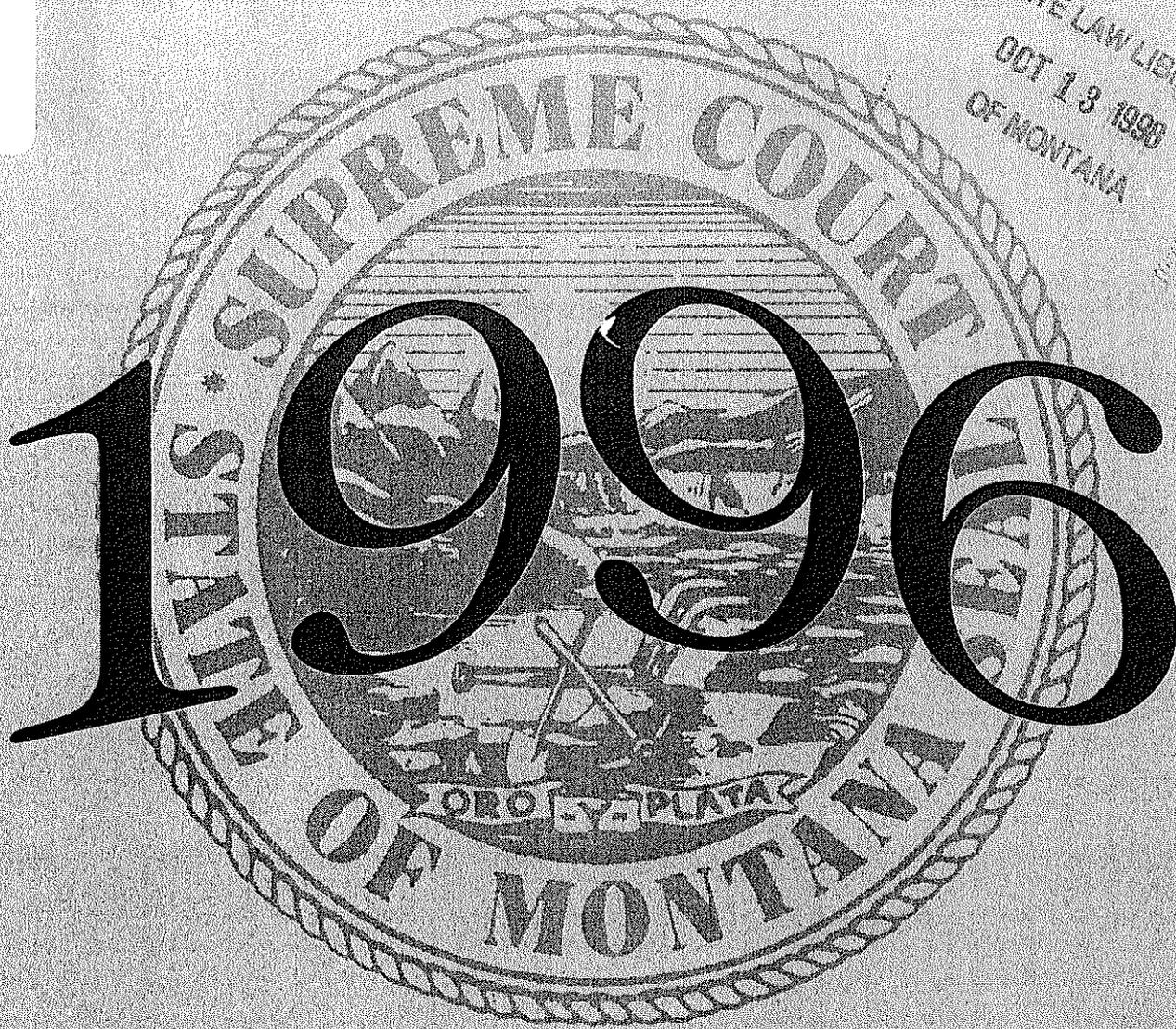


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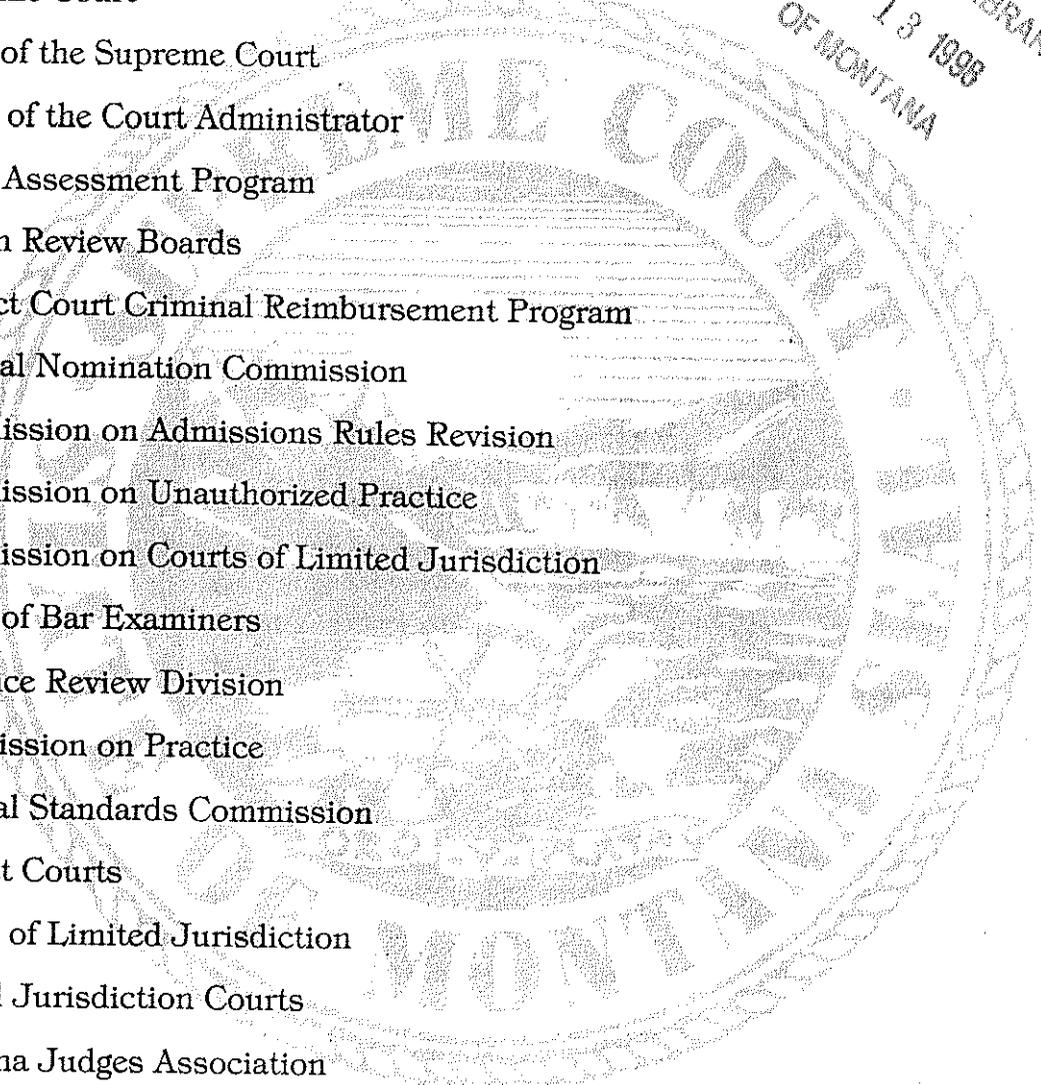
Annual Report
of the
Montana
Judiciary

1996 Annual Report of the Montana Judiciary

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STATE OF THE JUDICIARY ADDRESS
by Honorable J. A. Turnage
Chief Justice, Montana Supreme Court
Joint Session of the Fifty-Fifth Legislature

March 5, 1997

President Akelstad, Speaker Mercer, members of the Senate and House, Governor Racicot, Justices of the Montana Supreme Court, distinguished public officials, staff of the Fifty-Fifth Legislature, guests, ladies and gentlemen.

Thank you for this honor and privilege to address this joint session of the Fifty-Fifth Legislature.

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

Before doing so, I think it is appropriate to review some history and constitutional provisions concerning separation of powers, that have placed the Judiciary of the State of Montana as a distinct and separate branch of Montana government with the Legislative and Executive branches.

The great charter of liberties of King John, the Magna Carta, granted at Runingmede, June 15, 1215--a charter of freedom for the individual--separated the total power over citizens then concentrated in the hands of the king, and gave to individual citizens a voice in the control over their lives and liberties.

This doctrine of separation of powers is as important to the Legislative branch of government, as it is to the Judicial and Executive branches.

James Madison, a principal author of the Constitution of the United States, expressed it eloquently when he wrote:

The accumulation of all powers, legislative, executive, and judicial, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

Madison's admonition found its way into the Constitution of the United States and is found in Articles I, II and III. The doctrine was adopted in the 1889 Constitution of Montana in Article IV, Section 1, and, in 1972, the people of Montana adopted Article III, Section 1, of the Constitution of Montana providing:

Separation of powers. 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, except as in this constitution expressly directed or permitted.

It is beyond challenge or argument that the constitutional doctrine of separation of powers is the linchpin that holds the constitutional guarantees of our government together. The right of our people to choose their form of government and to protect their lives, liberties and property is dependent upon this doctrine.

It is important for all of us to keep in mind that an effective government for the people of this state requires understanding and cooperation between the Legislative, Executive and Judicial branches, recognizing, of course, the constitutional limitations on the respective areas of authority of each branch.

It is when one branch of government attempts to exercise the power of another branch of government that the separation of powers doctrine applies. There are many areas of administrative, nonpolicy matters in which inter-branch cooperation is needed and proper.

Your perspective, the Governor's perspective, and our perspective within the Judiciary must be guided by the knowledge that a strong and independent Judiciary is crucial to the preservation of our legal rights and constitutional liberty. Words in our state and federal constitutions, and in our state and federal statutes, are only words until they are construed and upheld by our courts. Such provisions are not self-executing. The members of the State Bar and our state courts are the first line of defense against attacks on these rights and liberties and are crucial to maintaining stability in difficult and changing times.

As all of you know, the Supreme Court in a unanimous opinion decided, February 27th, in the major class action tax case of Albright and others, against the State of Montana and others, reversed the order of the Cascade County District Court holding that the Department of Revenue had failed to equalize the values of taxpayers' properties as required by the Montana Constitution and as required by statute.

The Cascade County District Court concluded that the Department's market based method of appraisal and equalization which utilizes, depending on available data, the market data approach, income approach and cost approach or combinations thereof, violated section 15-7-112, MCA. The District Court concluded that this section allowed only one method or approach to appraisal and that the Department's use of three approaches violated this statute. The District Court basically ruled that there can be no flexibility in appraisal by the Department. In this, the District Court erred.

Likewise the District Court erred in concluding that Article VIII, Section 3, of the

Montana Constitution required that a single approach to appraised value is all that can be utilized by the Department.

The Supreme Court decision in the Albright case makes it clear that the framers of the Montana Constitution intended and the Constitution provides that the Legislature shall have broad flexibility to provide by statute for appraisal, assessment and equalization of all property in Montana. Article VIII, Section 3, of the Montana Constitution provides: "The state shall appraise, assess, and equalize the valuation of property which is to be taxed in a manner provided by law." There is no mention in this Article of any one or more methods or limitations on the Legislature in achieving these mandates.

The transcript of the Montana Constitutional Convention debate clearly establishes that this was the intent of the framers in adopting Article VIII, Section 3.

In debate, Delegate Russell C. McDonough was directed a question by Delegate Peter Lorello. The transcript states:

Let's get to the word "equalize." And let's suppose that today we build a home in Billings costing \$25,000. Let's then build another home in Philipsburg, Montana, and it too will cost \$25,000. Now then, would you tell me what the taxes would be on these two homes? Just what would they be at the end of the year? How would you equalize these things, between the two cities?

Delegate McDonough answered:

What we do by this proposal, we don't tell anybody how they're going to equalize these two taxes between these two counties; we leave that to the Legislature. And one thing I'd like to make clear on that here--that we don't say anything has to be equalized in any one manner. We leave that to the Legislature and the body that they set up We don't say that land has to be taxed on market value. And incidentally, houses are--residential houses are in Montana. We don't say that other land can't be taxed on productive value And there's nothing in what we're proposing that you can't tax it on productive value. This thing about changing--how do you arrive at valuation, we're leaving that wide open, because how to arrive at valuation of any piece of property is very complex. And market value is just one of the things you take in consideration. Now, on the difference between the houses. Presently now, houses are started off with--that class of property does start off with market value. And if the house is only worth--you build a house in Philipsburg and if there's not too much market for a house and you pay \$25,000 for it, it might only be worth 20. And if the Legislature says that houses will be on market value, then that house will be 20 in Philipsburg and

25 in Billings But I don't know what the Legislature is going to do. They might actually go to a rental value instead of a market value And they should be allowed that flexibility

I know that the Fifty-Fifth Legislature has serious issues pending concerning property taxation. The Supreme Court's February 27th opinion in the Albright case reaffirms that the delegates to the Montana Constitutional Convention and the Constitution provide the Legislature the authority to equalize the value of taxable property in Montana as the Legislature, by law, shall determine and that the Legislature is not limited in providing methods for fair and equitable assessment and appraisal to achieve equalization.

Some review of the ever-increasing litigation filed in our courts of limited jurisdiction, district courts and the Supreme Court is needed for all of us to have a perspective on the case loads of the Montana Judiciary.

I realize that statistics are not all together appealing and if you occasionally look at your watches, I will not be concerned--unless you start shaking them.

The number of new case filings in the Supreme Court for 1996 was 731. Compared to the 580 case filings in 1995, this is a 21 percent increase. If the percentage increase continues in this and future years, the appellate work of the Court will be in jeopardy. Inevitable delay in resolving appeals will occur, and time needed to carefully consider appellate matters will suffer. We urge this Legislature and the next Legislatures to consider providing some type of intermediate appellate court system for Montana. Thirty-nine states now have such courts and many have, in addition, family courts or youth courts.

On case dispositions by opinion for civil cases, tort actions amounted to 20 percent of the case load. Of the other 80 percent of the civil case dispositions, 27 percent related to family law matters--disputes most often involving children, their custody and support.

Case loads continue to increase in the District Courts. 1996 new case filings amounted to 33,721 cases--a significant 2.6 percent increase over 1995.

The new case filings in courts of limited jurisdiction will exceed 300,000 cases in 1996--what I believe will result in a significant increase over 1995.

Increased complexity of litigation and increased litigation in general confront our court system and will, without a doubt, continue to confront our court system in the future. I would like to take just a moment to talk with you about an issue that has troubled me for some time. It hovers over our entire judicial process.

Take a moment to think back to your own life experiences and ask yourself when was the last time you heard the simple statement, "I am responsible." In our criminal justice system, in

our civil justice system, and as we are reminded daily in the media, in today's world nobody is responsible for anything. Either things just happen or, more likely, we are all victims.

Evading individual responsibility is not an excuse--it has become a given. Unfortunately, this, I fear, is a public mindset, coupled with a lack of civility between individual citizens, which forms a nesting ground and rookery for increased litigation.

The Book of Genesis reminds us that shirking individual responsibility is as old as the story of mankind. When it came time to explain the missing fruit and the loss of innocence, Adam blamed Eve, and Eve blamed the serpent.

In addition to the Court's work rendering decisions on appeals and other matters filed before the Court, many other duties of the Court require attention on virtually a daily basis.

The Court is responsible for the overview and management of many important boards and commissions--Sentence Review, Commission on Practice, Board of Bar Examiners and Character and Fitness of applicants for admission to the Bar, Commission on Courts of Limited Jurisdiction and other important programs mandated by legislation. The Judiciary is fortunate to have attorneys and lay persons who, without compensation, give generously of their time and talents to serve on these boards and commissions.

A major accomplishment in 1996 has been the addition of Rule 54 to the Montana Rules of Appellate Procedure providing for mandatory Alternative Dispute Resolution. The Supreme Court authorized a committee to review and make recommendations for adoption of what is now Rule 54.

The Court takes this opportunity to recognize and express its thanks to the members of this committee whose work encompassed many hours of meetings and drafting to produce Rule 54.

The fundamental purpose of Rule 54 is to provide the citizens of Montana with final resolution of disputed matters appealed to the Supreme Court in a timely and cost effective procedure.

The structure of Rule 54 provides a mediation process that offers a pathway to settlement of litigation. Rule 54 provides for mediation in three areas of civil law: workers' compensation, domestic relations and money judgments.

The rule has been in effect only a short period of time and has resulted in settlements in domestic relation and money judgment areas of civil appeals.

There is much to be said for the old adage that a poor settlement is better than a good lawsuit.

Another step taken in 1996 was the establishment of an ad hoc commission to review and propose revisions to the Rules for Admission to the Bar of the State of Montana. This commission is comprised of representatives from the law school, the judiciary, the bar and the public at large. It is charged with the responsibility of submitting to the Supreme Court a comprehensive review and report incorporating any changes and recommendations it considers necessary to improve the rules and programs in the admission process.

Montana's judicial system also includes two legislatively-created courts that are identified as administrative courts, each of which plays an important role in Montana.

The Workers' Compensation Court has a very heavy case load and is a focal point of matters of great concern to Montana--the workers' compensation system. This court must provide a just and fair system for resolving workers' compensation claims and disputes.

The Legislature also created the Water Courts of Montana which have a task that is almost beyond description in workload. Ultimately, this court system will put to rest the question of a fair and just determination of water rights of Montanans.

I commend your inclusion of a study proposed in House Bill 493, now in appropriations, addressing family law. Nearly all family law issues involve the best interest of small children. Avoidance of delay in resolving and bringing stability into the life of a child is imperative. Delay of often two years or more in litigation over who shall have custody of a young child is an eternity in the life of that child. Any step forward in the area of family law will be welcome.

A startling development throughout our court system is a large increase in the number of pro se litigants who cannot afford attorney representation and the costs of litigation. This includes not only those who seek access to the courts to bring a suit for legitimate redress, but those who find themselves in a court suit as defendants to defend themselves and present a legitimate defense. It is not only the low income citizens, but the average working man or woman of middle income that cannot afford what may be ruinous legal expenses.

In order to obtain their constitutional right of access to the courts, they resort to representing themselves pro se, most often with disastrous results and a denial of their right to justice.

Cuts on the national level for support of legal services has exacerbated this problem. Whatever this legislature can do to provide funding and support to legal services in Montana for those entitled to such assistance will in part help to assure justice to everyone.

The Judiciary takes this opportunity to thank the Legislature for enacting in 1995 a fair and reasonable provision for judicial compensation. This provision will eliminate the problem of seeking at every legislative session requests for consideration of judicial compensation.

The Judiciary also takes this opportunity to thank the legislature for providing in 1995

support for automation of Montana's court system. Major progress has been made since the last session, and on the District Court level all fifty-six county courts will be completed before the next session of the legislature.

Automation technology has been installed in approximately 45 percent of the 138 courts of limited jurisdiction.

One of the important and difficult tasks that the office of the court administrator has been directed to pursue is the development of our own case management system---in other words, the software that is required to run the computers. This task has been achieved and is being updated as new developments require. The importance of owning and developing in-house software is obvious. There is no need to pay an outside provider an exorbitant amount of lease money in order to use a software rented package. On a statewide basis in the long term, such in-house developed software, provided at no cost to the users in all of the counties of Montana, will save tax dollars in huge proportions.

A technical hotline was established by the court administrator to provide technical support to the district and limited jurisdiction courts where the new technology has been installed to quickly resolve automation questions. The automation staff has fielded an average of 400 of these questions each month.

These major accomplishments in court automation would not have been possible without the cooperation of the Legislature.

You will be provided with a detailed discussion of the statistics and other matters relating to each of the courts of Montana in the annual judicial report.

Our civil courts underpin our economy and way of life. They mirror and help develop positive changes in the economic, technological, ideological and moral conditions of society. They yield benefits far greater than those accruing to the litigants alone. For example, landmark cases represent turning points in law and social attitudes. Nonlitigants order their affairs by the results of these cases.

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 or protective care, to farmers, ranchers and shop owners fighting to keep their properties and their doors open in difficult times, to those discriminated against on the basis of race, age, sex, religion, disability or other unlawful reasons, our civil courts represent the fulfillment of the basic need for fairness and justice.

When a young mother goes into a busy court to obtain an order that will protect her and her children from an abusive mate, she doesn't distinguish between the law enacted by the

Legislature and the judge who administers it. In her view, it is one system. Either the law works and she is protected, or the law doesn't work and she and her children remain in danger.

Our mission is to administer justice and serve those who come to us to resolve their disputes.

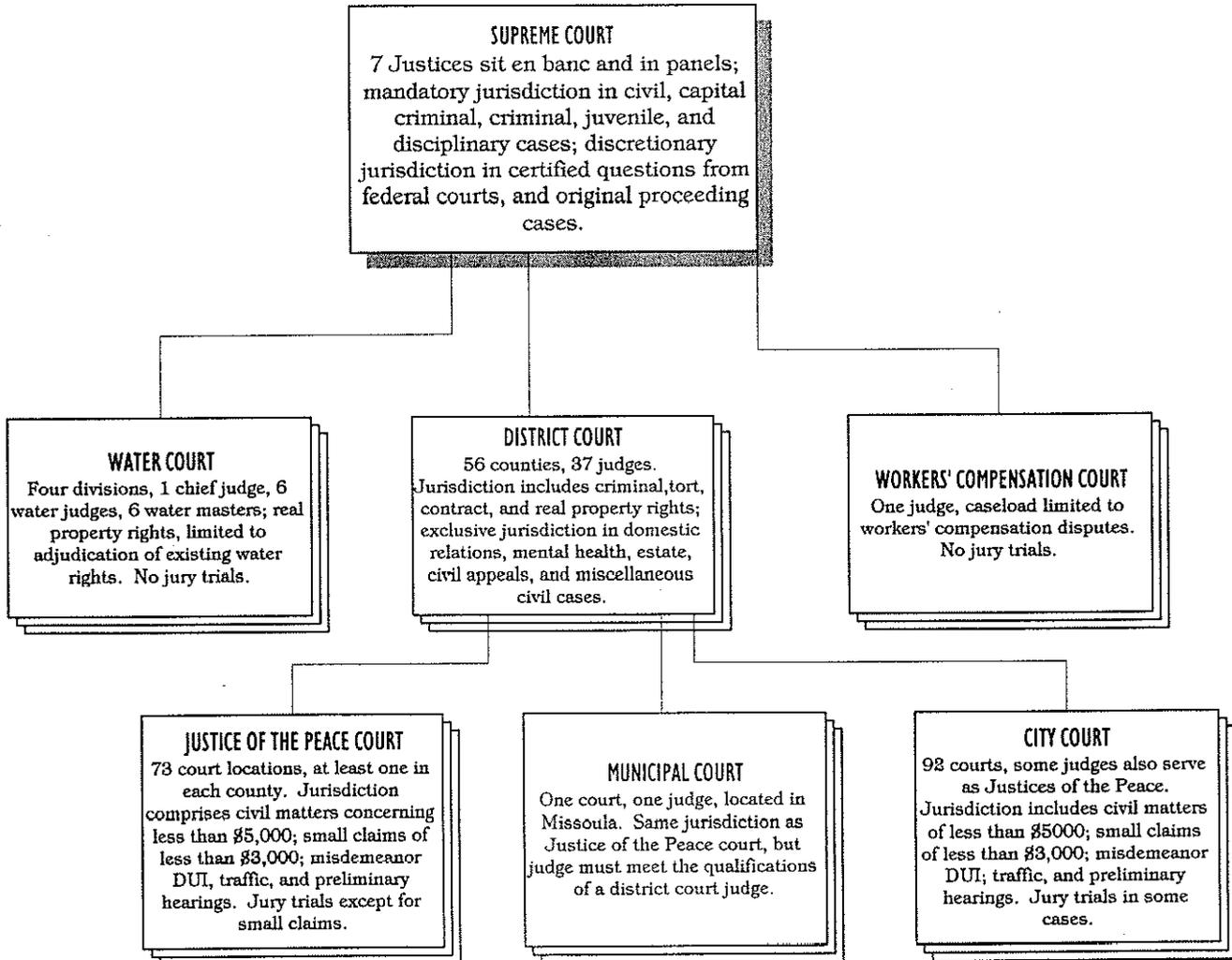
I want to specifically acknowledge with gratitude the invaluable help and assistance of the State Bar of Montana. Its officers and members have unselfishly provided to the Court and the people of this State many services that were rendered without charge. Invaluable help and assistance also has been provided by the University of Montana School of Law, through the time and effort freely given by Dean Ed Eck and the faculty of the School of Law.

I also recognize the professional and dedicated work of district judges, judges of courts of limited jurisdiction, the Clerk of the Supreme Court and his staff, clerks of the other courts and their staffs, Justices of the Supreme Court, staff of the Court, and the court administrator and his staff. Without this professional and dedicated assistance, effective administration of justice would not be accomplished.

Times move quickly, and while the present may seem eternal, all too soon future generations will be here to appraise us as we now appraise the work of our forebears. When they do, they will hopefully conclude: This was our state--still in its youth--and we did our work well.

On behalf of the Montana Judiciary, I thank the members of the Legislature for their support and willingness to listen to the accomplishments and concerns of Montana's judiciary.

MONTANA COURT STRUCTURE



THE SUPREME COURT

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 Montana Supreme Court consists of one chief justice and six justices. Each justice is elected to 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, must have resided in Montana for at least two years, and must have been admitted to practice law in Montana for at least five years prior to the date of election or appointment to the bench.

The chief justice is the administrative head of the Supreme Court, presides over court conferences, and represents the court at all 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 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 weekly in court conferences where matters presently pending are discussed. At its Tuesday conferences, the court considers pending petitions for original jurisdiction, motions which should be considered by the full court, and other miscellaneous matters. The court considers proposed opinions, petitions for rehearing, and appeal classifications on Thursdays.

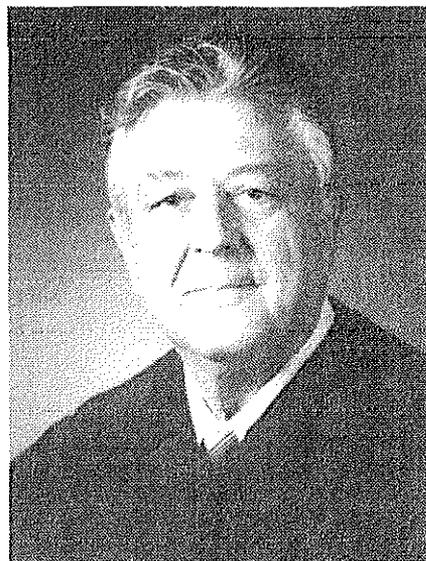
An appeal before the Supreme Court is classified by either a five-justice panel of the court or by the court sitting en banc. Cases are most commonly classified for either full oral argument before the court sitting en banc or submitted for decision, either to a panel of five justices or to the court

sitting en banc, solely on the briefs filed by the parties without oral argument. Once classified, a case is either set for oral argument on a future court calendar, or, if submitted on briefs, assigned to a justice to draft the opinion of the court. The court attempts to render its decision within 120 days of submission.

The Supreme Court calendar is divided into terms. Four 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 the 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.



Chief Justice J.A. Turnage

JEAN A. TURNAGE

Chief Justice. Born March 10, 1926, in St. Ignatius, Montana. Served in the U.S. Air Corps from 1944-46. Received his J.D. from the University of Montana in 1951. Elected Lake County Attorney in 1953 and was re-elected to office four times. Elected to the Montana House of Representatives in 1962 and to the Montana State Senate in 1964, where he served continuously until he assumed the office of Chief Justice on January 7, 1985. Chief Justice Turnage and his wife, Eula Mae, are the parents of two children.

KARLA M. GRAY

Justice. Born May 10, 1947, in Escanaba, Michigan. Received both her Bachelor's and Master's degrees from Western Michigan University and received her J.D. from Hastings College of Law in San Francisco, California in 1976. Prior to her appointment to the bench on February 11, 1991, Justice Gray worked as a staff attorney and lobbyist for the Montana Power Company in Butte, Montana. Justice Gray is married to Myron Currie.

WILLIAM E. HUNT, SR.

Justice. Born February 28, 1923, in Tacoma, Washington. Moved to Montana in 1945. Received his J.D. from the University of Montana in 1955. Prior to election to the bench in 1984, engaged in general practice of law and served as Deputy County Attorney in Hill County and as County Attorney in Liberty County. Justice Hunt also served as the director of the Montana Aeronautics Commission from 1970 to 1975, and served as the first Workers' Compensation Court Judge from 1975-1981. Justice Hunt and his wife, Mary, are the parents of five children.

JAMES C. NELSON

Justice. Born February 20, 1944, in Moscow, Idaho. Received a B.S. degree from the University of Idaho in Moscow, Idaho, in 1966. Received his J.D. from George Washington University in 1974. Justice Nelson served as First Lieutenant in the U.S. Army from 1966-69. Justice Nelson worked as a financial analyst with the U.S. Securities and Exchange Commission prior to engaging in private practice in Montana. He was in private practice and serving as Glacier County Attorney at the time of his appointment to the Supreme Court in May of 1993. Justice Nelson and his wife, Chari, are the parents of two children.

TERRY N. TRIEWELER

Justice. Born March 21, 1948, in Dubuque, Iowa. Received both his Bachelor's degree and J.D. from Drake University in Des Moines, Iowa. Justice Trieweler worked in private practice in Whitefish until 1990, when he began serving as an instructor of civil procedure at the University of Montana School of Law. He was elected to the Montana Supreme Court in 1990. Justice Trieweler and his wife, Carol, are the parents of three children.

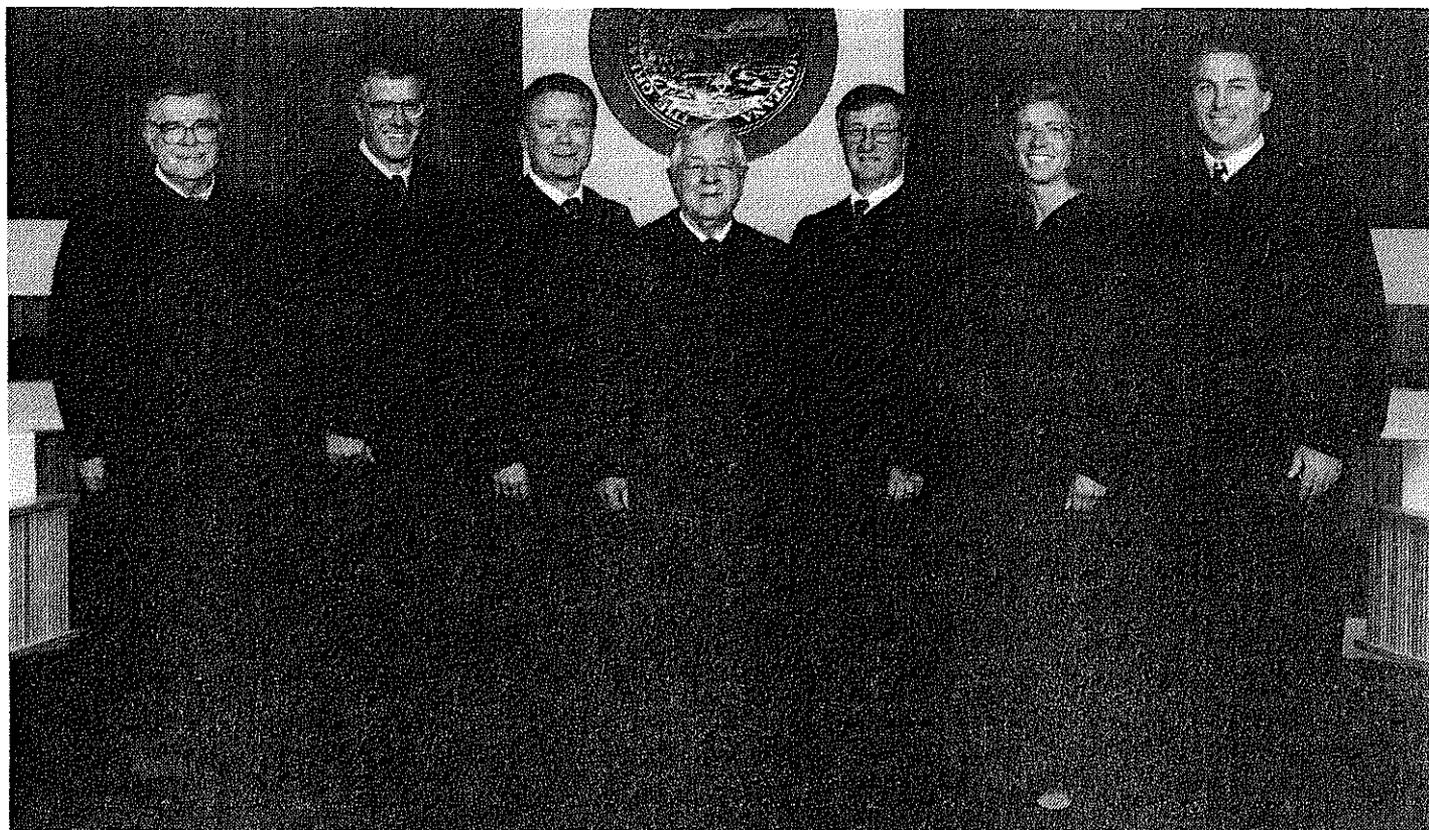
CHARLES E. "CHIP" ERDMANN

Justice. Born June 26, 1946, in Great Falls, Montana. Attended Montana State University - Bozeman from 1964 to 1966 and Montana State University - Billings from 1967 to 1972. Received a B.S. in Business from MSU - Billings in 1972. Attended the University of Montana School of Law from 1972-1975; received his J.D. in 1975. Served in the Marine Corps from 1967 to 1970, and has served in the Montana National Guard since 1982. Prior to serving on the bench, Justice Erdmann worked as an attorney for the State of Montana, served as Chief Counsel for the Montana School Boards Association and worked in private practice. Justice Erdmann and his wife, Renee, are the parents of four children. ¹

W. WILLIAM LEAPHART

Justice. Born December 3, 1946, in Butte, Montana. Attended Whitman College, 1965-66, and the University of Montana, 1966-69. Received a B.A. in Liberal Arts in 1969 and LL.M in 1972 from the University of Montana School of Law. Engaged in general practice of law for twenty-one years with his father, C.W. Leaphart, prior to being elected to the bench in January of 1995. Justice Leaphart and his wife, Barbara, are the parents of three children.

¹ Justice Erdmann was replaced on the Supreme Court by Justice Jim Regnier on January 6, 1997.



The Montana Supreme Court: Left to right, Justices William E. Hunt, Sr., W. William Leaphart, Charles E. "Chip" Erdmann, Chief Justice J.A. Turnage, Justices James C. Nelson, Karla M. Gray, and Terry N. Triewweiler.

1996 SUPREME COURT CASELOAD STATISTICS			
Filings carried over from 1995	343	Opinions heard by five-member panel in 1996	233
New Civil Filings in 1996	494	Opinions heard by all seven justices in 1997	68
New Criminal Filings in 1996	237	Opinions in oral argument	33
Total New Filings in 1996	<u>731</u>	Total Formal Opinions Issued in 1996	<u>334</u>
Dispositions by Remittitur in 1996	326		
Dispositions by Dismissal in 1996	216		
Dispositions - Writ Denied	91		
Dispositions - Writ Granted	16	Cases Pending as of December 31, 1996	<u>477</u>
Total Dispositions in 1996	<u>649</u>	SOURCE FOR DATA: Clerk of the Supreme Court's Office	

CLERK OF THE SUPREME COURT

The Clerk of the Supreme Court is a sworn public servant, who, historically by constitutional and statutory authority, controls the filings and provides the public with access to the Supreme Court. The Clerk also serves as the custodian of all legal records and documents for the court and the public. The Clerk of the Supreme Court transacts all of the business for the court, making the office the structural hub around which the judicial process revolves. Since 1865, when the Clerk of the Supreme Court position was established in this state, the office has served as the direct link between the public and the Supreme Court. The Clerk ultimately controls the flow of information to and from the court while assisting 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, who is serving his second term. Prior to his election Smith worked for the Montana Legislature and Constitutional Convention from 1969 to 1987, serving four sessions as the Chief Clerk of the Montana House of Representatives, and also holding the position of Chief Bill Clerk of the United States House of Representatives. He is a graduate of the University of Montana, where he was a teaching assistant.

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 and habeas corpus which are filed with the court. The office also provides the court with a monthly status report of pending cases.

Additional duties include bar administration, the preparation of court and oral argument minutes, collecting the annual attorney license tax for more than 3,500 attorneys, and maintaining the roll of Montana attorneys.

The Clerk manages a staff of three individuals, consisting of one deputy clerk and two assistant clerks. The office has remained the same size since 1979, and has had no additional staff added since the Supreme Court was enlarged to seven justices in 1981 to handle the increasing caseload.

Calendar year 1996 had the highest number of filings in the 132 year history of the Montana Supreme Court. The Clerk's office docketed a record 731 cases, which resulted in over 30,000 transactions being handled. During fiscal year 1996, the office collected \$177,825.48 in fees and tax revenues for the state. This amount comprised of \$26,874.48 in court fees, bar examination fees of \$65,975.00, and \$84,976.00 in attorney license taxes. By contrast, the Clerk's office spent \$192,611.73 in fiscal year 1996.

OFFICE OF THE COURT ADMINISTRATOR

Prior to 1975, court administration was handled by the chief justice. The Supreme Court established the Office of the Court Administrator (OCA) in 1975 to assist the court with administrative duties. The office was recommended in a study of the judicial system by the Board of Crime Control in 1975 and authorized by the Legislature in 1977 (§3-1-701, MCA).

3-1-702. Duties. The court administrator is the administrative officer of the court. Under the direction of the supreme court, the court administrator shall:

- (1) prepare and present judicial budget requests to the legislature;
- (2) collect, compile, and report statistical and other data relating to the business transacted by the courts and provide the information to the legislature on request;
- (3) recommend to the supreme court improvements in the judiciary;
- (4) administer state funding for district courts as provided in chapter 5, part 9; and
- (5) perform other duties that the supreme court may assign.

The court has also assigned the OCA other duties under part (5). These other duties provide the court with an administrative arm to oversee essential operations and daily tasks for the court and the people of Montana. As the legislature enacts new statutes, the role of the court also evolves and its need for the administrative office expands.

In 1996, the OCA performed the following additional assigned functions and duties:

- The court administrator's staff supported several of the boards and commissions that the court utilizes in order to discharge its general supervisory responsibilities delegated by the Constitution and specific legislative acts;
- The court administrator's office coordinated the Five State Judicial Conference, an additional conference for district court judges, and two training conferences for limited court judges;

- The court administrator participated in the Montana Association of Clerks of Court Conference; and
- The court administrator's office provided automation equipment, maintenance, and support to all levels of the judiciary.

Other programs that the OCA oversees include:

COURT ASSESSMENT PROGRAM

The Court Assessment Program began in 1995 under a four-year grant through the federal Family Preservation and Support Act of 1993. The objective of the program is to study, assess and improve the role of the courts in child abuse and neglect cases. The Court Assessment Program's staff consists of the Court Assessment Program Coordinator, a legal analyst, and a part-time administrative assistant.

The Program Coordinator assembled an advisory committee to provide guidance and expertise in gathering data and making recommendations for improvements. The advisory committee consists of twenty-two members, including representatives from the judiciary, the tribal courts, the legislature, the Department of Public Health and Human Services (DPHHS), youth corrections, attorneys, and foster parents.

During 1995 and 1996, the Court Assessment Program gathered data from statewide questionnaires and in-depth reviews of five judicial districts. The in-depth reviews included interviews with the District Court judges, the county or deputy county attorney representing DPHHS, the guardian ad litem, parents' counsel, and social work supervisor in each district. A total of 400 court files were reviewed and observations were made of court proceedings. Based on the data gathered and extensive discussions with the advisory committee, the program made recommendations for improvement of the court process in regard to child abuse and neglect litigation. The data and recommendations were compiled in a report to the U.S. Department of Health and Human Services for the purpose of obtaining continued funding to implement the recommendations. Implementation of recommendations has begun through proposed

statutory changes to the legislature and should continue through 1998.

CITIZEN REVIEW BOARDS

During the 1993 Montana Legislative Session, a bill was introduced by Senator Judy Jacobson establishing the Local Citizen Review Board for foster care placement. During the November-December 1993 special session, the legislature clarified the pilot program act to provide that the Montana Supreme Court Administrator's Office be the entity to administer the program.

As a result of the implementation of the pilot program, one full-time Program Supervisor was hired with the assistance of a part-time law clerk to initiate the program. After the first year, rules were drafted, a training manual was written, board members were recruited and trained, and the first judicial district was set up with hearings taking place. As the program expanded, a full-time coordinator and a part-time secretary were added.

The function of the board is to examine cases where a child has been removed from his or her home, for reasons of alleged delinquency, abuse or neglect. The first review occurs no more than six months after the child is placed in substitute care. Subsequent reviews occur at least every six months until the child is no longer in substitute care. The reason behind the legislation was to create an impartial review body, separate from the Department of Public Health and Human Services (DPHHS), to review children's placement.

Each local board comprises five citizen volunteers. These volunteers represent a socio-economic and ethnic cross-section of their communities. They possess unique experience and knowledge in child welfare issues and are particularly interested in the welfare of Montana's children. The volunteers are appointed by the District Court Judges and serve without compensation.

Training of volunteer members is a crucial part of the citizen review process. Citizen members receive training in placement issues and review procedures in order to properly fulfill their responsibilities. They are given a complete training manual which includes applicable laws and procedures. Each member is required to complete a full day of training prior to serving on the board. After the initial training is complete, they take an oath of confidentiality which is administered by a District Court Judge. All

volunteers agree not to disclose information that is obtained during the reviews.

Continuing training is provided for citizen review boards that have been in existence for one year. Review board members receive three to four hours of training quarterly on issues relating to foster care.

Each case review focuses on 1) whether reasonable efforts were made to return the child home; 2) appropriateness of the placement; 3) compliance with the case plan; 4) projection date for reunification with family or placement for adoption or legal guardianship; 5) other problems, solutions, or alternatives that the board determines should be explored; and, 6) whether the District Court should appoint an attorney or other person as special advocate to represent or appear on behalf of the child. Based upon the findings presented, the board makes recommendations to the District Court and DPHHS regarding the child's case plan.

Once the board begins reviewing a child's case, every attempt is made to have that same board continue to review that child's case every six months, or more often if the board determines the case is not progressing. One of the main goals of the program is to obtain continuity in the system. Many times a child will have several different case workers and many placements. Once a child is assigned to a board, that board will continue to review the child for as long as he or she remains in foster care. Siblings are usually reviewed together.

The board's findings and recommendations are sent to all parties who were invited to attend the review, including the court that placed the child, the child's guardian ad litem, the Court-Appointed Special Advocate (CASA), the agency responsible for the child, and the county attorney. When applicable, recommendations are also sent to the tribal court, the child's parole officer, or the probation officer. The agency responsible for the child must implement the recommendations of the board within seventeen days of receiving the report. Should it disagree with any of the recommendations, it must respond to the board in writing within seventeen days. The citizen review boards may also make recommendations to the legislature concerning services, policies, procedures, and laws which affect these children.

Citizen review boards are currently operating in three judicial districts. The Fourth Judicial

District, consisting of Missoula and Mineral Counties, has three boards which have been in place since December of 1994. The Second Judicial District, encompassing Butte/Silver Bow County, has three boards which began reviews in December of 1995. The program expanded to the Eighteenth Judicial District, Gallatin County, and reviews began in June of 1996.

DISTRICT COURT CRIMINAL REIMBURSEMENT PROGRAM

The District Court Criminal Reimbursement Program, enacted by SB25 and SB142 during the regular session of the 1985 Legislature, established an expanded state assumption of certain expenses associated with criminal proceedings in Montana's District Courts.

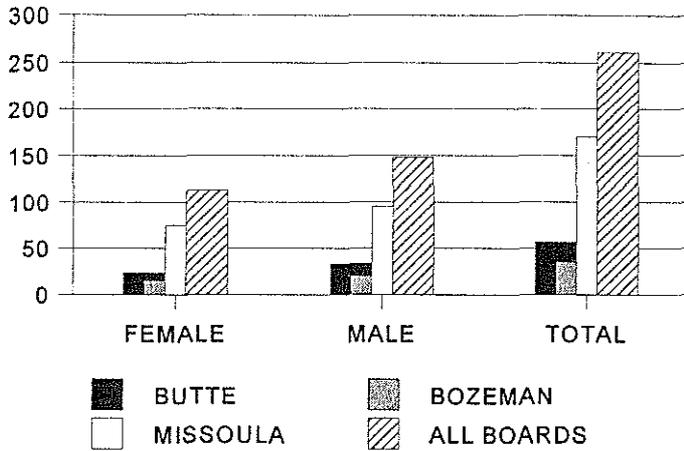
The District Court Criminal Reimbursement Program reimburses counties for certain adult criminal expenses. The program, as outlined by §3-5-901, MCA, applies to eligible expenses in the following five categories:

- 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.

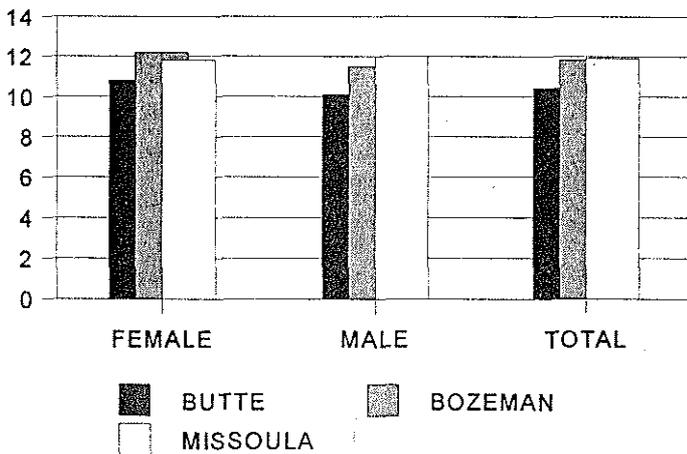
Program revenues derive from a portion of the motor vehicle license tax.

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

**Number of Open Cases
by Citizen Review Board, by Gender**



**Average Age of Open Cases
by Review Board, by Gender**



1996 ANNUAL REPORT OF THE MONTANA JUDICIARY

DISTRICT COURT CRIMINAL REIMBURSEMENT PROGRAM - TOTAL REIMBURSEMENT BY CATEGORY IN DOLLARS FOR FY 1996							
COUNTY	COURT REPORTER	JURY SERVICES	WITNESS SERVICES	PSYCHIATRIC EXAMINATIONS	INDIGENT DEFENSE	GRANT RECEIVED	TOTALS
Anaconda - Deer Lodge	\$5,422.63				\$14,979.38	\$27,861.55	\$48,263.56
Beaverhead	3,067	5,647	778		14,073	367	\$23,931.24
Big Horn	1,950	9,486	1,278	1,400	55,797	3,027	\$72,938.24
Blaine	3,116	9,667	1,097	20,017	27,670		\$61,565.98
Broadwater	1,170	2,706	631	7,995	20,471	6,466	\$39,439.18
Butte-Silver Bow	12,433	3,231	168	43,131	106,860		\$165,821.23
Carbon	1,560	382	111		7,775		\$9,827.59
Carter	690	12	310		8,875	1,119	\$11,007.67
Cascade	21,883	33,927	9,591	40,240	269,094		\$374,733.76
Chouteau	1,647				6,818		\$8,465.21
Custer	21,716	4,945	9,181	11,006	159,975	17,981	\$224,804.34
Daniels	196				1,321	2,523	\$4,040.11
Dawson	4,493				17,746		\$22,239.21
Fallon	1,274		73		5,521		\$6,867.76
Fergus	5,322	1,219	510	3,293	53,036	15,354	\$78,733.25
Flathead	22,101	8,802	362	6,388	188,176		\$225,829.26
Gallatin	17,276	23,719	31,540	14,341	117,807	38,119	\$242,801.34
Garfield	906				430		\$1,336.16
Glacier	3,045	116	756	413	30,842		\$35,170.62
Golden Valley	656		189	1,727	7,265		\$9,837.07
Granite	1,283			175	3,844	3,529	\$8,830.10
Hill	7,879	4,426	1,226	1,544	90,900		\$105,975.74
Jefferson	2,849	2,480	1,069	970	27,165		\$34,533.53
Judith Basin	759				8,353	39	\$9,151.91
Lake	7,655	10,589	1,953	26,821	92,628	2,576	\$142,222.60
Lewis and Clark	11,083	11,905	1,915	18,889	134,153	98,156	\$276,101.92
Liberty	1,122				4,276		\$5,398.46
Lincoln	13,494	227	2,368	9,170	189,298	56,517	\$271,075.18

DISTRICT COURT CRIMINAL REIMBURSEMENT PROGRAM - TOTAL REIMBURSEMENT BY CATEGORY IN DOLLARS FOR FY 1996							
COUNTY	COURT REPORTER	JURY SERVICES	WITNESS SERVICES	PSYCHIATRIC EXAMINATIONS	INDIGENT DEFENSE	GRANT RECEIVED	TOTALS
Madison	2,062		350	913	10,942		\$14,266.55
McCone	679				2,277	3,204	\$6,158.91
Meagher	1,110	64	80		14,212	1,047	\$16,513.26
Mineral	2,272	52		1,263	19,338	1,194	\$24,117.54
Missoula	35,865	34,773	8,314	38,258	181,655	210,104	\$508,969.46
Musselshell	4,420	25			43,018	19,204	\$66,666.79
Park	7,483	(867)	1,486	14,414	17,554		\$40,069.86
Petroleum	306				1,421		\$1,727.58
Phillips	2,457	17	472	1,200	27,122		\$31,266.78
Pondera	1,600	2,913	1,028		16,247	5,507	\$27,294.82
Powder River	925	10			4,708	4,544	\$10,187.37
Powell	3,581				9,599	13,111	\$26,291.63
Prairie	339	2,635	283	400	1,147	849	\$5,653.87
Ravalli	9,581	16,517	7,496	7,655	64,266		\$105,514.95
Richland	7,344	354	706		16,420		\$24,822.20
Roosevelt	862	5,830	2,251	1,725	20,731		\$31,398.66
Rosebud	5,954	2,744	384		27,663		\$36,745.11
Sanders	2,400				18,010		\$20,409.75
Sheridan	444	101	3,704		18,556		\$22,804.75
Stillwater	1,170		575		20,650		\$22,394.84
Sweet Grass	1,249				5,258	1,520	\$8,027.40
Teton	1,424	19	213	1,050	3,643		\$6,349.47
Toole	1,904			875	24,866		\$27,644.31
Treasure	183		1,237		3,763		\$5,182.21
Valley	2,696	82		550	16,891		\$20,218.28
Wheatland	1,345			328	8,986	2,365	\$13,022.95
Wibaux	747				889		\$1,635.83
Yellowstone	34,675	35,257	14,299	19,212	345,381	46,775	\$495,600.79
TOTALS	\$311,121.71	\$234,008.66	\$107,983.62	\$295,361.65	\$2,610,362.21	\$583,060.29	\$4,141,898.14

The following counties received post-conviction relief for the amounts indicated: Blaine County, \$1,128.70; Cascade County, \$4,960.35; Stillwater County, \$4,245.26; and Yellowstone County, \$301.40. Total post-conviction relief paid amounted to \$10,635.71. Pursuant to §3-5-901, MCA, \$500,000 was paid to the Department of Public Health and Human Services. This payment, and post-conviction relief reimbursements, are not reflected in the total above.

BOARDS & COMMISSIONS OF THE SUPREME COURT

JUDICIAL NOMINATION COMMISSION

The Judicial Nomination Commission is responsible for providing the Governor with a list of candidates for appointment to fill any vacancy on the Supreme Court, District Courts, or the Workers' Compensation Court. The commission also provides 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 comprises seven members: four lay members from different geographical areas of the state who are appointed by the Governor; two attorneys, appointed by the Supreme Court; and, one district judge who is elected by the 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 give public notice of the vacancy as soon as possible after the vacancy has been verified by the Chief Justice. Within ninety days, the commission must submit to the Governor a list of not less than three nor more than five nominees for appointment. The same process is used for a vacancy in the Montana Water Court except that nominees are made to the Chief Justice for eventual appointment. The Governor and the Chief Justice are limited to making appointments from the list of nominees submitted by the Judicial Nomination Commission.

If the Governor fails to nominate within thirty days after receipt of a list of nominees, the Chief Justice or Acting Chief Justice makes the nomination.

COMMISSION ON ADMISSIONS RULES REVISION

The thirteen-member Commission on Admissions Rules Revision was appointed by Supreme Court Order on November 21, 1996, to review and revise the Rules for Admission to the Bar that were adopted in 1991.

Upon completion of the commission's review of the Rules for Admission to the Bar, a comment period will be established to enable the Bench, Bar, and other interested persons to submit

comments, suggestions, or criticisms of the revisions to the rules.

COMMISSION ON UNAUTHORIZED PRACTICE

The Commission on Unauthorized Practice investigates complaints alleging that a person is practicing law without having been admitted to the bar. Investigations of unauthorized practice originally had been the responsibility of the Commission on Practice.

The Commission on Unauthorized Practice is made up of eight 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

Originally established in 1974, the Commission on Courts of Limited Jurisdiction promotes procedural refinements and improvements in courts of limited jurisdiction. The commission provides oversight in the mandatory training and certification of all judges in the limited courts. The commission encourages professionalism and competence among judges serving in the justice, city, and municipal courts.

Members of the commission include one State Bar representative, one city attorney, one county representative, one member-at-large, one district judge, one justice of the peace from a larger jurisdiction, one justice of the peace from a smaller jurisdiction, one city judge from a larger jurisdiction, one city judge from a smaller jurisdiction, the president of the Montana Magistrates Association, and a non-voting member from the Supreme Court.

1996 Commission members were: William E. Astle, Esq., Chairman; Hon. Douglas G. Harkin, Hon. Larry Herman, Hon. Bob Mihalovich, David Hull, Esq.; Hon. Ron Johnson, Hon. Gregory Mohr, Hon. James C. Nelson, David Rice, Esq., Hon. Gayle Stahl, and Hon. Gladys Vance.

BOARD OF BAR EXAMINERS

The Board of Bar Examiners is responsible for licensure and examination of attorneys who wish to practice law in the State of Montana.

Members of the Board of Bar Examiners are appointed by the Supreme Court. Terms of board members are permanent; however, the Supreme Court may release, dismiss, or remove any member of the board and appoint another member 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.

1996 members of the Board of Bar Examiners were: Gregory G. Murphy, Esq., Chairman; George T. Bennett, Esq.; Randy J. Cox, Esq.; Gary W. Bjelland, Esq.; Jacqueline Terrell Lenmark, Esq.; Loren J. O'Toole, II, Esq.; and James E. Vidal, Esq.

Montana holds the bar examination once per year, commencing on the last Wednesday of July. The 1996 exam was held July 31, August 1, and August 2. The Multistate Bar Examination was given on Wednesday, July 31, followed by a day and a half of essay examination on Thursday, August 1 and Friday, August 2. One hundred sixteen applicants sat for the exam, with one hundred nine passing.

SENTENCE REVIEW DIVISION

The Sentence Review Division of the Supreme Court consists of three District Court Judges appointed by the Chief Justice for three-year terms. The 1996 members were: Honorable Ted O. Lympus, Chairman; Honorable Jeffrey M. Sherlock, and Honorable Wm. Nels Swandal. Honorable Robert Boyd serves as an alternate member.

The Division meets four times a year at the Montana State Prison to conduct hearings of defendants who have applied to have their sentences reviewed. Plans for 1997 include an additional two hearing sessions at the Women's Correctional Center in Billings.

The Sentence Review Division heard a total of 200 cases in 1996. Of those cases, eighty-six were affirmed; four were affirmed with modifications (one -- not eligible for parole for seven years; two -- no parole for thirty years; and one defendant must complete all phases of sex offender treatment before being eligible for parole); four cases were held in abeyance pending Supreme Court proceedings; thirty-seven hearings were continued; five sentences were decreased in some manner; fifty-six petitions were dismissed; four sentences were increased in some manner; and four cases were remanded to District Court.

BAR EXAM ACTIVITY 1983-1996			
Date of Exam	No. Of Applicants	No. Successful	Percent Successful
2/83	24	17	71%
8/83	38	32	84%
2/84	31	23	74%
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%
7/93	115	98	85%
7/94	130	115	88%
7/95	130	116	89%
7/96	116	109	94%

DISCIPLINARY BOARDS AND COMMISSIONS OF THE SUPREME COURT

COMMISSION ON PRACTICE

The Commission on Practice is responsible for examining complaints alleging unethical conduct by Montana attorneys.

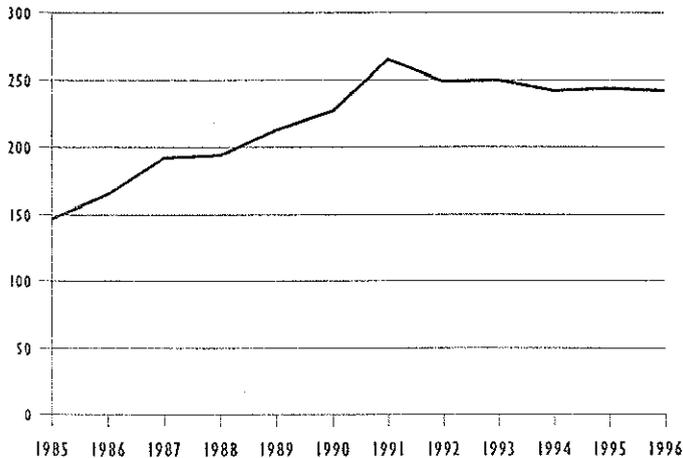
In addition to receiving and investigating complaints of alleged misconduct, the commission also investigates and reports on the merits of any petition for reinstatement to the practice of law.

The Commission on Practice comprises eight attorney members and three non-attorney members. Attorney members represent different areas of the state which comprise the various judicial districts. Following an election among all practicing attorneys in an area, a list of three attorneys receiving the most votes is submitted to the Supreme Court, and the Supreme Court appoints an attorney member to the commission from that list. The three non-attorney members are appointed at large by the Supreme Court. All members on the commission serve four-year terms.

1996 commission members were: Sam Haddon, Chairman; John Warren, Vice Chairman; Gary Davis, Executive Secretary; and members Gary Buchanan; Patricia DeVries; Bruce A. Fredrickson, Esq.; W.A. Groff; Donald R. Marble, Esq.; Leonard H. McKinney, Esq.; Gary Alan Ryder, Esq.; and Milton Wordal, Esq. The chairmanship of the commission changed during 1996 when Rockwood Brown retired from the commission.

1996 COMMISSION ON PRACTICE CASELOAD STATISTICS	
No. of Complaints Filed in 1996	242
No. of Complaints pending at the end of 1995	146
TOTAL	388
DISPOSITION OF COMPLAINTS	
Total No. of Complaints Dismissed	247
Written Private Admonishment	6
Private Oral Admonishment	18
Public Supreme Court Admonishment	1
Suspension of License	5
Disbarment	0
Complaints Pending as of December 31, 1996	111
TOTAL	388

Commission on Practice - Complaints Filed



JUDICIAL STANDARDS COMMISSION

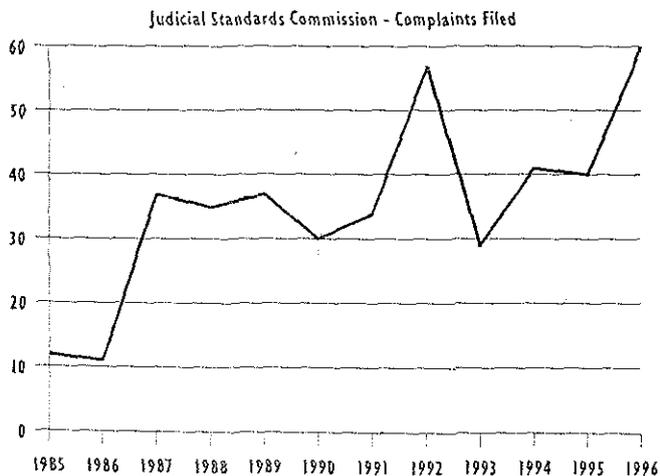
The five-member Judicial Standards Commission is empowered to investigate complaints alleging unethical conduct and to hold hearings concerning the discipline, removal, or retirement of any judge. The commission is attached to the Supreme Court for administrative purposes only. The work, investigations, 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 or her duties, violation of the canons of judicial ethics, 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.

Members of the Judicial Standards Commission include two district judges from different judicial districts who are elected by 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. The two citizen members are appointed by the Governor. All members serve four-year terms.

In 1996, members of the Judicial Standards Commission were: Hon. Ed McLean, Chairman; Victor F. Valgenti, Esq., Vice Chairman; members Barbara Evans, Patty Jo Henthorn, and Hon. John Warner.

Number of Complaints Filed in 1996	60
Number of Complaints Pending at the end of 1995	17
TOTAL	77
Dismissed	20
Private Reprimand	17
Public Reprimand	0
Suspension	0
Disbarment	0
Disciplinary Proceedings Instituted and Pending	6
Complaints Pending as of 12/31/96	34
TOTAL	77



THE DISTRICT COURTS

Case filings in Montana District Courts increased 4.0% from 1995 to 1996, bringing the total cases filed to 34,176 in 1996. In 1995, total cases filed amounted to 32,871. Case filings in the mentally ill category had the largest gain over 1995, showing a 17.9% increase. In fact, increases occurred in all categories except two: adoption filings, which had a 1.4% decrease, and general civil filings, which decreased by 1.5%. Even with this decrease, general civil filings represented 39% of the 34,176 cases filed in the District Courts during 1996. Domestic relations cases accounted for 24.8% of the total; probate, guardianship, and conservatorship filings represented 10.3% of total filings; juvenile filings were 6.0% of the total; mentally ill filings, 2.3% of the total; adoption filings, 2.1% of the total; and criminal filings, 15.5% of total cases filed statewide. Criminal case filings increased by 5.2% over the previous year.

Overall, Yellowstone County had the highest number of case filings in 1996 with 5,689. Filings from Yellowstone County represented approximately 16.6% of all cases filed in the state. The five districts with the most case filings were:

JUDICIAL DISTRICT	NO. OF FILINGS	% OF TOTAL FILINGS
13	6,518	19%
1	3,667	10.7%
4	3,404	10%
8	3,383	9.9%
11	3,060	9%

Filings from these districts represented 58.6% of all cases filed in Montana during 1996.

The Fourteenth Judicial District, comprising Golden Valley County, Meagher County, Musselshell County, and Wheatland County, had the fewest filings in 1996. 380 cases were filed in this district during the year, comprising 1.1% of total cases filed statewide. Petroleum County, part of the Tenth Judicial District, had the fewest cases filed per county with 18 cases filed in 1996. The five districts with the fewest filings were:

JUDICIAL DISTRICT	NO. OF FILINGS	% OF TOTAL FILINGS
6	664	1.9%
10	577	1.7%
17	511	1.5%
15	453	1.3%
14	380	1.1%

Filings from these districts accounted for approximately 7.6% of filings statewide.

In 1996, the average number of case filings per district judge statewide was 923. The Eleventh Judicial District (Flathead County) had the highest average of case filings per judge at 1,530. This two-judge district had a total of 3,060 cases filed in 1996. The Fourteenth Judicial District (Golden Valley, Meagher, Musselshell, and Wheatland Counties) had the lowest average number of case filings per judge with 380 cases filed in the one-judge district.

Statewide, criminal case filings increased 5.2% from 1995 to 1996. Criminal case filings represented 15.5% of total filings for the year. The Thirteenth Judicial District had the most criminal case filings per district at 1,120. Yellowstone County, located in the Thirteenth Judicial District, had the greatest number of criminal case filings per county in 1996, with 951. The Fifteenth Judicial District had the fewest criminal case filings per district in 1996, with 25. Carter County and Daniels County had the fewest case filings per county, with each having one criminal case filing in 1996.

Civil case filings, which decreased by 1.5% from 1995 to 1996, represented 39% of total cases filed statewide. The Thirteenth Judicial District had the most civil case filings per district with 2,319. Yellowstone County had the most civil case filings per county with 2,013. The Fourteenth Judicial District had the fewest civil case filings per district with 171. With nine civil case filings each, Petroleum County and Golden Valley County tied for having the fewest civil case filings in 1996.

Adoption case filings decreased by 1.4% from 1995 to 1996 and constituted 2.1% of the cases filed in 1996.

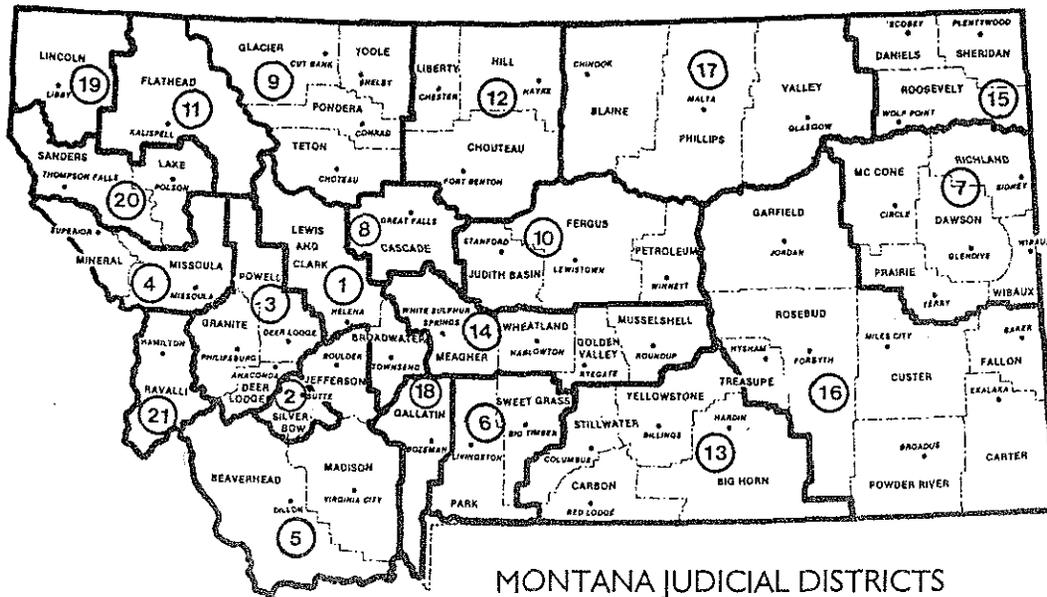
The Thirteenth Judicial District had the most adoption filings per district with 125. Yellowstone County had the most adoption filings per county with 111. The Fourteenth Judicial District had the fewest adoption case filings with four cases filed in 1996. Four counties did not have any adoption filings in 1996. These counties were: Petroleum, Golden Valley, Prairie, and Carter.

Mentally ill and developmentally disabled case filings represented 2.3% of all cases filed in 1996. The Third Judicial District had the most filings per district in this category, with 129. Deer Lodge County had the most mentally ill filings per county, with 125. The Ninth Judicial District, with four mentally ill filings in 1996, had the fewest filings per district in this category. Fifteen counties did not have any filings in this category. These counties were: Granite, Teton, Toole, Judith Basin, Petroleum, Golden Valley, Meagher, Carter, Garfield, Powder River, Mineral, Madison, Sweet Grass, McCone, and Treasure.

Juvenile and dependent/neglected children case filings increased 7.5% over 1995 levels to account for 6.1% of total case filings in 1996. With 480 filings in this category, the Thirteenth Judicial District had the greatest number of juvenile and dependent/neglected children case filings in 1996. Yellowstone County had the highest number per county with 405 filings in this category. The Fifteenth Judicial District had the fewest case filings in this category, with 11 filings in 1996. Seven counties did not have any filings in this category. These counties were: Prairie, Judith Basin, Petroleum, Liberty, Golden Valley, Garfield, Carter, and Treasure.

Probate, guardianship, and conservatorship filing increased 6.3% from 1995 to 1996, to account for 10.3% of total case filings in 1996. The Thirteenth Judicial District had the most filings per district in this category with 467 filings in 1996. Yellowstone County had the most filings per county in this category, with 369 filings. The Fourteenth Judicial District had the fewest case filings per district in this category with 50 filings in 1996. Treasure County had the lowest number of probate guardianship, and conservatorship filings in 1996 with 1 case filed during the year.

Domestic relations cases, which increased by 10.2% from 1995 to 1996, accounted for 24.8% of total case filings in 1996. The Thirteenth Judicial District had the highest number of domestic relations filings with 1,884. Yellowstone County had the most domestic relations filings per county with 1,729. The Fifteenth Judicial District had the fewest domestic relations filings per district with 50 cases filed in 1996. Three counties did not have any domestic relations filings in 1996. These counties were: Petroleum, Carter, and Treasure.



MONTANA JUDICIAL DISTRICTS

DISTRICT COURT INFORMATION					
JUDICIAL DISTRICT	DISTRICT JUDGES	DISTRICT COURT CLERKS	COUNTIES IN DISTRICT	AREA IN SQ. MILES	POP.
1	Dorothy McCarter Thomas Honzel Jeffrey Sherlock	Nancy Sweeney Nellie B. Sayer	Lewis & Clark Broadwater	4,669	56,670
2	James E. Purcell John W. Whelan	Lori A. Maloney	Silver Bow	715	34,795
3	Ted L. Mizner	Theresa Orrino Beverly Kulaski Mary Ann McKee	Anaconda- Deer Lodge Granite Powell	4,888	19,627
4	John S. Henson John W. Larson Douglas G. Harkin Ed P. McLean	Cheryle Demmon Kathleen Breuer	Mineral Missoula	3,834	90,756
5	Frank M. Davis	Sheila Brunkhorst Marilyn J. Stevens Jerry R. Wing	Beaverhead Jefferson Madison	10,731	24,903
6	Nels Swandal	June Little Patty Jo Henthorn	Park Sweet Grass	4,466	19,230
7	Dale Cox Richard Phillips	Ardelle Adams Betty L. Robinette Lisa Kimmet Arlene Riggs Debra Zinda	Dawson McCone Prairie Richland Wibaux	9,676	24,079
8	Marge Johnson Thomas McKittrick Robert Goff/Kenneth Neill	Nancy Morton	Cascade	2,661	81,091
9	Marc G. Buyske	Mary Phippen Anita Vandolah Emile Kimmet Carol Swoboda	Glacier Pondera Teton Toole	8,853	30,425
10	John R. Christensen	Greta M. Ross Acelia Leach Bonny Allen	Fergus Judith Basin Petroleum	7,777	15,497
11	Ted O. Lympus Katherine R. Curtis	Peg Allison	Flathead	5,137	69,512
12	John Warner	Dena Tippets Louise Sagan Pat Seidlitz	Chouteau Hill Liberty	8,293	25,406

DISTRICT COURT INFORMATION					
JUDICIAL DISTRICT	DISTRICT JUDGES	DISTRICT COURT CLERKS	COUNTIES IN DISTRICT	AREA IN SQ. MILES	POP.
13	G. Todd Baugh Diane G. Barz Maurice R. Colberg, Jr. Russell C. Fagg Robert W. Holmstrom	Janice Heath Gayle M. Strausburg Cynthia S. Culp Jean A. Thompson	Big Horn Carbon Stillwater Yellowstone	11,525	153,365
14	Roy C. Rodeghiero	Aileen Mattheis Donna Morris Connie Mattfield Janet Hill	Golden Valley Meagher Musselshell Wheatland	6,837	9,722
15	David J. Cybulski	Patricia Mc Donnell Patricia A. Stennes Cheryl Olson	Daniels Roosevelt Sheridan	5,501	17,814
16	Joe L. Hegel Kenneth R. Wilson	Carole Carey Bernice Matthews Carol Wade Connie Nielsen Marilyn Hollister ArLynn Archer Kay Rexford	Carter Custer Fallon Garfield Rosebud Powder River Treasure	22,480	31,808
17	John C. McKeon	Kay O'Brien Johnson Frances M. Webb Patricia A. Hill	Blaine Phillips Valley	14,499	20,645
18	Thomas A. Olson Larry W. Moran	Lorraine Van Ausdol	Gallatin	2,517	59,406
19	Michael Prezeau	Lucille Briggs	Lincoln	3,714	18,678
20	C. B. McNeil	Katherine E. Pedersen Evelyn Cox	Lake Sanders	4,268	34,568
21	Jeffrey H. Langton	Debbie Harmon	Ravalli	2,382	32,230

SOURCE: Montana Department of Commerce, Census and Economic Information Center (July 1995 population estimates); Montana Association of Counties (square mileage).

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DISTRICT COURT INFORMATION - CASE FILINGS

JUDICIAL DISTRICT	COUNTY	ADOPTION	CRIMINAL	MENTALLY ILL/DEV. DISABLED	DOMESTIC RELATIONS/PATERNITY	PROBATE/GUARD./CONSERV	JUVENILE/DEPEND./NEGLECT. CHILDREN	CIVIL
1	Broadwater Lewis & Clark	2	14	3	34	19	7	69
		39	390	42	1045	212	179	1612
2	Silver Bow	26	162	39	265	160	80	335
3	Deer Lodge	5	59	125	101	94	20	125
	Granite	3	5	0	26	14	9	48
	Powell	37	28	4	52	25	26	109
4	Mineral Missoula	2	38	0	36	11	21	58
		54	589	60	667	328	174	1366
5	Beaverhead	8	63	18	74	29	13	131
	Jefferson	2	54	76	54	37	20	91
	Madison	2	18	0	18	25	5	119
6	Park Sweet Grass	17	132	7	140	73	31	179
		2	17	0	16	15	12	23
7	Dawson	6	57	61	79	49	19	104
	McCone	2	7	0	8	12	3	19
	Prairie	0	3	2	2	11	0	12
	Richland	16	36	6	95	58	18	113
	Wibaux ❖	0	4	0	0	8	0	7
8	Cascade	106	542	54	656	304	203	1518
9	Glacier	5	118	3	139	41	31	145
	Pondera	6	15	1	44	36	10	105
	Teton	8	9	0	25	29	10	15
	Toole	3	48	0	25	51	9	35
10	Fergus	5	76	9	83	85	38	210
	Judith Basin	2	5	0	19	15	0	12
	Petroleum	0	5	0	0	4	0	9
11	Flathead	62	439	34	866	285	105	1269
12	Chouteau	3	15	2	42	35	4	42
	Hill	16	129	29	128	73	0	116
	Liberty	2	4	1	5	14	67	46
13	Big Horn	6	118	2	67	41	35	108
	Carbon	5	31	7	58	33	22	108
	Stillwater	3	20	3	30	24	18	90
	Yellowstone	111	951	111	1729	369	405	2013

DISTRICT COURT INFORMATION - CASE FILINGS								
JUDICIAL DISTRICT	COUNTY	ADOPTION	CRIMINAL	MENTALLY ILL/DEV. DISABLED	DOMESTIC RELATIONS/PATERNITY	PROBATE/GUARD./CONSERV.	JUVENILE/DEPEND./NEGLECT. CHILDREN	CIVIL
14	Golden Valley	0	2	0	5	6	0	9
	Meagher	2	11	0	7	9	1	31
	Musselshell	1	34	4	39	24	17	88
	Wheatland	1	17	1	11	11	6	43
15	Daniels	3	1	2	13	20	5	28
	Roosevelt	8	11	1	14	39	4	158
	Sheridan	2	13	4	23	47	2	55
16	Carter	0	1	0	0	9	0	11
	Custer	10	75	16	85	57	83	190
	Fallon	2	15	1	27	31	1	31
	Garfield	1	6	0	1	10	0	21
	Powder River	2	10	0	11	9	3	28
	Rosebud	5	49	3	102	41	29	109
	Treasure	2	7	0	0	3	0	14
17	Blaine	4	16	1	28	27	22	46
	Phillips	5	26	1	27	30	9	67
	Valley	2	13	3	53	54	4	73
18	Gallatin	38	230	26	560	158	80	700
19	Lincoln	10	116	7	248	58	69	283
20	Lake	11	172	4	291	119	68	310
	Sanders	7	59	1	90	35	17	147
21	Ravalli	20	199	10	201	115	66	528
TOTALS		702	5,284	784	8,464	3,531	2,080	13,331

❖ Wibaux County reported for January through May. Reports for the remaining months of 1996 were not received.

Pursuant to § 3-1-703, MCA, case filings are reported monthly by the Clerks of District Court and then compiled by the Supreme Court Administrator's Office.

COURTS OF LIMITED JURISDICTION

A majority of citizens receive their first exposure to the judicial system in the courts of limited jurisdiction. The courts of limited jurisdiction are the Justice of the Peace, City, and Municipal Courts. The Constitution of 1889 provided for the creation of the Justice Courts, Police Courts, 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 as City or Municipal Courts.

Judges in courts of limited jurisdiction are elected to four-year terms and are required to attend two annual training sessions supervised by the Supreme Court and administered by the Commission on Courts of Limited Jurisdiction. Failure to attend the training sessions results in disqualification of the judge from office.

In 1996, training conferences were held in Billings and Polson and covered a wide variety of legal issues facing the courts of limited jurisdiction.

Automation efforts continued throughout 1996, with twenty-five courts receiving computer equipment and software from the Supreme Court during the year. At the end of 1996, fifty-nine courts of limited jurisdiction had been automated. These efforts will continue into 1997.

BREAKDOWN OF MONTANA'S COURTS OF LIMITED JURISDICTION

MUNICIPAL COURT

One municipal court, located in Missoula. Municipal courts will be added in Billings and Kalispell in 1997.

JUSTICE OF THE PEACE COURTS

There are seventy-three justice of the peace courts; at least one in each county.

CITY COURTS

There are ninety-two city courts, with some judges serving dual roles as justices of the peace and city judges.

LIMITED COURT INFORMATION					
COUNTY	COURT	JUDGE	ELECTED OR APPOINTED	NO. OF CLERKS	BUDGET
Beaverhead	Justice Court	J. Eliel	APPOINTED	1	\$26,828.50
	Dillon City Court	V. Kozakiewicz	ELECTED	3	\$16,635
	Lima City Court	J. Huntsman	DID NOT SUBMIT REPORT		
Big Horn	Justice Court	L. Pedersen (both courts)	ELECTED	3*	\$111,383.50*
	Hardin City Court		APPOINTED	3*	\$111,383.50*
Blaine	Justice Court	P. Miller	ELECTED	1	\$43,437.50
	Justice Court	B. McGuire	ELECTED	1	\$21,910
	Harlem City Court	R. Kuntz	ELECTED	1	\$19,312
	Chinook City Court	M. Gilmore	ELECTED	1	\$6,825
Broadwater	Justice Court	J. Riddle	ELECTED	1	\$65,084
	Townsend City Court	T. Marion	APPOINTED	1	\$20,065
Carbon	Justice Court	J. Seiffert	ELECTED	2	\$84,385
	Justice Court	J. Rieger	ELECTED	1	\$15,500
	Red Lodge City Court	C. Anderson	APPOINTED	1	\$24,440
	Bridger City Court	J. Rieger	ELECTED	1	\$7,955
	Joliet City Court	J. Rieger	ELECTED	1	\$6,200
	Fromberg City Court	J. Rieger	ELECTED	1	\$5,450
Carter	Justice Court	T. Walker (both courts)	DID NOT SUBMIT REPORT		
	Ekalaka City Court		DID NOT SUBMIT REPORT		
Cascade	Justice Court	G. Vance	DID NOT SUBMIT REPORT		
	Justice Court	B. Miller	DID NOT SUBMIT REPORT		
	Belt City Court	R. Bissell	APPOINTED	1	\$3,775
	Great Falls City Court	N. Luth			
	Cascade City Court	L. Canada	APPOINTED	1	\$6600.50

*Budget and personnel information combined for courts indicated.

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LIMITED COURT INFORMATION					
COUNTY	COURT	JUDGE	ELECTED OR APPOINTED	NO. OF CLERKS	BUDGET
Chouteau	Justice Court	H. Thornton	ELECTED	0	\$18,570
	Justice Court	F. Anderson	ELECTED	1	\$39,427.50
	Big Sandy City Court	H. Thornton	APPOINTED	0	\$2,650
	Fort Benton City Court	A.E. Anderson	APPOINTED	0	\$9,776
Custer	Justice Court	J. Snell	ELECTED	1	\$61,547.50
	Miles City Court	K. Hom	ELECTED	2	\$53,170.52
Daniels	Justice Court	A. Kaul (all courts)	APPOINTED	0	\$15,788
	Peerless City Court		DID NOT SUBMIT REPORT		
	Scobey City Court		APPOINTED	0	\$6,300
	Flaxville City Court		DID NOT SUBMIT REPORT		
Dawson	Justice Court	R. Larsen (both courts)	DID NOT SUBMIT REPORT		
	Glendive City Court		DID NOT SUBMIT REPORT		
Deer Lodge	Combined Justice & City Court	K. Hart	ELECTED	2	\$85,475.98
Fallon	Justice Court	R. Rost (both courts)	ELECTED	1	\$21,909.50
	Baker City Court		ELECTED	1	\$18,398
Fergus	Justice Court	J. Shields	ELECTED	3*	\$86,258*
	Justice Court	D. Sather	ELECTED	3*	\$86,258*
	Lewistown City Court	J. Shields	ELECTED	3*	\$86,258*
	Lewistown City Court	D. Sather	ELECTED	3*	\$86,258*
Flathead	Justice Court	S. Stadler	ELECTED	4	\$185,500
	Kalispell City Court	H. Ulbricht	DID NOT SUBMIT REPORT		
	Whitefish City Court	B. Johnson	ELECTED	1	Did not report
	Columbia Falls City Court	S. Gordon	APPOINTED	2	\$61,870.50

*Budget and personnel information is combined for courts indicated.

LIMITED COURT INFORMATION					
COUNTY	COURT	JUDGE	ELECTED OR APPOINTED	NO. OF CLERKS	BUDGET
Gallatin	Justice Court	S. Wyckman G. Smith	ELECTED	Did not report	\$275,551
	W. Yellowstone City Court	L. Scott	APPOINTED	1	\$58,075
	Bozeman City Court	P. Carlson	DID NOT SUBMIT REPORT		
	Three Forks City Court	G. Smith	APPOINTED	0	\$6,340
	Belgrade City Court	G. Smith	APPOINTED	1	\$43,174
	Manhattan City Court	G. Smith	APPOINTED	0	\$12,505
Garfield	Justice Court	A. Gallinger	ELECTED	0	\$15,905
Glacier	Justice Court	W. Burns (both courts)	ELECTED	1	\$57,268.50
	Cut Bank City Court		ELECTED	1	\$58,612
Golden Valley	Justice Court	N. Lehfeldt (both courts)	ELECTED	0	\$9,985.43*
	Ryegate City Court		APPOINTED	0	\$9,985.43*
Granite	Justice Court	D. Hill	ELECTED	1*	\$32,075*
	Justice Court	S. Brown	ELECTED*	1*	\$30,550*
	Drummond City Court	D. Hill	APPOINTED	1*	\$32,075*
	Philipsburg City Court	S. Brown	ELECTED*	1*	\$30,550*
Hill	Justice Court	C. Chagnon	ELECTED	1	\$61,383
	Havre City Court	R. Nordgulen	APPOINTED	1	\$80,628
Jefferson	Justice Court	D. Giulio (all courts)	ELECTED	2	\$40,547
	Boulder City Court		APPOINTED	0	\$2,750
	Whitehall City Court		APPOINTED	0	\$2,075
Judith Basin	Justice Court	R. McIntyre	ELECTED	0	\$15,175
	Justice Court	L. Carver	ELECTED	0*	\$15,012.50*
	Stanford City Court	L. Carver	ELECTED	0*	\$15,012.50*
Lake	Justice Court	C. Whitson	ELECTED	3	\$97,587.50
	Polson City Court	D. Lucas	APPOINTED	1	\$16,277
	St. Ignatius City Court	C. Hoppe	APPOINTED	1	\$6,223
	Ronan City Court	G. Frame	APPOINTED	1	\$31,651.50

*Budget and personnel information is combined for courts indicated.

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LIMITED COURT INFORMATION

COUNTY	COURT	JUDGE	ELECTED OR APPOINTED	NO. OF CLERKS	BUDGET
Lewis & Clark	Justice Court	W. Jewell	ELECTED	2.5	\$130,385.50
	Helena City Court	M. Pitch	ELECTED	3	\$234,491
	East Helena City Court	T. Pouliot	APPOINTED	1	\$10,590
Liberty	Justice Court	N. Eveland	DID NOT SUBMIT REPORT		
	Chester City Court	N. Eveland	DID NOT SUBMIT REPORT		
Lincoln	Justice Court	L. Holder	ELECTED	2	\$86,689
	Justice Court	M. Herreid	ELECTED	3	\$65,664
	Libby City Court	F. Peck	APPOINTED	0	\$8,202
	Eureka City Court	S. Franklin	ELECTED	0	\$12,290
	Troy City Court	J. Duehr	APPOINTED	0	\$10,807.50
Madison	Justice Court	M. O'Malley	ELECTED	1	\$51,592
	Ennis City Court	J. Wilkins	DID NOT SUBMIT REPORT		
McCone	Justice Court	D. Burton (both courts)	DID NOT SUBMIT REPORT		
	Circle City Court		DID NOT SUBMIT REPORT		
Meagher	Justice Court	D. Mayn	ELECTED	0	\$21,517
	White Sulphur Springs City Court	J. Murphy	DID NOT SUBMIT REPORT		
Mineral	Justice Court	D. Abraham	ELECTED	1	\$38,114
	Alberton City Court	D. Abraham	APPOINTED	0	\$950
	Superior City Court	W. James	APPOINTED	1	\$10,933.50
Missoula	Justice Court	M. Morris	ELECTED	4	\$169,806
	Justice Court	J. Odlin	ELECTED	5	\$179,576
	Municipal Court	D. Louden	ELECTED	6	\$293,614
Musselshell	Justice Court	R. Mihalovich (all courts)	ELECTED*	1*	\$33,397.50*
	Roundup City Court		ELECTED*	1*	\$33,397.50*
	Melstone City Court		ELECTED*	1*	\$33,397.50*
Park	Justice Court	D. Egeland	ELECTED	3	\$81,611
	Livingston City Court	N. Travis	ELECTED	1	\$47,121

*Budget and personnel information is combined for courts indicated.

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LIMITED COURT INFORMATION					
COUNTY	COURT	JUDGE	ELECTED OR APPOINTED	NO. OF CLERKS	BUDGET
Petroleum	Justice Court	L. Poulton (both courts)	ELECTED	0	\$11,100
	Winnett City Court		ELECTED	0	\$100
Phillips	Phillips Co. Justice Court	Stahl (both courts)	ELECTED	1	\$41,000
	Malta City Court		DID NOT SUBMIT REPORT		
Pondera	Justice Court	M.A. Ries (all courts)	ELECTED	1	\$36,193.50
	Conrad City Court		ELECTED	0	\$7,600
	Valier City Court		APPOINTED	0	\$300
Powder River	Justice Court	P. Jones	ELECTED	1	\$35,185
	Broadus City Court	R. McEuen	APPOINTED	0	\$5,175
Powell	Justice Court	T. McGillis (both courts)	ELECTED	1	\$50,326
	Deer Lodge City Court		APPOINTED	1	\$16,802
Prairie	Justice Court	F. Fleckenstein (both courts)	DID NOT SUBMIT REPORT		
	Terry City Court		DID NOT SUBMIT REPORT		
Ravalli	Justice Court	E. Sperry	DID NOT SUBMIT REPORT		
	Justice Court	N. Sabo	DID NOT SUBMIT REPORT		
	Pinesdale City Court	T. Warner	DID NOT SUBMIT REPORT		
	Hamilton City Court	M. Bethel	APPOINTED	2	\$72,751
	Stevensville City Court	R. Bardsley	APPOINTED	0	\$9,900
	Darby City Court	B. Kohn	DID NOT SUBMIT REPORT		
Richland	Justice Court	G. Mohr	ELECTED	1	\$63,286
	Fairview City Court	N. Christmann	ELECTED	0	\$8,065
	Sidney City Court	G. Mohr	APPOINTED	1	\$3,245
Roosevelt	Justice Court	B. Waldhausen	ELECTED	1	\$72,900
	Justice Court	R. Johnson	DID NOT SUBMIT REPORT		
	Wolf Point City Court	R. Johnson	DID NOT SUBMIT REPORT		
	Poplar City Court	N. Nickoloff	DID NOT SUBMIT REPORT		
	Culbertson City Court	B. Waldhausen	APPOINTED	0	\$2,800

*Budget and personnel information is combined for courts indicated.

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LIMITED COURT INFORMATION					
COUNTY	COURT	JUDGE	ELECTED OR APPOINTED	NO. OF CLERKS	BUDGET
Rosebud	Justice Court	D. Polley	ELECTED	1	\$54,350
	Justice Court	G. Beckham	ELECTED	1	\$64,923.50
	Forsyth City Court	V. Schiffer	APPOINTED	0	\$11,175
Sanders	Justice Court	B. Beitz (all courts)	ELECTED	2	\$52,329
	Thompson Falls City Court		APPOINTED	0	\$4,470
	Plains City Court		APPOINTED	0	\$10,493
	Hot Springs City Court		APPOINTED	0	\$2,600
Sheridan	Justice Court	T. Robertson D. Christman	ELECTED	1	\$41,790
	Plentywood City Court	T. Robertson	ELECTED	0	\$11,300
Silver Bow	Justice Court	M. Bartholomew	ELECTED	1	\$75,466.25
	Justice Court	M. Mooney	ELECTED	1	\$75,466.25
	Butte City Court	J. Russell/D. Sweeney	APPOINTED	1	\$77,580
Stillwater	Justice Court	M. Kober (both courts)	ELECTED	2	\$62,307
	Columbus City Court		APPOINTED	1	\$17,056
Sweet Grass	Justice Court	R. McLees (both courts)	ELECTED	0	\$31,037
	Big Timber City Court		APPOINTED	0	\$5,079
Teton	Justice Court	J. Howard (all courts)	ELECTED	1	\$43,354
	Fairfield City Court		APPOINTED	0	\$4,150
	Choteau City Court		APPOINTED	0	\$5,300
	Dutton City Court		APPOINTED	0	\$300
Toole	Justice Court	S. Pedersen (all courts)	ELECTED	1	\$34,050
	Shelby City Court		APPOINTED	1	\$12,767
Treasure	Justice Court	W. Etter (both courts)	ELECTED	0	\$17,488.50
	Hysham City Court		APPOINTED	0	\$1,500

*Budget and personnel information is combined for courts indicated.

LIMITED COURT INFORMATION					
COUNTY	COURT	JUDGE	ELECTED OR APPOINTED	NO. OF CLERKS	BUDGET
Valley	Justice Court	T. Grewe	ELECTED	1	\$41,977.07
	Glasgow City Court	S. Dolan	APPOINTED	0	\$26,676
	Nashua City Court	T. Grewe	APPOINTED	0	\$1,200
	Fort Peck City Court	T. Grewe	APPOINTED	0	\$1,200
Wheatland	Justice Court	L. Jenkins	ELECTED	1	\$17,350
	Harlowton City Court	R. Egebakken	APPOINTED	0	\$7,450
Wibaux	Justice Court	B. Franks (both courts)	ELECTED	1	\$25,490
	Wibaux City Court		APPOINTED	1	\$5,450
Yellowstone	Justice Court *	J. Eschler	ELECTED	8*	\$363,723*
	Justice Court *	P. Hernandez	ELECTED	8*	\$363,723*
	Laurel City Court	L. Herman	ELECTED	1	\$75,335
	Billings City Court	G. Stewart	ELECTED	6	\$433,748

*Budget and personnel information is combined for courts indicated.

SOURCE FOR DATA: This information was provided to the Court Administrator's Office by each court, pursuant to § 3-1-703, MCA.

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LIMITED COURT CASELOAD INFORMATION				
COUNTY	COURT	TOTAL CRIMINAL CASES FILED	TOTAL CIVIL CASES FILED	TOTAL SMALL CLAIMS CASES FILED
Beaverhead	Justice Court	1,573	252	40
	Dillon City Court	769	0	0
	Lima City Court	DID NOT REPORT		
Big Horn	Justice Court	1,332	55	41
	Hardin City Court	976	0	0
Blaine	Justice Court	1,046	48	26
	Justice Court *	149	0	0
	Harlem City Court	358	2	0
	Chinook City Court *	311	4	0
Broadwater	Justice Court	1,266	60	27
	Townsend City Court	247	0	0
Carbon	Justice Court	1,461	70	20
	Justice Court	356	1	0
	Red Lodge City Court	656	2	0
	Joliet City Court	207	0	0
	Fromberg City Court	230	0	0
	Bridger City Court	224	0	0
Carter	Justice Court	DID NOT REPORT		
	Ekalaka City Court	DID NOT REPORT		
Cascade	Justice Court *	DID NOT REPORT		
	Justice Court *	DID NOT REPORT		
	Belt City Court *	121	0	0
	Great Falls City Court	22,058	303	0
	Cascade City Court	DID NOT REPORT		

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LIMITED COURT CASELOAD INFORMATION				
COUNTY	COURT	TOTAL CRIMINAL CASES FILED	TOTAL CIVIL CASES FILED	TOTAL SMALL CLAIMS CASES FILED
Chouteau	Justice Court	750	43	7
	Justice Court	205	0	0
	Big Sandy City Court	60	0	0
	Fort Benton City Court	328	0	0
Custer	Justice Court	1,716	229	49
	Miles City Court	DID NOT REPORT		
Daniels	Justice Court	233	2	20
	Scobey City Court	52	0	0
Dawson	Justice Court	1,816	154	46
	Glendive City Court	1,060	12	5
Deer Lodge	Combined Justice & City Court ★	3,178	294	20
Fallon	Justice Court	259	22	23
	Baker City Court	214	12	13
Fergus	Justice Court	966	144	39
	Justice Court	911	138	31
	Lewistown City Court	492	0	0
	Lewistown City Court	562	0	0
Flathead	Justice Court	3,960	2,848	0
	Kalispell City Court	5,500	31	0
	Whitefish City Court ✓	2,671	0	0
	Columbia Falls City Court	2,064	15	1

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LIMITED COURT CASELOAD INFORMATION				
COUNTY	COURT	TOTAL CRIMINAL CASES FILED	TOTAL CIVIL CASES FILED	TOTAL SMALL CLAIMS CASES FILED
Gallatin	Justice Court	6,067	873	0
	Justice Court	DATA FOR COURT #2 IS INCLUDED IN THE FIGURES ABOVE		
	W. Yellowstone City Court	429	9	0
	Bozeman City Court ✓	4,016	56	0
	Three Forks City Court §	90	0	0
	Belgrade City Court	732	2	1
	Manhattan City Court ¹	96	0	0
Garfield	Justice Court	511	2	9
Glacier	Justice Court	1,037	136	18
	Cut Bank City Court	1,210	0	0
Golden Valley	Justice Court §	91	1	1
	Lavina City Court	0	0	0
	Ryegate City Court	0	0	0
Granite	Justice Court	871	45	2
	Justice Court ✓	514	11	0
	Drummond City Court ¹	49	2	0
	Philipsburg City Court	98	0	0
Hill	Justice Court	2,729	379	13
	Havre City Court	2,500	14	2
Jefferson	Justice Court	1,910	106	28
	Boulder City Court	188	0	0
	Whitehall City Court	186	0	0
Judith Basin	Justice Court	217	2	4
	Justice Court	DID NOT REPORT		
	Stanford City Court	DID NOT REPORT		

LIMITED COURT CASELOAD INFORMATION				
COUNTY	COURT	TOTAL CRIMINAL CASES FILED	TOTAL CIVIL CASES FILED	TOTAL SMALL CLAIMS CASES FILED
Lake	Justice Court	2,205	480	35
	Polson City Court	482	15	0
	St. Ignatius City Court	143	3	0
	Ronan City Court	792	0	0
Lewis & Clark	Justice Court	4,173	1,093	118
	Helena City Court	8,267	68	0
	East Helena City Court	301	0	0
Liberty	Justice Court	DID NOT REPORT		
	Chester City Court	DID NOT REPORT		
Lincoln	Justice Court	2,386	374	56
	Justice Court	525	49	131
	Libby City Court	717	2	0
	Eureka City Court	159	1	0
	Troy City Court	463	13	0
Madison	Justice Court	998	77	27
	Ennis City Court	DID NOT REPORT		
McCone	Justice Court	54	0	0
	Circle City Court	138	8	0
Meagher	Justice Court	207	30	14
	White Sulphur Springs City Court	DID NOT REPORT		
Mineral	Justice Court	1,696	80	38
	Superior City Court	104	9	2
Missoula	Justice Court	3,368	595	58
	Justice Court	3,809	832	73
	Municipal Court	7,311	1,474	0

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LIMITED COURT CASELOAD INFORMATION				
COUNTY	COURT	TOTAL CRIMINAL CASES FILED	TOTAL CIVIL CASES FILED	TOTAL SMALL CLAIMS CASES FILED
Musselshell	Justice Court	490	77	29
	Melstone City Court	14	0	0
	Roundup City Court	301	8	4
Park	Justice Court	2,682	275	0
	Livingston City Court	1,734	11	0
Petroleum	Justice Court	120	2	0
	Winnett City Court	0	0	0
Phillips	Justice Court	940	23	65
	Malta City Court ✓	132	0	0
Pondera	Justice Court	1,006	83	30
	Conrad City Court	341	0	0
	Valier City Court	0		
Powder River	Justice Court ★	560	7	4
	Broadus City Court	9	0	0
Powell	Justice Court ¹	1,244	197	121
	Deer Lodge City Court ¹	619	0	0
Prairie	Justice Court	416	5	5
	Terry City Court	33	0	0
Ravalli	Justice Court	DID NOT REPORT		
	Justice Court	DID NOT REPORT		
	Pinesdale City Court	DID NOT REPORT		
	Hamilton City Court	1,004	42	0
	Stevensville City Court ★	295	8	0
	Darby City Court	DID NOT REPORT		
Richland	Justice Court	1,099	131	43
	Fairview City Court ★	132	12	0
	Sidney City Court	1,083	6	10

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LIMITED COURT CASELOAD INFORMATION				
COUNTY	COURT	TOTAL CRIMINAL CASES FILED	TOTAL CIVIL CASES FILED	TOTAL SMALL CLAIMS CASES FILED
Roosevelt	Justice Court	411	8	5
	Justice Court	317	66	19
	Wolf Point City Court	141	0	0
	Poplar City Court§	9	0	0
	Culbertson City Court	107	0	0
Rosebud	Justice Court	678	74	29
	Justice Court	921	32	14
	Forsyth City Court	140	0	1
Sanders	Justice Court	292	212	0
	Thompson Falls City Court	120	0	0
	Plains City Court	152	0	0
	Hot Springs City Court	178	0	0
Sheridan	Justice Court	369	21	35
	Plentywood City Court	107	2	0
Silver Bow	Justice Court	185	702	135
	Justice Court	251	589	81
	Butte City Court	2,654	0	0
Stillwater	Justice Court	1,909	146	65
	Columbus City Court	388	1	0
Sweet Grass	Justice Court	976	30	7
	Big Timber City Court	65	0	0
Teton	Justice Court	554	54	41
	Fairfield City Court	11	0	0
	Choteau City Court	158	0	0
	Dutton City Court	0	0	0

LIMITED COURT CASELOAD INFORMATION				
COUNTY	COURT	TOTAL CRIMINAL CASES FILED	TOTAL CIVIL CASES FILED	TOTAL SMALL CLAIMS CASES FILED
Toole	Justice Court	1,156	135	1
	Shelby City Court	233	0	0
Treasure	Justice Court	522	6	5
	Hysham City Court	7	0	0
Valley	Justice Court	788	39	35
	Glasgow City Court	682	7	0
	Nashua City Court	18	0	0
	Fort Peck City Court	13	0	0
Wheatland	Justice Court ✓	656	10	32
	Harlowton City Court	49	1	2
Wibaux	Justice Court	222	9	23
	Wibaux City Court	167	0	0
Yellowstone	Justice Court	4,495	2,243	240
	Justice Court	4,249	2,014	226
	Laurel City Court	1,097	30	0
	Billings City Court	16,826	49	0
TOTALS:		178,705	18,943	2,345

- * Data is combined for courts indicated.
- § Reported caseload data for one month.
- ⊗ Reported caseload data for six months out of twelve.
- ✓ Reported caseload data for nine months out of twelve.
- 1 Reported caseload data for ten months out of twelve.
- ★ Reported caseload data for eleven months out of twelve.

SOURCE FOR DATA: All data provided by monthly caseload reports submitted to the Court Administrator's Office by each court, pursuant to §3-1-703, MCA.

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 adjudications, 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 water rights that were in existence in 1973. The water court has exclusive jurisdiction to interpret and determine existing water rights.

Montana is divided into four major water divisions: the Yellowstone River Basin, the Lower Missouri River Basin, the Upper Missouri River Basin, and the Clark Fork River Basin.

The Chief Water Judge serves a four-year term and is appointed by the Chief Justice of the Supreme Court from a list of nominees submitted by the Judicial Nomination Commission. Water judges are designated for each water division by a majority vote of a committee composed of the District Judge from each single-judge district and the Chief District Judge from each multiple-judge 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 or preliminary decree of water rights. The Clerk of the Water Court and his or her deputies function in a manner similar to the Clerk of the District Court.

Funding for the water court is derived from special revenue sources which include coal tax money, resource indemnity trust money, and various other sources of bond and income revenues.

The adjudication of federal reserved water rights is suspended until 1999 while the State of Montana and the federal and tribal authorities negotiate compacts regarding federal reserved water rights. 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. The State of Montana and the United States of America National Park Service entered into a compact in 1993. These compacts quantified the reserved water rights of the tribes and certain National Park Service lands and were approved by the Montana legislature.

WORKERS' COMPENSATION COURT

The Forty-Fourth Legislative Assembly created the Office of the Workers' Compensation Court on July 1, 1975 to adjudicate disputes arising out of Workers' Compensation and Occupational Disease Benefit Programs. The Workers' Compensation Court has exclusive jurisdiction to make original determinations in disputes involving payment of workers' compensation benefits under Title 39, Chapter 71 and to judicially review administrative agency decisions made under Title 39, Chapters 72 and 74.

To accomplish legislative intent, the Office of the Workers' Compensation Court is organized and functions in much the same way as a district court, except that it follows the appropriate provisions of the Montana Administrative Procedures Act. Legislative changes in 1987 provide that statutory and common law rules of evidence apply.

The Workers' Compensation Judge serves a six-year term and is appointed by the Governor from a list of nominees submitted by the Judicial Nomination Commission. The Workers' Compensation Judge must have the same qualifications necessary to hold the office of District Court Judge. Effective January 1, 1990, the Office of the Workers' Compensation Judge was assigned to the Department of Labor and Industry for administrative purposes only.

ASSOCIATIONS OF COURT PERSONNEL

MONTANA JUDGES ASSOCIATION

The Montana Judges 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 continuing legal education credits for two seminars presented at the meetings.

Officers of the Montana Judges Association for the term of October 1996 through September 1997 are:

President:	Thomas Olson 18th Judicial District
Vice President:	John Henson 4th Judicial District
Secretary:	John Warner 12th Judicial District
Treasurer:	Ted Mizner 3rd Judicial District

MONTANA MAGISTRATES ASSOCIATION

The Montana Magistrates Association(MMA) comprises the Justices of the Peace, City Judges, and the Municipal Judges in the state. The Association meets annually at the Fall Judicial Education Conference and has district meetings in each district on a regular basis. The MMA works closely with the Supreme Court Commission on Courts of Limited Jurisdiction to ensure that all judges perform their duties in a professional and knowledgeable manner.

MONTANA ASSOCIATION OF CLERKS OF THE DISTRICT COURT

The Montana Association of Clerks of District Court convened in Lewistown on May 14-15th, 1965, for an organizational meeting. The Association has met annually since that time, and Glendive hosted the 31st annual convention June 10-14th, 1996. The 32nd annual convention will be in Chinook, Montana, starting June 9th, 1997.

In 1973, a committee compiled the first handbook for Clerks of Court. The handbook is continually updated and is kept current through revisions. In 1976, the Clerks of Court began to actively work with the Court Administrator's Office.

In 1993, the Clerks appointed an Automation Committee to work with and through the Court Administrator's Office on court technology. As of December 31, 1996, forty-four counties will be automated, many with a network. The remainder will be automated during the first few months of 1997.

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

1996-1997 Officers are:

President	Kay O'Brien Johnson Blaine County
1st Vice President	Sheila Brunkhorst Beaverhead County
2nd Vice President	Carole Carey Carter County
Secretary	Peg Allison Flathead County
Treasurer	Emile Kimmert Teton County

STATE LAW LIBRARY

The State Law Library, by statute, is to maintain an adequate legal collection and provide those library services that will fulfill the needs of the Supreme Court, the Legislature, state officers and employees, members of the Bar, and the general public (MCA 23-1-501 et seq.). The Justices of the Montana Supreme Court serve as the Library's Board of Trustees. A smaller Library Committee works with the Director (the State Law Librarian), to establish appropriate policies. This year, that Committee included Justices Erdmann, Gray and Trieweiler.

Founded in 1866, the Law Library celebrated its 130th anniversary this year with a public reception and publicity in Montana's newspapers and legal press. Being the oldest library in the state and yet still evolving presents to the Library's staff a continuing challenge of remaining accessible and relevant to a constituency that does not share equal footing on the Information Highway. Thus, 1996 saw more than 22,000 books in actual use, 1,230 fax requests transmitted, and a 10% increase to 47,118 in pages photocopied for off-site customers. At the same time, the Library's Internet presence was improved with a redesigned home page and the addition of the opinions of the Montana Supreme Court, as well as dozens of links to relevant legal Internet sites. The fact that the Law Library's online public access catalog is now searchable from the Internet helps to fulfill the goal of providing a library without walls to Montana's citizens. The Library's Internet address is: <http://www.lawlibrary.mt.gov>.

More than 25,000 in-person visits were made to the Library this year. The ratio of non-legally trained researchers to those who have attended law school continues to climb, and in turn presents a challenge to the staff in providing adequate reference assistance. Researchers tend to mirror society's concerns and litigiousness, which continue to escalate. The Library's staff, however, numbers the same as it did a dozen years ago, when library use and demand was half of what it is at this time.

This year, the Library's director and State Law Librarian, Judith Meadows, was elected President of the 5,000 member American Association of Law Libraries. Just as A.A.L.L. is recognized as the leader in the areas of legal research and law-related information management and retrieval, so is the State Law Library recognized within the sphere of Montana.

STATE BAR OF MONTANA

History and Purpose

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 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 continuing legal education of members of the Bar; and, to insure that the responsibilities of the legal profession to the public are effectively discharged.

GOVERNANCE

The State Bar is governed by a twenty-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 fifteen 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 are earmarked for this program. From its inception through October 31, 1996, more than \$400,000 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 5,000 calls and makes approximately 3,500 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.
- Character and fitness reviews to determine if the 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, practice manuals, and ethics opinions.

MEMBERSHIP DATA

As of October 31, 1996, State Bar membership totaled 3,499. Of this number, 2,652 were in-state members and 847 were out-of-state members. Of the same total, 2,804 were active members, 541 were inactive members, 106 had judicial status, 39 had new status, and 9 had veteran status.

FINANCIAL INFORMATION

Annual dues are \$120 for active members and \$50 for inactive members. Judicial members do not pay dues while serving on the bench. (These assessments are in addition to the statutorily mandated \$25 paid to the Clerk of Court for lawyer license fee.)

Dues income constitutes the major source of income to the State Bar. Other revenue sources include income from State Bar continuing legal education programs and the sale of publications.

PRESIDENTS OF THE ASSOCIATION

Past presidents of the association since 1990 are as follows:

1990-91	Damon L. Gannett	Billings
1991-92	James W. Johnson	Kalispell
1992-93	Sherry S. Matteucci	Billings
1993-94	Robert M. Carlson	Butte
1994-95	Robert J. Phillips	Missoula
1995-96	Gary L. Day	Miles City
1996-97	Donald D. MacIntyre	Helena

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. 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 seventeen in the first year of its existence, the School of Law rapidly grew until 1970 when the law faculty voted to cap admission to the first year program at seventy-five students. Since 1970, the number of applications to the Law School has far exceeded the number of positions available in the first year class. In 1996, 478 applicants applied for the seventy-five available positions in the first year class. At least fifty of those seventy-five seats are for Montana residents.

Although the Law School ranks among the smallest American Bar Association approved law schools in the nation, its student population is diverse. The average age of entering law students is twenty-seven, suggesting that many students enter law school after engaging in other careers.

The first female student was admitted to the Law School in 1913, and female students currently comprise 44% of the Law School's student population. Women also make up 40.1% of the faculty.

Minority students accounted for approximately 11% of first year students in 1996. Over one-half of these minority students are Native Americans. The Law School is committed to a strong Indian Law Program. In addition to courses in Indian Law, the Law School has for the last decade operated an Indian Law Clinic as part of its clinical education program. While providing valuable services to the various tribal courts and governments, the Indian Law Clinic provides students with the opportunity to develop knowledge and skills which will prepare them for work on or near Montana's seven Indian reservations.

The curriculum evolving from efforts to design an effective curriculum to prepare students for the modern law practice has attracted national attention. For example, the October 1990 issue of Prentice Hall's publication, Lawyer Hiring and Training Report, included the University of Montana Law School in a profile of the three law schools considered to be the most innovative law schools in the nation. The

Law School was one of the small number of law schools whose curricular efforts were featured at the 1991 Association of American Law Schools annual meeting in Washington, D.C. The August 1992 report of the American Bar Association, *Task Force on Law Schools and the Profession: Narrowing the Gap*, cites the University of Montana School of Law curriculum efforts. These successes were further recognized when the National Jurist/Princeton Review ranked the law school in the top 10% of accredited law schools in the nation.

The Law School's emphasis in recent years on 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; in 1990, the team placed second; and in 1996, the team placed third. Other University of Montana Law School teams have won regional competitions in 1993 and 1996. This record of accomplishment reflects the integrity of the school's students, faculty, and curriculum.

Faculty are leaders in law reform in Montana and in the nation. They have initiated law reform within the state, have served on the Uniform Law Commission and as consultants to the American Law Institute, have testified before major congressional committees, have provided scholarly leadership nationally in the area of civil justice reform, and have assisted tribal governments in developing tribal constitutions and codes, as well as having assisted in development of an inter-tribal court for the tribes of Montana and Wyoming.

Public education regarding the law school continues to be a priority for the School of Law. In recent years the Law School has sponsored or co-sponsored public conferences on a variety of topics, including the public's right to know versus the right to privacy, a patient's right to choose medical treatment, national health care policy, and securities regulation. Each year, the Law School, the Western Montana Bar Association, and the Montana Trial Lawyers conduct a seven-week "Citizens Law School" program addressing a wide range of common legal problems. Hundreds of citizens have taken advantage of this program.

The University of Montana School of Law has a long and proud tradition of education and public service. Together with the Judiciary and the State Bar of Montana, 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.