

Performance Evaluation Fact Sheet

COURT HELP, JUDICIAL BRANCH

ISSUE STATEMENT

The Joint Appropriations Subcommittee on Judicial Branch, Law Enforcement, and Justice voted to request monitoring of this item. The legislature appropriated funding for the Court Help Program in the 2009, 2011, and 2013 biennia with one-time funding. With this funding, has the program achieved its intended purpose, as stated below by assumption from a bill that failed to be enacted by the legislature?

HISTORY AND PURPOSE OF PROGRAM OR ITEM

SJ 6 of the 2005 Legislature requested a study of access by low-income Montanans to the Montana civil legal system. The Law and Justice Interim Committee requested HB 60 during the 2007 Legislature, which would have established the “Montana Access to Civil Justice Act” to be administered by the Supreme Court; identified the duties of the program, then identified as the self-help law program; and appropriated \$505,000 general fund for each year of the 2009 biennium. HB 60 also stated the purpose for the program was to “make Montana’s court system more accessible by:

- Providing Montanans with user-friendly information about Montanan’s civil law, courts, and legal system
- Providing state-level, self-help legal resources, tools, information, and training materials on a statewide basis in a cost effective manner emphasizing technology and volunteer services
- Facilitating the efficient use of judicial resources in civil court proceedings that involve self-represented litigants”

HB 60 failed to pass the legislature having died in the House Appropriations Committee. Instead, the legislature appropriated general fund to the Supreme Court Program of the Judicial Branch in the amount of \$252,500 in each of the 2009 biennium, and specified in language the various uses of the funds.

The 2009 Legislature funded the program in HB 645 for the 2011 biennium, a bill that implemented the American Recovery and Reinvestment Act of 2009, with \$250,000 general fund year. For the 2013 biennium, the legislature funded the program with nearly \$296,000 of restricted, biennial, and one-time-only general fund per year but without the restricted language that was included for the 2009 biennium.

The current program includes the following:

- Two full-time staffed centers have now been established in Flathead and Yellowstone counties
- Three part-time centers have been established in Missoula, Great Falls, and Bozeman and the State Law Library in Helena is staffed by Carroll College students
- Leveraged funds provide five AmeriCorps members who travel and provide services to 17 rural counties
- Includes a program coordinator and a legal resources developer positions

MEASURES FOR DETERMINING EFFECTIVENESS

Measure One:

To measure if the program is facilitating the efficient use of judicial resources in civil court proceedings involving self-represented litigants. To measure, a comparison of the quality of case filings will be used. Specifically:

1. In Court Help Centers in Missoula, Gallatin, Cascade, Lewis and Clark and Yellowstone Counties, self-represented litigants in domestic relations cases completing court paperwork in a Center will have the papers stamped with a “Court Help” stamp indicating all documents are included in the file. Self-represented litigants not receiving center services will not have a stamp.
2. The practice will not apply in Flathead County where all self-represented litigants in family law cases are required to have case filings processed through the center.
3. The stamp protocol will be required effective December 1, 2011.
4. In March 2012, Clerks of the District Court in the five counties will complete a survey comparing the quality of paperwork submitted by litigants who have visited a Center (as verified by the stamp) and those who have not visited a center. The survey will ask for general assumptions about whether center assistance improves the quality of the paperwork and the ability of the court to process the cases.

Expected outcomes:

- Litigants who receive center services will have better prepared and more complete paperwork.
- Clerks will be able to process case filings for these litigants more efficiently than for those litigants who do not seek services from a center.
- Orderly and complete case filings increase court efficiency.

Measure Two:

To measure if the legal clinics facilitated by volunteer pro bono attorneys increase the ability of a self-represented litigant to represent themselves in court. This measure requires specific focus on a group of litigants and as such, is limited to one county.

1. In the Missoula County center, litigants with domestic relations cases can attend legal clinics and receive information about their case from pro bono attorneys.
2. Litigants will be asked to complete a brief survey at the end of each clinic asking whether the clinic provided them with the necessary knowledge to effectively process a case.
3. Surveys will begin in January and will be compiled in March and again on a quarterly basis.
4. The judges in Missoula County will also be surveyed about the general quality of self-represented litigants in domestic relations cases and whether litigants seem well-prepared.

Expected outcomes:

- Litigants attending a clinic will have quality documents lacking obvious error and will have a better understanding of how to process the case.
- Litigants will report great confidence in what can and cannot be presented to a judge and how to present information. This understanding translates into efficiencies in the court.
- Judges will notice an improvement – since the opening of the center - in the ability of self-represented litigants to navigate the legal system.

CURRENT STATUS

The next step is to devise and disseminate the surveys to clerks and to both litigants and judges in Missoula County and the information compiled. As stated above, this task will be accomplished before March, 2012. Information contained in the surveys will then be evaluated. A final report will be presented to the LFC in June, 2012.

POTENTIAL OPTIONS OR DECISION POINTS

This information is presented to the LFC to allow for any feedback or other direction.