

# Montana Legal Services Association

Overview of Services and How You Can Help

PRESENTED BY:  
Angie Wagenhals, Pro Bono Coordinator

---

Protect and enhance the civil legal rights of, and promote systemic change for, Montanans living in poverty.

# Who We Are



- Statewide nonprofit law firm with three main offices and **15 case handling attorneys** providing free civil legal services to Montanans living in poverty.
- In addition to direct service delivery, we use **community education** and focus on **impact litigation** to maximize our ability to provide services throughout Montana.
- Strong pro bono program
- Focus on partnerships with other \_\_\_\_\_ service providers.

# What We Do



## 1 | Advocacy

- Direct representation of clients, regardless of where they live.
- Focus on housing, domestic violence, consumer, public benefits, and Indian Law.
- Work to partner with pro bono attorneys to expand services.

## 2 | Outreach

- Medical/Legal Partnership
- Area Agencies on Aging
- AmeriCorps Program
- Presentations to mental health providers, Montana seniors, and veterans.

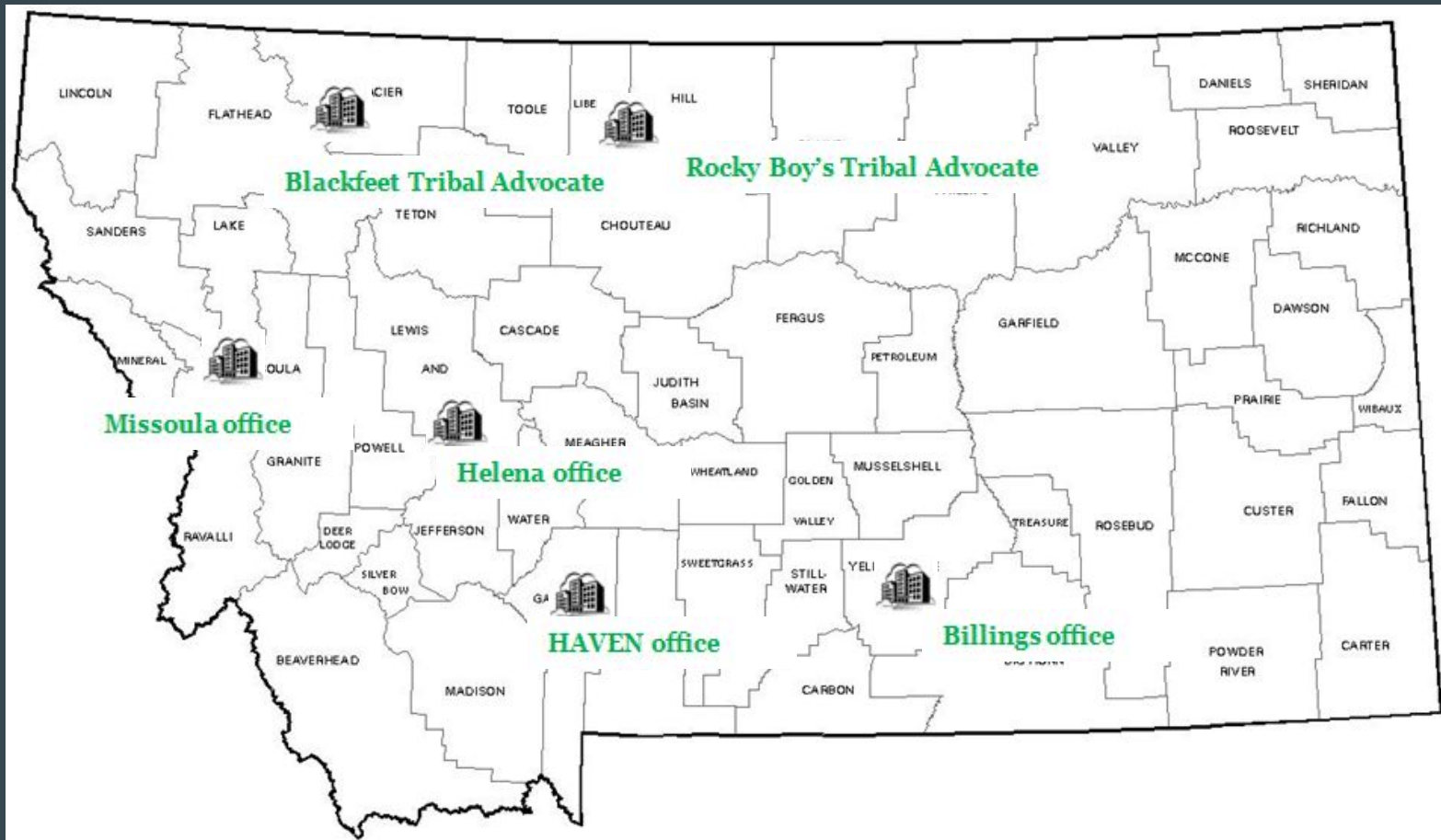
## 3 | Education

- MontanaLawHelp.org
- Pro Se forms
- LiveHelp
- [www.mtlsa.org](http://www.mtlsa.org)
- Legal Tip of the Week
- Brochures
- Child Support Calculator

# Where Can You Find Us?



- By Phone
- MLSA HelpLine 1-800-666-6899
- Online
  - At [www.mtlsa.org](http://www.mtlsa.org)
  - At [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org)
    - Legal information
    - Forms and instructions
    - Links to other resources



Where Can you Find Us?

# A look at the need...



## 2014 MLSA Numbers

- MLSA received over 7,000 requests for assistance.
- MLSA opened 5,227 intakes.
- Advocates handled 2,558 cases, helping 6,370 people.

## 2014 Montana Numbers

- Approximately 144,000 people living in poverty.
- One in five Montanans is eligible for MLSA.
- One MLSA attorney for every 14,000 people living in poverty.
- One attorney for every 274 Montanans over 125% FPL



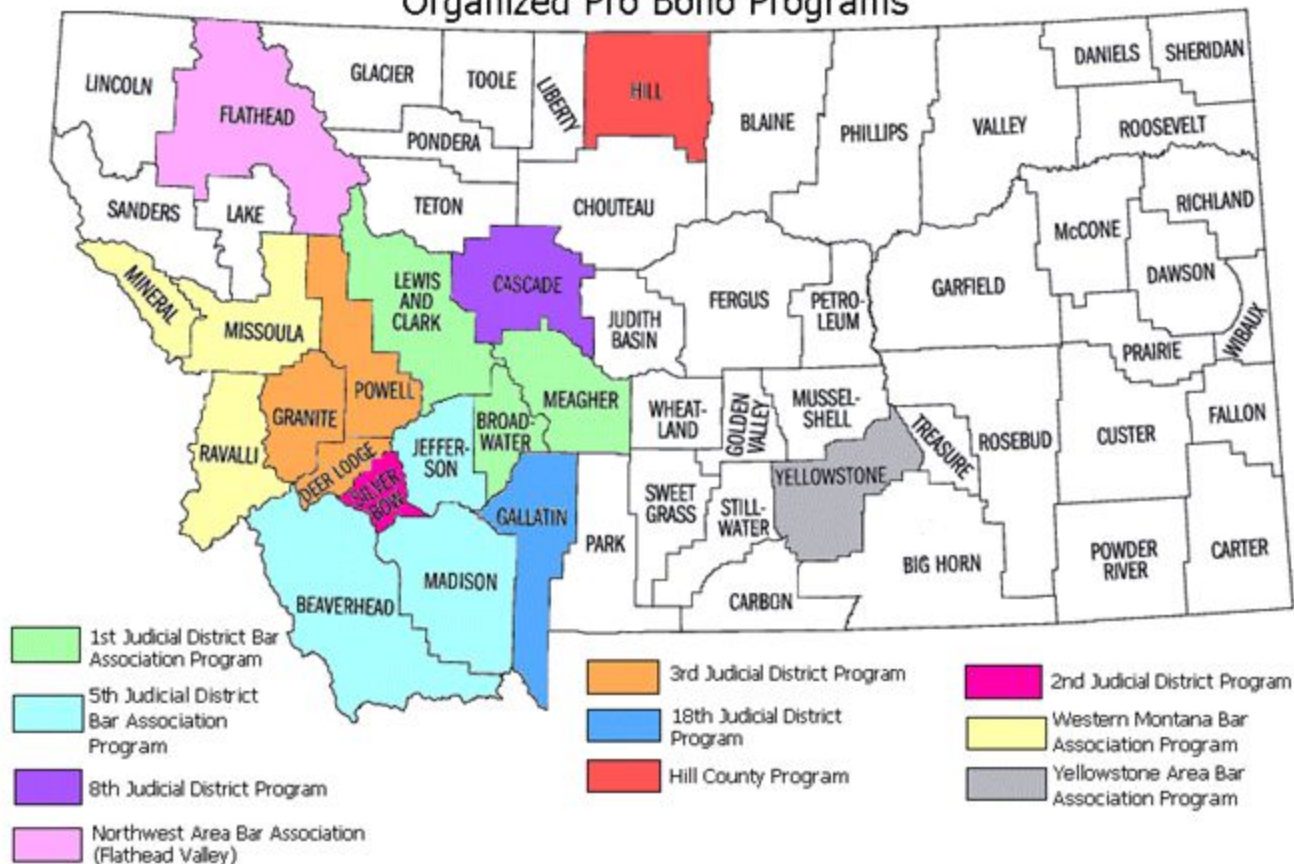
# MLSA Pro Bono Programs

---

- Partner with local communities to help administer formal pro bono programs.
- Communities give MLSA guidelines for referral (i.e. only contested family law below 125% of the federal poverty line).
- MLSA provides support to pro bono attorneys
  - Malpractice
  - Mentors
  - Time credited towards 50 hours needed for free CLE
  - Office space
  - Practice resources
  - Trainings



## Organized Pro Bono Programs





# Rule 6.1- Montana Rules of Professional Conduct

---

□ Rule 6.1 states: Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should render at least (50) hours of pro bono publico legal services per year. The rule can most easily be explained as a “tiered” approach to describing pro bono publico service. Under 6.1(a) a lawyer should provide a substantial majority of the (50) hours to

persons of limited means OR

2) charitable, religious, civic, community, governmental and educational organizations that address the needs of persons of limited means



# How Can You Get Involved?

## Full Representation

- Family Law
- Housing
- Orders of Protection
- Consumer
- Tell us what interests you!

## Limited Scope

- Clinics
- Over the phone advice
- Document review
- Bankruptcy advice and review
- Mentor

# WMBA Pro Bono Program- Clinics

---



- Scheduled twice per month 5-7PM rotating Wednesday evenings
- Held at the Law School (teaching clinics) and MLSA
- 45 minute in person advice appointments
- Coordinated and managed by WMBA Pro Bono Coordinator



# Montana Pro Bono Phone Advice Project

---

- Project funded by an LSC Pro Bono Innovation Grant
- Expand pro bono advice and brief services across the state by providing 45 minute advice appointments to serve clients regardless of where they live.
- Allows attorneys to sign up to volunteer in two hour shifts whenever they'd like.
- Clients are pre-screened by issue area and scheduled based on attorney preferences.



# Rule 1.2- Scope of Representation

---

- Rule 1.2 (c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent in writing.
- Rule 1.2 (c) (1) The client's informed consent must be confirmed in writing unless: (i) the representation of the client consists solely of telephone consultation; (ii) the representation is provided by a lawyer employed by a nonprofit legal services program or participating in a nonprofit court-annexed legal services program and the lawyer's representation consists solely of providing information and advice or the preparation of court-approved legal forms; or (iii) the court appoints the attorney for a limited purpose that is set forth in the appointment order.

# Rule 1.2- Scope of Representation (cont.)

---



- Rule 1.2 (c) (2) If the client gives informed consent in writing signed by the client, there shall be a presumption that: (i) the representation is limited to the attorney and the services described in writing; and (ii) the attorney does not represent the client generally in matters other than those identified in the writing...

# Montana Rules of Civil Procedure- 4.1



## Rule 4.1: Limited Representation Permitted- Process

- (a) In accordance with Rule 1.2(c) of the Montana Rules of Professional Conduct, an attorney may undertake to provide limited representation to a person involved in a court proceeding.
- (b) Providing limited representation of a person under these rules shall not constitute an entry of appearance by the attorney for the purposes of Rule 5(b) and does not authorize or require the service or delivery of pleadings, papers, or other documents upon the attorney under Rule 5(b).
- (c) Representation of the person by the attorney at any proceeding before a judge or other judicial officer on behalf of the person constitutes an entry of appearance, except to the extent that a limited notice of appearance as provided for under Rule 4.2 is filed and served prior to or simultaneous with the actual appearance. Service on an attorney who has made a limited appearance for a party shall be valid only in connection with the specific proceedings for which the attorney appeared, including any hearing or trial at which the attorney appeared and any subsequent motions for presentation of orders.
- (d) The attorney's violation of this Rule may subject the attorney to sanctions provided in Rule 11.



# MRCP Rule 4.2

## **Rule 4.2. Notice of Limited Appearance and Withdrawal as Attorney.**

(a) Notice of limited appearance. If specifically so stated in a notice of limited appearance filed and served prior to or simultaneous with the proceeding, an attorney's role may be limited to one or more individual proceedings in the action.

(b) At the conclusion of such proceedings the attorney's role terminates without the necessity of leave of court, upon the attorney filing notice of completion of limited appearance.

# Montana Rules of Civil Procedure- 11



## Rule 11. Signing Pleadings, Motions, and other Papers; Representations to the Court; Sanctions

(b) (B) 6 (e) Limited Scope Representation. An attorney may help to draft a pleading, motion, or document filed by an otherwise self-represented person, and the attorney need not sign that pleading, motion, or document. The attorney in providing such drafting assistance may rely on the otherwise self-represented person's representation of facts, unless the attorney has reason to believe that such representations are false or materially insufficient, in which instance the attorney shall make an independent reasonable inquiry into the facts.

**Questions?**