

## MINUTES

Commission on Courts of Limited Jurisdiction  
301 S Park Ave, Room 328, Helena, Montana  
January 20, 2006

Chairman, the Hon. Johnny Seiffert, called the meeting to order at 8:35 a.m.

**Members Present:** Hon. Johnny Seiffert, Hon. Scott Wyckman, Paul Luwe, Hon. Doug Harkin, Hon. Mary Jane Knisley, Hon. Gayle Stahl, Prof. Margeret Tonon, Sharon Skaggs, and M. Shaun Donovan. Members attending via telephone conference call were, Hon. Perry Miller and Hon. David Ortley.

**Member Absent was:** Justice Jim Nelson.

Staff Present: Karen Sedlock.

Guests: Hon. Michele Snowberger and Lt. Bryan Lockerby from Great Falls Police Department.

**PUBLIC COMMENT: Bulletin board.** Hon. Michele Snowberger, voiced concerns about people having access to the bulletin board, other than judges. Currently there are only four Commission Members and Court Administration staff that have access besides the judges. This creates a concern because there is a City Attorney, County Attorney and a teaching Professor that has access.

Judge Snowberger suggests there be a clear understanding of the usage. Several questions arose. Who can print? What is the protocol? Who has access? Is this a public access issue? Is there a right to privacy? Is there a privacy disclaimer? Is there a way to make the bulletin board secure both technically and legally?

Judge Seiffert stated there is no policy for the use of the bulletin board in place at this time. Karen Sedlock reported that Bulletin Board has been paid through June.

Paul Luwe requested that this issue be placed on the agenda for the February meeting. Judge Knisely she will research the topic and provide information. Karen Sedlock will talk to the IT staff and ask Karen Nelson, or one of her staff, to be present at the next meeting to provide further information about the security of the bulletin board.

**TO DO: Judge Knisely will research bulletin board privacy and report at next meeting. Karen Sedlock will visit with Karen Nelson, and ask her, or assigned staff, to attend the next meeting to provide information and answer questions.**

**Self-Represented Litigants:** The second comment Judge Snowberger made was to provide information about the Self-Represented Litigant Committee that she serves on. Their committee is in charge of providing legal needs for people in Montana with low

incomes. It looks like there will be legislation developed in this area and Judge Snowberger wanted to make sure the limited court judges had an opportunity to be heard. If there is anything the limited court judges would like included, please contact Judge Snowberger.

**MINUTES:** A motion was made by Judge Ortleby and seconded by Hon. Knisley that the minutes of the November 18, 2005 meeting be adopted as written. The motion passed unanimously.

**OLD BUSINESS:**

**On-line Training:** Judge Harkin stated he has been working on his Evidence web-based course. He is working in conjunction with the National Judicial College to develop a course for rural judges. He presented a handout of exercises for the commission's review that will explore the hearsay rule and its exceptions in a number of hypothetical scenarios. Judge Harkin will do more work on the project and give an update at the next meeting.

Judge Harkin would like to include a questionnaire in the next mailing to the limited court judges asking them what topics they would like to see covered in the web-based training.

**TO DO:** Judge Harkin will provide an update on his WebEx course on Evidence at the next meeting. Staff will put this on the agenda for February.

**Judge Bissell's Resignation:** The Hon. Ron Bissell notified that commission that he resigned from the position of Belt City Judge effective October 1, 2006. The commission will take no further action as the City of Belt has notified the Court Administrator's Office that they are running all their tickets through the Justice Court in Great Falls.

Mr. Bissell stated in his letter that the commission should address the training needs of regular substitute judges. Paul Luwe suggested that the Commission create a basic training video for all substitute judges to watch prior to serving on the bench. He stated such a video would also be helpful for new judges.

Judge Seiffert stated there might be a possibility of creating such a tape in conjunction with the training for new judges that will take place this fall in Great Falls. Judge Seiffert will contact Judge Carol Anderson and report back at the February meeting.

**TO DO:** Judge Seiffert will visit with Judge Anderson regarding the possibility of creating a basic training tape in conjunction with the new judges training this fall in Great falls. Staff will place this item on the February agenda.

**Spring 2006 School:** The draft agenda was again reviewed by the Commission. The only change suggested, was that there should be an hour discussion immediately following the Myers-Brigg session. Judge Seiffert suggested adding one hour

immediately following the Byers-Briggs session for discussion. Then move everything else down. The MMA meeting only needs one hour, so they can begin at 4:00 pm. The agenda was approved with the one suggested change.

**TO DO: Staff will make the suggested change and notify speakers of the change of time.**

The Myers-Briggs test was discussed. It was decided that Prof. Tonon will take five minutes at the end of the day on Tuesday, to hand out the Myers-Briggs Questionnaire and explain what it is. The judges will be asked to fill out the questionnaire Tuesday evening and bring it with them to class on Wednesday morning all filled out.

Karen Sedlock reported the Holiday Inn Parkside is willing to give the Court Administrator's Office one free room for every 50 rooms booked. Karen asked the commission if they would like to make available the use of one of these rooms for the new judges to gather during the spring school. That would mean one or several of the commission members would be responsible for staffing it. Judge Seiffert didn't think a resource room was necessary for the spring school.

**Fall Certification Conference:** The agenda was reviewed for the fall certification conference. The commission approved the agenda as written and gave the staff permission to begin contacting speakers.

**TO DO: Staff shall contact speakers for the fall certification school.**

Open book testing was discussed. There were several questions as to what portions of the test should be open book and what books should the judges bring to the conference?

A motion was made by Paul Luwe that this issue be referred to the testing committee and they will bring their suggestions to the Commission at the February meeting. The motion was seconded by Judge Knisely and passed unanimously.

**TO DO: The testing committee, consisting of Paul Luwe, Judge Harkin, Prof Tonon, Sharon Skaggs, Justice Nelson, and Shaun Donovan will meet between now and February 17th to discuss and make recommendations as to whether the fall certification test should be open book.**

**Conference Cost Increase for Judges:** Beth McLaughlin presented a memo outlining the rise in expenses associated with the upcoming conferences. A motion was made by Judge Stahl and seconded by Judge Knisely that the conference fee be raised to \$250. Discussion began and concerns were expressed regarding city and counties budgeting for FY06. A vote was taken on the motion and the motion died.

Judge Harkin stated the raise should not go into effect until October so it would not be a hardship on the smaller cities and counties. An amended motion was made by Judge Wyckman and seconded by Judge Harkin, that the increase in registration fee be \$250

and be effective beginning with the October school, so the cities and counties could add the increase into their FY07 budget. The motion passed unanimously.

**TO DO: Staff will notify Limited Court Judges of the increase this spring so they will have an opportunity to discuss the increase with their commissioners.**

**Conference Cost Increase for Clerks:** A motion was made by Sharon Skaggs and seconded by Judge Stahl that the registration fee be increased to \$200 for Clerks of Limited Jurisdiction and that the increase go into effect for the October 2006 conference. The motion passed unanimously.

**Leadership Institute:** Karen Sedlock reported she received a call from Kathy Story at the Leadership Institute informing her that the Institute did receive our application and they did receive funding. A review committee will be looking over our application and there is a strong possibility that Montana will be selected to attend. Ms. Story stated that Montana needs to be thinking about whom they will select to attend. The Leadership Institute is looking at September 2006 for their next session. Ms. Story will notify Montana of the exact date and will notify us as soon as the selection committee has made their final decision.

**TO DO: Staff will place this on the February agenda and the Commission will consider names of people who might be interested in attending, should Montana be selected.**

**E-Ticketing:** Lt. Bryan Lockerby, from the Great Falls Police Department provided a demonstration on E-Ticketing and answered questions from Commission members. Lt. Lockerby stated the Highway Patrol is not interested in pursuing E-Ticketing at this time. It is the intent of the Great Falls Police Department to put this system in place in the near future.

### **NEW BUSINESS:**

**Approval of 2006 COLJ Calendar:** The Commission on Courts of Limited Jurisdiction approved the 2006 meeting and training calendar, with the option that the Commission may move the meeting around the state as agreed upon. The calendar is attached.

**Language Interpreters:** The Commission reviewed an article from the Great Falls News Paper. According to the news article, under both state and federal law, government must provide sign language interpreters or other reasonable accommodations for government's services, like weddings, court hearings or public meetings.

Sharon Skaggs suggested there should be a statewide list of interpreters available for limited court judges to access. Judge Knisley stated she has no problem finding an interpreter and doesn't think this is a bring problem in the state. There was no further discussion on this issue.

**Grant Funded School:** The Court Administrator's Office was notified that under a grant from the Federal Motor Carrier Safety Administration, the National Judicial College will hold the course Commercial Drivers' Licensing Laws: A Faculty Development Workshop in Reno, Nevada, February 27-March 2, 2006 and September 25-28, 2006.

This fully funded school includes the cost of training and materials as well as travel and lodging. Hon. Gayle Stahl is interesting in attending the February class as well as Hon. David Ortley. Judge Perry Miller may be interested in attending the September class if he does not have a conflict in his schedule.

**TO DO: Staff will notify the college of the two judges that are interested in attending the class and make arrangements for them to get registered.**

**Assigning Mentor Judges:** A list of the mentor judges that was approved by the commission via email was provided to the commission along with a list of the training judges. Karen Sedlock reported there are seven new judges that will have to take the certification school prior to July 1st.

**Sentencing Orders:** Beth McLaughlin received an email from Catherine Truman, Assistant Attorney General stating a concern that she had in a criminal case in Missoula justice court. The defendant pleaded guilty and was sentenced but did not issue a sentencing order. Judge Knisely will do some research in this area and will share her findings at the February meeting. Judge Harkin stated this might be an issue that needs to be covered under "Nuts and Bolts" during the spring conference.

**TO DO: Staff will place this item on the February agenda. Judge Knisely will do some research and report back at the February meeting. Judge Harkin will contact the AG's office and will report his findings at the February meeting as well.**

**Letter from Judge Tucker:** Judge Loren Tucker, District Court Judge from Dillon, wrote a letter to the commission expressing his concern regarding trial procedure for Justice Court and Small Claims Court. Judge Tucker suggests training on this subject will improve and assist the limited courts to expedite hearings of cases, to lessen the burden on the docket, to provide structure of judges to more readily understand the parties' cases and to provide for orderly presentation of each case.

In reviewing the upcoming conference agendas, it appears this issue could be addressed by Beda Lovitt during her presentation of Small Claims at the Fall Certification Conference.

**TO DO: Staff will contact Ms. Lovitt and ask that she address Judge Tucker's concerns during her presentation at the fall conference. Staff will write a letter to Judge Tucker informing him that his concerns were taken into consideration and they will be addressed during the Fall 2006 Conference.**

**Statutory Conflict:** Judge Knisely brought a concern that she had to the commission regarding statutory conflict on jail day credit against fines. She noted there are three different rates and is uncertain how to apply them?

Judge Harkin recalls a brief directed to those very concerns.

**TO DO: Judge Knisely will provide Judge Harkin with her information and Judge Harkin will look up the brief. Staff will put this on the agenda for the next meeting and Judge Harkin will report his findings.**

**Accounting Manual:** Judge Herman wrote a letter to the commission expressing his concern that he is reluctant to share a trust account with any other judge without some authority from the Supreme Court. Because of the statutory liability placed upon each judge to account for all funds received by that judge, questions arise whether two or more judges can share the same trust account. Under the uniform accounting system each judge must maintain a separate trust account into which fines and fees are deposited.

**TO DO: Karen Sedlock will share Judge Herman's concern with the IT staff and have one of them attend the February meeting to inform the commission of what their intent is on updating the Accounting Manual. Staff will place this item on the February agenda.**

**Next Meeting Date:** The next Commission meeting will be Friday, February 17, 2006 in Room 328 of the Court Administrator's Office, at 301 S Park Ave, in Helena, Montana. The meeting will begin at 8:30 a.m.

**Adjournment:** The meeting adjourned at approximately 11:45 a.m.

## **2006**

## **COCOLJ CALENDAR**

January 20	COCOLJ Meeting - Helena (8:30 am)
February 17	COCOLJ Meeting - Helena (8:30 am)
March 17	COCOLJ Meeting - Helena (8:30 am)
April 24 Apr 24-27	COCOLJ Meeting - Missoula (3:00 pm) COCOLJ Conference - Missoula
May 19	COCOLJ Meeting - Helena (8:30 am)
June 16	COCOLJ Meeting - Helena (8:30 am)
July	NO MEETING
August 18	COCOLJ Meeting - Helena (8:30 am)
September 15	COCOLJ Meeting - Helena (8:30 am)
October 20	COCOLJ Meeting - Helena (8:30 am)
November 12 Nov 13-18	COCOLJ Meeting - Great Falls (3:00 pm) COCOLJ Conference - Heritage Inn, Great Falls (Certification Conference)
December	NO MEETING

## **2007**

Apr 23-27	COCOLJ - Rock Creek Resort/Pollard Hotel, Red Lodge
Oct 1-5	COCOLJ - Copper King Inn, Butte

## **2008**

Apr 28-May 2	COCOLJ - KwaTaqNuk Inn, Polson
Sep 29 - Oct 3	COCOLJ - Colonial Inn, Helena

## **2009**

Apr 27-May 1	COCOLJ - Grouse Mountain Lodge - Whitefish
Sept 28 - Oct 2	COCOLJ - Huntley Lodge - Big Sky

## **2010**

Apr 26-30	COCOLJ - Northern Hotel, Billings (tentative)
Nov 8-13	COCOLJ - Heritage Inn, Great Falls (tentative) (Certification Conference)