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06/18/2026

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 11-0765

FILED

Case Number: AF 11-0765

JUN 18 2026

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ACCESS TO JUSTICE COMMISSION:
IN RE THE PROPOSAL TO ADOPT RULES
AUTHORIZING CERTIFIED LAY
ADVOCATES TO PROVIDE LIMITED LEGAL
SERVICES IN CERTAIN COURTS

ORDER RE: COMMUNITY
JUSTICE WORKERS
AND ASSOCIATED
AMENDMENTS TO THE
RULES FOR ADMISSION TO
THE BAR OF MONTANA

On September 15, 2025, the Montana Legal Services Association (MLSA) filed a petition with this Court to adopt rules authorizing certified lay advocates (“Community Justice Workers”) to provide limited legal services in Justice Courts and City Courts. This Court granted that petition on March 27, 2026, and ordered the creation of a working group to draft any recommended rule changes and an implementing order.

On June 9, 2026, the working group filed its report. As part of this Court’s directive to address any necessary rule changes, the working group proposes changes to Rule 1 of the Rules for Admission to the Bar of Montana and has submitted proposed Community Justice Worker Program Rules. Both the Report and the Proposed Rules are attached to this Order

Having reviewed the Report and the Proposed Rules and rule changes to implement the program, the Court deems it appropriate to offer an additional 30-day period for public comment.

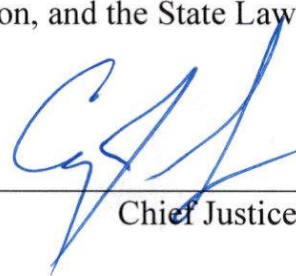
IT IS THEREFORE ORDERED that the Court will accept public comment for a period of 30 days from the date of this Order.

IT IS FURTHER ORDERED that this Order and its attachments shall be posted on the websites of the Montana Judicial Branch and the State Bar of Montana. The State Bar of Montana is requested to give notice of this Order and of its website posting of the petition

to the membership by publication in the *Montana Lawyer* magazine and through other electronic and timely means.

The Clerk shall provide a copy of this Order to the State Bar of Montana, the Montana Legal Services Association, the Commission on Courts of Limited Jurisdiction, the Dean of the Alexander Blewett III School of Law at the University of Montana, the members of the Montana Access to Justice Commission, and the State Law Library.

Dated this 18th day of June, 2026.



Chief Justice

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 11-0765

IN RE THE PETITION TO ADOPT RULES
AUTHORIZING CERTIFIED LAY ADVOCATES
TO PROVIDE LIMITED LEGAL SERVICES IN
JUSTICE COURTS AND CITY COURTS

REPORT OF CJW RULES
WORKING GROUP

On September 15, 2025, Montana Legal Services Association (“MLSA”) filed a Petition requesting that this Court adopt a Community Justice Worker program for Montana, allowing certain trained and certified lay advocates to deliver legal services in Montana courts of limited jurisdiction. These certified lay advocates would be trained and supervised by MLSA, certified by the State Bar of Montana (“State Bar”), and would assist only MLSA clients in limited types of matters. The proposed program is supported by the State Bar.

After considering the Petition, as well as the comments and discussion at the public meeting on the same, this Court granted the Petition, and established a working group (Working Group) to address: “the process for selection, training, supervision, and certification of Community Justice Workers; necessary rule changes to allow their appearance in the courts for which Community Justice Workers are authorized; guidelines and regulations that define the scope of practice of Community Justice Workers; a process for monitoring and evaluating the impact of authorized Community Justice Workers in Montana; and designation of an oversight entity or committee and its functions.” Order, March 27, 2026.

The Working Group now submits its report and a proposed order with proposed revisions to the Rules for Admission to the Bar of Montana and proposed Community Justice Worker Program Rules (Ex. A).

REPORT

This Court, “since its inception [has] exercised its power over the practice of law.” *In re Mont. Bar Ass’n*, 140 Mont. 101, 104, 368 P.2d 158, 160 (1962). It unified the bar of this state pursuant to its constitutional “powers... to govern and control the practice of law in Montana...” *In re President of Mont. Bar Ass’n*, 163 Mont. 523, 526, 518 P.2d 32, 33-34 (1974). In fact, addressing a petition from MLSA in 1975, it granted a hearing “under [its] power to regulate the practice of law in Montana.” *In re Prof’l Ethics*, 160 Mont. 490, 491, 503 P.2d 531, 532 (1972) (citations omitted). Correspondingly, the Court has noted, “If ... our system and rules have become outmoded and are no longer suited to our needs, or adequate for our purposes, the necessity for the new or proposed rules should be obvious to anyone familiar with the facts.” *In re Unification of Mont. Bar Ass’n*, 107 Mont. 559, 562, 87 P.2d 172, 173 (1939).

Given Montana’s pressing access-to-justice crisis,¹ as well as trained Community Justice Worker’s well-established success in providing competent and professional legal services,² the Working Group believes that the proposed Community Justice Worker program, as well as its

¹ See, e.g., Petition (describing Montana’s need for additional legal service providers for low-income Montanans); CARMODY & ASSOCS., THE JUSTICE GAP IN MONTANA: AS VAST AS BIG SKY COUNTRY (2014) (compiling evidence and describing Montana’s access-to-justice crisis).

² See, e.g., Nora Freeman Engstrom & Natalie Anne Knowlton, *Unauthorized Practice: Assessing Available Evidence*, 67 B.C. L REV. 1307, 1350 (2026) (compiling evidence and concluding that “trained nonlawyers can deliver a wide range of legal services competently and professionally”); Rebecca L. Sandefur & Matthew Burnett, *Building Successful Justice Worker Programs*, 41 AK. L. REV. 23 (2024) (compiling evidence demonstrating success of community justice worker programs).

enabling rule change, are necessary to serve the legal needs of the considerable number of Montanans who lack the financial resources necessary to afford a lawyer.

I. Necessary Existing Rule Changes

With that constitutional backdrop clearly reflecting this Court's authority to govern and control the practice of law, and following this Court's directive, the Working Group first addressed necessary rule changes to allow the appearance of Community Justice Workers in courts of limited jurisdiction.

The initial approach reflected in the Petition was to amend Rule 14 of the Montana Uniform Rules for Justice and City Courts. However, as the Working Group considered the interaction of the Uniform Rules with other rules of practice, procedure and certain statutes, a second possible approach developed: mirror this Court's Student Practice Rule and add the CJW program to the Rules for Admission to the Bar of Montana (as well as the Student Practice Rule), while adopting specific CJW Program Rules establishing the exact parameters of the CJW program. Importantly, akin to the Student Practice Rule, this approach would not require changes to other rules of practice and procedure: authority to appear before certain courts of this state in specific types of matters would be governed by the program rules themselves. After careful consideration, the Working Group settled on this latter approach.

Why mirror the Student Practice Rule? Shortly after the unification of the bar, this Court adopted the Student Practice Rule, noting, "The bench and bar are responsible for providing competent legal services. This rule is adopted as a means of providing assistance to practicing

lawyers in providing such services” Order, Cause No. 12982, of April 30, 1975, amended August 13, 1991, attached as Ex. B (emphasis added).

Later, in *Shapiro v. Jefferson Cty.*, the Court noted the interplay between Montana’s statutory definition of what constitutes the practice of law in §37-61-201, MCA, and its authority to create the student practice rule, holding, “this Court’s [Student Practice Rule], which provides for the certification of student attorneys, combined with the dean of the law school’s certification of students to act as student attorneys, provide the guidelines for “admission” of a student attorney to the practice of law.” 278 Mont. 109, 115, 923 P.2d 543, 547 (1996). The Court concluded that the Student Practice Rule constituted “admission” to the practice of law for purposes of §7-4-2701, MCA. *Id.*

We believe this Court’s clear power to “govern and control the practice of law in Montana,” its exercise of that power to create the Student Practice Rule “as a means of providing assistance to practicing lawyers in providing [competent legal] services,” and its recognition in *Shapiro* that the Student Practice Rule provides a guideline for non-attorney students to be “admitted” in order to provide supervised limited legal services under the Court’s authority, establishes a similar path for the CJW Program. Like law student practitioners who engage in the limited practice of law, in essence gaining a limited admission via a specific waiver of the requirements for licensed attorneys, so too would CJWs gain limited admission to engage in supervised limited practice under a similar waiver program.³ Both occur under this Court’s clear authority and with the limited scope, education, certification, and oversight established by it.

³ The use of the term “waiver” mirrors the term used by the Alaska Supreme Court in Rule 43.5 governing community justice workers.

While law students have more training and may appear in far more settings, (“[a]n eligible law student may appear in any court or before any administrative tribunal in this state....” Student Practice Rule, II(A)), CJWs, with less overall but area-specific training, may only appear before courts of limited jurisdiction and in very limited matters. This approach also reflects the other and varied methods of admission for attorneys, which include direct admission by examination, admission via transfer of a Uniform Bar Exam score, admission on motion, and pro hac vice admission, each with specific requirements. *See generally* Rule 1(B) of the Rules for Admission to the Bar of Montana.

Interestingly, though the Student Practice Rule dates to 1975, it has never been incorporated by reference into the Rules for Admission to the Bar of Montana. Because we believe that these two programs are similar in effect, for ease of future reference and in answering this Court’s request for “any necessary rule changes,” we first suggest that the Court amend Rule 1 of the Rules for Admission to the Bar of Montana as follows and as set forth in Exhibit B:

I. APPLICATION PROCESS

B. Methods of Admission

Admission to the State Bar of Montana may be accomplished by ~~four~~ five methods:

(5) limited admission waiver to practice law.

(a) Community Justice Workers shall be permitted to engage in the limited practice of law under the Rules for the Community Justice Worker Program as promulgated and revised from time to time by the Montana Supreme Court; and

(b) Law Students, having completed the requirements under the Montana Supreme Court's Student Practice Rule, shall be permitted to engage in the limited practice of law under the provisions of the same.

Although we did not set out to propose amendment to the Rules for Admission to the Bar of Montana, we believe that this method fully expresses this Court's authority to govern and control the practice of law, including through limited practice via, in essence, an admission waiver, and is far simpler. As with the Student Practice Rule, there is no need to modify Rule 14 or other rules of practice or procedure. As part of this proposed path, while we believe that the Student Practice Rule and the certifications and tracking contained therein are best left where they exist now, with the law schools, supervising attorneys and the bench under the terms of that rule, as part of the oversight delegated to it in the proposed CJW Program Rules, we do recommend that the Court order that the State Bar create a class of members known as Community Justice Workers and amend its Bylaws to reflect the same.

II. Community Justice Worker Program Rules.

With that proposed change to the Rules for Admission to the Bar of Montana, we turn to the specific CJW Program Rules to address the process for selection, supervision and certification of CJWs, the oversight of the program, the limited scope of practice regulations, and a process for monitoring and reporting on the effectiveness of the program. Ex. A. We will not belabor the text of the proposed rules; we believe that they thoroughly address the matters this Court requested and are modeled on rules for similar programs in other states. That said, we do believe it is important to note the general supervision of the program, which we recommend be placed with the State Bar and a Community Justice Worker Oversight Committee. This Court has

long turned to the State Bar not only to aid in the attorney admissions process, track annual continuing education requirements, maintain oversight of trust accounts through the Court's Trust Account Overdraft Notification Rule, and handle membership tracking, but also to assist with matters relating to the public. Those programs include the Lawyers Fund for Client Protection and this Court's Fee Arbitration program, which operate under the authority of the Board of Trustees, through the Lawyers Fund for Client Protection Board and the statewide fee arbitration panel appointed by the State Bar. We believe that the State Bar, in partnership with Montana Legal Services Association, is an appropriate entity to oversee the development and implementation of this new program designed to aid the public.

III. Conclusion

By amending the Rules for Admission to the Bar of Montana, as proposed, creating a class of State Bar membership known as Community Justice Workers, adopting the specific CJW Program Rules, and placing general oversight with reporting to this Court under the State Bar and a CJW Oversight Committee, we believe that this limited practice waiver through the CJW program will help Montana take an important step forward in addressing the access to justice crisis, while maintaining this Court's protection of the public in the delivery of legal services.

RESPECTFULLY SUBMITTED this 9th day of June, 2026.

CJW RULES WORKING GROUP

By: /s/ William F. Hooks

William F. Hooks
Director of Advocacy
Montana Legal Services Association

CERTIFICATE OF SERVICE

I, William F. Hooks, hereby certify that I have served true and accurate copies of the foregoing
Other - Other to the following on 06-09-2026:

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Dated: 06-09-2026