

MINUTES

Commission on Courts of Limited Jurisdiction (COCOLJ)

Helena, MT – via ZOOM/Telephone

June 19, 2020

Members Present: Mary Ann Ries

Members Participating Via Telephone or Video: Hon. Perry Miller, Hon. Steve Bolstad, Hon. Steve Fagenstrom, Hon. Holly Frederickson, Peter Ohman, Peggy Tonon, Hon. Kelly Mantooth, Tina Reinicke, Charlie Harball, and Hon. Jessie Connolly.

Members Absent: Justice Rice and Judge Ulbricht

Staff Present: Shauna Ryan

Guests: None

Judge Miller called the meeting to order at 8:35 a.m.

PUBLIC COMMENT: None.

Judge Miller began by thanking Mary Ann Ries for her time and effort on the Commission. On behalf of the Commission, he wished her a fantastic retirement.

OLD BUSINESS:

Minutes

The minutes from the meeting on May 15, 2020, were reviewed. Judge Fagenstrom moved that the minutes be approved. Judge Connolly seconded the motion and it carried unanimously.

NEW BUSINESS:

Fall COLJ Conference Agenda – Update

Shauna Ryan reminded the Commission that the spring agenda had been bumped to the fall, so most of the presenters are already on board to teach. She did have to swap two of the topics, to better accommodate a presenter. She made the Commission aware of several additional training requests she had received over the last several months. The Commission needs to decide if any of the new requests take priority over current agenda topics. The three requests were: 1) ODC – introduction of Disciplinary Counsel, Pam Bucy, and an update on the intake process; 2) Active Shooter Training and 3) Sensitivity Training (gender and preferred pronouns). Judge Bolstad offered up his time slot for one of the new requests. He was going to teach a session on MIP basics. He thinks the training may be more effective after the legislative session next spring. The new topics prompted a good discussion among the Commission members. Ultimately, they decided the session proposed by ODC would fit the best on the fall agenda considering the amount of time available. The other two topics will be considered for placement on the Spring 2021 agenda. The fall agenda was approved as amended.

There was follow up discussion on what might happen should the state not move out of Phase Two of Reopening. If events with more than 50 participants are still prohibited, then we would work towards holding the conference remotely via Zoom. Shauna Ryan will continue to work together with the Commission and the Supreme Court to determine how best to proceed. The Commission would be hesitant to ask the Court to waive another school regardless of the circumstance. At this point, we will hold the conference either in person or remotely.

Clerks Fall Conference – Training and Presenter Suggestions

Tina Reinicke reported that when the Clerks Association asks the clerks what they want training in the number one top answer is always Full Court training. It has been more of a challenge the last couple of years to gain that training due to the workload of the IT staff. The clerks were polled about a month ago to determine who would be interested in attending the fall conference due to the pandemic. Nearly 70 clerks indicated they would still attend. The clerks have expressed interest in some training on bonds, small claims, and landlord/tenant laws and procedure. The clerks' association has lost quite a bit of institutional knowledge within the last five years due to retirement. They are fortunate to have Judge Mantooth and Judge Bolstad carry forward with the nuts and bolts portion – the clerks always gain a lot from those. Judge Barger volunteered to do a legal information vs. legal advice segment. Dan Clark, with the MSU Local Government Center, will give a presentation on professional conduct and ethics which is much needed and has been well received in the past. If the judges think the clerks need specific training, please let Tina Reinicke know. Judge Carter did respond to the list serv that he is putting together a new clerks manual. Eric Parsons from the Department of Justice would like to talk to the clerks about the Address Confidentiality Program which is new for victims of domestic violence. Does the Commission have any recommendations for someone willing to present to the clerks on small claims, landlord/tenant, or bonds? Judge Miller suggested that Judge Fagenstrom and Josh Campbell would be a great duo to teach on landlord/tenant law. Shauna Ryan asked for suggestions for a presenter who would be good at teaching on bonds – when to forfeit, 10-day rule, 90-day rule, etc.

Tina asked Judge Miller if he would be willing to pose the question on the judges list serv of whether there are any judges that would be interested in presenting on either landlord/tenant, small claims, or bonds at the clerks conference. Judge Miller indicated he would be happy to post the question on the list serv and will report back with any responses. If we don't get any bites, Tina will talk to Judge Jenks about presenting again on basic civics.

Shauna Ryan asked the Commission what they thought about holding more of a Full Court/Nuts and Bolts-type conference in the fall, since that seems to be what the clerks request training on most frequently. The clerks conference does not necessarily need to be held simultaneous with the judges conference each year. It seems the clerks conference end up being filled with various topics that the clerks don't always find helpful in their day to day tasks. The IT staff is extremely busy but maybe if we picked a day or two in the late summer/early fall to hold a conference in Helena that was FC specific, it would be better received and well attended. Tina Reinicke liked the idea and suggested posing the question to the judges and to the Automation Committee for feedback.

Request for Waiver of Training for Fall COLJ Conference

Judge Shaw – On behalf of the waiver committee, Peggy Tonon recommended the waiver request be approved, with the proviso that if the conference is held remotely then the judge would be required to participate. The Commission concurred.

MCAA Recommends Scott Twito for Vacancy on COCOLJ

Mary Ann Ries advised the Commission that the MCAA had recommended Scott Twito for the seat on the Commission. Mary Ann was not sure if the recommendation had gone to the Supreme Court yet. She will follow up the MCAA president and make sure the recommendation is sent to the Court with a copy to the Commission.

COCOLJ Member Terms to Expire 6/30/20

Hon. Perry Miller – Judge Miller advised that he was interested in serving another term.

Hon. Steve Fagenstrom – Judge Fagenstrom advised that he was interested in serving another term.

Hon. Kelly Mantooth – Judge Mantooth advised that he was interested in serving another term.

Hon. Steve Bolstad – Judge Bolstad advised that he was interested in serving another term.

Peggy Tonon – Peggy Tonon advised that she would be willing to serve again, however, it may not be for the entire 4-year term.

Shauna Ryan agreed to notify the Supreme Court of the members continued interest in serving on the Commission.

Election of Officers

Judge Connolly moved that Judge Miller and Judge Frederickson continue to serve as chairman and vice-chairwoman for another year. Mary Ann Ries seconded the motion and it carried unanimously. Judge Miller will serve as chairman and Judge Frederickson will serve as vice-chairwoman through June 2021.

Waiver Committee

Judge Fagenstrom moved that Peggy Tonon, Peter Ohman, and Charlie Harball be appointed to serve on the waiver committee. Judge Frederickson seconded the motion and it carried unanimously.

Adjourned: The meeting adjourned at 11:15 a.m.

Next Meeting Date: The next meeting will be Friday, August 21, 2020, at 8:30 a.m. in Helena.

May 23, 2022