

# State of Montana



## DISTRICT COURT COUNCIL

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**Minutes of January 17, 2003  
Old Livestock Building  
1310 East Lockey  
Helena, MT 59620**

**DCC Voting Members Present:**

The Honorable Karla Gray, Chief Justice, Supreme Court  
The Honorable Diane Barz, District Court Judge, 13<sup>th</sup> Judicial District  
The Honorable Thomas McKittrick, District Court Judge, 8<sup>th</sup> Judicial District  
The Honorable Ed McLean, District Court Judge, 4<sup>th</sup> Judicial District

**DCC Non-voting Members Present:**

Mike Hutchin, Lake County Commissioner, Polson  
Lori Maloney, Clerk of the District Court, Butte  
Vickie Pratt, Court Reporter, Helena

**Staff:**

Rick Lewis, Supreme Court Administrator  
Beverley Boyd, Court Services Director  
Dan Chelini, Information Technology Director  
Lisa Smith, Administrative Services Director  
Shelly Hinson, Administrative Assistant  
Cathy Pennie, Accounting and Fiscal Policy Analyst  
Becky Buska, Accounting and Fiscal Policy Analyst

**Guests:**

Bonnie Olson, District Court Administrator, Flathead County, Kalispell

**I. Welcome**

The District Court Council met on Friday, January 17, 2003, at 8:00 a.m. at the Old Livestock Building, 1310 East Locky, Helena, MT 59620. 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 Becky Buska and Cathy Pennie, both Accounting and Fiscal Analysts.

**II. Approve November 15, 2002 DCC Minutes**

**II.(a) Motion to Adopt:** Judge Thomas McKittrick, District Court Council Member, moved to adopt the November 15, 2002 District Court Council minutes as presented. Judge Ed McLean seconded. Judge McLean called the question. No further discussion. Motion passed unanimously.

**III. Budget**

Status on the 2002 Reimbursement – Lisa Smith reported that the June 2002 payments were mailed on December 25, 2002. Reimbursements were made to the counties at 80% thru May 2002. There was no money left to pay the other 20%. The June payment was pro-rated.

Status on 65% Reimbursement – Lisa Smith reported that the Indigent Defense reimbursements were behind and there will be an update at the February 21<sup>st</sup>, 2003 DCC meeting.

Budget Status Report – A statewide fixed cost spreadsheet was distributed to the members for discussion. The statewide projections thru the end of 2003 reflect a personal services shortage of approximately \$1,000,000, surplus-operating expenses of \$750,000 and surplus equipment authority of approximately \$250,000. The equipment includes items that are over \$5,000 in value but are not automation related. Given these initial projections, it is apparent that the fixed cost portion of the 2003 budget may be enough to get through the year but it will be tight. Lisa Smith advised the Council that district specific budget sheets would be presented to the District Court Council for review prior to sending them to each district.

**IV. Legislation Update**

Chief Justice Karla Gray reported on the following bill draft requests: Section 62 mandate, Water Commissioners/Workers Compensation, general clean up of SB 176 which includes Court Reporters and Special Masters, and the surcharge

bill. The Montana Magistrates Association is supporting the surcharge bill. The Budget subcommittee will begin January 27<sup>th</sup> with State Assumption. Senator McNutt introduced SB134, which rewrites portions of the old SB176 regarding financial responsibilities. Senator Grimes put in a bill draft request LC2000 that repeals state assumption.

Judge Ed McLean requested a fact sheet showing the \$17.2 million shortage in the budget.

The redistricting bill was voted 15 for and 12 against. Legislative Council requested the bill. It will add a judge in the 1<sup>st</sup> and 13<sup>th</sup> judicial districts. The eastern lines will be revised. Judge Loren Tucker's district will be merged with Butte, Silver Bow. Broadwater County will be merged with the 14<sup>th</sup> judicial district and removed from the 1<sup>st</sup> judicial district.

## **VI. Information Technology Update**

The Technology Strategic Plan for the judiciary was completed in December. The plan is located on the web at [www.lawlibrary.state.mt.us](http://www.lawlibrary.state.mt.us).

Full Court is being implemented in 2 courts per month. The information technology team is working with Justice Systems, Inc. to look at options for the Full Court program to be available for online training.

Information Technology staff resources are limited with 7 people to work with approximately 925 people in the field.

Dan Chelini explained to the Council that if the surcharge bill passes, the \$10.00 surcharge would help fund current IT staff, connections, and equipment. After 4 years, each computer workstation is considered obsolete creating a 25% replacement cycle. Computer equipment replacement includes all of Montana's district courts, limited jurisdiction courts, clerks of the district court and juvenile probation.

## **VIII. Revert to Allocation of Resources**

Rick Lewis explained the work group process used to calculate the tables and identify the variables included in the district court resource allocation model recommended to the Council. Grant funded and juvenile probation personnel were not included in the district court model. The juvenile probation model will be presented in February or March.

**VIII Motion:** District Court Council Member Judge Ed McLean moved to have the District Court Council review the recommended district court model and bring ideas to the next meeting. Judge Thomas McKittrick

seconded. No further discussion. Judge McLean called the question. Motion passed unanimously.

Judge McLean requested that staff prepare a memo to attach to the resource allocation package distributed at the Council meeting. The memo will be addressed to the district court judges and will explain that the recommended district court model is a **suggested** model for **future** use and no changes to existing/current staff or staffing levels will be made. The memo will ask for comments and questions to be addressed to the voting District Court Council members.

Judge Ed McLean requested a draft plan of the Juvenile Probation resource allocation model be forwarded to the council members prior to being presented to the District Court Council.

#### **Revert to VII. Official Transcripts (Definition)**

Chief Justice Karla Gray informed the Council that Beth McLaughlin was unable to attend the meeting as a result of her attendance at the Legislature and requested that the subject be moved to the February 21, 2003 District Court Council meeting.

#### **IX. Other Business**

The upcoming meetings are scheduled for February 21<sup>st</sup> and March 21<sup>st</sup> at the Old Livestock Building, 1310 East Lockey, in Helena. The April 18<sup>th</sup> meeting will be held at the Justice Building, 215 N. Sanders in the attorney lounge on the 4<sup>th</sup> floor.

Administrative Services Division will prepare a memo that addresses the process and procedures involved in ordering supplies from vendors other than Central Stores.

Lisa Smith gave a briefing on CASA and requested an internal policy that states the District Court Program will not directly pay for psychiatric evaluations in involuntary commitment cases or reimburse counties for the costs. The District Court Council approved the draft memo presented by Lisa.

#### **X. Adjourn**

Meeting adjourned at 10:50 a.m. by order of the Chair, Chief Justice Karla Gray.