

Judicial Branch News

Winter 2009

JUSTICE WARNER TO RETIRE

Justice John Warner will end his time in the Judiciary on December 31, 2009, after 21 years of service. In 1988, Justice Warner was elected District Court Judge of the 12th Judicial District, winning re-elections in 1994 and 2000. He was appointed to the Supreme Court in May 2003. Justice Warner is currently the only former District Court judge on the Supreme Court.

Among his many accomplishments, Justice Warner was president of the Montana Judges' Association and Chairman of the Sentence Review Division of the Supreme Court, served on the District Court Council, and was chairman of the Montana Judicial Standards Commission.

In his retirement, Justice Warner intends to cut the fish population greatly, micromanage his children and grandchildren, and keep the ski hills in business.

"I will get up in the morning with nothing to do and only be half done by 4 in the afternoon," he said. We wish Justice Warner all the best.



Justice Warner and his wife Kay at a recent Montana Judges' Association meeting.

Benefits Update **NEW Rx PLAN**

On January 1, 2010, the state will have a new prescription plan. The new plan will be URx, administered by MedImpact. The plan was implemented, in part, to address the ever-increasing cost of medication under the state health plan. The state pays more for prescriptions than for hospitalization and doctors' visits. The new plan is expected to save the health insurance plan an estimated \$6.3 million per year.

General Plan information:

There will be no deductible in 2010. Prescriptions are graded on the basis of clinical outcomes, making the most effective drugs, the least expensive. Drugs will be graded on the A to F scale. The more effective the drug is at treating a medical condition, the more the plan pays.

- Class A drugs have no co-pay.
- Class B drugs have a \$15 co-pay.

- Class C drugs have a \$40 co-pay.
- Class D – F drugs have a 50% coinsurance.

To determine what class your drugs are in, you may go to www.urx.mt.gov and search the database. You will notice generics are usually graded higher resulting in less money. Mail-order service is still available.

The plan also has a specialty pharmacy benefit, which will provide assistance and resources to members who are on high dollar prescriptions. The plan also permits those that are on an established drug regimen, to remain on those drugs with an enhanced benefit.

New premium costs also start on January 1. The amount that the state contributes to health insurance for each employee will increase to \$679 per month. If you have further questions or need help please contact Shelly Grandy at 841-2965.

Go Green with Electronic Pay Advice Forms

Employees receiving direct deposit instead of a paper paycheck are encouraged to go completely paperless. Employees can opt to waive a paper advice form and simply view their paychecks on-line each payday. The process is easy and may save a few trees. Contact Shelly Grandy at 406-841-2965 if you are interested.

Employees Honored by Supreme Court

The 2009 employee recognition awards were held on October 27, and, as usual, there were many quality nominations to consider.

Two employees were honored this year - Patty Fain and Staci Green.

Patty Fain joined the Judicial Branch in January 2008 as the statewide pro bono coordinator. Since coming to the branch, Patty has organized pro bono programs across the state. Patty has dedicated a great deal of her career to making the legal system accessible to those seeking justice. Patty has brought together legislators, judges, attorneys, community leaders and community members with the common goal to make justice accessible to all.



Patty Fain with Chief Justice McGrath

Staci Green joined the water court in July 2007. Staci took on the difficult task of adding period division of water rights, from

DNRC, into the work load. Staci organized and tracked this duty without slowing down the adjudication process. Staci has made the water court hearings a priority, some times over her personal life, staying over on a Saturday to finish the proceedings instead of waiting until Monday.



Staci Green with Chief Justice McGrath

Mitzi Barney, Judicial Assistant in the 7th Judicial District; Charlene Berdahl, Court Reporter in the 16th Judicial District; and Joni Pancoast, Appellate Case Manager, for the Clerk of the Supreme Court were also nominated. A committee of employees selects the nominees based on information submitted by the supervisor, coworkers and others. This is the seventh year the Supreme Court has handed out the awards.

Fall Montana Judges' Association Meeting



Judge C.B. McNeil (center) stands with his wife Joann (right) and the Honorable Judge Shelagh R. Creagh from the Alberta Provincial Judicial Association. Judge Creagh joined her judicial colleagues from Montana for the fall meeting in Red Lodge. Judge McNeil was also honored recently by his hometown Anaconda High School when he was inducted into the Copperhead Wall of Fame.

Judicial Branch Budget Update

Submitted by: Lois Menzies, Court Administrator

We are now almost six months into the first year of the Judicial Branch's two-year budget cycle. Our challenge has been to operate within a budget that was reduced by approximately \$2.3 million (4%) during the 2009 legislative session.

With the District Court Council's endorsement, the Office of Court Administrator (OCA) has activated a series of cost-cutting measures to reduce expenditures while avoiding employee furloughs or layoffs. To date, some savings

have been achieved, but we will need to continue to cut spending to remain within budget.

We greatly appreciate all efforts made to date by judges and staff to hold the line on spending whenever possible. If you have ideas of additional cost savings measures, please contact Becky Buska at bbuska@mt.gov.

Looking ahead, we have begun the budget building process for the 2013 biennium (fiscal years 2012 and 2013). The judicial districts have submitted several budget proposals for new or expanded programs and additional staff. The OCA will compile these proposals,

categorize them by type of proposal, and analyze them from a branch-wide perspective. After input from the District Court Council, the OCA will make recommendations to the Supreme Court on funding for the proposals.

Those proposals approved by the Court will be submitted to the Governor's Budget Office and Legislative Fiscal Analyst as provided for by law. If you have any questions about the budget process, please contact Lois Menzies at lmenzies@mt.gov.

Equal Justice Update

The Montana Supreme Court Self-Help Law Program, Montana Legal Services Association (MLSA) and the Montana Attorney General's Office (AG) have collaborated on an exciting statewide initiative that will increase access to justice by providing information and resources to self-represented litigants so that they can navigate

the court system more effectively on their own.

Funded by an AmeriCorps state grant, the Justice for Montanans Project provides 13 new direct service AmeriCorps members to be divided among the partner agencies. Five of the six Justice for Montanans Project slots slated

for the Self-Help Law Program have been filled.

Since the launch of the Justice for Montanans Project in September, the five AmeriCorps members placed with the Self-Help Law Program have made great strides in expanding the capacity of the Self-Help Law Centers in Billings and Kalispell. Members helped open a new Family Law program in Bozeman and, with invaluable assistance of the District Court, have begun providing much needed services to self-represented litigants in 9th, 12th and 17th Judicial Districts.

MLSA is using its members to support intake, outreach and online assistance efforts in addition to providing assistance to consumers dealing with identity theft, landlord/tenant issues, debt and credit problems and unlawful business practices.

The new AmeriCorps members are also working diligently to establish good working relationships with court partners and community service organizations in their

assigned service areas, and to develop additional resources for self-represented litigants.

More information about the program is available by calling Lonnie Browning at (406) 841-2904.



AmeriCorp members from l-r Stephen Robbin (Billings), John Malsbary (Havre), Erina Waring (Bozeman), Nat Jacob (Kalispell), and Lauren Goulding (Choteau)

Financial Services Happenings

Financial Audit – The Legislative Audit Division will soon be starting the planning process for the FY 2009 and FY 2010 financial audit. The auditors may be visiting individual offices over the next few months. Please take time to provide the information they are requesting. If you have any questions regarding the financial audit, please contact Becky Buska at bbuska@mt.gov.

Indirect Cost Project – Cathy Pennie has been working on a project to establish an indirect cost rate for the Judicial Branch. This rate may impact you when you apply for a federal grant. More information regarding the impacts and a grants management procedure guide will be forthcoming.

Please be sure to contact Becky Buska before any grant applications are submitted to the required agency.

Updated Mileage Rate – Reimbursement for personal car mileage (when a state car is unavailable) decreases to 50 cents per mile effective January 1, 2010. The standard rate is 24 cents per mile if the use of a personal car is approved.

Financial Services Contacts – Below is a summary of the Financial Services staff and their contact information. If you have any questions regarding financial matters, please send us an e-mail or give us a call.

| Aimee Floerchinger afloerchinger@mt.gov 444-2672 | Jessica Heller jheller@mt.gov 444-1733 | Juli Armstrong Jarmstrong2@mt.gov 444-2621 | Lindy Proue lproue@mt.gov 444-0882 | Kindra Rissmann krissmann@mt.gov 444-1403 | Cathy Pennie cpennie@mt.gov 444-1810 |
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| Budget Status | Attorney Payments | Property & Supply | County Reimbursements | Purchase Orders | Drug Courts |
| Youth Court Fees | Pro-Card Processing | Fixed Operating Bills | Medical & Interpreter Bills | PIF Invoices | Accounting Policy |
| Grants | Restitution | Law Library Bills | Self Help Mini Grants | Surplus Property | Private Donations |
| Accounting Policy | Cell Phone Bills | In-State Travel | Contract Attorneys | Purchasing | Leases |
| FYE Purchases | Deposits | Water Court Bills | Vehicle Related Bills | Contracts | Assets |
| JCATS | Probation Comm Service Program | Court Reporter Claims | Other Agency Payments | Maintenance Agreements | Grants |
| Court Security Mini Grants | | IT Payments | Out-of-State Travel | CASA Payments | |
| Probation Vehicle Maint Approval | | Phone Bills | | | |

Assisting Pro Se Litigants – A New Approach

Submitted by State Law Librarian Judy Meadows

The Self-Represented Litigants Network has developed a series of diagnostic protocols for courts to use to study, assess, and apply solutions to their work with those litigants who do not have attorneys.

The 18th Judicial District accepted our request to be a test site for the process – to determine if the protocols had been developed thoroughly and reasonably. The protocol visit team consisted of Richard Zorza, coordinator of the network and lead developer of the protocols, Susan Ledray, Director of Self-Help Services for the Fourth District Court of Minnesota (Hennepin County, Minneapolis), and Judy Meadows, State Law Librarian, and Co-Chair of the Commission on Self-Represented Litigants.

The group visited the 18th Judicial District court on November 9 and 10 and spent November 11 analyzing the data, and the following day by video

link from Helena, reported its recommendations to the Bozeman participants. At an initial meeting with court leaders in Bozeman the following areas were agreed upon to analyze:

- Clerk’s Office
- Case flow Management
- Hearings
- Compliance

Overall, the conclusion was that the Protocol tools, the questions, possible problems and possible solutions, were helpful to all.

In the future, the Commission will be able to offer diagnosis and solutions to other courts in Montana that are challenged – sometimes overwhelmed – by the rapid growth in the numbers of litigants without attorneys.