

ORIGINAL

FILED

10/06/2026

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: AF 11-0765

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 11-0765

AF 11-0244

FILED

OCT 06 2026

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN RE THE ADOPTION OF RULES
AUTHORIZING CERTIFIED LAY
ADVOCATES TO PROVIDE LIMITED LEGAL
SERVICES IN CERTAIN COURTS

ORDER

and

IN RE THE RULES FOR ADMISSION TO THE
BAR OF THE STATE OF MONTANA

On September 15, 2025, the Montana Legal Services Association (MLSA) petitioned this Court to adopt rules authorizing certified lay advocates ("Community Justice Workers") to provide limited legal services in Justice and City courts. On March 27, 2026, the Court granted MLSA's petition and ordered the creation of a working group to draft recommended rule changes.

On June 9, 2026, the working group filed a report and proposed the creation of Community Justice Worker Program Rules and revisions to Rule 1 of the Rules for Admission to the Bar of the State of Montana. The Court then invited, and received, written public comment, following which it considered the working group's proposal at a public meeting on August 18, 2026. At that meeting, the Court agreed to establish the proposed Community Justice Worker Program Rules and to revise Rule 1 of the Rules for Admission to the Bar of the State of Montana, with some modifications to the working group's proposal. The Community Justice Worker Program Rules and revised Rule 1 of the Rules for Admission to the Bar of the State of Montana, as approved by the Court, are attached to this Order.

IT IS THEREFORE ORDERED that the Rules for the Community Justice Worker Program, as attached to this Order, are ADOPTED, effective January 1, 2027.

IT IS FURTHER ORDERED that Rule 1 of the Rules for Admission to the Bar of the State of Montana is AMENDED as set forth in the attachment to this Order, effective January 1, 2027.

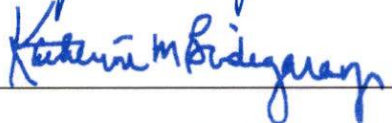
This Order and the attached Rules for the Community Justice Worker Program shall be posted on the Court's website. In addition, the Clerk of this Court is directed to provide copies of this Order and the attachment to the State Law Library, Todd Everts, Shana Harrington, Karl Krempel, Jaret Coles, and Julie Johnson at Montana Legislative Services, Eric Goodemote in the Thomson Reuters Rules department at Thomson Reuters, Patti Glueckert and the Statute Legislation department at LexisNexis, the Montana Legal Services Association, the Dean of the Alexander Blewett III School of Law at the University of Montana, and the State Bar of Montana, with the request that the State Bar provide notice of the revised rule to membership by publication in the *Montana Lawyer* magazine and through other electronic and timely means.

DATED this 6th day of October, 2026.

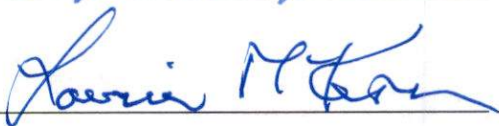


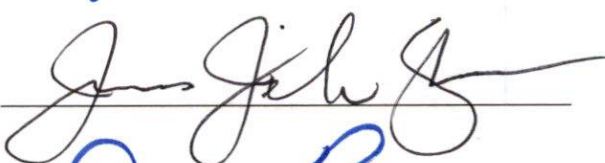
Chief Justice

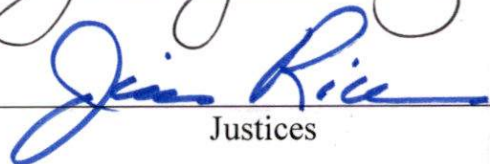












Justices

Rules for the Community Justice Worker Program

1. Definitions. For purposes of these Rules:

- a. "Legal assistance" means the services provided by the Community Justice Worker (CJW) with respect to orders of protection, consumer and debt relief issues, or housing issues. CJW services may include preparing a document, in any medium, on behalf of a client for filing in any court of limited jurisdiction; negotiating legal rights or responsibilities on behalf of a client; preparing a document, in any medium, intended to affect or secure a client's legal rights; representing a client in an action or proceeding in a court of limited jurisdiction; or providing legal advice and counsel. Legal advice and counsel includes legal assistance that is limited to the review of information relevant to the client's legal problem(s) and counseling the client on the relevant law, and may involve recommending a specific course of action. Legal assistance does not include providing services or advice in criminal litigation in any state court proceeding.
- b. "Legal information" means general, substantive information about the law that is not specific to a client's individual situation and does not involve applying legal judgment or recommending a specific course of action.

2. Eligibility. A person not otherwise admitted to the practice of law in this state may receive permission to provide legal assistance in a limited capacity in certain civil matters in the state if such person meets all of the following conditions:

- a. The person has completed the required training provided by the Montana Legal Service Association (MLSA) and approved by the Community Justice Worker Oversight Committee (Oversight Committee) in the following areas: Montana Rules of Professional Conduct, including, but not limited to conflicts of interest, confidentiality and duty of candor, the substantive area of law in which the person will practice, and appropriate tribunal procedures;
- b. The person has been evaluated by MLSA and found competent to provide legal assistance in at least one of the following areas: orders of protection, consumer and debt relief issues, or housing;
- c. The person will engage in the limited practice of law exclusively in coordination with MLSA, either on a full-time or part-time basis or as a volunteer, and will not charge for their services;
- d. The person will inform all clients in writing that they are not a lawyer and obtain consent confirmed in writing from the client to their representation by the lay advocate; and
- e. The person provides legal assistance only as authorized under this order.
- f. An established CJW must be recertified periodically as deemed appropriate by MLSA. Failure to maintain certification requirements will result in a loss of status and will be reported pursuant to Section 6.

3. Application. Application for permission to provide legal assistance in a limited capacity shall be made as follows:

- a. The executive director of the MLSA or his or her designee shall apply to the State Bar of Montana on behalf of a person or persons eligible under Section 1;
- b. Application shall be made on forms approved by the State Bar of Montana and shall include the proposed scope of each applicant's practice;
- c. Proof shall be submitted with the application that the applicant meets the eligibility requirements as set forth in Section 2.

4. Approval. The State Bar of Montana shall consider each application as soon as practicable after it has been submitted. If the State Bar finds that the applicant meets the requirements of Rule 2 and the applicant has completed training adequate for the scope of practice sought, it shall grant the application and issue a certificate to allow the applicant to provide legal assistance in the state of Montana in the substantive areas of law in which they have completed requisite training. Upon approval, the CJW will become a CJW member of the State Bar of Montana and will be included in the State Bar's member database for purpose of monitoring the program.

5. Authorized Legal Assistance. To protect the rights and interests of clients and to ensure accountability, a CJW may provide legal assistance only if all of the following are satisfied:

- a. The CJW successfully completes all required training;
- b. The CJW provides legal assistance to clients only in the areas of orders of protection, consumer and debt relief issues, or housing;
- c. Before providing legal assistance to a client, the CJW has informed the client in writing that the CJW is not a lawyer and has obtained the client's written consent to representation by the CJW;
- d. The CJW provides legal assistance in matters in which the legal assistance is free of any charges, costs, fees, or other financial obligations to the client;
- e. The CJW provides legal assistance, in excess of providing legal information, only after MLSA has conducted MLSA's required process for eligibility screening and conflict checks, has opened a file in the matter, and provided the existing or prospective client with written information about how to make a complaint concerning the manner or quality of legal assistance, and the client has signed the appropriate retainers;
- f. If the client's legal issue cannot be resolved by the CJW, the file will be reviewed by MLSA for further consideration within MLSA's available resources; and
- g. When a CJW's representation of a client for legal assistance is terminated or completed:
 - i. The outcome of the legal assistance will be recorded (if known);
 - ii. A closing letter or email will be given to the Client that:
 - A. Details the assistance provided;
 - B. Includes a client satisfaction survey; and
 - C. Informs the client about how to complain and utilize the available grievance procedure concerning the legal assistance received.

6. Reporting. MLSA shall provide the names of the authorized CJWs and the areas of law in which they have been certified. MLSA shall collect data and information and provide annual reports to the Montana Supreme Court and the State Bar of Montana. The reports will be available to the public. The reports will not include personal identifiable information or confidential client information. MLSA will report on the following:

- a. The number of clients served by CJWs;
- b. The courts in which CJWs appeared;
- c. Adjudicatory outcomes of cases filed in court;
- d. A summary of any case in which the legal issue could not be resolved by the CJW to whom it was referred and was reviewed by MLSA for further consideration within MLSA's available resources;
- e. Complaints regarding CJWs submitted through MLSA's grievance procedure and the status and outcome of such complaints as determined by MLSA;
- f. The termination of any active certificates;
- g. A summary of client satisfaction data received.

7. Oversight. The CJW program shall operate under the authority of the Montana Supreme Court and under the oversight of the State Bar of Montana. The State Bar shall create a CJW Oversight Committee to monitor, support, and help guide the CJW program. The State Bar will provide administrative support for the Oversight Committee. The Oversight Committee shall be comprised of a member designated by the Commission on Courts of Limited Jurisdiction, a member designated by the State Bar of Montana, a member designated by MLSA, an active CJW, and an attorney designated by the Montana Supreme Court. The Oversight Committee will meet quarterly during the first two years of the CJW program, and thereafter as it deems necessary.

8. Grievance. Any client dissatisfied with their experience as a client in the CJW program may file a grievance under the terms of MLSA's grievance policy. The Oversight Committee shall conduct final review of any grievance filed by a client of the CJW program.

9. Final Authority. The State Bar of Montana is the final authority as to whether an applicant may be admitted to the CJW program.

10. Records and Confidentiality. CJW application files are confidential. Only the State Bar, the Oversight Committee, and the Montana Supreme Court may have access to information in the files. An applicant's file must be maintained for at least five years from the date of the last action in the file, after which, if no litigation is pending concerning the application, the file may be destroyed. Notwithstanding the foregoing, anonymized program data will be provided to the Oversight Committee.

11. Judicial Immunity; Privileged Communication; Waiver of Privilege. All commissions, committees, boards, and their members and personnel, including personnel and employees of the State Bar of Montana, acting on behalf of the Montana Supreme Court under the Rules for Admission to the Bar of Montana, including Rules pertaining to the JW program, have the judicial immunity the Montana Supreme Court would have if performing the same functions. Records, statements of opinion, and other information

regarding an applicant for admission to the State Bar of Montana, including an application for the CJW Program, communicated in good faith and without malice by any person or entity to any commission, committee, or board involved in the admissions process, including the person's or entity's members, employees, or agents, are privileged and the information communicated is not admissible in any lawsuit. Waiver of the privilege, if any, is governed by Mont. R. Evid. 503.

I. APPLICATION PROCESS

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B. Methods of Admission

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

1. examination as provided in Rule III;
2. transfer of Uniform Bar Examination score from another jurisdiction as provided in Rule IV;
3. admission on motion as provided in Rule V; ~~and~~
4. *pro hac vice* appearance as provided in Rule VI; and
5. limited admission waiver to practice law only under the following

circumstances:

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 shall be permitted to engage in the limited practice of law under the provisions of, and subject to the requirements of, the Montana Supreme Court's Student Practice Rule.