliminary bill draft for the full LJIC's consideration. The bill draft was to have a broad title covering all access to civil justice matters within the scope of SJR 6. However, the Subcommittee was to concentrate its efforts only on the aspects of the SJR 6 study that involved assistance to self-represented litigants (i.e., *pro se* proceedings).

Activities

The *Pro Se* Subcommittee met two times. At its first meeting, held in Helena on February 17, 2006, the Subcommittee:

- received a staff report on a 2005 national summit on access to justice, which included a discussion of best practices nationwide.
- received general information about bill drafting, bills with fiscal impacts, and the different vehicles that could be used to appropriate state funding: HB 2, statutory appropriations, and "cat and dog" appropriation bills.
- received and discussed a detailed recommendation from an ad hoc *pro se* working group of stakeholders, which included members of the Supreme Court's Commission on Self-Represented Litigants, the Supreme Court's Access to Justice Task Force, and the State Bar's Access to Justice Committee.
- took actions to move forward with a bill draft based on the *pro se* working group's recommendations and to include the appropriation in the bill.

At its second meeting on March 22, 2006, the *Pro Se* Subcommittee (and other members of the LJIC) toured the staff offices of the Montana Legal Services Association (MLSA) in Billings. The tour included discussions with MLSA staff, volunteers, and the pro bono coordinator of the Yellowstone Area Bar Family Law Project.

At its meeting later that afternoon, the *Pro Se* Subcommittee reviewed its initial bill draft (LCpro1) in detail, considered comments and suggestions from various stakeholders and interested persons, and took actions to amend and fine-tune the bill draft. The meeting concluded with a unanimous vote to present the Subcommittee's amended bill draft to the full LJIC.

Recommendation: LC0072

Attached are two bill drafts. The draft numbered **LCpro2** is the Subcommittee's initial draft but with "strikes" and "inserts" showing how the draft was amended during the Subcommittee's March 22, 2006, work session. The bill draft numbered **LC0072** is the clean copy of the Subcommittee's bill draft recommendation.

Pro bono component

Although the *Pro Se* Subcommittee was limited to working within a narrow definition of *pro se* programs, Subcommittee members learned that a *pro bono* component (i.e., attorney assistance or representation for no fee or a low fee) is essential to the success of any *pro se* program. Because, the LJIC study plan was designed to treat *pro bono* as a separate aspect of access to justice, a separate staff report has been prepared. However, the intent of the Subcommittee is that when the LJIC considers LC0072, the LJIC will consider this *pro bono* aspect within the scope of LC0072.