

State of Montana



DISTRICT COURT COUNCIL

**Minutes of October 24, 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 Thomas McKittrick, District Court Judge, 8th Judicial District
The Honorable John McKeon, District Court Judge, 17th Judicial District

DCC Non-voting Members Present:

Mike Hutchin, County Commissioner, Polson
Lori Maloney, Clerk of the District Court, Butte
Vickie Pratt, Court Reporter, Helena
Glen Welch, Chief Probation Officer, Missoula

Staff:

Jim Oppedahl, Court Administrator
Beth McLaughlin, Human Resources Director
Shelly Hinson, Administrative Assistant

I. Welcome

The District Court Council met on Friday, October 24, 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:

II. Approve September 19, 2003 DCC Minutes

II.(a) Motion to Adopt: Judge Thomas McKittrick, moved to adopt the September 19, 2003 District Court Council minutes. Judge John McKeon

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

IV. Administrator's Report

Unfit to Proceed – Jim discussed the request of FY03 reimbursement for payment from the DPHHS.

Jim presented a letter for Judge Loren Tucker regarding court vehicles to the Council.

The Law and Justice Interim committee reported the upcoming trial date for the ACLU will be held in May 2004.

Other Policies – The policies in the Handbook on the Payment of State Costs for Montana's District Courts will be reviewed in December.

V. Policy Proposals/Amendments/Updates

1. Revised Travel Reimbursement Policy #880

1(a). Motion to Adopt: Judge Diane Barz moved to adopt Policy #880. Judge Thomas McKittrick seconded. Judge Thomas McKittrick called the question. Motion carried.

2. Revised Psychiatric Exam – Policy #850

2(a). Motion to Adopt: Judge Diane Barz moved to adopt Policy #850. Judge Thomas McKittrick seconded. Judge Thomas McKittrick called the question. Motion carried.

3. Revised Youth Court Complaint Policy #1250

3(a). Motion to Adopt: Judge Diane Barz moved to adopt Policy #1250. Judge John McKeon seconded the motion. There was discussion to amend the language in 2.2 of the Complaint Process and the form from “supervising judge or district court judge” be replaced with “Youth Court Judge.

3(b). Amended Motion: Judge Diane Barz amended her previous motion to change the language globally from “**supervising judge**” or “**District Court Judge**” to “**Youth Court Judge**” in the Policy and the complaint form. Judge John McKeon seconded the motion. Judge Thomas McKittrick called the question. Motion carried.

3(c). Motion to Amend: Judge John McKeon moved to amend 2.2(a) of the policy from “**Accused employees will have a right to respond**

to an investigative report prior to any disciplinary action;” to read, “**The employee will have a right to respond to an investigative report prior to any disciplinary action;**” Judge Thomas McKittrick seconded the motion. Judge Diane Barz called the question. Motion carried.

3(d). Motion to Adopt as Amended: Judge Diane Barz moved to adopt the Policy and Complaint form as amended. Judge Thomas McKeon seconded the motion. Judge Diane Barz called the question. Discussion. Motion carried.

VI. Issues for Discussion – Judge Diane Barz

1. Hourly Rates for Private Investigators

The Council members discussed drafting a policy for Private Investigators to set a rate and compare the policy to the indigent defense policy with a rate of \$35.00 per hour with extraordinary expenses.

Revert to V.1(a). Motion: Judge Thomas McKittrick moved to amend Policy #880, 2.3 language to insert after the words “For authorized travel” in the first sentence the following: “**out-of-state**” and after the words “Authorization for travel” in the third sentence the following “**out-of-state**”: The amended Policy 880, 2.3 then reads: “**For authorized travel out-of-state or to a foreign country, individuals must be reimbursed for the cost of meals and lodging within the rates established by the Office of the Court Administrator when traveling in the normal course of their duties to designated areas. The Office of the Court Administrator shall use the United States State Department maximum travel per diem allowances for foreign areas in establishing the rates. Authorization for travel out-of-state or to a foreign country may only be done by court order in advance of the travel.**” Judge Diane Barz seconded the motion. There was discussion between the Council members addressing the concern of getting authorization from the Court for out-of-state travel. It was the consensus of the Council to postpone the motion until additional language is inserted in the policy addressing the act of requesting authorization for travel from the court.

2. Chemical Dependency Evaluations

Judge Diane Barz and Judge Thomas McKittrick will research the issue of Chemical Dependency Evaluations with Jim Oppedahl and provide information at the next Council meeting.

VII. Break

VIII. Court Reporter Actual Costs Issues – Vickie Pratt

Vickie presented the Council with the court reporter's transcription fees and actual costs of preparation and asked the Council to revise the Court Reporter Policy to include additional costs for costs of preparation that were not included for Official Court Reporters. The Council unanimously proposed no changes to the policy.

IX. Uniform Reporting Standards

Judge Ed McLean was not present at the meeting and will present his changes at the next District Court Council meeting.

X. Other Business

Chief Justice Karla Gray suggested scheduling the January District Court Council meeting as the policies will be reviewed and will need to be discussed. The meetings will then be scheduled bi-monthly unless there are important issues that need to be addressed.

There are three interests in the District Court Council member that will replace Judge Diane Barz. The Supreme Court should have their decision by the first Tuesday in November.

Five applications are in to the Judicial Nomination Commission for the replacement of Judge Diane Barz.

The Council members reviewed and discussed the letter from Judge Loren Tucker that addresses his concerns on approval of claims, personnel, and transportation. Chief Justice Karla Gray suggested to the Council that she would contact Judge Loren Tucker by phone to discuss his concerns with him and if he requests a written response by the Council, then a letter can be done. The Council agreed.

The next District Court Council meeting is scheduled for December 5, 2003 at 215 North Sanders, 4th floor, Attorney's Lounge, in Helena.

VIII. Adjourn

Motion: Judge Thomas McKittrick moved to adjourn the meeting. Judge John McKeon seconded the motion. Motion carried and the meeting adjourned at 11:00 a.m.