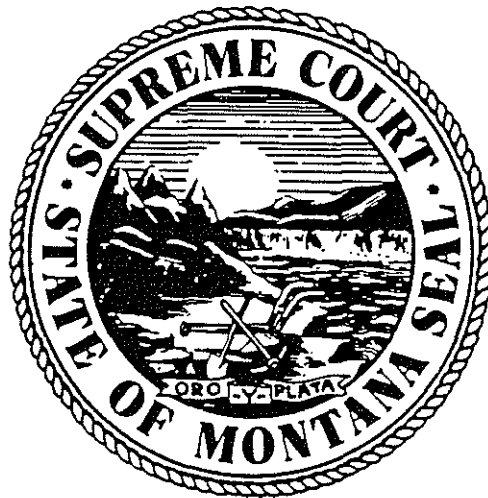


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JUDICIAL

REPORT



MONTANA COURTS

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OF MONTANA

ANNUAL REPORT OF THE
MONTANA JUDICIAL SYSTEM
CALENDAR YEAR 1992

J. A. TURNAGE
CHIEF JUSTICE

A PUBLICATION OF THE
OFFICE OF THE
COURT ADMINISTRATOR
ROOM 315, JUSTICE BUILDING
215 NORTH SANDERS
HELENA, MT 59620

1992 JUDICIAL REPORT

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STATE OF THE JUDICIARY

STATE OF THE JUDICIARY ADDRESS

BY HONORABLE J. A. TURNAGE

CHIEF JUSTICE, MONTANA SUPREME COURT

**A Report to the Joint Session
of the 53rd Legislature**

February 8, 1993

President Van Valkenburg, Speaker Mercer, leaders of the Democratic and Republican Parties of the House and Senate, Members and staff of the 53rd Legislature, distinguished guests, ladies and gentlemen.

Thank you very much for this privilege to address the 53rd Legislature. I know that these are trying and difficult times in Montana and that you have much hard work ahead of you. I will be brief.

I would like to take this time to highlight some of the Judiciary's workload, its accomplishments and its concerns.

CASELOADS

For almost two decades the caseload of the Montana Supreme Court has been extraordinarily high. 1992 was no exception. The Court received 627 appeals, wrote 340 formal Opinions, and considered numerous other informal petitions and matters affecting the Judiciary.

This continuing high level of appeals is an issue that the Legislature will undoubtedly be asked to consider during the 1995 Regular Session. The authorization for the seven-member Court expires on the first Monday of January 1997. Without action by the 1995 Legislature, the Supreme Court will revert to a five-member Court. Be assured, we will be back in two years to present our case for retaining the seven-member Court.

There were 27,943 new cases filed in Montana's District Courts in calendar year 1992. While this was an approximate 7 percent decline in total filings from the previous year, criminal cases increased slightly to 4,052 cases statewide--continuing a trend that began nearly a decade ago. Overall, the District Court caseload has remained at a high level for the past decade, and much of that caseload has become more complex. At the end of calendar year 1992, there were more than 37,000 cases pending in our District Court system. That's an average of 1,000 cases pending before each District Court Judge in the state.

In Montana's Courts of Limited Jurisdiction--Justice of the Peace, City and Municipal Courts--approximately 300,000 cases were filed in 1992. These courts are what I call the "people's courts," and they were very busy. These courts collected almost \$12 million dollars of revenue--most of which is retained by local governments.

ACCOMPLISHMENTS

In the past two years, since I last addressed this assembly, the Judiciary has accomplished many goals that we set for judicial improvements this biennium. I would like to share just a few highlights with you today.

For many years there was a considerable lag--up to six or seven years--between the time Supreme Court Opinions were handed down and their publication in the official Montana Reports. In the last two years, with the cooperation of Shauna Thomas of State Reporter Publishing, we have caught up with the severe backlog in the publication of the Court's Opinions. We are now completely up-to-date. With the soon-to-be-published Volume 254 of the Montana Reports, Supreme Court decisions will be current through October 1992. This makes Montana Reports an economical and useful research tool again.

We are also pleased to announce that, for the first time ever, Montana Supreme Court Opinions are available to the public on the state's electronic bulletin board. Any citizen with a personal computer can now dial-up the bulletin board and have access to recent Court Opinions immediately. The 1991 Legislature's support of a public bulletin board made it possible for the Court to provide this service to the public at no additional cost!

Both the District Court Judges and the Clerks of the District Courts have been very busy in the past two years on important judicial improvement projects.

Over the past two years District Court Judges from around the state created a District Court Judges' Benchbook. The Benchbook will be available to current and new District Court Judges as a guide for procedures in District Court. This project, headed by District Court Judge Thomas Olson from Bozeman, offers an inexpensive but effective way to encourage uniformity and consistency of practices and procedures in District Courts throughout the state.

Clerks of the District Courts throughout the state have worked very hard to establish a solid educational program aimed at increasing the efficiency and professionalism of their offices. Nearly 80 hours of high quality educational programs were presented to clerks and their deputies over the past three years as part of the Clerks' Association program of improving the operation of District Court Clerks' offices.

This kind of training is a vital aspect of keeping our judicial personnel--judges, clerks, and other staff--up-to-date and informed about changes in the law and potential improvements that can be made in judicial administration.

Finally, in the area of accomplishments, I would like to mention two up-coming projects that should be of interest to each of you.

First, and for the first time, the Fall Conference of Supreme Court Justices and District Court Judges will participate with youth probation officers in a statewide conference entitled "Courts, Children and the Family." This Conference is an important step in enhancing necessary communications between judges, youth probation officers, and other officials in Montana on issues relating to children and families. I look forward to the promises such a conference can offer in opening important lines of communications.

Second, the Supreme Court and the State Bar of Montana have agreed to an in-depth examination of the lawyer discipline system in Montana. The Supreme Court takes its disciplinary responsibilities very seriously. In the last two years, the Supreme Court and its Commission on Practice has disciplined 77 lawyers, including the disbarment of two attorneys.

The up-coming study, funded entirely by the private resources of the State Bar, will undoubtedly constitute the most thorough review of the lawyer discipline system in Montana history. The Court looks forward to receiving the comments and recommendations of this study commission, and will share the results with the public and the Legislature.

CONCERNS

During the legislative process, occasionally a judge may wish to comment on a particular legislative matter; or a legislator may contact an individual judge concerning a pending legislative matter. Although no judge should express how he or she would individually vote if any related question came before the court, it should be noted that Canon 23 of the Canons of Judicial Ethics provides that a judge has exceptional opportunity to observe the operation of statutes and may contribute to the public interest by advising the Legislature from time to time on issues of judicial administration.

I trust you will all agree that the following comments are meant to be of assistance in your deliberations.

Although seldom voiced, I believe from my personal viewpoint, that the fundamental foundation of Montana's government is stated in the very first substantive section of the Constitution of the State of Montana, Article II, Section 1, Popular Sovereignty:

"All political power is vested in and derived from the people. All government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole."

This constitutional mandate that government originates with, and is founded upon, the will of the people is further to be noted in the very first sections of the Montana Code:

"1-1-101. 'Law' is a solemn expression of the will of the supreme power of the state."

and

"1-1-102. The will of the supreme power is expressed by: (1) the constitution; (2) statutes."

When you, as Senators and Representatives, deliberate and legislate in the House and Senate chambers, in reality it is the people who are seated there--represented by you as the agents of the people.

The clearest expression of the doctrine of separation of powers between the legislative and judicial branches of government is found in Section 1-1-108:

"In this state there is no common law in any case where the law is declared by statute. But where not so declared, if the same is applicable and of a general nature and not in conflict with the statutes, the common law shall be the law and rule of decision."

It is my belief that you, as representatives of the people, set the public policy of Montana through the statutes, and the role of the Judiciary is to exercise its common law powers in conformity with the constitutional mandate and statutes noted.

On another matter of concern, I bring to your attention that the State Bar has worked diligently during the past two years on a proposal to study the organization and funding of the Montana Judiciary. I hope we can all agree that such a study would be an appropriate starting place to understanding the strengths and weaknesses of our current judicial system, as well as the necessary instrument for shaping a public policy consensus on what the court system should look like in the future. I commend the idea of a study to the Legislature and pledge our best efforts to facilitate an effective analysis.

It will surprise no one, I suppose, that the Judiciary is still vitally interested in the issue of judicial salary increases! With your help and courage, we have made progress over the past two legislative sessions in beginning to compensate judges adequately. We must maintain that progress. The judicial salary issue is one that is critical to the judicial system. In that system, the judge is the key ingredient to the fair and impartial administration of justice. Judges are entrusted with enormous discretion and an equal amount of responsibility. For the system to work--and work without unnecessary delay--we must recruit and retain the best and brightest lawyers to the bench. We ask for your continued help.

We will also ask for your continued help this session in our efforts to improve judicial administration through statewide automation in District Courts and Courts of Limited Jurisdiction. We believe that we have made great strides in the past two years. Personnel of the Court Administrator's office have assisted judges and clerks of court in 33 counties in automation projects. We have made a good beginning, but we absolutely need your help to keep going. Our proposal this session--carried by Representative Bardanouve--will continue a cost-effective effort to help your local courts in this endeavor.

On the issue of the current judicial budget proposals, as you can imagine, we are very concerned.

The two special sessions of the Legislature in 1992 significantly reduced general funding of the Judiciary. Budget reductions forced the Court to reduce expenditures in many areas. We have eliminated a statewide case tracking system for District Courts; reduced the number of volumes of Montana Reports purchased; reduced the rates we pay investigators for various Court commissions; reduced the number of bar examinations offered in Montana to a single examination each year; reduced travel both in-state and out-of-state; canceled and consolidated subscriptions; reduced expenditures for equipment to a bare minimum;

and forced vacancy savings even on critical positions. The Court has also been keenly aware of the need to make sure that certain functions--such as the bar examination process--pay for themselves and not be a drain on the state general fund.

In addition to direct budget cuts, we have sustained the transfer of approximately \$500,000 of expenses from the state to District Court budgets for mental evaluations previously done at Warm Springs State Hospital.

We have done our share.

In preparing for this session, the Court directed the office of the Court Administrator to re-examine the August 1992 budget proposal and offer any additional cost savings that were reasonably possible. I believe that we have provided the General Government and Transportation Subcommittee with a number of realistic and helpful proposals.

I fear that some may think that the justice system is nothing more than another special interest group vying for a piece of the ever-dwindling pie. Their solution would be to try and satisfy everyone; if that cannot be done, to make as few people unhappy as possible; and, if that cannot be done, to make everyone unhappy and blame the uncontrollable circumstances.

Montana courts, however, are not a special interest, nor is the Judiciary just another government agency. Instead, as stated in Article III, Section 1, "Separation of Powers," of the Montana Constitution:

"The power of the government of this state is divided into three distinct branches--legislative, executive, and judicial. No person or persons charged with the exercise of power properly belonging to one branch shall exercise any power properly belonging to either of the others,"

The "separation of powers" doctrine in our federal and state constitutions, which depends upon the independence and support of the courts for its vitality, is nothing less than the source of our nation's and state's strength.

To those injured on the job or by a defective product, to victims of negligence, to those evicted unfairly, to defenders of our waterways against chemical dumping, to small businesses fending off monopolistic practices, to people with a grievance against their government, to abandoned children who need adoption, to farmers, ranchers and shop owners fighting to keep their farms, ranches and shops operating in a recession, to those discriminated against on the basis of race, age, sex, religion, or disability, our civil courts represent the fulfillment of the basic need for fairness and justice.

Freedom of all depends upon the rule of law. The rule of law depends upon due process. Due process is not a theoretical concept; it is a commitment to action by the government. As Judge Learned Hand remarked: "If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice."

Recent budgetary actions have hampered and diminished the court system in Montana. Further reduced funding would indeed invite a rationing of justice. We all must protect the constitutional mandates that courts of justice in Montana be open to every person and due process of law be denied no person.

On behalf of the Montana Judiciary, I thank the Legislative leadership on both sides of the aisle and each member of the Legislative Assembly for their support and willingness to listen to our accomplishments and concerns. I hope that each of you will attend the Legislative Reception, hosted by the Montana Judges' Association and the State Bar of Montana, this coming Thursday evening, February 11, from 6 to 8 p.m. in the Justice Building.

You have a tough session ahead of you. I wish you well in setting the State's course for the next two years!

Thank you.

PROFILE OF THE MONTANA JUDICIAL SYSTEM

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 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 nominate within 30 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 is made. A vacancy in the office of Chief 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.

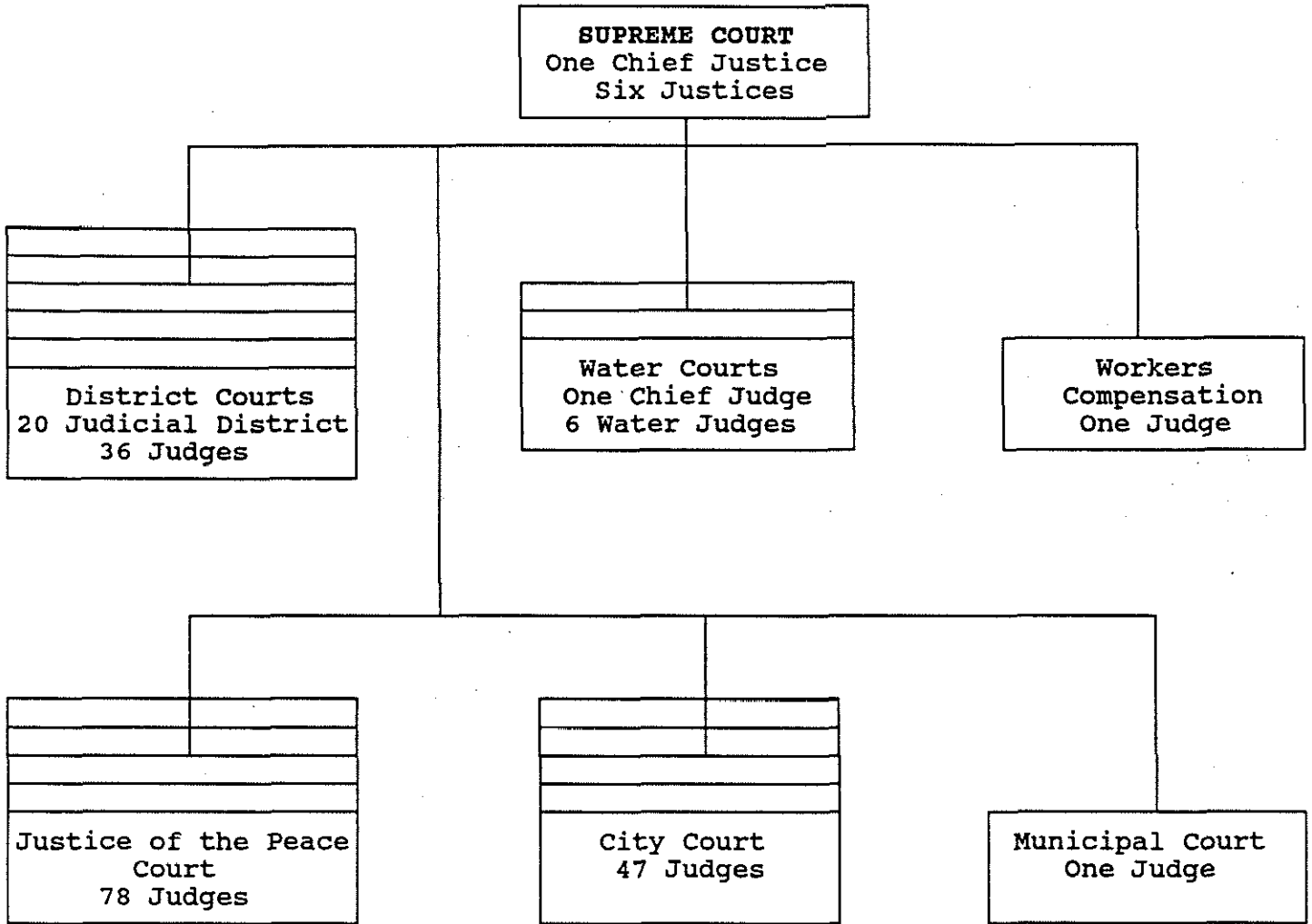
Vacancies in the office of Justice of the Peace are filled by appointment of the County Governing Body.

Vacancies in the office of City or Town Judge 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 duties, or censure, suspend or remove any justice or judge for willful misconduct in office, willful and persistent failure to perform his duties, violation of the canons of judicial ethics adopted by the Supreme Court, or habitual intemperance.

STRUCTURE OF THE MONTANA JUDICIARY



THE MONTANA JUDICIARY A BRIEF HISTORY

SUPREME COURT

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 who was appointed June 30, 1864 by President Abraham Lincoln served as the first Chief Justice. On June 22, 1864 Lorenzo P. Williston and Ammi Giddings were appointed Associate Justice. 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 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 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 a 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 of 1910.

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

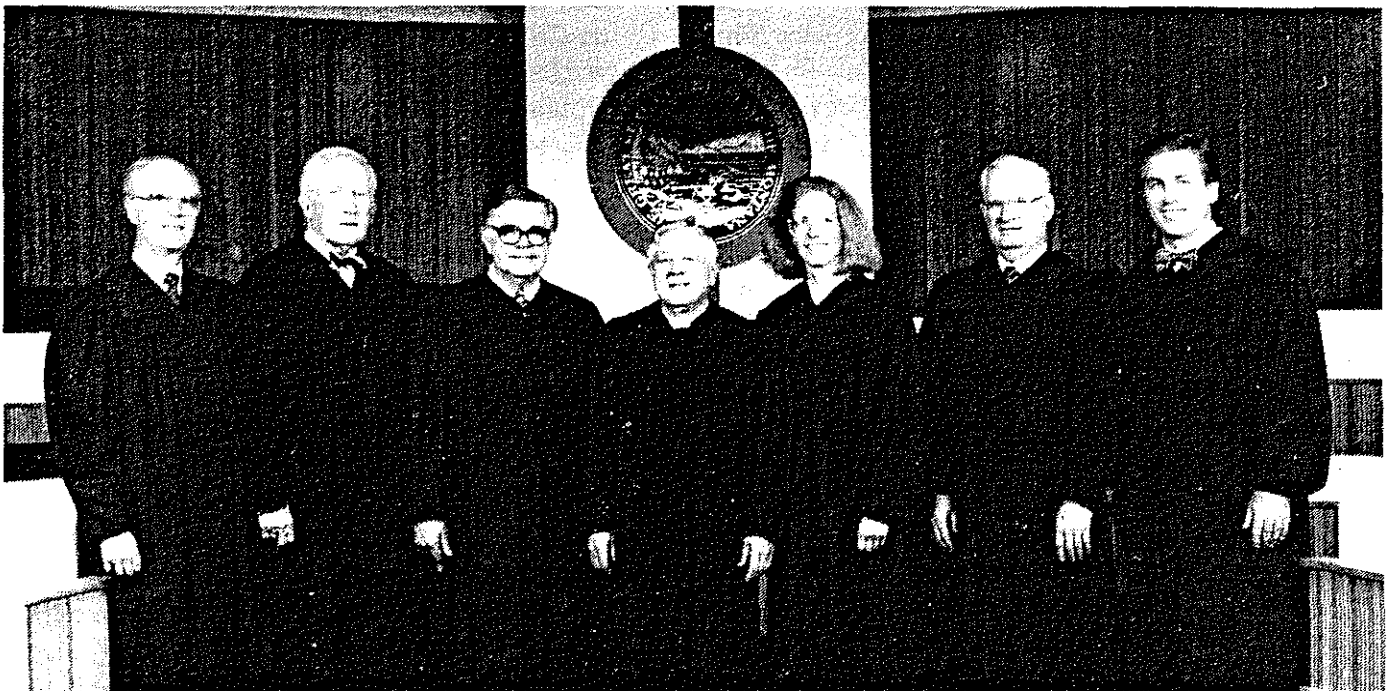
During the first three decades of Statehood the Supreme Court remained at three Justices but the

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 -- at a salary of \$4,000 a year for Commissioners. 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 salary of 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 (3) of such judges to act for such 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.



THE MONTANA SUPREME COURT

Left to right, Justices Fred J. Weber, John C. Harrison, William E. Hunt, Sr., Chief Justice J. A. Turnage, Justices Karla M. Gray, R. C. McDonough, and Terry N. Trieweiler.

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 16 in 1932, expanded to 19 in 1977, 20 in 1984. During the regular legislative session in 1991, the Legislature created the 21st 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 37 District Court Judges.

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 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.

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 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 as to whether to retain the judge.

SUPREME COURT

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 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 a week 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 (1) full oral argument before the Court sitting en banc, or (2) 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 such 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 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. These are explained in detail in another section of this report.

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 1944-1946. Received his law degree from the University of Montana in 1951. Elected County Attorney, Lake County in 1953 and was reelected 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 Law Degree from Hastings College of the Law in San Francisco, California in 1976. Prior to her appointment on February 11, 1991, she worked as staff attorney and lobbyist for the Montana Power Company in Butte, Montana.

JOHN CONWAY HARRISON - Justice. Born April 28, 1913 in Grand Rapids, Minn. Came to Montana in 1928. Served in the U. S. Army from

1940 to 1946. Received his law degree from George Washington University in 1940. Served as County Attorney in Lewis and Clark County from 1954 to 1960. Elected to the Montana Supreme Court in 1960. Justice Harrison has served longer on the Supreme Court than any other Justice in Montana history. He and his wife Virginia, who died in 1984, were the parents of 3 sons and 3 daughters. He married Ethel Harrison in 1987.

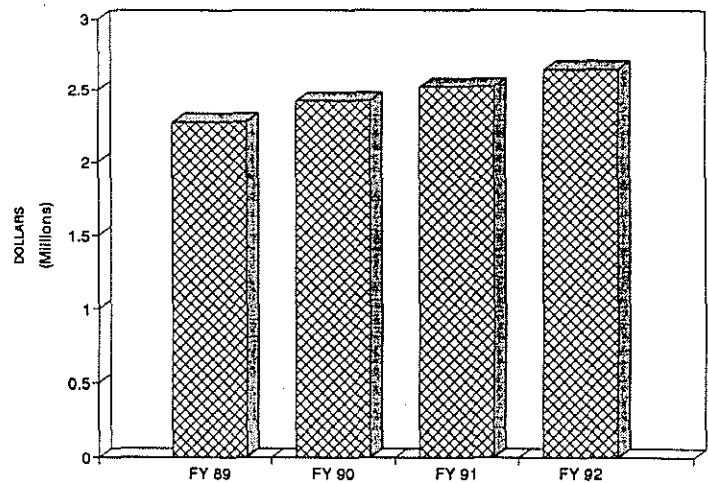
WILLIAM E. HUNT, SR. - Justice. Born February 28, 1923 in Tacoma, Washington. Came to Montana in 1945. Received his law degree from the University of Montana in 1955. Engaged in the general practice of law and served as Deputy County Attorney in Hill County and as County Attorney in Liberty County for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

R. C. McDONOUGH - Justice. Born December 7, 1924 in Glendive, Montana. Received his law degree from George Washington University in 1949. McDonough served as Glendive City Attorney and Dawson County Attorney and was a delegate to the 1972 Constitutional Convention. Elected District Judge in the Seventh Judicial District in 1982 and served until his appointment to the Supreme Court in May, 1987. His wife's name is Dora and they are the parents of 6 children.

TERRY N. TRIEWELER - Justice. Born March 21, 1948 in Dubuque, Iowa. Received both his Bachelor and law degrees from Drake University, Des Moines, Iowa. He was engaged in the private practice of law in Whitefish until 1990 at which time 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. He and his wife, Carol, have three daughters, Kathryn Anne, Christina, and Anna.

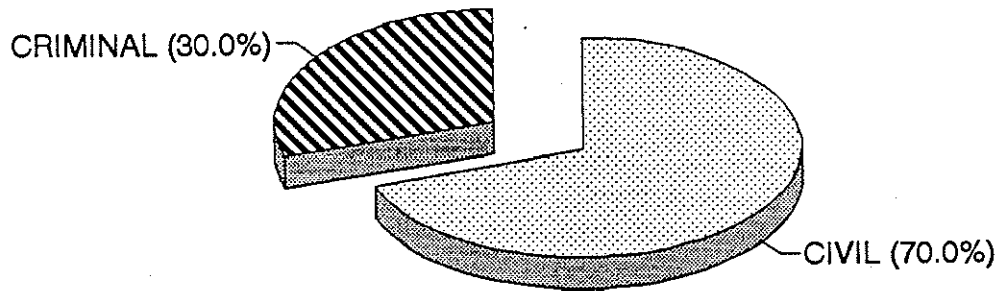
FRED J. WEBER - Justice. Born October 6, 1919 in Deer Lodge, Montana. Received B.A. and J.D. degrees from the University of Montana. Served in the infantry in World War II. Engaged in the private practice of law in Havre from 1947 until his election to the Supreme Court. Elected to the Montana Supreme Court in 1980. His wife's name is Phyllis and they are the parents of one daughter and three sons.

DISTRICT COURT REIMBURSEMENT PROGRAM
FOUR YEAR REIMBURSEMENT COMPARISON

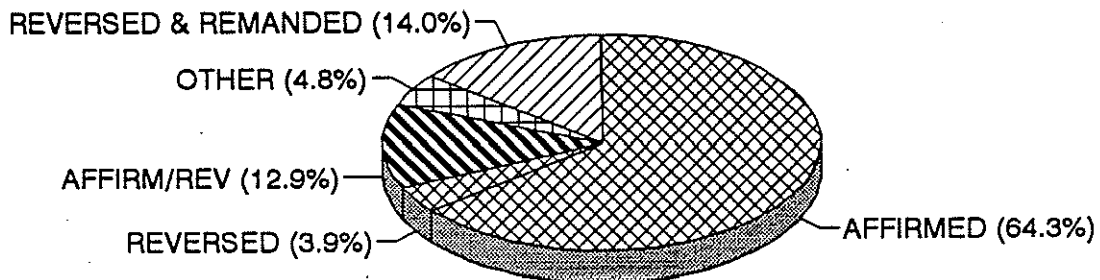


SUPREME COURT CASELOAD STATISTICS

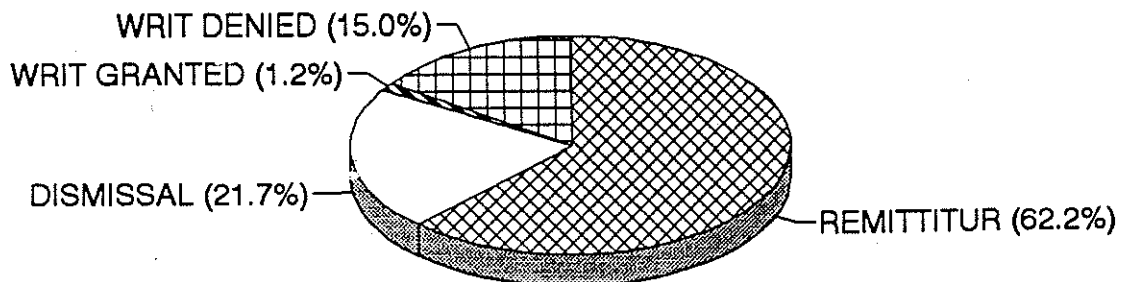
MONTANA SUPREME COURT CASELOAD NEW FILINGS



MONTANA SUPREME COURT CASELOAD FORMAL OPINIONS ISSUED



MONTANA SUPREME COURT CASELOAD DISPOSITIONS IN 1992



1992 SUPREME COURT CASELOAD STATISTICS

1.	Filings carried over from Calendar Year 1991	415
2.	New Filings in 1992	627
	Civil	439
	Criminal	188
3.	Dispositions in 1992	521
	By Remittitur	324
	By Dismissal	113
	Writ Denied	78
	Writ Granted	6
4.	Cases Pending as of December 31, 1992	450
5.	Formal Opinions Issued	340
	Affirmed	225
	Reversed	14
	Affirmed in part/Reversed in part	44
	Reversed and Remanded	50
	Revised	0
	Other	7

DISTRICT COURTS

There is a District Court in each of Montana's fifty-six counties. District Courts are Montana's Courts of General Jurisdiction. Montana 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.

District Judges are elected for six year terms. Requirements for the office of District Judge are United States citizenship, residency of 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.

Article VII, Section 6, grants the Legislature the authority to establish Judicial Districts and to provide for the number of Judges in each District. The Legislature may change the number and boundaries of Judicial Districts and the number of Judges in each District. Currently there are 36 District Court Judges in Montana in 20 Judicial Districts.

During the 1991 regular Legislative Session the 21st Judicial District was created (HB 934). This Judicial District consists of Ravalli County and becomes effective January 1, 1993.

JUDICIAL DISTRICT REPORTS

(Where a report was submitted, the following information is in the words of the Presiding Judge).

1ST JUDICIAL DISTRICT

1992

COUNTIES IN THE DISTRICT:

Lewis and Clark and Broadwater

NO. OF JUDGES: Three

1990 POPULATION: 50,566

AREA IN SQUARE MILES: 4,669

DENSITY PER SQUARE MILE: 10.83

DISTRICT JUDGES:

The Honorable Thomas Honzel
The Honorable Jeffrey Sherlock
The Honorable Dorothy McCarter

CLERKS OF THE DISTRICT COURT:

Lewis and Clark Co.	Clara Gilreath
Broadwater County	Nellie B. Sayer

FIRST JUDICIAL DISTRICT

Nineteen ninety-two was another good but busy year for the First Judicial District.

The people showed their confidence in Judge Dorothy McCarter who easily won her election to retain her position. She is the only woman district court judge in the State.

Other exciting news is that after many years of waiting, plans are finally moving ahead to

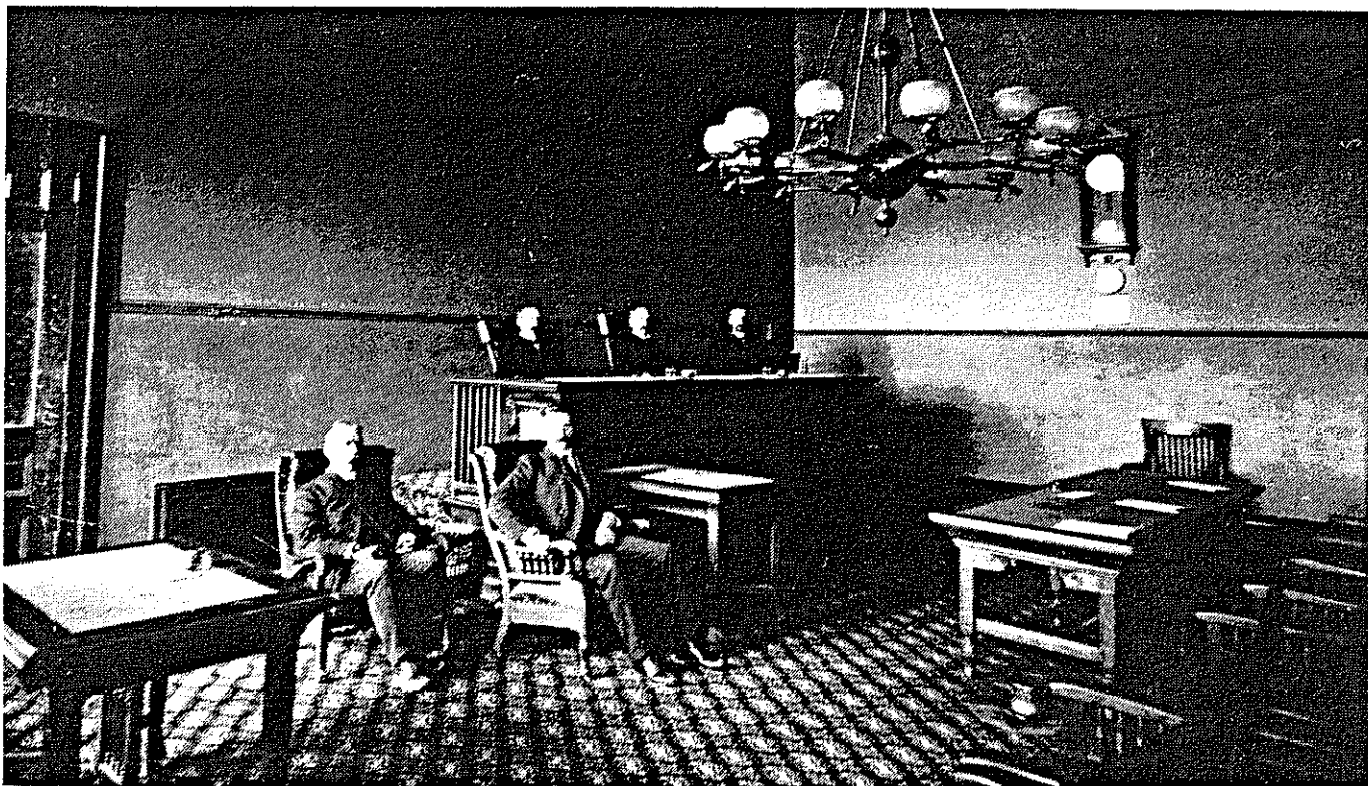
refurbish Judge Thomas Honzel's courtroom. Hopefully, we will go to bid in early 1993.

The courtroom has great historical significance for the entire state. The original constitutional convention met there in 1889 and the legislature met there while the Capitol was being constructed. Until the Capitol was completed, the Supreme Court also heard its cases in the courtroom. In keeping with its historical significance, we intend to maintain as much of its original character as possible.

Being the hub of state government, the judges continue to hear a variety of complex and interesting cases which keep them busy doing research and writing opinions.

Cases filed in the 1st Judicial District in 1992:

Criminal	266	9.0%
Civil	2,047	73.0%
Dom. Rel.	70	2.0%
Adoption	52	2.0%
Sanity	52	2.0%
Juvenile	132	5.0%
Probate	198	7.0%
TOTAL	2,817	100.0%



Judge Honzel's Courtroom, 1902, Lewis and Clark County Courthouse. The Montana Supreme Court held hearing here while the State Capitol was under construction. Justice Wm. S. Pigott, Chief Justice Theodore Brantly, Justice George Milburn. Seated C. T. Crane, Marshall, and Henry Ricketts, Clerk of Court. (Photo courtesy of Montana Historical Society.)

2ND JUDICIAL DISTRICT

1992

COUNTIES IN THE DISTRICT:

Silver Bow

1990 POPULATION: 33,737

AREA IN SQUARE MILES: 715

DENSITY PER SQUARE MILE: 47.18

DISTRICT JUDGES:

The Honorable Mark P. Sullivan

The Honorable James Purcell

CLERK OF THE DISTRICT COURT:

Silver Bow County Lori A. Maloney

SECOND JUDICIAL DISTRICT

The Second Judicial District is a one county, two judge Judicial District which serves approximately 33,737 people. The Judicial District is presided over by Judge Mark P. Sullivan who has served since 1980 and James Purcell who has served since 1990.

The Second Judicial District is the smallest Judicial District in area (715 square miles) but has the highest population density with 47.18 people per square mile.

Cases filed in the 2nd Judicial District in 1992:

Criminal	119	11.0%
Civil	518	49.0%
Dom. Rel.	251	24.0%
Adoption	24	2.0%
Sanity	63	6.0%
Juvenile	47	4.0%
Probate	45	4.0%
TOTAL	1,067	100.0%

3RD JUDICIAL DISTRICT

1992

COUNTIES IN THE DISTRICT:

Deer Lodge, Granite and Powell

NO. OF JUDGES: One

1990 POPULATION: 19,326

AREA IN SQUARE MILES: 4,809

DENSITY PER SQUARE MILE: 4.02

DISTRICT JUDGE:

The Honorable Ted L. Mizner

CLERKS OF THE DISTRICT COURT:

Deer Lodge Co.:	Theresa Sladich
Granite Co.	Beverly L. Kulaski
Powell Co.	Mary Ann McKee

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, the Women's Correctional Center, Galen State Hospital, and Warm Springs State Hospital are located within this jurisdiction. 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 all inmate 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 processed in Powell County.

A new proposal that has been suggested is a closed-circuit television system that would allow the Court to conduct arraignments and preliminary matters involving prison cases without the necessity of transporting inmates to court. The Court is also working with the prison administration, juvenile probation and local law enforcement officials on a modified "scared straight" program for serious juvenile offenders. It is hoped that this program will be a valuable addition to our limited juvenile services.

The Youth Court, through its Chief Probation Officer, Gary Loshesky, continues to manage the non-profit corporation that operates the Rock Creek Youth Camp. The Youth Camp provides youth in the district and in the surrounding area with summer-long outdoor recreational opportunities. Bert Luce also serves as a part-time Powell County youth probation officer.

Friendly people, beautiful scenery and cooperative lawyers continue to make the Third Judicial District a pleasant place to live and work.

Cases filed in the 3rd Judicial District in 1992:

Criminal	133	16.0%
Civil	295	36.0%
Dom. Rel.	156	19.0%
Adoption	19	2.0%
Sanity	79	10.0%
Juvenile	46	6.0%
Probate	99	12.0%
TOTAL	827	100.0%

4TH JUDICIAL DISTRICT

1992

COUNTIES IN THE DISTRICT:

Mineral, Missoula and Ravalli

NO. OF JUDGES: Four

1990 POPULATION: 106,623

AREA IN SQUARE MILES: 6,216

DENSITY PER SQUARE MILE: 17.15

DISTRICT JUDGES:

The Honorable Jack L. Green
The Honorable John S. Henson
The Honorable Douglas G. Harkin
The Honorable Ed P. McLean

CLERKS OF THE DISTRICT COURT:

Mineral County	Audrey Peden
Missoula County	Kathleen Breuer
Ravalli County	Debbie Harmon

FOURTH JUDICIAL DISTRICT

The Fourth Judicial District serves the counties of Missoula, Ravalli and Mineral Counties and has four District Judges: Judges Jack Green, Douglas Harkin, John Henson and Ed McLean.

Audrey Peden is the Clerk of Court in Mineral County where she is assisted with one deputy. Debbie Harmon is assisted by four deputies in Ravalli County, while Missoula County Clerk of Court, Kathleen Breuer is assisted by twelve deputies.

The Fourth Judicial District is experimenting with a Special Master program in Missoula County. The Special Master will handle domestic relation matters including contested hearings. The response of the attorneys has been positive although there are some "bugs" in the system that have to be worked out.

The District is also utilizing settlement conferences to attempt to alleviate the trial calendar. The conferences have been very successful thus far.

Overall the four Departments of the District have kept very current on the caseload that continues to increase, but it appears that we need a successful Special Master Program and Settlement Conference agenda if we are going to continue to keep current with the increasing caseload.

Kathleen Breuer has greatly assisted in Missoula by converting her office over to computers and increasing the efficiency of her office while both Debbie Harmon in Ravalli County and Audrey Peden in Mineral County keep each Department current and advised of any pending cases that need immediate attention.

Cases filed in the 4th Judicial District in 1992:

Criminal	684	19.0%
Civil	1512	41.0%
Dom. Rel.	884	24.0%
Adoption	93	3.0%
Sanity	119	3.0%
Juvenile	223	6.0%
Probate	146	4.0%
TOTAL	3661	100.0%

5TH JUDICIAL DISTRICT

1992

COUNTIES IN THE DISTRICT:

Beaverhead, Jefferson and Madison

NO. OF JUDGES: One

1990 POPULATION: 22,338

AREA IN SQUARE MILES: 10,731

DENSITY PER SQUARE MILE: 2.08

DISTRICT JUDGE:

The Honorable Frank M. Davis

CLERKS OF THE DISTRICT COURT:

Beaverhead Co.	John Poundstone
Jefferson Co.	Marilyn J. Stevens
Madison Co.	Jerry R. Wing

FIFTH JUDICIAL DISTRICT

The Fifth Judicial District embraces the three large counties of Southwestern Montana. The case load approaches 800 cases. The Judge operates from Dillon, Beaverhead County which has 17 lawyers and 45% of the cases. Jefferson County (Boulder) has 1 lawyer, a full-time county attorney and 32% of the cases. Historic Virginia City (Madison County) with 5 lawyers has 23% of the case load. Law and motion calendars are conducted in Dillon on Thursday and Friday, in Virginia City on Tuesday and Boulder on Wednesday. With the help of three outstanding clerks and a first rate staff the calendar is kept reasonable current.

This Court continues its policy of making six person jury trial the rule in all civil cases. The Bar has been cooperative in this economy efficiency innovation.

Adequate funding continues to be the number one problem. It appears the only answer is some form of state assistance now under study.

Cases filed in the 5th Judicial District in 1992:

Criminal	138	20.0%
Civil	273	40.0%
Dom. Rel.	114	17.0%
Adoption	15	2.0%
Sanity	7	1.0%
Juvenile	41	6.0%
Probate	93	14.0%
TOTAL	681	100.0%

6TH JUDICIAL DISTRICT

1992

COUNTIES IN THE DISTRICT:

Park and Sweet Grass

NO. OF JUDGES: One

1990 POPULATION: 17,609

AREA IN SQUARE MILES: 4,466

DENSITY PER SQUARE MILE: 3.94

DISTRICT JUDGE:

The Honorable Byron L. Robb

CLERKS OF THE DISTRICT COURT:

Park Co. June Little
Sweet Grass Co. Patty Jo Henthorn

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 576. Judge Byron L. Robb is completing his seventh year in office, and remains committed to getting the judicial work done, rather than talking about it.

Judge Robb believes the biggest present judicial challenge in his 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.

Cases filed in the 6th Judicial District in 1992:

Criminal	79	14.0%
Civil	207	36.0%
Dom. Rel.	128	22.0%
Adoption	9	2.0%
Sanity	11	2.0%
Juvenile	66	11.0%
Probate	75	13.0%
TOTAL	575	100.0%

7TH JUDICIAL DISTRICT

1992

COUNTIES IN THE DISTRICT:

Dawson, McCone, Prairie, Richland and Wibaux

NO. OF JUDGES: Two

1990 POPULATION: 24,964

AREA IN SQUARE MILES: 9,676

DENSITY PER SQUARE MILE: 2.58

DISTRICT JUDGES:

The Honorable Dale Cox
The Honorable Richard Phillips

CLERKS OF THE DISTRICT COURT:

Dawson Co.	Ardelle Adams
McCone Co.	Betty L. Robinette
Prairie Co.	Gladys Helen Young
Richland Co.	Arlene Riggs
Wibaux Co.	Roger J. Barnaby

SEVENTH JUDICIAL DISTRICT

The Seventh Judicial District is a two judge district and consists of Dawson, McCone, Prairie, Richland and Wibaux Counties. Judge Dale Cox presides over Department 1, Dawson, Wibaux and Prairie Counties; Judge Richard Phillips presides over Department 2, Richland and McCone Counties. The Seventh Judicial District is in East Central Montana and covers approximately 9,676 square miles comprised mostly of plains and badlands.

Twice a year Dawson County hosts "Government Day", which is usually held on a Law and Motion Day, when high school students participate in local government; they spend part of the day with an elected official. The student district judge decided to change careers midway through the day stating that being the district judge was not "fun". This came as a real surprise to Judge Cox! Fairview High School seniors spent their "Government Day" in Glendive and all agreed that the highlight of the day was the time spent observing a criminal jury trial.

The Seventh Judicial District is moving toward computerization, although the program is still in its infancy. The Dawson County Clerk of Court has been computerized for two years and is now working on placing child support, restitution and the jury list on her computers. This year computers were installed in the office of the Richland County Clerk of Court and both the offices of Judge Cox and Judge Phillips. The Judges' office and the Clerks' office have been networked, so the computers will "talk" with each other. We are now in the process of determining what we have and what they will do.

For the convenience of the Court and counsel, we have done more out-of-district pre-trial conferences and short hearings telephonically this year than any other year. Considering the size of the State, telephonic conferences have worked well.

opened at the City Jail which is staffed by 10 people.

One felony sexual assault case from this district made its way to the U.S. Supreme Court and was argued in October. However, in November the U.S. Supreme Court dismissed the appeal stating that they should not have accepted the appeal initially.

In May, the Cascade County Bar Association experimented with a Settlement and Mediation Week. The three District Judges assigned several pending civil cases to the program and a majority of the cases were settled following mediation sessions conducted by volunteer local attorneys. We hope to expand this worthwhile project which was considered a success by the participants.

Construction of three large new motels in Great Falls this year indicates the impact of Canadian visitors to our city. New construction providing office space for medical personnel has recently been completed near the Deaconess Hospital and is underway near the Columbus Hospital which calls attention to the importance of the expanding health care industry in Great Falls.

Although the district has a heavy case load, no judge has a law clerk. Each judge does have a court reporter and a secretary. There are five public defenders. Two of the public defenders share the duties and the salary of one public defender position.

Cascade County was involved in a labor strike from August 16, 1991 through August 28, 1991. The Courts remained opened through the cooperation of the labor union and the county commissioners with the district court.

District Court funding continues to be of great concern. The six mill levy (7-6-2511, MCA) does not generate sufficient revenue to run the court. House Bill 312 (which amends 61-3-537, MCA) will help, but is not a permanent solution to the funding problem.

Cases filed in the 8th Judicial District in 1992:

Criminal	436	14.0%
Civil	1235	40.0%
Dom. Rel.	676	22.0%
Adoption	138	5.0%
Sanity	24	1.0%
Juvenile	240	8.0%
Probate	301	10.0%
TOTAL	3,050	100.0%

9TH JUDICIAL DISTRICT

1992

COUNTIES IN THE DISTRICT:

Glacier, Pondera, Teton and Toole

NO. OF JUDGES: One

1990 POPULATION: 29,793

AREA IN SQUARE MILES: 10,496

DENSITY PER SQUARE MILE: 2.84

DISTRICT JUDGE:

The Honorable Ronald D. McPhillips

CLERKS OF THE DISTRICT COURT:

Glacier Co.	Mary Phippen
Pondera Co.	Anita White Jones
Teton Co.	Emile Kimmet
Toole Co.	Penny Underdahl

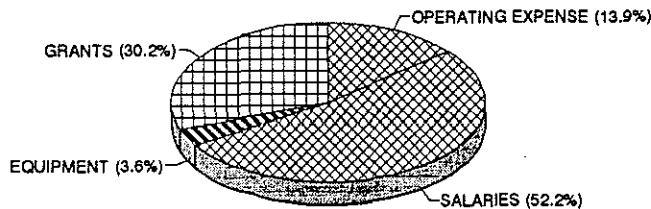
NINTH JUDICIAL DISTRICT

The Ninth Judicial District covers Glacier, Pondera, Teton and Toole Counties. The presiding judge is the Honorable Ronald D. McPhillips who has served in this capacity since 1963.

Cases filed in the 9th Judicial District in 1992:

Criminal	138	18.0%
Civil	321	41.0%
Dom. Rel.	86	11.0%
Adoption	19	2.0%
Sanity	5	1.0%
Juvenile	50	6.0%
Probate	163	21.0%
TOTAL	782	100.0%

MONTANA SUPREME COURT
FISCAL 1992 BY EXPENDITURE CATEGORY



10TH JUDICIAL DISTRICT

1992

COUNTIES IN THE DISTRICT:

Fergus, Judith Basin and Petroleum

NO. OF JUDGES: One

1990 POPULATION: 14,797

AREA IN SQUARE MILES: 7,777

DENSITY PER SQUARE MILE: 1.90

DISTRICT JUDGE:

The Honorable Peter L. Rapkoch

CLERKS OF THE DISTRICT COURT:

Fergus Co.	Greta M. Ross
Judith Basin Co.	Acelia "Ann" Leach
Petroleum Co.	Bonny L. Allen

TENTH JUDICIAL DISTRICT

The Honorable Peter L. Rapkoch has three counties in his judicial district: Fergus, Judith Basin, and Petroleum. Fergus County is his busiest district, as is to be expected.

To help with an increased caseload, the Clerks of Court are: Fergus County, Greta Ross; Judith Basin County, Ann Leach; Petroleum County, Bonny Allen. Audrey Petersen was the Court Reporter until the end of November when Harry Rauch takes over as the Court Reporter. Diane Amdahl remains as Judge Rapkoch's secretary.

I find the juvenile cases are ever increasing and this is a concern of mine. One wonders why the

youth are appearing in court in such numbers, and why some are repeat offenders. What can be done about this?

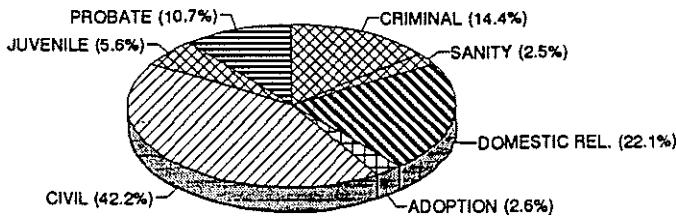
One of the major problems in this district, and I suspect in many others, is the financial woes we experience. Statute dictates certain amounts, our needs are greater. Statute dictates that certain items be paid, our budget amount is too small, yet the money has to be found. Should the funding of district courts come from the counties, or should it come from the state level?

We continue to operate in spite of the obstacles and continue to level justice the best we know how.

Cases filed in the 10th Judicial District in 1992:

Criminal	67	13.0%
Civil	153	29.0%
Dom. Rel.	95	18.0%
Adoption	21	4.0%
Sanity	5	1.0%
Juvenile	41	8.0%
Probate	147	27.0%
TOTAL	529	100.0%

DISTRICT COURT
CASE FILINGS 1992



11TH JUDICIAL DISTRICT

1992

COUNTIES IN THE DISTRICT:

Flathead

NO. OF JUDGES: Two

1990 POPULATION: 58,782

AREA IN SQUARE MILES: 5,137

DENSITY PER SQUARE MILE: 11.44

DISTRICT JUDGES:

The Honorable Michael H. Keedy
The Honorable Ted O. Lympus

CLERK OF THE DISTRICT COURT:

Flathead Co. John Van

ELEVENTH JUDICIAL DISTRICT

The Eleventh Judicial District is a two judge, one county Judicial District. The District is comprised of Flathead County. The District Judges are Michael H. Keedy who has served since 1963, and Ted O. Lympus who has served since April, 1992.

Cases filed in the 11th Judicial District in 1992:

Criminal	292	15.0%
Civil	605	30.0%
Dom. Rel.	734	37.0%
Adoption	50	3.0%
Sanity	20	1.0%
Juvenile	51	3.0%
Probate	247	11.0%
TOTAL	1999	100.0%

12TH JUDICIAL DISTRICT

1992

COUNTIES IN THE DISTRICT:

Chouteau, Hill and Liberty

NO. OF JUDGES: One

1990 POPULATION: 25,305

AREA IN SQUARE MILES: 8,293

DENSITY PER SQUARE MILE: 3.05

DISTRICT JUDGE:

The Honorable John Warner

CLERKS OF THE DISTRICT COURT:

Chouteau Co.	Louise V. Sagan
Hill Co.	Dena Tippets
Liberty Co.	Patricia Seidlitz

TWELFTH JUDICIAL DISTRICT

Day by day, that's how we get by here in the Twelfth Judicial District. The weekly court dockets are full and next year's calendar is filling up fast.

DISTRICT COURT: Kathie Vigliotti came on board in February of 1992 as the new legal assistant. Stacy Laqua, a first year law student from Havre, interned with us over the summer through the help of the work study program at the University of Montana. Elizabeth K. Woods came to work in August as a law clerk. Elizabeth is a 1992 graduate of the University of Montana School of Law.

The Twelfth Judicial District is a one judge district made up of Chouteau, Hill and Liberty Counties. It is located in the heart of North Central Montana and is made up of approximately 8300 square miles. The caseload is comprised of approximately 70% Hill County, 20% Chouteau County and 10% Liberty County.

For all three counties from November 1, 1991 to October 31, 1992, 725 new actions were filed and 545 actions were disposed of.

Hill County filed 516 new actions and disposed of 550 cases, 9 by jury trial. Chouteau County filed 154 new actions and disposed of 62, 2 by jury trial. Liberty County filed 55 new actions and disposed of 44.

Thanks to a generous grant from the Montana Supreme Court, the Judge and legal assistant were able to upgrade their computer equipment. This enabled the law clerk and the probation officers to utilize their used hardware. Everyone now has access to a computer for their word processing needs.

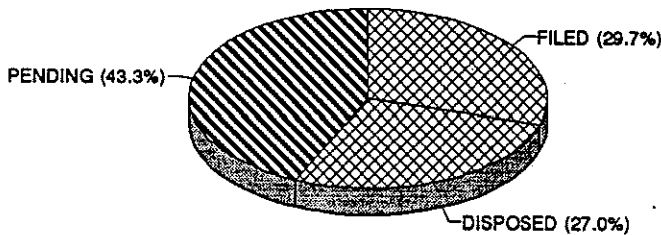
YOUTH COURT: Bryce Johnson has put in 29 years of service as the Chief Probation Officer for the Twelfth Judicial District. He was named Employee of the Year for the State of Montana in the juvenile probation category at the annual Montana Correctional Association Convention held in Billings in September of 1992. Dave Viall was added as a Deputy Probation Officer in November of 1991.

Youth Court continues to be a challenge with the new laws passed regarding detention of juveniles. The probation officers have placed 11 juveniles in various locations in 1992. 385 referrals were received for the period of July 1, 1991 to July 1, 1992. These numbers show a slight decrease from the previous year. 256 of the 385 referrals were first time offenders. The District Court has collected \$4,458.07 as restitution from youth offenders.

Cases filed in the 12th Judicial District in 1992:

Criminal	111	16.0%
Civil	216	31.0%
Dom. Rel.	165	24.0%
Adoption	20	3.0%
Sanity	6	1.0%
Juvenile	36	5.0%
Probate	135	20.0%
TOTAL	689	100.0%

DISTRICT COURT
CASES FILED, PENDING, & DISPOSED 1992



13TH JUDICIAL DISTRICT
1992

COUNTIES IN THE DISTRICT:

Big Horn, Carbon, Stillwater and
Yellowstone

NO. OF JUDGES: Five

1990 POPULATION: 137,698

AREA IN SQUARE MILES: 11,525

DENSITY PER SQUARE MILE: 11.95

DISTRICT JUDGES:

The Honorable William J. Speare
The Honorable Robert W. Holmstrom
The Honorable G. Todd Baugh
The Honorable Russell K. Fillner
The Honorable Maurice R. Colberg

CLERKS OF THE DISTRICT COURT:

Big Horn Co.	Janice Heath
Carbon Co.	Gayle M. Hilderman
Stillwater Co.	Marlene Johnson
Yellowstone Co.	Charmaine R. Fisher

THIRTEENTH JUDICIAL DISTRICT

The five departments of the District Court in the 13th Judicial District each have a higher than average case load and each serve a higher than average population when compared with the other districts in Montana. Of course, each has less than the average number of square miles to serve. Thanks to the high quality of the bar, the Clerk of Court, law clerks and secretaries, the

calendar in this district is kept current.

All cases are assigned at random. Judges Baugh and Colberg serve as Youth Court Judges. All five departments sit primarily in Yellowstone County, which is home to about 88% of the case load in the district, with each department rotating on a yearly basis to serve Big Horn, Carbon and Stillwater Counties.

A Public Defenders Office has been put in operation this fiscal year. This has increased the efficiency and quality of services provided to indigent persons charged with a crime. The County Commissioners have worked very hard to improve the delivery of quality judicial services at reasonable cost to the taxpayers. A fifth courtroom is scheduled for completion in Yellowstone County in fiscal year 1993. So far, the mill levy has been sufficient to cover the costs associated with judicial services; through continued hard work and cooperation, hopefully this will also be true in years to come.

Cases filed in the 13th Judicial District in 1992:

Criminal	687	13.0%
Civil	2078	40.0%
Dom. Rel.	1409	27.0%
Adoption	119	2.0%
Sanity	119	2.0%
Juvenile	286	6.0%
Probate	455	10.0%
TOTAL	5,153	100.0%

14TH JUDICIAL DISTRICT

1992

COUNTIES IN THE DISTRICT:

Golden Valley, Meagher, Musselshell and Wheatland

NO. OF JUDGES: One

1990 POPULATION: 9,070

AREA IN SQUARE MILES: 6,837

DENSITY PER SQUARE MILE: 1.33

DISTRICT JUDGE:

The Honorable Roy C. Rodeghiero

CLERKS OF THE DISTRICT COURT:

Golden Valley Co.	Aileen Mattheis
Meagher Co.	Donna Morris
Musselshell Co.	Dona C. Robson
Wheatland Co.	Mary Helen Muggenburg

FOURTEENTH JUDICIAL DISTRICT

The Fourteenth Judicial District has a new Chief Youth Probation Officer, Donna Marmon of Roundup. Vicki Fawcett is now our Deputy Youth Probation Officer. They have been doing an excellent job with our youth. Our former Youth Probation Officer, Gordon Lindley, resigned and moved to Texas for family reasons and he is now employed in the youth field there.

Ken Twitchel has retired as Clerk of Court in Meagher County and Donna Morris has been appointed the new Clerk.

Mary Helen Muggenburg, Clerk of Court at Wheatland County is retiring and Carol Clark has been elected Clerk starting January, 1993.

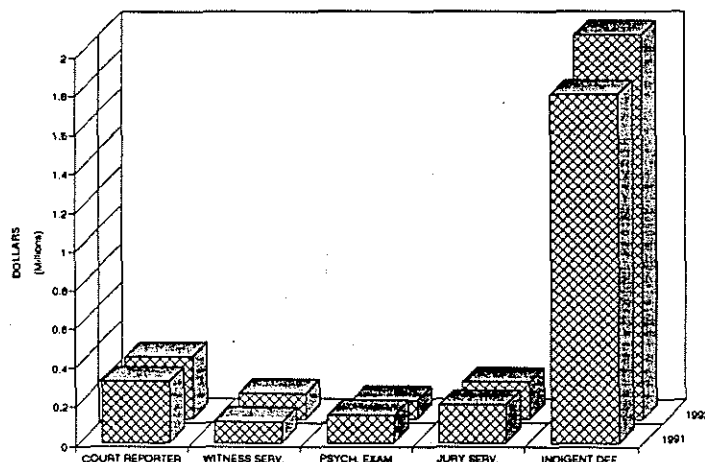
The district is approximately 200 miles east and west across the central part of Montana with an area larger than many states. The distance between the two further most county seats of Roundup and White Sulphur Springs is 130 miles. The district includes both plains and mountains in a highly agricultural and ranch based economy in addition to oil and gas, mining, lumbering and recreation. The Musselshell and Smith Rivers flow in this district. The Snowy, Belt, Castle, Crazy and Bull Mountains are found therein.

The district is sparsely populated with quality people. Much windshield time is spent in carrying out the duties of the District Judge.

Cases filed in the 14th Judicial District in 1992:

Criminal	25	8.0%
Civil	124	41.0%
Dom. Rel.	66	22.0%
Adoption	3	1.0%
Sanity	1	.0%
Juvenile	30	10.0%
Probate	55	18.0%
TOTAL	304	100.0%

DISTRICT COURT REIMBURSEMENT PROGRAM
YEARLY COMPARISON OF REIMBURSEMENTS



15TH JUDICIAL DISTRICT

1992

COUNTIES IN THE DISTRICT:

Daniels, Roosevelt and Sheridan

NO. OF JUDGES: One

1990 POPULATION: 17,916

AREA IN SQUARE MILES: 5,501

DENSITY PER SQUARE MILE: 3.26

DISTRICT JUDGE:

The Honorable M. James Sorte

CLERKS OF THE DISTRICT COURT:

Daniels Co.	Patricia McDonnell
Roosevelt Co.	Patricia A. Stennes
Sheridan Co.	Cheryl A. Olson

FIFTEENTH JUDICIAL DISTRICT

On July 31, 1992, Joe Connell resigned as the Chief Probation Officer and moved on to Boulder, Montana to serve there in the same capacity. The District was without a Chief Probation Officer until October 19, 1992 when Judge Sorte appointed Delmar J. "Butch" Olsen who had retired after twenty years. He has attacked the job with enthusiasm and is extremely happy with his new hours. He will do an excellent job for the district.

Much needed equipment has been added to the district. The Clerk of Court's office in Roosevelt County has been computerized and a new FAX machine for use in four different departments on

the third floor of the Courthouse is now operative. The Fifteenth Judicial District purchased a metal detector entrance device for peace of mind to be used during Court hearings and jury trials. After the recent shooting incidents involving two different judges, one in neighboring North Dakota, last year, it seemed quite appropriate.

Joe Connell initiated a new program while he was with the district which was incorporated under the name of "Volunteer Action for Youth". A Youth Center for the youth in the area is their main goal with the center to be eventually self-sufficient and long-term.

Judge Sorte has been faced with two recall petitions this past year. A Court challenge resulted in dismissal of the first, and the second, hopefully, will fail because of lack of enough signatures. One of the problems he would like to see resolved on all recall actions is some method of a review of substance, as well as form, before approval by the Secretary of State.

On the lighter side, all the employees from the Clerk of Court's office, Justice of the Peace's office, Juvenile Probation and Judge's office, get together each Friday for an outrageously fattening afternoon treat. So, let's just say, we're all becoming quite fat and sassy!

Cases filed in the 15th Judicial District in 1992:

Criminal	22	6.0%
Civil	165	43.0%
Dom. Rel.	39	10.0%
Adoption	18	5.0%
Sanity	1	.0%
Juvenile	6	2.0%
Probate	131	34.0%
TOTAL	382	100.0%

16TH JUDICIAL DISTRICT

1992

COUNTIES IN THE DISTRICT:

Carter, Custer, Fallon, Garfield,
Powder River, Rosebud and
Treasure

NO. OF JUDGES: Two

1990 POPULATION: 31,502

AREA IN SQUARE MILES: 22,300

DENSITY PER SQUARE MILE: 1.41

DISTRICT JUDGES:

The Honorable Kenneth R. Wilson
The Honorable Joe L. Hegel

CLERKS OF THE DISTRICT COURT:

Carter Co.	Carole Carey
Custer Co.	Margaret Reid
Fallon Co.	Carol Wade
Garfield Co.	Charlotte Herbold
Powder River Co.	Arlynn Archer
Rosebud Co.	Collene Hill
Treasure Co.	LaVon Adair

SIXTEENTH JUDICIAL DISTRICT

The Sixteenth Judicial District encompasses seven Southeastern Montana Counties: Carter, Custer, Fallon, Garfield, Powder River, Rosebud and Treasure, and some 21,815 square miles with a population of only about 36,000.

There are two Judges in the Sixteenth Judicial District, Kenneth R. Wilson in Department 1, and Joe L. Hegel in Department 2.

Custer County's filings comprise about 62% of the action in the district and our Commissioners with a mill levy that raises about \$14,500 constantly juggle to stay operational. By contrast, to the envy of the "have nots", a mill in Rosebud County is worth about \$174,000. The legislature needs to address District Court funding.

Automation news: The Custer and Fallon County Clerks of Court are computerizing their offices in cooperation with the Supreme Court technicians. Judge Hegel's Court Reporter, Charlene Berdahl is now using a computer and laser printer in Rosebud County. Fallon County purchased a portable ink jet printer for which Judge Hegel takes with his laptop computer around his circuit. Marilyn Hollister has been elected Rosebud County Clerk of Court and will take office in January, 1993. Ms. Hollister looks forward to increasing efficiency through the use of computers.

Judge Wilson is primarily responsible for Custer, Garfield and Powder River Counties. Judge Hegel is primarily responsible for Rosebud, Treasure, Fallon and Carter Counties. Judge Hegel is also the Youth Court Judge for all seven counties in the district. Judge Hegel also has been elected and assumed additional duties as Water Judge for the Lower Missouri Basin.

Cases filed in the 16th Judicial District in 1992:

Criminal	143	15.0%
Civil	346	36.0%
Dom. Rel.	175	19.0%
Adoption	24	3.0%
Sanity	16	2.0%
Juvenile	72	8.0%
Probate	161	17.0%
TOTAL	937	100.0%

17TH JUDICIAL DISTRICT

1992

COUNTIES IN THE DISTRICT:

Blaine, Phillips and Valley

NO. OF JUDGES: One

1990 POPULATION: 20,066

AREA IN SQUARE MILES: 14,462

DENSITY PER SQUARE MILE: 1.39

DISTRICT JUDGE:

The Honorable Leonard H. Langen

CLERKS OF THE DISTRICT COURT:

Blaine Co.	Kay Johnson
Phillips Co.	Frances M. Webb
Valley Co.	Patricia A. Hill

SEVENTEENTH JUDICIAL DISTRICT

The Montana Seventeenth Judicial District consist of the counties Valley, Phillips and Blaine. This is a one Judge district, he being the Honorable Leonard H. Langen, who has his chambers located at the Valley County Courthouse at Glasgow, Montana. The Judge speaks:

The Seventeenth Judicial District pro bono program initiated by the District Bar Association, is still in operation. The fall meeting of the Association is scheduled for November 5, 1992 and I am certain that the resolution requiring all members of the association to participate in the pro bono program will be renewed.

The District is moving forward toward full computerization. The Clerk of Court office received computer equipment and Clerk personnel are receiving computer training.

The Seventeenth Judicial District was a pioneer in setting up a Guardian Ad Litem program but our program requires rejuvenation during the 1992-93 fiscal year. The number of qualified guardian ad litem has been dwindling. This is a problem that will require aggressive attention in the near future. This means recruiting additional candidates and setting up guardian ad litem schools during the next several months.

The Settlement Conference Program which has been in operation in this district since 1988 will have to be temporarily discontinued as of December 1, 1992.

The reason for this is that about that time, December 1, 1992 the Honorable Bernard J. Thomas, and his wife, Elisa are moving from Chinook, Montana to Missoula in order to be near their children.

I first met the Judge in September, 1937, on the opening day of law school at the University of Montana at Missoula. We were fellow students for three years thereafter, and until our graduation in June 1940. He led our class in grades as of the date of our graduation.

He practiced law in Chinook until 1967 at which time he was sworn in as district Judge of the Twelfth Judicial District which then embraced Blaine County. He retired from this position in 1982.

After his retirement I frequently called him back into service whenever I was disqualified or for some other reason couldn't continue with a case. They also used him as a settlement Judge beginning in 1988.

During the time that Judge Thomas practiced law he was highly respected by his fellow lawyers. Later, when he became District Judge, he made a reputation as an outstanding trial Judge. He was always courteous, a diligent worker, and an outstanding student of the law. His memo opinions were always clear, concise and beautifully reasoned.

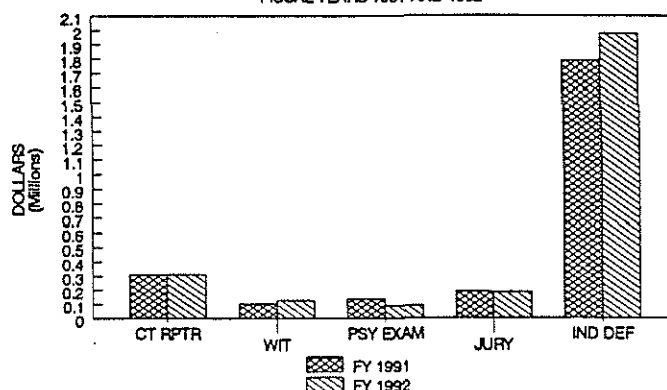
He was the main reason for the success of my Settlement Conference Program.

Bernard Thomas has been my friend for 55 years. When he leaves Chinook, I shall miss him. I can go further and say I have been proud to have him as my friend. He has always excelled in everything he did.

Cases filed in the 17th Judicial District in 1992:

Criminal	71	16.0%
Civil	173	38.0%
Dom. Rel.	68	15.0%
Adoption	15	3.0%
Sanity	4	1.0%
Juvenile	29	6.0%
Probate	97	21.0%
TOTAL	457	100.0%

STATEWIDE DISTRICT COURT REIMBURSEMENT
FISCAL YEARS 1991 AND 1992



18TH JUDICIAL DISTRICT

1992

COUNTIES IN THE DISTRICT:

Gallatin

NO. OF JUDGES: Two

1990 POPULATION: 50,310

AREA IN SQUARE MILES: 2,517

DENSITY PER SQUARE MILE: 19.99

DISTRICT JUDGES:

The Honorable Thomas A. Olson

The Honorable Larry Moran

CLERK OF THE DISTRICT COURT:

Gallatin Co.

Lorraine Van Ausdol

EIGHTEENTH JUDICIAL DISTRICT

The 18th Judicial District includes all of Gallatin County and is served by two District Judges: Thomas A. Olson, Department No. 1 and Larry W. Moran, Department No. 2. Facilities for both courts are located in the Law and Justice Center, 615 South 16th Avenue in Bozeman. Judge Moran was elected in November of 1992 after a very intense challenge by the County Attorney. Congratulations to Judge Moran!

Fire - The remodeling after the September 1990 fire should finally begin sometime in January, 1993. The courts will receive some much needed space as a result of the remodeling.

Mediation - The district court continues to be involved in mediation. Both judges have law clerks which also do mediation and other forms of dispute resolution. Our primary focus at the present time is in family law issues. We are having over 75% success in settling cases involving property settlements and child custody disputes. We are also actively mediating other types of cases as well. The remodeling of the Law and Justice Center will provide much needed facilities for increased mediation, settlement conferences and other forms of dispute resolution.

Court Administration - Judge Olson and Court Administrator Goan attended a course at the National Judicial College entitled, "Court Management for Trial Court Judges and Court Administrators." The course was made possible through a grant from the State Justice Institute. We received many ideas in dealing with budgetary problems, staffing, use of technology in the courts and other areas.

Judge Olson and Judge Moran have set aside the week between Christmas and New Years as a time to meet with Court Administrator Goan and evaluate the total district court operation. We have sought input and ideas from attorneys and others involved in the court. We are endeavoring to establish goals and objectives for the coming year, and to look for better ways to manage the courts.

Grant - In September, 1991, we received a grant from the Supreme Court Administrator's Office for purchase and installation of a local area computer network. The network is fully operational and of great benefit to the district. The Clerk of Court plans to use the new software for civil cases developed by the Court Administrator's Office exclusively beginning in January of 1993. We will be using other software as it becomes available.

Guardianships/Conservatorships - Judge Olson and Judge Moran continue to be very concerned about the court's responsibilities in guardianships and conservatorships. They are devoting considerable time toward developing judicial standards for proper judicial supervision in these types of cases. We did major recruiting and training for guardian ad litem volunteers this year. Our current volunteers provided a much needed resource to the judges in cases involving children and child related issues.

Law Week - In April, we held our annual "Law Week", which is a high point in Gallatin County. The Gallatin County Bar Association sponsored a reception for the Supreme Court and the Court heard oral argument in two cases at Montana State University. The event was well attended by both college and high school classes. We gave special recognition to Judge Jack Levitt, who volunteers his time as settlement judge and to Judy Rost, who has been responsible for coordinating the guardian ad litem program.

Cases filed in the 18th Judicial District in 1992:

Criminal	241	15.0%
Civil	615	37.0%
Dom. Rel.	503	30.0%
Adoption	42	3.0%
Sanity	46	3.0%
Juvenile	65	4.0%
Probate	147	8.0%
TOTAL	1,659	100.0%

19TH JUDICIAL DISTRICT

1992

COUNTIES IN THE DISTRICT:

Lincoln

NO. OF JUDGES: One

1990 POPULATION: 17,454

AREA IN SQUARE MILES: 3,714

DENSITY PER SQUARE MILE: 4.70

DISTRICT JUDGE:

The Honorable Robert Keller

CLERK OF THE DISTRICT COURT:

Lincoln Co.

Lucille Briggs

NINETEENTH JUDICIAL DISTRICT

Lincoln County is located in the upper northwest corner of Montana and contains 2,385,920 acres of land. Its population of 17,481 people is divided into three major population centers of Eureka, Troy, and the county seat of Libby. The 1990 Census indicates a -1.5% population change from 1980 with a population density of 4.8 persons to the square mile. Lincoln County is a county distinguished by the Kootenai River, the mountains, and its beauty; much of the population activities are centered around natural resources in some manner. Forestry, mining and tourism are the principal enterprises. Major agricultural crops include hay, cattle, Christmas trees, and timber.

This was an election year for our district judge and clerk of district court. Both Judge Keller and Lucille Briggs (Clerk) were elected to new terms.

There were ten jury trials this year as of December 1, 1992. Nine of the ten were criminal trials with a 2.5 day average trial time. Only one trial was conducted by a Judge from another district. Judge Keller assumed eighteen more cases this year from other judicial districts compared to six assumptions accepted for the Nineteenth Judicial District.

Although the number of cases was down this year, our activity with trials and hearings has increased. There are already numerous trials set as far as August of 1993.

Cases filed in the 19th Judicial District in 1992:

Criminal	137	22.0%
Civil	188	31.0%
Dom. Rel.	154	25.0%
Adoption	12	2.0%
Sanity	7	1.0%
Juvenile	53	9.0%
Probate	62	10.0%
TOTAL	613	100.0%

20TH JUDICIAL DISTRICT
1992

COUNTIES IN THE DISTRICT:

Lake and Sanders

NO. OF JUDGES: One

1990 POPULATION: 29,629

AREA IN SQUARE MILES: 4,272

DENSITY PER SQUARE MILE: 6.94

DISTRICT JUDGE:

The Honorable C. B. McNeil

CLERKS OF THE DISTRICT COURT:

Lake Co. Katherine E. Pedersen
Sanders Co. Lisa Ferkovich

TWENTIETH JUDICIAL DISTRICT

Lake and Sanders Counties constitute the 20th Judicial District which is the State's most populous per district judge with over 30,000 people in the one-judge jurisdiction. the district continues to be one of the busiest in Montana with an average of 1,000 cases filed per each year of the eight-year history of this District.

As of the date of filing this annual report, the criminal and civil calendars are both current and there are no cases pending decision by Presiding Judge C. B. McNeil.

At the November general election, Lake County Clerk of Court Katherine E. "Kitty" Pedersen was re-elected to a fourth term, and the newly elected Sanders County Clerk of Court is Evelyn Cox.

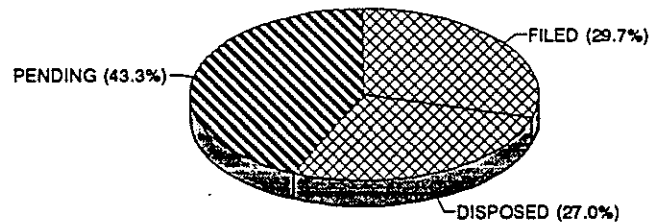
The computer systems in the office of the District Judge and Clerk of Court have been upgraded by the installation of Word Perfect Office, and we are anxiously awaiting installation of the Case Management Program by the Court Administrator's office. Our computers are combat ready and anxious to communicate with each other.

When the judicial district's problems appear to be onerous, a glance out the courthouse window to the placid waters of Flathead Lake returns a proper perspective.

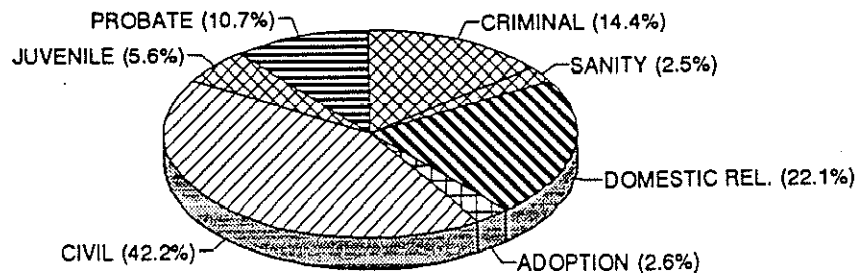
Cases filed in the 20th Judicial District in 1992:

Criminal	157	15.0%
Civil	368	35.0%
Dom. Rel.	266	25.0%
Adoption	30	3.0%
Sanity	5	0.0%
Juvenile	116	11.0%
Probate	117	11.0%
TOTAL	1,059	100.0%

DISTRICT COURT
CASES FILED, PENDING, & DISPOSED 1992



DISTRICT COURT
CASE FILINGS 1992



MONTANA DISTRICT JUDGES

District Judges serving in 1992 were:

G. TODD BAUGH - District Judge, 13th Judicial District. Born October 12, 1941 in Sweetwater, Texas, and came to Montana in 1967. Received B.A. in Economics and Business from Rice University and LL.B from the University of Texas. Engaged in the general practice of law. Elected to the bench in 1984. Wife's name is Linda and they are the parents of one son and one daughter.

MAURICE R. COLBERG - District Judge, 13th Judicial District. Born December 26, 1934 in Minneapolis, Minnesota, and came to Montana in 1940. Served in the U. S. Army 1957-1958 and in the Army Reserve 1959-1965. Received a BS in Business Administration from the University of Montana in 1957, an LL.B from the University of Montana in 1960 and was awarded a J.D. degree from the University of Montana in 1970. Engaged in the general practice of law with emphasis on commercial litigation and served as a Trustee for Billings School District No. 2 1979-1985. Appointed to the bench November 10, 1989. His wife's name is Patricia and they are the parents of two sons and one daughter.

DALE COX - District Judge, 7th Judicial District. Born March 23, 1927 in Great Falls, Montana. Served in the U. S. Navy. Attended University of Montana, Washington University at St. Louis and received B.A. from St. Louis University and LL.B and J. D. from the University of Montana. Engaged in the general practice of Law and served as County Attorney for Dawson County. Appointed to the bench June, 1987. His wife's name is Jackline and they are the parents to two sons.

FRANK M. DAVIS - District Judge, 5th Judicial District. Born November 2, 1921 in Unicoi, Tennessee, and came to Montana in 1952. Attended East Tennessee State and received

LL.B from the University of Tennessee. Served in the Unites States Air Force. Appointed to the bench May, 1970. Elected 1982 and 1988. His wife's name is Joan and they are the parents of three sons and two daughters.

RUSSELL K. FILLNER - District Judge, 13th Judicial District. Born April 18, 1926 in Forsyth, Montana. Served in the U. S. Army. Received LL.B and Ph.D from the University of Montana. Served as County Attorney for Rosebud County 1953-1965, City Attorney, Forsyth, Montana 1953-1965, City Councilman, City of Billings. Engaged in the general practice of law. Appointed to the bench December, 1986, elected 1988. Wife's name is Jane and they are the parents of four sons and one daughter.

JACK L. GREEN - District Judge, 4th Judicial District. Born May 18, 1922 in Kalispell, Montana. Served in the U. S. Army. Received a B.A. LL.B and J.D. from the University of Montana. Engaged in the general practice of law and served as a member of the City Council in Missoula, Montana. Appointed to the bench May, 1963, and has served continually since his appointment. His wife's name is Pat and they are the parents of one son and two daughters.

DOUGLAS 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. Engaged in the general practice of law and was County Attorney for Ravalli County. Elected to the bench in 1980 and 1986. Father of two sons and one daughter.

JOE L. HEGEL - District Judge, 16th Judicial District. Born April 10, 1951 in Forsyth, Montana. Served in the U.S. Army Reserve 1969-1972. Received a B.A. in Government from St. John's University in 1973, J.D. from the

University of Montana in 1977, and LL.M in Taxation from Boston University in 1978. Engaged in the general practice of law with emphasis on criminal, domestic relations and firm finance. He was elected to the bench in November 1988. His wife's name is Marielaine and they are the parents of one son and two daughters.

JOHN 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. Engaged in the general practice of law and natural resource law. Served as County Attorney for Mineral County. Appointed to the bench May, 1979, and has served continually since his appointment. Father of one son and one daughter.

R. W. HOLMSTROM - District Judge, 13th Judicial District. Born March 29, 1928 in Garden City, Kansas, and moved to Montana in 1946. Served in the U.S. Navy 1945-46. Received a B.A. from the University of Montana in 1950 and a LL.B from the University of Montana in 1952. Engaged in the general practice of law with emphasis on litigation. Appointed to the bench March 16, 1984. His wife's name is Patricia and they are the parents of one son and one daughter.

THOMAS C. HONZEL - District Judge, 1st Judicial District. Born March 1, 1945 in Spokane, Washington. Came to Montana in 1946; Served in the US Army; received a B.A. in English from Carroll College and J.D. from the University of Montana School of Law. Was engaged in the general practice of law and served as Deputy County Attorney for Lewis and Clark County. Elected to the bench November 1984. Wife's name is Mary and they are the parents of three sons.

MICHAEL H. KEEDY - District Judge, 11th Judicial District. Born April 7, 1943 in Falls City, Nebraska. Came to Montana in 1974. Attended

the University of Nebraska, received a B.A. in Political Science from Earlham College and J. D. from Washington University School of Law. Served in the Montana House of Representatives 1979-1981. Elected to the bench in 1982 and 1988. Wife's name is Carol and they are the parents of one son and one daughter.

ROBERT S. KELLER - District Judge, 19th Judicial District. Born December 5, 1927 at Bellefonte, Pennsylvania. Served in U. S. Army. Received B.A. from Penn State University and LL.B and J.D. from the University of Utah. Engaged in the general practice of law. Elected District Judge, 11th Judicial District 1968 and served until May 1976. Appointed District Judge of the 19th Judicial District April 1988. Wife's name is Susan and they are the parents of two sons and two daughters.

LEONARD H. LANGEN - District Judge, 17th Judicial District. Born September 12, 1914 at Glasgow, Montana. Received BA in Economics and Sociology and LL.B and J.D. from Montana State University. Special Agent for FBI serving in Detroit, Indianapolis, New York City and Butte. Engaged in general practice of law at Glasgow in trial practice. President, Montana Judges Association, 1990. Elected to the bench in 1976, 1982 and 1988. Wife's name Kathryn and they are the parents of three sons and one daughter.

TED O. LYMPUS - District Judge, 11th Judicial District. Born December 26, 1942 in Missoula, Montana. Received J.D. from the University of Montana. Engaged in the general practice of law until elected Flathead County Attorney in 1979. Appointed to the bench on April 20, 1992, by Governor Stan Stephens. Wife's name is Patsy, and they are the parents of a daughter and a son.

DOROTHY McCARTER - District Judge, 1st Judicial District. Born February 5, 1947 in Watertown, New York, and came to Montana in 1977. Received a B.S. in Elementary Education from the University of Colorado and J.D. from the New England School of Law. Served as law

clerk in the 1st Judicial District and as Assistant Attorney General. Appointed to the bench October 5, 1989 and is the first woman to serve as District Judge in the 1st Judicial District and the second woman to serve as District Judge in the State. Married to Mike McCarter and they are the parents of two sons.

JOHN M. McCARVEL - District Judge, 8th Judicial District. Born June 6, 1921 in Anaconda, Montana. Served in the U. S. Navy. Received B.A. from Carroll College, attended the University of Notre Dame and received a J.D. from the University of Michigan. Engaged in the general practice of law and served as County Attorney for Deer Lodge County. President of the Montana Judges Association 1986. Appointed to the bench January, 1979 and has served continually since his appointment. Wife's name is Corinthia and they are the parents of five sons.

THOMAS 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 Deputy County Attorney for Cascade County. Appointed to the bench in December, 1983. His wife's name is Lisa and they are the parents of one son and one daughter.

ED McLEAN - District Judge, 4th Judicial District. Born April 12, 1946 in Anaconda, Montana. Attended the University of Washington, received B.S. in Business and J.D. from the University of Montana. Chief Criminal Deputy for the Missoula County Attorney's Office. Appointed to the bench February 1989. Wife's name is Sandy and they 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 as a pilot in the U. S. Army. Attended Montana School of Mines and received B. S. in Metallurgical Engineering, University of

Alaska, J. D. University of Montana. Engaged in the general practice of law in Polson. Delegate, 1972 Montana Constitutional Convention. Elected to the bench 1984. His wife's name is JoAnn and they are the parents of one son and one daughter

RONALD D. McPHILLIPS - District Judge, 9th Judicial District. Born March 14, 1932 in Great Falls, Montana. Served in the U. S. Army 1952-1954. Received a B.S. in Business Administration, Banking and Finance from University of Montana in 1956. Attended Valpariso University Law School and received a J.D. degree from the University of Montana in 1960. Engaged in the general practice of law and was elected Toole County Attorney in 1960. Has served as District Judge since 1963. His wife's name is Bernice and they are the parents of three daughters.

TED L. MIZNER - District Judge, 3rd Judicial District. Born October 21, 1948 in Deer Lodge, Montana. Received B.S. in Business Administration-Accounting and J.D. from the University of Montana. Engaged in the general practice of law and served as County Attorney for Powell County. Appointed to the bench June, 1987. His wife's name is Gayle and they have three sons and one daughter.

LARRY MORAN - District Judge, 18th Judicial District. Born November 4, 1932. Engaged in the general practice of law. Received his law degree from the University of Colorado and was admitted to the practice of law in Montana in 1973. Appointed to the bench in September, 1989. Wife's name is Mona and they are the parents to two sons.

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 as a Law Clerk for Chief Justice James T. Harrison. He was assigned as Legal Officer in

the U. S. Marine Corps, attaining the rank of Captain. In 1967 he entered the private practice of law in Bozeman, and was twice elected Gallatin County Attorney. From 1975 to 1977, Olson served as United States Attorney for Montana. He was elected District Judge in 1982 and 1988. Wife's name is Ann and they 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. degree from St. Benedict's College in Atchison, Kansas in 1971 and J.D. from the University of Montana in 1976. Engaged in the general practice of law and served as City Attorney for the City of Sidney. Also served as Deputy County Attorney for Richland County prior to being elected to the bench in 1990. Wife's name is Jeannette and they are the parents of two sons and one daughter.

PETER L. RAPKOCH - District Judge, 10th Judicial District. Born September 15, 1925 in El Paso, Texas. Served in the U. S. Army 1944-46 and in the Reserves 1949-68. Received a B.S. degree in Political Science from Santa Clara University in 1953 and a LL.B from the University of Montana in 1957. Engaged in the general practice of law and served as Fergus County Attorney prior to being elected to the bench in 1982. Wife's name is Patricia and they are the parents of five sons and three daughters.

BYRON L. ROBB - District Judge, 6th Judicial District. Born May 22, 1930 in Livingston, MT. Served in the US Army. Received B.S. in Business Administration and LL.B from the University of Montana. Engaged in the general practice of law and served as County Attorney for Park County. Elected to the bench in 1982 and 1988. Wife's name is Jeannette and they are the parents of two sons and two daughters.

ROY C. RODEGHIERO - District Judge, 14th Judicial District. Born March 28, 1936 in Roundup, Montana. Received B.A. in Business

Administration and J.D. from Montana State University. Engaged in the general practice of law and served as County Attorney for Musselshell County. Elected to the bench in 1982 and 1988. Wife's name is Janet and they are the parents of two sons and four daughters.

JOEL G. ROTH - District Judge, 8th Judicial District. Born June 6, 1929 in Billings, Montana. Served in the U. S. Army. Attended the University of Nebraska and received B. A. in Business Administration and LL.B from the University of Montana. Engaged in the general practice of law, served as Deputy County Attorney for Cascade County, and with the United States Securities and Exchange Commission. Elected to the Office of Justice of the Peace in Cascade County. President of the Montana Judges Association, 1989. Elected to the bench 1976, 1982 and 1988. Widower and the father of one son.

JEFFREY SHERLOCK - District Judge, 1st Judicial District. Born April 3, 1950 in Great Falls, Montana. Received a B.A. and J.D. from the University of Montana. Served as City Attorney for the City of Helena and was engaged in the general practice of law. Elected to the bench November, 1988. Wife's name is Melissa and they have one daughter.

M. JAMES SORTE - District Judge, 15th Judicial District. Born February 22, 1931 in Plentywood, Montana. Served in the U. S. Air Force. Received B. A. in Political Science and History and LL.B from the University of Montana. Engaged in the general practice of law and served as Assistant County Attorney and Assistant Attorney General. President of the Montana Judges Association, 1981. Appointed to the bench August 1969, and has served continuously since then. His wife's name is Anne and they are the parents of one daughter.

WILLIAM J. SPEARE - District Judge, 13th Judicial District. Born February 14, 1929 in Sioux City, Iowa, came to Montana two months later.

Served in the U. S. Air Force. Attended Montana State University and received LL.B from the University of Montana. Engaged in the general practice of law. Served as County Attorney for Yellowstone County 1959-1965 and in the Montana House of Representatives 1969-1971. Appointed to the bench in October, 1979, reelected in 1982 and 1988. His wife's name is Shirley and they are the parents of one son and two daughters.

MARK P. SULLIVAN - District Judge, 2nd Judicial District. Born February 24, 1928 in Great Falls, Montana. Received a B.A. in Business Administration from the University of Montana and J.D. from Georgetown University. Served in the U. S. Marine Corps. Engaged in the general practice of law and served as County Attorney for Silver Bow County. Appointed to the bench in October 1980 and was reelected in 1982, 1988. He is the father of two sons and two daughters.

JOHN WARNER - District Judge, 12th Judicial District. Born January 22, 1943 in Great Falls, Montana. Attended the College of Great Falls, received a B.A. in History and Political Science and an LL.B from the University of Montana. District Delegate, Montana Officials Association; Past President, 12th Judicial Bar Association; Past President, State Bar of Montana. Elected to the bench 1988. His wife's name is Katherine and they are the parents of 3 sons and 3 daughters.

KENNETH R. WILSON - District Judge, 16th Judicial District. Born August 6, 1933 in Townsend, Massachusetts and came to Montana in 1959. Served in the U. S. Air Force. Received B.A. in History from Clark University and an LL.B from Montana State University. Engaged in the general practice of law and served as Deputy County Attorney for Custer County and City Attorney for the City of Miles City. Elected to the bench in 1988. His wife's name is Joan and they are the parents of two sons and two daughters.

MONTANA JUDGE'S ASSOCIATION

The Montana Judge's 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 seminars presented at the meetings.

Officers of the Montana Judge's Association for the term October, 1992 through October, 1993 are:

President	Robert W. Holmstrom 13th Judicial District
Vice-President	Mark P. Sullivan 2nd Judicial District
Secretary	Douglas G. Harkin 4th Judicial District
Treasurer	Roy C. Rodeghiero 14th Judicial District

CLERKS OF THE DISTRICT COURT

Clerks of the District Court maintain complete records of cases filed and proceedings conducted in the District Court within the county they represent. Minutes of daily court proceedings are maintained by the Clerk, who also keeps records of such matters as court orders and decrees, and a ledger of criminal cases. In addition, the Clerk issues marriage licenses and has administrative responsibilities in terms of jury selection, and keeps citizenship and naturalization records.

Most of the Clerks of the District Courts are partisan elected county positions and serve a four year term. If a vacancy occurs in the Office of the Clerk of the District Court, the vacancy is filled by appointment of the Board of County Commissioners.

The fees collected by the Clerks of the District Court are distributed under the provisions of Section 25-1-201, MCA. On a statewide average, about fifty-one percent of these collections remain in the county while forty-nine percent are transmitted to the State Treasurer and are distributed to various accounts such as the State General Fund, Judges Retirement, Battered Spouse Program, Big Brothers and Sisters, and Child Abuse and Neglect Trust Fund. Fees collected by the Clerks of the District Court in FY 1988 were \$1,816,041, FY 1989, \$1,710,715, FY 1990, \$1,764,093, FY 1991, \$1,947,489, and in FY 1992, \$2,121,387 were collected.

MONTANA ASSOCIATION OF CLERKS OF THE DISTRICT COURT

The Montana Association of Clerks of District Court convened in Lewistown, Montana, on May 14-15, 1965, for an organizational meeting. The Association held its 25th anniversary meeting in June, 1990.

Eight districts have been formed throughout the State of Montana to enable clerks to meet twice a year to discuss mutual problems and ideals. The Association itself meets annually, usually in the county of the president, for their annual convention. 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 constantly being updated and through revisions is kept current. In 1976, the Clerks of Court began to

actively work with the Court Administrator's Office. At that time a method of reporting and filing data to the Supreme Court was formulated and has continued to date.

The various committees of the association meet throughout the year to update the handbook, work on legislation as it pertains to the office, organize training sessions and works with and through the Court Administrator to put on schools for the Clerks of Court.

In the fall of 1989, a program for certifying Clerks of Court was started. 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.

It is the desire of the Montana Association of 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 our jobs in a professional manner and to better serve the public.

Officers of the Montana Association of Clerks of District Court for 1992 are:

- President Jerry R. Wing
Madison County
- 1st Vice President Lucille Briggs
Lincoln County
- 2nd Vice President Kathleen D. Breuer
Missoula County
- Secretary Dona C. Robson
Musselshell County
- Treasurer Carole Carey
Carter County



Left to right, standing: Kathleen D. Breuer, Second Vice-President, Lucille Briggs, First Vice President; Carole Cary, Treasurer, Dona C. Robson, Secretary; sitting: Charmaine R. Fisher, Past-President, Jerry R. Wing, President.

STATEWIDE JUDICIAL INFORMATION SYSTEMS

The Statewide Judicial Information System (SJIS) is a computerized district court case history tracking system. The SJIS was implemented in July 1976 and was the result of both legislative and judicial desires to have timely and accurate statistical information on district court operations.

1991 was the last yearly report for the Statewide Judicial Information Reporting System. Budget cuts from the 1992 Special Session forced the Office of Court Administrator to shutdown the system and revert to a monthly form from which information can be compiled and reported.

District Court cases filed, statewide in 1992:

Criminal	4,050	14.0%
Civil	11,696	42.0%
Dom. Rel.	6,192	22.0%
Adoption	739	3.0%
Sanity	673	2.0%
Juvenile	1,657	6.0%
Probate	3,036	11.0%
TOTAL	28,043	100.0%

DISTRICT COURT CRIMINAL REIMBURSEMENT PROGRAM AND GRANT-IN-AID PROGRAM

The Program, enacted by SB 25 and SB 142 during the regular session of the 1985 Legislature, created 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

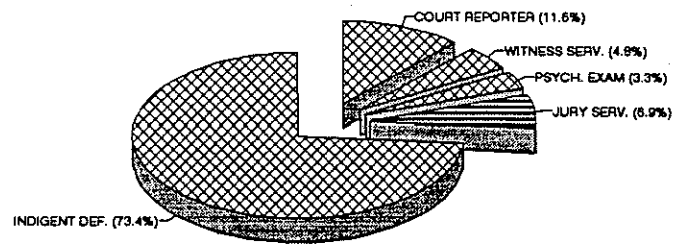
The Program receives its revenue from a portion of the motor vehicle license tax.

In Fiscal Year 1991 the total reimbursement to counties for eligible criminal costs were \$2,526,927. In Fiscal Year 1992 the counties were reimbursed \$2,642,495, this amount was ninety-eight percent of the total requested eligible criminal costs making Fiscal Year 1992 the first year since the Program began, that one hundred percent of eligible requested reimbursements was unable to be reimbursed.

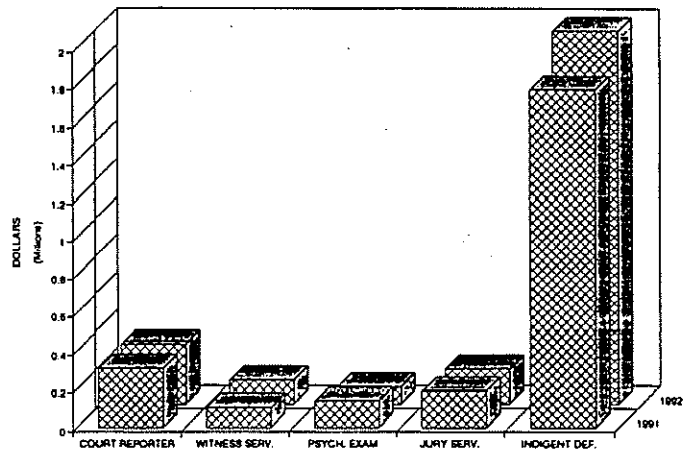
If, after all county reimbursements are made, there is a balance remaining then the balance must be awarded to counties in the form of a grant. The grant is based on whether the county has expended funds over and above their maximum mill levy set by law for district court

expenses. In Fiscal Year 1992, there were no grants awarded because the appropriation authority for the Program was fully expended on criminal reimbursements.

DISTRICT COURT REIMBURSEMENT PROGRAM
CATEGORY REIMBURSEMENT FY 1992



DISTRICT COURT REIMBURSEMENT PROGRAM
YEARLY COMPARISON OF REIMBURSEMENTS



DISTRICT COURT REIMBURSEMENT PROGRAM
FISCAL YEAR 1991

TOTAL REIMBURSEMENT BY CATEGORY - FY 1991

COUNTY	CT. REPORTER	WITNESS	PSYCH. EXAM.	JURY	IND. DEFENSE	TOTAL
ANACONDA-DEER LODGE	4,185.00	0.00	0.00	319.48	30,197.03	\$34,701.51
BEAVERHEAD	5,040.00	500.00	0.00	0.00	20,855.54	\$26,395.54
BIG HORN	1,755.73	1,095.97	0.00	5,198.60	44,144.85	\$52,195.15
BLAINE	1,782.54	165.84	0.00	2,688.52	13,812.50	\$18,449.40
BROADWATER	1,748.30	1,135.58	0.00	1,402.34	16,474.49	\$20,760.71
BUTTE-SILVER BOW	10,326.04	92.00	1,108.00	3,251.25	92,574.38	\$107,351.65
CARBON	1,658.48	2,223.02	575.00	2,394.11	17,737.06	\$24,587.67
CARTER	825.80	0.00	0.00	0.00	1,791.10	\$2,616.90
CASCADE	23,026.46	1,973.98	0.00	17,070.99	114,535.43	\$157,506.86
CHOUTEAU	1,397.49	0.00	0.00	0.00	7,314.55	\$8,712.04
CUSTER	8,068.14	408.39	3,951.50	1,768.97	34,838.96	\$48,835.96
DANIELS	66.45	0.00	0.00	0.00	545.90	\$612.35
DAWSON	3,395.76	499.39	250.00	649.95	23,074.90	\$27,870.00
FALLON	1,727.56	0.00	0.00	0.00	2,878.54	\$4,606.10
FERGUS	5,654.69	1,421.34	0.00	8,718.19	43,505.22	\$59,299.44
FLATHEAD	16,237.43	291.50	4,134.29	9,103.19	112,138.00	\$141,904.41
GALLATIN	25,134.17	22,350.06	55,892.70	14,498.70	137,926.84	\$255,802.47
GARFIELD	556.80	0.00	0.00	0.00	0.00	\$556.80
GLACIER	2,379.39	115.81	0.00	71.37	29,683.51	\$32,250.08
GOLDEN VALLEY	446.64	0.00	0.00	0.00	473.80	\$920.44
GRANITE	1,007.51	24.50	0.00	0.00	4,532.59	\$5,564.60
HILL	5,958.02	1,671.87	1,415.00	3,610.36	91,776.67	\$104,431.92
JEFFERSON	4,881.64	517.03	1,040.00	314.46	22,833.14	\$29,386.27
JUDITH BASIN	1,142.50	100.20	0.00	0.00	2,073.65	\$3,316.35
LAKE	15,482.06	1,055.33	0.00	9,484.30	80,297.72	\$106,319.41
LEWIS AND CLARK	16,035.55	705.96	2,027.60	7,076.20	68,300.92	\$94,146.25
LIBERTY	585.00	0.00	0.00	0.00	1,483.82	\$2,068.82
LINCOLN	15,323.26	21,146.90	7,558.50	16,098.19	106,112.45	\$166,239.30
MADISON	1,625.04	0.00	0.00	654.76	4,904.93	\$7,184.73
McCONE	573.36	89.70	0.00	481.91	1,186.42	\$2,331.39
MEAGHER	935.03	136.60	0.00	481.40	3,925.20	\$5,478.23
MINERAL	3,285.08	873.80	779.00	0.00	9,310.12	\$14,247.80
MISSOULA	38,930.45	11,119.83	31,830.85	21,702.35	247,816.16	\$351,399.64
MUSSELSHELL	6,443.56	2,998.15	0.00	2,853.08	15,273.08	\$27,567.87
PARK	5,499.75	14,529.42	361.80	10,502.16	13,553.76	\$44,446.89
PETROLEUM	305.67	0.00	0.00	0.00	0.00	\$305.67
PHILLIPS	1,250.64	0.00	0.00	0.00	10,052.90	\$11,303.54
PONDERA	1,157.36	0.00	0.00	0.00	5,245.90	\$6,403.26
POWELL	2,557.52	1,315.00	190.00	1,077.89	12,044.61	\$17,184.82
POWDER RIVER	961.13	320.78	0.00	512.04	2,061.27	\$3,855.22
PRAIRIE	225.27	0.00	0.00	0.00	259.90	\$485.17
RAVALLI	5,259.04	1,422.77	4,560.00	4,166.39	68,673.25	\$84,081.45
RICHLAND	4,764.94	4,614.25	14,293.35	5,413.94	17,564.20	\$46,650.68
ROOSEVELT	716.91	0.00	0.00	67.38	5,508.20	\$6,292.49
ROSEBUD	7,844.71	211.59	1,365.00	2,169.54	30,880.39	\$42,471.23
SANDERS	6,134.83	86.51	0.00	0.00	26,113.59	\$32,334.93
SHERIDAN	220.52	0.00	0.00	0.00	514.35	\$734.87
STILLWATER	3,040.06	1,319.55	0.00	0.00	3,363.86	\$7,723.47
SWEET GRASS	1,073.94	0.00	0.00	0.00	6,473.12	\$7,547.06
TETON	1,026.30	106.50	0.00	0.00	2,536.26	\$3,669.06
TOOLE	1,604.24	1,639.24	1,315.00	3,273.42	9,557.48	\$17,389.38
TREASURE	272.43	0.00	0.00	0.00	463.93	\$736.36
VALLEY	2,213.76	0.00	512.50	0.00	8,779.96	\$11,506.22
WHEATLAND	1,147.12	0.00	0.00	0.00	513.67	\$1,660.79
WYBAUX	245.72	0.00	0.00	0.00	0.00	\$245.72
YELLOWSTONE	34,488.86	6,889.98	7,202.50	28,957.98	158,933.15	\$234,472.47
TOTAL	\$309,631.65	\$105,168.16	\$140,362.59	\$186,933.21	\$1,785,023.20	\$2,527,118.81
% OF TOTAL REIMB.	12.25%	4.16%	5.55%	7.40%	70.63%	100.00%

DISTRICT COURT CRIMINAL REIMBURSEMENT PROGRAM
TOTAL REIMBURSEMENT BY CATEGORY -- FY 92

COUNTY	CT. REPORTER	WITNESS	PSYCH. EXAM	JURY	IND. DEFENSE	TOTAL
ANACONDA-DEER LODGE	\$3,369.60	\$0.00	\$675.00	\$0.00	\$18,244.56	\$22,289.16
BEAVERHEAD	3,872.03	1,342.36	0.00	4,867.68	\$11,373.67	21,455.74
BIG HORN	1,374.97	179.50	0.00	2,112.01	\$46,245.05	49,911.53
BLAINE	1,683.00	54.20	0.00	12.10	\$18,977.19	20,726.49
BROADWATER	2,896.58	5,395.09	4,025.00	3,157.85	\$19,506.30	34,980.82
BUTTE-SILVER BOW	9,240.00	3,726.86	260.00	3,742.25	\$65,995.69	82,964.80
CARBON	1,914.66	980.00	0.00	0.00	\$6,491.81	9,386.47
CARTER	266.10	0.00	0.00	0.00	\$0.00	266.10
CASCADE	26,083.47	4,310.87	1,285.00	10,531.29	\$124,971.04	167,181.67
CHOUTEAU	1,332.00	96.60	0.00	1,620.00	\$10,585.37	13,633.97
CUSTER	9,791.17	1,540.36	232.26	884.54	\$50,169.82	62,618.15
DANIELS	79.66	0.00	0.00	0.00	\$0.00	79.66
DAWSON	5,331.84	519.80	575.00	1,586.92	\$28,195.53	36,209.09
FALLON	1,633.42	0.00	0.00	0.00	\$5,357.30	6,990.72
FERGUS	7,726.69	1,322.85	490.00	7,547.77	\$70,875.37	87,962.68
FLATHEAD	31,758.59	25,959.22	3,430.64	8,029.75	\$168,172.65	237,350.85
GALLATIN	21,561.95	27,866.61	15,259.00	23,026.06	\$158,750.45	246,464.07
GARFIELD	317.82	0.00	0.00	0.00	\$1,344.78	1,662.60
GLACIER	3,160.50	0.00	0.00	0.00	\$21,733.88	24,894.38
GOLDEN VALLEY	473.82	3,179.87	0.00	2,980.54	\$14,320.89	20,955.12
GRANITE	686.40	0.00	1,183.66	0.00	\$4,404.43	6,274.49
HILL	4,707.50	1,944.23	2,067.37	6,363.33	\$76,818.84	91,901.27
JEFFERSON	4,442.77	2,126.60	582.50	3,967.79	\$29,151.88	40,271.54
JUDITH BASIN	1,568.86	56.00	0.00	999.24	\$8,043.69	10,667.79
LAKE	10,297.70	829.36	0.00	6,326.19	\$83,901.48	101,354.73
LEWIS AND CLARK	14,129.10	211.10	7,123.00	1,637.95	\$77,088.63	100,189.78
LIBERTY	630.00	0.00	0.00	0.00	\$1,792.85	2,422.85
LINCOLN	14,375.50	7,734.83	2,527.50	19,469.42	\$143,611.00	187,718.25
MADISON	2,074.63	97.60	0.00	817.66	\$4,729.21	7,719.10
McCONE	975.36	0.00	0.00	(504.18)	(\$29.89)	441.29
MEAGHER	881.37	270.06	0.00	1,376.24	\$850.64	3,378.31
MINERAL	1,565.04	0.00	1,525.00	0.00	\$7,910.73	11,000.77
MISSOULA	43,702.21	3,890.59	4,341.25	17,552.85	\$211,640.67	281,127.57
MUSSELSHELL	3,074.18	1,711.21	675.00	1,234.11	\$10,393.98	17,088.48
PARK	3,944.66	105.64	1,820.00	1,263.00	\$17,828.05	24,961.35
PETROLEUM	114.97	0.00	0.00	0.00	\$2,072.50	2,187.47
PHILLIPS	1,555.50	0.00	0.00	0.00	\$11,431.94	12,987.44
PONDERA	1,571.12	439.60	0.00	2,024.15	\$16,882.66	20,917.53
POWELL	2,184.00	0.00	0.00	0.00	\$12,914.36	15,098.36
POWDER RIVER	852.80	52.64	0.00	56.22	(\$279.10)	682.56
PRAIRIE	325.12	0.00	0.00	0.00	\$58.80	383.92
RAVALLI	8,733.05	506.55	4,937.15	3,457.33	\$75,672.31	93,306.39
RICHLAND	10,666.30	10,818.31	11,377.91	4,619.91	\$26,501.42	63,983.85
ROOSEVELT	350.35	0.00	0.00	24.00	\$2,717.33	3,091.68
ROSEBUD	4,548.18	817.20	1,020.00	339.44	\$19,668.34	26,393.16
SANDERS	6,103.13	3,155.56	0.00	4,158.52	\$20,624.48	34,041.69
SHERIDAN	308.47	0.00	310.00	0.00	\$2,918.00	3,536.47
STILLWATER	825.00	0.00	0.00	2,019.54	\$3,716.31	6,560.85
SWEET GRASS	747.36	0.00	0.00	298.80	\$6,509.96	7,556.12
TETON	1,618.88	203.70	0.00	450.23	\$14,180.90	16,453.71
TOOLE	2,265.90	609.57	0.00	0.00	\$6,901.36	9,776.83
TREASURE	388.31	0.00	0.00	0.00	\$240.68	628.99
VALLEY	1,861.50	345.57	1,031.25	1,634.43	\$14,217.95	19,090.70
WHEATLAND	1,083.24	0.00	0.00	0.00	\$6,569.88	7,653.12
WIBAUX	585.19	0.00	0.00	0.00	\$0.00	585.19
YELLOWSTONE	26,054.75	17,077.75	23,417.60	35,233.89	\$174,576.96	276,360.95
GRAND TOTALS:	\$313,666.27	\$129,477.86	\$90,171.09	\$184,918.82	\$1,937,544.59	\$2,642,494.68

COURTS OF LIMITED JURISDICTION

JUSTICE COURTS

Justice of the Peace Courts are Montana's major Courts of Limited Jurisdiction. Their original jurisdiction presently includes most civil cases where a recovery will not exceed \$5,000; all misdemeanors punishable by a fine not exceeding \$500 or imprisonment not exceeding six months, including all traffic cases; or concurrent jurisdiction with the District Courts of all misdemeanors punishable by a fine exceeding \$500 or imprisonment exceeding 6 months or both such fine and imprisonment. These Courts also exercise concurrent jurisdiction with the District Court in actions of forcible entry, unlawful detainer, and residential landlord-tenant disputes. They do not have jurisdiction over felonies except for initial appearances and preliminary hearings.

By law, there must be at least one Justice of the Peace Court in each of Montana's 56 counties, which must be located at the County Seat. A Justice of the Peace may be appointed by a City or Town Council to serve as City Judge. At present there are 78 Justices of the Peace (32 also serve as City Judge), and 46 City Judges.

Justices of the Peace are elected on a nonpartisan ballot for a four year term. Requirements for the Office of Justice of the Peace include United States citizenship and residency in the County where the Court is held for one year. Each elected or appointed Justice of the Peace is required to attend two annual training sessions supervised by the Supreme Court. Failure to attend the training sessions disqualifies the Justice of the Peace from office and creates a vacancy in that office. Since 1985 Justices of the Peace are also required to obtain a Certificate of Completion for a course of education and training prescribed by the Commission on Courts of Limited Jurisdiction. When a vacancy occurs in

the office of Justice of the Peace, a successor is appointed by the Board of County Commissioners.

CITY COURTS

Montana statute allows the creation of City Courts. These courts have concurrent jurisdiction with Justice Courts for all misdemeanors punishable by a fine not exceeding \$500 nor exceeding six months imprisonment. City Courts exercise exclusive jurisdiction over municipal ordinances. In a town or third class city, the governing body may designate a Justice Court of the County to act as City Court.

A City Judge is elected on a nonpartisan ballot to a four year term and must have the same qualifications as those required of a Justice of the Peace. Like Justices of the Peace and Municipal Judges, City Judges are required to attend two annual training sessions supervised by the Supreme Court. Failure to attend the training sessions disqualifies the Judge and creates a vacancy in the office. City Judges are also required to obtain a Certificate of Completion for a course of education and training prescribed by the Commission on Courts of Limited Jurisdiction. When a vacancy occurs in the office of City Judge the position is filled by the governing body of the City or Town.

MUNICIPAL COURT

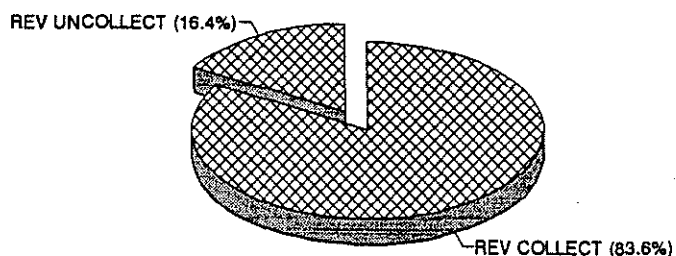
Montana statute allows for the creation of a Municipal Court for those cities that have a population of 10,000 or more. A Municipal Court may be established by City ordinance passed by a two-thirds vote of the governing body. In cities where a Municipal Court is established the office of City Judge is abolished. Presently there is only one Municipal Court in operation in the State of Montana. The Court is in Missoula.

While a Municipal Court Judge must have the same qualifications as a District Court Judge, he

has the same jurisdiction as a Justice of the Peace. A Municipal Court Judge is elected for a four year term on a nonpartisan ballot. Training requirements for a Municipal Judge are identical to those for City Judges and Justices of the Peace. A vacancy in the Office of Municipal Judge is filled by appointment by the governing body of the City.

In Fiscal Year 1992, the Courts of Limited Jurisdiction collected nearly \$11.5 million in revenues and handled an estimated 300,000 cases.

**COURTS OF LIMITED JURISIDCTION
REVENUES & UNCOLLECTED REVENUES 1992**



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 adjudication, 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 - those 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, and the Upper Missouri River Basin and the Clark Fork River Basin.

The Chief Water Judge is appointed by the Chief Justice of the Supreme Court from a list of nominees submitted by the Judicial Nominations Commission, and serves a four year term. 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.

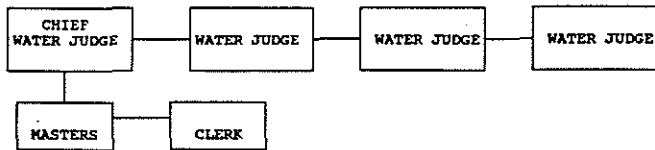
Six Water Masters and three Clerks are employed by the Water Court. The Water Judges and Masters conduct hearings and make decisions concerning any objections made to a temporary preliminary or preliminary decree of water rights. The Clerk of the Water Court and her deputies function in a manner similar 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. However, out of the 85 basins within the State of Montana, 6 basins have final decrees, 6 basins have preliminary decrees and 33 basins have temporary preliminary decrees. 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. These Compacts quantified the reserved water rights of the tribes and were approved by the Montana Legislature. The 1989 Legislature required the Water Court to reopen and review

all preliminary or final decrees, including the Powder River Basin. The total number of claims decreed is 97,524 out of a total of 216,443 in the entire state leaving 118,919 claims yet to be adjudicated. The Musselshell River Below Roundup Basin Temporary Preliminary Decree was issued in February 1990 and the Ruby River Basin Temporary Preliminary Decree was issued in November 1990. The North-end Subbasin of the Bitterroot River Temporary Preliminary Decree was issued in September 1992. The Court is continuing to hear cases in the basins that have already been decreed.

ADMINISTRATIVE CHART



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 determinations concerning disputes arising under Title 39.

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 is not bound by common law nor statutory rules of evidence and follows the appropriate provisions of the Montana Administrative Procedures Act. Legislative changes in 1987 provide that Rules of Evidence do apply in cases where the injury occurred after July 1, 1987.

The Workers' Compensation Judge is appointed by the Governor from a list of nominees submitted by the Judicial Nomination Commission, and serves a six year term. 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 was assigned to the Department of Labor and Industry for administrative purposes only.

ADMINISTRATION OF THE JUDICIAL SYSTEM

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 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 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 1992 are highlighted below.

OFFICE OF THE COURT ADMINISTRATOR

In October 1975, The Supreme Court established the Office of Court Administrator to assist the Court with its administrative duties. The Legislature made the office statutory in 1977 (3-1-701). The Court Administrator is appointed by the Supreme Court and holds the position at the pleasure of the Court.

The Office of the Court Administrator assists the Supreme Court in preparing and presenting judicial budget proposals to the Legislature, monitoring and managing the judicial budget, coordinating judicial education services, and providing central staff services to the court, various boards and commissions, Law Library, to District Courts, and the Water Court.

The Office of the Court Administrator is also assisting District and Limited Jurisdiction Courts with automation projects. In 1991 the Office administered a program of grants to 26 courts that provided hardware and software for various elements of court business. In 1992 the Office installed and trained approximately 300 users in office automation, this automation included word processing, as well as, the Court CASE management system developed during 1991 and 1992.

The District Court Criminal Reimbursement and Grant in Aid Program in 1992 was only able to reimburse 98 percent of the requested claims. The Office established procedures to make more timely the year end distribution and grant payments. During the Legislative Special Session of July 1992, the program received an increase of \$278,000 to pay for criminal psychiatric examinations previously paid by the Department of Institutions. Although this is an increase it is anticipated, due to previous years costs, that these examinations will cost close to \$500,000. The amount not covered will need to be covered by the local county.

The Court Administrator's Office coordinated in 1992 two District Court conferences and participated in the annual Five State Judicial conference held in Cheyenne, Wyoming for the states of Idaho, Montana, North and South Dakota, and Wyoming. The Office also coordinated two Courts of Limited Jurisdiction conferences that gave 33 hours of State Bar certified CLE instruction.

JUDICIAL AUTOMATION

The Montana Supreme Court has been expanding automation. The Office of the Court Administrator currently supports 300 users on 16 local area networks and numerous standalone workstations in over 31 counties. The majority of these systems conform to the Montana Supreme Court Order which mandated standards for all court automation. This standards effort has enhanced the procurement, installation and support of these systems. Close working relationships have been developed and maintained with local elected officials in the funding and acquisition of these systems.

Except in jurisdictions where local technical expertise exists, Court Services technical support personnel plan, propose, order, configure, ship and install all hardware, software and network components. Training is provided at installation, with follow-up sessions as required. Word processing, spreadsheet, productivity tools, data security, data backup/recovery and virus protection are provided. Standard court documents are provided for immediate use. Other documents are designed as needed.

After a site becomes familiar with the new automation environment, case management database software developed by the Office of the Court Administrator is installed. The package consists of civil case and fee management modules. Automated jury selection is also available. A robust citations management database system has been acquired and is undergoing customization and major enhancement for use by Courts of Limited Jurisdiction in Montana.

Future goals for the Automation Program are to continue growth in the level of automation within Montana's court system to address growing workloads and continued restrictive budgets. The courts adoption of automation standards will minimize system incompatibilities and reduce technical support requirements and cost.

Expansion of the current user base is expected to continue, both in networked workstations and standalone units. Expanded use of telecommunications products for remote technical support will reduce travel requirements for technical personnel and enhance system reliability. Opportunities to exploit statewide resources such as the State Data Network will be pursued where funding is available from local or state sources. Development of case management modules for criminal cases is planned. Installation of the current civil case management, fee management and jury selection software will continue. Installation of the first phase of the citations system will begin in the near future. User training will continue to play a major role in the court automation program.

CLERK OF THE SUPREME COURT

The Clerk of the Supreme Court assists the Court, the legal community and the public in processing appeals and original proceedings from the early filing stages through final disposition. The Clerk is elected on a partisan ballot in a statewide election to a six-year term. The current Clerk of the Supreme Court is Ed Smith of Helena.

Primary responsibilities of the Office of the Clerk are specified in the Montana statutes, and consist of processing all documents relative to Supreme Court appeals and petitions for the various writs, including writs of supervisory control, habeas corpus and mandamus, which are filed with the Court. The office also provides the Court a weekly status report of pending cases.

Additional duties include bar administration and attorney admissions, the preparation of minutes of all oral arguments, collecting the annual attorney license tax for more than 2,900 attorneys, and maintaining the roll of Montana attorneys. Certificates of Good Standing and Certificates of Admission are issued by the Clerk, who also has an integral role in the bar admission process.

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

The Office of the Clerk utilizes an automated docketing program using personal computers with a unique word processing program. The system is user oriented, and provides the Court, Judicial personnel and the public with the ability to track cases through the appeals process. The office also utilizes an automated system for processing attorney license taxes and maintaining a roll of current attorneys.

In calendar year 1992, the Clerk's Office docketed 627 cases. This comprised a total of 439 civil cases and 188 criminal case filings.

During the fiscal year 1992, the office collected \$171,666 in fees and taxes. This amount was comprised of \$38,824 in Court fees, bar examination fees of \$60,407, and \$72,435 in attorney license taxes.

In 1992, the Clerk's Office installed a computer program that tracks cases through the appeal process. The system identifies cases which have missed deadlines and require the Court's attention. The Clerk's Office uses the program in its preparation of the weekly status report of pending cases which is provided to the Court.

One area that the Clerk needs to bring to the attention of the Legislature is the management of Supreme Court records. In 1979 the Legislature authorized the microfilming of Supreme Court cases from 1864. The appropriation was able to cover all the cases through 1937, but cases after that year have not been duplicated. This results in a back log of 55 years. Currently the Montana Historical Society houses the records from 1938 through 1982 at no cost to the Clerk. The records from 1983 through 1987 are housed at the Records Management Office. Records from 1988 through the present are kept in the vault of the Clerk's office. In 1990 the Records Management Office estimated the cost for

microfilming records through 1986 at a cost of over \$280,000.

STATE LAW LIBRARY

During 1992 the State Law Library staff worked to stress service and education, despite the scarcity of resources. Over 5,000 items were checked out of the Library, and 20,000 volumes were reshelved by the staff. 44,000 pages were copied and mailed to library customers outside of Helena. Approximately 100 people used the Library each day.

Over a dozen different groups, ranging from high school, Vo Tech, and college students to business and professional associations, were taught various legal research concepts. The ongoing training for the legal research system, LEXIS, continued to be very popular. In addition, the Library hosted numerous tours for groups of citizens interested in the unique collection and services it offers.

The Director of the Law Library initiated two projects with the University of Montana's School of Law, which hold great promise for cooperative collection development and unique continuing education concepts in the field of legal research.

Over \$100,000 was cut from the Library's appropriations for Fiscal Years 1992 and 1993. This was a severe loss which resulted in the cancellation of 150 different titles and the inability to purchase new editions of current treatises and add new legal topics for the state's judges, attorneys, and citizens.

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 the 1991-92 biennium 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 and within 30 days after the vacancy has been verified by the Chief Justice, and submit to the Governor a list of not less than three (nor more than five) nominees for appointment. The same process is true 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 30 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. The Commission met once in calendar year 1986, four times in calendar year 1987 and twice in calendar year 1988. In 1989 the Commission met a total of six times, once to nominate to fill a vacancy on the Supreme Court (Gulbrandson/Barz) four times to nominate to fill vacancies on the District Court (Wheelis/McLean; Gary/Moran; Loble/McCarter and Barz/Colberg) and once to nominate for the position of Chief Water Judge. W.W. Lesley was appointed to a second term. In 1990 the Commission met twice, once to nominate to fill a vacancy as Chief Water Judge (Lessley/Loble) and once to nominate to fill a vacancy on the District Court (Olsen/Purcell). In calendar year 1991 the Nomination Commission met once to fill a Supreme Court vacancy (Barz/Gray). The Nomination Commission met once in calendar year 1992 to nominate to fill a vacancy on the District Court (Erickson/Lympus).

SENTENCE REVIEW BOARD

Anyone sentenced to a year or more in the Montana State Prison may request judicial review of the 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 consist of three District Court Judges appointed by the Chief Justice for three-year terms. The Chief Justice designates one of the Judges as chairman.

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

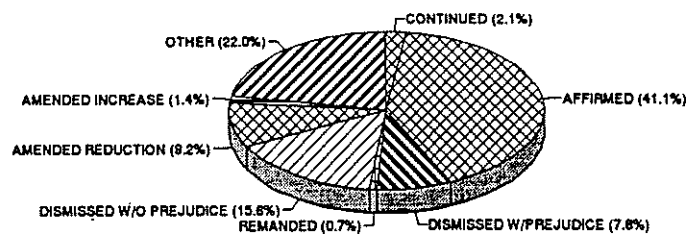
The workload of the Sentence Review Board has increased steadily in the past few years. One-hundred and one applications were filed with the Board in 1985, 128 in 1986, 140 in 1987, 159 applications in 1988, 148 in 1989, 162 in 1990, and 149 in 1991.

Under the direction of the Honorable Ed McLean, District Court Judge for Missoula County and through the organized endeavors of the staff for the Sentence Review Division, the backlog of applications for review has been reduced from 233 applications in January, 1992 to 92 applications in November, 1992.

Beginning in July, 1992 Sentence Review hearings escalated from quarterly hearings to hearings conducted every month. Two-day agendas scheduled approximately thirty applications per day.

A total of 180 new applications were received by the division in 1992. The current backlog has 110 pending applications which include 22 cases on appeal to the Montana Supreme Court.

MONTANA SUPREME COURT SENTENCE REVIEW CASELOAD 1992



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

Two years after the adoption of a of a new Constitution, the Supreme Court established the Commission on Courts of Limited Jurisdiction to assist in setting general policies for Limited Jurisdiction Courts. The Commission was charged with preparing a set of rules of practice and procedures designed to carry out the principles of the 1972 Constitution and to improve and make court practices uniform throughout the state. The Commission was also charged with studying the limited jurisdiction court system and making recommendation to the Supreme Court for improvements.

Originally, the Supreme Court appointed eight to the Commission for an indefinite term.

The Supreme Court re-established the Commission in August, 1976, with a new emphasis on continuing education for limited jurisdiction judges. Currently, the Commission holds ten meetings each year and conducts two annual training sessions for all elected and appointed Justices of the Peace and City Judges. In calendar year 1986, Judges of the Courts of

Limited Jurisdiction received 37.5 hours of training and in calendar year 1987, 33.75 hours of training was conducted. The Judges received 47.75 hours of training in calendar year 1988, and 42.75 hours of training was given in 1989. In calendar year 1990 Judges of the Courts of Limited Jurisdiction received 50.5 hours of training. In calendar year 1991 the Judges received 34.5 hours of training. And, in 1992 29.5 hours of training with the new judges receiving an additional 3.5 hours of training. All City Judges, Municipal Judges and Justices of the Peace are required to attend the two training sessions per year.

The current Commission consists of nine members appointed by the Supreme Court for four year terms. Membership on the Commission is represented by one district judge, one city representative, one county representative, one State Bar representative, one city judge representing a small community, one justice of the peace representing a small community, one justice of the peace representing a large community, one member at large, and the President of the Montana Magistrates Association.

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 1992 there were over 2,900 attorneys licensed to practice law in Montana.

The Board of Bar Examiners is appointed by the Supreme Court. Terms of the Board members are permanent, however, the Supreme Court may release, dismiss, or remove any member 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.

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.

STATE BAR EXAMINATION 1983-1992			
DATE OF EXAM	NUMBER OF APPLICANTS	NUMBER SUCCESSFUL	PERCENT SUCCESSFUL
2-83	24	17	71
8-83	38	32	34
2-84	31	23	84
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

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

A Commission Concerning Rules of Admission to the Practice of Law in the State of 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 to 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.

COMMISSION ON RULES OF EVIDENCE

The Supreme Court established the Commission on Rules of Evidence by Order Number 12729 on April 5, 1974. The Commission on Rules of Evidence was instructed to study the present Code of Evidence and the practice thereunder, together with other developments and proposals in the field of evidentiary law and to make recommendations from time to time, for appropriate revision of the Code of Evidence.

The Commission on Rules of Evidence is made up of 13 members who are appointed by the Supreme Court for an indefinite term.

ADVISORY COMMISSION ON RULES OF CIVIL AND APPELLATE PROCEDURE

The Advisory Commission on Rules of Civil and Appellate Procedure was established by Order of the Supreme Court on February 15, 1983. The Commission is charged with analyzing changes in the Federal Rules of Civil Procedure to determine whether further modifications of the Montana Rules of Civil Procedure and the Montana Rules of Appellate Procedure should be adopted. Modifications are necessary from time to time in order to coordinate with federal rules and procedural changes. The goal is to keep current with developing changes and to promote speedy resolution of litigation.

The Advisory Commission meets periodically to review rules and make recommendations to the Supreme Court for necessary modifications.

The eleven member Commission is appointed by the Supreme Court for an indefinite term.

DISCIPLINARY BOARDS

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 last 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, and in 1992 the Commission received 249 complaints.

SUMMARY OF COMMISSION ON PRACTICE COMPLAINTS FOR THE YEAR 1992

NUMBER OF COMPLAINTS FILED FOR CALENDAR YEAR 1992	249
NUMBER OF COMPLAINTS PENDING AT THE END OF 1991	173
<u>TOTAL COMPLAINTS REVIEWED IN 1992:</u>	<u>422</u>

Disposition of Complaints:

Dismissed by Commission	163
Written Private Reprimand by the Commission	16
Oral Private Reprimand by the Commission	8
Public Reprimand by the Supreme Court	0
Suspensions by the Supreme Court	2
Disbarment by the Supreme Court	1
Disciplinary Proceedings instituted and pending	42
complaints pending as of 12/31/92	190
<u>TOTAL:</u>	<u>422</u>

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 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 all 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 a four year term.

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, 31 complaints in 1992, and 57 complaints were received by the Commission in 1992.

SUMMARY OF JUDICIAL STANDARDS COMMISSION COMPLAINTS FOR THE YEAR 1992

NUMBER OF COMPLAINTS FILED FOR CALENDAR YEAR 1992	57
NUMBER OF COMPLAINTS PENDING AT THE END OF 1991	<u>17</u>
<u>TOTAL COMPLAINTS REVIEWED:</u>	<u>74</u>

Disposition of Complaints:

Dismissed by Commission	56
Written Private Reprimand by the Commission	3
Suspensions by the Supreme Court	0
Disbarment by the Supreme Court	0
Disciplinary Proceedings instituted and pending	0
Complaints pending as of 12/31/91	<u>15</u>
<u>TOTAL:</u>	<u>74</u>

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 20-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 15 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. Since its inception through December 31, 1991, \$392,095 in restitution has been paid by 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 4,000 calls and makes approximately 3,000 referrals each year.

A fee Arbitration Program to settle fee disputes between an attorney and a client short of litigation.

Publication of information 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, etc.

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 April 20, 1992, State Bar membership totaled 2,917. Of this number, 2,242 are in-state members and 675 are out-of-state members. Of the same total, 2,366 were active members, 468 were inactive, and 83 had judicial status.

FINANCIAL INFORMATION

Annual dues are \$120 for active members and \$50.00 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 the 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 ASSOCIATION

Past presidents of the State Bar of Montana are as follows:

1975-76	Marshall H. Murray	Kalispell
1976-77	Thomas H. Mahan	Helena
1977-78	Bruce R. Toole	Billings
1978-79	Theodore K. 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. Dalthorp	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

THE UNIVERSITY OF MONTANA SCHOOL OF LAW

The University of Montana School of Law, founded in 1911, is the oldest professional school at the University of Montana. [The second professional school to be established at Montana State University (now University of Montana), the Law School was antedated only by the School of Engineering, which was transferred to Montana State College (now MSU) 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 for admission to the Law School has far exceeded the number of positions available in the first year class. For example, over five hundred applications were received for positions in the law class which entered in September of 1992.

In voting to limit to 75 the number of entering students, the law faculty also limited the enrollment of nonresidents to no more than twenty percent of an entering class. Nonresident applications have increased dramatically in recent years - the School in 1992 received more than twenty-five nonresident applications for every nonresident position.

Although the Law School ranks among the smallest ABA approved law schools in the nation, its student population is diverse. Typically, some thirty undergraduate institutions are represented in each entering class. The average entering age

of law students today is approximately 30. As this statistic suggests, many students enter law school after engaging in other careers.

While the first woman was admitted to the Law School in 1913, it was not until the mid-1970's that women began applying to the Law School in large numbers. Since the early 1980's women have comprised between 33-45% of the student population. Thirty-four of the 78 students who began their law studies in September 1992 are women.

Native American enrollment constitutes approximately 5% of the student population. The Law School's commitment to a strong Indian Law Program accounts in no small part for the relatively large enrollment of Native American students. In addition to courses in Indian Law, the Law School has for the last decade operated an Indian Law Clinic as a part of its clinical education program. While providing valuable services to the various tribal courts and governments, the Indian Law Clinic provides Indian and non-Indian law students the opportunity to develop knowledge and skills which will prepare them for work on or near Montana's seven Indian reservations.

During the last decade the law faculty have been engaged in an ambitious project to design and implement a curriculum which will prepare our graduates for the demands of modern law practice. To that end, the law faculty developed one of the most ambitious legal writing and professional skills programs in the country, designed an innovative introductory program for first year students, established a first-year law firm program, and developed teaching materials which integrate theory and practice. As a part of this curriculum project, the faculty are in the process of identifying what knowledge and skills every graduate should possess; what transactions every graduate should be competent to handle;

and what personal qualities every graduate must develop to be an effective and responsible lawyer.

The curriculum evolving from these efforts has attracted national attention. For example, the October 1990 issue of Prentice Hall's publication Lawyer Hiring and Training Report profiled three law schools considered to be the most innovative law schools in the nation. University of Montana School of Law is one of those three! The Law School was one of the small number of law schools whose curricular efforts were featured at the 1991 Association of American Law School's annual meeting in Washington, D.C. The August 1992 report of the ABA Task Force on Law Schools and the Profession: Narrowing the Gap cites the University of Montana School of Law curriculum efforts.

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 1989. In 1991, the Client Counseling team won the national finals and represented the School in international competition in London. The School's negotiation team has placed first in the Western Regional ABA Negotiations competition in three of the last five years, placing third in the nation in 1988. During the last twelve years, the Law School represented the Northwest eight times in the final rounds of the National Moot Court Competition in New York. In 1981 the Law School won the National Moot Court Competition. This record of accomplishment by UM teams certainly reflects favorably on the School's students, its 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. Faculty members have authored several books published by leading law publishers. Articles of law faculty

appear regularly in major national law journals; faculty play key roles on many State Bar committees; and faculty actively participate in law reform efforts.

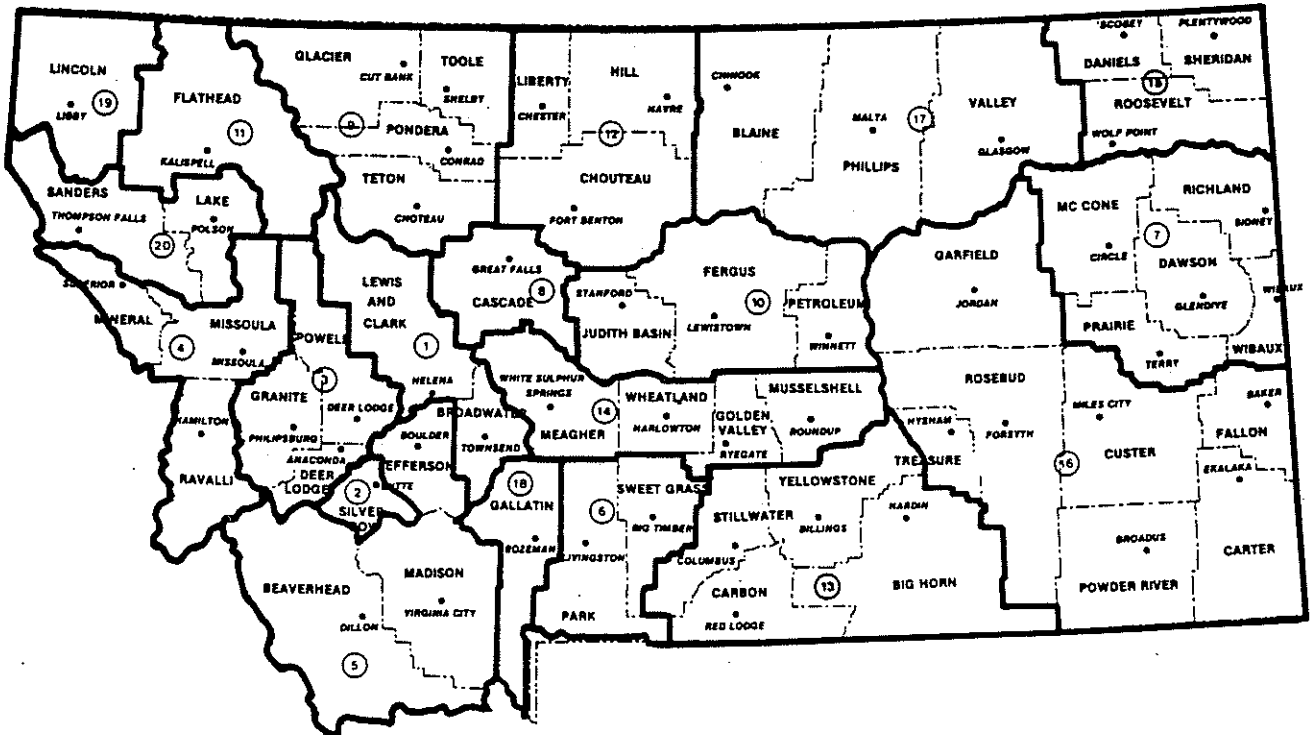
Public education regarding the law has also been a priority for the Law School. In recent years, the School has sponsored or co-sponsored public conferences on topics such as the 1972 Montana Constitution, the public's right to know versus the right of privacy, a patient's right to choose medical treatment, 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 local citizens have taken advantage of this program.

The Law School has a long and proud tradition of education and public service. Together with the Judiciary and the Bar of this state 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.

JUDICIAL DISTRICT BY COUNTY

Beaverhead	5	Granite	3	Powell	3
Big Horn	13	Hill	12	Prairie	7
Blaine	17	Jefferson	5	Ravalli	4
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
Chouteau	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		

MONTANA JUDICIAL DISTRICTS





ADDENDUM

