

COCOLJ AUTOMATION ADVISORY COMMITTEE  
MEETING – DECEMBER 8<sup>TH</sup>, 2006  
HELENA, MONTANA

**MEMBERS AND NON-MEMBERS PRESENT:**

Chairperson Larry Carver	Judge Gregory P. Mohr
Judge Johnny Seiffert	Judge Michele Snowberger
Karen Nelson, Montana Supreme Court	
Lisa Smith, Montana Supreme Court	
Claudia Anderson, Full Court Trainer	
Steppen Wirth, Full Court Trainer	
Sharon Skaggs, Yellowstone Co. Justice Court	
Thelma Keys-Nicol, Kalispell Municipal Court	

**MEMBERS PRESENT BY VISION NET:**

Judge Scott Wyckman  
Shari Bishop, Gallatin Co. Justice Court  
Barb Pecos, Richland Co. Justice Court

**MEMBERS ABSENT:**

Judge David Ortleby

Meeting was called to order by Chairperson Judge Larry Carver at 10:10 A.M.

**APPROVAL OF SEPTEMBER 7<sup>TH</sup>, 2006 MINUTES**

Minutes of the September 7<sup>th</sup>, 2006 meeting were approved as submitted.

**PUBLIC COMMENT**

Judge Snowberger wanted to attend this meeting and discuss issues regarding the Standard Overdue Processing module.

**SUMMARY OF ISSUES:**

1. Worked with Claudia and Steppen to determine how her Overdue worked as opposed to the Standard Overdue Processing.
2. Failure to Comply was the same for juvenile as adult – may present problems.
3. Rework program, so courts using Collections could do so with collections module.
4. Failure to Pay Judge Snowberger does not go to Warrants, may have to now that DL suspensions are being appealed.
5. R.O.A.'s not always the same.
6. In Failure to Pay, question regarding collections and a Warrant. How can it work with Overdue Processing.
7. Transitions from Belgrade's current Overdue to the Standard Overdue Processing.
8. Allow further court comment to Overdue Processing.
9. Standardization is important across the State.
10. Broad steps are in the approved Overdue Processing Statement.

Lisa Mader stated that they did summarize the document that was approved by the Committee and, therefore, not all the steps are shown.

11. Issue regarding driver's license suspensions due to Supreme Court ruling in Gallatin County – even discussion of post conviction relief.
12. No suspension of driver's license for seat belt and city ordinances.

Judge Carver advised Judge Snowberger that changes were made to the Overdue Processing Steps with regard to city ordinances – allowing the courts another option. On the driver's license suspensions for failure to pay fines or 45 codes, there is now an option to not suspend driver's licenses.

13. Judge Snowberger uses Overdue Processing for Failure to Comply, which requires every situation to have a court deadline.

Lisa Mader stated an update fixed a problem with getting into the bond table and changing bonds amount, however, that update has not been released, due to other problems that are not fixed. Lisa Mader also handed out a reply from Justice Systems dealing with how Bench Warrants –vs- Arrest Warrants worked in Overdue Processing.

Judge Carver advised Judge Snowberger and the Committee that the rules have been changed, but the final draft has not been completed. When we complete the process today on how to change the rules, that information will be sent to all the Judges.

Lisa Mader advised Judge Snowberger that since she was grandfathered in, she will continue to receive support from the State IT people, but if she is requesting an actual change in her program, then she will have to send that request in for approval.

Karen Nelson felt that any change request, or fix to the program needed to be documented. This would be important for their staff, as well as this Committee in making sure all changes were accountable.

### **CHANGE MANAGEMENT POLICY**

The Change Management Policy had been provided to all members of the Committee by Karen Nelson. Karen stated they recommended no more than 2 releases per year and those would probably occur in July and October of the year. She also felt that all changes should be published, even if it is a bug, so that all courts are made aware of what is occurring.

There was little discussion, other than Judge Mohr agreed it was well written and we should adopt it. Judge Mohr made a Motion to accept the Change Management Policy, seconded by Sharon Skaggs and the motion was passed by the committee.

A short discussion was held on the Full Court change requests already received and it was decided to discuss these items later on. Karen Nelson added that the change requests were sent off to Greg Noose from the Motor Vehicle Department and he advised Karen

that they still had some grant dollars remaining and they felt that change #'s 3, 4, 6, & 7 may be funded by his Department.

### **DRIVERS LICENSE SUSPENSIONS**

The opinion from Brenda Nordlund, Assistant Attorney General, was provided to the committee members regarding Driver License Suspensions. Judge Carver gave a brief history of the cases that have been filed regarding the DL Suspensions. The court cases both involve Failure to Pay issues and also whether defendants could afford to make those payments. Judge Wyckman advised that he is no longer suspending driver's licenses, until the ruling has been made by the Supreme Court. The new form provided by Driver Improvement was changed December 2006 and on part 3, it was noted that the word "**and**" was inserted after Annotated. The statute is not worded that way. After discussion, Judge Mohr made a motion that a letter be drafted to the Department Head of Driver Improvement, Mr. Dean Roberts, asking to have the form changed to reflect the exact wording of the statute. Judge Seiffert seconded that Motion. Motion was passed by the Committee. An answer to the Committee's letter should be back in time for the February meeting date.

### **FINANCIAL TRAINING PROCEDURES**

Claudia Anderson, Full Court Trainer, addressed problems they run into in training the small courts especially. Lisa added that the court may even FAX the bank statements to Claudia and ask her to make the fix, so they can get the end of the month done and send a check to the Treasurer. Apparently, a court has even sent Claudia 10-12 bank statements, and reported that an audit is going to be done, so how can they get all their papers in order.

Claudia further clarified that she spends approximately 50% of her time actually assisting courts on the financial end of Full Court. However, a large part of that 50% is spent on a few courts with problems that have been addressed in the past, but it appears they still do "not get it".

Judge Seiffert discussed the option of having an elective class at the Spring and Fall schools, so that people could spend some time in front of computers, going through the financial steps of Full Court. Claudia mentioned this works fine, but they would have to limit the number to attend the class to the computers and facility available. Lisa relayed an incident where Claudia had to reverse most of the entries made and when the proper steps were done, ended distributing almost **twice** the amount that that Court had planned to send to the Treasurer the first time.

Judge Mohr felt it was important that the IT trainers keep track of the actual time they are spending with some of the problem courts. Judge Seiffert felt that definitely more training is the issue. Claudia advised that the manual they have provided the courts does address some of these problems, if only the courts in question would study and use it.

Karen Nelson felt that a certification test needed to be developed for Full Court users, in the same manner that law enforcement dispatchers take a test to use the CJIN system. The

certification test would certainly let them know if someone was comprehending the training on Full Court.

Judge Snowberger wanted to comment that not only would clerks need training, but there are judges that could benefit from financial and Full Court training as well. Lisa stated that Full Court is a double entry bookkeeping system and some people have a hard time understanding that. Claudia wanted to add that she preferred to teach a class where the people attending were Full Court users and paid attention to what was being taught.

Several ideas about further training were discussed, including quarterly training, offering financial and Full Court training at the Spring and Fall conferences, special training held in Helena every other month, and regional training offered around the State. Claudia stated further that there were 18 new judges elected in November and how would they be able to train them?

Judge Wyckman volunteered to help in a Full Court Nuts and Bolts session. Judge Carver asked if the Commission on Courts of Limited Jurisdiction shouldn't address these training issues at their next meeting. Sharon Skaggs added that the best training is hands on and it is important that the location for the Conferences have a computer lab available.

Lisa Mader wanted everyone on the Committee to know that a Full Court deployment was taking place in the District Courts. Currently the 4<sup>th</sup> Judicial District is using the Full Court program, which includes Mineral County and Missoula County and it is working out very well, with few problems. The schedule is to install and train all District Court personnel in the next 18 months, with all 4 Full Court trainers involved.

Judge Mohr made a Motion that the IT Staff draft a proposal for the February Automation Committee Meeting that would lay out a workable training schedule, in view of the upcoming work with the District Courts. Sharon Skaggs 2<sup>nd</sup> the Motion and it was passed by the Committee.

### **FULL COURT GENERATED NEWSPAPER REPORT**

Full Court does generate a Newspaper report and a Media report. Judge Carver noted that some of the questions from Judges dealt with the fact that the report did not list all the conditions of the sentence handed down. Also, newspapers often like to report the age of the person and this was not on the report.

Judge Snowberger further added that right now the newspaper is allowed to see full dispositions from her court, however, if the Public Access rules get passed, she will have to limit much of the information that the newspaper sees. Lisa was not certain which report was not printing enough information and would have to look at that. Judge Snowberger liked full sentences printed in the newspaper, so that the public was aware of all the consequences associated to, for example, a DUI.

For now that issue was tabled, as passing of the Public Access rules may change whatever decision was made today. Lisa added that when this issue is addressed again, to have all interested parties included, such as the judges and members of the press.

### **SCHOOL SPEED ZONES**

At issue was the statute dealing with school speed zones. Judge Mohr read the statute which said that 50% of the fine money collected must be credited to the entity enacting the special school zone. Judge Carver stated his Treasurer has no special fund for erection of speed signs. Judge Seiffert agreed that there was no special fund # assigned. Judge Snowberger said that there needed to be an accounting of how much of that fine money was collected and be able to break it down. Lisa knew of no way that Full Court could do this accounting at this time. At issue was each school may have a separate entity involved and how would it be tracked.

Steppen Wirth added that fines are broken down depending on which agency issues the citation and the statute written. Judge Snowberger asked if the Attorney General's office could be approached to clarify the special school zone issue. Judge Carver wanted to do more research on the issue with the Treasurer's and report at the February meeting. Lisa would try to have an answer at the February meeting on what it would take JSI to implement this as an automatic process in Full Court.

### **SURCHARGE DISTRIBUTION**

Next agenda item was the question that Judge Knisely and Judge Snowberger had previously raised in regards to the Technology Surcharge and the MLEA Surcharge. Judge Knisely wrote that she believed the Technology Surcharge and MLEA surcharge, as worded by statute, should be treated as "other" court costs and collected very last in the collection process. Judge Mohr said 3-1-317 MCA and 46-18-251 MCA had conflicting language regarding the disbursement of restitution, surcharges and fines collected.

Judge Mohr felt the legislature may need to clarify this issue. Judge Mohr made a motion to leave the disbursement as is in Full Court. Judge Seiffert seconded and it was passed by the Committee.

The meeting adjourned at 12:15 PM for lunch and would reconvene at 12:45 P.M. Lisa Mader excused herself as she had a prior commitment and would have to leave.

Judge Carver called the meeting to order at 12:45 P.M.

### **GENERAL DISCUSSION**

Judge Carver wanted to discuss the matter of the Driver's License suspensions being put on hold and, therefore, did this put Overdue Processing on hold?

Karen Nelson responded that she felt it had to, as everything was connected. Karen Nelson also brought up the fact that 61-5-205 which stated some type of criminal offenses carried a penalty of a driver's license suspension and how would this be

addressed? In particular she referred to the “gas drive off” offense. It was noted by Judge Mohr that Reckless – Eluding a Police Officer, carried a mandatory driver’s license suspension.

Karen Nelson said that on a criminal offense even if the MANS form is remitted to the ID Bureau, they do not share information with Driver Improvement, so how would they know to suspend someone’s driver’s license. There are some issues that need to be addressed before any change to the program is made and she added that any change to the program carries a price tag from JSI.

Judge Carver wanted to clarify that there are 15 courts installed with Overdue and they are all grandfathered in. No one from the IT Division could confirm this, but that was probably the case. No courts would be upgraded to Overdue Processing until all the problems were worked out. When a telephone survey was made to courts about their desiring to get Overdue Processing, about 24 said they were interested. Others wanted to hold off until they knew everything was working well and the problems were worked out.

The upgrade to the 4.5 version is on hold and in fact, version 5 is being tested. It was felt that changes would need to be addressed at the February meeting and it would be after that before they knew when version 5 would be ready. The next product offered by JSI is called Enterprise. Enterprise does include some modules which previously were offered at an extra cost. These include the collection module, import-export module and it is a Web based product. Sharon Skaggs added that Yellowstone County is paying \$5,000 for a collection module. Judge Carver stated that JSI was releasing Version 5 at no cost.

Judge Seiffert wanted to address a statute issue, in particular 61-8-303(3) missing, used to be 10 miles per hour over the posted limit. Sub 3 was in the bond book, you can exceed the speed limit by 10MPH when passing. Officers used to write it whenever they go past that 10 MPH over limit allowed for passing. Judge Carver stated when they discussed that statute, they felt it was the same as speeding in general, if you were written at 82MPH, you were 12MPH over the limit.

Judge Seiffert disagreed that they should be charged at 12MPH over the limit when they are passing another vehicle and doing 82MPH, since they would have been in agreement with the law at 80MPH when passing. He stated that he believes it should be 2MPH over the limit at that point. Judge Carver added that they did not look at it in that manner. Judge Seiffert stated it should be added back into the bond book. Judge Carver would discuss it with Judge Wyckman and Judge Herman.

Judge Carver wanted to know if a meeting needed to be set up in February. An April meeting could take place at the Spring School in Red Lodge. Judge Mohr wanted some time to go over the change requests. Karen Nelson stated she would run through the change requests quickly.

**Change Request #1** addressed the need for an “Audit Information” report, to reflect the amounts owing and a detailed adjustment /paid amounts. Claudia added that there is a

way to get this information, but the auditors want it in a format that will make their jobs easier. Judge Carver did not think that the auditors had a duty to find out how the judges were sentencing defendants. Further, Judge Carver felt that if a time pay was truly uncollectible, that decision rested with the Judge and not the auditor. Claudia added that the auditors look for fraud when they are auditing.

Judge Snowberger questioned the other judges on the committee on how often they get audited, because she has never been audited. Judge Snowberger was audited 4 years ago and has not been audited again. Judge Carver has been in office for 20 years and he has never been audited. However, since talking to the Commissioners in his County, they now come in and do a brief audit. Judge Seiffert recommended that Judge Snowberger request in writing to her City that they perform an audit every year.

**Request #2** dealt with a change in the Judgment window, and in fact using the civil judgment window which is in the District Court module.

**Request #3** is a small change to add the STATE OF MONTANA on to the Full Court disposition form. This was a request from the IT Division.

**Request #4** asks for an enhancement to the citation entry screen, to include Commercial Vehicle, Hazardous Material, School Zone and Construction Zone. This is another one that would qualify for grant money from the Motor Vehicle Records division.

**Request #5** to be able to change the “expiration days” in the Civil orders window. This would be specifically helpful when scheduling Temporary Restraining Orders, as they do not always fall within the 20 day time period, due to extenuating circumstances.

**Request #6** is the ability to change the default bond amount. This would probably qualify for the grant money from Greg Noose as well.

**Request #7** is to not allow users to get into the old “statute revision” codes. Judge Snowberger stated that there are occasions when someone is brought into court and is not charged under the current statutes, but under the “old” statutes. Judge Seiffert brought up an incident in his court where a defendant was arrested on an old citation that he never appeared on, 15 years later, and he would have to be able to enter that old ticket.

Karen Nelson stated that one way it was done previously was to put an “effective date” so that the proper statute would be entered, based on the citation date. Judge Seiffert stated there would be a need to enter an old statute.

**Request #8** is the Warrant Flag on Citation entries. This request was for an automatic “Warrant Flag” when a name search is done. Sharon Skaggs advised this came about from old records being added to Full Court. F2 is where Sharon Skaggs stated she would like to see this “Warrant Flag”.

Judge Carver requested that at the February meeting, someone have a version of Full Court available for everyone to see. All courts would receive a set of the Change Rules and the requests that were submitted.

Judge Seiffert stated that the Commission would meet on February 16<sup>th</sup> in Helena. He recommended a February 15<sup>th</sup> meeting, which would save travel time for members on both committees. Judge Carver recommended a Thursday afternoon meeting and everyone agreed that would work.

Meeting is scheduled for Thursday, February 15<sup>th</sup>, 2006 at 1:00 P.M. in Helena.

Judge Seiffert made a motion to adjourn this meeting, Judge Mohr seconded and all members agreed. Meeting was adjourned at 1:15 P.M.