

# Montana Legal Services Association

*Provide, protect and enhance access to justice.*



Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA  
Case Number: AF 11-0765

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August 14, 2023

Chief Justice Mike McGrath and Justices  
Montana Supreme Court  
215 North Sanders  
P.O. Box 203001  
Helena, MT 59620-3001

Re: Access to Justice Commission: *In Re the Adoption of Guidelines for Establishing  
Informal Domestic Relations Trials*  
AF 11-0765

Dear Chief Justice McGrath and Justices:

Montana Legal Services Association (MLSA) supports the recommendation that an informal domestic relations trial rule be adopted. The simplified IDRT court procedures are an appropriate and effective alternative to the standard adversarial litigation process. We don't take a position on whether IDRT should be the default process for domestic relations cases in which at least one party is pro se, or whether it should be the default only when both parties are pro se.


A courtroom can be intimidating for any litigant. It can be particularly daunting for those who are unrepresented, and who deal with unfamiliar procedures that lead to a decision that will have a significant impacts in their lives. The adversarial nature of the standard proceedings increases the tension. Order of protection proceedings and family law matters involve personal issues that can leave parties feeling vulnerable.

MLSA attorneys provide legal advice to self-represented litigants who are involved in order of protection proceedings and family law matters, including dissolutions of marriage and parenting plans and custody issues. The IDRT processes enhance the efficacy of the legal advice we provide. The informal IDRT approach makes it easier for self-represented litigants to understand and comply with the court's procedures. The procedures create a less-confrontational environment, and greatly benefits parties in cases involving issues of domestic or intimate partner violence.

In addition to providing legal advice, MLSA staff attorneys represent parties in order of protection proceedings and family law matters. We often appear in cases in which the opposing party is unrepresented. In these cases, the informal, less adversarial IDRT procedures may ease an unrepresented party's fear that they are at a disadvantage.

For these reasons, MLSA supports the recommendation that the Court adopt an IDRT rule.

Sincerely,



William F. Hooks

WFH/bh

Enc.