

MINUTES

Commission on Courts of Limited Jurisdiction
Holiday Inn, Missoula, Montana
November 14, 2010

Members Present were: Hon. Larry Carver, Hon. Perry Miller, Hon. Mary Jane Knisley, Hon. David Ortley, Shaun Donovan , Hon. Greg Mohr, Hon. Gary Olsen, Jennifer Boschee, Hon. Doug Harkin, Prof. Peggy Tonon and Kelly Addy.

Members Absent: Supreme Court Liaison Justice Jim Nelson and Randi Hood.

Guests: Hon. Donna Marsh and Hon. Michele Snowberger.

Staff Present: Karen Sedlock and Beth McLaughlin

Chairman Judge Mary Jane Knisely called the meeting to order at 3:00 p.m. Judge Knisely introduced Kelly Addy as the new city representative to the Commission. Members welcomed him to the Commission.

PUBLIC COMMENT: None

MINUTES: The minutes from the October 15, 2010 meeting were reviewed. Prof. Tonon asked that an amendment be made stating that she was not in attendance at the October meeting. A motion was made by Judge Ortley and seconded by Judge Miller that the minutes be approved as amended. The motion passed unanimously.

OLD BUSINESS:

Concerns from Citizens RE: City Court of Drummond Closure: Mr. Addy reported that he spoke with the Drummond City officials. They are considering asking the newly elected Granite County Justice of the Peace, Debbie Fratzke to run their city court. Because the council is unclear how to proceed, Judge Harkin recommended that the Commission send a letter to the Drummond City Council members citing their authority to appoint someone to serve as city judge.

TO DO: Beth McLaughlin agreed to draft a letter to the Drummond City council and the Commission asked that Mr. Addy to review the letter prior to sending it out. The letter will be prepared for the Chairman's signature.

Writ of Supervisory Control: The Commission members reviewed the Supreme Court Order, *Vietor v Granite County Justice Court* (OP 10-0393) dated September 21, 2010, granting petitioner writ of supervisory control. Judge Harkin suggested that "contempt" be a training issue for new judges. He will put basic information together and place it on the Supreme Court website. He also suggested that "contempt" should be one of the teaching topics for the spring 2011 COLJ School.

Judge Harkin suggested that staff obtain a copy of the pamphlet that was compiled by the Attorney General's Office in 2002 on Contempt Authority in Montana. Judge Olson recommended that the information be shared with all limited court judges.

TO DO: Judge Harkin will submit basic information on "contempt" and have it placed on the Supreme Court website. Staff will contact the AG's office to get a copy of the Contempt pamphlet and inquire if it has been updated.

NEW BUSINESS:

Training Report: Judge Carver announced that he, Judge Perry Miller, Judge Karen Orzech and Judge Greg Mohr provided two days of training to 22 new judges, prior to the Certification Conference. The training was well attended and went well.

Appointment of Courts of Limited Jurisdiction Commission Chairman: Judge Knisely recommended that Judge Miller be considered for Chairman of the Commission. A motion was made by Kelly Addy and seconded by Judge Harkin that **Judge Perry Miller be nominated as Chairman of the Courts of Limited Jurisdiction Commission. The motion passed. The chairman position will take effect January 1, 2011.**

Appointment of Courts of Limited Jurisdiction Commission Vice Chairman: Judge Larry Carver nominated **Greg Mohr to be vice chairman of the Commission**, due to his institutional knowledge. The motion was seconded by Jennifer Boschee and passed unanimously. **The vice chair position will take effect January 1, 2011.**

Appointment of Full Court Conference Committee Members: A grant was received by the IT division of the Office of Court Administration that will allow the OCA to put on a **Full Court Conference**. Beth McLaughlin asked for volunteers to serve on a **planning committee. Jennifer Boschee, Judge Mohr and Judge Carver volunteered to serve.**

Vacant COCOLJ Seats: Three seats will be vacant as of the end of the year. They are: Large Justice of the Peace; Municipal Judge and County Representative. Shaun Donovan will contact the county attorney's association for suggested and submit a name for consideration.

After a lengthy discussion, the Commission decided the two judge positions would be announced to all limited court judges and they be given an opportunity to nominate themselves or some other judge that they feel would be a good representative. The nominees must be willing to attend the meetings, diligently participate and research assignments, plus have good overall knowledge of the overall functions of the limited courts.

TO DO: Judge Perry Miller will announce the vacant seats at the beginning of the certification conference and asked that the nominations be turned in prior to the end of the conference.

Waivers: Judge Harkin agreed to remain the contact person for approving/denying waivers of training. Even though he is retiring at the end of the year, he will remain a member of the commission for the next 4-years and can conduct business out of his home.

Spring 2011 COLJ Conference: The proposed agenda for the Spring 2011 COLJ conference was reviewed. It was recommended that Judge Rogers from Colorado be invited to Montana to present on Initial Appearances and Arraignments. Judge Harkin suggested providing him with Montana cases to review and assign a Montana judge to present with him. A motion was made by Judge Olson and seconded by Peggy Tonon that the Spring 2011 COLJ conference agenda be approved with a few minor scheduling changes. The motion passed unanimously.

TO DO: Karen Sedlock will contact Judge Rogers to see if he is available for the spring conference; and staff will begin contacting speakers.

Next Meeting Date: The next meeting of the COCOLJ will be January 21, 2010, beginning at 8:30 am at 301 S Park Ave, Room 328, Helena, MT.

Meeting Adjourned: The meeting adjourned at 4:30 p.m.