

**COCLJ AUTOMATION & ACCOUNTING ADVISORY
COMMITTEE MEETING – March 14th, 2013
HELENA, MONTANA**

MEMBERS PRESENT

Chairperson Judge Larry Carver
Judge Gregory P. Mohr
Lisa Mader, Montana Supreme Court Administrator's Office
Claudia Anderson, Montana Supreme Court Administrator's Office
Barbara Pepos, Richland Co. Justice Court-Sidney City Court
Tina Schmaus, Missoula Municipal Court
Jackie Schara, President of Montana Justice, City and Municipal Court Clerk's Assoc.
Thelma Keys-Nicol, Kalispell Municipal Court

MEMBERS PRESENT BY VISION NET OR PHONE:

Sharon Skaggs, Yellowstone County Justice Court (who was excused from first part of this meeting due to her mandatory attendance at another meeting)
Judge Audrey Barger

MEMBERS NOT PRESENT – EXCUSED:

Judge Linda Budeski (she could not get a substitute)

PUBLIC COMMENT:

No one was present for public comment.

APPROVAL OF MINUTES:

Judge Mohr made a motion to approve the minutes as distributed, seconded by Jackie. Committee voted and approved the minutes of January 10th, 2013.

CARVER UPDATE:

Judge Carver would like these meeting dates scheduled in advance. This would make it easier to plan around the meeting date. This will be discussed further at the end of the meeting.

Judge Carver updated regarding legislative requests from the public defender's office. At the last meeting Fritz Gillespie and the Public Defender's Office were in attendance and we worked through their request. The requested legislation was pulled out of the committee that would require the courts to provide a monthly accounting to them. Beth and Lisa will be discussing the case filings statistics project and problems they encountered. This issue went to the commission, but was brought back to us. Every time the legislature meets they want statistics, they want to go back several years and they want them now. One of the problems is municipal infractions and how they are counted.

Lisa added it may not be a priority to get those rules in place today, but it is a priority to talk about it as a project. She hopes this is done by the end of 2013 and they can implement new rules and move forward. Judge Carver stated the commission is keeping

a close eye on this issue as well. Judge Mohr said his office was just audited and the auditor asked for a printout of statistics. He could not believe our revenues had doubled in the last year. The auditor then took the reports to the commissioners and now they want to see them every month. He also requested we print out a report for the sheriff's office. He said this will be a check and balance for them. The auditor also suggested our court look into the overdue processing program.

Judge Carver said he is constantly receiving requests for statistics. His recent one was to find out how often Limited Jurisdiction Court judges use substitute judges, who these substitutes are and what their qualifications are. MACO was introducing a bill where they would implement employee numbers and keep track of case filings and amount of revenue collected. Judge Snowberger recently sent out a Survey Monkey to learn the pay figures for the Ltd. Jurisdiction Court judges. Probably at budget time other people may want this information as well.

Further, Judge Carver stressed the importance of accurate data entry in FullCourt. As an example are the restraining orders. He was only entering the ones granted. Therefore, it would pull statistics showing he grants all of his restraining orders, when in actuality it is probably 60% granted and 40% denied. Judge Mohr said his court is entering the denials now, as he read a case from another state where there is a right to appeal a denial. Another item is the entering of Search Warrants and what is the correct way to do this in FullCourt. Lisa said she is always supplying statistics to the legislators. Other agencies may need these statistics to help them come up with their fiscal note. Part of the problem Lisa said are agencies request information, unfortunately they do not understand what they are requesting.

In closing Judge Carver said this legislative session has been going very well, with much less bickering than he has seen in the past. It is operating 150% better than in past years.

LISA MADER UPDATE:

Lisa reported for the first time since being in her position they are close to being fully staffed. There is only one position open and it is the business analyst position which became vacant when Lois accepted the e-filing coordinator position. Part of Claudia's update is she will be doing interviews next week for this position.

Updating the last meeting discussion regarding Prairie County and the Highway Patrol import and roadside payments, this court does have the import. Roadside payments and CitePay have not been implemented in this County. Right now Cindy (one of the trainers) spends time with the Judge every day helping her through the Highway Patrol import. Additionally, Cindy has had to assist with the finances every month. Therefore, if the other two programs were added, additional work would fall on the trainers. Judge Carver said the commission was contacted by the Terry city fathers to put the import in due to the increase in numbers. Apparently, they felt the work was not being done. The Judge is handling about 2,000 cases now without a clerk. It has not been an easy transition for the Judge, but she is trying to become more experienced in using the computer.

Lisa believes IT has come through the legislature fairly well. Through House Appropriations, they have approved 3 of the 7 FTE which were requested. This is on a one-time only basis, therefore, requiring them to go back to the next legislative session and justify those positions. They also approved \$222,000 of the \$322,000 requested for Courtroom audio technology improvements. They did approve all of the contract maintenance increases they had brought to them.

E-filing Update:

Lisa said last Thursday they had their first project kickoff meeting, and this started slower than anticipated. She felt this was due to differences in project management styles and Montana being the first state to be doing 3 levels of courts statewide all at once, as opposed to LT Court Tech doing one court at a time. Lois Schlyer has been doing an excellent job. Ed Smith will be asking the RFP committee to come back together and make recommendations on pilot sites and this recommendation will go to the Commission on Technology and then the Supreme Court for approval. The committee would be asked to prepare an e-filing application, which the courts would use to become an e-filing court. Along with that application would be criteria which the court would need to agree to. Once those pilot courts are defined, Ed Smith will ask members from those courts to further define the rules, which Lisa believes is about 90% complete now. They will be working with the vendor on this as well. Tomorrow afternoon they have a technology session and a contact with JSI. From Lisa's perspective it could be moving faster than LT Court Tech is moving, but she believes they will bridge the gap.

She informed the committee of the DOJ developer and business analyst activities. There needs to be an update of the bond book and statute tables, so all of the Smart Cop exchanges, motor vehicle exchanges and District Court exchanges work properly. They will begin working on this as a priority by the end of March. As soon as this is done and tested, they will push the new statute table and bond book out. She realizes there will be changes needed after the legislative session. The developers have been working on a new statute management application for Claudia that will be a great time saver when updates are done. A part of that application will have incorporated some changes due to requests from DOJ and these will help us better serve that relationship. Right now they have to take tables and rip and replace with all the validation.

The developers have also built a new criminal history application for criminal charges, in order for them to track their missing dispositions. They spend a lot of time right now contacting the court and faxing out the requests for the missing information. The application will pull out the disposition information and put it in a database, where they can perform a search. They do not see sealed cases. The only thing they see is DOB, the charge, and the full disposition. They can see the fines and adjustments and jail and adjustments as well as the MANS #. Lisa said they can do a search of the database without a MANS # and they can see everybody with that name search, which means they have to find the proper court. They can also search by putting in the last four numbers of the MANS # and bring up the record. They are finding out, however, many courts do not enter the MANS #in. Therefore, there are some educational things which need to happen

with the clerks in terms of entering the MANS # every time. Lisa hopes at one of the conferences they can do a joint session with the ID Bureau. The plan is for this application to be deployed to the Criminal ID Bureau next week. The developers and Claudia have been working incredibly hard to automate this procedure.

Lisa had a discussion recently with DOJ about Fish, Wildlife & Parks and Smart Cop and the vendor is ahead of schedule. They are scheduled to start testing those forms by the end of March. She informed them this will work the same as it did for the MHP, in that they can print out their forms and drop them off to the courts for their manual entry into FullCourt. The reason for this is there are other projects on the table ahead of this one. The vendor, CTS, has changed the table structure for Fish, Wildlife & Parks, and this means the developers will be working on the design to extract the information. Because of a different file layout, every single database will need to be touched. Therefore, she told her developers Fish, Wildlife & Parks can use their new mobile forms, which will make it much easier for the clerks to read than the handwritten forms. Then they will work towards the import, but the business analysts are extremely busy from April through June. They must work on jury for all courts, public defender fee description issue, and inactivity dismissal with the District Courts by July 1st, for all case types because of Senator Shockley's Bill. All the rules have to be in place and approved by the District Court counsel. Documents and rules must be inputted in the system after that. Added to this they have a number of conferences to attend for training and demonstration.

Judge Carver said we already developed the procedure for Montana Highway Patrol, therefore, why do we need to now develop the procedure for Fish, Wildlife & Parks, as opposed to them configuring their system to comply with what we already have. Lisa answered for two reasons: the vendor for the mobile forms changed the data structure and since IT depends on a certain data structure to extract the information that is sent to the courts, this must be changed. Lisa just learned this yesterday and her contact at DOJ, Jack, could not explain why they changed those tables. They are scheduling a meeting in April and Lisa will have her developers attend, and everyone will know more at that time. The second side of this is the import is in FullCourt, but they will need to set up a second one, allowing the courts to do multiple imports.

Judge Mohr wanted to know about the Sheriff's Dept. wanting to come on board with Smart Cop, or perhaps other city law enforcement, will this happen every time. Lisa said Motor Carrier Services should be next, and she does not want more table changes, although, she actually does not know what they are right now. She agrees they do not want table changes, because that means more development on their end for every single change. Judge Carver said if they can get us to agree to these changes, it probably saves them time and money, which is not our problem. He said we could use our resources somewhere else with all the projects on the table.

Lisa said her last item is she has begun looking into motor vehicle reporting with a goal to have additional courts reporting dispositions electronically by the end of 2013. She is not saying that all courts will be done, but her goal is to be further along in that project. Judge Carver refreshed the committee about how Greg Noose was going to ask for a

legislative change involving commercial drivers and the courts can no longer defer dispositions. Lisa believes Beth entered an informational note on that legislation, as it would have an impact on the courts, not necessarily a problematic one. Because of that Beth did not put a fiscal note on the bill. Judge Carver said it was to amend 61-11-213 MCA.

Lisa said they are working on a new Web design and actually next week will see a demonstration of this. They will decide who the content managers are. She mentions this only because she is aware the forms need to be updated, as well as committee members, etc.

She wants to add a request dealing with these meetings, they need to get the members to respond how they are attending, in order to avoid scrambling at the last minute to try and get the proper hookups ready to go.

CLAUDIA UPDATE:

Talking about Roadside Payments, the following counties have been added: Blaine, Phillips, Valley, Fergus, Judith Basin, Petroleum, Choteau, Hill, Liberty, Golden Valley, Meagher and Wheatland. So, far no payments have come from this source.

These following counties are confirming bank deposits and should be going live 3-18-2013:

Big Horn, Carbon, Stillwater, Sweetgrass, Glacier, Pondera, Toole, Lewis & Clark, Broadwater, and Cascade. She is hoping to see activity in the large counties of Lewis & Clark and Cascade.

The last 13 counties were sent to Montana Interactive on 12-11-2013 and are: Beaverhead, Jefferson, Madison, Gallatin, Lincoln (includes Eureka and Libby), Flathead, Lake, Sanders, Mineral, Anaconda – Deer Lodge, Granite and Powell.

She has been tracking activity for the past month and noted Richland County has received 7 payments, Dawson County has received 11 payments, Custer County has received 3, Hill County has received 1 and Park County none so far. Judge Mohr said two of the Highway Patrolmen in Richland County are leaving soon and new recruits will be in the area. He can understand Dawson County is doing better because the MHP headquarters is located there. Claudia is surprised to not see more payments. Judge Mohr asks if the highway patrolmen are instructed to use Montana Interactive. As soon as everything is done, Claudia sends an e-mail to Scott Tenney and lets him know these courts are up and ready to accept payments.

Lisa said they did all the work to get this done with Major Butler encouraging us to move along. She thinks now they should send weekly e-mails to Major Butler with the number of roadside payments received and see if he can get the usage up. A lot of effort goes into this project from the installation to the training of court personnel and the program needs to be put in use by the Highway Patrol. Judge Mohr added with the increased activity from the Bakken, the paperwork being done to get these tickets paid has

increased substantially. He would like to see the officers use roadside payments more. Claudia said for some reason Hill County has dropped in roadside payments recently. Judge Barger believes in her county the young troopers are more likely to use roadside payments, while the older ones do not want anything to do with it. Judge Mohr asked Lisa if she could estimate the cost of her department to implement roadside payments. He suggested bringing that point up to the highway patrol, and asks if they would rather have defendants arrested and their department footing the bill.

Judge Mohr made a motion to ask the Highway Patrol if they are encouraging the use of Roadside Payments, because of all the work and money spent to get it operational. Jackie seconded the motion. Committee voted and approved this motion to find out what the patrol's policy is on roadside payments.

Judge Carver believes some of the highway patrol officers in his area are not collecting bond at all. Instead, he would like them to say, we do not take cash or checks as bond, but have this option of using a credit card. Lisa will prepare the letter to send to the Highway Patrol.

Claudia did talk to Judge Marsh in Musselshell County and explained the Roadside Payment procedure again. She has not heard back from Judge Marsh at this point. Judge Carver will call and discuss this with Judge Marsh, since she is the only court in his district not ready to accept roadside payments. Claudia did hear from Gallatin County and they are in the process of purchasing the credit card machine from JSI. Lisa added to this they are IT and it is their job to support everyone, but in order for them to get this credit card machine, they will be on a different version of FullCourt. Therefore, when a new version of FullCourt comes out and is tested, they will not be able to test it for Gallatin County, because of the different revision. Again this created a one-off from the statewide system.

Jackie asked why they wanted to do it this way. Claudia said apparently they wanted the credit card machine. Claudia commented another issue is they have worked with Gallatin County and a previous clerk to get them balanced some time back. She recently heard from their treasurer, Jennifer, and they have not balanced in 9 months. Claudia sent the IT policy to her and told her she is free to help them balance at this point. As soon as she got stuck on something, she called. Not wanting anyone to have problems, she asked for them to send her an e-mail of where the problem is. Erin is the financial clerk and has entered many memo items. Claudia let them know if Erin can explain the reason for each and every memo item, she will then work with them. Because they just posted without getting the memo items cleared up, Claudia let the issue go.

Now they are working on October 2012 and are stuck again. Jennifer wrote to Claudia stating she and Nathan are not sure how to solve the problem. Because they did not follow her recommendations, but are doing a Band-Aid approach, she has not gotten back to them. It is frustrating knowing they cannot balance and will be going on a new version of FullCourt with the JSI credit card machine. Nathan is the auditor for that county. Lisa said the court should have called 9 months earlier when they ran into the first problem.

Judge Mohr recommended billing that county when IT must go over and beyond the policy which is in place. Lisa commented it would take a legislative change for her department to accept revenue. The policy states if IT can no longer help them, they must contact JSI and pay them for help. Judge Carver said this is the only way they will pass an audit and perhaps the next time they will take Claudia's advice. This Court has already contacted Jason Segio with JSI and they now have a different version than the rest of the state. What Lisa does not know is when they get the next release of FullCourt, if they will be able to install it in Gallatin County. Judge Carver said it will be JSI's responsibility to update them after that. Lisa will bring this item up with Ernie when she talks with JSI tomorrow.

CitePay update:

Claudia mentioned the change to CitePay of being able to enter an e-mail address and they will receive a receipt of the transaction.

Claudia would like the education committee to put the topic of a MANS sheet on the agenda. This is not only to enter the MANS # in FullCourt, but the proper way to fill out the MANS sheet. Judge Carver said the training was done at the last conference. Judge Carver prints out the manual disposition and attaches a copy to the MANS sheet. In looking over the MANS sheets from the courts, Claudia has noticed discrepancies. Full dispositions must be entered into FullCourt for the ID Bureau to see what they need. Clerks need to enter the MANS # in FullCourt. Sometimes the jail sentence is not entered properly. The clerks need to know that DOJ will see exactly what is in FullCourt. Judge Carver believes it would make more sense to make sure the dispositions in the computer are right, with the MANS # there, and then the computer would print out the disposition.

Tina Schmaus said in Missoula they do not get the MANS forms and neither does Kalispell Municipal court. Judge Carver thinks we should ask Mike Rushetti to develop a method to automatically transfer the information. Judge Carver said it is law enforcement's responsibility to get the MANS # and sheet to the proper court. Once the court receives it, then the clerks must enter the MANS # in FullCourt. Lisa wants to meet with Mike Rushetti and find out what was presented at the conference and what happened with the idea of a FullCourt MANS form. She wants to know why this idea got stopped.

Judge Mohr added the courts can certainly do their part of entering the entire disposition accurately into FullCourt and the MANS #, but other issues of courts not seeing those forms to begin with needs to be handled through the detention centers. Lisa recalled the DOJ was awarded grant money through NCHIP to find out where the problems were in the process and make recommendations to fix. They were going to contract someone that would study all of the work that has been done so far on this project. She does not know how far along they are in this process, but they are trying to resolve it. Lisa agrees the court personnel need to be educated, but the problem actually starts in the beginning with the Officer making the arrest.

Judge Carver stated he believes the best answer is electronic transfer of information. This information automatically transfers from the jail to the court and the courts electronically transfer to the ID Bureau. Lisa said this will not happen right now, because there is no interface to handle it. Further on down the road, with the electronic services bus, this procedure may develop. Once some of these issues are resolved, a Best Practices guide will be developed for the courts to follow. Tina Schmaus volunteered their newly formed education committee to help in this process.

Claudia mentioned to the committee at the Spring Judge's conference upcoming the first week in May, they will have a computer lab available. She will put out a notification on the List Serv and it will be on the agenda. There are 8 new judges coming in. She is going to keep track of who comes in and how long it is utilized. If it is not going to be used, there is no reason to attend the Judge's conference. The clerks use the computer lab to the fullest, but clerks are not attending this conference. Judge Carver wondered if the commission should put it on the registration when the packets go out. Judge Carver said there are about 25 judges not on List Serv. Judge Mohr is not on list serv because his e-mail box will get too full and reject any more e-mails. The agenda lists it as FullCourt traveling lab from 11AM to 5PM and new judges may not have any idea what that is. They have only seen the same few judges every time at the lab and it is important especially for the judges who do not have clerks.

Judge Carver noted the new judges will be tested on Monday, therefore, may not be available for the computer lab. Test is approximately 3 hours long and will take place from 1PM to 5PM on Monday. Judge Carver will bring this up at the commission meeting the next day, because it does not make sense to have 3 or 4 trainers sitting around all day in the computer lab. Lisa said in the future they need to coordinate with Shauna to make sure the judges are available to attend the computer lab.

Beth McLaughlin:

Beth attended the meeting to discuss case filing standards. This topic was discussed at the last commission meeting. Lisa provided the committee a page of stats from the District Courts and a couple pages of stats from the Limited Jurisdiction courts. When she is asked for stats from the District Courts, it is easy to articulate what is in each of those categories. There are case filing standards for the District Court which makes this easy. This year Beth had to provide stats from the Ltd. Jurisdiction courts, but the categories are not standard and therefore, not easy to gather. For example, some courts put everything in "Other" under civil, instead of picking "Credit Agency Debt", or "Landlord/Tenant" or "Contract". Beth has been asked to explain the "other" category and what it entails.

Beth and Lisa asked the commission if case filings in the Limited Jurisdiction courts could be made standard, making it much easier to explain the statistics when asked. Judge Carver said another issue is Search Warrants. Some courts use the SW tab, and some courts just put an ROA in the case where the search warrant was issued. Lisa said in some courts search warrants are issued as cases, even though, there is no disposition. Beth believes search warrants should be a separate countable item, the same as done in

the District Court. What they are trying to do is educate people as to what is taking place in the courts and their caseload. If items are not in the stats, no one knows they are being done. Claudia said you go under case and you can enter search warrants. They are, however, not counted as a case. Thelma asked how you retrieve this information. Claudia said you would have to retrieve them by a number. Yellowstone Co. Justice Court, however, enters their search warrants in a different manner. Lisa said search warrants would not be extracted as a statistic. In the District Court it is a specific case type.

Lisa pulled some information from a state guide that came from the National Center for State Courts and it outlines all of the felony criminal categories, some of which they do not use. It also outlines the categories for the Misdemeanor case types. Then it talks about traffic, parking and local ordinance reporting. In District Court a category is “criminal”, and Judge Carver wondered why we needed all the different breakdowns in criminal offenses. He said there could be traffic and criminal, instead of dangerous drugs or drug paraphernalia. Judge Mohr said just listing the number of civil cases, instead of a category for contract, credit agency debt, etc. How detailed do the stats need to be, such as how many landlord/tenant cases are filed in Courts of Ltd. Jurisdiction. Judge Mohr said it could be simplified to list: Civil cases, Traffic cases, Criminal Cases, Small Claims cases and orders of protection. Judge Carver said municipal infractions needs a category.

Lisa said in the guide they breakout the following: person, domestic violence, drug, public order, MV-DUI, MV-Reckless, and MV-other. District Court is not broken out this way, due to the fact they have a specific set of case filing rules. Beth thinks less makes more sense in this situation. It is easier to explain the categories and if necessary more specific stats could be located, such as someone requesting how many speeding tickets are issued in the daytime. Having less categories would mean they are handled more uniformly across the state. Beth has a problem with categories now when one court uses “other” for everything in civil. Judge Mohr asked if other would cover city ordinances or county ordinances. Judge Carver suggested having a category for local ordinances. Lisa said she can separate those out.

Judge Mohr suggested one category for civil, one for small claims and orders of protection. District Court does not have a separate category for orders of protection; therefore, Judge Carver wondered why that needs to be separated in our courts. They are under the category for “domestic relations”. Beth said there would be 3 categories under civil: general civil, orders of protection and small claims. Therefore, no need to have the separate categories of: Credit Agency, Contract, Landlord-Tenant and other, as they would all fall under general civil. Sharon believed the clerks would be just as happy to have those 3 categories to pick from.

Regarding traffic, Sharon said District Court would classify them under the felony charges. Lisa said for the Limited Jurisdiction courts, she takes the 45 codes and puts them into one category and she takes 61 codes and puts them into another category. Beth said what happens now if there is a criminal statute and a traffic statute violation in one

case, Lisa pulls the 45-code statutes out for criminal and the 61-code traffic gets put in the traffic statistics. Therefore, Beth said every charge within that particular case is counted and put in the proper category.

Judge Mohr asked about the search warrant category, which Beth stated is such a large work load item for the Limited Jurisdiction courts; it would be a mistake not to include them in the stats. Lisa said this is a training issue with the courts as well as an issue with this discussion on stats. Beth noted in the District Court stats Search Warrants are a category. Judge Carver said the categories would be: criminal, traffic, search warrants Municipal infractions, and local ordinances. Judge Carver said he gets a local dog ordinance which is criminal, where all the municipal infractions in Billings are civil. The municipal infractions are a small claims procedure. Some of them are reported to the DMV with points and some are not. Lisa said, therefore, some of them are criminal charges. Judge Mohr said Municipal courts will have civil infractions and criminal cases.

Lisa said Municipal infractions would be easy to separate out this way. Any 61code municipal infraction could go to traffic and any other municipal infraction could go to local ordinance, if we break local ordinances out. She said we need to because we call criminal cases all 45-code cases. Judge Mohr said one of Sidney's local ordinance deals with trucks 32,000 lbs. or heavier on a city street, which is a criminal offense. Beth said it would fall under the local ordinances in the Criminal section. Beth said if she gets a speeding ticket in Billings it will fall under traffic, but if they do not have those under traffic and criminal the statistics will show no speeding violations in Billings. She wanted local ordinances to be in criminal, divided by criminal or local ordinance. Every county or city has local ordinances.

Judge Carver said he spends time on the felony charges as well, since he is the first judge they see and he has a hearing. They are entered in FullCourt as a case and Lisa said the National State Courts recommended they are counted twice, once for their first appearance and then as a felony case in the District Court. Beth had another question regarding cases, because approximately 40% of the cases in District Court are reopening of a criminal case. Defendants end up back in court for a revocation and Beth said this is counted as a case. Judge Carver said in the Limited Jurisdiction courts they would not close the case until all requirements are met, and when a defendant fails to do so, there is a petition to revoke, which leads to a new charge under the case. Lisa said it would be counted, but not pulled under the filing date of the case, but under the filing date of the charge.

Sharon said this may be another training issue, as their Petitions to revoke come from the county attorney's office and they do not put the new charges under the original case. Judge Carver said they enter the Petition to revoke charge under the case with the new charge and statute used of 46-18-203 MCA. Sharon said they just set a hearing and then upon disposition modify the sentence under the existing charge in FullCourt. Judge Mohr said by counting those as a new charge would make a big difference in the charge count. Tina said they do not enter the Petitions to revoke as a new charge under the case either.

Lisa said Municipal infractions are going to be split out between traffic and criminal, therefore, no need for a separate count of Municipal infractions. Beth said they won't be revising any 2012 statistics, but she wants to get this out there, train and run clearer reports for 2013. From the conversation she said civil is: civil general, orders of protection and small claims. The other categories are: criminal, traffic, local ordinances and search warrants. Beth said all the courts will need to do petitions to revoke in the same manner, as well as enter Search Warrants into FullCourt in a countable manner. Judge Barger wanted to make sure her court could still get reports on the number of DUIs, or Orders of Protection issued. Lisa said those reports come from the statute used.

Judge Carver inquired about involuntary commitment hearings and juvenile detention hearings, should the District Judge not be available to handle them. Beth said these do not show up in the statistics because the Limited Jurisdiction courts are not entering them in FullCourt. Barb commented no paperwork is filed in the court when Judge Mohr does an involuntary commitment or a juvenile detention hearing. Beth said any juvenile proceeding held in a court is open. The informal proceedings in youth court are not open to the public. Beth said in the District Court they open a case for juvenile detention hearings and it has a 30 day deadline, if no petition is filed the case is sealed and closed. Judge Barger said involuntary commitment hearings are not open to the public, therefore, if they are to be entered in FullCourt, there must be a way the public does not see them. Judge Barger does not enter them in FullCourt, because of the confidentiality issues. Beth feels if these hearings are being done statewide, they should be tracked for workload statistics.

Judge Carver said the one item he would like to be able to show the legislature is the number of DUI cases where a petition to revoke has been filed. This happens on almost every single DUI. Beth wondered how many juvenile detention hearings would be taking place in the Courts of Ltd. Jurisdiction. Judge Mohr said it would depend on the situation with the District Judge. If the District Judge is traveling a lot to cover various courts, then they may not be available every time a juvenile detention hearing is needed. If a District Judge is seldom away traveling there would be fewer done in the Courts of Ltd. Jurisdiction. Judge Carver believes Judge Miller in Chinook does many of these because of where he is located in Montana and no District Judge stationed there. Sharon said her court only handles about 1 or 2 per year.

Judge Mohr made a motion the new statistical categories would be: Civil, Orders of Protection, Small Claims, Criminal, Traffic, Search Warrant and local ordinances. Thelma seconded this motion. Motion passed. Judge Carver will report to the commission on what has been decided by this committee on the statistics for Courts of Ltd. Jurisdiction.

Judge Carver said the three training issues are how to properly enter search warrants, the entering of all temporary orders of protection (whether granted or denied) and the entering of Petitions to revoke as a separate charge. Lisa would like to state for the record this is how statistics will be broken out for the public, but for courts usage she will continue to break out the statistics as they are accustomed to.

Public Defender reports – update:

Lisa has been working for many hours to get the public defender's office the information they had requested at the last meeting. They have been extracting data and Claudia has been validating data against courts, on an individual case level. Business Analyst, Cindy, is touching every database and pulling public defender fees out. This would be the fee schedule of 7-1-2011 or greater and the exact fee description. As soon as she has completed this, they will do another round of pulling the data and verifying the information. Once done, Lisa said they will extract monthly the assessments and fees paid. Claudia and Gregory have much time spent together working on this. Judge Carver asked if there is a way to add "fees waived" or "fees not assessed".

Thelma said there is a way to assess fees and then go back in and waive those fees. Lisa said in FullCourt it is not easy to identify the reason for the adjustment. Inside that database and those financial tables, extracting data is extremely difficult. Adjustments and waiver of fees cannot be identified. Judge Mohr wants to make sure the data will not be used against a specific court, because a public defender may be asked in court if they are requesting fees and quite frequently answer no. Therefore, they are not ordered, but FullCourt does not reflect this conversation in court. Claudia replied all the public defender's office wants are totals. Right now, the information is pulled separately in order for her staff to verify the information. At the end of the month, they will be sending a report showing how much was assessed and what amount has been collected. There will be no matching on their part, as they are only receiving totals. They will not have any idea who is paying the fees. They requested totals in order to reconcile with the amount sent to them from the Dept. of Revenue.

Judge Carver said in other words, the report shows the Richland County Justice Court or Judith Basin Justice Court and the amounts. He is afraid the comment will be that Judge Carver does not collect public defender fees. The statute states all the courts will assess these fees, and the report will have nothing assessed from Judge Carver. He said Lisa will not get the question, but it will come from the legislators and Fritz Gillespie there are 25 courts in the State of Montana who refuse to collect public defender fees. Judge Mohr asked why he should spend time in court doing a financial analysis of the defendant when the public defender is not requesting fees. Judge Carver said the figures could be used against them, because the statute says courts are supposed to collect, but they are not doing it.

Lisa said last session the public defender's office asked for the same information and it was decided they could get all that information from some reports out of FullCourt. Courts were asked to do these reports, as well as an additional one that was later requested from the public defender's office. Therefore, it was agreed to meet with the public defender's office at the last meeting, where most judges said they do not have time to send the reports out of FullCourt. Lisa and her staff then agreed to look at what they could do and after much time came up with a report.

After the last meeting, Tina went back and spent time going back and pulling the reports for the public defender's office like had been discussed. After they had received them, a

request came back to her asking for a research of specific cases. Tina then called the public defender office and respectfully declined the request, due to lack of time. At the meeting all they wanted was a figure, but she found out they were trying to reconcile with specific cases. Lisa agreed that was not requested at their meeting. Fritz Gillespie was specific as reflected in the minutes as long as offices are audited in regards to this money; they are meeting their auditing requirements. They only wanted to be able to tie the money from Missoula County with each individual court in that county. Judge Carver can always go to the legislature and say our court program does not have the ability to show all of the public defender fees which are waived. Claudia disagrees the court will be held accountable for something that was never assessed. But, Judge Carver said Mr. Shockley put the responsibility on the court by the legislation saying, courts shall collect, unless a financial analysis proves the defendant is unable to pay.

Judge Carver further stated included is the wording, the court shall put in the judgment the determination regarding public defender fees. Lisa said getting copies of the judgment did not work, because the PD office had to read through the entire order and sentence to find out what they needed to know. Judge Mohr added the point is the public defender's office has already determined the defendant is indigent, but asking the court to say they were not as indigent as you thought they were. Lisa said they can only provide information if it is entered into the program. Judge Mohr said once he asks the public defender if they are requesting fees and they say no, why go on further with the defendant regarding his ability to pay.

Lisa does not want other agencies knowing they worked long and hard to get this information for the public defender's office and they start getting more requests. There are many agencies who may want to match the figure they received from the Dept. of Revenue. Lisa said the assessments and collections will be broken down by court in each specific county, because right now they receive a figure from the county, but do not know which court in that county sent funds. Tina asked if a disclaimer could be added to those reports every time, stating these reports do not reflect amounts not requested. Judge Carver added verbiage to the effect: this report does not reflect fees waived, or fees not assessed due to defendant's financial situation. Something to the effect, what this report does not reflect is the number of times the public defender's office did not request fees, or when the court determined the defendant was financially unable to pay. Lisa said to add to that: the FullCourt program does not have the ability to extract that information.

Education-Training committee:

Sharon Skaggs and Tina Schmaus have requested from the MJC&MCCA the opportunity to form an education and training committee as co-chairs. Part of this is to help out with the training ideas for the Fall Conference, and to hopefully set up a spring, or early summer conference in 2014 for the clerks, similar to what has been done in the past. The past spring/summer conferences were held in Helena, using Carroll College and one at the DOT facility. Sharon said this committee has already discussed some of the issues that need to be included in training for clerks. Tina and Sharon do not think the fall conference provides enough training for the clerks. The committee consists of 11 members from all areas of the courts; city, justice, justice courts of record, municipal and

even a volunteer from a citrix court. Sharon said they have a conference call meeting scheduled for the next day in the afternoon. Objective of this meeting is setting up preliminary ideas of what they want to handle, what they can handle and start working on a spring/summer conference for 2014. Tina said what is lacking is a skill set as to what court clerks do and what court administrators do. Much of this involves training and there is not enough time at one conference to cover everything. She can only bring 5 or 6 clerks to training, but needs more training opportunities throughout the year for the other clerks. Tina said she personally holds the Clerk's organization responsible for training.

Judge Carver thinks this is a great idea, but it needs to be brought up to the commission, because they are in charge of all the Courts of Ltd. Jurisdiction training. It should be in their minutes this was brought up and approved. Jackie Schara would bring this to the commission meeting tomorrow. Judge Mohr said he was a part of the Clerk's Association being formed many, many years ago and it is important to keep track of all changes, whether legislative or procedural, and bring everyone up to speed. He feels structure always works the best and people willing to step up to the plate and take on this responsibility and point out the inadequacies is a very good idea.

Judge Mohr made a motion to bring this up to the commission as a needed committee and the members of this IT committee are in agreement with a clerk's education and training committee. Judge Barger seconded the motion.

Discussion: Lisa is in favor of this, but wants everyone to consider the logistics of the IT division. May and June is the absolute busiest time for them. The securing of a location is incredibly difficult and expensive and requires a lot of resources from a technical perspective because we need databases that can be utilized on other people's servers and work stations. They do not have a training facility in Helena. Lisa knows the FullCourt conference was a big success, but it took months and months of planning and resources to bring together. Lisa said they will be down one business analyst position, because they took the position and made it into an e-filing coordinator position. It isn't set in stone what the additional 3 FTE will be doing, but they are one time only. She will put them where they are needed and it may not be a business analyst. Again, Lisa said the committee must consider the logistics of her department if they are going to be a part of this training.

Sharon said they would discuss training needs with the Automation and Accounting Committee and the Supreme Court IT division. She said the training schedule is very flexible at this point. Lisa also inquired about funding, because the last FullCourt conference was funded with grant money and did not come out of the operating expenses of her department. Tina said they do not have any expectations at this point and they are strictly at a planning and idea stage. Jackie said the idea is whether you are a small court or large court in the State, clerks should be doing their jobs in the same manner. But, without training this does not happen. Judge Barger said if more training is provided to the clerks, it should save time from the business analysts having to do it. Lisa said oftentimes they can train and train, but if they hear it from a peer, it sticks better. Jackie said there is quite a lot of money in the Clerk's Association bank account and it needs to

be used for training. Sharon commented when she earlier sent out a survey regarding more training and if their court would have the money available to pay for the expense of sending them to training, only one court said they would not be able to attend due to the expense.

Judge Mohr went back to the motion on the floor, there was no further discussion, question was called. Committee voted and passed the motion regarding this newly formed Education and Training committee.

ROA AND EVENTS:

The committee went over the ROA codes this committee worked on earlier. Sharon said the goal was to make the codes as general as possible. Lisa did bring up the point of a colon following the ROA code, but not on every one and she wanted the committee's opinion on that. An example was "attorney retained:___)" and the clerk could type in the attorney's name if she wanted to. The committee agreed the colon could be removed from the ROA codes where it had been added.

An ROA code can be assigned to more than one event. An event cannot be created as they are already in the computer system. Committee members worked on other events and the standard ROA code. The committee agreed on a ROA code of "writiss" and "writserv" for writ issued and writ served. Reports can be run by searching an ROA Code. Lisa further advised the committee the events were created when Marty was with her department. This may not be all the events, with e-filing coming and a conversion process. The developers have not had an opportunity to look at this project and look at FullCourt and come up with a conversion, which will be done on a court by court basis. This project will take time and training, therefore, Lisa cannot give the committee a concept on the conversion process. Sharon volunteered the Yellowstone Co. Justice Court as a test site for the new standard ROA codes.

Inactivity Dismissal Request:

Sharon explained on old civil cases where no judgment or action has been taken, you send out the notice the court will dismiss if there is no reply in 30 days. A batch process was not done initially, due to the years of backlog. However, they are more up to date now and a batch process would greatly help them. Claudia came up with the rules for the dismissal, which Sharon approved. After 90 days of no activity on a civil case, the ROA picks the case and the court sends out their notice if no activity in the next 30 days, the case will be dismissed by the court. Judge Herman designed the forms being used and they do conform to the statute.

Judge Carver said the rules are a notice must be mailed out to all the parties and cannot be mailed until 90 days has gone by since the last action. The notice must state that unless good cause is made by either party within 30 days, the court will dismiss the case without prejudice. The statute is 25-23-16(c) MCA.

Judge Mohr read the notice for the record: More than 90 days have elapsed since the last action in the above titled case. Under rule 16(c) of the Justice Court civil rules, the court

may upon its own motion dismiss the action without prejudice; unless good cause is shown within 30 days of this notice the above action should not be dismissed. Claudia wants this rule to be the standard. Claudia said it is much easier to setup than overdue processing.

Judge Mohr made a motion to accept this procedure pursuant to 25-23-16(c) MCA of the civil rules of procedure and Judge Herman's paperwork be accepted as the standard. Thelma seconded. The committee passed this motion.

Civil Fees:

Michelle Snowberger has contracted with the commission to redo all of the forms in the Bench Book on the web site. The fees on the forms for civil cases are now not correct. Therefore, Judge Carver wanted to ask IT what it would take to at least get the civil fees updated on the web site at this time. Jurisdiction is wrong for small claims and civil as well. It is thought the project to update the Bench Book forms may take a year. Lisa cannot guarantee an immediate change, but next week they are doing a demo with Kevin on the new web site. As soon as Beth and Judy say OK, they can start contacting content managers. The content managers can use software and do this on their own. The other judges helping Judge Snowberger are Judge Herman and Judge Steve Muth.

Municipal Infractions:

The Municipal Infractions project requirement papers were discussed. These have court action items and Office of the Court Administrator action items. Judge Mohr said they were written as the committee had discussed at the last meeting.

Judge Mohr made a motion to approve the 2 documents which have the heading of: Municipal Infractions Project Requirements. Jackie seconded the motion. This motion was passed by the committee.

Statutes Issue for Missoula:

Tina inquired about a statute issue in FullCourt regarding animal cruelty, as the statute in the bond book is the penalty phase. The particular case in question has 42 counts with it. The statute is 45-8-211 MCA. The City Attorney's office asked Tina why the statutes are not in the database, because Billings had a similar case. She wants to know the procedure to request a statute change. Judge Carver said the procedure is to make a written request to Claudia and she will forward it on to the bond book committee. The committee makes the decision and what goes in the bond book is the same thing in the statute table. Judge Carver agreed the bond book is wrong as the charges are not in there, just the penalties. Lisa said they must contact Bruce with the DOJ about this change and cannot make any more changes, because it must be pushed out in order to make all the exchanges. Once that project is completed, they can make changes to the statute table if needed.

Meeting Dates:

Judge Mohr agreed every 3rd Thursday of every other month could be the meeting schedule for this committee. Judge Carver wanted to know if 5 meetings per year are enough. Claudia said the summer months are skipped. Next meeting date would be

Thursday, May 16th, 2013. June, July and August would be skipped. Next meeting after that would be September 19th and November 21st, 2013.

Judge Mohr made a motion to have these meetings coordinate with the commission meetings and held the 3rd Thursday of every other month. This is with the option to call an emergency meeting should there be enough agenda items that need immediate attention. Jackie seconded the motion. Committee voted and passed the motion.

Next Meeting Date:
May 16th, 2013.

Meeting adjourned.