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## MONTANA JUDICIAL BRANCH

### New Judge Package – DP 401

\$2,485,260 (\$956,105 in FY26 and \$1,529,155 in FY27)

12.00 FTE

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#### New Judges' Package:

- If adopted by the 2025 Legislature, three judges in the 13<sup>th</sup> Judicial District (Yellowstone County) would be added and appointed in January 2026.
- The Judicial Branch last requested new judges from the 2021 Legislature.

#### Current District Court Details:

- The 13<sup>th</sup> Judicial District has eight District Court judges serving Yellowstone County. **In CY2024, the judges handled 11,086 cases.**
- Workload study data from 2024 demonstrates a need for 5.1 additional judges.
- A judge was last added to the 13<sup>th</sup> Judicial District in January 2018.
- The Judicial Branch used existing FTE to add 1.5 Standing Masters to address workload in Yellowstone County.
- The state funds a self-help law center to support litigants representing themselves, vigorously supports an active pro bono program, and uses a variety of alternative dispute resolution processes to reduce/balance judicial workload.
- The eight judges also manage six treatment court dockets designed to reduce recidivism among offenders and thereby reduce pressure on the District Court dockets.

#### What is driving this request:

- Caseload growth has created significant workload growth:
  - Between CY2023 and CY2024, the total caseload grew by 23%.
- This growth only shows a portion of the challenge. Through judicial time studies, the Judicial Branch knows that workload is, in large part, based on growth in the following case types:
  - Between CY2014 and CY2024, child abuse and neglect cases (the most time-consuming case type) grew by 54%;
  - Between CY2014 and CY2024, criminal cases (the second most time-consuming case type) grew by 137%;
- District Courts statewide are required by statute to adjudicate/hear certain case types first (for example criminal, child abuse and neglect, mental health commitments, family law and youth court cases);
  - When those case types grow, an individual judge does not have enough hours in a day to appropriately hear cases such as general civil matters, probate and other civil case types.

- This legal constraint leaves the general litigant (businesses and individuals) waiting for access to the court. All litigants have a right to speedy resolution by a judge with enough time to fully research and decide a matter.
- The significant increase in criminal cases causes delay which in turn creates issues in the county courts for managing pretrial and detention populations.

❑ What has the Judicial Branch done to address the problem:

- Converted existing positions into Standing Masters in large caseload growth areas. Masters can adjudicate limited case types but cannot assume general civil work (where the need is greatest).
- Significantly increased the resources available to litigants representing themselves in court. Self-help law centers, pro bono programs, user friendly forms and training videos are part of the effort to provide litigants with tools to streamline the court process and caseload.
- Support the use of pre-hearing conferences and settlement conferences in many case types (including child abuse and neglect cases) to decrease the amount of “judge” time needed when agreement is possible.

❑ State and County Cost-Sharing:

- Cost-sharing was the result of SB176 passed by the 2001 Legislature. The legislation moved the cost of District Court associated expenses (such as judicial and staff salaries, trial expenses, District Court-level public defense, and youth court) to the state. The counties retained responsibility for space and the costs associated with the Clerks of Court.
- The state is responsible for the cost of judicial and staff salaries and benefits; as well as operating expenses and other costs. The total cost in the proposed budget for the 2027 biennium is: \$2,485,260 (\$956,105 in FY26 and \$1,529,155 in FY27)
- **Judges and the OCA are committed to securing outside experts to advise the court on specialized dockets or case management protocol that will provide quicker courts access to litigants including general civil cases.**
- Each county is required to provide space which will include chambers and offices for judges and courtroom space for the District Courts. Individual counties may also opt to add additional resources in the District Court Clerk’s offices.
- The shared responsibility for court costs ensures the citizens of the county have reasonable and timely access to court.
- Yellowstone County supports the proposal and is taking steps to build out courtroom and chambers space.