



Judicial Branch Newsletter

DECEMBER
2013

Court Appointments

Jim Manley selected for the 20th Judicial District. Governor Steve Bullock announced the appointment of James Manley of Polson to the 20th District Court Judgeship. Manley was the owner/practitioner of Manley Law firm and has served in private practice since 1979. He's also served as the Lake



County Deputy County Attorney and the City Attorney for the cities of St. Ignatius and Hot Springs.

Manley received his B.A. in English from the University of Montana and his law degree from Lewis and Clark Law School in Portland, Oregon.

Judge Manley took office in November.

Michael Hayworth selected for the 16th Judicial District.



Governor Steve Bullock announced the appointment of Michael Hayworth of Forsyth to the 16th Judicial District Court Judgeship. Hayworth has served as the Rosebud County Attorney since 2000. Prior to County Attorney, he was in private practice in Colstrip.

Hayworth received his B.A. from George Washington University and his law degree from Valparaiso University School of Law.

Judge Hayworth took office in July.





Doug Ritter selected for the Associate Judge of the Water Court.

Chief Justice Mike McGrath announced the selection of Douglas Ritter as the Associate Judge of the Montana Water Court. Ritter of Bozeman, served as the Senior Water Master with the Water Court since 1992. Prior to his time at the Water Court, he was in private practice.

Ritter received his B.A. in history from Montana State University and his law degree from the University of Montana Law School.

Judge Ritter took office in September.

Lisa Mecklenberg-Jackson selected as state law librarian.



Chief Justice Mike McGrath announced the selection of Lisa Mecklenberg-Jackson as the new state law librarian. Jackson replaces Judy Meadows who was the state law librarian for over 29 years until her retirement earlier this year. Prior to her selection, Jackson was the in-house counsel for Equity Management, Inc. in Missoula, and served as a librarian for Missoula Public Library and for Legislative Services. She received her law degree from the University of North Dakota and her masters in library and information science from the University of Washington.

MONTANA SUPREME COURT RECOGNIZED

The State Bar of Montana awarded two outstanding members of the Judiciary for their contributions to the access to justice in Montana.

The Honorable Beth Baker of the Montana Supreme Court received the Karla M. Gray Equal Justice Award. As stated by Judy Meadows in one of Justice Baker’s nominating letters, *“Justice Baker’s commitment to access to justice for all Montanans and her passion for making equality under the law a reality make her an outstanding candidate for this award.”* This award is named after former Chief Justice Karla Gray, founder of the Court Help program.



Justice Beth Baker receiving the Karla M. Gray Equal Justice Award at the State Bar Luncheon.

Beth McLaughlin, Supreme Court Administrator, was also recognized for distinguished service by the State Bar Justice initiatives Committee. Beth received this award because of her support for access to justice in Montana. Janice Doggett, Equal Justice Coordinator for the State Bar explained, *“Beth is not afraid to help the effort in any way she can—through heavy lifting or guiding public policy”.*

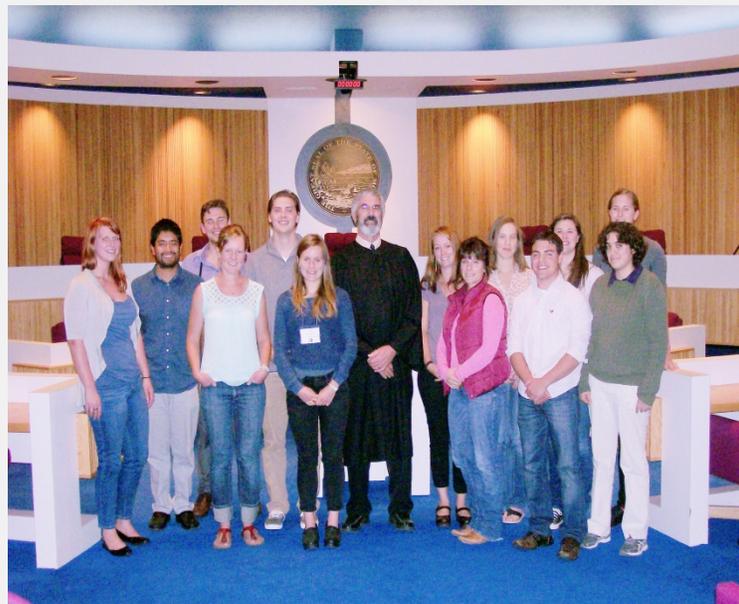
Court Help Program Summit

The Court Help Program relies almost exclusively on remote coordination. However, due to two more years of funding from the 2013 Legislature, this summer, Court Help staff met in person for strategic planning. The result? Great ideas on improving our service model including the development of a Court Help Policy and Procedures Manual. The first draft of the Policy and Procedures Manual was utilized in AmeriCorps training this fall and will continue to be developed throughout the year. The Court Help Policy and Procedures Manual will assist in streamlining our program training and provide continuity and structure to the program. Pictured here are our 2013 Court Help Summit participants, many of whom are outgoing AmeriCorps featured in our summer 2012 program update.



New Ameri-Corps Servicemembers

The beginning of fall brought with it a new group of service members.



Drug Court News

Adult Montana Drug Courts received training jointly sponsored by the Office of the Court Administrator and the National Drug Court Institute.

The two day Operational Tune-ups were held in Billings and the Billings Convention Center and in Great Falls at the Holiday Inn. Operational Tune-ups for Juvenile Drug Courts and Family Drug Courts will be held April 9-11 at the Holiday Inn in Missoula as part of the 2014 Statewide Drug Court Conference. Operational Tune-ups are structured to present the latest research on drug court effectiveness and aid local drug court teams in developing action plans to initiate strategies consistent with the research.

The April, 2014 statewide drug court conference will include presentations by the Research Director of the National Association of Drug Court Professionals, Dr. Doug Marlowe and the recognized expert drug court drug testing, Dr. Paul Cary from the University of Missouri. Other presentations along with the Operational Tune-up will be delivered.

Fast Facts

81%

Judges agree when the self-represented individual received Court Help Program services, litigants make fewer unsuccessful attempts at filing documents.

86%

Judges agree when the litigant received Court Help services, clerks spend less time discussing filing requirements with the litigant.

State-wide E-filing becomes a reality

by Ed Smith, Chair Montana Supreme Court Commission on Technology's E-Filing and Remote Access Task Force

As 2014 approaches, the Montana Judicial Branch is poised to begin e-filing in pilot courts. Through the hard work of several committees, elected officials, private attorneys and court employees, the project which began with an appropriation for \$1,535,000 from the 2007 Legislature is now on the verge of becoming a reality with the initial development of a web browser-based electronic filing manger (EFM). This EFM will serve as the basis for a system that will eventually enable practitioners to e-file at every Montana court level—limited courts; district courts, and Supreme Court—all from a single web portal using a single sign-on name and password.

The EFM is being developed by *LT Court Tech*, a Thomson Reuters business. The Office of Court Administration (OCA), which is overseeing the implementation of this statewide project, awarded *LT Court Tech* the contract for e-filing in the fall of 2012 after the business submitted the winning bid among several vendors responding to the Judicial Branch's request for proposal and subsequent competitive bid process. The duration of the contract is for three years within which the company is charged with designing and developing a statewide e-filing system based on its product, *C-Track E-Filing*, which will be integrated with existing case management systems currently used at the various levels of courts in the state.

Concept of Operation

In January 2012 the Montana Supreme Court's Commission on Technology approved a concept of operation for statewide e-filing. According to the approved concept, e-filing will not be mandatorily imposed on the courts. Rather each court wanting to utilize e-filing will apply to the OCA with district court judge(s), clerks of district court, and limited court judges, as the case may be, signing formal agreements for their court. Using this approach, courts can come "on line" when ready to do so and will make a formal commitment to e-filing at that time.

Secondly, the concept of operation does not provide for a public access component. In other words users will not be able to sign on and conduct broad searches

for any electronically filed case or document in the system. When users search the EFM, *only those cases for which the user is a party or attorney will be returned in the search result.* In this way, cases with confidential information and confidential documents will be protected from public viewing and from at large "data miners" seeking to obtain personal information remotely by searching the internet. Access to court records will remain as it is today, through the local clerks of court who are the statutory custodians of court records. In the future, individual courts may consider creating public access portals like the one developed by the Clerk of the Supreme Court that allows for public access searches of Supreme Court cases since 2006. However such public access components for individual courts are not part of this project.

Pilot Courts

A key element of the OCA's implementation strategy calls for e-filing to be deployed in two separate phases, using pilot courts for designing, testing and refining the system. In August the Supreme Court's Commission on Technology (COT) approved pilot courts for these initial phases of e-filing. The first pilot court will be the Montana Supreme Court followed by all levels of courts in the Fourth Judicial District. The Yellowstone County Justice Court, all levels of courts of the Tenth Judicial District and the district courts of the Fifth Judicial District then will follow.

As a timeline, the OCA has a goal to begin e-filing at the Supreme Court by the end of this year or early 2014 and then on to the Fourth Judicial District and other pilot courts thereafter. Things are already beginning to move quickly as the initial design for appellate e-filing at the Supreme Court has largely been accomplished through work done over the summer and the OCA has scheduled an introductory meeting with stakeholders in the Fourth Judicial District for October 21, 2013.

However before e-filing at the pilot courts can begin, the Supreme Court will have to authorize temporary rules to govern e-filing during the pilot phases. A set of model rules for e-filing was submitted to the COT at the time it approved the concept of operation for e-filing. These rules have been

preliminarily vetted by the E-filing Pilot Committee, a subcommittee of the COT's E-Filing and Remote Access Task Force and will continue to be reviewed by the working groups in the various pilot courts before being presented to the Supreme Court for final review and adoption.

Phase 1 and Phase 2

The first phase of e-filing at the pilot courts will encompass prosecutor-initiated cases. For example, Phase 1 case types will include: criminal (DC); juvenile criminal (DJ); abuse and neglect (DN), and involuntary commitment (DI and DD) cases. The focus on prosecutor-initiated cases allows the OCA to leverage existing government networks—both employee and technical—to facilitate efficient feedback from somewhat defined user groups such as city and county prosecutor's offices, the attorney general's office; and the state public and appellate defender's offices. This is not to say however, that e-filing will be limited to only government attorneys. Rather any attorney of record, in government or in private practice, will be allowed to e-file during the pilot phases in those case types where e-filing is allowed. Self-represented litigants will not be eligible to e-file during the pilot phases.

After successful completion of Phase 1, the focus will switch from prosecutor-initiated cases to general civil cases during Phase 2 of the pilot implementation. The project plan anticipates a majority of core functionality of the EFM will have been worked out during Phase 1 of the project which should allow the work in Phase 2 to focus on modifications necessary to integrate civil case types into e-filing. Notably, Phase 2 implementation will include a payment component to facilitate the electronic payment and receipt of filing fees.

Statewide e-filing is an exciting prospect and while much has been accomplished already, most of the hard work of implementation lay ahead. As the project moves forward the Judicial Branch looks forward to working with members of the Montana Bar, judges, clerks of court and all stakeholders to make this system the best, most comprehensive and effective e-filing system it can be in order to better serve our citizens.

Veterans' Treatment Court-Helping Those Who Served

by Patty Fain

Montana's population has a proud history of military service, with more than 100,000 military veterans among her citizen – second in the nation per capita. While many bare the visible scars of their selfless service to their country, countless others suffer wounds we cannot see - Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI) among others. One in five veterans has symptoms of a mental health disorder or cognitive impairment. Research continues to reveal the connection between substance abuse and combat-related mental illness. One in six veterans who served in Operation Enduring Freedom and Operation Iraqi Freedom suffer from a substance abuse problem.

These veterans have served and protected. They've served their country honorably. They've served and survived under the most difficult circumstances in places far, far away. But coming home can be damn hard, too. When human frailties are tested and desperation sets in, some end up in trouble and in jail; usually the last

place you'd like to see a true American hero.

Veteran Courts are specialized courts designed to meet the unique needs of our non-violent justice-involved veterans and offer an alternative to incarceration. The structured, holistic approach is designed to meet a veterans needs through a team of individuals trained and familiar in the veteran experience. This coupled with careful case management and advocacy connects veterans to the attendant services they both need and have earned.

Montana boasts three of the 100 or so specialty Veterans Courts across the nation, serving veterans ranging in age from 23 to 84. Recently, Veterans Courts have added a mentoring component designed to pair screened and trained veteran mentors with court participants to provide added support and further advance chances of successfully completing the court's program.



Montana's first criminal court treatment program devoted to military veterans launched in Missoula in June of 2011 and was also among one of the first such courts in the nation. A Co-Occurring Treatment Court with veterans-only

case proceedings, Standing Master Brenda Desmond presides over Missoula's Veteran's Court.



The 13th Judicial District Veterans' Treatment Court in Billings, also a pre- and post-plea treatment court, was also among the first of such courts, launched in early 2012. District Court Judge Mary Jane Knisely presides over the Veterans' Treatment Court and serves as a member of the American Bar Association Executive Committee of the National Conference of Specialized Court Judges.



Earlier this month, District Court Judge Greg Pinski dedicated the 8th Judicial District Veterans' Court in Great Falls and collaborations are under way for Veterans' Courts in other Montana courts.

