

MINUTES

Commission on Courts of Limited Jurisdiction (COCOLJ)
Missoula, MT
April 25, 2022

Members Participating: Hon. Perry Miller, Hon. Kelly Mantooth, Hon. Jessie Connolly, Hon. Holly Frederickson, Hon. Steve Fagenstrom, Hon. Steve Bolstad, Charlie Harball, Brian Smith, and Scott Twito.

Members Absent: Valerie Armstrong, Hon. Heidi Ulbricht, and Justice Rice.

Staff Present: Shauna Ryan

Guests: None

Judge Miller called the meeting to order at 1:15 p.m.

OLD BUSINESS:

Minutes

The minutes from the meeting on March 18, 2022, were reviewed. Charlie Harball moved that the minutes be approved. Judge Connolly seconded the motion and it carried unanimously.

NEW BUSINESS:

Request for Temporary Certificate and Waiver of Training for New Judge – Extension of 6-month testing requirement in a certification year?

Peggy Tonon distributed an email that she sent to Valerie and Scott along with their responses. In Rule 3, there are a couple of options. One would be to just let the chips fall where they may – the judge must test within 6 months regardless of timing. The second option would be for a judge whose 6-month time period is ending to request another temporary waiver under the good cause exception. Following an extensive discussion, Charlie Harball moved that no action be taken on the rule at this time. Judge Connolly seconded the motion and it carried unanimously. Rule 3 of the Rule for Courts of Limited Jurisdiction Training and Certification of Judges will remain as currently written.

Request for Temporary Certificate and Waiver of Training for New Judge

Hon. Marc Glines (Madison County JP): On behalf of the waiver committee, Peggy Tonon recommended the temporary waiver be approved. The Commission concurred. Judge Glines must take the certification test no later than September 27, 2022.

Request for Waiver of Training for Spring 2022 COLJ Conference

Hon. Gayle Stahl: On behalf of the waiver committee, Peggy Tonon recommended the waiver request be approved. The Commission concurred.

Annual Training Sessions for Courts of Limited Jurisdiction - Locations

Hon. Jeanne Walker sent a letter to Judge Miller on March 25, 2022, requesting that, as Chairman of the Commission on Courts of Limited Jurisdiction, he identify any and all rules, regulations, protocols, policies and legal authority utilized by the Commission on Courts of Limited Jurisdiction in deciding the locations of the fall and spring conferences each year. Judge Miller responded and indicated that the Commission would entertain any ideas she had, however the MMA is not the appropriate place to discuss this particular issue. The Commission on Courts of Limited Jurisdiction was statutorily required to supply the education to the judges and the judges are mandated to be present at the required training unless they requested and received a waiver. The district MMA meeting was held on April 8, 2022. Judge Walker provided Judge He Does her proposal ahead of the meeting and requested the item be discussed during the meeting. Judge He Does It forward the proposal to Judge Mantooth for his review and comments. Judge Mantooth explained the Commission's process on finding locations and criteria that must be met. Judge Connolly attended that district meeting. She advised that the MMA could make a recommendation to the Commission regarding the issue but that would be the extent. Judge Connolly added the issue to the general membership meeting of the MMA on scheduled for Wednesday, April 27th. Judge Walker is planning to address her concerns and proposal during the MMA meeting on Wednesday. The gist of the proposal is that no judge be required to travel more than 550 miles from their courthouse to the conference location. Should the Commission choose a location outside of the parameters in the proposal, the Montana Supreme Court would incur the additional cost of travel to include mileage, per diem and lodging. If the MMA gets a majority vote to take the proposal to the Commission for consideration, the Commission will address it at the June meeting. Judge Connolly will provide an update – either way – at the next meeting.

Adjourned: The meeting adjourned at 2:55 p.m.

Next Meeting Date: The next meeting will be Friday, June 17, 2022, at 8:30 a.m. in Helena.