

SUPREME COURT OF MONTANA

In re S.M.

389 Mont. 28 (2017) · Decided October 3, 2017

SUMMARY

The Montana Supreme Court considers whether Montana's prohibition on waiving counsel in involuntary civil commitment proceedings violates the Sixth or Fourteenth Amendments. The court holds that the Sixth Amendment right to self-representation 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 court affirms the commitment order and concludes that the statutory prohibition is rationally related to legitimate governmental interests in fairness, integrity, and accuracy.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Justice Baker; Chief Justice McGrath; Justice McKinnon; Justice Wheat; Justice Sandefur; Justice Shea; Justice Rice
JURISDICTION	Montana
DECIDED	October 3, 2017
DISPOSITION	affirmed
PROCEDURAL POSTURE	S.M. appealed an order involuntarily committing him to community-based treatment after the District Court denied his request to waive appointed counsel and represent himself. He facially challenged the constitutionality of Montana Code § 53-21-119(1), which prohibits waiver of counsel in involuntary civil commitment proceedings.
STANDARD OF REVIEW	Constitutional issues are reviewed de novo or plenary. Legislative enactments are presumed constitutional, and the challenger must prove unconstitutionality beyond a reasonable doubt. A facial challenge fails if the statute has any valid application or lacks a plainly legitimate sweep.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	S.M. v. State of Montana

TOPICS

substantive due process

due process

constitutional law

civil procedure

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PRACTICE AREAS

constitutional law

civil commitment

mental health law

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QUESTIONS PRESENTED

1. Whether the Sixth Amendment right to self-representation applies to involuntary civil commitment proceedings.
2. Whether the Fourteenth Amendment Due Process Clause recognizes a fundamental right to represent oneself in an involuntary civil commitment proceeding.
3. Whether Montana Code § 53-21-119(1), MCA, which prohibits waiver of counsel in involuntary civil commitment proceedings, is facially unconstitutional.

HOLDINGS

1. The Sixth Amendment does not apply to civil commitment proceedings because it is limited by its terms to criminal prosecutions. Any constitutional right to self-representation in a civil commitment proceeding must therefore arise, if at all, under the Fourteenth Amendment.
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 constitutionally valid because prohibiting waiver of counsel is rationally related to legitimate governmental interests in the fairness, integrity, accuracy, and orderly administration of civil commitment proceedings.
4. Although a respondent may not waive counsel, the respondent retains the right to participate personally and may participate extensively when appropriate to preserve autonomy and dignity, so long as 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.” (33)

“The Due Process Clause, therefore, does not establish as fundamental the right to represent oneself in civil commitment proceedings.” (38)

“Although the statute requires counsel, a respondent in a civil commitment proceeding still has a right to participate personally in the proceeding and, depending on the respondent’s circumstances and capacity, to participate extensively.” (40)

FACTUAL BACKGROUND

S.M. told a friend and law enforcement officers that he intended to commit suicide, and officers found a noose with a chair below it at his home. Although S.M. denied an intent to harm himself at the hospital, a mental-health professional concluded that he remained at high risk and that outpatient treatment without court involvement would be inadequate. S.M. sought to represent himself, but Montana law required appointed counsel; he nevertheless participated in the proceedings and agreed with counsel and the State to community-based treatment.

PROCEDURAL HISTORY

The State petitioned for S.M.'s involuntary commitment after he expressed suicidal intent and was found with a noose and chair. The District Court initially permitted S.M. to proceed with standby counsel but later determined that counsel could not be waived under § 53-21-119(1), MCA. S.M., appointed counsel, and the prosecutor stipulated that S.M. suffered from a mental illness and needed community-based treatment, and the District Court entered an order of commitment. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Mental Health of T.M., 2004 MT 221, ¶ 7, 332 Mont. 394, 96 P.3d 1147
- Williams v. Board of County Commissioners of Missoula County, 2013 MT 243, ¶ 23, 371 Mont. 356, 308 P.3d 88
- Washington State Grange v. Washington State Republican Party, 552 U.S. 442, 449 (2008)
- Montana Cannabis Industry Ass'n v. State, 2016 MT 44, ¶¶ 14, 21, 382 Mont. 256, 368 P.3d 1131
- Faretta v. California, 422 U.S. 806, 817, 819, 834 (1975)
- Martinez v. Court of Appeal of California, 528 U.S. 152, 159-61 (2000)
- Middendorf v. Henry, 435 U.S. 25, 37 (1976)
- In re Mental Health of K.G.F., 2001 MT 140, ¶ 39, 306 Mont. 1, 29 P.3d 485
- In re J.S., 2017 MT 214, ¶¶ 15, 18, 19, 388 Mont. 397, 401 P.3d 197
- Addington v. Texas, 441 U.S. 418, 425 (1979)
- Washington v. Glucksberg, 521 U.S. 702, 720-23, 728 (1997)
- Reno v. Flores, 507 U.S. 292, 302 (1993)
- Newville v. Department of Family Services, 267 Mont. 237, 249, 883 P.2d 793, 800 (1994)
- Hawkins v. Freeman, 195 F.3d 732, 747 (4th Cir. 1999)
- Conservatorship of Joel E., 132 Cal. App. 4th 429, 440 (2005)
- In re Penelope W., 19 A.3d 813, 815 (Me. 2011)
- In re Irwin, 529 N.W.2d 366, 371 (Minn. 1995)
- In re G.G., 165 A.3d 1075, 1090-91 (Vt. 2017)
- In re Jesse M., 170 P.3d 683, 686 (Ariz. 2007)

- In re Civil Commitment of D.Y., 95 A.3d 157, 161, 171 n.7 (N.J. 2014)
- In re R.Z., 45 N.W.2d 486, 488 (N.D. 1987)
- In re Detention of J.S., 159 P.3d 435, 440 (Wash. Ct. App. 2007)
- In re S.Y., 469 N.W.2d 836, 840 (Wis. 1991)
- Iannaccone v. Law, 142 F.3d 553, 556 (2d Cir. 1998)
- In re Vanauken, 10 N.J. Eq. 186, 190 (1854)
- District Attorney's Office v. Osborne, 557 U.S. 52, 73 (2009)
- Evitts v. Lucey, 469 U.S. 387, 405 (1985)
- Indiana v. Edwards, 554 U.S. 164, 175 (2008)
- State v. Covington, 2012 MT 31, ¶ 20, 364 Mont. 118, 272 P.3d 43