

## MINUTES

Commission on Courts of Limited Jurisdiction  
Outlaw Inn – Kalispell  
July 29, 2005

President, the Hon. Johnny Seiffert, called the meeting to order at 8:30 a.m.

**Members Present:** Hon. Johnny Seiffert, Hon. Perry Miller, Hon. David Ortley, Prof. Margaret Tonon, Hon. Doug Harkin, Hon. Mary Jane Knisely, Hon. Scott Wyckman, Shaun Donovan and Paul Luwe. Hon. Gayle Stahl attended via phone until 10 a.m.

**Members Absent:** Justice Jim Nelson and Sharon Skaggs

Staff: Beth McLaughlin

Guests: Hon. Chuck Wall and Hon. Heidi Ulbricht

**MINUTES:** A motion was made by Peggy Tonon and seconded by Hon. David Ortley that the minutes of the June meeting be adopted with the correction of two typos. The motion passed unanimously.

**PUBLIC COMMENT:** None.

### **OLD BUSINESS:**

**Waivers:** The COCOLJ Waiver Committee met and provided a written report to the Commission. The Commission had a lengthy discussion of the waiver process and report. The Commission requested that Judge Harkin alter the report to make it clear that judges who are teaching at the clerks' school are eligible for a waiver. The Commission also agreed that attending another judicial school would not automatically exempt the judge from the limited court school. Finally, the Commission directed staff to shred any medical statements that accompanied waiver requests after the waiver committee acted on the requests.

Judge Ortley made a motion to approve the report and the waiver form with Judge Harkin's adjustment; staff were directed to send the report and waiver form with registration packets. Judge Miller seconded the motion. The motion passed unanimously.

**TO DO: Judge Harkin will revise the document and send it electronically to staff. Staff will ensure that the document is sent with registration materials.**

**Review of Fall 2005 Agenda:** The Commission reviewed the fall agenda and made several changes. The agenda was approved.

**TO DO: Judge Knisely will contact the federal judges for an opening speaker. Judge Ortley will take the lead on the civil jury topic. Paul Luwe will contact Judge Karl Seel to request that he moderate the discussion on attorney's practicing in the limited court.**

**Leadership Institute:** The Commission reviewed the additional information from the Memphis school. Commission members expressed concern about the content, which did not appear to be tangible. The Commission would like additional information from a state that has attended the Institute to determine whether that state returned with a solid product.

**TO DO: Staff will ask for information about other states in attendance and provide additional information at the next meeting.**

**On-line Education:** Beth reported that the bulletin board for limited court judges and limited court clerks was ready to go. Staff will test it and send information out to Commission members to test the site before notifying all judges and clerks. Judge Wyckman agreed to moderate the site as his workload allows. Judge Wyckman and Judge Ortley will discuss the site during Nuts and Bolts.

**TO DO: Staff will send test information out to Commission members when the site is active. Staff will request an Internet link at the Fall school during Nuts and Bolts to demo the site.**

Beth reported that the Law Library training would be scheduled for September and November using WebEx.

Beth reported that WebEx was ready for deployment with Judge Harkin. The Commission discussed at length possible course content. Commission members agreed that Basic Evidence would be a good first course, as some judges may need this foundation course.

**TO DO: Staff will provide Judge Harkin with WebEx access. He will develop an on-line course on Basic Evidence as the first course.**

**Certification Test:** The Commission had a lengthy discussion about the certification test and the need to start working on the test early. Commission members still prefer an open book format for the 2006 test. Judge Wall suggested that the Commission might want to consider having a one-page study guide for each section so judges are better able to focus their studying. Commission members want a draft agenda for the 2006 Certification School by the end of the year.

**Motor Carriers Requirements:** Shaun Donovan gave an update on the research into the federal motor carriers' requirement that traffic convictions against a person holding a CDL cannot be deferred. From the initial research, Mr. Donovan believes that the requirement was likely adopted by Montana. Commission members are very concerned about the requirement as, according to Mr. Donovan, his research is not conclusive. Paul Luwe made a motion that Mr. Donovan request an Attorney General's Opinion; Peggy Tonon seconded the motion. It passed unanimously.

**TO DO: Mr. Donovan will request an Attorney General's Opinion.**

**NEW BUSINESS:**

**Judge Stokes Request to Retake the Certification Test:** Judge Stokes took the required certification test and failed. He requested a waiver and permission to retake the test. The Commission granted his request without a timeline. Instead, the Commission requested that Judge Miller review his test results and visit Judge Stokes to determine how much additional time and training he would need to pass the test. Judge Miller will report to the Commission. The Commission will then determine the appropriate length for a waiver.

**TO DO: Staff will provide Judge Miller with the test information. Judge Miller will meet with Judge Stokes and make a recommendation for a training plan and length of time for retaking the test.**

**Judicial Education Money:** Beth reported that the Judicial Branch was requesting additional funds from the Highway Traffic Safety program to fund judicial speakers. In addition, the Judiciary received \$30,000 in VAWA money, which will be used to fund on-line training and judicial speakers.

**City License:** Judge Seiffert reported that he had received a notice from the city of Red Lodge that he needed a business license in order to conduct weddings. Paul Luwe stated that this didn't appear to be appropriate and that he would follow-up with the Red Lodge City Attorney.

**E-mail Issue:** Judge Knisely reported that the city of Billings accessed her e-mail without permission to retrieve data for an employee. She was very concerned because they retrieved e-mail regarding drug court clients that was confidential. Commission members shared her concerns. Paul Luwe said he would contact the Billings City Attorney and suggest possible policies the city could adopt to avoid problems of this nature.

**Judges' Yearbook:** Judge Wall requested that the Commission consider his proposal to produce a book with the judges' pictures, names and locations. The Commission was supportive and said they would do what they could to endorse the project.

**Location and Date for Next COCOLJ Meeting:** The next Commission meeting will remain scheduled for September 16 beginning at 8:30 a.m. in Helena.

**Adjournment:** The meeting adjourned at approximately 11:50 a.m.