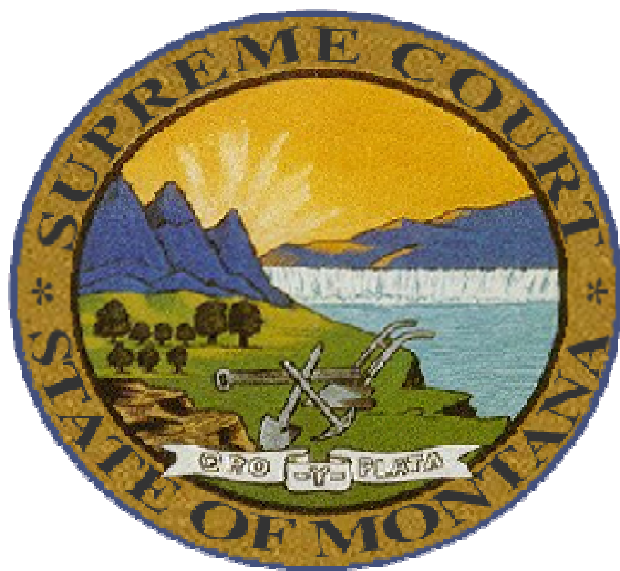


*Montana's
Judicial Branch*



2005
Annual Report

A message from Chief Justice Karla M. Gray

2005 was a year of accomplishments and challenges for Montana's Judiciary. On the personal side, 2005 marked a milestone for me - the start of my 15th year of service on the Supreme Court and my 5th year as Chief Justice. In those years, I have found much to be proud of in Montana's court system, and 2005 is no exception. Judges continued to face daunting and increasingly complex caseloads at all levels. I can say with great pride that judges and their staffs at all levels meet these demands head on with a keen awareness of how much we owe to the public we serve. Our citizens are well served by such dedicated public servants.



In many ways, 2005 was a watershed year for the state court system. For the first time since the state assumed funding of the District Courts, the Judiciary presented a legislative package that articulated the real needs in Montana trial courts. Very quickly – more so than I would have anticipated – the court system emerged from the chaos that surrounded state assumption with a unified focus on what the Judicial Branch needs to meet our constitutional duties to the citizens of Montana.

The 2005 Legislature's creation of the state Office of the Public Defender ultimately will focus court activities back to core judicial tasks. This new office will remove the payment of indigent defense costs from the Judicial Branch and place it under an independent commission. This cost has been the single biggest budget challenge facing the court system. It will now be attached to an executive commission with budget and program authority. I salute the many lawmakers who helped make this first-ever indigent defense *system* in Montana a reality.

The Judiciary had many other reasons to be thankful in 2005. Through the assistance and efforts of Executive and the Legislative Branch leaders, we were successful in stabilizing funding for information technology and securing one-time-only funding for a modern case management system in the District Courts. After years of inconsistent and unreliable funding, the Judiciary is now in a position to plan and deploy modern case management systems. This accomplishment is all the more important because technology is crucial to the devliery of justice in this era when citizens demand and expect instant access to the courts and to information.

Much has changed during my years on the Supreme Court, but one thing has not. I continue to have enormous respect and gratitude for what judges and their employees do every day across our great state to ensure that Montana's court system is alive and healthy. From the small city court in Bearcreek to the largest District Court in Yellowstone County, the citizens of Montana are served by committed and hard-working public servants. They certainly represent what our founders had in mind when they created a system of government anchored by a strong and independent judiciary.

This Annual Report will provide you with additional information about our successes and remaining challenges. It is with pleasure and pride that I recommend the 2005 Annual Report of the Judiciary of the State of Montana to you.

Montana Supreme Court

The Montana Supreme Court consists of six justices and one chief justice. All seven justices are elected via non-partisan statewide elections. The Montana Constitution grants the Supreme Court the authority to hear appeals from all District Courts. It also authorizes the Supreme Court to exercise original jurisdiction over some legal actions.

Members of the Montana Supreme Court - 2005



From left to right: Justice Patricia Cotter, Justice John Warner, Justice W. William Leaphart, Chief Justice Karla M. Gray, Justice Brian Morris, Justice James C. Nelson and Justice Jim Rice

Major Initiatives and Successes:

- ◆ The Supreme Court resolved 815 cases in 2005 and reduced the number of cases carried forward into the next year by 11%. A full breakdown of Supreme Court statistics is available at [Montana Supreme Court Caseload Statistics](#).
- ◆ The Supreme Court presented the first unified budget for the state court system to the 2005 Legislature. The Court was successful in securing general fund resources for IT services throughout the branch, with the help of many others.
- ◆ The Supreme Court continued to see a staggering number of cases from pro se litigants (people representing themselves). More than 33 percent of the filings in 2005 came from pro se litigants. Cases filed by pro se litigants often require substantially more court time to process.

◆ The Court, through the State Law Library, continued to provide access to free legal information. Under the direction of State Law Librarian Judy Meadows, the law library continued to enhance services delivered to Montana's citizens. Given the increasing number of pro se litigants in all courts, the need for the services provided by the Law Library is increasing. Information about the Law Library is available at [State Law Library of Montana](#).

Judicial Branch Profile

Justice Brian Morris joined the court in 2005. Justice Morris, a Butte native, received a B.A. in 1986 and an M.A. in 1987 from Stanford University. Justice Morris graduated with distinction from the Stanford Law School in 1992. He served as law clerk for the Honorable William H. Rehnquist at the United States Supreme Court and for the Honorable John T. Noonan, Jr., of the United States Court of Appeals for the Ninth Circuit. He worked in private practice in Bozeman from 1995 through 1999. Justice Morris also served as a legal assistant at the Iran-U.S. Claims Tribunal and as a legal officer at the United Nations Compensation Commission in Geneva, Switzerland, before becoming the Solicitor for the Montana Department of Justice in 2001. He served as Solicitor until being elected to the Montana Supreme Court in November 2004. Full profiles of the Supreme Court Justices can be found at [Supreme Court Profiles](#).



◆ Clerk of the Supreme Court Ed Smith ([Clerk of the Supreme Court](#)), in partnership with the Supreme Court, finished development of an appellate court case management system in the Clerk's office. The system, funded by a congressional earmark appropriation, will move the Court's technology into the 21st Century. The Court received an additional congressional earmark to fully implement the system in the Supreme Court. The fully automated case management system, which is key to managing the Supreme Court's large workload, will have cost approximately \$1 million when it is fully completed.

◆ The Supreme Court's lawyer discipline system continued to manage a high volume of complaints against lawyers from members of the public. The Office of Disciplinary Council processes all complaints against Montana attorneys. Complaints deemed valid are moved forward to the Commission on Practice, which makes disciplinary decisions or recommendations to the Supreme Court. Full statistics about attorney discipline are available at [MT Supreme Court-Office of Disciplinary Counsel](#).

◆ Other commissions operating under the supervision of the Supreme Court continued to process hundreds of complaints and petitions and perform other important work. A full overview of the boards and commissions is available at [MT Supreme Court Boards & Commissions](#).

Montana District Courts

District Courts in Montana are courts of general jurisdiction with authority over felony criminal cases and a huge variety of civil cases, including domestic relations matters. The District Courts also serve as Montana's Youth Courts. Montana has 42 district court judges in 22 judicial districts. The District Courts serve citizens in all 56 of Montana's counties and District Court judges have more than 400 years of combined experience on the bench.

Major Initiatives and Successes:

- ◆ District Court caseloads again topped 38,000 case filings in 2005. The District Courts are also managing continuing growth in the number of cases filed by pro se litigants, creating additional workload for judges and staff. The number of judges remained unchanged. However, the 2005 Legislature added a new judgeship in the 18th Judicial District in Gallatin County beginning in 2006. Full statistics are available at [MT - District Court Statistics](#)
- ◆ The District Courts received a slight increase in staff from the 2005 Legislature. Increasing staff resources to a minimum level was a primary goal following the state's assumption of financial responsibility for the District Courts in 2002. The increasing caseloads in the understaffed districts made it all the more essential for those judges to have adequate staff.
- ◆ The District Courts also started the first step toward a modern case management system in the 56 county clerks' offices. The Legislature provided partial funding for the deployment of a web-based case management system for clerks of court. The system, when operational, will modernize case management functions in the clerks' offices.
- ◆ The District Court Council recommended uniform case filing standards that were adopted by the Supreme Court. These standards – effective on January 1, 2006 – are the end result of several years of work and will provide the basis for assessing the resource needs in the District Courts. For the first time, the 56 District Courts will have a uniform way of accounting for cases, thus enabling the Judiciary – and, ultimately, the Legislature - to evaluate the resources necessary to match the caseload.

◆ The District Court Council, through a workgroup and with substantial assistance from the Attorney General's Office, also started a project to examine security and safety in all 56 District Courts. Security issues will be an on-going concern to the state and counties in coming years.

Judicial Branch Profiles

Judge Douglas Harkin

Judge Douglas Harkin, who took the bench in January 1981, is the longest serving District Court Judge in Montana. He serves Missoula and Mineral Counties in the 4th Judicial District. Judge Harkin has B.A. and J.D. degrees from the University of Montana, and a Masters of Judicial Studies degree from the National Judicial College at the University of Nevada/Reno. Judge Harkin, a former county attorney, is a state and national leader in judicial education and is active on several Supreme Court commissions. He dedicates time to training Montana's limited jurisdiction court judges in Montana and is also developing web-based training for those judges in Montana and on a national level for the National Judicial College. As shown here, Judge Harkin is also a proud grandpa.



◆ Youth Courts implemented the first-ever case management system designed solely for youth probation. The Juvenile Court Assessment and Tracking System (JCATS) went live in May. The system provides detailed management information to youth court employees and judges. It represents the first stand-alone case management system designed and built for Youth Courts. Districts can now share information about youth who may move to another district and can track, in detail and in the aggregate, information about the youth entering the Youth Court system.

◆ District Court law clerks attended the first-ever law clerk conference in the fall of 2005. The conference provided continuing legal education to law clerks. The law clerks forum was only one of many judicial education events hosted by the Judicial Branch. Through grant funding and state general fund dollars, the Judiciary has put an increased focus on judicial education for judges and staff at all levels.

◆ District Court judges continued to demonstrate leadership in maintaining and increasing local drug courts. The 8th Judicial District started an adult felony drug court while planning a juvenile drug court similar to an active juvenile court in the 4th Judicial District. Family drug courts continued to thrive in the 2nd, 10th, 13th and 16th Judicial Districts despite significant funding problems. Montana drug courts, which have shown great success, continue to be funded with a mix of federal, local and private grant dollars.

◆ The District Court Council also started work in 2005 on extensive policy changes following action by the 2005 Legislature to create the state Office of the Public Defender. Payments for indigent defense services will move from the Judicial Branch to the Office of the Public Defender on July 1, 2006.

◆ District Courts continued to make use of video conferencing capabilities. A cost-benefit analysis of the video project completed in 2005 supported the theory that the use of video technologies, when appropriate, could lower costs in the court and criminal justice systems. More information about video capabilities is available at [Montana Supreme Court - Information Technology](#).

Judicial Branch Profiles

Judge C. Bruce Loble, Montana Water Court

Montana's Water Court, led by the Hon. C. Bruce Loble, continued work on its massive effort to adjudicate water disputes in the state of Montana. Judge Loble was first appointed as Chief Judge in 1990 and has been reappointed many times in recognition of his expertise in this specialized and important area of law. The Water Court has jurisdiction to adjudicate the federal and Indian reserved water rights within Montana and the more than 219,000 state law-based water right claims that were filed in Montana's ongoing statewide general stream adjudication.

Judge Loble was born and raised in Helena, Montana and received his B.A. and J.D. degrees from the University of Montana. Following graduation from law school in 1972, service in the U.S. Army, and employment in Washington, D.C. as a trademark attorney, he returned to Helena and practiced law for 17 years.



The work of the Water Court was profiled in Time Magazine in 2002 and in Courts Today in 2005. More information about the important work conducted by this court is available at [Montana Water Court](#).

Montana Courts of Limited Jurisdiction

Major Initiatives and Successes:

The Montana Courts of Limited Jurisdiction include 158 justice, city and municipal courts. Limited jurisdiction courts are the courts most often accessed by citizens of the state. These courts handle a variety of matters both criminal and civil in nature.

◆ Limited jurisdiction court judges continued to manage huge caseloads in 2005, with more than 317,000 cases filed in 2005. Municipal courts in Missoula, Great Falls and Billings have the largest dockets. Full statistics for limited courts are available at [LJCMS Statistics](#).

Judicial Branch Profiles

Judge Mary Jane McCalla Knisely

Judge Mary Jane McCalla Knisely has presided over the Billings Municipal Court since January of 1998. Born in Montana, she received her bachelor's degree in psychology from Texas Christian University and her juris doctorate from the University of Montana.

Judge Knisely served as a law clerk for Judge Russell K. Fillner in the 13th Judicial District and subsequently worked as a prosecutor with the City of Billings for seven years prior to being elected as the Billings Municipal Court Judge.

In addition to her regular duties, Judge Knisely has, since January of 2005, undertaken the responsibility of establishing and presiding over Billings' first municipal adult drug court. She also serves on the Montana Supreme Court's Commission on Courts of Limited Jurisdiction and the Equal Justice Task Force. Judge Knisely is a member of the Montana State Bar and active in her community.



- ◆ Almost all limited jurisdiction courts were equipped with an automated case management system by the end of 2005. FullCourt was deployed by the Supreme Court in partnership with the limited jurisdiction court judges and under the guidance of the Commission on Courts of Limited Jurisdiction's Automation Advisory Committee.
- ◆ The Judicial Branch secured a one million dollar federal grant that will allow the Office of Court Administrator to develop and manage a central data repository for limited jurisdiction court data. The repository will provide a back-up site for courts and also permit appropriate information exchanges between the courts and other partners such as the Department of Justice.
- ◆ The Commission on Courts of Limited Jurisdiction, in addition to overseeing the twice-yearly judges training sessions, began working on web-based training including an evidence course for judges newly appointed to the bench. The Commission also developed additional tools for allowing rural judges to communicate using technology. More information about Montana's Courts of Limited Jurisdiction is available at [Montana - Courts of Limited Jurisdiction](#).

Montana's Judiciary Quick Facts

- ◆ Most judges and officials within Montana's Judicial Branch are elected. The chief justice, justices and the clerk of the Supreme Court are statewide elected officials. District Court judges are elected within a judicial district while clerks of the District Courts and justices of the peace are elected on a county basis. Municipal court judges and some city court judges also are elected.
- ◆ In Montana's limited jurisdiction courts, approximately 20 percent of the judges are attorneys; 80% are lay judges. Further, 45 percent of the limited jurisdiction court judges are women. Many judges (about 30 percent) in the limited jurisdiction courts serve as both a justice of the peace and as city court judge. More information about the location of limited jurisdiction court judges can be found at [Montana Court Locator](#).
- ◆ Montana has 42 District Court judges who serve citizens in all 56 counties. These judges have more than 400 years of combined experience. More information about the location of District Court judges can be found at [Montana Court Locator](#).
- ◆ Montana's 22 Judicial Districts – established by statute - are quite different in size and scope much like the rural and urban make-up of the state. For instance, the 5th Judicial District has one judge that covers three counties stretching across southwestern Montana. Other Judicial Districts have multiple judges located in one county. A map of the judicial districts is available at [Montana Court Locator](#).
- ◆ The state funds the District Courts including judges, judicial staff and programs. In 2005, the state court system had about 350 state-funded employees located throughout Montana. The Clerks of the District Courts are county-funded elected officials located in all 56 counties. Local governments fund the limited jurisdiction courts.
- ◆ State-funded Judicial Branch expenditures in fiscal year 2005 (July 2004 - June 2005) amounted to \$33,561,759. The District Court program, which includes the variable budget for costs such as the indigent defense system, accounted for nearly 87% of the total Judiciary state expenditures.

Montana's Judiciary - Looking Ahead

Montana's Judiciary has seen tremendous change in the past few years. The state assumption of District Court costs, increased use of technology and increased complexity of cases have presented challenges for the elected officials within the branch and their staffs. These changes, though, have allowed the Judiciary to assume a unified front as a single Judicial Branch committed to meeting the challenges it faces in serving the people of Montana.

In the coming years, the Judiciary will continue to manage difficult challenges and do so with creativity and commitment. The ever-present needs to smartly manage technology and find ways to allow equal access to courts for all Montana citizens are two of the most pressing matters for the Judicial Branch.

For those who are interested in learning more about Montana's courts, the Judiciary website is available at [Montana Courts](#).