

MINUTES

Commission on Courts of Limited Jurisdiction (COCOLJ)

Helena, MT

February 17, 2023

Members Participating: Hon. Perry Miller, Hon. Kelly Mantooth, Hon. Steve Fagenstrom, Hon. Steve Bolstad, Hon. David Grubich, Peggy Tonon, Hon. Jim Rice, Melissa Rosaaen, Hon. Kerry Burman, Brian Smith, Hon. Jessie Connolly, and Greg Sullivan.

Members Absent: County Attorney Representative (no recommendation from MCAA yet)

Staff Present: Shauna Ryan

Guests: None

Judge Mantooth called the meeting to order at 8:35 a.m. He started by introducing and welcoming new members Greg Sullivan and Judge Kerry Burman.

OLD BUSINESS:

Minutes

The minutes from the meeting on January 20, 2023, were reviewed. Peggy Tonon moved that the minutes be approved. Judge Miller seconded the motion and it carried unanimously.

Certification Conference – Survey Monkey Results

Members reviewed the Survey Monkey results from the certification conference. As usual, the comments were varied concerning various presenters. As has been suggested in the past, it would be helpful if when a judge asks a question they first stand up and identify themselves, and then speak loud enough for everyone to hear. It's frustrating for judges when they are unable to hear the discussion. There was a request for more mock hearings as well as a break-out for the new judges. There was a comment that folks typing on their laptops was distracting for those sitting around them. Maybe an announcement should be made prior to the start of each conference reminding everyone to be aware and courteous of those around them during conference. Several of the more common grievances could be read from the survey itself. A couple of commission members suggested that Judge Grubich teach on contract law at a future conference.

Request for Waiver of Training for Substitute Judge – Form Revision

Peggy Tonon distributed the proposed form with suggested revisions. The only change she made was to add the actual language from statute to the form that many judges fail to state when submitting their waivers. The following language will be added: "The undersigned judge, who represents that the proposed substitute judge is of good moral character, has community support, has a sense of community standards and has a basic knowledge of court procedures, requests that the Commission on Courts of Limited Jurisdiction waive the training requirements for the following proposed substitute judge:...". The Commission concurred with the waiver committee's recommended changes to the form. Shauna Ryan will send out the amended form to the judges and put it out on the Supreme Court website for reference.

NEW BUSINESS:

Rule 5. Waiver – Rule Revision: Provision/Exception for Retiring Judges

Peggy Tonon had several questions before crafting language in the rules. Is the Commission only talking about the certification test? Are we only talking about judges that are not re-elected or retiring? Judge Mantooth confirmed that was correct. Peggy asked about judges who retire mid-term and request a waiver? Do we need to set some parameters on those requests too? Peggy will confer with the waiver committee and craft some language in the rules. For certification conference only, judges who are retiring or are not re-elected do not have to attend the conference and are not required to obtain a waiver in advance.

Request for Waiver of Training for Spring 2023 Conference

Hon. Jennifer Streano – On behalf of the waiver committee, Peggy Tonon recommended that the waiver be approved. The Commission concurred with the recommendations.

Spring Conference Agenda – Update

Shauna Ryan reported that all the presenters, with the exception of the presenter for the marijuana law update, had been contacted and were on board to teach in April. Shauna Ryan indicated that Scott Twito originally agreed to teach but then resigned from the Commission. He reminded the Commission that Anna Saverud had taught on the topic on a prior occasion and would be excellent. Shauna will contact Ms. Saverud.

Adjourned: The meeting adjourned at 10:00 a.m.

Next Meeting Date: The next meeting will be Friday, March 17, 2023, at 8:30 a.m. in Helena.

February 7, 2024