UNDER MONTANA LAW (CAUSE FINDING - CURRENT PROCESS)

Person takes action against LGBTQ+ person (Claimant) in housing, employment, public accommodation or government services. Claimant believes action was because of sexual orientation.



LGBTQ+ person (Claimant) files timely sex discrimination claim with Human Rights Bureau (HRB) (120 days for housing claim, versus 180 for other discrimination claims).



After investigation, HRB makes finding that there was reason to believe Claimant experienced discrimination.



Case is assigned to conciliation with HRB conciliator for attempts at settlement; conciliator will include affirmative relief. If conciliation is successful, case ends.



If conciliation does not resolve case, the case is transferred to Office of Administrative Hearings for trial-type hearing.



*If Claimant loses at Hearing level, Claimant can appeal to the HRC for remand at Hearing level.

If HRC affirms the denial of award, then Claimant can file appeal of HRC review in District Court.

*If Claimant prevails at Hearing and receives an award, Claimant is likely precluded from obtaining other damages.

UNDER MONTANA LAW (CAUSE FINDING WITH NDO)

Person takes action against LGBTQ+ person (Claimant) in housing, employment, public accommodation or government services. Claimant believes action was because of sexual orientation.



LGBTQ+ person (Claimant) files timely sex discrimination claim with Human Rights Bureau (HRB).



After investigation, HRB makes finding that there was reason to believe Claimant experienced discrimination.



Case is assigned to conciliation with HRB conciliator for attempts at settlement; conciliator will include affirmative relief. If conciliation is successful, case ends.



If conciliation does not resolve case, the case is transferred to Office of Administrative Hearings for trial-type hearing.



*If Claimant loses at hearing level, Claimant can appeal to the HRC for remand at Hearing level.

If HRC affirms the denial of award, then Claimant can file appeal of HRC review in District Court, or can file in Municipal Court under proposed NDO. However, res judicata/collateral estoppel may preclude Municipal Court action.

*If Claimant prevails at Hearing or Municipal Court and receives an award, Claimant is likely precluded from obtaining other damages.

UNDER MONTANA LAW (NO CAUSE FINDING - CURRENT PROCESS)

Person takes action against LGBTQ+ person (Claimant) in housing, employment, public accommodation or government services. Claimant believes action was because of sexual orientation.



Claimant files timely sex discrimination claim with Human Rights Bureau (HRB) (120 days for housing claim, versus 180 for other discrimination claims).



After investigation, HRB makes a "no cause finding."

Claimant can appeal no cause finding to Human Rights Commission (HRC).

If HRC grants
Claimant's
appeal, a formal
trial-type
hearing with
Office of
Administrative
Hearings is
held.*

If HRC denies appeal, it issues Claimant a right to sue letter in District Court. Claimant can file in State of Montana, Eighth Judicial District Court for relief under Montana Human Rights Act; no jurisdictional limits to damages.

*If Claimant prevails at hearing and receives an award, Claimant is likely precluded from obtaining other damages.

UNDER MONTANA LAW (NO CAUSE FINDING WITH NDO)

Person takes action against LGBTQ+ person (Claimant) in housing, employment, public accommodation or government services. Claimant believes action was because of sexual orientation.



Claimant files timely sex discrimination claim with Human Rights Bureau (HRB) (120 days for housing claim, versus 180 for other discrimination claims).



After investigation, HRB makes a "no cause finding."

Claimant can appeal no cause finding to Human Rights Commission (HRC).

Claimant can file in State of Montana, Eighth Judicial District Court for relief under Montana Human Rights Act; no jurisdictional limits to damages With proposed NDO, Claimant can file in Great Falls Municipal Court; \$9,500 civil jurisdictional limits to civil judgments.*

"if HRC grants Claimant's appeal, for formal trial-type hearing.*

If HRC denies appeal, it issues a right to sue letter;

Municipal Court and receives award, Claimant is likely precluded from receiving other damages from State action.

*If Claimant prevails at Hearing or

If Claimant loses at Hearing or in State District Court, under proposed NDO can file in Municipal Court.

However, theories of res judicata/collateral estoppel would likely preclude action.