

Unofficial Draft Copy

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LCpro2

**** Bill No. ****

Introduced By *****

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; directing the supreme court to establish a self-help law program within appropriated funding; specifying purposes, definitions, and duties; requiring ~~procedures,~~ data ~~collection,~~ and reports; ~~and~~ 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 purposes of [sections 1 through 5] are to make Montana's court system more accessible by:

(1) ~~provide~~ providing all Montanans with user-friendly information about Montana's civil law, courts, and legal system;

(2) ~~provide~~ providing state-level coordination to develop 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) ~~facilitate~~ facilitating the efficient use of judicial resources in civil court proceedings that involve self-

represented litigants; and

~~(4) help make Montana's court system accessible regardless of a person's financial means without guaranteeing a certain level of legal assistance or legal representation.~~

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]; and

(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 -- staff -- duties -- coordination.** (1) ~~The supreme court shall establish and provide staff within available appropriations for~~ There is a self-help law program. The program is administered by the supreme court. The supreme court may designate a commission to perform its duties under [sections 1 through 5].

(2) Program staff are subject to the judicial branch personnel and pay plan provided for in 3-1-130.

(3) The program shall provide statewide coordination to:

(a) develop, maintain, and make available to self-represented litigants legal forms and instructions about the use of the forms in civil legal proceedings in Montana's courts;

(b) develop curriculum and materials suitable for classes and clinics about court processes and legal forms;

~~(b)(c)~~ develop, update, and provide 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 legal advice or legal representation; and

~~(c)(d)~~ establish and maintain multimedia materials, including a web site and local computer or work stations, that provide self-represented litigants with access to information about Montana's civil laws, courts, rules, legal forms, and available legal resources.

(4) The program shall coordinate and cooperate with other access to justice efforts, such as initiatives by state or local bar associations, non-profit 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].

(5) Program staff may not provide legal representation through this program.

NEW SECTION. Section 5. Procedures -- data -- Data and reports. ~~(1) The supreme court shall establish procedures for the delivery of state law library and court-based program services.~~

~~(2)(1)~~ The supreme court shall ensure that relevant and detailed data concerning program costs and services are recorded, collected, reported, and used for program planning.

~~(3)~~(2) The supreme court shall report to the law and justice interim committee established in 5-5-226 and each regular legislative session to house appropriations and senate finance and claims committees concerning the program's status. Each report shall 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	\$ _____
Fiscal year 2009	_____

NEW SECTION. **Section 7. {standard} 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].

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