

State of Montana



DISTRICT COURT COUNCIL

**Minutes of April 18, 2003
Justice Building 215 N. Sanders
Attorney's Lounge on 4th Floor
Helena, MT 59601**

DCC Voting Members Present:

The Honorable Karla Gray, Chief Justice, Supreme Court
The Honorable Diane Barz, District Court Judge, 13th 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, Clerk of the District Court, Butte
Mike Hutchin, County Commissioner, Polson

Staff:

Beverley Boyd, Court Services Director
Dan Chelini, Information Technology Director
Beth McLaughlin, Human Resources Director
Lisa Smith, Administrative Services Director
Shelly Hinson, Administrative Assistant

Guests:

Joe Connell, Juvenile Probation, Helena
Gordon Morris, MaCO, Helena
Harold Blattie, MaCO, Helena
Jim Oppedahl, Board of Crime Control, Helena

I. Welcome

The District Court Council met on Friday, April 18, 2003, at 8:00 a.m. at the Justice Building, 215 N. Sanders, Helena, MT 59601 in the Attorney's Lounge on the 4th floor. Chairperson Chief Justice Karla M. Gray called the meeting to order. A quorum being present, the meeting duly convened and business was transacted as follows:

Introductions

Chairperson Chief Justice Karla M. Gray introduced Jim Oppedahl who will begin his duties as the Court Administrator on May 5, 2003.

II. Approve February 21, 2003 DCC Minutes

II.(a) Motion to Adopt: Judge John Warner, District Court Council Member, moved to adopt the February 21, 2003 District Court Council minutes as presented. Judge Ed McLean seconded. Judge McLean called the question. No further discussion. Motion passed unanimously.

III. Legislation Update

Chief Justice Karla Gray reported on the following bills:

1. **HB149** - Revise sentence review process – **Passed.**
2. **HB156** – Clarify youth court act-revise misdemeanor commitment to correctional facility. – **Passed.**
3. **HB224** – Special Masters Bill. – **Passed.**
4. **HB369** – Add surcharge fee in the amount of \$10.00 to speeding violations. **Passed.**
5. **HB489** – To remove the 1998-1999 language relating to reimbursement of civil jury trial fees under state assumption. **Returned to First House with Second House Amendments.**
6. **HB715** – Introduced by Joe Balyeat to revise the salaries of the Chief Justice and Justices of the Montana Supreme Court to a grade 11 for the Chief Justice and a grade 10 for the Justices. – **Probably dead.**
7. **SB18** – Section 62 mandate on Youth Court proceedings and the involuntary commitment proceedings. No executive action has been taken on the bill. – **Tabled.**
8. **SB19** – Cleanup bill. – **Passed.**
9. **SB20** – Exemption from the state procurement act for independent contract court reporters. – **Passed.**
10. **SB36** – Workers Comp/Water Commissioners Bill. This bill is in the House. – **Passed.**
11. **SB147** – Redistricting of district courts bill. Heard on January 16th and referred to a subcommittee. - **Probably Dead.**

12. **SB218** – Bill to create a Public Defender system. - **In Second House Committee—Tabled.**
13. **SB388** – Bill to transfer Juvenile Probation to the Department of Corrections. Chief Justice Karla Gray believes that the bill will either die or they will give parents additional rights. - **In First House Committee—Tabled.**
14. **SB490** - Revise district court expenses - create special revenue account - **In Second House--Out of Committee.**

IV. Uniform Reporting Standards

District Court Judge, Ed McLean reported that Shirley Faust, District Court Clerk for Missoula County, is doing a phone survey with the other District Court Clerks to find out how they are reporting their cases. Judge Ed McLean said the survey should be completed by the next meeting and there will be a report presented to the District Court Council for review.

V. Break

VI. Budget and Reimbursement

Lisa Smith provided the Council with a State District Court Program budget status report regarding fixed costs.

Lisa requested from the Council authorization to pay one month of reimbursement costs to the Counties.

Motion: Judge Diane Barz, District Court Council Member, moved to pay the county reimbursements for public defender costs at 100% until there is a report next month. Judge John Warner seconded the motion. There was discussion of this payment procedure between the Council members. Judge Ed McLean called the question. Motion passed unanimously.

Lisa Smith asked the council to advise on reimbursement of adult guardianship appointed costs. These costs are not state assumed. The Council agreed these costs should not be reimbursed. Chief Justice Karla Gray suggested the topic be presented at a judge's conference for discussion.

The Council discussed Judge John Warner's draft memo regarding the budget process for the judicial districts for the 2005 biennium.

Motion: Judge Diane Barz, District Court Council Member, moved to adopt Judge John Warner's draft memo as an interim of a policy until an appropriate budget policy can be adopted. Judge Ed McLean seconded the motion. Judge Ed McLean called the question. Motion approved unanimously.

Chief Justice Karla Gray informed the council that the memo would be sent out to the District Court Judges and Court Administrators.

VII. Court Reporter Transcripts

Beth McLaughlin reported that judges have asked if their court reporter would be allowed to do their private work during state time. The Council agreed that if a court reporter is going to do their private work during state time, they are required to use that time as annual leave or leave without pay.

VIII. Other Business

Glen Welch was not present at the meeting and the Council was unaware of what the subject was that he was going to discuss.

Mike Hutchins was informed that the public defenders were not going to be reimbursed by the state for representing the counties for the ACLU lawsuits.

The next District Court Council meeting is scheduled for May 15th at 8:30 a.m. at the Kwataqnuq resort in Polson. The meeting will take place prior to the beginning of the judges' conference at 10:00 a.m. The following District Court Council meetings will take place on June 20th and July 18th in the attorney's lounge on the 4th floor of the Justice building, 215 N. Sanders, Helena, MT. There will not be a meeting in the month of August.

IX. Adjourn

Meeting adjourned at 10:15 a.m. by order of the Chair, Chief Justice Karla Gray.