

# **MINUTES**

## **Commission on Courts of Limited Jurisdiction (COCOLJ)**

**Helena, MT**

**June 16, 2023**

**Members Participating:** Hon. Kelly Mantooth, Hon. Steve Fagenstrom, Hon. Steve Bolstad, Hon. David Grubich, Peggy Tonon, Melissa Rosaaen, Hon. Kerry Burman, Hon. Jim Rice, Brian Smith, Hon. Jessie Connolly, and Jeanne Torske.

**Members Absent:** Hon. Perry Miller and Greg Sullivan

**Staff Present:** Shauna Ryan

**Guests:** Beth McLaughlin

Judge Mantooth called the meeting to order at 8:30 a.m.

### **OLD BUSINESS:**

#### **Minutes**

The minutes from the meeting on April 24, 2023, were reviewed. Peggy Tonon moved that the minutes be approved. Judge Bolstad seconded the motion and it carried unanimously.

### **Rule Revision: Provision/Exception for Retiring Judges**

Peggy Tonon reported that after further review and consideration it seemed more appropriate to place the new rule (Waiver of Training for Certification Conference and Test) under Rule 6 – which addresses the certification test – rather than Rule 5. The new rule pertains only to the certification test, so fits better under Rule 6. The Commission concurred. The new rule will be Rule 6C of the Rules for Courts of Limited Jurisdiction Training and Certification of Judges.

### **NEW BUSINESS:**

#### **HB 500 – Elimination of youth court fees, costs, and certain fines**

Beth McLaughlin wanted to make sure the limited court judges were aware of the changes in HB 500. Effective October 1, 2023, HB 500 eliminates any fees or financial obligations from youth court or juvenile matters unless it's specifically lined out in statute. For those who handle MIPs, you can no longer charge a community service fee or some ancillary fee for workbooks, for example. The biggest impact is on youth court because they charge supervision fees and drug testing fees. That will all go away. Peggy Tonon asked who will cover those fees. The legislature, for the purposes of youth court, gave the Court general fund money to cover those costs. There is nothing that is provided to the courts of limited jurisdiction. Most courts of limited jurisdiction are just charging the fine enumerated in statute. Where the issue comes in are those counties where they have a community service program, and the juvenile pays a fee to the community service program – they won't be able to do that anymore. Judge Mantooth is going to suggest when the information is sent out that if they aren't using the youth court for under 18 MIP's that they should look at doing that since there is money available. Beth

advised that courts would want to talk to their local probation officer because there are some counties that may not be able to handle the volume.

## **HB 282**

Beth reported that she received a call from John Sinrud, lobbyist for the landlord's association, and he wanted to make sure that the justices of the peace were aware of the changes in HB 282. Judge Hummel sent out the information to the judges earlier in the week. Beth will let Mr. Sinrud know that the judges have been made aware of the changes.

## **Court Security Update**

Beth advised that under the auspices of the District Court Council a safety and security working group was created in November 2021. The committee is chaired by Judge Shane Vannatta from Missoula. Judge Walker in Yellowstone County is a member as is now Judge Witt who was Sheriff Witt at that time. The committee is a mix of attorneys, judges, clerks of courts, county commissioners, and representatives from law enforcement. The committee came up with a proposal to ask the legislature for a half million dollars and an FTE to oversee statewide court security. The FTE would work with law enforcement and the Department of Justice and MACO to get certain things in place. The legislature funded the \$500,000 one-time-only ask, however they did not fund the FTE. The Court has a vacant FTE position that it will make a court security program specialist, but the position description hasn't been written yet. The \$500,000 is for a study of each courthouse which will then tell us what needs to be in place. That study will be done in conjunction with all the criminal justice partners – the district court judges, limited court judges, law enforcement, county commissioners – and any money we have remaining will be seat money for counties to start making some adjustments. Randy Middlebrook from Homeland Security is out doing some reviews of courthouses currently. He's working primarily with the sheriffs and county commissioners but tries to make contact with the judges as well. Homeland Security can tell you what's wrong, but they can't tell you how to fix it due to liability. The new court security specialists' job will be to figure out how to fix an issue. The other component of the new FTE will be to address the escalating number of threats against judges and court officials. Threats happen primarily in the civil cases – domestic relations cases and child abuse and neglect cases. We're hoping to attract a retired law enforcement officer who can work more closely with DOJ and local law enforcement. The hope is to hire someone this summer. That court security specialist will be charged with working with the safety and security committee and managing the money for the reviews. Beth will send a copy of the report from the working group to the Commission.

## **Full Court Bookkeeping Issue**

Beth reported that there are courts where the clerks are incapable or unwilling to do basic accounting that leaves them with a functional system and a functional month-end report. When Claudia Anderson and her staff go in to upgrade a court to FCE they spend a lot of time training the clerk or whomever is responsible on the financials. They are provided with specific reports to run on specific dates, spreadsheets that will help them balance, and there are still a handful of courts who are calling every month and requesting that our staff reconcile for them. The Court Administrator's Office staff are not individual courts' personal accountants. Of course, the staff is there to help when there are questions. However, they cannot routinely do the financial work for folks for two reasons: 1) time – the IT department does not have the staff capacity and time, and 2) the OCA does not want to be involved in inadvertently covering up fraud. The OCA does not want to be in a position where there has been fraudulent activity and people are calling our office and asking for help in balancing accounts. Beth reiterated that the OCA is always willing to provide training for new clerks and help if there is an error, but the ongoing reconciliation of accounts at the end of the month they can no longer do. Beth has asked that if Claudia has a clerk who is routinely asking for help reconciling, then Claudia or Lisa Mader need to make the judge aware of the situation. The judge is ultimately responsible for those finances in the limited courts.

### **Deskbook Update – Request from Clerks Association**

Shauna Ryan passed along a request from Gail Krezelak, who is a clerk in Miles City, and she advised that the clerk's association was interested in updating the Deskbook on the Supreme Court's website. She didn't want to step on any toes but wondered how that was facilitated in the past and offered their assistance with the project. Shauna reported that Judge Duehr, a retired city judge, revised and prepared the Deskbook for the judges in 2010. The book is no longer provided in hard copy but is available on the website. The book is likely very outdated at this point. Beth advised that if the Commission wants to update the judges' Deskbook, the OCA could likely come up with funding to pay someone to do it. The clerk's association can certainly update the clerks' manual as they see fit and have the Commission review it prior to publishing on the website. Melissa Rosaaen will take this information back to Gail and they will discuss it at the next clerk's association meeting.

Judge Mantooth thought reaching out to several judges to see if they would be interested in helping might be the best way to start. He suggested Judge Sullivan, Judge Herrington, and Judge He Does It. Judge Mantooth will send an email request to those judges and report back at the next Commission meeting. Shauna can provide the three judges with an electronic Word version of the manual.

### **Request for Waiver of Training for Spring 2023 Conference**

Hon. Gayle Stahl, Hon. Randi Braddock, Hon. Holly Happe and Hon. John Lesofski – On behalf of the waiver committee, Peggy Tonon recommended that the waivers be approved. The Commission concurred with the recommendation.

### **Survey Monkey Results from Spring Conference and Curriculum for Fall 2023 – Draft Conference Agenda**

The Commission reviewed the Survey Monkey results from the spring conference. Judges really like the break-out sessions. It was suggested that the group moderators solicit questions in advance for break-out sessions like we do for nuts and bolts. Judges also would like the mock hearings regularly at the conferences. The Commission roughed out an agenda for the fall conference in Billings. We hope to set aside a full day for court security and safety training from Lt. Rick Baker with the Legal & Liability Risk Management Institute. Mr. Baker came highly recommended. Shauna Ryan will begin contacting presenters and provide an update at the August meeting.

**Adjourned:** The meeting adjourned at 11:30 a.m.

**Next Meeting Date:** The next meeting will be Friday, August 18, 2023, at 8:30 a.m. in Helena.