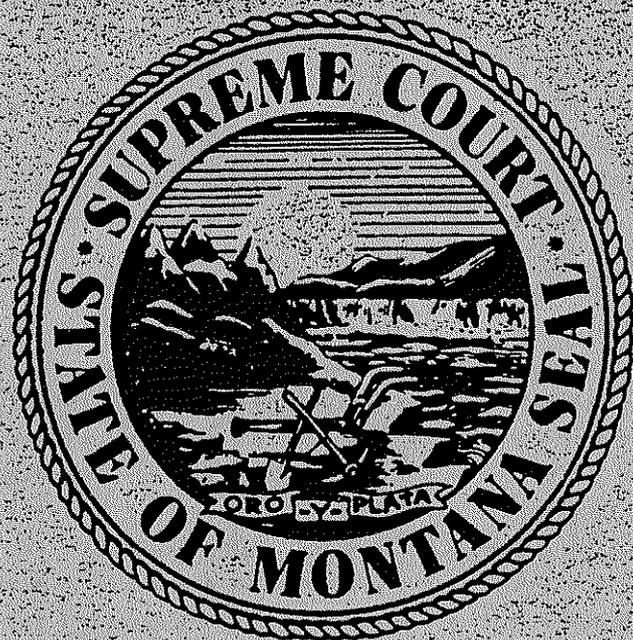


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# 1995 Annual Report



## *Montana Courts*

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OF MONTANA

THE SUPREME COURT OF MONTANA

J.A. TURNAGE  
CHIEF JUSTICE



JUSTICE BUILDING  
215 NORTH SANDERS  
PO BOX 203001  
HELENA, MONTANA 59620-3001  
TELEPHONE (406) 444-5490

Governor Racicot, Legislators and Citizens of Montana:

I am making a brief report to you on the annual business of the Supreme Court. The workload of the Court continues to be quite heavy. In 1995 the Court received 580 new filings, and disposed of 694. Of the 694 dispositions, 521 were dispositions by remittur, 92 by dismissal, 73 by writ denied, and 8 by writ granted. The Court issues 392 formal opinions and has 343 cases pending. If the case filing trend continues, 1996 will see record numbers for the Court.

In 1995 the district Courts received 32,871 new filings for an annual increase in the year of over 10 percent. New filings consisted of 41.2% civil actions, 23.4% domestic relations, 15.35 criminal and 20.1% miscellaneous filings.

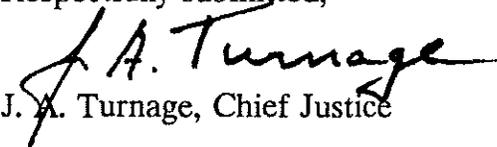
Our courts of Limited Jurisdiction continue to be exceedingly busy. These courts, Justice of the Peace, City Courts, and Municipal Court have had over 339,379 new cases this year. Of this total over 68.5% were criminal cases. It must be noted that the Montana traffic code is criminal, and over 50% of criminal cases are traffic related cases.

The Office of the Court Administrator, under the Court's direction, has continued to go forward in the area of automation of Montana Courts. The Legislature made this program possible by passage of HB 176 which became effective July 1, 1995. This provides funding for the automation efforts in all Montana Courts. The enacted legislation places a user surcharge on case filings, thus the individuals that use the court systems, are the ones paying for the improvements.

The various Boards and Commissions that are utilized by the Supreme Court to discharge its general administrative and supervisory responsibilities, have been busy. The detail of each commissions work is this annual report.

The Montana Judiciary is working hard to accomplish it's Constitutional and Statutory requirements, and we will continue to strive to make the Montana Judiciary accessible for the citizens of Montana and to resolve appeals and petitions without undue delay.

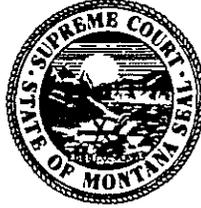
Respectfully submitted,

  
J. A. Turnage, Chief Justice

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OF MONTANA



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## A BRIEF HISTORY OF THE MONTANA JUDICIARY

The Territory of Montana was organized by an Act of Congress, approved May 26, 1864. Section 9 of the Act vested the judicial power of the state in a Supreme Court, District Courts, Probate Courts and Justice of the Peace Courts.

The first term of the Supreme Court of the Territory of Montana was held in Virginia City on May 17, 1865. Hezekiah L. Hosmer was appointed as the first Chief Justice by President Abraham Lincoln on June 30, 1864. On June 22, 1864, Lorenzo P. Williston and Ammi Giddings were appointed Associate Justices. Ammi Giddings declined to serve, but his commission remained in force until March 11, 1865, when Lyman E. Munson was appointed to replace him.

In the early Territorial period, Justices of the Supreme Court each presided over one of the territory's judicial districts. This arrangement usually meant that when a case was appealed to the Supreme Court, one of the Justices personally had tried the case at the District Court level. This system changed in 1886 when Congress provided for the appointment of a fourth Justice and provided for disqualification on appeal of a justice who had tried a case in District Court.

In the initial years of the Court, decisions about cases were rarely given in writing. In January, 1872, the Territorial Legislature provided for written reporting of Supreme Court decisions.

The July 1889 term of the Territorial Supreme Court was the last term held before Montana became a state on November 8, 1889. When the Territorial Supreme Court adjourned sine die on October 5, 1889, the Territorial period ended and the modern era of statehood began.

Statehood brought several changes to Montana's Judicial System. During Territorial days, Justices and District Court Judges were appointed by the

President of the United States. After 1889, Montanans turned to a system whereby they elected justices, district and local judges, and judicial officers. They hoped thereby to encourage "more prompt and accessible administration of justice". Justices, district judges and local judges were elected on a partisan ballot until 1909 when a brief and largely forgotten experiment in nonpartisan judicial elections was established. (Laws of 1909, Chapter 113) This law was enacted with only one opposing vote in the closing days of the 1909 session. The law prohibited partisan filings by judicial candidates and required their nomination by citizen petition. 1910 was an "off" year for judicial elections; only the Chief Justice and two District Judges were to be chosen. Chief Justice Brantly, known as a populist Republican, won a third term receiving 39% of the votes in a field of four candidates.

Voters evidently missed party labels since the total vote cast in the 1910 nonpartisan contest was notably small. Fewer than half of those who voted for Clerk of the Supreme Court on the partisan ballot voted for the Chief Justice on the nonpartisan ballot. The experiment was terminated in 1911 when the Supreme Court, on the complaint of a Republican candidate for Butte Police Judge, held the legislation unconstitutional. The 1935 Legislature (Laws of 1935, Chapter 182) made judicial elections nonpartisan for a second time, but the effect on voter participation was not so dramatic as in the one-election experiment in 1910.

Article VIII of the 1889 Constitution established a three-member Supreme Court with members elected to six-year terms.

During the first three decades of statehood, the Supreme Court remained at three justices but the caseload required additional resources in order to keep current. The 1903 Legislature provided for the appointment by the Supreme Court of a three member Court Commission "of legal learning and personal

worth" to assist the Court. Commissioners were paid a salary of \$4,000 annually for this work. The term of office for the Court Commission was four years, during which time the Commissioners were prohibited from engaging in the practice of law. When the 1905 Legislature failed to provide an appropriation for the Commissioners' salaries, they all resigned.

The 1919 Legislature increased the membership on the Supreme Court to five members.

In 1921, the Legislature approved the second Court Commission and directed the Supreme Court to appoint "from among the duly elected, qualified and acting District Judges of the State of Montana, from any of the various counties or districts, three of such judges to act for such a period of time as may be designated in the order appointment as Commissioners of the Supreme Court."

The Supreme Court remained at five members until the 1979 Legislature authorized two additional Justice positions to assist in handling the overburdened Court calendar.

### CHANGES AFTER 1972

The adoption of a new judicial article in the 1972 Constitution did not substantially change the traditional structures of the Montana Judiciary. It did, however, make a number of modifications. For instance, terms of Supreme Court Justices were extended from six to eight years and District Court Judges' terms went from four to six years. Structurally more significant, the new Constitution adopted a version of merit recruitment for judicial officers that has been described as a unique hybrid of the "Missouri Plan". While the governor appoints judicial officers when vacancies occur, candidates can file against a judge seeking re-election or for a position that is open due to a judge not seeking re-election. After 1974, if a sitting judge is unopposed when seeking re-election, voters are given a "Yes" or "No" choice as to whether or not to retain the judge.

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## PROFILE OF THE MONTANA JUDICIAL SYSTEM

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### Structure of the Court System

The judicial power of the State of Montana is vested in a three-tiered structure of appellate, general, and limited jurisdiction Courts. These are represented respectively by the Supreme Court, District Courts, and Courts of Limited Jurisdiction.

In addition, legislatively created Courts exist for the adjudication of special legal issues. The Workers' Compensation Court and Water Court are examples of these specialty Courts.

### Selection and Removal of Judges

All judges in Montana are elected in nonpartisan elections. Supreme Court Justices are elected for eight-year terms. District Court Judges are elected for six-year terms, and all other judges serve four-year terms.

Vacancies in the Supreme Court and District Courts are filled by election if a term has ended and by gubernatorial appointment if a vacancy occurred during a term. However, before a vacancy can be filled by gubernatorial appointment, the Judicial Nominations Commission must first submit a list of three to five nominees to the Governor from which the governor must make an appointment. If the governor fails to appoint within thirty days of receiving a list of nominees from the Judicial Nominations Commission, the Chief Justice or acting Chief Justice makes the appointment. Each person nominated must be confirmed by the State Senate. If the Senate is not in session, the person nominated serves until the end of the next session of the Legislature. If the nomination is not confirmed by the senate, the office is vacant and another selection and nomination are made. An appointee confirmed by the senate serves until the next succeeding general election. The candidate elected at that election holds office for the remainder of the unexpired term.

A vacancy in the office of Water Judge is filled by appointment of the Chief Justice from a list of nominees submitted by the Judicial Nomination Commission.

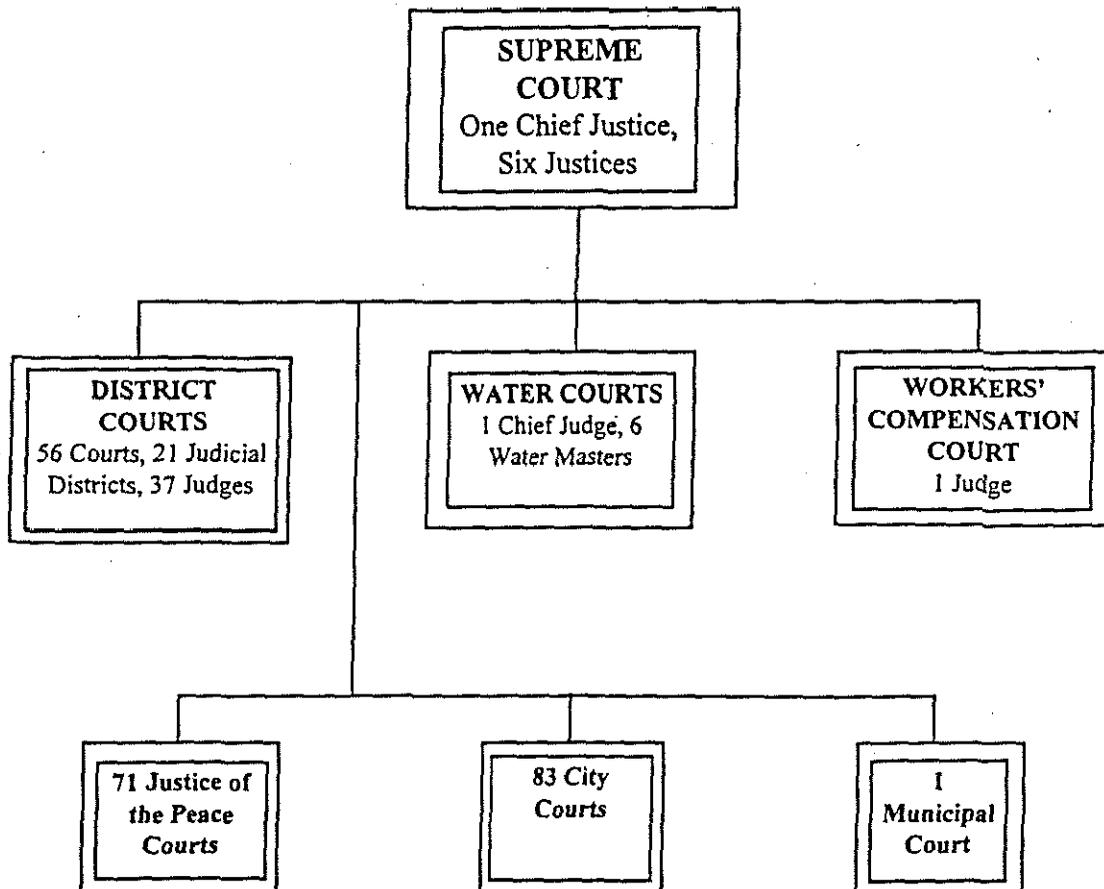
A vacancy in the office of Workers' Compensation Judge is filled by appointment of the governor from a list of nominees submitted by the Judicial Nomination Commission.

Vacancies in the office of Justice of the Peace are filled by appointment of the city or town governing body.

If a vacancy occurs in a Municipal Court, it is filled by appointment of the municipal governing body.

Under the Montana Constitution, the Supreme Court, upon the recommendation of the Judicial Standards Commission, may retire any justice or judge for disability that seriously interferes with the performance of his or her duties, or censure, suspend or remove any justice or judge for willful misconduct in office, willful and persistent failure to perform his duties, violations of the canons of judicial ethics adopted by the Supreme Court, or habitual intemperance.

## STRUCTURE OF THE MONTANA JUDICIARY



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## THE SUPREME COURT

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The Montana Supreme Court consists of one Chief Justice and six Justices. Each Justice is elected for an eight year term in a statewide nonpartisan election. Terms are staggered so that no more than two justice positions are scheduled for election at the same time. A Justice of the Supreme Court must be a citizen of the United States and have resided in Montana two years immediately before taking office and must have been admitted to practice law in Montana for at least five years prior to the date of appointment or election.

The Chief Justice of the Montana Supreme Court is elected to the position by the electorate in a statewide election. The Chief Justice is the administrative head of the Supreme Court, presides over Court conferences, and represents the Court at all official state functions. The Chief Justice presides at all oral argument sessions of the Supreme Court. In the event of the absence of the Chief Justice, the Justice having the shortest term remaining to be served presides as Acting Chief Justice.

The Montana Supreme Court is the highest Court of the State of Montana. It functions both as an appellate Court (Court of review), and as a Court of original jurisdiction. The Supreme Court has original and concurrent jurisdiction over extraordinary writs. Trials are not held by the Supreme Court; oral arguments before the Court consist solely of legal arguments made by attorneys.

The Supreme Court's daily operations are guided by the Court's Internal Operating Rules, which are promulgated by the Court to facilitate the prompt and efficient handling of all matters before it. The Justices meet twice weekly in Court conferences where matters presently pending before the Court are discussed. At its Tuesday conference, the Court considers pending petitions for original jurisdiction, motions which should be considered

by the full Court, and other miscellaneous matters. At its Thursday conferences, the Court considers proposed opinions, petitions for rehearing, and appeal classifications.

Each appeal that comes before the Court is "classified" by a five-justice panel of the Court. The most common classifications of appeals are: full oral argument before the Court sitting en banc; or submitted for decision, either to a panel of five justices or to the Court sitting en banc, solely on the briefs filed by the parties without oral argument. Once this classification is made, the case is assigned to a Justice for drafting an opinion. The Court attempts to render its decision within 120 days of submission.

The Supreme Court calendar is divided into terms. Four terms must be held each year at the seat of government, commencing on the first Tuesday of March, June, October, and December. The Court generally sets an oral argument calendar for each month of the year except July and August.

The Supreme Court has broad constitutionally-based administrative authority over the Bench and the Bar. The Court has supervisory control over all state Courts and the responsibility to ensure the efficient and effective operation of the judicial system. The Court has general authority to adopt rules of practice and procedure (subject to disapproval by the Legislature), to maintain high standards of judicial conduct, and to regulate admission to the practice of law and the conduct of members of the legal profession.

The Court fulfills its administrative responsibilities with the assistance of various Court officers and advisory boards and commissions.

Current members of the Supreme Court are:

**JEAN A. TURNAGE** - Chief Justice. Born March 10, 1926 in St. Ignatius, Montana. Served in the U.S. Air Corps from 1944-46. Received his J.D. from the University of Montana in 1951. Elected County Attorney, Lake County in 1953 and was re-elected to the office four times. Elected to the Montana House of Representatives in 1962 and the Montana State Senate in 1964 and served continuously until he assumed the office of Chief Justice on January 7, 1985. His wife's name is Eula Mae and they are the parents of two grown children.

**KARLA M. GRAY** - Justice. Born May 10, 1947 in Escanaba, Michigan. Received both a Bachelor's and Master's degree from Western Michigan University, and her J.D. from Hastings College of the Law in San Francisco, California, in 1976. Prior to her appointment on February 11, 1991, she worked as a staff attorney and lobbyist for the Montana Power Company in Butte, Montana.

**WILLIAM E. HUNT, SR.** - Justice. Born February 28, 1923, in Tacoma, Washington. Came to Montana in 1945. Received his J.D. from the University of Montana in 1955. Engaged in the general practice of law and served as Deputy County Attorney in Hill County and as County Attorney in Liberty County for ten years. Served as Director of Montana Aeronautics Commission, 1970-1975. Was the first Workers' Compensation Court Judge in Montana, 1975-1981. Elected to the Montana Supreme Court in 1984. Justice Hunt and his wife, Mary, are the parents of five children.

**JAMES C. NELSON** - Justice. Born February 20, 1944, in Moscow, Idaho. Received a B.S. degree from the University of Idaho in Moscow, Idaho, in 1966. Received his J.D. from George Washington University in 1974. Nelson served as First Lieutenant in the U.S. Army from 1966-1969. Nelson worked as a financial analyst with the U.S.

Securities and Exchange Commission prior to engaging in private practice in Montana. He was in private practice and serving as Glacier County Attorney at the time of his appointment to the Supreme Court in May, 1993. His wife's name is Chari and they are the parents of two children.

**TERRY N. TRIEWELER** - Justice. Born March 21, 1948, in Dubuque, Iowa. Received both his Bachelor's degree and J.D. from Drake University in Des Moines, Iowa. He was engaged in the private practice of law in Whitefish until 1990 at which time he began responsibilities as an instructor of civil procedure at the University of Montana Law School. In 1990, he was elected to the Montana Supreme Court. His wife's name is Carol and they are the parents of three daughters.

**CHARLES E. "CHIP" ERDMANN** - Justice. Born June 26, 1946, in Great Falls, Montana. Attended Montana State University-Bozeman from 1964-1966 and Montana State University-Billings from 1967-1972. Received B.S. in Business from MSU-Billings in 1972. Attended the University of Montana Law School from 1972-1975, received J.D. in 1975. Served in the Marine Corps from 1967-1970, and has served in the Montana National Guard since 1982. Prior to serving on the bench, Justice Erdmann worked as an attorney for the State of Montana, served as Chief Counsel for the Montana School Boards Association and worked in private practice. Justice Erdmann and his wife, Renee, are the parents of three sons and one daughter.

**W. WILLIAM LEAPHART** - Justice. Born December 3, 1946, in Butte, MT. Attended Whitman College, 1965-1966, and the University of Montana, 1966-1969. Received B.A. in Liberal Arts in 1969, and LL.M. in 1972 from the University of Montana Law School. Engaged in the general practice of law for 21 years with his father, C.W. Leaphart, prior to being elected to the bench in January of 1995. Justice Leaphart and his wife, Barbara, are the parents of three daughters.



Chief Justice J.A. Turnage



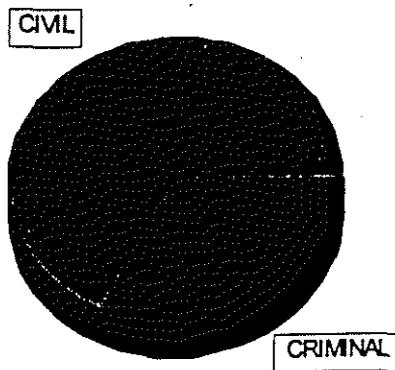
THE MONTANA SUPREME COURT -- Left to right, Justices William E. Hunt, Sr., W. William Leaphart, Charles E. "Chip" Erdmann, Chief Justice J.A. Turnage, Justices James C. Nelson, Karla M. Gray, and Terry N. Trieweiler.

**1995 SUPREME COURT CASELOAD STATISTICS**

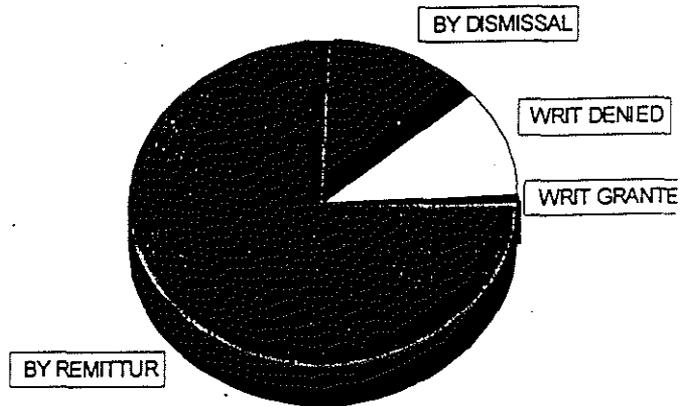
Filings Carried Over from Calendar Year 1994	526	Formal Opinions Affirmed in 1995	267
New Civil Filings in 1995	394	Formal Opinions Reversed in 1995	15
New Criminal Filings in 1995	186	Formal Opinions Affirmed in Part/Reversed in Part in 1995	38
<b>TOTAL NEW FILINGS - 1995</b>	<b>580</b>	Formal Opinions Reversed and Remanded in 1995	52
Dispositions by Remittur in 1995	521	Other Formal Opinions Issued in 1995	20
Dispositions by Dismissal in 1995	92	<b>TOTAL FORMAL OPINIONS ISSUED IN 1995</b>	<b>392</b>
Dispositions - Writ Denied	73		
Dispositions - Writ Granted	8	Cases Pending as of December 31, 1995	343
<b>TOTAL DISPOSITIONS IN 1995</b>	<b>694</b>		

(Source: Clerk of the Supreme Court's Office)

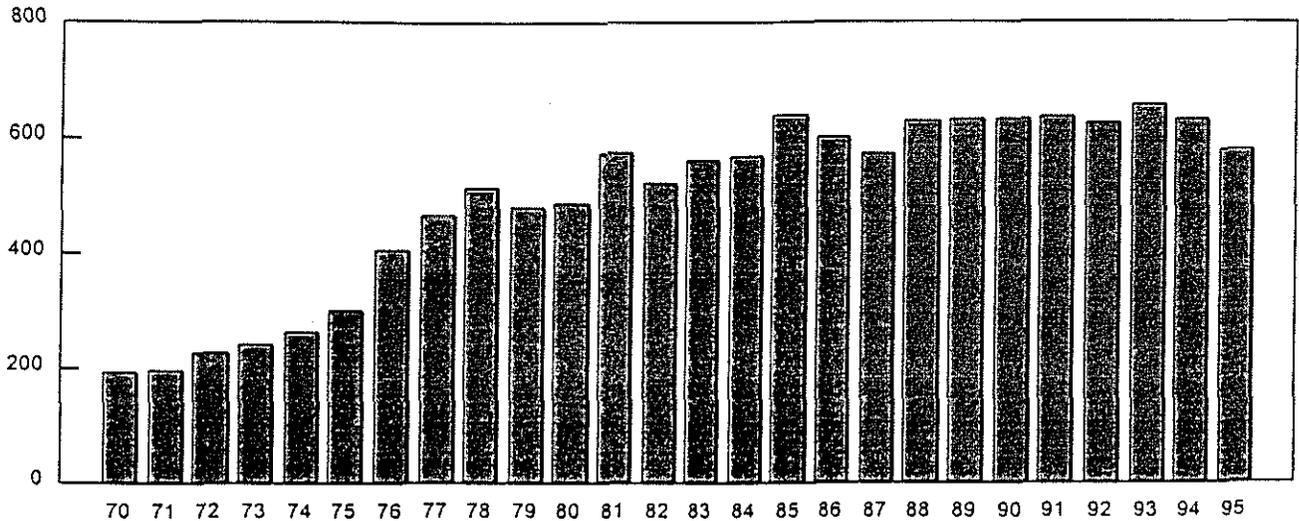
**New Case Filings  
1995**



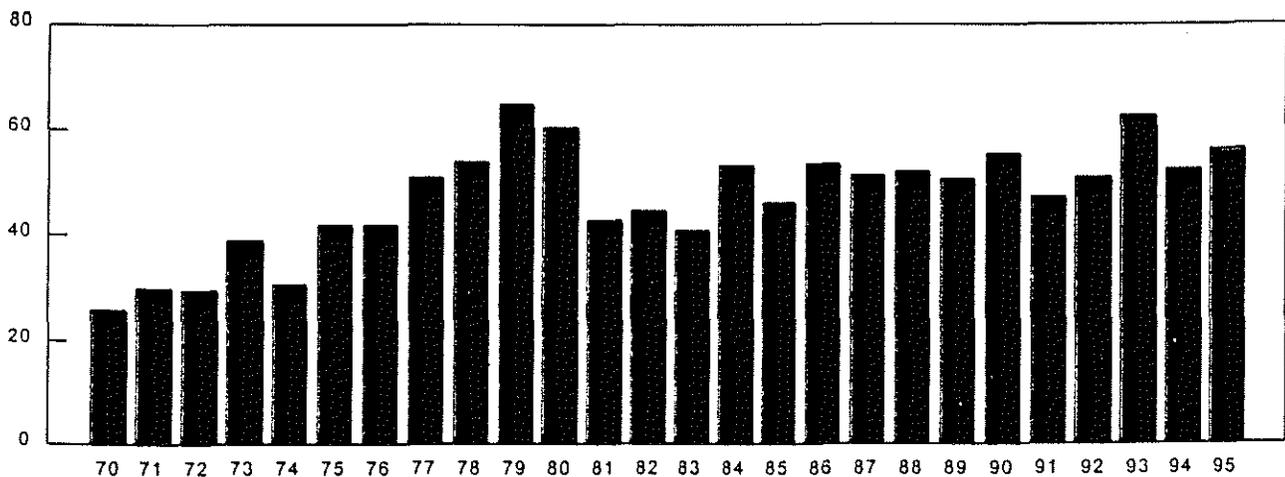
**1995 Dispositions**



### Montana Supreme Court Cases Filed Per Year, 1970-1995



### Montana Supreme Court Opinions Issued Per Judge, 1970-1995



## DISTRICT COURTS

The 1889 Constitution established eight judicial districts with one District Judge in each district elected for a four-year term. The number of judicial districts has fluctuated over the last century. The growth in the number of counties beginning in 1911 led to the creation of twenty judicial districts by 1919. The number of judicial districts shrank to sixteen in 1932, expanded to nineteen in 1977, and expanded once more to twenty in 1984. During the regular legislative session in 1991, the Legislature created the twenty-first judicial district which became effective January 1993.

The number of District Court Judges has likewise grown since the beginning of Statehood. Starting with eight District Court Judges in 1889, the Legislature quickly added second judges in the state's two largest cities--Helena and Butte--in 1891. Today there are thirty-seven District Court Judges.

Since the adoption of a new judicial article in the 1972 Constitution, District Court Judges have served six-year terms. The Governor appoints judicial officers when vacancies occur, and candidates file against a judge seeking reelection or for a position that is open due to a judge not seeking reelection. After 1974, if a sitting judge is unopposed when seeking reelection, voters are given a "Yes" or "No" choice

to retain the judge.

There is a District Court in each of Montana's fifty-six counties. As courts of general jurisdiction, the District Courts exercise original and exclusive jurisdiction over all felonies, original jurisdiction over all cases in law and equity, and the power to issue such writs as are appropriate to their jurisdiction.

Appeals from courts of limited jurisdiction to District Courts must be trials "de novo", which is a completely new trial held as if the original trial had never taken place.

Requirements for the office of District Court Judge are United States Citizenship, residency in the state for two years and being admitted to the practice of law in Montana for at least five years prior to the date of appointment or election. In the event of a vacancy in the office of District Judge, the Governor appoints a successor from a list of nominees submitted by the Judicial Nominations Commission. The appointed judge must run in the next general election to retain their appointment.

Currently, there are 37 District Court Judges in Montana's 21 Judicial Districts.

*D*iane G. Barz - District Judge, 13th Judicial District. Born August 18, 1943 in Bozeman, Montana. Attended the University of Heidelberg, 1963-1964; Whitworth College, 1961-1965; and University of Montana Law School, 1965-1968. Earned B.A. in 1965 and J.D. in 1968. Prior to election to the District Court Bench in 1978, Judge Barz was involved in general practice and criminal prosecution and defense. Judge Barz also served as the Public Administrator of Yellowstone County. Judge Barz was appointed to the Supreme Court in 1989. Judge Barz and her husband, Daniel J. Barz, are the parents of one son.

*G*. Todd Baugh - District Judge, 13th Judicial District. Born October 21, 1941 in Sweetwater, Texas. Moved to Montana in 1967. Attended Rice University, 1960-1964, earning a B.A. in Economics. Attended the University of Texas, 1964-1967, earning LL.B. Prior to election to the bench in 1984, Judge Baugh was engaged in general practice for seventeen years. Judge Baugh and his wife, Linda, are the parents of one son and one daughter.

*M*arc G. Buyske - District Judge, 9th Judicial District. Born in Springfield, Missouri on February 7, 1951, moved to Montana in 1958. Attended the University of Montana, 1970-1973, graduating with a B.A. in 1973. Attended the University of Montana Law School, 1975-1978, and the University of Denver Law School, 1981-1982. Received J.D. in 1978 and achieved Master of Tax Law in 1982. Before serving on the bench, Judge Buyske was engaged in general practice and was elected to the Board of Trustees for School District No. 14 in Shelby, Montana. Judge Buyske and his wife, Jan, are the parents of three sons and three daughters.

*J*ohn R. Christensen - District Judge, 10th Judicial District. Born in Townsend, Montana, on June 29, 1948. Judge Christensen attended the University of Montana from 1967 to 1971, graduating with a B.A. in Mathematics and Political Science. Received J.D. from the University of Montana Law School in 1976. Before serving on the bench, Judge Christensen was engaged in general practice for 18 years in Stanford, Montana and served as the Judith Basin County Attorney. Judge Christensen and his wife, Becky, are the parents of one son and one daughter.

*M*aurice R. Colberg - District Judge, 13th Judicial District. Born December 26, 1934 in Minneapolis, Minnesota. Moved to Montana in 1940. Served in the U.S. Army, 1957-1958, and the U.S. Army Reserve, 1959-1965. Attended the University of Montana, received B.S. in Business Administration in 1957, LL.B in 1960, and J.D. in 1970. Prior to appointment to the bench in 1989, worked in general practice and served as a Trustee for Billings School District No. 2. Judge Colberg and his wife, Patricia, are the parents of three children.

*D*ale Cox - District Judge, 7th Judicial District. Born March 23, 1927, in Great Falls, Montana. Served in the U.S. Navy. Attended the University of Montana and Washington University at St. Louis. Received LL.B and J.D. from the University of Montana, and a B.A. from Washington University at St. Louis. Engaged in the general practice of law and served as Dawson County Attorney prior to his appointment to the bench in 1987. Judge Cox and his wife, Jackline, are the parents of two children.

*K*atherine R. "Kitty" Curtis - District Judge, 11th Judicial District. Born in Blytheville, Arkansas on June 27, 1951, moved to Montana in 1985. Attended Randolph-Macon Woman's College, Lynchburg, Virginia, 1969-1971; and the University of Mississippi, 1971-1972, earning a B.A. in Political Science, Philosophy and English. Received J.D. from Memphis State University in 1981. Before election to the bench in 1994, Judge Curtis worked as a trial attorney for the U.S. Department of Justice, engaged in general practice and served as City Attorney in Columbia Falls, Montana. Judge Curtis and her husband, Eric Kaplan, are the parents of one son.

*D*avid Cybulski - District Judge, 15th Judicial District. Judge Cybulski was born on April 18, 1955 in Plentywood, Montana. Attended the University of Montana, 1973-1977, received B.S. in Business Administration. Attended the University of Montana Law School, 1977-1980, received J.D. in 1980. Prior to election to the bench in 1994, served as the Sheridan County Attorney and worked in general private practice. Judge Cybulski and his wife, Beverly, are the parents of two sons and one daughter.

*F*rank M. Davis - District Judge, 5th Judicial District. Born on November 2, 1921 in Unicoi, Tennessee.

Served in the United States Air Force from 1942 to 1945 and moved to Montana in 1952. Attended East Tennessee State and the University of Tennessee, receiving LL.B in 1948. Engaged in general practice prior to election to the bench. His wife's name is Joan.

**R**ussell C. Fagg - District Judge, 13th Judicial District. Born in Billings, Montana on June 26, 1960. Attended Whitman College, 1979-1983, received B.A. in Economics. Received J.D. from the University of Montana Law School in 1986. Worked in general civil practice and criminal prosecution before election to the bench in 1995. Served the Montana Legislature for two terms and served as Chairman of the House Judiciary Committee. His wife's name is Karen.

**R**obert P. Goff - Born September 8, 1939 in Great Falls, Montana. Served in the U.S. Army from 1963 to 1967. Attended Dartmouth College, 1957-1961, received B.A. in History; and the University of Montana, 1968-1971, received J.D. with high honors. Before election to the bench in 1994, practiced general civil law. Judge Goff and his wife, Sandra, are the parents of one son and one daughter.

**D**ouglas G. Harkin - District Judge, 4th Judicial District. Born May 21, 1943, in Sidney, Montana. Served in the U.S. Marine Corps. Received a B.S. in Accounting and J.D. from the University of Montana. Before election to the bench, engaged in general practice of law and served as Ravalli County Attorney. Judge Harkin is the father of three children.

**J**oe L. Hegel - Born April 10, 1951 in Forsyth, Montana. Served in the United States Army Reserve Officer's Training Corps, 1969-1970. Attended St. John's University in Collegeville, Minnesota, 1969-1973, received B.A. in Government. Received J.D. from the University of Montana Law School in 1977. Attended Boston University, 1977-1978, received LL.M. in Taxation. Prior to election to the bench in 1988, Judge Hegel served nearly two years as Deputy County Attorney and eight years as public defender, along with general civil practice. Judge Hegel and his wife, Marielaine, are the parents of one son and two daughters.

**J**ohn S. Henson - District Judge, 4th Judicial District. Born September 29, 1940 in Wadsworth, Ohio. Came to Montana in 1971. Received a B.S. from Arizona State University and J.D. from the University of Kentucky. Prior to appointment to the bench, engaged in the general practice of law and natural resource law and served as Mineral County Attorney from 1973 to 1979. Appointed to the bench in May, 1979 and has served continually since his appointment.

**R**obert W. Holmstrom - District Judge, 13th Judicial District. Born in Garden City, Kansas, on March 29, 1928. Moved to Montana in 1946. Served in the U.S. Navy, 1945-1946. Attended the University of Montana received a B.A. in 1950 and LL.B in 1952. Engaged in the general practice of law prior to appointment to the bench in 1984. Judge Holmstrom and his wife, Patricia, are the parents of two children.

**T**homas C. Honzel - District Judge, 1st Judicial District. Born in Spokane, Washington on March 1, 1945. Moved to Montana in 1946. Attended Seattle University, 1963-1964, and Carroll College, 1964-1967; received B.A. in English in 1967. Attended the University of Montana Law School, received J.D. in 1972. Prior to election to the bench in 1984, Judge Honzel worked in private practice and served as the Deputy County Attorney in Lewis and Clark County. Judge Honzel and his wife, Mary, are the parents of three sons.

*M*arge Johnson - District Judge, 8th Judicial District. Born October 17, 1948, in Detroit, Michigan. Attended Siena Heights College, Adrian, MI, B.S. magna cum laude in 1970; University of Colorado, Boulder, CO, received M.A. with honors in 1973; University of Montana School of Law, J.D. with high honors in 1980. Also studied at the University of Freiburg and the University of Tuebingen in West Germany. Prior to election to the bench in November, 1994, practiced criminal and civil litigation, worked as a mediator, and served as a member of the Great Falls Public Schools Board of Trustees. Judge Johnson and her husband, Steven, are the parents of one son and one daughter.

*J*ohn W. Larson - District Judge, 4th Judicial District. Born June 12, 1950, in Helena, Montana. Received B.A. in 1972 from Carlton College, Northfield, Minnesota and J.D. from the University of Puget Sound School of Law, Tacoma, Washington, in 1975. Engaged in general practice of law and served as U.S. Magistrate before being appointed to the bench in 1993. Judge Larson and his wife, Helena S. Maclay, are the parents of two children.

*J*eff Langton - District Judge, 21st Judicial District. Born April 22, 1953 in Hamilton, Montana. Received a B.A. in History from the University of Montana in 1975 and J.D. from the University of Montana School of Law. Engaged in general practice and served as Acting Justice of the Peace in Ravalli County prior to election to the bench in 1992. Judge Langton and his wife, Patricia L. Stanbery, are the parents of three sons and one daughter.

*J*ed O. Lympus - District Judge, 11th Judicial District. Born December 26, 1942, in Missoula, Montana. Attended the University of Montana, 1960-1966, received B.A. in History and Political Science and J.D. Attended the University of New Mexico, 1963-1964. Served in the U.S. Army, 1966-1972. Served as Lake County Deputy Attorney, worked in general practice, and served as Flathead County Attorney prior to appointment to the bench in 1992. Judge Lympus and his wife, Patsy, are the parents of one son and one daughter.

*D*orothy McCarter - District Judge, 1st Judicial District. Born February 5, 1947, in Watertown, New York. Moved to Montana in 1977. Received a B.S. in Elementary Education from the University of Colorado in 1969. Attended the New England School of Law, received J.D. in 1977. Prior to being appointed to the bench in 1989, Judge McCarter worked as a law clerk and served as the Assistant Attorney General. Judge McCarter and her husband, Mike, are the parents of two sons.

*J*ohn C. McKeon - District Judge, 17th Judicial District. Born November 1, 1950, in Havre, Montana. Attended Gonzaga University, 1968-1972; University of Montana Law School, 1972-1975; University of Houston, 1992; and the National Judicial College in Reno, Nevada. Received a B.A. in Political Science. Before appointment to the bench in 1994, worked in private practice, served as Phillips County Deputy Attorney and Phillips County Attorney. Judge McKeon and his wife, Teresa, are the parents of two daughters.

*T*homas M. McKittrick - District Judge, 8th Judicial District. Born January 7, 1944, in Anaconda, Montana. Received a B.A. in Political Science from Carroll College in 1966 and studied law at Gonzaga University School of Law. Engaged in the general practice of law and served as Assistant Commonwealth Attorney,

Arlington, Virginia, and as Chief Deputy County Attorney for Cascade County. Appointed to the bench in 1983. Recently appointed to the Board of Directors of the Montana Judicial Association. Judge McKittrick and his wife, Lisa, are the parents of two children.

Ed P. McLean - District Judge, 4th Judicial District. Born April 12, 1946, in Anaconda, Montana. Attended the University of Montana, received B.S. in 1969 and LL.B in 1973. Served as civil and criminal prosecutor in the Missoula County Attorney's Office prior to being appointed to the bench in 1988. Judge McLean and his wife, Sandra, are the parents of two sons and one daughter.

C.B. McNeil - District Judge, 20th Judicial District. Born February 17, 1937, in Anaconda, Montana. Served in the U.S. Army as a pilot, 1959-1963. Attended Montana School of Mines, 1954-1957; University of Alaska, 1957-1959, received B.S. in Metallurgical Engineering. Attended the University of Montana Law School, received J.D. in 1966. Engaged in general practice and served as a delegate to the 1972 Montana Constitutional Convention prior to his election to the bench in 1984. Judge McNeil and his wife, JoAnn, are the parents of one son and one daughter.

Larry Moran - District Judge, 18th Judicial District. Born November 4, 1932. Received his law degree from the University of Colorado and was admitted to the practice of law in Montana in 1973. Engaged in the general practice of law prior to his appointment to the bench in 1989. Judge Moran and his wife, Mona, are the parents of two children.

Jed L. Mizner - District Judge, 3rd Judicial District. Born October 21, 1948, in Deer Lodge, Montana. Received a B.S. in Business Administration-Accounting and J.D. from the University of Montana. Engaged in the general practice of law and served as Powell County Attorney prior to appointment to the bench in 1987. Judge Mizner and his wife, Gayle, are the parents of four children.

Thomas Olson - District Judge, 18th Judicial District. Born May 30, 1938, in Glendive, Montana. Graduated from Montana State College in General Studies in 1960, and from the University of Montana Law School in 1963. He served in the U.S. Marine Corps as a legal officer. Prior to being elected District Court Judge in 1982, Judge Olson worked as a law clerk and was engaged in the general practice of law. Served as Gallatin County Attorney and U.S. Attorney for Montana. Judge Olson and his wife, Ann, are the parents of three children.

Michael C. Prezeau - District Judge, 19th Judicial District. Born March 23, 1948, in Anchorage, Alaska. Moved to Montana in 1960. Attended the University of Montana, 1966-1973; received B.A. in Liberal Arts in 1993 and J.D. in 1993. Engaged in personal injury and workers' compensation practice prior to appointment to the bench in 1995. Judge Prezau and his wife, Jael, are the parents of two sons and one daughter.

Richard G. Phillips - District Judge, 7th Judicial District. Born May 20, 1949 in Jersey City, New Jersey. Received a B.A. from St. Benedict's College in Atchison, Kansas in 1971 and J.D. from the University of Montana Law School in 1976. Engaged in the general practice of law and served as City Attorney for the city of Sidney. Also served as Richland County Deputy County Attorney prior to being elected to the bench in 1990. Judge Phillips and his wife, Jeannette, are the parents of three children.

*J*ames E. Purcell - District Judge, 2nd Judicial District. Born December 29, 1929 in Helena, Montana. Received a B.A. in Journalism from the University of Montana in 1952. Served in the U.S. Navy from 1952 to 1954. Received LL.B and J.D. from the University of Montana in 1958 and 1970, respectively. Prior to appointment to the bench, engaged in general practice of law and served on the Commission on Practice. Judge Purcell and his wife, Mary Dawn, are the parents of two children.

*R*oy C. Rodeghiero - District Judge, 14th Judicial District. Born March 28, 1936, in Roundup, Montana. Received B.A. in Business Administration in 1958 and J.D. in 1961 from the University of Montana. Engaged in the general practice of law and served as Musselshell County and Golden Valley County Attorney prior to being elected to the bench in 1982. Judge Rodeghiero and his wife, Janet, are the parents of six children.

*J*effrey M. Sherlock - District Judge, 1st Judicial District. Born April 3, 1950, in Great Falls, Montana. Attended the University of Montana, received B.A. in 1972 and J.D. in 1975. Before being elected to the bench in 1988, Judge Sherlock was employed as a staff attorney for Montana Power Company, engaged in the general practice of law, and served as the City Attorney in Helena. Judge Sherlock and his wife, Melissa, are the parents of one daughter.

*W*illiam Nels Swandal - District Judge, 6th Judicial District. Born May 29, 1953, in Livingston, Montana. Served in the U.S. Army and Reserves from 1978 to 1988, and has served in the Montana National Guard since 1988. Attended Montana State University, 1971-1972; University of South Florida, 1972-1973; Montana State University, 1973-1975, received B.A. in Government; University of Montana Law School, 1975-1978. Received J.D. in 1978. Prior to election to the bench, engaged in private practice, served as Park County Public Defender and Park County Attorney. Judge Swandal and his wife, Debra, are the parents of three children.

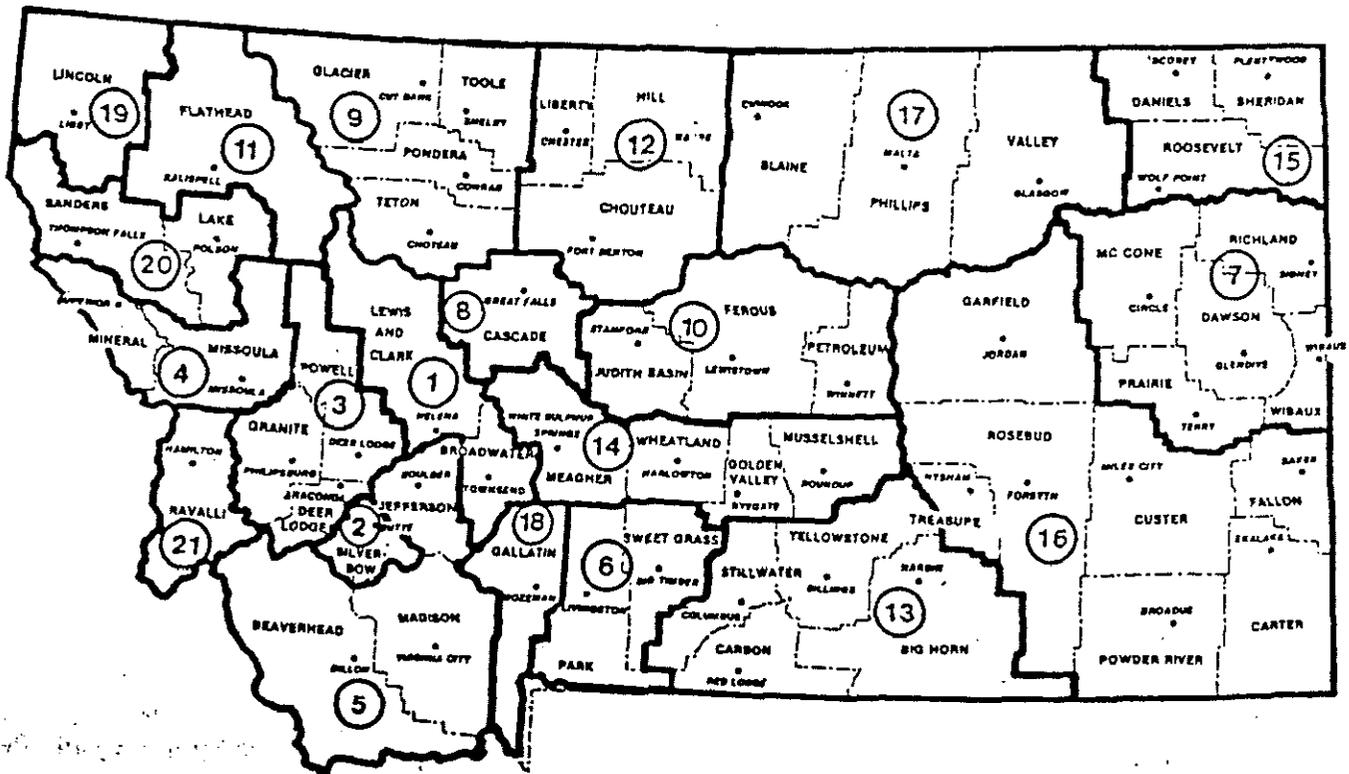
*J*ohn Warner - District Judge, 12th Judicial District. Born January 22, 1943 in Great Falls, Montana. Attended the College of Great Falls, 1961-1963; University of Montana, 1963-1964, received B.A.; and the University of Montana Law School, received LL.B in 1967. Served as Clerk of the Montana Supreme Court and the Havre City Attorney before being elected to the bench in 1988. Served on the Sentence Review Commission from 1993-1995 and has served on the Judicial Standards Commission since 1994. Judge Warner and his wife, Katherine, are the parents of three sons and three daughters.

*J*ohn W. "Jack" Whelan - District Judge, 2nd Judicial District. Born May 23, 1930 in Butte, Montana. Served in the Marines. Attended Montana Tech and the University of Montana; received LL.B in 1965. Prior to election to the bench in 1994, engaged in plaintiffs practice and served as U.S. Magistrate. Judge Whelan and his wife, Roberta, are the parents of two sons and four daughters.

*K*enneth R. Wilson - District Judge, 16th Judicial District. Born August 6, 1933 in Townsend, Massachusetts. Moved to Montana in 1956. Served in the U.S. Air Force from 1954-1957. Attended Clark University in Worcester, Massachusetts, 1951-1954 and 1958-1959; University of Montana Law School, 1959-1962. Received a B.A. in History and LL.B. Before election to the bench in 1989, engaged in general practice of law and served as Miles City Attorney. Judge Wilson and his wife, Joan, are the parents of two sons and two daughters.

## JUDICIAL DISTRICTS BY COUNTY

Beaverhead	5	Granite	3	Powell	3
Big Horn	13	Hill	12	Prairie	7
Blaine	17	Jefferson	5	Ravalli	21
Broadwater	1	Judith Basin	10	Richland	7
Carbon	13	Lake	20	Roosevelt	15
Carter	16	Lewis and Clark	1	Rosebud	16
Cascade	8	Liberty	12	Sanders	20
Choteau	12	Lincoln	19	Sheridan	15
Custer	16	McCone	7	Silver Bow	2
Daniels	15	Madison	5	Stillwater	13
Dawson	7	Meagher	14	Sweet Grass	6
Deer Lodge	3	Mineral	4	Teton	9
Fallon	16	Missoula	4	Toole	9
Fergus	10	Musselshell	14	Treasure	16
Flathead	11	Park	6	Valley	17
Gallatin	18	Petroleum	10	Wheatland	14
Garfield	16	Phillips	17	Wibaux	7
Glacier	9	Pondera	9	Yellowstone	13
Golden Valley	14	Powder River	16		



**FIRST JUDICIAL DISTRICT**

The First Judicial District Court Judges, Dorothy McCarter, Thomas Honzel, and Jeffrey Sherlock, and district court staff were busy implementing new projects and programs that were in initial stages in 1994.

A pilot mediation program was implemented for domestic relations cases. The program is voluntary and will enable the judges to plan for a more permanent mediation program. The program involves several attorneys and nonattorneys who have been specially trained to mediate domestic disputes.

Lewis and Clark public defenders Randi Hood (administrator), J. Mayo Ashley, Jim Obie, and Jeremy Gersovitz are no longer supervised by the District Court and have a budget of their own. Paralegal Sarah Fox is hard at work organizing the newly created department.

The seven bin CD-ROM tower is up and running after a long, hard struggle. Lewis and Clark County Information Services worked extra hours in an endeavor to have legal database researching available for personnel in the courthouse. The seven CDs presently on the tower are: a) MCAs, AG Opinions, ARMs (customized disk); b) Montana Reporter; c) USCS; d) ALR Fed; e) ALR 3,4,5; f) AmJur.2d; and g) US L.Ed2d. Approximately twenty courthouse personnel have been instructed on how to use the research databases.

Hiring an attorney as a small claims court judge is a new project for 1996. The county is establishing a small claims division of the District Court to alleviate the workload of the Justice Court. Attorneys are being interviewed for the position of small claims court judge, and the new court will be open for business around the first of 1996.

**District Judges:** Dorothy McCarter  
Thomas Honzel  
Jeffery Sherlock

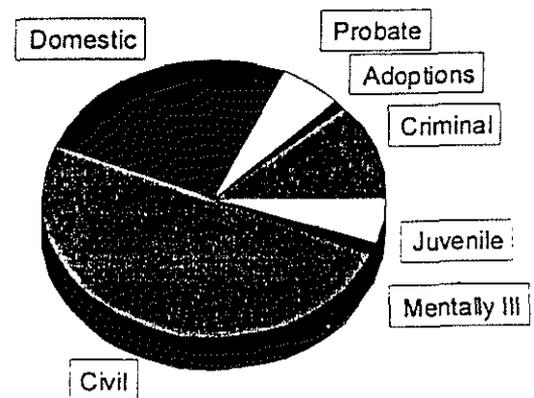
**District Court Clerks:** Nancy Sweeney  
Nellie B. Sayer

**Counties in the District:** Lewis and Clark  
Broadwater

**Area in Square Miles:** 4,669

New filings and reopenings in the 1st Judicial District in 1995:

Criminal	407	11.5%
Adoptions	42	1.2%
Mentally Ill	52	1.5%
Juvenile	178	5%
Probate	206	5.8%
Domestic Relations	905	25%
Civil	1760	50%
<b>TOTAL</b>	<b>3550</b>	<b>100%</b>



First Judicial District new case filings and reopenings in 1995.

SOURCE FOR DATA: Broadwater County District Court, Lewis & Clark County District Court.

**SECOND JUDICIAL DISTRICT**

The Second Judicial District is a one county, two judge Judicial District which serves approximately 34,814 people. The Judicial District Department No. 1 is presided over by Judge James E. Purcell, who has served since 1990 and was re-elected in November, 1994, to a six year term. John W. Whelan of Butte was elected to a six year term in November, 1994, and has presided over Department No. II since January, 1995.

The Second Judicial District is the smallest Judicial District in area (175 square miles), but has the highest population density with 48.69 people per square mile.

Departments No. I and II have implemented a Special Master program which handles only domestic relations matters. At this point, the

attorneys have responded affirmatively to the program, although there are some areas that need improvement. The Special Master's program is handled by the judge's law clerk.

Both departments also require that a settlement conference be held in all civil matters. The court has found that the number of cases actually tried has decreased because of the mandatory settlement conference.

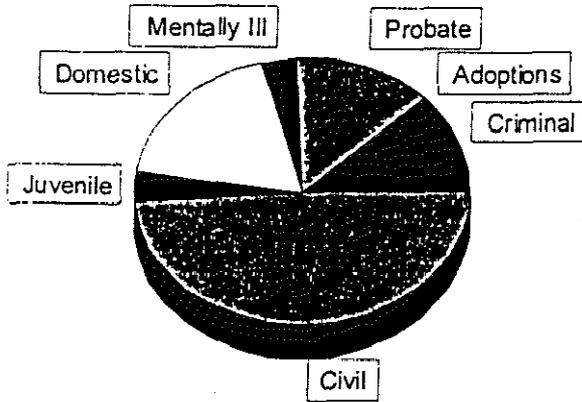
**District Judges:** James E. Purcell  
John W. Whelan

**District Court Clerk:** Lori A. Maloney

**Counties in the District:** Silver Bow

**Area in Square Miles:** 715

**1994 Population:** 34,814



Second Judicial District new case filings and reopenings in 1995.

SOURCE FOR DATA: Silver Bow County District Court.

**New filings and reopenings in the 2nd Judicial District in 1995:**

Criminal	154	11.3%
Adoptions	17	1.3%
Mentally Ill	44	3.2%
Juvenile	49	3.6%
Probate	183	13.5%
Domestic Relations	249	18.3%
Civil	662	48.8%
<b>TOTAL</b>	<b>1358</b>	<b>100%</b>

**THIRD JUDICIAL DISTRICT**

The Third Judicial District is comprised of Anaconda-Deer Lodge County, Powell County, and Granite County. Unique to the district is the fact that the Montana State Prison and the Warm Springs State Hospital are located within this jurisdiction.

Under the newly created Department of Corrections, the Montana State Prison quickly returned to a "one Warden system" this year. Also, the Swan River Youth Forest Camp is scheduled to move to a location near the Conley Lake Lodge on prison property west of Deer Lodge.

Because all of the mental health commitments from across the state are reviewed in this jurisdiction, a special courtroom has been established on the grounds of the state hospital for twice monthly court sessions. In addition, all felony crimes committed within the prison as well as most of the escapes from the prison and its numerous satellite institutions are processed in the Powell County District Court. Writs of Habeas Corpus, civil rights complaints and miscellaneous civil actions filed by prison inmates are also heard in Powell County.

It was business as usual in the Third Judicial District in 1995. The courts continue to be computerized and updated. The Southwest Montana Judges Association organized and met for the first time in October. Further meetings are scheduled to facilitate communication and resolution of common problems. Juvenile Probation Officer, Bert Luce, resigned in July and former Powell County Sheriff, Jerry Fiske, assumed the position. Juvenile cases continue to cause a lot of frustration for everyone involved.

However, it is still the friendly people, beautiful scenery and cooperative lawyers that make the Third Judicial District a pleasant place to work and live.

**District Judge:** Ted L. Mizner

**District Court Clerks:** Theresa Orrino  
Beverly Kulaski  
Mary Ann McKee

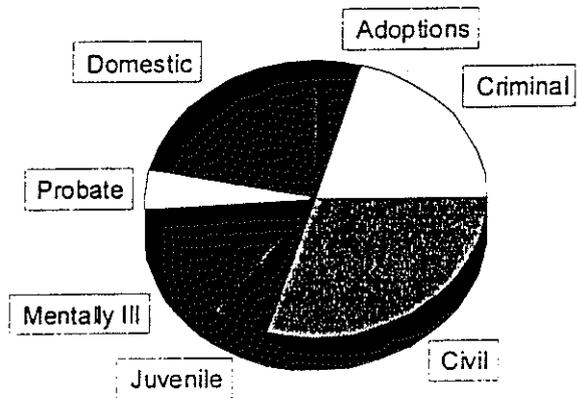
**Counties in the District:** Anaconda-Deer Lodge  
Granite  
Powell

**Area in Square Miles:** 4,809

**1994 Population:** 19,676

New filings and reopenings in the 3rd Judicial District in 1995:

Criminal	184	21%
Adoptions	36	4.1%
Mentally Ill	123	14%
Juvenile	47	5.3%
Probate	39	4.4%
Domestic Relations	192	21.8%
Civil	259	29.4%
<b>TOTAL</b>	<b>880</b>	<b>100%</b>



Third Judicial District new case filings and reopenings in 1995.

SOURCE FOR DATA: Granite County District Court, Powell County District Court.

**FOURTH JUDICIAL DISTRICT**

**Area in Square Miles:** 3,818

The Fourth Judicial District serves Missoula and Mineral Counties and has four District Judges: Judges John S. Henson, John W. Larson, Douglas G. Harkin, and Ed P. McLean. Cheryle Demmon is the Clerk of Court in Mineral County where she is assisted by one deputy. Kathleen Breuer, Missoula County Clerk of Court, is assisted by twelve deputies.

**1994 Population:** 89,303

New filings and reopenings in the 4th Judicial District in 1995:

The District continues to use a settlement program which requires all civil cases to participate in a supervised settlement conference before the case is set for trial. Attorneys practicing in the Fourth Judicial District act as settlement masters and approximately 75% of the cases referred to a settlement master have been settled.

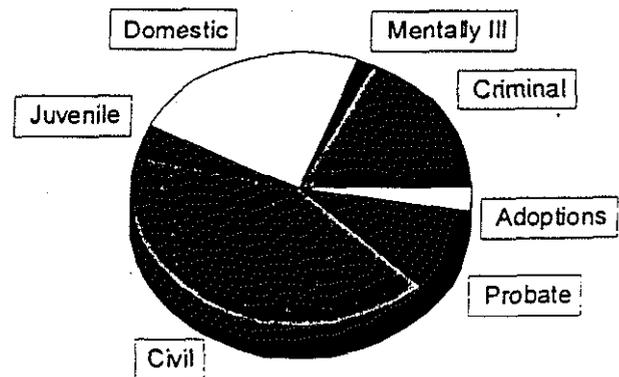
Criminal	554	18.2%
Adoptions	68	2.2%
Mentally Ill	49	1.6%
Juvenile	125	4.1%
Probate	310	10.2%
Domestic Relations	681	22.4%
Civil	1254	41.2%
<b>TOTAL</b>	<b>3041</b>	<b>100%</b>

The majority of domestic cases filed in Dept. 1 (McLean) and Dept. 2 (Henson) are heard by Special Master Susan Leaphart. Brenda Desmond is Research Assistant/Special Master for Dept. 3 (Larson). Intervention by the Special Masters has been successful in resolution of the majority of domestic cases filed in these departments.

**District Judges:** John S. Henson  
John W. Larson  
Douglas G. Harkin  
Ed P. McLean

**District Court Clerks:** Cheryle Demmon  
Kathleen Breuer

**Counties in the District:** Mineral  
Missoula



Fourth Judicial District new case filings and reopenings in 1995.

SOURCE FOR DATA: Missoula County District Court, Mineral County District Court.

**FIFTH JUDICIAL DISTRICT**

The Fifth Judicial District comprises three large counties of Southwestern Montana. The Court sits in Dillon, the county seat of Beaverhead County, where there are twenty lawyers. Beaverhead County has 42% of the caseload. Madison County and its county seat has five private practitioners, with 27% of the caseload. Jefferson County, with Boulder as its county seat, has six attorneys and 31% of the caseload. Each county has a county attorney and deputy. Law and motion calendars are conducted in Boulder on the 1st Thursday and Friday and 3rd Friday of each month, and in Virginia City on the 1st and 3rd Tuesday of each month. Law and motion is conducted in Dillon during the remainder of the month.

The Court continues its policy of making six person juries in civil cases mandatory. With rare exception, the Bar has acquiesced.

The Fifth Judicial District continues to update its technology. Aside from utilizing WESTLAW, LEXIS, MONTLAW and CD-ROMs, the District also uses the Internet for legal research and electronic mail. The District can be reached via e-mail at: [judge@bigsky.dillon.mt](mailto:judge@bigsky.dillon.mt)

The District now has a television in each of its three courtrooms to view video depositions, video exhibits and for educational purposes. The judge's offices in the three counties are connected by a remote communication package enabling the judge and staff to work on any of the three computers.

Judge Davis is chairing the Southwest Region of the Judges' Association. Regular meetings of the Southwest Region are held, including the judges and their staffs.

**District Judge:** Frank M. Davis

**District Court Clerks:** Sheila Brunkhorst  
Marilyn J. Stevens  
Jerry R. Wing

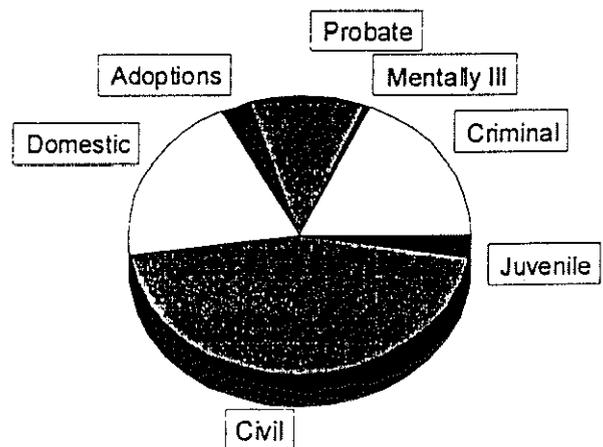
**Counties in the District:** Beaverhead  
Jefferson  
Madison

**Area in Square Miles:** 10,731

**1994 Population:** 24,221

New filings and reopenings in the 5th Judicial District in 1995:

Criminal	144	18.4%
Adoptions	23	2.9%
Mentally Ill	6	0.8%
Juvenile	21	2.7%
Probate	83	10.6%
Domestic Relations	153	19.5%
Civil	353	45.1%
<b>TOTAL</b>	<b>783</b>	<b>100%</b>



Fifth Judicial District new filings and reopenings in 1995.

SOURCE FOR DATA: Beaverhead County District Court, Madison County District Court, Jefferson County District Court.

## SIXTH JUDICIAL DISTRICT

The Sixth Judicial District is a single judge district which includes Park and Sweet Grass counties and which has an annual caseload of about 650. Judge William Nels Swandal was elected in 1994.

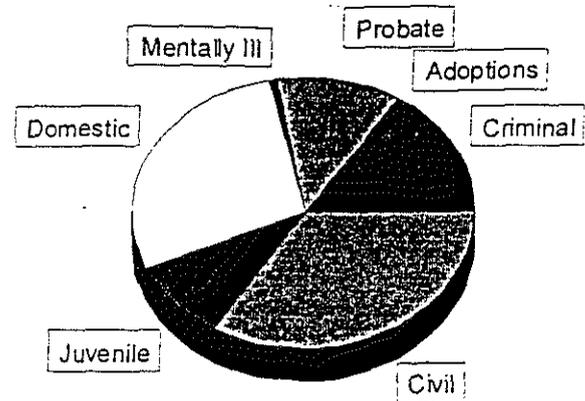
One of the biggest present judicial challenges in this district and the rest of the state is handling the continuous avalanche of criminal and delinquent youth cases, and the legislative problem of where to house those persons convicted of crime and needing detention.

Further, Judge Swandal does not have a secretary or law clerk and will have to address those issues with his county commissioners. He believes that each is necessary in order to keep up with the burgeoning caseload.

<b>District Judge:</b>	Nels Swandal
<b>Clerks of District Court:</b>	June Little Patty Jo Henthorn
<b>Counties in the District:</b>	Park Sweet Grass
<b>Area in Square Miles:</b>	4,466
<b>1994 Population:</b>	18,920

New filings and reopenings in the 6th Judicial District in 1995:

Criminal	96	14.7%
Adoptions	10	1.5%
Mentally Ill	6	1%
Juvenile	63	9.7%
Probate	76	11.6%
Domestic Relations	185	28.3%
Civil	217	33.2%
<b>TOTAL</b>	<b>653</b>	<b>100%</b>



Sixth Judicial District new case filings and reopenings in 1995.

SOURCE FOR DATA: Park County District Court, Sweet Grass County District Court.

## SEVENTH JUDICIAL DISTRICT

The seventh judicial district is a two judge district with Judge Dale Cox presiding over Department 1, Dawson, Prairie, and Wibaux Counties; and Judge Richard Phillips presiding over Department 2, Richland and McCone Counties. The Judges are assisted by court reporters Ron LaPierre and Corrine Herdt and paralegal Mitzi Barney.

In August, an arson fire completely destroyed the jail and courtroom and caused extensive damage to the remaining offices of the nearly 88 year old Prairie County Courthouse. Court proceedings are being held in City Council Chambers until the Courthouse is replaced. In the meantime, if you're looking for the Clerk of Court, you'll find her office in the romance section of the public library (although she claims it's not very).

As Judge Robb stated last year, one of the biggest judicial challenges is detention and placement of youths. With the permission of counsel, Judge Cox invited the local state senator and state representatives to sit in on several youth hearings in the hopes that necessary changes will be made in those areas.

The "Children in the Middle" video presentation that is shown in the district twice each month for the benefit of separating and divorcing parents has become such a success that we are planning to open the sessions to the general public.

This year, both Dawson and Richland Counties updated their electronic court recording equipment. The previous machines were getting so old it was hard to find replacement parts. Hopefully, we're good for another ten years.

**District Judges:** Dale Cox  
Richard Phillips

**District Court Clerks:** Ardelle Adams  
Betty L. Robinette  
Lisa Kimmet  
Arlene Riggs  
Roger J. Barnaby

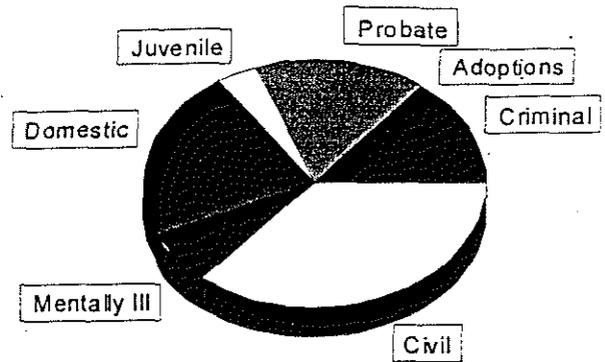
**Counties in the District:** Dawson, McCone, Prairie, Richland, Wibaux

**Area in Square Miles:** 9,676

**1994 Population:** 23,984

New filings and reopenings in the 7th Judicial District in 1995:

Criminal	108	12.6%
Adoptions	18	2.1%
Mentally Ill	62	7.2%
Juvenile	34	4%
Probate	137	16%
Domestic Relations	190	22.1%
Civil	310	36%
<b>TOTAL</b>	<b>859</b>	<b>100%</b>



Seventh Judicial District new case filings and reopenings in 1995.

SOURCE FOR DATA: Dawson County District Court, McCone County District Court, Prairie County District Court, Richland County District Court, Wibaux County District Court.

### EIGHTH JUDICIAL DISTRICT

Judge Robert P. Goff and Judge Marge Johnson were sworn in by Chief Justice Jean A. Turnage on January 3, 1995. They replaced the Honorable Joel G. Roth and the Honorable John M. McCarvel, respectively, both of whom retired December 31, 1994.

Groundbreaking occurred in October for a regional jail. It is anticipated that contracts will be let and construction started in earnest in the spring of 1996.

The Cascade County Regional Youth Detention Center is serving several communities in the region. It is frequently filled and the Chief Probation Officer will be proposing guidelines in December, which the staff will follow when the number of youth committed by court order to the center exceed the licensed capacity of the center. The position of Regional Youth Detention Center Administrator is currently open; the former Administrator, Ray Walters, having submitted his resignation.

The Alliance for Youth and County Commissioner Peggy Beltrone have been spearheading an effort to permit some delinquent youths and youths in need of supervision to voluntarily divert from the Youth

Court to Community Youth Justice Councils, which will be court-appointed and will consist of teams of community members who are trained to be members of the councils. Similar to a Youth Court program in Yellowstone County, the Community Youth Justice Councils will speak with the offending youth, his or her parents, and where appropriate, the victim; and will determine an appropriate disposition. It is anticipated that this program will be directed to serve first and second misdemeanor youthful offenders and will hold them more directly accountable to the community in which they live, reducing the likelihood of repeat offenses.

All three departments of the District Court are now computerized. A contract to wire the offices of courts, judges, and Clerk of Court for networking is expected to be let shortly.

Through a Board of Crime Control grant, each of the Judges was able, for the first time, to hire a law clerk commencing in July, 1995. As part of this grant, a network of research with emphasis on drug related issues will be created and ultimately be made available to the other district judges for their use.

The County Attorney will leave the third floor of the Cascade County Courthouse in the first half of 1996. Their space will be dedicated to the court system with the intent to create a third courtroom, an additional jury room and additional office space.

**District Judges:** Robert Goff  
Marge Johnson  
Thomas McKittrick

**District Court Clerk:** Nancy Morton

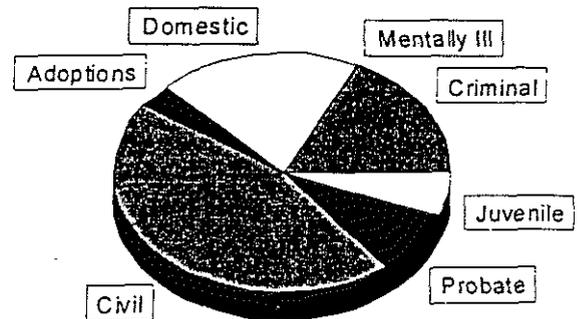
**Counties in the District:** Cascade

**Area in Square Miles:** 2,661

**1994 Population:** 81,167

SOURCE FOR DATA: Cascade County District Court.

Eighth Judicial District new case filings and reopenings in 1995.



New filings and reopenings in the 8th Judicial District in 1995:

Criminal	643	17.9%
Adoptions	116	3.2%
Mentally Ill	14	0.4%
Juvenile	206	5.7%
Probate	309	8.6%
Domestic Relations	688	19.2%
Civil	1612	44.9%
<b>TOTAL</b>	<b>3588</b>	<b>100%</b>

### NINTH JUDICIAL DISTRICT

The Ninth Judicial District covers Glacier, Pondera, Teton, and Toole Counties. The presiding judge is the Honorable Marc G. Buyske, who was appointed to this position by Governor Marc Racicot on March 8, 1994, and elected to office in November 1994.

**District Judge:** Marc G. Buyske

**District Court Clerks:** Mary Phippen  
Anita White  
Emile Kimmert  
Carol Swoboda

**Counties in the District:** Glacier  
Pondera  
Teton  
Toole

**Area in Square Miles:** 10,496

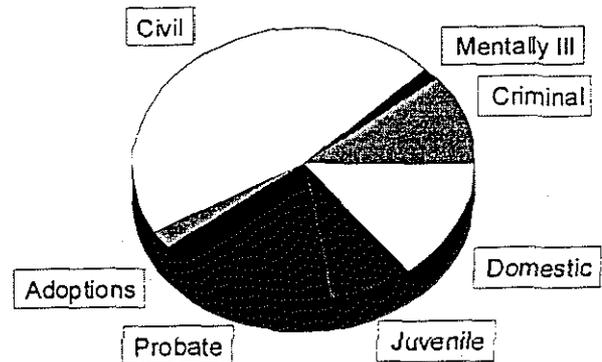
**1994 Population:** 30,168

**New filings and reopenings in the 9th Judicial District in 1995:**

Criminal	130	14.4%
Adoptions	23	2.6%
Mentally Ill	5	0.6%
Juvenile	72	8%
Probate	164	18.2%
Domestic Relations	184	20.4%
Civil	323	35.8%
<b>TOTAL</b>	<b>901</b>	<b>100%</b>

**Cases filed in the 10th Judicial District in 1995:**

Criminal	65	11%
Adoptions	13	2.2%
Mentally Ill	9	1.5%
Juvenile	47	8%
Probate	101	17.1%
Domestic Relations	84	14.2%
Civil	272	46%
<b>TOTAL</b>	<b>591</b>	<b>100%</b>



Ninth Judicial District new case filings and reopenings in 1995.

SOURCE FOR DATA: Glacier County District Court, Pondera County District Court, Teton County District Court, Toole County District Court.

### TENTH JUDICIAL DISTRICT

The Honorable John R. Christensen presides over Fergus, Judith Basin and Petroleum Counties. Fergus County is the most populous and the busiest of the three.

To help with the caseload, the Judge relies on the following Clerks of Court: Fergus County, Greta M. Ross, Deputy Clerk, Francis Stephens; Judith Basin County, Acelia Ann Leach; Petroleum County, Bonny Allen. Juvenile Probation Officer is Mike Otto, and Sharon Powell serves as his Deputy.

Gayle Doney is John Christensen's secretary, Harry Rauch is the Court Reporter. Juvenile cases have increased nearly 50% over the previous year, which is a concern.

The court has made an effort to bring its docket current and is pleased to note that the oldest cases remaining open are several 1993 filings.

**District Judge:** John R. Christensen

**District Court Clerks:** Greta M. Ross  
Acelia "Ann" Leach

Bonny Allen

**Counties in the District:** Fergus  
Judith Basin  
Petroleum

**Area in Square Miles:** 7,777

**District Judges:** Ted O. Lympus  
Katherine R. "Kitty" Curtis

**District Court Clerks:** Peg Allison

**Counties in the District:** Flathead

**Area in Square Miles:** 5,137

**1994 Population:** 67,285

**ELEVENTH JUDICIAL DISTRICT**

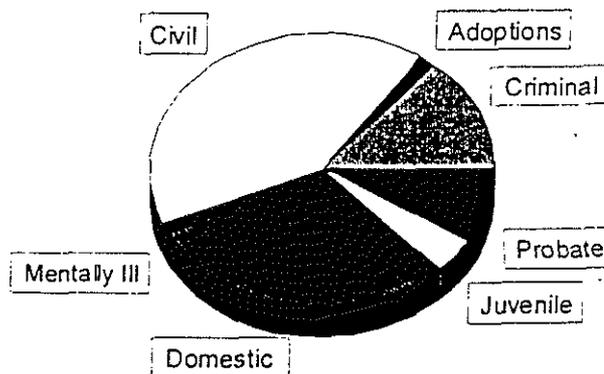
The Eleventh Judicial District (Flathead County) is served by District Judges Ted O. Lympus and Katherine R. "Kitty" Curtis. The Flathead is one of Montana's fastest growing areas, particularly in the last five years, and the impact of this growth is, of course, reflected in the significant increase in the caseloads of the judges. The number of civil and domestic cases filed in 1995 increased dramatically, and the area has also experienced a troubling increase in serious juvenile offenses.

Judge Lympus is assisted by court reporter Robert Nieboer, law clerk Therese Hash, and secretary Kathy Froystad. Judge Curtis' staff consists of Bambi Goodman, court reporter, law clerk Jodie Johnson and secretary Cathie Street. Peg Allison is the Clerk of Court, and she is assisted by one chief deputy and six deputy clerks.

The judges continue to require settlement conferences prior to trial in all civil, jury and non-jury, and domestic cases. The settlement masters are members of the local bar whose names appear on a list maintained by the court. This procedure is invaluable in the efficient handling of the ever-increasing caseload. The judges also encourage the use of Special Masters, especially in domestic relations cases, to avoid delays in final disposition or in modification proceedings. In criminal cases, the judges have begun a rotating law and motion type of scheduling, with the enthusiastic assistance of the County Attorney and public defenders. Everyone is pleased with the success of this procedure.

New filings and reopenings in the 11th Judicial District 1995:

Criminal	369	14%
Adoptions	45	1.7%
Mentally Ill	42	1.6%
Juvenile	103	3.9%
Probate	239	9%
Domestic Relations	765	29%
Civil	1079	40.8%
<b>TOTAL</b>	<b>2642</b>	<b>100%</b>



Eleventh Judicial District new case filings and reopenings in 1995.

SOURCE FOR DATA: Flathead County District Court.

**TWELFTH JUDICIAL DISTRICT**

The Twelfth Judicial District serves Choteau, Hill and Liberty Counties; the Honorable John Warner, District Judge, presiding. Judge Warner completed his first term of office and was re-elected in 1994 to serve another six year term. Dena Tippetts is the Clerk of Court in Hill County, and is assisted by two deputies, Ann Lamberton and Kathie Viglotti. Louise Sagan is the Clerk of Court in Choteau County assisted by deputy Lois Bokovoy and Donna Wigger. Pat Seidlitz is Clerk of Court in Liberty County.

Judge Warner is assisted by a staff of five: Tammy Langel, Administrative Assistant; Douglas Christensen, Court Reporter; Robert Peake, Chief Juvenile Probation Officer; Cathy Huston, Youth Diversion Officer; and Jackie Bell, Law Clerk and Special Master.

Recent changes in the District Court include new computer equipment for the court, court reporter and juvenile probation office. Real-time reporting, together with note-taking ability, has been fully implemented. CD-Rom research capability has been installed. Modifications to court facilities have been undertaken to provide increased court security.

A Youth Diversion Program has been fully implemented, thereby offering the Youth Court more alternatives for disposition.

The judge and the court staff are involved in law related education in the local Middle School and High School, and in the D.A.R.E. program.

**District Judge:** John Warner

**Clerks of District Court:** Dena Tippetts  
Louise Sagan  
Pat Seidlitz

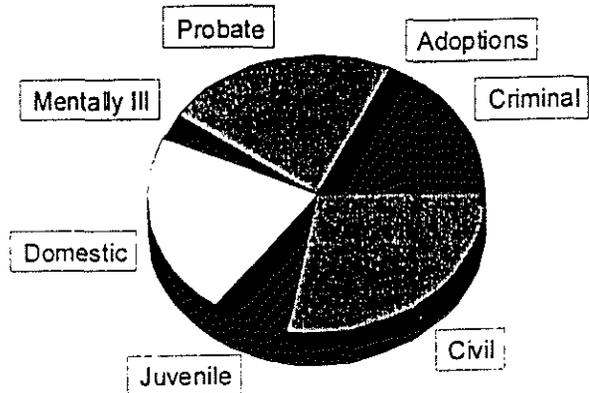
**Counties in the District:** Choteau  
Hill  
Liberty

**Area in Square Miles:** 8,293

**1994 Population:** 25,169

New filings and reopenings in the 12th Judicial District in 1995:

Criminal	120	16.4%
Adoptions	11	1.5%
Mentally III	23	3.1%
Juvenile	55	7.5%
Probate	165	22.5%
Domestic Relations	156	21.3%
Civil	203	27.7%
<b>TOTAL</b>	<b>733</b>	<b>100%</b>



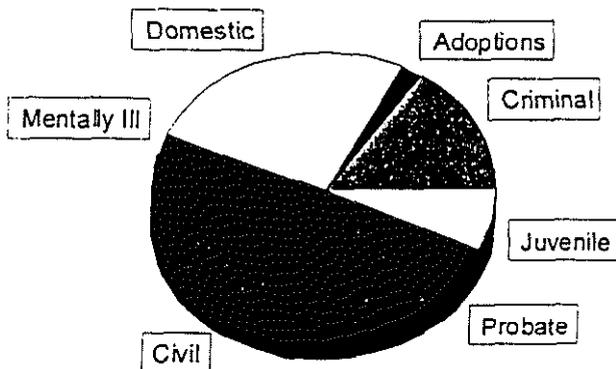
Twelfth Judicial District new case filings and reopenings in 1995.

SOURCE FOR DATA: Choteau County District Court, Hill County District Court, Liberty County District Court.

**THIRTEENTH JUDICIAL DISTRICT**

The Thirteenth Judicial District serves the Counties of Big Horn, Carbon, Stillwater, and Yellowstone and has five district judges: Judges G. Todd Baugh, Diane G. Barz, Maurice R. Colberg, Jr., Russell C. Fagg and Robert W. Holmstrom. The Clerks of Court for the various counties are: Big Horn, Janice Heath; Carbon, Gayle Strausberg; Stillwater, Cynthia S. Culp; Yellowstone, Jean A. Thompson.

All judges are headquartered in Yellowstone County. All judges handle the outlying counties and rotate on an annual basis. Concerning the outlying counties, two judges handle Big Horn County, two judges handle Carbon County and one judge handles Stillwater County. Those assignments are based on historical case loads in the outlying counties and trials are scheduled as required.



Thirteenth Judicial District new filings and reopenings in 1995.

SOURCE FOR DATA: Big Horn County District Court, Yellowstone County District Court, Carbon County District Court, Stillwater County District Court.

**District Judges:**  
 G. Todd Baugh  
 Diane G. Barz  
 Maurice R. Colberg, Jr.  
 Russell C. Fagg  
 Robert W. Holmstrom

**District Court Clerks:**  
 Janice Heath  
 Gayle Strausberg  
 Cynthia S. Culp  
 Jean A. Thompson

**Counties in the District:**  
 Big Horn  
 Carbon  
 Stillwater  
 Yellowstone

**Area in Square Miles:** 11,525

**1994 Population:** 150,994

New filings and reopenings in the 13th Judicial District in 1995:

Criminal	990	16%
Adoptions	122	2%
Mentally Ill	152	2.4%
Juvenile	441	7%
Probate	461	7.4%
Domestic Relations	1592	25.5%
Civil	2476	39.7%
<b>TOTAL</b>	<b>6234</b>	<b>100%</b>

**FOURTEENTH JUDICIAL DISTRICT**

The year 1995 brought some changes for this district. Dona Robson, Clerk of Court for Musselshell County since January 1989, passed away in March after a courageous battle with cancer. Connie Mattfield, who held the position of the Judge's part-time secretary and Chief Deputy Clerk of Court, was appointed Clerk of Court in April to fill Dona's position. Hally Grasswick became a "team player" in August as the Judge's part-time secretary and Deputy Clerk of Court.

Activities in recent months have prompted a re-evaluation of the Court's security system and procedures. This resulted in the installation of new monitoring equipment and use of other security precautions.

The Fourteenth Judicial District is a single judge district comprised of Musselshell, Golden Valley, Wheatland, and Meagher Counties. Judge Roy C. Rodeghiero has presided in this district since 1983. The district is approximately 200 miles east and west across the central part of Montana. There is 130 miles distance between the two furthest county seats of Roundup and White Sulphur Springs. Much windshield time is spent carrying out the duties of the District Judge, and he frequently holds "night court" in his travels up and down the way.

**New filings and reopenings in the 14th Judicial District in 1995:**

Criminal	59	13.6%
Adoptions	3	0.7%
Mentally Ill	4	0.9%
Juvenile	43	9.9%
Probate	62	14.3%
Domestic Relations	89	20.6%
Civil	173	40%
<b>TOTAL</b>	<b>433</b>	<b>100%</b>

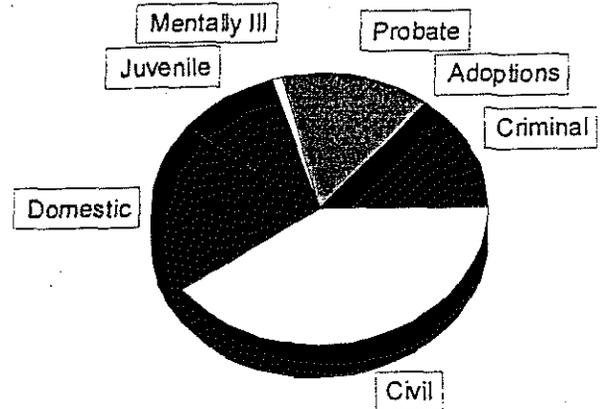
**District Judge:** Roy C. Rodeghiero

**District Court Clerks:** Aileen Matheis  
Donna Morris  
Connie Mattfield  
Janet Hill

**Counties in the District:** Golden Valley  
Meagher  
Musselshell  
Wheatland

**Area in Square Miles:** 6,837

**1994 Population:** 9,556



Fourteenth Judicial District new filings and reopenings in 1995.

SOURCE FOR DATA: Meagher County District Court, Musselshell County District Court, Golden Valley District Court, Wheatland County District Court.

**FIFTEENTH JUDICIAL DISTRICT**

1995 brought a new face to the Fifteenth Judicial District. David Cybulski was elected to the bench and presides over Daniels, Roosevelt, and Sheridan Counties as District Judge.

Joann Hesper and Delmar (Butch) Olson continue their fine work as court reporter and Juvenile Probation Officer.

Law and Motion in Plentywood is now on the first and third Monday, with Wolf Point and Scobey on the following Tuesday.

The draft of the new local rules is prepared, but Judge Cybulski is waiting until he has more experience on the job before implementing any changes.

Judge Cybulski would like to take this opportunity to thank the local attorneys in his district for seeming to settle cases without the need for settlement conferences or involuntary mediation. There were no trials in 1995 handled by Judge Cybulski that he feels would have benefitted from a mandatory alternate dispute resolution system.

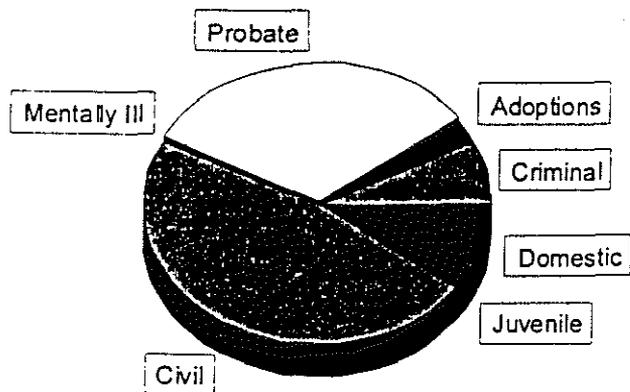
Judge Cybulski appreciates having prepared attorneys on both sides of a case, and has seen this many times in his courtroom throughout 1995.

**District Judge:** David J. Cybulski

**District Court Clerks:** Patricia McDonnell  
Patricia A. Stennes  
Cheryl Olson

**Counties in the District:** Daniels  
Roosevelt  
Sheridan

**Area in Square Miles:** 5,501



Fifteenth Judicial District new filings and reopenings in 1995.

SOURCE FOR DATA: Daniels County District Court, Roosevelt County District Court, Sheridan County District Court.

**New filings and reopenings in the 15th Judicial District in 1995:**

Criminal	25	7.7%
Adoptions	9	2.8%
Mentally Ill	1	0.3%
Juvenile	10	3.1%
Probate	103	31.9%
Domestic Relations	23	7.1%
Civil	152	47.1%
<b>TOTAL</b>	<b>323</b>	<b>100%</b>

**SIXTEENTH JUDICIAL DISTRICT**

Judge Wilson is the Chief Judge for administrative purposes and Judge Hegel is the Youth Court Judge handling all juvenile delinquency cases for the District. Judge Hegel is also the Water Court Judge for the Lower Missouri Basin.

The District has adopted Child Visitation Guidelines very similar to those previously adopted in the Fourth Judicial District. The guidelines appear to be very helpful and have been well received.

Both judges have supported Eastern Montana CASA/GAL INC., a recently formed Court Appointed Special Advocate program which is expanding to serve as guardians ad litem for abuse and neglect proceedings in Carter, Custer, Rosebud, and Treasure Counties.

Both judges are planning on implementing mandatory mediation and/or settlement conferences in 1996. Revised local rules are also on the horizon.

**District Judges:** Joel L. Hegel  
Kenneth R. Wilson

**District Court Clerks:** Carole Carey  
Bernice Matthews  
Carol Wade  
Connie Bollinger  
Marilyn Hollister  
ArLynn Archer  
Kay Rexford

**Counties in the District:** Carter  
Custer  
Fallon  
Garfield  
Powder River  
Rosebud  
Treasure

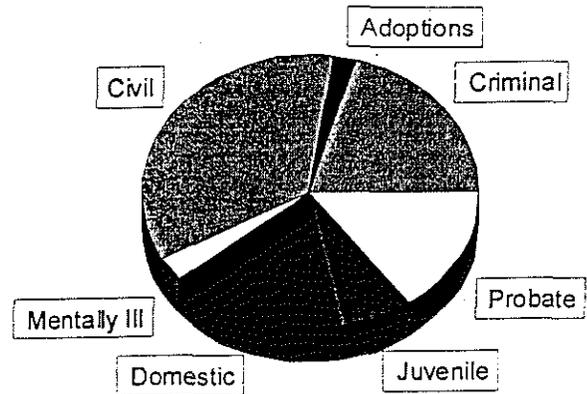
**Area in Square Miles:** 22,300

**1994 Population:** 31,787

New filings and reopenings in the 16th Judicial District in 1995:

Criminal	218	21%
Adoptions	23	2.2%
Mentally Ill	28	2.7%
Juvenile	70	6.7%
Probate	157	15%
Domestic Relations	183	17.4%
Civil	371	35%
<b>TOTAL</b>	<b>1050</b>	<b>100%</b>

SOURCE FOR DATA: Carter County District Court, Custer County District Court, Fallon County District Court, Garfield County District Court, Powder River County District Court, Rosebud County District Court, Treasure County District Court.



Sixteenth Judicial District new filings and reopenings in 1995.

### SEVENTEENTH JUDICIAL DISTRICT

The Seventeenth Judicial District serves the counties of Blaine, Phillips, and Valley Counties and has one District Judge: John C. McKeon. Kay Johnson is the Clerk of Court in Blaine County where she is assisted by Gail Obie, a part-time deputy. Frances Webb is the Clerk of Court in Phillips County where she is assisted by Julie Howell, deputy. The Valley County Clerk of Court, Patricia Hill, is assisted by Marlyn Campbell, deputy.

In addition to the Clerks of Court and their deputies, Judge McKeon is assisted by a staff of five: Kathy King, Administrative Assistant; Kelley Barstad, Court Reporter; Wade Riden, Chief Juvenile Probation Officer based out of Blaine County; Michael Boyer, Deputy Juvenile Probation Officer based out of Valley County and Bob Michael, Deputy Juvenile Probation Officer based out of Phillips County.

For 1994-95 fiscal year, Valley County had 41%, Phillips county had 31%, and Blaine County had 28% of the case load. Each month, law and motion calendars are conducted in Glasgow on the 1st and

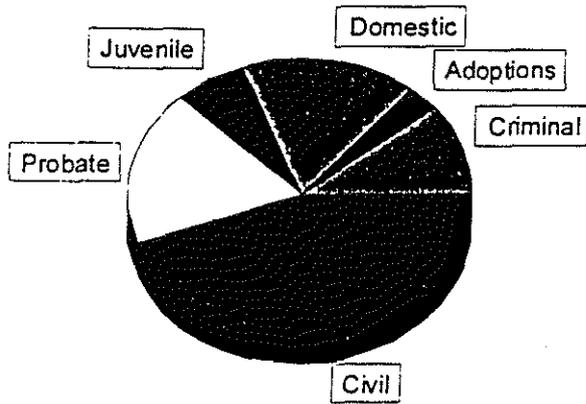
3rd Monday, in Chinook on 2nd and 4th Monday and in Malta on 2nd and 4th Thursday. Judge McKeon maintains his residential chambers at the Phillips County Courthouse in Malta, Montana, the geographic center of this district.

**District Judge:** John C. McKeon  
**District Court Clerks:** Kay O'Brien Johnson  
 Frances M. Webb  
 Patricia A. Hill  
**Counties in the District:** Blaine, Phillips, Valley  
**Area in Square Miles:** 14,462  
**1994 Population:** 20,409

New filings and reopenings in the 17th Judicial District in 1995:

Criminal	55	10.9%
Adoptions	17	3.4%
Mentally Ill	0	0%
Juvenile	34	6.7%
Probate	93	18.4%
Domestic Relations	84	16.6%
Civil	223	44.1%
<b>TOTAL</b>	<b>506</b>	<b>100%</b>

**EIGHTEENTH JUDICIAL DISTRICT**



Seventeenth Judicial District new filings and reopenings in 1995.

SOURCE FOR DATA: Blaine County District Court, Phillips County District Court, Valley County District Court.

A telecommunications room was established in the Law and Justice Center this fall. Judge Olson is currently studying potential court uses for this technology including arraignments, involuntary commitments and other appearances which would normally require transporting individuals to the court from detention facilities or hospitals. Telecommunications rooms have also been established at various other sites around the state.

In addition to continuing his family law mediation program, Judge Olson has also initiated the divorce education program provided for by new legislation. The court worked closely with several providers in Gallatin County who donated hundreds of hours into designing an appropriate program on the impact of dissolution on children. It is hoped that the class will assist parents in the challenge of co-parenting during and following the dissolution in a manner most conducive to their children's emotional health.

The court is currently obtaining a modem, CD-ROM and software to expedite and update legal research through MONTLAW.

**District Judges:** Thomas A. Olson  
Larry W. Moran

**Clerk of District Court:** Lorraine Van Ausdol

**Counties in the District:** Gallatin

**Area in Square Miles:** 2,517

**1994 Population:** 57,773

**NINETEENTH JUDICIAL DISTRICT**

The Nineteenth Judicial District experienced a great deal of change in 1995. On March 24, 1995, Governor Racicot appointed Michael Prezeau to fill the vacancy created by Judge Keller's resignation. Even though Judge Keller's resignation had been effective December 31, 1994, he remained on the bench in his capacity as a retired judge until Judge Prezeau was sworn in on May 4, 1995.

New filings and reopenings in the 18th Judicial District in 1995:

Criminal	177	10.9%
Adoptions	44	2.7%
Mentally Ill	31	1.9%
Juvenile	73	4.5%
Probate	137	8.4%
Domestic Relations	497	30.5%
Civil	670	41.1%
<b>TOTAL</b>	<b>1629</b>	<b>100%</b>

On October 21, Pam Starke, the long time Court Administrator, left her position to move to Arizona with her husband. Deb Kambel, formerly with the Lincoln County Attorney's Office, was hired to replace Ms. Starke.

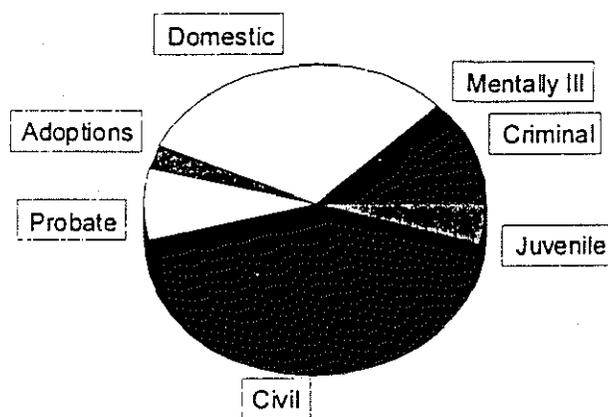
Lincoln County was well served for a number of years by both Judge Keller and Ms. Starke, and they will be missed a great deal. Fortunately, Judge Keller and his wife, Sue, continue to live in Libby, and Judge Keller has graciously agreed to make himself available on a periodic basis when needed. Judge Prezeau attended the General Jurisdiction course at the National Judicial College in September, and Judge Keller handled matters in Judge Prezeau's absence.

Bernie Copeland remains on board as the Court Reporter, and Sue Kroswek, the Court's law clerk, has committed to remain in her position until at least the summer of 1996. Cecil Briggs is still the Clerk of Court, and she is currently serving on two committees in the statewide Montana Association for Clerks of District Court.

In November, the Nineteenth Judicial District received the most recent JCMS system from the Court Administrator's Office.

The Court revised its local rules, which had been in place, largely unchanged, since 1988. The court anticipates an annual review of the local rules to fine tune them as the need arises.

Law and Motion has been moved from Mondays to Wednesdays, and a system of quarterly jury terms has been adopted for criminal jury trials and semi-annual



Eighteenth Judicial District new filings and reopenings in 1995.

SOURCE FOR DATA: Gallatin County District Court.

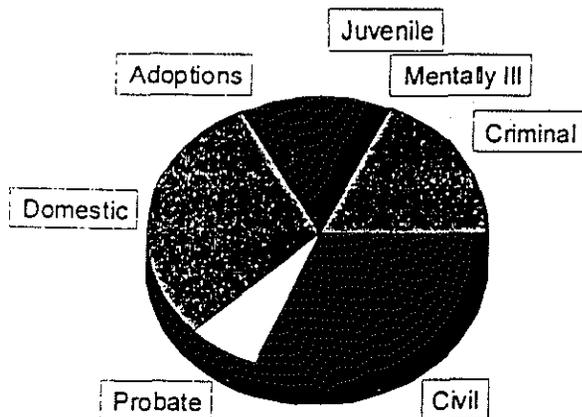
jury terms for civil jury trials.

Cases filed in the 19th Judicial District in 1995:

**District Judge:** Michael Prezeau  
**District Court Clerk:** Cecil Briggs  
**Counties in the District:** Lincoln  
**Area in Square Miles:** 3,714  
**1994 Population:** 18,409

New filings and reopenings in the 19th Judicial District in 1995:

Criminal	146	18.4%
Adoptions	21	2.6%
Mentally Ill	10	1.3%
Juvenile	81	10.2%
Probate	53	6.7%
Domestic Relations	238	30%
Civil	244	30.8%
<b>TOTAL</b>	<b>793</b>	<b>100%</b>



Nineteenth Judicial District new filings and reopenings in 1995.

SOURCE FOR DATA: Lincoln County District Court.

## TWENTIETH JUDICIAL DISTRICT

The Twentieth Judicial District consists of Lake and Sanders Counties and remains one of the busiest in the state. There were 1,275 new cases filed last year in this single-judge district compared to a statewide average last year of 801 cases per district judge. The incumbent judge, C.B. McNeil, will be filing in January 1996 for re-election to his third six-year term.

The district's chief juvenile probation officer, Barbara Monaco, was honored as the 1995 Juvenile Probation Officer of the Year by the Montana Correctional Association and also received the Western Correctional Association President's Award for 1995. The juvenile caseload is high with an increase in serious offenders, which parallels the national trend.

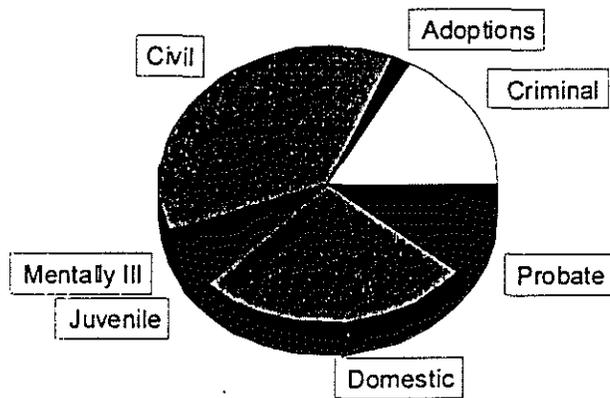
An active volunteer guardian ad litem program has proven invaluable in cases involving abused and neglected youths, and the volunteers work directly for and under the supervision of a court-appointed attorney.

Law and Motion is held every Wednesday in Polson and the second and fourth Tuesdays in Thompson Falls. The civil and criminal calendars remain current and, again, as this report is written, there are no cases at issue pending judge decision.

**District Judge:** C.B. McNeil  
**Clerks of District Court:** Katherine E. Pedersen  
 Evelyn Cox  
**Counties in the District:** Lake & Sanders  
**Area in Square Miles:** 2,396  
**1994 Population:** 33,386

New filings and reopenings in the 20th Judicial District in 1995:

Criminal	219	17.2%
Adoptions	25	2%
Mentally Ill	1	.08%
Juvenile	93	7.3%
Probate	139	10.9%
Domestic Relations	333	26.1%
Civil	465	36.5%
<b>TOTAL</b>	<b>1275</b>	<b>100%</b>



Twentieth Judicial District new case filings and reopenings in 1995.

SOURCE FOR DATA: Lake County District Court, Sanders County District Court.

**TWENTY FIRST JUDICIAL DISTRICT**

1995 was without doubt the most tumultuous year in Ravalli County in recent history. Ravalli County's population grew by 23% between 1990 and 1994 and now stands at 30,700 by the last official estimate. The members of the practicing bar in Ravalli County grew to 34 attorneys and on September 20, 1995, the Ravalli county Bar Association reorganized after many years of inactivity.

Anti-government activism and terrorist activity reached a new apex, complete with threats, plots, demonstrations, confrontations, and national media attention.

In response to the times, the Court sponsored the first post-certified court security training course in Montana, held in Hamilton the week of November 13, 1995. The District Court now has a staff of specially trained deputy sheriff/court security officers on call forty hours per week. The court has also added a variety of new security hardware and is implementing procedures to tighten courtroom security.

A policy has been enacted requiring more thorough preparation of civil cases for trial. Each party must now produce organized, pre-labeled and bound exhibit books for opposing counsel and the bench one week prior to trial, together with a written index of exhibits and witness list and proposed findings. This has cut unnecessary delay in civil trials and made far more organized presentation of the case. Mandatory civil case mediation continues to be highly successful, resulting in no civil jury trials in 1995.

The successful effort to ease the civil trial load has enabled the Court to keep pace with the increasing criminal case load. In 1995, the court held twenty criminal jury trials, a record both in terms of total jury trials in one year and total criminal jury trials in one year in Ravalli County.

Judge Langton attended a valuable seminar on the National Center for State Courts' Trial Court Performance Standards in San Antonio, Texas, November 6-8, 1995. The insights gained at this seminar will result in new initiatives here in 1996.

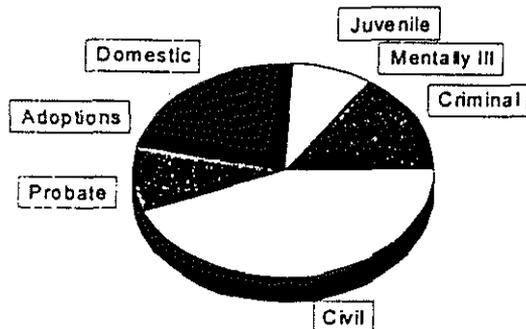
- District Judge:** Jeffrey H. Langton
- District Court Clerk:** Debbie Harmon
- Counties in the District:** Ravalli

Area in Square Miles: 2,396

1994 Population: 30,701

New filings and reopenings in the 21st Judicial District in 1995:

Criminal	162	15.4%
Adoptions	26	2.5%
Mentally Ill	3	0.3%
Juvenile	90	8.6%
Probate	105	10%
Domestic Relations	207	19.7%
Civil	456	43.5%
<b>TOTAL</b>	<b>1049</b>	<b>100%</b>



Twenty-first Judicial District new filings and reopenings in 1995.

SOURCE FOR DATA: Ravalli County District Court.

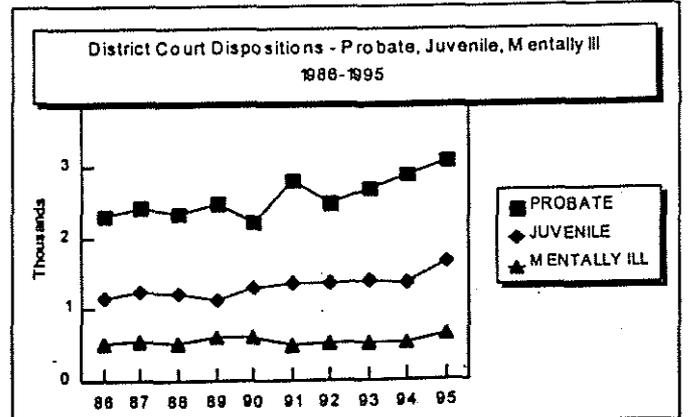
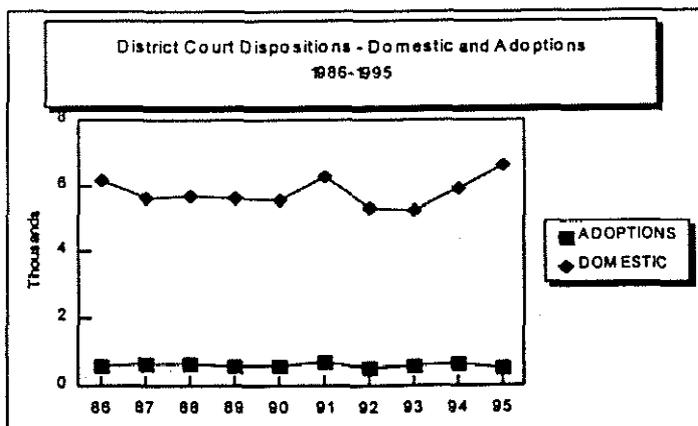
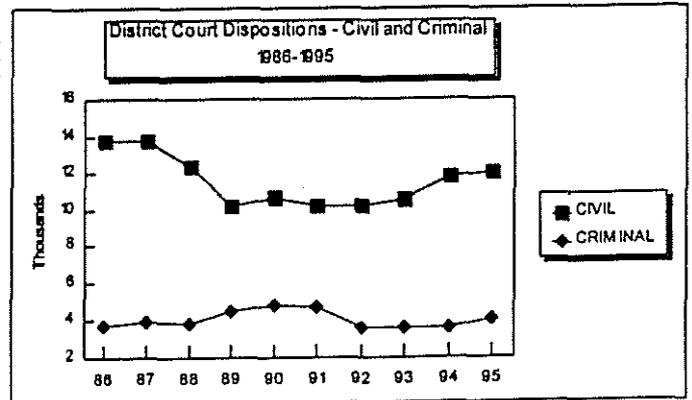
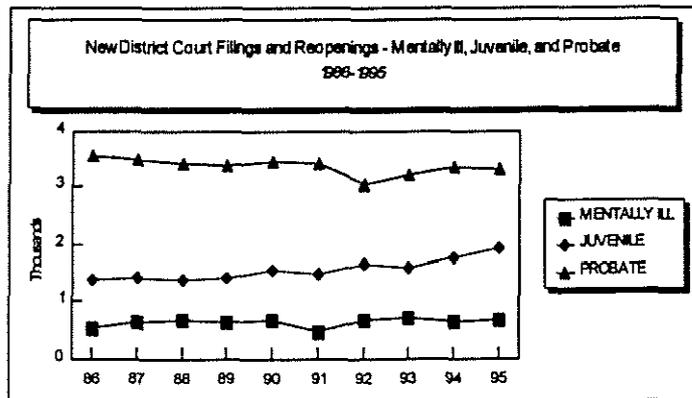
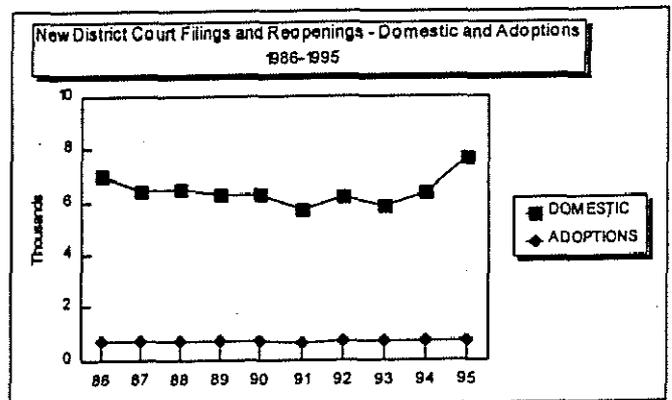
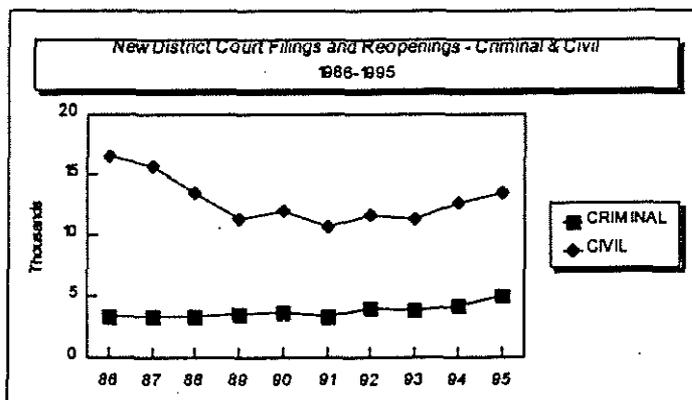
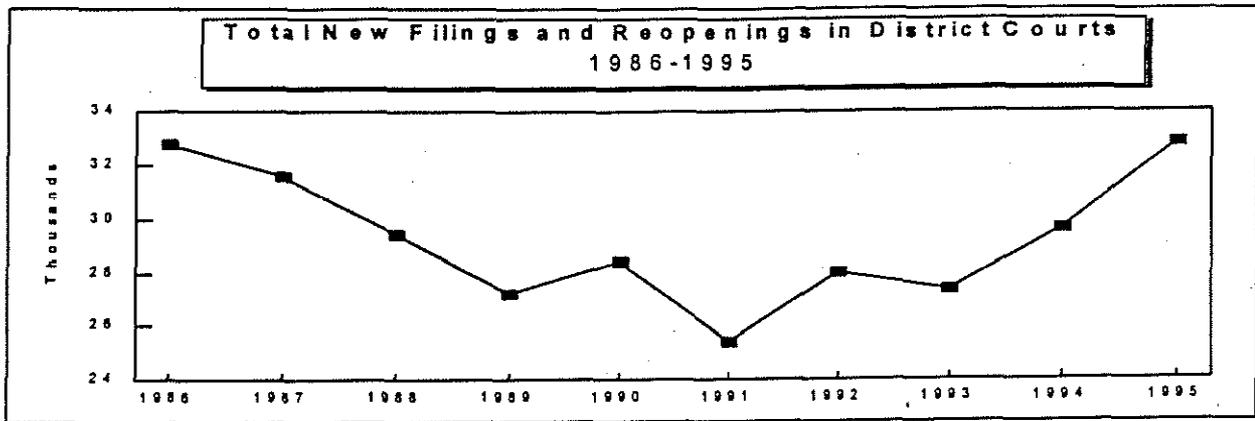
District Court new case filings and reopenings statewide in 1995:

Criminal	5,025	15.3%
Civil	13,534	41.2%
Domestic Relations	7,678	23.4%
Adoption	712	2.2%
Mentally Ill	665	2%
Juvenile	1,935	5.9%
Probate	3,322	10%
<b>TOTAL</b>	<b>32,871</b>	<b>100%</b>

District Court cases disposed statewide in 1995:

Criminal	3,967	13.9%
Civil	12,000	42.1%
Domestic Relations	6,593	23.1%
Adoption	624	2.2%
Mentally Ill	594	2.1%
Juvenile	1,662	5.8%
Probate	3,091	10.8%
<b>TOTAL</b>	<b>28,531</b>	<b>100%</b>

# DISTRICT COURT STATISTICS



## COURTS OF LIMITED JURISDICTION

A majority of citizens receive their first exposure to the judicial system in the Courts of Limited Jurisdiction which are the Justice of the Peace, City, and Municipal Courts. The Constitution of 1889 provided for the creation of the Justice Courts, Police Courts and Municipal Courts. The Constitution of 1972 retained the Justice of the Peace Courts as a Constitutional office and deleted any reference to Police or Municipal Courts, but allows the Legislature to create other courts such as City or Municipal Courts.

Judges in the Courts of Limited Jurisdiction are elected for a four year term and are required to attend two annual training sessions supervised by the Supreme Court. Failure to attend the training sessions results in disqualification of the judge from office.

In 1995, these conferences were held in Bozeman and Missoula. A wide variety of talented speakers presented timely information to the judges covering the areas of evidence, Supreme Court decisions, new laws regarding minors in possession, new laws regarding domestic violence, an update on new DUI laws, and a session on maintaining control of court in intimidating situations.

Limited court judges also had the opportunity to attend the 1995 Montana Leadership Institute on Judicial Education.

The Montana Judicial Institute, an educational

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\* Caseloads from the following courts are not included in these figures: Darby City Court, Lima City Court, Manhattan City Court, Pinesdale City Court, and Rosebud County Justice Court #1. Figures from these courts were not received in time for printing.

program for limited court judges instituted in 1994 as a pilot program, continued in 1995 with twenty-six judges graduating from the program. The Montana Judicial Institute consists of classes geared specifically to the judges taught by professors from the University of Montana School of Law. Judges have the opportunity to earn continuing education credits through the University of Montana by completing this intensive course. Funded by a grant from the State Justice Institute, the Montana Judicial Institute offered technical training in the areas of contracts and property law, criminal law and procedure, and Montana remedies law. For both years of this two-year program, participating judges participated in an in-residence component at the University of Montana, completed a distance learning component using interactive video, and attended a fall-weekend component.

Judicial education programs offered to the limited court judges often prove invaluable given the amount of traffic through their courts. In 1995, the limited courts handled 339,379\* cases, constituting a 5% increase over 1994. Of these, 232,414\*, or 68.5% were criminal cases. The limited courts handled 68,972\* seatbelt and daytime speeding citations, 35,094\* civil cases, and 2,899\* small claims cases.

The 114 limited court judges work in 159 justice, city, and municipal courts. The judges are assisted by 176 full-time and part-time clerks of court.

Given the large caseload handled by these courts, automation has become a priority. The automation unit of the Office of the Court Administrator continued efforts in 1995 to automate the limited courts through the installation of computers and the Limited Jurisdiction Case Management (LJCMS) software. At the end of 1995, twenty-one courts were using the LJCMS program.

## SPECIAL JURISDICTION COURTS

### WATER COURT

Montana's Water Court was created by the 1979 Legislative Session in response to concerns that the existing program of water adjudications, which was set up under the 1973 Water Use Act, would take one hundred years to complete. The legislature created the Water Court to "expedite and facilitate" the adjudication of existing water rights that were in existence prior to 1973. The Water Court has exclusive jurisdiction to interpret and determine existing water rights.

There are four water divisions in the State that are formed by the natural divides between drainage and the border of the State. The four major water divisions in Montana are the Yellowstone River Basin, the Lower Missouri River Basin, the Upper Missouri River Basin and the Clark Fork River Basin.

The Chief Water Judge serves a four year term and is appointed by the Chief Justice of the Supreme Court from a list of nominees submitted by the Judicial Nominations Commission. Water judges are designated for each water division by a majority vote of a committee composed of the District Judge from each single-judge judicial district and the Chief District Judge from each multiple judge judicial district.

Six Water Masters and three clerks are employed by the Water Court. The water judges and masters conduct hearings and make decisions concerning any objections made to a temporary preliminary or preliminary decree of water rights. The Clerk of the Water Court and his or her deputies function in a manner similar to the Clerk of the District Court.

Funding for Water Court is derived from various special revenue sources which include coal tax money, resource indemnity trust money and various other sources of bond and income revenues.

The work of the Water Court was slowed by litigation concerning the court's role in its adjudication of the state's pre-1973 water rights. However, out of the 85 basins within the State of Montana, 6 basins have final decrees, 6 basins have preliminary decrees, and 35 basins have temporary preliminary decrees. The 1989 Legislature required the Water Court to reopen and review all preliminary or final decrees, including the Powder River Basin.

The adjudication of federal reserved water rights is suspended until 1999 while the State of Montana and the federal and tribal authorities negotiate a compact regarding federal reserved water rights. The State of Montana and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation entered into a compact in 1985 and the State of Montana and the Northern Cheyenne Tribe of the Northern Cheyenne Reservation entered into a compact in 1991. The State of Montana and the United States of America National Park Service entered into a compact in 1993. These compacts quantified the reserved water rights of the tribes and certain National Park Service lands and were approved by the Montana Legislature.

### WORKERS' COMPENSATION COURT

The 44th Legislative Assembly created the Office of the Workers' Compensation Court on July 1, 1975 to adjudicate disputes arising out of the Workers' Compensation and Occupational Disease Benefit Programs. The Workers' Compensation Court has exclusive jurisdiction to make original determinations in disputes involving payment of workers' compensation benefits under Title 39, Chapter 71 and to judicially review administrative agency decisions made under Title 39, Chapters 74 and 72.

To accomplish legislative intent, the Office of the Workers' Compensation Judge is organized and

functions in much the same manner as a district court, except that it follows the appropriate provisions of the Montana Administrative Procedures Act. Legislative changes in 1987 provide that statutory and common law rules of evidence apply.

The Workers' Compensation Judge serves a six-year term and is appointed by the governor from a list of

nominees submitted by the Judicial Nomination Commission. The Workers' Compensation Judge must have the same qualifications necessary to hold the office of District Court Judge. Effective January 1, 1990, the Office of the Workers' Compensation Judge is assigned to the Department of Labor and Industry for administrative purposes only.

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## ADMINISTRATION OF THE JUDICIAL SYSTEM

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The Constitution of the State of Montana charges the Supreme Court with the ultimate responsibility for the efficient and effective operation of the judicial system. The Constitution gives the Supreme Court "general supervisory control over all other state courts" and allows the Supreme Court to make rules governing appellate procedure, practice and procedure for all other courts and to regulate admission to the bar and conduct of attorneys.

To assist the court in fulfilling its administrative and supervisory duties, the Supreme Court relies on presiding District Court Judges, the Office of the Court Administrator, the Clerk of the Supreme Court, and various boards and commissions. The activities of these offices and boards and commissions during calendar year 1995 are highlighted below.

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## OFFICE OF THE COURT ADMINISTRATOR

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Prior to 1975, court administration was handled by the Chief Justice. In 1975 the Supreme Court established the Office of the Court Administrator (OCA) to assist the court with administrative duties. The office was recommended in a study of the judicial system by the Montana Board of Crime Control in 1975 and statutorily authorized by the legislature in 1977 (section 3-1-701 MCA).

The OCA is assigned specific duties by this section of the Montana Code:

**3-1-702. Duties.** The court administrator is the administrative officer of the court. Under the direction of the supreme court, the court administrator shall:

- (1) prepare and present judicial budget requests to the legislature;
- (2) collect, compile, and report statistical and

other data relating to the business transacted by the courts and provide the information to the legislature on request;

- (3) recommend to the supreme court improvements in the judiciary;
- (4) administer state funding for district courts as provided in chapter 5, part 9; and
- (5) perform other duties that the supreme court may assign.

The Court has also assigned the OCA other duties under part (5). These other duties provide the court an administrative arm to oversee essential operations and daily tasks for the Court and the people of Montana. As the Legislature enacts new statutes the role of the Court also evolves and the need that the court has for the administrative office is ever more present.

In 1995 the OCA performed the following additional

assigned functions and duties:

The Court Administrator's staff supported several of the Boards and Commissions that the Court utilizes in order to discharge its general supervisory responsibilities delegated by the Constitution and specific legislative acts. The Court Administrator has 2 full time staff that perform support tasks for the Commission on Practice, Board of Bar Examiners, Sentence Review Division, Judicial Standards Commission, and Judicial Nominations Commission. Other boards and commissions do not require intensive support but the office provides support when it is necessary.

The District Court Criminal Reimbursement and Grant-In-Aid Program in 1995 reimbursed 100 percent of the valid claims presented. The total amount distributed in 1995 to county courts was \$2,614,254.59. In addition to the reimbursed expenses, the program also distributed \$965,010 in grant awards to county courts.

In 1993, the Legislature, under SB 271, ( 41-3-1101 through 41-3-1114 MCA) sponsored by Senator Judy Jacobson, placed a new program with the Office of the Court Administrator. This bill enacted a pilot Foster Care Citizens Review Board, that would have OCA train local community volunteers to review foster care placements in selected pilot sites around the state. These boards are to advise and make recommendations to the Department of Family Services and the District Judges to ensure that the needs of children are considered and that the placement plans for children lead to as short of stay in nonpermanent status as possible. During 1995, two Judicial Districts have totally operational Review Boards. The success of the program has convinced the Supreme Court to propose increased funding in the next biennium.

In 1993, the United States Congress passed the Federal Family Preservation and Support Act which authorized a federally funded program to assess the foster care system in it's entirety. The act required

that in each state the highest court apply for this funding . The Montana Supreme Court through the OCA, applied for these funds along with 48 other states. The Legislature funded the program at 100% federal funds for the first year of the five year act and at 75% for the remaining four years. The Legislature authorized the corresponding state match for the second and third years during the 1995 session. In 1995 the OCA has been busy working on the assessment with the assistance of a Court named Advisory Board made up of collaborating interested parties.

In 1995 the Court Administrator's Office coordinated two District Judges Conferences, as well as participated in the annual Five State Judicial Conference held in Rapid City, South Dakota. The states of North Dakota, South Dakota, Wyoming, Idaho, and Montana participate. In 1996 the Montana Judiciary will be the host state for this conference. The OCA has started initial planning for this conference with the theme centered on Native American Issues. The Five State Conference is totally funded through registration fees charged to participating state supreme court justices and general jurisdiction judges.

The Court Administrator, with direction from the Commission on Courts of Limited Jurisdiction, planned, coordinated, and staffed two conferences for Justices of the Peace, City Judges and a Municipal Judge. A total of 37 hours of State Bar certified continuing legal education instruction was given at these two conferences. Again in 1995 the Montana Judicial Institute was coordinated by the OCA for 30 participating judges. This Institute was funded by a grant from the State Justice Institute for 1994 and 1995 and the Commission and OCA will continue to pursue funding for this excellent education instrument for future years.

The Court Administrator participated in the Montana Clerks of Court Certification Conference as well as the Annual educational conference. In 1995 the OCA secured funding from the Legislature to assist the district court clerks in educational programs.

## COURT ASSESSMENT PROGRAM

The Office of the Court Administrator applied for and received a four-year grant under the federal Family Preservation and Support Act of 1993 to study, assess and improve the role of courts in child abuse, child neglect, foster care and adoption cases. According to the federal grant, the highest court in each state is to conduct an assessment of how their court system is handling these types of cases. To implement the program, the Office of the Court Administrator has established the Court Assessment Program, which is being administered by Jean Whittinghill.

During 1995 and 1996, the Court Assessment Program will conduct an assessment of Montana's child abuse and neglect laws and judicial processes in order to develop a plan for system improvement. During 1997 and 1998, the Court Assessment Program will implement improvements and reforms deemed necessary as a result of the assessments. The objective of the court assessment program is to help courts focus on their role in proceedings relating to child abuse and neglect, with the purpose of improving the handling of those proceedings.

The assessment phase of the program will consist of two parts: 1) collecting data statewide through the use of questionnaires; and 2) on-site evaluations of four judicial districts. Four judicial districts have volunteered their courts for the in-depth assessments. Those courts are: 8th Judicial District, the 12th Judicial District, the 13th Judicial District, and the 19th Judicial District. The assessment portion of the project will be completed by December 31, 1996.

The Court Assessment Program assembled an advisory committee of twenty-two members to provide guidance and expertise. The advisory committee includes representatives from the judiciary, legislature, Department of Public Health and Human Services Family Services Division, youth corrections, attorneys, foster parents, and a tribal court judge.

## LOCAL CITIZEN REVIEW BOARD PILOT PROGRAM

The Local Citizen Review Board Pilot Program, which is codified in sections 41-3-1001 through 1014, MCA, expanded during 1995. The program continued in its second year of operation in the Fourth Judicial District (Missoula and Mineral Counties), and moved into the Second Judicial District (Silver Bow County). The next site will be the Eighteenth Judicial District (Gallatin County).

The volunteer boards, whose members are appointed by the local district judges, review the permanency plans prepared by the Department of Public Health and Human Services for all children placed in out-of-home care. The boards then make findings and recommendations to the district court and the Department of Public Health and Human Services, with the purpose of ensuring that the best interests of children in out-of-home care are being met and that each child has an appropriate permanency plan. The citizen volunteers, who represent a cross-section of their communities, have proven to be truly dedicated to their task. Administrative staffing and training for the volunteers is provided by the Montana Supreme Court Administrator's Office.

In Missoula, fifteen volunteer members serve on three review boards. Each board meets one day per month to review the cases of children in foster care. Butte also has fifteen volunteer members, with five members serving on each of the three boards. Because of the low number of children in foster care in the Second Judicial District, each board meets once every three months.

The Eighteenth Judicial District is in the process of recruiting volunteer members, and the goal is to have this district up and running by April of 1996.

The Court Administrator's Office is currently developing a statistical data base program that will allow the Citizen Review Boards to maintain an up-to-date report on the children who are reviewed by the boards.

## CLERK OF THE SUPREME COURT

The Clerk of the Supreme Court is elected on a partisan ballot in a statewide election to a six-year term. Primary responsibilities of the Office of the Clerk are specified in the Montana statutes:

**3-2-402. Duties -- electronic filing and storage of court records.** (1) It is the duty of the clerk to:

- (a) keep the seal of the supreme court, its records and files, and the roll of attorneys and counselors at law;
  - (b) adjourn the court from day to day at the beginning of any term in the absence of any justice and until the arrival of a majority of the justices;
  - (c) file all papers or transcripts required by law to be filed;
  - (d) issue writs and certificates and approve bonds or undertakings when required;
  - (e) make out all transcripts to the supreme court of the United States;
  - (f) make copies of papers or records when demanded by law or the rules of the court; and
  - (g) perform other duties as may be required by law and the rules and practice of the supreme court.
- (2) The clerk may elect to keep court documents by means of electronic filing or storage, or both, as provided in 3-1-114 and 3-1-115, in lieu of or in addition to keeping paper records.

Additional duties under part (1)(g) include registration

and fee collection for bar admittance, the preparation of court and oral argument minutes, collecting the annual attorney license tax for more than 3,300 attorneys, and maintaining the roll of Montana attorneys. Certificates of Good Standing and Certificates of Admission are issued by the Clerk.

Calendar year 1995 was another busy year with 25,570 transactions being handled by the Clerk's office. 1396 motions were filed and processed, as were 1182 briefs. This caseload comprised a total of 394 civil cases and 186 criminal case filings. The Bar admissions process is growing with an increase in out of state attorneys applying to be admitted to the practice of law in Montana. During 1995, 73 applied for waiver of the bar exam. 71 were granted waiver, one took an abbreviated exam, and one was denied waiver. 137 applicants were approved to sit for the annual July exam, 116 candidates passed the exam and 14 failed the exam. During 1995 the Clerk's office swore in 111 in state residents and 46 out of state residents to the Montana Bar.

During fiscal year 1995, the office collected \$178,271.43 in fees and tax revenues for the state. This amount was comprised of \$30,465.43 in Court fees, bar administration and examination fees of \$65,811.00, and \$81,995.00 in attorney license taxes.

The Clerk manages a staff of three individuals, consisting of one deputy clerk and two assistant clerks.

## ADVISORY BOARDS AND COMMISSIONS OF THE SUPREME COURT OF MONTANA

The Supreme Court utilizes the services of several boards and commissions in order to discharge its general administrative and supervisory responsibilities delegated by the Constitution. The various boards and commissions are charged by the court to address specific issues or areas of expertise and to report problems and recommendations to the Supreme Court.

The activities of the advisory boards and commissions during 1995 are summarized below:

### JUDICIAL NOMINATION COMMISSION

The Judicial Nomination Commission, created under 3-1-1001, MCA, is charged with the responsibility of providing the governor with a list of candidates for appointment to fill any vacancy on the Supreme Court, District Court, or Workers' Compensation Court, and to provide the Chief Justice of the Supreme Court with a list of candidates for appointment to fill any term or vacancy for the Chief Water Judge. The commission is composed of seven members: four lay members from different geographical areas of the state who are appointed by the governor; two attorneys, one from each congressional district, appointed by the Supreme Court; and one District Judge who is elected by District Judges from around the state. Commission members serve a four year term and are not eligible for nomination to a judicial office during their term on the commission or for one year thereafter.

When a vacancy occurs on the Supreme Court or in a District Court, the commission is required to meet within thirty days after the vacancy has been verified by the Chief Justice. The commission must submit to the governor a list of not less than three nor more than five nominees for appointment. The same process is used for a vacancy in the office of

Chief Water Judge, except that the nominees are made to the Chief Justice for eventual appointment. The Governor and Chief Justice are limited to making appointments from the list of nominees submitted by the Judicial Nominations Commission.

If the governor fails to nominate within thirty days after receipt of a list of nominees, the Chief Justice or Acting Chief Justice makes the nomination.

The commission meets as necessary when a vacancy occurs or a term expires.

### COMMISSION CONCERNING RULES OF ADMISSION TO THE PRACTICE OF LAW IN MONTANA

The Commission Concerning Rules of Admission to the Practice of Law in Montana was created by court order of the Supreme Court on June 18, 1985. The commission was instructed to study the court's existing rules on admission to the practice of law and make recommendations to the Supreme Court as the commission deems appropriate.

Membership on the commission is represented by two non-lawyers, one District Judge, one member of the Board of Bar Examiners, and seven members of the State Bar of Montana.

Members of the commission are appointed by the Supreme Court for an indefinite term.

### BOARD OF BAR EXAMINERS

The Board of Bar Examiners is responsible for conducting the licensing examination for attorneys who wish to practice law in the State of Montana. In 1995 there were over 3000 attorneys licensed to practice law in Montana.

DISTRICT COURT CRIMINAL REIMBURSEMENT PROGRAM  
 TOTAL REIMBURSEMENT BY CATEGORY  
 FY 1995

COUNTY	COURT REPORTER	JURY SERVICES	PROSECUTOR'S SERVICES	PSYCHIATRIC EXAMINATIONS	INDIGENT DEFENSE	TOTALS
Anaconda-Deer Lodge	5,104.53	744.51			22,254.54	28,103.58
Beaverhead	2,728.32	1,310.56	56.13	180.00	11,042.98	15,317.99
Big Horn	1,380.00	7,406.08	1,416.24	432.00	24,941.15	35,575.47
Blaine	1,245.87	1,638.54	228.03	2,562.00	11,072.11	16,746.55
Broadwater	936.00	1,367.89	145.92	584.00	17,990.12	21,023.93
Butte-Silver Bow	14,101.60	432.80	266.00	8,895.40	79,202.58	102,898.38
Carbon	1,380.00				2,224.28	3,604.28
Carter	420.59				(660.80)	(240.21)
Cascade	24,848.39	6,235.08	5,891.12	17,693.25	163,419.93	218,087.77
Chouteau	1,296.00	2,400.43	8,282.19	2,629.40	6,701.83	21,309.85
Custer	7,571.07	11,939.82	38,065.23	3,154.00	73,622.51	134,352.63
Daniels	124.04				165.00	289.04
Dawson	4,309.88	2,288.84	1,522.31	440.00	20,712.75	29,273.78
Fallon	981.43		480.00		1,662.87	3,124.30
Fergus	7,269.66	4,721.94	3,054.36	6,648.38	47,773.75	69,468.09
Flathead	19,140.47	10,617.18	44,408.44	14,952.01	198,634.55	287,752.65
Gallatin	11,491.86	10,943.78	21,601.16	9,534.00	97,586.42	151,157.22
Garfield	701.00	1,744.63	708.78		1,529.57	4,683.98
Glacier	2,555.78	1,114.41	83.95		15,185.32	18,939.46
Golden Valley	550.92			328.20	4,579.93	5,459.05
Granite	981.67				3,165.35	4,147.02
Hill	6,966.40	1,624.63	16.00	480.00	65,174.08	74,261.11
Jefferson	1,888.72	4,907.18	1,211.51	1,404.00	36,615.68	46,027.09
Judith Basin	1,173.44	1,562.12	662.04		19,749.95	23,147.55
Lake	5,530.40	5,450.44	1,393.90		40,551.09	52,925.83
Lewis and Clark	9,164.63	16,239.21	12,593.01	8,057.00	89,876.43	135,930.28
Liberty	518.40				1,257.22	1,775.62
Lincoln	10,361.80	7,999.92	8,076.01	3,478.22	114,706.12	144,622.07
Madison	2,357.72			180.00	11,720.02	14,257.74
McCone	809.81				(1,759.00)	(949.19)
Meagher	2,898.68		68.93		24,928.68	27,896.29
Mineral	1,454.16	1,463.25	1,611.38	1,990.20	11,695.78	18,214.77
Missoula	33,087.83	19,138.13	13,686.08	22,513.00	152,483.42	240,908.46
Musselshell	3,594.52	23.20	400.00	1,808.00	21,628.20	27,453.92
Park	5,486.95	3,439.40	375.30	1,256.00	5,436.53	15,994.18
Petroleum	164.73	1,126.18	467.81		5,439.04	7,197.76
Phillips	2,306.79		17.00	136.00	21,782.26	24,242.05
Pondera	1,407.54		212.32		4,793.34	6,413.20
Powder River	701.04	15.56			6,754.54	7,471.14
Powell	3,730.20				17,853.42	21,583.62
Prairie	373.76					373.76
Ravalli	4,927.17	8,897.69	7,851.17	5,996.00	69,997.66	97,669.69
Richland	7,554.90	653.05		200.00	12,509.51	20,917.46
Roosevelt	598.94				3,399.69	3,998.63
Rosebud	3,505.08	2,445.27	56.13		30,297.44	36,303.92
Sanders	2,083.20	545.14	138.50		13,023.07	15,789.91
Sheridan	351.52	664.82			2,226.48	3,242.82
Stillwater	828.00			1,953.00	4,789.78	7,570.78
Sweet Grass	1,005.96				3,131.32	4,137.28
Teton	1,147.37		84.61	660.00	3,530.45	5,422.43
Toole	1,815.36			1,478.00	11,498.61	14,791.97
Treasure	140.22			1,131.30	1,634.59	2,906.11
Valley	2,301.77		132.00	1,411.00	16,143.08	19,987.85
Wheatland	1,121.28			328.20	13,560.51	15,009.99
Wibaux	436.08				2,057.34	2,493.42
Yellowstone	25,064.40	15,514.20	5,339.41	11,108.00	246,164.26	303,190.27
<b>TOTALS</b>	<b>\$255,977.85</b>	<b>\$156,615.88</b>	<b>\$180,602.97</b>	<b>\$133,600.56</b>	<b>\$1,887,457.33</b>	<b>\$2,614,254.59</b>
<b>% OF TOTAL REIMBURSED</b>	<b>9.99%</b>	<b>5.99%</b>	<b>6.91%</b>	<b>5.11%</b>	<b>72.20%</b>	<b>100.00%</b>

### **DISTRICT COURT CRIMINAL REIMBURSEMENT PROGRAM**

The District Court Criminal Reimbursement Program, enacted by SB25 and SB 142 during the regular session of the 1985 Legislature, established an expanded state assumption of certain expenses associated with criminal proceedings in Montana's District Courts.

The District Court Criminal Reimbursement Program reimburses counties for certain adult criminal expenses. The program, as outlined by section 3-5-901, MCA, covers the eligible expenses in the following five categories:

- A percentage of court reporters' salaries
- The cost of transcripts of eligible criminal proceedings
- Psychiatric examinations in criminal proceedings
- Witness and Jury expenses of criminal proceedings
- Indigent defense expenses of criminal proceedings

The program receives its revenue from a portion of the motor vehicle license tax.

If, after all reimbursements are made, there is a balance remaining then the balance must be awarded to counties in the form of a grant. The grant is based on whether the county has expended funds over and above their maximum mill levy set by law for district court expenses.

### **JUDICIAL AUTOMATION - MONTANA JUDICIAL CASE MANAGEMENT SYSTEM AND MONTANA LIMITED COURT CASE MANAGEMENT SYSTEM**

In 1995, the automation of the courts in Montana took a positive turn. The 1995 Legislature passed a proposal of the Judicial Branch to adequately fund the Judiciary's effort towards automation. Representative Toni Hagnar of Havre was the sponsor of the Judicial proposal in the Legislature. The enacted legislation placed a \$5.00 surcharge on

each case filing in all courts, and dedicated the resulting revenue to the Supreme Court to fund "Information Technology". The effective date of this legislation was July 1, 1995 and carries a corresponding sunset provision of June 30, 1999. The anticipated revenue from the surcharge is calculated to be \$980,000 each year, this funding compares to \$250,000 in fiscal 1994.

In 1995 the Automation team put together by the Court Administrator is making significant strides to move all courts into a totally automated case management system. The version being installed is a cooperative product of the OCA and Clerks of District Court Automation Committee, a cooperation that resulted in a vastly improved case management system. The enhanced version of an in-house developed product (JCMS Version 2.1.1c) will be installed and court personnel trained, in more courts than ever before. The goal of the team is to upgrade obsolete and inadequate equipment and install Version 2.1.1c in all courts that currently have Version 1. In 1996 the team will strive to have all major courts in the state (Helena, Bozeman, Livingston, Billings, Kalispell, Great Falls, Butte, Glendive, and Cut Bank) along with several smaller case filing courts automated. The Automation team has strived to work closely with the clerks of district court and district judges on enhancements.

The surcharge revenue is being used to purchase computer hardware and software, fund staff to install and maintain the equipment in counties statewide, and fund trainers to train court personnel in the proper use of the developed product. In 1995 a telephone support hot line was established and receives in an average week, 200 calls from courts statewide. This telephone support is invaluable to the users.

To keep the automation effort in tune with current developments, the Automation team is constantly reviewing improvements in technology. It is anticipated that Version 3 of the Judicial Case Management System will be placed into development sometime in fiscal year 1997.

## BAR EXAM ACTIVITY 1983-1995

The Board of Bar Examiners is appointed by the Supreme Court. Terms of board members are permanent, however, the Supreme Court may release, dismiss, or remove any members of the board and appoint other members in his or her stead at any time. The Supreme Court Administrator serves as the board's administrator.

In 1995, the Chairman of the Board of Bar Examiners, Thomas M. Monaghan, retired after serving for 18 years. The Supreme Court by Court Order dated December 12, 1995, commended Mr. Monaghan for his dedication and service to the people of Montana and the State Bar.

The Supreme Court appointed Loren J. O'Toole, II, of Plentywood as a new member of the board and Gregory J. Murphy, a member since 1985, was elected chairman.

The Board of Bar Examiners conducts the examination of applicants for admission to the bar. The board performs such duties and renders such assistance in the examination of applicants as may be prescribed by the Supreme Court.

The board offers one examination per year. The Multistate Bar Examination given on the last Wednesday of July is followed by the Montana Essay Examination on the following Thursday and Friday. Applicants are examined on their legal ability and character and fitness to practice law. The Montana State Bar Examination consists of a one day Multistate Bar Examination and a one and one-half day Montana Essay Examination.

Date of Exam	Number of Applicants	Number Successful	Percent Successful
2/83	24	17	71%
8/83	38	32	84%
2/84	31	23	74%
7/84	98	81	83%
2/85	39	22	56%
7/85	125	108	86%
2/86	34	20	59%
7/86	119	85	71%
2/87	46	33	72%
7/87	90	87	97%
2/88	25	17	68%
7/88	89	78	88%
2/89	22	16	73%
7/89	80	73	91%
2/90	25	19	76%
7/90	97	85	88%
2/91	25	17	68%
7/91	78	62	79%
7/92	117	104	89%
7/93	115	98	85%
7/94	130	115	88%
7/95	130	116	89%

### COMMISSION ON UNAUTHORIZED PRACTICE

The investigation of complaints alleging that a person is practicing law without having been admitted to the bar is the responsibility of the Commission on Unauthorized Practice. The commission was created by the Supreme Court on June 30, 1976. Investigations of unauthorized practice originally had been the responsibility of the Commission on Practice.

The Commission on Unauthorized Practice is made up of five members appointed by the Supreme Court for two year terms. The Commission meets when necessary to investigate complaints of unauthorized practice of law.

### COMMISSION ON COURTS OF LIMITED JURISDICTION

On June 13, 1974, the Montana Supreme Court established an eight-person Commission on Lower Courts to study courts of limited jurisdiction and make recommendations for improvement in the administration of justice. Specifically, the commission was charged with the duty to study and recommend to the court a set of rules of practice and procedure designed to carry out the principles of the 1972 Constitution and to improve court practice and make court practice uniform throughout the state.

On August 18, 1976, the Montana Supreme court re-established the eight-person Commission on Courts of Limited Jurisdiction. Their stated duty was: to design and implement a plan for continuing education of Montana's lower court judges; to use such a plan to develop the most effective use of the uniform rules, forms and procedures; and to propose further refinements and improvements of those uniform rules, forms, and procedures.

Composition of the now ten-member commission has changed from its inception until today to reflect a balanced representation. The current membership

consists of one State Bar representative, one city attorney, one county representative, one member-at-large, one district judge, one justice of the peace from a larger jurisdiction, one justice of the peace from a smaller jurisdiction, one city judge from a larger jurisdiction, one city judge from a smaller jurisdiction, the president of the Montana Magistrate's Association, and a non-voting Supreme Court Justice as a liason.

Particularly since 1985, the Commission has provided oversight in the mandatory training and certification of all judges in courts of limited jurisdiction. Judges are required to attend two training conferences each year which have averaged almost 50 hours of judicial education annually. The 1995 Spring School offered twenty credits of continuing legal education and the 1995 Fall School offered seventeen credits.

Beginning in 1986 and continuing every four years thereafter, the commission conducts a certification conference including the administration of a certification test lasting approximately three hours. All judges are required to satisfactorily complete this test prior to assuming their duties as judges.

This very active commission continues to promote procedural refinements and improvements in courts of limited jurisdiction. Meeting ten times each year, they aggressively encourage professionalism and competence among judges who serve Montana's public in justice, city and municipal courts.

1995 Commission members were: William E. Astle, Esq.; Hon. Douglas Harkin, Hon. Gregory Mohr; Hon. Larry Herman; David Hull, Esq.; Hon. Gayle Stahl, Hon. Ron Johnson; Hon. Gladys Vance; David Rice; Hon. Craig Hoppe and Justice James C. Nelson.

### SENTENCE REVIEW DIVISION

Any person sentenced to a year or more to the Montana State Prison, Womens Correctional System, or the Department of Corrections may request a judicial review of their sentence. Applications for sentence review must be made within sixty days from the date the sentence was

imposed.

The Sentence Review Division of the Supreme Court consists of three District Court Judges appointed by the Chief Justice for three-year terms. For 1995, the members of the Sentence Review Division were: The Honorable John Warner, Chairman; Honorable Ted Lympus, and Honorable Jeffrey Sherlock. Retired Judge Robert Boyd represented the division as the alternate member.

The Sentence Review Division meets four times each year in the Administrative Building of the State Prison in Deer Lodge, Montana. (MCA, 46-18-901)

101 applications were filed with the Sentence Review Division in 1985, 128 in 1986, 140 in 1987, 159 in 1988, 148 in 1989, 162 in 1990, 149 in 1991, 180 in 1992, 130 in 1993, 116 in 1994, and 118 in 1995.

In 1995, the Sentence Review Division reviewed 102 cases. Of those cases, 72 were affirmed; 10 were dismissed without prejudice; 2 cases were continued; 2 cases were remanded back to District Court; 15 cases were reduced or increased amendedments and 1 case was dismissed pending an appeal.

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## DISCIPLINARY BOARDS AND COMMISSIONS OF THE SUPREME COURT OF MONTANA

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### COMMISSION ON PRACTICE

The Commission on Practice is responsible for examining complaints alleging unethical conduct by Montana attorneys.

The Supreme Court established the commission by order dated January 5, 1965. Besides receiving and investigating complaints of alleged misconduct, the commission also has the responsibility for investigating and reporting on the merits of any petition for reinstatement to the practice of law.

The 1965 order establishing the Commission on

Practice called for the appointment of eight attorney members, one from each region established in the order. The Supreme Court appointed members from a list of three nominees submitted from each area. On August 22, 1979, the Supreme Court enlarged the commission from eight to eleven members. The three additional members are non-attorneys. They are appointed at large by the Supreme Court. All members of the Commission on Practice serve a four-year term.

The commission's caseload has increased significantly in the past few years. The commission received 147 complaints in 1985, 165 complaints in 1986, 192 complaints in 1987, 194 complaints in 1988, 213 complaints in 1989, 227 complaints in 1990, 265 complaints in 1991, 249 complaints in 1992, 250 complaints in 1993, 242 complaints in 1994 and 244 complaints in 1995.

### JUDICIAL STANDARDS COMMISSION

Article VII, Section 11 of the Montana Constitution directs the Legislature to create a five member Judicial Standards Commission empowered to investigate complaints against any judge and to hold hearings concerning the discipline, removal, or retirement of any judge. The commission is attached to the Supreme Court for administrative purposes only. The work, investigations, and recommendations of the commission are entirely independent of the Supreme Court.

Whenever the commission makes a recommendation to the Supreme Court concerning discipline or removal of a judicial officer, the Court may take appropriate action concerning the recommendation. The Supreme Court may censure, suspend or remove any justice or judge for willful misconduct in office, willful and persistent failure to perform his or her duties, violation of canons of judicial ethics adopted by the Supreme Court of the State of Montana, or habitual intemperance. In addition, the Supreme Court may retire any justice or judge for a permanent disability that seriously interferes with the performance of his or her duties.

The Judicial Standards Commission is a five-member body consisting of two district judges from different judicial districts who are elected by the district judges; one attorney who has practiced law in the state for at least ten years, appointed by the Supreme Court; and two citizens from different congressional districts who are not attorneys or judges, active or retired. These two members are appointed by the governor. Members of the Judicial Standards Commission serve four year terms.

The commission meets quarterly to consider complaints. The commission received 12 complaints in 1985, 11 complaints in 1986, 37 complaints in 1987, 35 complaints in 1988, 37 complaints in 1989, 30 complaints in 1990, 34 complaints in 1991, 57 complaints in 1992, 29 complaints in 1993, 41 complaints in 1994, and 40 complaints in 1995.

COMMISSION ON PRACTICE - COMPLAINTS FILED IN 1995			
Number of Complaints filed in 1995	244	Public Censure (by Supreme Court)	1
Number of Complaints Pending at the end of 1994	149	Suspension	4
<b>TOTAL</b>	<b>393</b>	Disbarment	0
Dismissed by Commission on Practice	186	Investigation Pending	17
Written Private Reprimand	34	Complaints Pending as of 12/31/95	146
Oral Private Reprimand	5		
Private Censure (by Supreme Court)	0	<b>TOTAL</b>	<b>393</b>

JUDICIAL STANDARDS COMMISSION - COMPLAINTS FILED IN 1995			
Number of Complaints Filed in 1995	40	Suspension	0
Number of Complaints Pending at the end of 1994	11	Disbarment	0
<b>TOTAL</b>	<b>51</b>	Disciplinary Proceedings Instituted and Pending	6
Dismissed by the Commission	23	Complaints Pending as of 12/31/95	10
Private Reprimand	12		
Public Reprimand	0	<b>TOTAL</b>	<b>51</b>

## STATE BAR OF MONTANA

### HISTORY AND PURPOSE OF THE ASSOCIATION

The State Bar of Montana was created by order of the Montana Supreme Court in January, 1974. In its order, the Court provided that all persons practicing law in the state were obliged to be members of the State Bar. Prior to that date, the state had a voluntary bar association--the Montana Bar Association.

The purposes of the State Bar are to aid the courts in maintaining and improving the administration of justice; to foster, maintain and require on the part of attorneys, high standards of integrity, learning, competence, public service and conduct; to safeguard proper professional interests of members of the bar; to encourage the formation and activities of local bar associations; to provide a forum for discussion of and effective action concerning subjects pertaining to the practice of law, the science of jurisprudence and law reform, and relations of the bar to the public; to provide for the continuing legal education of members of the Bar and to insure that the responsibilities of the legal profession to the public are more effectively discharged.

### GOVERNANCE

The State Bar is governed by a twenty member Board of Trustees. Sixteen members of the board are elected by the active members of the bar to two-year terms from State Bar areas. State Bar areas are made up of one or several judicial districts. The other four board members are the President and President-Elect, who are elected statewide to one-year terms; the Secretary-Treasurer, who is elected statewide to a two-year term; and the Immediate Past President.

### ACTIVITIES AND PROGRAMS

Major activities and programs of the State Bar include:

- ♦ A program of mandatory Continuing Legal Education, requiring active members of the State Bar to secure fifteen hours of continuing legal education each year.
- ♦ A Client Security Fund which makes restitution in cases where an attorney has improperly appropriated client funds. Twenty dollars of each active member's dues is earmarked for this program. In 1995, \$1,278 was paid out from the Client Security Fund.
- ♦ A Lawyer Referral Service, which allows members of the public to identify a lawyer who can help them with their particular legal problem. The service receives about 5,000 calls and makes approximately 4,000 referrals each year.
- ♦ A Fee Arbitration Program to settle fee disputes between an attorney and a client short of litigation.
- ♦ Publication of informational pamphlets for the general public on a wide variety of legal subjects, including marriage and divorce, landlord-tenant law, small claims court, rights of clients, wills and probate.
- ♦ Character and fitness reviews to determine if applicants for admission to the State Bar possess the necessary traits of character and fitness for the practice of law.
- ♦ Provision of direct financial support for legal services to the poor through the Montana Law Foundation.
- ♦ A variety of services to its members, including continuing legal education seminars and legal publications.

### MEMBERSHIP DATA

As of January 9, 1995, State Bar membership totaled 3,340. Of this number, 2,562 are in-state members and 778 are out-of-state members. Of the same total, 2,698 members were active, 511 were inactive, and 105 had judicial status.

**FINANCIAL INFORMATION**

Annual dues are \$120 for active members and \$50 for inactive members. Judicial members do not pay dues while serving on the bench. (These assessments are in addition to the \$25 paid to the Clerk of Court for statutory lawyer license fee).

Dues income constitutes the major source of income to the State Bar. Other revenue sources include income from State Bar-sponsored continuing legal education programs and the sale of publications.

**PRESIDENTS OF THE STATE BAR**

1975-76	Marshall H. Murray	Kalispell
1976-77	Thomas H. Mahan	Helena
1977-78	Bruce R. Toole	Billings
1978-79	Theodore Thompson	Havre
1979-80	L. Morris Ormseth	Great Falls
1980-81	Robert D. Corette	Butte

1981-82	Alexander A. George	Missoula
1982-83	Ward A. Shanahan	Helena
1983-84	Sandy McCracken	Great Falls
1984-85	Douglas A. Wold	Polson
1985-86	George C. Dalthrop	Billings
1986-87	Terry N. Trieweiler	Whitefish
1987-88	John A. Warner	Havre
1988-89	Max A. Hansen	Dillon
1989-90	Gary L. Spaeth	Red Lodge
1990-91	Damon L. Gannett	Billings
1991-92	James W. Johnson	Kalispell
1992-93	Sherry S. Matteucci	Billings
1993-94	Robert M. Carlson	Butte
1994-95	Robert J. Phillips	Missoula
1995-96	Gary Day	Miles City

**ASSOCIATIONS OF COURT PERSONNEL**

**MONTANA JUDGES ASSOCIATION**

The Montana Judges' Association was established to promote and foster the court system and the laws of the State of Montana; to promote and foster the continued education of judges; and to provide a forum for the exchange of ideas and information useful to judges. Membership of the association consists of currently serving Supreme Court and District Court Judges. Retired Supreme Court and District Court Judges are included as associate members. The association meets twice each year. Members receive CLE credits for two seminars presented at the meetings.

Officers of the Montana Judges' Association for the term October 1995 through October 1996 are:

<b>President:</b>	Roy Rodeghiero 14th Judicial District
<b>Vice President:</b>	Thomas Olson 18th Judicial District
<b>Secretary:</b>	John Henson 4th Judicial District
<b>Treasurer:</b>	John Warner 12th Judicial District

**MONTANA ASSOCIATION OF CLERKS OF THE DISTRICT COURT**

The Montana Association of Clerks of the District Court was organized in 1965. The association has met annually since then in the county of the president. Eight districts have been formed throughout the state to enable clerks to meet twice yearly to discuss mutual problems and ideas. By inviting guest speakers, holding workshops, and through discussions, the clerks have worked to standardize procedures and to become informed with new laws and techniques.

In 1973, a committee compiled the first handbook for Clerks of Court. The handbook is kept current by revisions when necessary.

In the fall of 1989, a program for certifying Clerks of Court was implemented. Over a three year period, a Clerk of the District Court gains credits toward becoming certified by attending the annual school, participating in conventions and participating in workshops.

In 1993, the clerks appointed an automation committee to work with and through the Court Administrator's Office on court technology. As this is becoming the issue of clerks statewide, their involvement is imperative in the formulation of the technology to be used in the courts in the future.

In 1995, the clerks met throughout the year to update the handbook, work on legislation pertaining to the office, organize training sessions and continue their work with the Court Administrator's Office to automate the courts. Clerks whose courts have been automated are very pleased with the system and the courts awaiting automation are looking forward to learning the system.

It is the desire of the Clerks of District Court to help one another, to share knowledge and information, to constantly improve and to be better Clerks of Court in order to perform their jobs in a professional manner and to better serve the public.

Officers of the Montana Association of the Clerks of District Court for 1995-96 are:

**President:** Ardelle Adams  
Dawson County

**1st Vice President:** Kay Johnson  
Blaine County

**2nd Vice President:** Sheila Brunkhorst  
Beaverhead County

**Secretary:** Peg Allison  
Flathead County

**Treasurer:** Carole Carey  
Carter County

**MONTANA MAGISTRATES ASSOCIATION**

The Montana Magistrates Association is composed of t Justices of the Peace, City Judges, and the Municip Judge in the state. The Association meets annually at t Fall Judicial Education Conference, and has distri meetings in each district on a regular basis. The MM works closely with the Supreme Court's Commission Courts of Limited Jurisdiction to insure that each jud performs their duties in a professional and knowledgeable manner.

**1995 Board of Directors:**

President Craig Hoppe, St. Ignatius  
Eastern Vice President Peggy Jones, Broadus  
Central Vice President Bob Mihalovich, Roundu  
Western Vice Preident Terry McGillis, Deer Lodge

Secretary Jodi Thornton, Big Sandy  
Treasurer Violet Schiffer, Forsyth

**District Chairs:**

District I Chair Don Lucas, Polson  
District II Chair Marianne Ries, Conrad  
District III Chair Kevin Hart, Anaconda  
District IV Chair John Seiffert, Red Lodge  
District V Chair Lois Poulton, Winnett  
District VI Chair Susan Dolan, Glasgow  
District VII Chair Art Gallinger, Jordan  
District VIII Chair Gayle Beckham, Colstrip



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1995-1996 Officers of the Montana Association of the Clerks of District Court pictured left to right: Ardelle Adams, President; Carole Carey, Treasurer; Sheila Brunkhorst, 2nd Vice President; Peg Allison, Secretary; Kathleen D. Breuer, Immediate Past President; Kay O'Brien Johnson, 1st Vice President

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## STATE LAW LIBRARY

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The State Law Library serves the legal and law related information needs of Montana's courts, legislature, state officers and employees, members of the bar, and members of the general public. The library is committed to improving the quality and scope of its services while avoiding unnecessary expense or bureaucracy. Providing service to enhance the research capabilities of the Law Library's customers drives each decision the library's trustees and director make. We cooperate with a large community drawn from state government, Montana's academic, public, school, and special libraries, and the State Bar to enhance the knowledge of the law and to facilitate access to the justice system.

Statistics for 1995 library operations, such as circulation, photocopying, and in-library use were not available at the time this update was prepared. It is safe to say, however, that Montana's only professionally staffed public law library continued to be used by people from all over the state: by judges, state officials, the practicing bar, students, and the general public. The installation of a toll-free telephone number for the use of the public and academic libraries in Montana has enhanced access to the law library's resources, and has assisted the resource sharing and outreach that are critical to our mission.

Staff members continued to be available for teaching and public speaking. Classes on the use of online legal databases and presentations on electronic

information and the Internet have been in high demand. As is typical following a legislative session, a great deal of time was spent in binding the bills and minutes of the 54th Legislature. The addition, and in many instances, substitution, of electronic information for what was traditionally available in hard copy, has demanded a great deal of time in staff training so that library staff could effectively assist the library's users. This will continue to be a challenge as the federal government moves toward eliminating almost all paper copies of United States government documents. The issues of accountability, retrievability, and archival responsibilities are ones that have yet to be resolved.

In 1995 the law library contracted for a fully integrated automation system. The product chosen, Horizon, combines state of the art technology, including client-server architecture, a graphical user interface, and multi-tasking. It will replace the

current public access catalog, as well as providing automated circulation, acquisitions, and serial check-in. Other advantages of Horizon are that it also will be installed in the Montana State Library, and that it allows for Internet access for other state agencies, the University of Montana School of Law and other units of the university system. Installation of the databases took place in December, but it will be months before all the modules will be operational. Bar-coding the collection will be a labor intensive process, and will take place at the same time as other ongoing routine library operations.

The decade of the 1990's is one that has brought a sea of change in information: how we locate it, store it, arrange it, and provide access to it. 1995 finds us in the middle of this change, and the Law Library staff is both exhilarated by and challenged in keeping up with the speed in which the future arrives at our door.

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## UNIVERSITY OF MONTANA SCHOOL OF LAW

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The University of Montana School of Law, founded in 1911, is the oldest professional school at the University of Montana. The Law School was antedated only by the School of Engineering, which was transferred to Montana State College (now Montana State University) in 1913. While the creation of a law school had been contemplated in the 1893 Act establishing the University of Montana, the founding of the Law School was made possible by a gift from the widow of William Wirt Dixon, a well known and respected Montana lawyer. Mrs. Dixon's gift spurred the Legislature to enact a bill establishing the Department of Law.

From an enrollment of 17 in the first year of its existence, the School of Law grew steadily until 1970 when the law faculty voted to cap admissions to the first year program at 75. Since 1970, the number of applications to the Law School has far exceeded the number of positions available in the first year class. In 1995, 614 applicants applied for the 75 available

positions in the first year class. The law faculty grants a preference in admissions to Montana residents.

Although the Law School ranks among the smallest ABA approved law schools in the nation, its student population is diverse. The average age of entering law students is 29, suggesting that many students enter law school after engaging in other careers.

The first female student was admitted to the Law School in 1913, and female students currently comprise 40% of the Law School student population. The Law School's Admissions Committee is studying ways to increase the number of women enrolled at the school.

Minority students accounted for approximately 10% of first year students in 1995; 3.8% of these minority students are Native Americans. The Law School is committed to a strong Indian Law Program. In

addition to courses in Indian Law, the Law School has for the last decade operated an Indian Law Clinic as part of its clinical education program. While providing valuable services to the various tribal courts and governments, the Indian Law Clinic provides law students with the opportunity to develop knowledge and skills which will prepare them for work on or near Montana's seven Indian reservations.

The curriculum evolving from efforts to design an effective curriculum to prepare students for the modern law practice has attracted national attention. For example, the October 1990 issue of Prentice Hall's publication, Lawyer Hiring and Training Report, included the University of Montana Law School in a profile of the three law schools considered to be the most innovative law schools in the nation. The Law School was one of the small number of law schools whose curricular efforts were featured at the 1991 Association of American Law Schools annual meeting in Washington, D.C. The August 1992 report of the American Bar Association, *Task Force on Law Schools and the Profession: Narrowing the Gap*, cites the University of Montana School of Law curriculum efforts. These successes were further recognized when the National Jurist/Princeton Review ranked the Law School in the top ten percent of accredited law schools in the nation.

The Law School's emphasis in recent years on the integration of theory and practice has undoubtedly been an important factor in the school's remarkable record in various regional and national law school competitions. In 1992, the Law School's trial advocacy team won the national championship and placed second in the nation in 1990. In 1991, the Client Counseling team won the national finals and represented the School in international competition in London. Also in 1991, the school's Negotiation Team won the regional competition. The Negotiation Team continues to place highly in regional competitions. This record of accomplishment by University of Montana School of Law teams reflects the integrity of the school's

students, faculty and curriculum.

In addition to its work on curriculum, the law faculty continues to be active in research and writing and in public service activities. Over the past decade, Law School faculty have published more than ten books and 150 articles in prominent journals.

Faculty are leaders in law reform in Montana and in the nation. They have initiated law reform within the state, have served on the Uniform Law Commission and as consultants to the American Law Institute, have testified before major congressional committees, have provided scholarly leadership nationally in the area of civil justice reform, and have assisted tribal governments in developing tribal constitutions and codes, as well as having assisted in development of an inter-tribal court for the tribes of Montana and Wyoming.

Public education regarding the law continues to be a priority for the School of Law. In recent years, the school has sponsored or co-sponsored public conferences on topics such as the 1972 Montana Constitution, the public's right to know versus the right to privacy, a patient's right to choose medical treatment, national health care policy and securities regulation. The Law School has participated with the Montana Supreme Court in programs designed to educate the public regarding the Montana judicial system. Each year, the Law School, in partnership with the Western Montana Bar Association and the Montana Trial Lawyers, conducts a seven week "Citizens Law School" program addressing a range of common legal problems. Hundreds of citizens have taken advantage of this program.

The University of Montana School of Law has a long and proud tradition of education and public service. Together with the Judiciary and the State Bar of Montana, the Law School is working to prepare students to be effective lawyers and leaders in their communities. As this brief overview indicates, Montanans have many reasons to be proud of the School of Law.