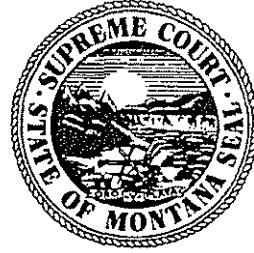


# Montana Supreme Court 1999 Annual Report



Montana Citizens:

Montana's court system is comprised of three constitutionally-required levels, Supreme Court, District Courts, and Courts of Limited Jurisdiction. The court that most Montanans will come into contact with is the Limited Court. In 1999 these courts processed 282,099 case filings.

The District Courts are courts of general jurisdiction — they handle criminal cases, dissolutions of marriage, property and contract disputes, probates and estates, and other filings as well as appeals from the courts of limited jurisdiction. The case filings in these courts took a small down turn over 1998, from 34,669 filings to 34,086.

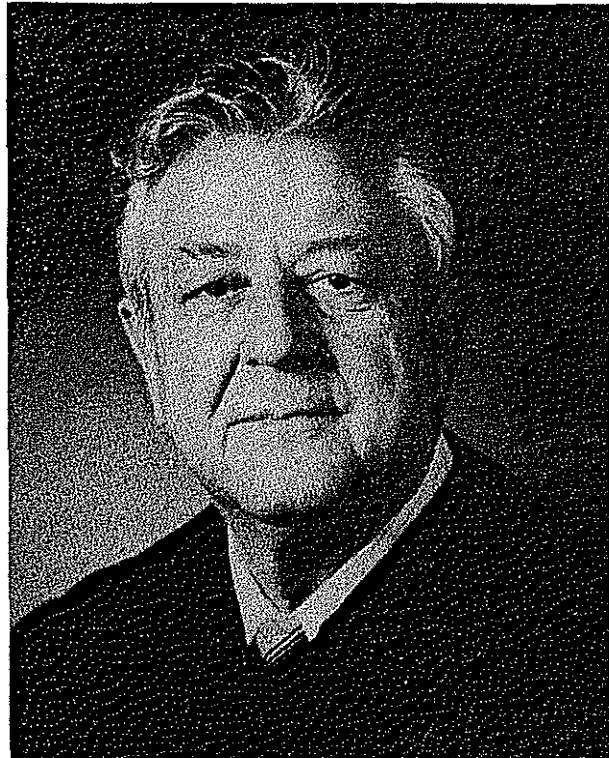
The Supreme Court continues to receive high numbers of filings on appeal. In 1999 the number of filings was 709 and 731 in 1998. Although this is a decrease, the Court's workload is extremely high in comparison to other state Supreme Courts.

This 1999 annual report will give you an overview of the work of your courts for the year. The Justices, Judges and employees of the Judicial Branch are all working very hard to serve all Montana citizens with fair and equitable justice.

Sincerely,

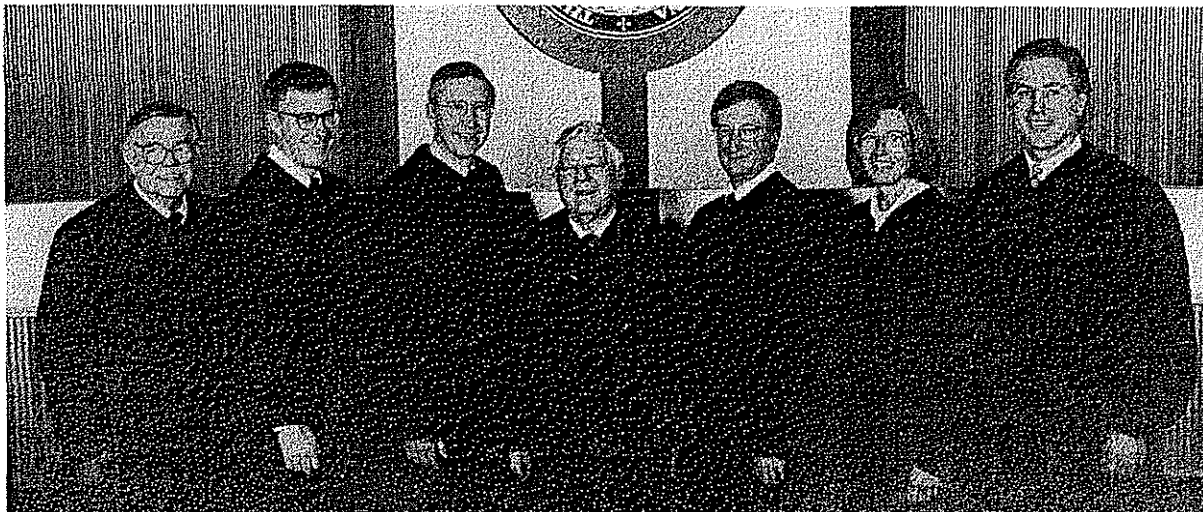
A handwritten signature in cursive script that reads "J.A. Turnage".

J.A. Turnage  
Chief Justice



## Members of the Montana Supreme Court

William E. Hunt, Sr. \* W. William Leaphart \* Jim M. Regnier \* Chief Justice J.A. Turnage  
James C. Nelson \* Karla M. Gray \* Terry N. Trieweiler

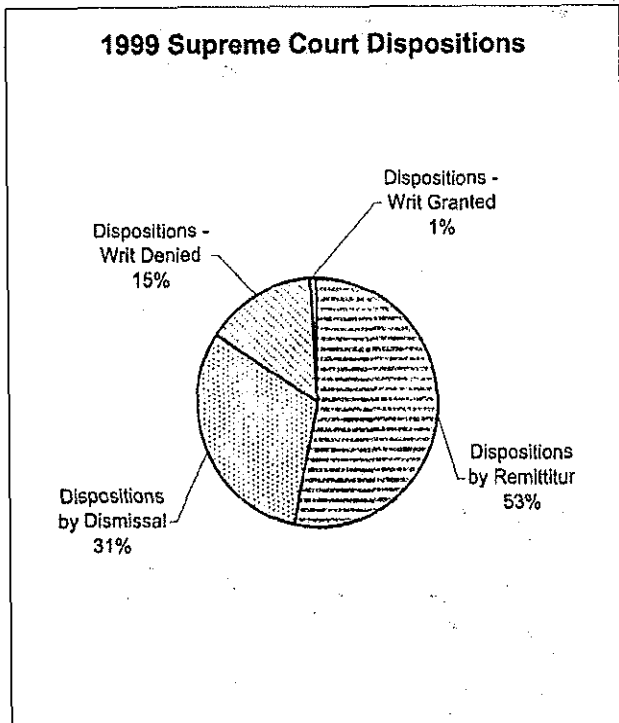


## Clerk of the Supreme Court

The Clerk of the Supreme Court is one of Montana's statewide elected officials in the Judicial Branch of government. The current Clerk, Ed Smith of Helena, is the nineteenth person to hold the office. Established in 1865, the office conducts the business of the Court, and serves as the liaison between the public, attorneys and the Supreme Court. By statutory authority, the Clerk controls the docket and filings, manages the appellate process, and is the custodian of all legal records for the public and the Court. Additionally the Clerk administers appellate mediation, maintains the official roll of Montana attorneys, and is responsible for licensing Montana's 3600 attorneys.

### 1999 Clerk of the Supreme Court Caseload Statistics

Filings carried over from 1998	548
New Civil Filings	482
New Criminal Filings	<u>224</u>
<b>Total New Filings:</b>	<b><u>706</u></b>
Dispositions by Remittitur in 1999	357
Dispositions by Dismissal in 1999	206
Dispositions - Writ Denied	101
Dispositions - Writ Granted	<u>5</u>
<b>Total Dispositions:</b>	<b><u>669</u></b>
Opinions by five-member panel - after submission on briefs	255
Opinions by all seven justices - after submission on briefs	60
Opinions by all seven justices - after oral argument	<u>26</u>
<b>Total Formal Opinions:</b>	<b><u>341</u></b>
Cases Pending as of December 31, 1999:	<u>557</u>



## Office of the Supreme Court Administrator

Prior to 1975, court administration was handled by the Chief Justice. The Supreme Court established the Office of the Court Administrator (OCA) in 1975 to assist the Court with administrative duties. The office was recommended in a study of the judicial system by the Board of Crime Control in 1975 and authorized by the legislature in 1977 (§3-1-701, MCA). The current Court Administrator is Patrick A. Chenovick of Helena, who has served the Court since appointment February 3, 1993. Prior to his appointment as Court Administrator he served as Chief Financial Officer and Assistant Court Administrator.

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 the 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, MCA; and
- 5) perform other duties that the supreme court may assign.

Other duties under part (5) include supporting the boards and commissions that are attached to the Supreme Court, arranging certification and training for judges, participating in clerks of district court conferences and implementing statewide judicial automation. The OCA provides the Court with 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 its need for the administrative office expands.

## Judicial Automation - Montana Judicial Case Management System and Limited Jurisdiction Case Management System

In 1999 the automation team of the Office of the Court Administrator coordinated, installed, trained, and maintained automation systems in 55 district courts and 98 courts of limited jurisdiction. Twenty-six court sites are networked so that users can take advantage of shared resources. Connecting 56 district courts to SummitNet allowed district courts to become information providers through a statewide central repository of court information. This central repository will provide needed information to various entities including the Departments of Justice and Corrections. The central repository will also supply the Department of Public Health and Human Services (DPHHS), Child Support Enforcement Division, information required per Senate Bill (SB) 357 about child support orders.

The Automation Program receives approximately 25 to 35 calls for assistance from these automated courts on a weekly basis. The automation of Montana courts is an evolutionary process that provides tools to allow courts to perform constitutional and statutory duties.

## Court Assessment Program

The Court Assessment Program was established in June of 1995. It is funded through a federal grant with a state match to improve the court system in child abuse and neglect cases. The purpose of the program is to assess the court system, make recommendations based on that assessment, and implement those recommendations to improve the system for children and families. Recommendations include improving representation for children, parents and the state, and improving judicial oversight of child welfare cases by increasing judicial knowledge in child abuse and neglect law and enabling courts to hold effective hearings and case reviews within limited time periods. These recommendations have been and will continue to be implemented through changes in statute, the state Court Appointed Special Advocate program, judicial and attorney trainings, a mediation program, the child advocacy law class at the University of Montana's School of Law, parents assistance programs, and local advisory committees.

## Citizen Review Board Program

In 1993 the Citizen Review Board (CRB) Pilot Program was established by the Legislature. This legislative action created a system whereby each child's placement in out-of-home care is independently reviewed every six months by a group of volunteer citizens from that particular community.

The Fourth Judicial District (Missoula and Mineral Counties) was the forerunner of this program. This Board held their first review in December, 1994, and has continued to meet on a monthly basis. The CRB program, which is administered by the Office of the Court Administrator, has expanded to Butte, Bozeman, and Helena. Once the program has expanded to Great Falls (summer, 2000), it will have accomplished the goal of the legislative planning committee in setting up the fifth and final site under the pilot project.

### The Mission

The Program's mission is to ensure that children do not linger unnecessarily in foster care, but receive the support and benefits of a safe, permanent home within a time frame consistent with a child's sense of time.

### The Backbone of the Program

Panels composed entirely of dedicated volunteers appointed by the local District Court judges donate hundreds of hours to ensure that children obtain permanency as quickly as possible.

These volunteers possess unique backgrounds and interest in foster care and child welfare, and are provided initial and continued training relevant to these issues. They play an active role in the child protection process by reviewing the progress of a case and offering specific recommendations for achieving a permanent placement for each child as quickly as possible.

Citizen Review Boards have held a total of 3,078 case reviews since the Program's inception. Missoula Review Boards have held 1,930 reviews since December, 1994; Butte Review Boards have held 594 reviews since December, 1995; Bozeman Review Boards have held 261 reviews since June, 1996, and Helena Review Boards have held 157 reviews since January, 1999.

### Summary

Citizen Review Boards have several advantages not only for the children in foster care, but for the court and social services systems, and taxpayers. By engaging in interdisciplinary cooperative efforts, citizen review systems have made tremendous advances in the delivery of foster care services.

## The District Courts

Montanans are served by 56 district courts. These courts are organized within 21 judicial districts and are served by 37 district judges. District Courts are courts of original and appellate jurisdiction. Original jurisdiction incorporates all felony cases, all civil and probate cases, all cases at law and in equity, all misdemeanor and other special actions and proceedings not otherwise provided for, all civil actions that might result in a finding against the State for the payment of money, naturalization proceedings, various writs and some narrowly-defined ballot issues. Appellate jurisdiction includes cases arising from the State's Courts of Limited Jurisdiction as prescribed by law and the Constitution.

DISTRICT COURT INFORMATION					
JUDICIAL DISTRICT	DISTRICT JUDGES	DISTRICT COURT CLERKS	COUNTIES IN DISTRICT	AREA IN SQ. MILES	*POP.
1	Thomas C. Honzel Dorothy McCarter Jeffrey M. Shetlock	Judy Gillespie Nancy Sweeney	Broadwater Lewis & Clark	4,669	58,242
2	James E. Purcell John W. Whelan	Lori A. Maloney	Silver Bow	715	33,954
3	Ted L. Mitzer	Susan McNeil Beverly L. Kutskai Sharon Applegate	Deer Lodge Granite Powell	4,888	19,228
4	Douglas G. Harkin John S. Hinson John W. Larson Edward P. McLean	Cheryle Demmon Kathleen "Kade" Brewer	Mineral Missoula	5,834	93,211
5	Frank M. Davis	Sheila Frankfort Marilyn J. Stevens Bundy K. Bailey	Beaverhead Jefferson Madison	10,731	26,084
6	William Neil Swandal	June Little Deanna Novotny	Park Sweet Grass	4,466	19,566
7	Richard A. Simonteo Richard G. Phillips	Ardele Adams Trudy Kirkgaard Lisa Kimmel Arlene Riggs Michael W. Schneider	Dawson McCone Prairie Richland Wibaux	9,676	23,124
8	Margaret Johnson Thomas M. McKittrick Kasech R. Neill	Nancy J. Morton	Cascade	2,661	78,282
9	Marc G. Boyzke	Diane D. Anderson Anita Vandolah Emile Kimmner Carol Swoboda	Glacier Pondera Teton Toole	8,833	29,917
10	John Christensen	Phyllis D. Smith Acelia "Ada" Leach Mary Brindley	Fergus Judith Basin Petroleum	7,777	14,970
11	Katherine R. Curtis Ted O. Lympus	Peg L. Allisoe	Flathead	5,137	72,773
12	John Warner	Terrance Andreasen Dena Tippett Patricia "Pat" Seidlitz	Chouteau Hill Liberty	8,293	24,369
13	Maurice R. Colberg, Jr. G. Todd Baugh Russell C. Flegg Susan P. Walters Diane G. Barz	Janice Heath Gayle M. Strausburg Jean Bare Jean A. Thompson	Big Horn Carbon Stillwater Yellowstone	11,825	157,702
14	Ray C. Rodegiero	Kathleen Ott Donna Morris Conale Mattfield Joni Hill	Golden Valley Monger Musselshell Wheatland	6,817	9,654
15	David Cybulski	Pauline McDonald Patricia Brenes Cheryl A. Olson	Danels Roosevelt Sheridan	5,501	16,975
16	Joe L. Hegel Garry L. Day	Carole Carey Bernice Matthews Jerrie Newell Conale Nielsen Aleta Shannon Marilyn Hollister Ruth Baker	Carter Custer Fillon Gurfield Powder River Roobos Treasure	22,460	30,101
17	John C. McKeon	Kay Johnson Frances M. Webb Patricia A. Hill	Blaine Phillips Valley	14,499	19,898
18	Michael Salvagni Thomas A. Olson	Lorraine Van Aundol	Gallatin	2,517	63,881
19	Herbald Prazak	Nadine Riva	Lincoln	9,714	18,819
20	C. B. McNeil	Katherine E. Pedersen Diane Runtzel	Lake Sanders	4,268	36,118
21	Jeffrey H. Langton	Debbie Harmon	Ravalli	2,382	35,811

\*Estimated 1999 Figures

1999 DISTRICT COURT STATISTICS - BY DISTRICT  
CASE FILINGS

Judicial District	Adoption	Criminal	Civil	Monthly Ill/Dev. Disabled	Paternity	Guard./Conserv.	Juvenile	Dep./Neg. Children	Probate	Domestic Relations	1999 Totals	1998 Totals	Difference
1	57	533	1,647	27	4	65	232	64	168	1,062	3,936	4,045	-109
2	23	211	268	75	3	43	70	129	132	285	1,239	1,142	97
3	12	154	147	148	1	28	51	16	74	138	271	911	-140
4	59	560	1,377	86	1	143	140	50	191	742	3,346	3,654	-308
5	14	118	276	8	3	28	15	19	78	121	680	772	-92
6	7	160	302	13	0	8	26	3	95	110	224	689	35
7	13	113	205	57	3	37	39	15	108	156	746	814	-68
8	29	574	1,491	18	18	68	177	65	269	589	3,348	3,453	-105
9	9	171	294	5	1	25	48	21	124	154	852	803	49
10	10	99	181	22	2	13	27	28	71	96	549	593	-44
11	47	386	1,123	32	13	66	160	50	208	644	2,729	2,720	9
12	14	184	284	24	1	25	70	40	101	153	896	799	97
13	117	1,418	2,089	189	47	130	261	332	185	1,673	6,941	6,797	144
14	8	81	122	3	1	13	15	15	40	58	356	373	-17
15	2	21	122	10	7	12	29	1	99	35	393	423	-28
16	20	153	293	12	2	22	49	74	126	181	949	1,027	-78
17	13	46	199	4	0	12	42	4	100	81	503	548	-45
18	36	317	720	16	0	37	86	24	157	472	1,864	1,837	28
19	12	145	291	3	3	13	28	23	53	200	821	829	-8
20	35	290	440	3	0	30	63	31	115	314	1,321	1,247	74
21	23	183	466	8	5	39	86	21	75	213	1,119	1,183	-64
TOTAL	606	5,917	12,387	833	120	857	2,066	1,027	2,785	7,488	34,086	34,669	-583

AVERAGE NUMBER OF CASE FILINGS  
PER JUDGE  
IN EACH JUDICIAL DISTRICT  
1999

Judicial District	Number of Judges per District	'99 Average No. of Cases per Judge	'98 Average No. of Cases per Judge	'99 Statewide Ranking No. of Cases per Judge
1	3	1312	1348	4
2	2	620	571	15
3	1	771	911	12
4	4	837	914	10
5	1	680	772	14
6	1	724	689	13
7	2	373	407	20
8	3	1116	1151	6
9	1	852	803	9
10	1	549	593	16
11	2	1365	1360	2
12	1	896	799	8
13	5	1388	1359	1
14	1	356	373	21
15	1	395	423	19
16	3	475	514	18
17	1	503	558	17
18	2	933	919	7
19	1	821	829	11
20	1	1321	1247	3
21	1	1119	1183	5

1999 DISTRICT COURT STATISTICS - BY DISTRICT  
CASE DISPOSITIONS

Judicial District	Adoption	Criminal	Civil	Monthly Ill/Dev. Disabled	Paternity	Guard./Conserv.	Juvenile	Dep./Neg. Children	Probate	Domestic Relations	1999 Totals	1998 Totals	Difference
1	48	499	1,564	212	2	12	110	54	145	595	3,646	3,401	245
2	31	198	248	67	3	63	65	118	126	248	1,167	1,012	155
3	12	216	226	136	1	2	50	11	68	126	853	737	116
4	40	612	1,361	0	292	88	182	41	226	820	4,162	3,874	288
5	6	103	248	4	1	17	21	10	76	98	492	741	-149
6	2	124	290	9	0	2	24	0	54	139	642	647	-5
7	15	127	224	57	1	16	38	21	111	163	725	826	-101
8	24	862	2,267	12	31	14	183	51	264	720	4,378	4,012	366
9	12	162	251	4	1	19	52	18	168	132	821	753	68
10	8	94	174	27	1	16	28	29	65	98	540	563	-23
11	41	390	988	29	9	25	135	40	194	572	2,423	2,715	-292
12	17	197	300	24	6	16	60	17	127	161	945	826	119
13	110	1,313	2,031	177	41	30	760	402	254	1,640	6,948	6,718	230
14	9	45	103	1	1	4	17	13	35	50	278	316	-38
15	2	14	150	1	0	1	22	0	133	28	358	291	67
16	14	166	334	16	1	42	40	24	148	202	1,041	1,014	27
17	11	59	210	3	0	2	21	2	87	79	465	549	-84
18	33	295	642	13	0	6	21	13	122	413	1,618	1,518	100
19	2	161	236	4	3	2	80	22	43	196	754	736	18
20	30	256	400	2	0	16	58	34	59	279	1,124	1,263	-139
21	20	164	405	7	4	16	21	14	81	193	925	1,035	-110
TOTAL	552	6,118	12,664	805	202	425	2,025	1,004	2,694	7,352	34,629	33,187	1442

AVERAGE NUMBER OF CASE DISPOSITIONS  
PER JUDGE  
IN EACH JUDICIAL DISTRICT  
1999

Judicial District	Number of Judges per District	'99 Average No. of Cases per Judge	'98 Average No. of Cases per Judge	'99 Statewide Ranking No. of Cases per Judge
1	3	1215	1134	3
2	2	584	506	15
3	1	853	737	9
4	4	1042	969	6
5	1	592	741	14
6	1	649	687	13
7	2	388	413	19
8	3	1493	1337	1
9	1	821	753	10
10	1	540	563	16
11	2	1212	1358	4
12	1	945	826	8
13	5	1390	1256	2
14	1	278	316	21
15	1	358	291	20
16	2	521	517	17
17	1	465	549	18
18	2	809	759	11
19	1	754	736	12
20	1	1124	1263	5
21	1	925	1035	7

## Boards and Commissions of the Supreme Court

### Judicial Nomination Commission

The Judicial Nomination Commission provides the Governor a list of qualified candidates to fill vacancies on the Supreme Court, District Courts and the Workers' Compensation Court. The Commission also provides the Chief Justice a list of candidates for appointment to fill any term or vacancy for the Chief Water Court Judge. The Commission is comprised of seven members; four appointed by the Governor, two appointed by the Supreme Court and one elected by the state's district court judges. Commission members serve four-year terms and are not eligible to apply for judicial office during their terms or for one year thereafter.

### Commission on Unauthorized Practice

The Commission on Unauthorized Practice is comprised of nine members; five lawyers and four non-lawyers appointed by the Supreme Court for three year terms. The Commission investigates complaints that a person is practicing law without admission to the Bar. The Commission has been directed to review the situation regarding the unauthorized practice of law in Montana and make recommendations to the Supreme Court which will ameliorate the problems associated with the unauthorized practice of law.

### Sentence Review Division

Individuals sentenced for a year or more to the Montana State Prison or the Montana Women's Prison may request a review of the sentence they received in a District Court.

The Sentence Review Division of the Supreme Court is comprised of three District Court Judges appointed by the Supreme Court for three-year terms. The 1999 members were: Honorable Richard Phillips, Chairman; Honorable Jeffrey Langton, and Honorable Marge Johnson. Retired Judge Robert Boyd serves as an alternate member.

The Division meets four times a year at the Montana State Prison and two times a year at the Montana Women's Prison.

The Sentence Review Division heard a total of 113 cases in 1999. Of those cases, 46 were affirmed; 9 were continued; 28 were dismissed; 17 were decreased; 3 were increased; 6 were held in abeyance pending an appeal; 3 cases were remanded back to the district court for clarification of sentence; and one was a "no-show".

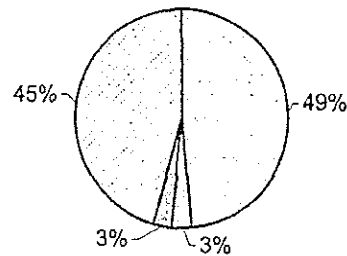
### Commission on Practice

The Commission on Practice was established in 1965 by order of the Montana Supreme Court to review complaints alleging unethical conduct by Montana attorneys. This Commission is also responsible for reporting on merits of any petition for reinstatement to the practice of law.

The Commission is comprised of eleven members. Eight attorney members are appointed by the Supreme Court, following an election by members of the Bar in their respective areas of the State, and the Court also appoints three lay citizens. Members serve a four-year term.

Members of the 1999 Commission were: Sam E. Haddon, Esq., Chairman; John Warren, Esq., Vice-Chairman; Gary L. Davis, Esq., Executive Secretary; Gary Buchanan, Patricia DeVries, Bruce A. Fredrickson, Esq., W.A. Groff, Donald R. Marble, Esq., Gary A. Ryder, Esq., John V. Potter, Jr., Esq., and Milton Wordal, Esq.

### Disposition of Complaints



□ Total No of Complaints Dismissed - 176
□ Written Private Admonishment - 12
□ Private Oral Admonishment - 10
□ Complaints Pending as of 12/31/99 - 165

### 1999 Caseload Statistics

No. of Complaints Filed in 1999	218
No. of Complaints Pending as of December 31, 1998	146
Total	<u>364</u>

### Disposition of Complaints

Total No. of Complaints Dismissed	176
Written Private Admonishment	12
Private Oral Admonishment	10
Suspension of License	1
Disbarment	0
Reinstatement Hearings	0
Formal Complaints Dismissed	0
Complaints Pending as of December 31, 1999	165
Total	<u>364</u>

### Judicial Standards Commission

Montana's Judicial Standards Commission was created by amendment to the State Constitution in 1973 to provide for the censure, suspension, or removal of a judicial officer. The Commission is composed of two district court judges elected by the district court judges; one attorney appointed by the Supreme Court; and two members of the public appointed by the Governor.

Members of the 1999 Commission were: Hon. John Warner, Chairman; Victor Valgenti, Esq., Vice Chairman; Barbara Evans, Patty Jo Henthorn, and the Hon. Ed McLean. All members serve a four-year term.

### 1999 Caseload Statistics (As of 12/31/99)

No. of Complaints filed in 1999	39
No. of Complaints pending at the End of 1998	6
Total	<u>45</u>

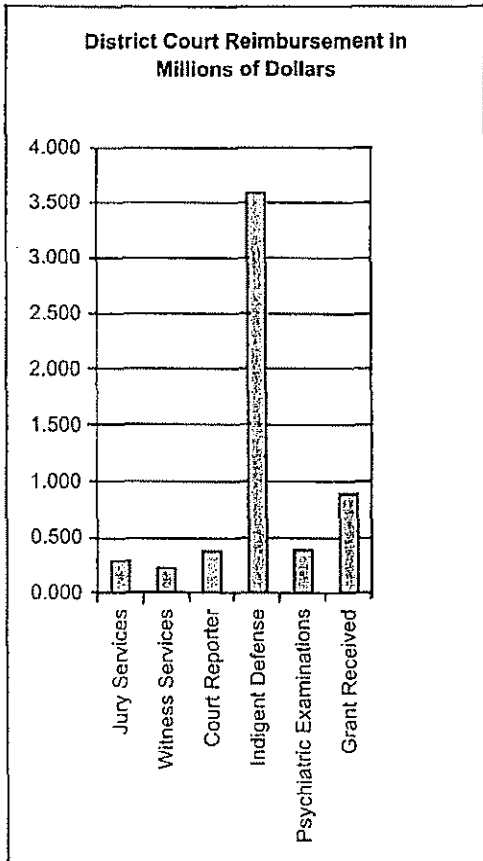
### Disposition of Complaints

Dismissed	32
Private Reprimand	1
Public Reprimand	1
Suspension	0
Removed from Bench	0
Complaints Pending as of December 31, 1999	11
Total	<u>45</u>

## District Court Criminal Reimbursement Program

The District Court Criminal Reimbursement Program (DCCRP), enacted by SB 25 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 DCCRP reimburses counties for certain adult criminal expenses. The Program, as outlined by 3-5-901, MCA, applies to eligible expenses in the following five categories: 1) a percentage of court reporters' salaries; 2) the cost of transcripts of eligible criminal proceedings; 3) psychiatric examinations in criminal proceedings; 4) witness and jury expenses of criminal proceedings; and 5) indigent defense expenses of criminal proceedings. Program revenues derive from a portion of the motor vehicle license tax. If a balance remains after all reimbursements are made, that 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 its maximum mill levy set by law for district court expenses.



District Court Criminal Reimbursement Program - 1999 Total Reimbursement by Category							
County	Jury Services	Witness Services	Court Reporter	Indigent Defense	Psychiatric Examinations	Grant Received	Totals
ANACONDA-DEER LODGE	\$1,344	\$1,035	\$1,924	\$31,216	\$6,681	\$14,585	\$56,785
BEAVERHEAD	0	1,868	3,003	17,626	165	1,601	\$24,263
BIGHORN	28,866	5,132	7,693	75,177	0	0	\$116,868
BLAINE	23	738	3,341	24,009	1,400	4,360	\$33,871
BROADWATER	1,189	829	2,513	23,493	1,100	5,305	\$34,429
BUTTE-SILVER BOW	6,931	1,006	23,972	168,210	12,033	0	\$212,152
CARBON	489	162	2,100	11,299	525	2,451	\$17,026
CARTER	0	0	787	538	0	827	\$2,152
CASCADE	32,454	42,737	33,327	326,663	90,660	57,486	\$583,327
CHOUTEAU	554	6,254	3,087	36,458	500	0	\$46,853
CUSTER	7,166	12,293	12,909	135,963	12,850	35,852	\$217,033
DANIELS	697	0	446	2,826	0	2,941	\$6,910
DAWSON	1,470	30	6,166	20,861	1,975	20,738	\$51,240
FALLON	147	90	1,693	8,527	525	0	\$10,982
FERGUS	3,154	8,164	5,178	107,087	7,555	7,549	\$138,687
FLATHEAD	15,016	397	19,515	299,352	18,759	63,493	\$416,532
GALLATIN	23,546	23,996	17,395	162,988	13,396	24,239	\$265,560
GARFIELD	53	629	752	10,795	0	139	\$12,368
GLACIER	2,883	75	4,852	42,084	1,073	9,941	\$60,908
GOLDEN VALLEY	0	0	728	6,308	750	0	\$7,786
GRANITE	758	202	444	2,988	40	746	\$5,178
HILL	11,423	11,268	15,209	110,417	2,700	9,758	\$160,775
JEFFERSON	4,176	864	3,862	31,077	1,785	6,414	\$48,178
JUDITH BASIN	3,551	28,939	2,043	53,180	0	0	\$87,713
LAKE	6,266	10,192	10,161	152,921	26,250	8,507	\$214,297
LEWIS&CLARK	21,185	7,498	23,191	144,223	34,377	80,026	\$310,500
LIBERTY	0	0	1,071	2,047	0	0	\$3,118
LINCOLN	9,595	6,057	7,036	94,873	16,804	49,263	\$183,628
MADISON	2,594	1,092	2,233	15,541	660	8,229	\$30,349
MCCONE	0	25	1,056	2,223	0	5,349	\$8,653
MEAGHER	2	0	1,117	3,470	0	611	\$5,200
MINERAL	1,941	43	1,501	24,224	5,116	5,522	\$38,347
MISSOULA	36,079	12,417	45,428	295,979	47,109	251,384	\$688,396
MUSSELSHELL	2,137	6,771	5,861	125,388	4,332	6,959	\$151,448
PARK	384	5,506	9,207	65,168	6,524	9,294	\$96,083
PETROLEUM	1,676	234	293	0	0	1,888	\$4,091
PHILLIPS	1,971	400	3,419	40,866	1,805	1,341	\$49,802
PONDERA	0	0	2,343	12,112	0	3,149	\$17,604
POWDER RIVER	525	524	870	21,714	0	10,745	\$34,378
POWELL	0	627	1,332	21,416	5,064	7,396	\$35,835
PRAIRIE	0	0	715	941	0	249	\$1,905
RAVALLI	6,517	712	3,795	137,188	5,509	35,611	\$189,332
RICHLAND	1,084	0	6,358	14,159	0	10,585	\$32,186
ROOSEVELT	121	0	1,379	9,058	0	0	\$10,558
ROSEBUD	2,384	4,637	6,741	75,526	6,664	0	\$95,952
SANDERS	3,472	975	3,356	29,321	0	0	\$37,124
SHERIDAN	809	500	1,059	6,429	550	0	\$9,347
STILLWATER	5,839	5,527	1,575	12,338	0	0	\$25,279
SWEET GRASS	445	0	953	5,185	0	1,533	\$8,116
TETON	1,771	550	2,717	3,155	0	0	\$8,193
TOOLE	5,868	0	3,533	27,251	13,834	0	\$50,486
TREASURE	289	149	1,011	1,891	0	0	\$3,340
VALLEY	4,362	6,459	4,231	24,105	6,397	0	\$45,554
WHEATLAND	0	0	2,063	13,732	0	0	\$15,795
WIBAUX	0	0	1,158	2,570	0	0	\$3,728
YELLOWSTONE	26,532	7,116	45,150	489,748	29,491	118,651	\$716,695
<b>TOTALS</b>	<b>\$289,745</b>	<b>\$224,719</b>	<b>\$374,852</b>	<b>\$3,583,904</b>	<b>\$384,958</b>	<b>\$884,717</b>	<b>\$5,742,895</b>

## Commission on Courts of Limited Jurisdiction

The commission oversees mandatory training for judges of limited jurisdiction twice a year and promotes professionalism, competence, procedural improvements and refinements in courts of limited jurisdiction. The commission comprises practicing attorneys, a district court judge, judges of courts of limited jurisdiction and a clerk of a limited jurisdiction court. A Justice of the Supreme Court sits as an ex-officio member of the commission.

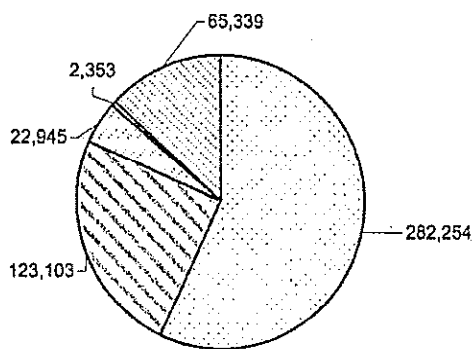
### Courts of Limited Jurisdiction

Courts of Limited Jurisdiction are Justice Courts, City Courts and Municipal Courts. Judges of Justice and Municipal Courts must be elected; City Court judges may be elected or appointed. All judges of these courts serve four-year terms. Justice of the Peace and City Court Judges are not required to be attorneys; Municipal Court Judges must be licensed attorneys. All judges of Courts of Limited Jurisdiction are required to attend two Supreme Court supervised training courses each year.

There were 80 city courts, 70 justice courts, and 4 municipal courts in operation in 1999. Justice and municipal courts have concurrent jurisdiction; municipal courts have exclusive original jurisdiction in local ordinances and other areas formerly served by a city court. Municipal courts also have concurrent jurisdiction with District Courts in matters addressed under Title 70, chapters 24-27, MCA (residential and commercial landlord/tenant issues and issues of forcible entry and detainer). City courts have concurrent jurisdiction with justice courts and exclusive jurisdiction over city ordinances, collection of taxes or assessments in amounts less than \$5,000, actions for the recovery of personal property belonging to the city and actions for collection of local license fees (see 3-11-103, MCA).

REPORTED 1999 CASELOAD STATISTICS BY COUNTY					
COUNTY	TOTAL CASES FILED	CRIMINAL	CIVIL	SMALL CLAIMS	SPEED/ SEATBELT
BEAVERHEAD	3,316	160	208	36	1,301
BIGHORN	2,558	2,456	59	30	537
BLAINE	2,306	620	40	37	867
BROADWATER	1,945	282	74	14	919
CARBON	3,675	152	166	33	1,520
CARTER	99	3	8	6	56
CASCADE	40,037	34,799	2,826	152	2,229
CHOUTEAU	1,671	62	54	14	878
CUSTER	5,565	2,973	237	77	2,708
DANIELS	338	9	11	37	188
DAWSON	3,723	315	218	17	1,987
DEER LODGE	3,187	533	293	7	1,061
FALLON	494	53	52	26	178
FERGUS	3,250	42	206	59	937
FLATHEAD	21,241	14,027	2,129	448	2,310
GALLATIN	19,036	3,365	1,301	2	3,997
GARFIELD	495	2	10	3	348
GLACIER	1,990	205	96	21	504
GOLDEN VALLEY	603	584	12	6	321
GRANITE	1,483	46	83	21	745
HILL	6,463	144	335	3	1,996
JEFFERSON	3,021	147	148	16	1,445
JUDITH BASIN	1,201	6	20	4	607
LAKE	5,156	581	454	6	1,661
LEWIS&CLARK	14,585	10,168	1,425	15	2,892
LIBERTY	216	189	9	5	12
LINCOLN	4,353	2,200	400	155	594
MADISON	1,184	11	82	13	414
MCCONE	1,120	760	11	0	352
MEAGHER	434	21	18	2	139
MINERAL	4,279	169	90	26	1,772
MISSOULA	30,884	6,695	3,293	245	8,559
MUSSELSHELL	1,363	31	87	3	529
PARK	4,264	417	392	0	1,646
PETROLEUM	222	8	6	0	147
PHILLIPS	975	47	82	0	382
PONDERA	1,282	154	80	25	567
POWDER RIVER	474	11	10	8	376
POWELL	2,586	0	0	0	728
PRAIRIE	895	6	7	0	586
RAVALLI	6,222	4,396	473	2	919
RICHLAND	2,541	65	166	48	1,254
ROOSEVELT	1,976	124	101	4	912
ROSEBUD	2,937	66	97	30	1,560
SANDERS	3,292	2,561	190	0	469
SHERIDAN	596	122	35	46	295
SILVER BOW	9,057	1,308	1,125	164	2,360
STILLWATER	2,068	49	173	48	939
SWEET GRASS	1,564	16	39	9	832
TETON	913	428	93	45	345
TOOLE	2,421	88	78	14	660
TREASURE	1,099	6	10	15	832
VALLEY	1,829	78	93	25	375
WHEATLAND	865	29	10	13	462
WIBAUX	630	6	17	4	243
YELLOWSTONE	42,225	31,208	5,213	314	3,887
<b>TOTAL</b>	<b>282,254</b>	<b>123,103</b>	<b>22,945</b>	<b>2,353</b>	<b>65,339</b>

### Courts of Limited Jurisdiction Caseload Totals



- Total Cases Filed - 282,254
- Criminal - 123,103
- Civil - 22,945
- Small Claims - 2,353
- Speed/Seatbelt - 65,339

## State Law Library

The State Law Library, by statute, is responsible for maintaining an adequate legal collection and services to fulfill the needs of the Supreme Court, the Legislature, state officers and employees, members of the Bar, and the general public (MCA 22-1-501 et seq.). The Justices of the Montana Supreme Court serve as the Library's Board of Trustees.

The Law Library's digital outreach continues to expand, as we add more material online and teach researchers how to use CD-ROM's, electronic databases, and the Internet. We find that more and more people are sending their reference questions to our web site, and that we are able to assist them without making either a single telephone call or a photocopy of material from hard copy.

The number of books reshelfed by the Library staff increased by 28% in the past year, to 22,078 volumes. The Law Library now has 142,000 volumes in hard copy. It is apparent that the Law Library still has a significant number of walk-in users who depend on books and journals, despite the seeming unstoppable march to electronic information.

Our reference requests increased by 21% in the past year. This can be attributed to the increase in non-lawyer clientele of the law library. The self-represented generally need much more assistance than do those who have formally studied the law. The Director of the Law Library has worked closely with the Clerks of Court around the state, to assure them that they can feel comfortable in referring their customers to the Library for assistance. The State Law Library's Pro Bono Legal Clinic won an award for excellence in service to the under-represented, and continues to be mentioned as a model of agencies cooperating to provide service to those in need of legal help.

---

Judy Meadows  
State Law Library of Montana  
215 N. Sanders, Helena, MT 59620  
jmeadows@state.mt.us  
406/444-3660 fax /444-3603  
www.lawlibrary.state.mt.us

---

## Special Jurisdiction Courts

### Workers' Compensation Court

The Forty-Fourth Legislative Assembly created the Office of the Workers' Compensation Court on July 1, 1975, to provide an efficient and effective forum for the resolution of disputes arising under the Workers' Compensation Act, § 39-71-101, MCA, et seq., and the Occupational Disease Act, § 39-72-101, MCA, et seq. Subsequent Legislatures have increased the Court's exclusive jurisdiction to include matters such as disputes involving independent contractor exemptions and enforcement of the Department of Labor's investigatory powers. The Court conducts trials statewide in matters over which it has original jurisdiction and decides appeals from final orders of the Department of Labor and Industry. All decisions of the Court are appealable directly to the Montana Supreme Court.

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. The Court is attached to the Department of Labor and Industry for administrative purposes only.

All proceedings and hearings before the Court are governed by the appropriate provisions of the Montana Administrative Procedure Act. The Court is bound by common law and the statutory rules of evidence. The rules of the Court can be found in the Administrative Rules of Montana at 24.5.301, et seq. The Court's internet web page is found at <wcc.dli.state.mt.us>

In fiscal year 1999, the Workers' Compensation Court received 270 petitions/appeals. It conducted 57 trials which varied from matters which required over a day, to those which consisted of a conference with counsel, or an oral argument. There were 6 settlement conferences conducted, with 4 of those matters being resolved. The Judge issued a total of 108 decisions, including 61 findings and conclusions, 4 orders on appeal, and 22 orders related to substantive issues. The remainder were attorney fees, costs, and other issues which were disposed of by bench ruling or conference with counsel.

### Water Court

Montana's Water Court was created by the 1979 Legislature to expedite and facilitate the statewide adjudication of over 219,000 existing state law based water rights (generally rights with a pre-July 1973 priority date), and federal and Indian reserved water rights. The Water Court has exclusive jurisdiction over the adjudication of existing water rights.

A chief water judge is appointed by the Chief Justice of the Supreme Court from a list of nominees submitted by the Judicial Nomination Commission. A water judge is also designated for each of the State's four major water divisions 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, wholly or partly within each division. Water Masters, Rule 53 M.R.Civ.P special masters, are appointed by the chief water judge to assist the water judges.

The adjudication of federal and Indian reserved water rights is suspended until July 1, 2005, while the State of Montana and federal and tribal authorities negotiate reserved water right compacts. Eight compacts have been approved by the Montana Legislature. Three of these compacts have been submitted to the Water Court for approval. One has been approved and the other two have pending objections.



300 copies of this public document were published at an estimated cost of \$1.67 per copy, for a total cost of \$501.00, which includes \$501.00 for printing and \$0.00 for distribution.