



July 7, 2026

Submitted via email to:

clerkofsupremecourt@mt.gov

Clerk of the Supreme Court
Montana Supreme Court
215 N. Sanders Street, Room 323
Helena, MT 59601

Re: Public Comment on Order Re: Community Justice Workers and Associated Amendments to the Rules for Admission to the Bar of Montana, AF 11-0765

Dear Chief Justice Swanson and Honorable Justices of the Montana Supreme Court:

On behalf of Frontline Justice, thank you for the opportunity to comment on the Court's June 18, 2026 order regarding Community Justice Workers and associated amendments to the Rules for Admission to the Bar of Montana.¹ Frontline Justice commends the Court, the Montana Legal Services Association, the State Bar of Montana, and the working group for advancing a careful and practical framework for establishing justice workers in Montana.

Frontline Justice is a national, nonpartisan initiative working to expand access to civil legal help so more people can understand their legal options, be empowered to act on their rights, and have the best opportunity to resolve civil legal problems fairly. Our mission is to mobilize, support, and equip trusted community advocates to become frontline legal helpers who ensure people can access affordable, effective legal support for everyday civil matters. Frontline Justice advances this work through training and credentialing, research, policy advocacy, public education, and technical assistance for courts, legal aid organizations, access-to-justice commissions, and community partners developing, implementing, or expanding justice worker programs. Frontline Justice also convenes the National Community Justice Worker Task Force, a bipartisan group of leaders and experts working to build the field's shared infrastructure. The Task Force is co-chaired by Cecilia Muñoz, Co-Chair of Frontline Justice, and Justice Brett Busby of the Supreme Court of Texas. It is developing a national framework for community justice worker training, advancing policy reforms that expand civil legal help, and shaping practical tools that jurisdictions and community partners can use as they establish justice worker programs.

Montana's proposed rules represent an important step in establishing justice workers as a recognized category of trained, supervised legal helpers. The proposal responds to the practical

¹ Order Re: Community Justice Workers and Associated Amendments to the Rules for Admission to the Bar of Montana, No. AF 11-0765 (Mont. June 18, 2026), <https://juddocumentservice.mt.gov/getDocByCTrackId?DocId=572603>.

problem that many people facing civil legal issues do not have timely access to legal help, even when the problem may affect safety, housing, family stability, income, or other basic concerns.² In that context, a trained justice worker can provide targeted assistance at the point when help is most useful.

The proposed Montana framework also places the program within a structure that should give the Court and the public confidence. The rules provide for training, certification, supervision, defined scope, and monitoring. Those features are appropriate for an initial program and can help ensure that justice workers provide reliable help while remaining clear about the limits of their role.

Montana is in good company. Courts and legal institutions across the country are authorizing justice workers and related roles to provide practical legal help in defined areas of civil law. Established and emerging models include Alaska's Community Justice Worker Program, Delaware's Qualified Tenant Advocate model, Arizona's domestic violence and housing stability legal advocate initiatives, Utah's authorized legal services models, and other state and local reforms.³ These programs recognize that attorneys are still needed, but that other trained community legal advocates can help extend the reach of civil legal support in situations where many of the people served now receive little or no help.⁴ Justice workers can do this work by building on trusted relationships that already exist in communities, including relationships with social workers, health workers, librarians, shelter staff, tribal advocates, faith leaders, and other community-based helpers.⁵

² Legal Services Corporation's 2022 Justice Gap study found that 74% of low-income households experienced at least one civil legal problem in the prior year and that 92% of the substantial civil legal problems of low-income Americans received inadequate or no legal help. Legal Servs. Corp., *The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans* (2022), <https://justicegap.lsc.gov/>.

³ See Matthew Burnett, Rebecca L. Sandefur & James Teufel, *Research Brief: Analysis of the Social and Economic Impact of the Alaska Community Justice Worker Program (2021–2025)*, American Bar Foundation Access to Justice Research Initiative (2025), <https://www.americanbarfoundation.org/wp-content/uploads/2025/11/ABF-Alaska-Community-Justice-Brief-FIN.pdf>; James Teufel, Matthew Burnett & Rebecca L. Sandefur, *Research Brief: Analysis of the Social and Economic Impact of Delaware Qualified Tenant Advocates (2022–2025)*, American Bar Foundation Access to Justice Research Initiative (2026), <https://www.americanbarfoundation.org/wp-content/uploads/2026/02/Delaware-Qualified-Tenant.pdf>; Rebecca L. Sandefur & Matthew Burnett, *Building Successful Justice Worker Programs: Emerging Insights from Research and Practice*, 41 *Alaska L. Rev.* 23, 27–28 (2024), <https://scholarship.law.duke.edu/alr/vol41/iss1/4/>.

⁴ Legal Services Corporation's 2022 Justice Gap study found that 74% of low-income households experienced at least one civil legal problem in the prior year and that 92% of the substantial civil legal problems of low-income Americans received inadequate or no legal help. Legal Servs. Corp., *The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans* (2022), <https://justicegap.lsc.gov/>; see also Rebecca L. Sandefur & Matthew Burnett, *Justice Futures: Access to Justice and the Future of Justice Work*, in *Rethinking the Lawyer's Monopoly: Access to Justice and the Future of Legal Services* (David Freeman Engstrom & Nora Freeman Engstrom eds., Cambridge University Press 2025), <https://www.cambridge.org/core/books/rethinking-the-lawyers-monopoly/justice-futures/90BD6A8F369683737C3BoE4F6665F1F5>.

⁵ Matthew Burnett & Rebecca L. Sandefur, *Justice Work as Democracy Work: Reimagining Access to Justice as Democratization*, 76 *S.C. L. Rev.* 833, 835 (2025), <https://ssrn.com/abstract=5365751>.

Experience in other jurisdictions suggests several design principles that may be useful to Montana's implementation. First, training should be focused and accessible. Justice workers need not become general legal practitioners. Focused instruction, practical tools, and supervised experience tied to the specific matters justice workers are authorized to handle can prepare them to provide useful, targeted assistance. Early program experience, notably Alaska's justice worker model, demonstrates that training can be structured around distinct legal concerns, provided in accessible formats, and linked with supervision so that justice workers can offer valuable assistance without erecting additional hurdles to participation.⁶

Second, entry requirements should match the work being performed. Requirements that do not bear directly on the competencies needed for the authorized role, the supervision structure, or the specific risks presented by the work can narrow the pool of available justice workers and limit the communities the program can reach.⁷ A low-barrier approach is especially important for programs that depend on people who already live in, work in, or are trusted by the communities they serve.

Third, oversight and reporting should produce useful information without creating administrative burdens that divert time and resources from service delivery. Recent research on Alaska and Delaware shows the value of collecting program data to understand who is being served, what legal issues are being handled, and what social or economic effects appear to follow from justice worker assistance.⁸ At the same time, reporting requirements should remain proportionate to the size and capacity of the organizations and workers participating in the program.

The proposed Montana rules seem to be taking a cautious first step by authorizing work through Montana Legal Services Association and in specified subject areas. We are supportive of that strategy. We recommend consideration of future expansion of the program to allow justice workers to serve in additional trusted community settings, with proper training, supervision, and accountability as the Court and program partners learn from implementation. A future hub-and-partner approach might keep legal aid expertise central, while empowering justice workers to reach clients through community organizations where they already receive help.

The Court may also prefer to keep its options open as evidence unfolds. Early implementation can demonstrate which case types are well suited for assistance by justice workers, which training techniques best prepare justice workers, which supports promote retention, and which communities would benefit from increased civil legal help. Such a methodical learning process

⁶ Burnett, Sandefur & Teufel, *supra* note 3; Nikole Nelson, Rebecca L. Sandefur & Matthew Burnett, Empowering Justice Through Community Justice Workers, 38 Mgmt. Info. Exch. J. 29, 31 (2024), <https://dcaccessjustice.org/wp-content/uploads/2025/09/Empowering-Justice-Through-Community-Justice-Workers-MIE-Journal.pdf>.

⁷ Sandefur & Burnett, *supra* note 3, at 33; Matthew Burnett & Rebecca L. Sandefur, A People-Centered Approach to Designing and Evaluating Community Justice Worker Programs in the United States, 51 Fordham Urb. L.J. 1509, 1531–33 (2024), <https://ir.lawnet.fordham.edu/ulj/vol51/iss5/6/>.

⁸ Burnett, Sandefur & Teufel, *supra* note 3; Teufel, Burnett & Sandefur, *supra* note 3.

would enable Montana to safeguard the public while extending civil legal support in a manner that reflects the local context, including the realities of rural service delivery.⁹

Frontline Justice respectfully asks the Court to adopt the proposed rules. Montana's approach is thoughtful, practical, and attentive to the realities faced by people who encounter civil legal problems with little or no meaningful help. Establishing justice workers through this framework will increase the pool of trained helpers available to Montanans, provide courts and communities another tool for resolving civil legal problems fairly, and lay the groundwork for future learning and responsible growth.

Respectfully submitted,

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⁹ Rebecca L. Sandefur, Matthew Burnett & James Teufel, Research Brief: Rural Access to Justice: Key Research Learnings and Implications for Service Design and Delivery, American Bar Foundation Access to Justice Research Initiative (2026), <https://www.americanbarfoundation.org/wp-content/uploads/2026/02/Rural-Access-to-Justice-FIN.pdf>.