

State of Montana



DISTRICT COURT COUNCIL

Minutes of January 25, 2002
Old Livestock Building
1310 East Lockey
Helena, MT 59620

DCC Voting Members Present:

Chief Justice Karla M. Gray, Montana Supreme Court
The Honorable Diane Barz, District Court Judge, 13th Judicial District
The Honorable Thomas McKittrick, District Court Judge, 7th Judicial District
The Honorable Ed McLean, District Court Judge, 4th Judicial District
The Honorable John Warner, District Court Judge, 12th Judicial District

DCC Non-voting Members Present:

Lori Maloney, Silver Bow County Clerk of District Court, Butte
Tim Smith, Court Reporters Association, Billings
Glen Welch, Juvenile Probation Officers Association, Missoula

Staff:

Rick Lewis, Supreme Court Administrator
Beverley Boyd, Court Services Director
Beth McLaughlin, Human Resource Director
Lisa Smith, Operations Manager
Greg Whipple, District Court Program Manager
Jane M. Hayden, Program Specialist
Shelly Hinson, Administrative Assistant, Court Administration

Guests:

L. Harold Beattie, Montana Association of Counties (MACO), Helena
Dorothy Bradley, Gallatin County Court Administrator, Bozeman
Matt Bugni, Office of Budget and Program Planning, Governor's Office
Tim Callahan, State Representative, Juvenile Probation Office, Helena
Connie Erickson, Legislative Services Division, Legislative Branch, Helena
Gerald Kuban, National Center for State Courts, via conference call
Dick Meeker, Lewis & Clark Youth Court, Helena
Sandra Oitzinger, ED, M&POA, Helena
Bob Tobin, National Center for State Courts, via conference call

Introduction of New Employees

Rick introduced three new staff members to the Court Administrator's Office: Beverley Boyd, Court Services Director; Greg Whipple, District Court Program Manager; and Beth McLaughlin, Human Resource Director.

Comprehensive Work Plan

Beverley Boyd and Greg Whipple presented an updated comprehensive work plan to implement the state assumption of the district court expenses. The work plan was revised to include new or updated major milestones with quantifiable timeframes and goals. The implementation plan includes the steps for completing the DC budget, procurement procedures, staff training, and information technology assessments.

National Center for State Courts

Chief Justice Gray and Rick Lewis announced their intention to retain the services of the National Center for State Courts (NCSC). The NCSC will provide consultant services in budgeting and human resource matters related to the state assumption project. Gerald Kuban, NCSC consultant, explained the methodology that will be used to compile data to establish job classifications and salaries for existing and new state employees involved with the state assumption.

Information Technology

Judge McLean expressed concern that the district courts are not using standardized software programs and computer systems. There was a brief discussion regarding the December 4, 2001, Montana Supreme Court order adopting information technology standards in the Montana judiciary.

Chief Justice Gray stated that the surcharge fee of \$5.00 needs to be retained and may need to be increased to \$10.00 next year.

To do: Rick Lewis was requested to draft a memo to the district court judges, clerks of the district courts and limited jurisdiction court judges explaining delays in implementation of Standard II, Number 7, the use of Microsoft Word.

Beverley Boyd will obtain recent Arizona research regarding automation funding sources.

Tim Smith is to supply a court reporter directory of independent contractors.

Court Reporters

1. Workers Compensation There was a discussion as to whether court reporters should be covered by workers compensation. Chief Justice Gray read the section in HB 176, which requires court reports to be covered by workers compensation.

2. Transcript Fee Policy Tim Smith stated that transcription preparation duties are not counted toward regular work hours and are separately compensated.

A. Motion to Adopt: Judge Barz proposed the DCC adopt as the Court Reporters' Transcript Fees Policies 1.0 through 3.1 without change and change 4.0 by attaching a copy of Section 3-5-604, MCA, in its entirety. Judge McLean so moved, Judge McKittrick seconded. No discussion. Motion passed. (Attach copy of Section 3-5-604, MCA to the adopted policies).

3. Equipment Policy There were three motions to modify as follows:

A. Motion to Modify: Judge Barz proposed the DCC adopt the Court Reporters' Equipment Policies 1.0 through 3.1, and 3.3 without change and to amend the first paragraph of 3.2 Equipment Provided, as follows:

"The state shall provide all equipment and supplies for each state employee who elects to forego transcription fees. This includes equipment used in both preserving the court record and producing the court record. The state shall establish a routine replacement schedule for the equipment and ensure appropriate maintenance is performed and provided for on the equipment. During fiscal year 2003 only, subject to funding availability, the state will purchase stenographic equipment from court reporters desiring to sell the same."

Judge McLean so moved. Judge Warner seconded. Discussion. Motion passed.

B. Motion to Modify: Judge McLean proposed the DCC adopt the Court Reporters' Equipment to amend the second paragraph of 3.2 Equipment Provided, as follows:

"The state shall provide only the equipment and supplies necessary to preserve the court record for those state employees electing to retain their transcription fees, unless the equipment is shared. State employees who elect to retain transcription fees shall provide their own equipment to provide those services associated with producing the court record. The state will cover the costs of steno paper, ink, maintenance and/or maintenance agreements as to the stenographic machine."

Judge McLean so moved. Judge Warner seconded. Discussion. Motion passed.

C. Motion to Modify: Judge Barz moved to strike the entire 3.3 Transition and renumber. Judge Warner seconded. Motion passed.

Judge Barz also moved that the DCC under the Court Reporters' Equipment strike the fourth sentence in paragraph 3.4 Shared Equipment. Paragraph 3.4 changed to read as follows:

"Each judicial district shall evaluate the cost/benefit of using shared equipment. Shared equipment can include any of the equipment necessary to preserve or produce the court record. In some instances it may be more cost-effective to purchase a piece of equipment that can be used by the district court and the court reporter. In those cases, the state and the court reporter shall document their agreement to share the equipment and associated costs. Examples of

shared equipment include, but are not limited to copiers, printers, computer-assisted transcription software, stenographic machines, etc."

Judge McLean moved. Judge Warner seconded. Discussion. Motion passed.

4. Work Schedules There were two motions to modify as follows:

A. Motion to Modify: Judge Warner moved to strike second half of the last sentence of the first paragraph of 3.3 Compensation, it will read as follows:

"The hours a state employee performs court reporting transcripts preparation duties shall be considered as hours worked if that employee elected to retain transcript fees established in state law and the hours spent performing such duties are outside of the hours such employee performs other work. These hours do not count towards overtime calculations."

Judge McKittrick seconded. No further discussion. Motion passed.

B. Motion to Modify: Judge Warner moved to add a bullet to 3.6 Independent Work that states:

"Duties required by state employment shall receive priority."

Judge McKittrick seconded. No further discussion. Motion passed.

5. General Motion to Adopt Three Court Reporter Policies

Judge Warner moved to adopt the three Court Reporter Policies.

Judge McKittrick seconded. No further discussion. Motion passed.

Judge McLean moved that court reporter policies be sent to the Montana Supreme Court for adoption and dispersion. Judge Warner seconded. Five voting members to contact Beverley Boyd and Greg Whipple after reviewing amended policies. Discussion. Motion passed.

Judge McLean moved to adopt November 11, 2001, meeting minutes.

Chief Justice Gray seconded. No discussion. Motion passed.

Schedule

Meeting scheduled for May 10, 2002.

Adjournment

Judge McLean moved to adjourn. Judge Warner seconded. Meeting adjourned at 12:05 PM.