

MINUTES

Commission on Courts of Limited Jurisdiction (COCOLJ)

Helena, MT

February 23, 2024

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

Members Absent: Jeanne Torske

Staff Present: Shauna Ryan

Guests: Hon. Jake Coolidge

Judge Mantooth called the meeting to order at 8:30 a.m. He introduced and welcomed new member Judge Maureen O'Connor. Judge O'Connor was appointed on February 20, 2024, and fills the seat of the small city judge member on the Commission.

Public Comment: None

OLD BUSINESS:

Minutes

The minutes from the meeting on January 19, 2024, were reviewed. Judge Burman moved that the minutes be approved. Peggy Tonon seconded the motion and it carried unanimously.

Email from Judge Coolidge re: SC Order Mandating Municipal Judge Attendance at the COLJ Conference

The Commission reviewed the email from Judge Coolidge along with other information. After discussion, the Commission determined it would not take any action on the email and would continue to proceed under the direction of the current Supreme Court Order. Judge Coolidge was present via Zoom during the discussion and was so advised.

Public Notice of the COCOLJ Agenda and Minutes

Shauna Ryan will begin posting the Commission meeting agendas, along with the minutes, on the Supreme Court's website. <https://courts.mt.gov/Courts/boards/cclj>

Judges Deskbook – Status

Judge Mantooth advised that he emailed with the judges working on the Deskbook and they are still in the process of updating it. They hope to have something to the Commission to review sometime in the spring.

NEW BUSINESS:

Election of Officers

Judge Burman moved that the current officers remain the same. Judge Connolly seconded the motion and it carried unanimously. Judge Mantooth will continue to serve as chairman, and Judge Bolstad will continue to serve as vice-chairman.

Waiver Committee

Judge Burman moved that the current slate of officers remain the same. Judge Connolly seconded the motion and it carried unanimously. The waiver committee consists of Peggy Tonon, Judge Grubich, and Melissa Rosaaen.

Law Enforcement Reference Guide

The Commission was notified by the Association of Montana Troopers that they will no longer be publishing the LERG. This is a big loss to the Courts of Limited Jurisdiction as it's a resource that is used regularly by the judges. Shauna Ryan advised that the Court Administrator's Office may be able to put together something similar, however not quite as fancy. We could work with the State Print and Mail and find out what they are able to do onsite. Shauna wondered if the Commission thought it would be useful to keep everything that is currently in the LERG. Brian Smith moved to create a working group to determine what would be included in the reference manual produced for the lower courts. Judge Fagenstrom seconded the motion and it carried unanimously. The working group will consist of Brian Smith, Judge Connolly, Judge Fagenstrom, and Judge O'Connor. Judge Connolly agreed to chair the working group and will be sending out an email to the others on how to move forward.

Spring Conference Agenda – Update

Shauna Ryan advised they had inadvertently failed to leave time on the agenda for the nuts-and-bolts session. Judge Connolly moved that the court specific breakouts be swapped for the nuts-and-bolts session. Judge Burman seconded the motion and it carried unanimously. The nuts-and-bolts session will be added to the agenda in place of the break-out sessions. Shauna will notify the nuts-and-bolts panel.

Shauna asked for more direction on the Rules of Evidence session by Prof. Ford as it's a very broad topic. The Commission suggested Prof. Ford talk about the judge's role in evidence submitted - and not objected to - that shouldn't be allowed without proper foundation. What is hearsay? What is foundation? What is the judge's role? Prof. Ford should keep it very basic and not focus on all the exceptions. Judge Mantooth will spend 10-15 minutes at the start of the session to show the judges the Rules of Evidence book and how to use it.

Adjourned: The meeting adjourned at 10:05 a.m.

Next Meeting Date: The next meeting will be Friday, March 15, 2024, at 8:30 a.m. in Helena.