

COLJ AUTOMATION & ACCOUNTING ADVISORY COMMITTEE MEETING,

July 16, 2015, 2015

HELENA MONTANA.

MEMBERS PRESENT

Judge Greg Mohr-Richland County Justice-Sidney City Court

Judge Audrey Barger-Hill County Justice Court

Judge Linda Budeski-Park County Justice Court

Judge Jackie Schara-Joliet-Fromberg City Court

Thelma Keys-Nicol-Kalispell Municipal Court

Sharon Skaggs-Yellowstone County Justice Court

Carlin Cameron-Yellowstone County Justice Court-President MJC&MCCA

Tina Schmaus-Missoula Municipal Court

Lisa Mader-Montana Supreme Court Administrator's Office

Claudia Anderson-Montana Supreme Court Administrator's Office

CHAIRPERSON CARVER CALLED THE MEETING TO ORDER

Meeting called to order at 11:34 am by Judge Carver.

PUBLIC COMMENT

No one was present for public comment.

APPROVAL OF MINUTES.

Sharon made a motion to approve the minutes of the May 14, 2015 meeting with the addition of correct spelling of some of the names per Lisa, Carlin seconded the motion and the motion was carried. Lisa said she would get me the correct spelling of the names.

OLD BUSINESS

None

NEW BUSINESS

Lisa said she needed to have an official vote to approve the changes to the Full Court Enterprise Table Standards made by the committee via phone conferences. Some were original and some were added. Greg moved the changes and additions be approved, Linda seconded the motion, no discussion, motion passed.

At the bottom of that we need an official vote on the two new civil type, the District Court Juvenile Detainer and the District Court Involuntary Commitment. Greg motioned to approve, Linda seconded. This is for Full Court Enterprise only. Not added now. Motioned carried

Judgement types, judgement dispositions and civil order types. We probably want to go through column by column.

1st is Judgement Type equates to judgement and order types in FCE, the first list is what we agreed upon in the teleconferences, Need an official vote on that. Audrey made a motion to approve the listed Judgment types, Carlin seconded, discussion-none. Motion carries.

Civil Processing – Judgment Types (In FCE under Judgment & Order Types)

Committee decided on (11)

Confession
Compromise
Default
Dismissal Without
Jury Verdict
Nunc Pro Tunc
On the Pleading
Possession
Summary Judgment
Stipulated Judgment
Trial by Judge

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*Barger moved  
Carlin seconded  
Unanimous*

3rd is Civil Order Types in Full Court V-5 and are now in FCE as Judgment and Order Type. Listed as approved. Linda made a motion to approve, Audrey seconded the motion, Discussion-None-Motion carried.

#### **Civil Processing – Order Types** **(In FCE under Judgment & Order Types)**

##### **Committee decided on (3)**

Amended Order of Protection  
Order of Protection  
Temporary Order of Protection

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*Budeski moved
Barger seconded
Unanimous*

2nd -Middle Colum in FC V-5 are Judgement Dispositions are now in FCE Civil Processing Judgement Order Status. Listed as approved. Audrey made a motion to approve, Carlin seconded, Discussion-some discussion on continuance or continued. Continued was agreed on. Motion Carried.

Civil Processing – Judgment Dispositions (In FCE it is Judgment Order Status)

Committee decided on (11)

Appeal to District Court

Bankruptcy Discharge

Continued

Denied

Dismissal Prejudice

Dismissal Without

Entry of Judgment

Granted

Removal District Court

Satisfied

Vacated

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*Barger moved w/addition of*

*Continued*

*Carlin seconded*

*Unanimous*

Case status, committee agreed on Pending, Disposed, Closed and Reopened as standard case status, Audrey made motion to approve, Greg seconded, Discussion-None, motioned carried.

Petition to Revoke-not all courts have pleas of admit and deny and a finding of true. They have been adding true as they go to each courts. These are additions to what we have In FC V5. These are for the criminal pleas on the petition to revoke. Greg made a motion to approve, Linda seconded the motion, discussion- Audrey wanted to make sure this was for FC V-5 and it is. Motion carried.

Per Larry, According to statute, the Finding should be granted or denied for a Petition to Revoke, Judge Mohr thinks the finding should be granted or denied. The words true and not true are not in the statute. Larry said we should be consistent with the findings. Linda made a motion to have Granted and Deny as a finding, Greg seconded the motion. Discussion-Sharon said they use true and dismissed and the Courts have sent out a best practices guide to all of the courts using the findings of True or Dismissed on the petition to revoke. Some courts use a finding of other in criminal, Claudia needs to look at that, the courts need to be consistent. Linda withdrew her motion. Sharon made a motion to

adopt the best practices guide and use pleas of admit or deny and a finding of true or dismissed on the petition to revoke. Carlin seconded the motion. Discussion-None, motion carried.

Sharon asked that the yes's be changed on the list for the juvenile use of the hearing standard sheet. Lisa will change them.

|    |                                       |   |   |   |                                |
|----|---------------------------------------|---|---|---|--------------------------------|
| 2  | Change of Plea                        | Y | N | N | Orig Standard                  |
| 3  | Hearing on Exemptions                 | N | N | Y | Orig Standard                  |
| 4  | Hearing on Motion                     | Y | N | Y | Orig Standard                  |
| 5  | Initial Appearance/Arraignment        | Y | N | Y | Orig Standard                  |
| 6  | Judge Trial                           | Y | N | Y | Orig Standard                  |
| 7  | Jury Trial                            | Y | N | Y | Orig Standard                  |
| 8  | <b>Mediation</b>                      | Y | N | Y | <b>Committee Agreed to Add</b> |
| 11 | Omnibus                               | Y | N | Y | Orig Standard                  |
| 12 | Order of Protection                   | Y | N | Y | Orig Standard                  |
| 14 | Order to Show Cause                   | Y | N | Y | Orig Standard                  |
| 15 | Petition to Revoke                    | Y | N | Y | Orig Standard                  |
| 16 | Preliminary                           | Y | N | N | Orig Standard                  |
| 17 | Scheduling Conference                 | Y | N | Y | Orig Standard                  |
| 18 | Sentencing                            | Y | N | Y | Orig Standard                  |
| 19 | <b>Status Hearing</b>                 | Y | N | Y | <b>Committee Agreed to Add</b> |
| 21 | <b>Damages Hearing</b>                | N | N | Y | <b>Committee Agreed to Add</b> |
| 22 | <b>Debtor Exam</b>                    | N | N | Y | <b>Committee Agreed to Add</b> |
| 25 | <b>Restitution</b>                    | Y | N | N | <b>Committee Agreed to Add</b> |
| 26 | <b>Extradition</b>                    | Y | N | N | <b>Committee Agreed to Add</b> |
| 27 | <b>Contempt Hearing</b>               | N | N | Y | <b>Committee Agreed to Add</b> |
| 28 | <b>Hearing</b>                        | Y | N | Y | <b>Committee Agreed to Add</b> |
| 30 | Pre-Trial Conference                  | Y | N | Y | Orig Standard                  |
| 35 | <b>Summary Judgment</b>               | N | N | Y | <b>Committee Agreed to Add</b> |
|    | <b>Compliance</b>                     | Y | N | N | <b>Committee Agreed to Add</b> |
|    | <b>Juvenile Detention</b>             | Y | N | Y | <b>Committee Agreed to Add</b> |
|    | <b>Involuntary Commitment Initial</b> | N | N | Y | <b>Committee Agreed to Add</b> |
|    | <b>Jury Confirmation Hearing</b>      | Y | N | Y | <b>Committee Agreed to Add</b> |
|    | <b>Jury Instruction Hearing</b>       | Y | N | Y | <b>Committee Agreed to Add</b> |

**Mohr moved, Budeski seconded - Unanimous**

**Juvenile category was all changed to N (per Sharon)**

Claudia asked if she could put a note on the list serve to the clerks to let them know that the \$300 for the defendants who refuse to blow at the time of a DUI arrest is to be collected by the DOJ not by the courts, this is administrative only. This is in reference to HB 488. Greg moved to approve this be placed on the clerks serve and also the Judges serve list, Carlin seconded, motion carried.

Carlin made a motion to adjourn the meeting, Linda seconded it, motion carried.

**Case Status**

Pending – Open

Disposed – Disposed

Closed – Closed

Reopened- Reopened

*Barger moved*

*Mohr seconded*

*Unanimous*

**Petitions to Revoke – Criminal Cases (FC V5)**

Pleas – Admit & Deny

*Mohr moved*

*Budeski seconded*

*Unanimous*

Finding – True

*Budeski moved Granted & Denied*

*Mohr seconded*

*Discussion (Sharon)*

**After much discussion by committee**

*Budeski withdrew motion for Granted & Denied*

*Mohr withdrew second*

*Sharon moved True & Dismissed*

*Carlin seconded*

*Unanimous*