

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 11-0765

ACCESS TO JUSTICE COMMISSION:
IN RE THE ADOPTION OF GUIDELINES FOR
ESTABLISHING PILOT INFORMAL
DOMESTIC RELATIONS TRIALS

ADDENDUM TO
PILOT REPORT

A smaller group of pilot judges (Judge Deschamps, Judge Abbott, and Judge Menahan) were able to gather on June 22nd to discuss additional, specific recommendations they would like to make before the Court opens a public comment period or considers whether to adopt the program on a permanent basis or rescind or supersede the pilot Order.

This group proposes that the Informal Domestic Relations Trial (IDRT) process be default for all DR cases in which both parties are self-represented *and* cases where one party has counsel and the other does not. They also recommend that if either party (represented or not) objects to the use of IDRT, the traditional trial format should be used instead.

Finally, this group suggests that any IDRT Order include a robust description of how the rules of evidence will be used in comparison to a traditional trial. Example language: “Parties may present any evidence they believe to be relevant, and judicial discretion will be used to determine how much weight any piece of evidence is given.”

DATED this 23th day of June, 2023.

Emma Schmelzer