

SUPREME COURT OF MONTANA

Matter of S.M.

2017 MT 244 (Mont. 2017) · No. DA 15-0762 · Decided October 3, 2017

SUMMARY

The Montana Supreme Court affirmed an involuntary civil commitment order for S.M. S.M. argued that Montana's statutory prohibition on waiving appointed counsel in civil commitment proceedings violated his rights to self-representation under the Sixth and Fourteenth Amendments. The court held that the Sixth Amendment does not apply to civil commitment proceedings and that the Fourteenth Amendment does not establish a fundamental right to self-representation in such proceedings; the statutory prohibition therefore survived rational-basis review.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Beth Baker; Laurie McKinnon; Michael E. Wheat; Mike McGrath; Dirk M. Sandefur; James Jeremiah Shea; Jim Rice
JURISDICTION	Montana
DECIDED	October 3, 2017
DOCKET	DA 15-0762
DISPOSITION	affirmed
PROCEDURAL POSTURE	S.M. appealed an order of involuntary civil commitment entered after the District Court denied his request to waive appointed counsel and represent himself, approved a stipulation for community-based treatment, and ordered his commitment.
STANDARD OF REVIEW	Constitutional issues are questions of law reviewed de novo or plenary. Legislative enactments are presumed constitutional, and a challenger must prove unconstitutionality beyond a reasonable doubt. A facial challenge requires showing that no set of circumstances exists under which the statute would be valid or that the statute lacks any plainly legitimate sweep.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential
PARTIES	S.M. v. State of Montana

TOPICS

constitutional law

substantive due process

rational basis review

appellate procedure

due process

PRACTICE AREAS

constitutional law

mental health law

civil commitment

appellate procedure

QUESTIONS PRESENTED

1. Whether Montana Code § 53-21-119(1), which provides that the right to counsel may not be waived in an involuntary civil-commitment proceeding, violates the Sixth Amendment right of self-representation.
2. Whether the prohibition on waiving counsel violates the substantive Due Process Clause of the Fourteenth Amendment.
3. Whether a respondent in a Montana civil-commitment proceeding may participate personally and extensively in the proceeding despite being unable to waive appointed counsel.

HOLDINGS

1. The Sixth Amendment does not apply to civil-commitment proceedings because it is limited by its text to criminal prosecutions. Accordingly, it does not provide a constitutional right to self-representation in an involuntary civil-commitment proceeding.
2. The Fourteenth Amendment Due Process Clause does not establish a fundamental right to represent oneself in an involuntary civil-commitment proceeding.
3. Section 53-21-119(1), MCA, is rationally related to legitimate governmental interests in preserving the fairness, integrity, accuracy, and orderly administration of civil-commitment proceedings and therefore survives substantive-due-process review.
4. Although a respondent may not waive counsel, the respondent retains a right to participate personally in the proceeding and may participate extensively when appropriate to the respondent's circumstances and capacity, provided that participation does not prevent the fair, orderly, and accurate administration of the proceeding.

KEY QUOTATIONS

“Because civil commitment constitutes “a significant deprivation of liberty that requires due process protection,” a constitutional right to self-representation in civil commitment proceedings, if any exists, must be found in the Fourteenth Amendment Due Process Clause of the United States Constitution, not in the Sixth Amendment.” (¶ 15)

“Our examination reveals that a right to self-representation in civil commitment proceedings is neither “deeply rooted in our Nation’s history,” nor “implicit in the concept of ordered liberty.”” (¶ 28)

“Because the statute is based on the sound public policy that persons in civil commitment proceedings should be represented by counsel to preserve fairness, integrity, and accuracy in the civil commitment process, the prohibition against waiver is “reasonably related to a permissible legislative objective.”” (¶ 30)

FACTUAL BACKGROUND

After S.M. told a friend that he intended to commit suicide, law enforcement found a noose and chair at his home and transported him to a hospital. A mental-health professional concluded that S.M. remained at high risk of attempting suicide without outside assistance and recommended court-ordered community-based treatment. During the involuntary-commitment proceedings, S.M. sought to waive appointed counsel and represent himself, but the District Court required counsel to remain appointed; S.M. nevertheless participated in the proceedings and joined counsel and the State in stipulating to community-based treatment.

PROCEDURAL HISTORY

The State petitioned for S.M.'s involuntary commitment after he expressed suicidal intent. The District Court appointed counsel, initially permitted standby-counsel arrangements, then determined that counsel could not be waived under Montana law. S.M., appointed counsel, and the prosecutor entered a stipulation for community-based treatment, which the District Court approved. The Montana Supreme Court affirmed the commitment order and upheld the constitutionality of the statutory prohibition on waiving counsel.

DISPOSITION

affirmed

CASES CITED

- In re Mental Health of T.M., 2004 MT 221, 332 Mont. 394, 96 P.3d 1147
- Williams v. Board of County Commissioners of Missoula County, 2013 MT 243, 371 Mont. 356, 308 P.3d 88
- Washington State Grange v. Washington State Republican Party, 552 U.S. 442 (2008)
- Montana Cannabis Industry Association v. State, 2016 MT 44, 382 Mont. 256, 368 P.3d 1131
- Faretta v. California, 422 U.S. 806 (1975)
- Martinez v. Court of Appeal of California, 528 U.S. 152 (2000)
- Middendorf v. Henry, 435 U.S. 25 (1978)
- In re Mental Health of K.G.F., 2001 MT 140, 306 Mont. 1, 29 P.3d 485
- In re J.S., 2017 MT 214, 388 Mont. 397
- Addington v. Texas, 441 U.S. 418 (1979)
- Washington v. Glucksberg, 521 U.S. 702 (1997)
- Moore v. City of East Cleveland, 431 U.S. 494 (1977)
- Reno v. Flores, 507 U.S. 292 (1993)
- Newville v. Department of Family Services, 267 Mont. 237, 883 P.2d 793 (1994)
- Hawkins v. Freeman, 195 F.3d 732 (4th Cir. 1999)
- In re N.A., 2013 MT 255, 371 Mont. 531, 309 P.3d 27
- Indiana v. Edwards, 554 U.S. 164 (2008)
- District Attorney's Office v. Osborne, 557 U.S. 52 (2009)
- In re Penelope W., 19 A.3d 813 (Me. 2011)
- In re Irwin, 529 N.W.2d 366 (Minn. 1995)

- In re G.G., 165 A.3d 1075 (Vt. 2017)
- Conservatorship of Joel E., 132 Cal. App. 4th 429 (2005)
- In re Jesse M., 170 P.3d 683 (Ariz. 2007)
- In re Civil Commitment of D.Y., 95 A.3d 157 (N.J. 2014)
- In re R.Z., 45 N.W.2d 486 (N.D. 1987)
- In re Detention of J.S., 159 P.3d 435 (Wash. Ct. App. 2007)
- In re S.Y., 469 N.W.2d 836 (Wis. 1991)
- Iannaccone v. Law, 142 F.3d 553 (2d Cir. 1998)
- In re Vanauken, 10 N.J. Eq. 186 (1854)
- Satterlee v. Lumberman's Mutual Casualty Co., 2009 MT 368, 353 Mont. 265, 222 P.3d 566
- Evitts v. Lucey, 469 U.S. 387 (1985)