

**The Supreme Court of Montana**  
**Office of the Court Administrator**

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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 1<sup>st</sup> Judicial District (Lewis and Clark and Broadwater counties), the 4<sup>th</sup> Judicial District (Missoula and Mineral counties), and the 12<sup>th</sup> 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 8<sup>th</sup> Judicial District (Cascade County), the 13<sup>th</sup> Judicial District (Yellowstone County), the 18<sup>th</sup> Judicial District (Gallatin County), and the 19<sup>th</sup> 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