

# MINUTES

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

**Helena, MT**

**June 21, 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, Jeanne Torske, and Justice Jim Rice.

**Members Absent:** Melissa Rosaaen

**Staff Present:** Shauna Ryan

**Guests:** Hon. Perry Miller, Ret.

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

**Public Comment:** Judge Miller, Ret. gave a very heartfelt tribute to Peggy Tonon, who has served on the Commission since 2000. The Commission presented her with necklace, along with a plaque signed by the Montana Supreme Court Justices. Ms. Tonon did a tremendous amount of work for the Commission during her tenure and will be dearly missed by everyone. Thank you, Peggy!

### **OLD BUSINESS:**

#### **Minutes**

The minutes from the meeting on April 22, 2024, were reviewed. Peggy Tonon moved that the minutes be approved. Judge Connolly seconded the motion and it carried unanimously.

#### **Montana Justice Institute – UM Law School**

Peggy Tonon had some questions for the Commission before moving forward. Peggy met with the Associate Dean at the Law School who has no authority to make any decisions but took great notes on what the Commission would like. Peggy will meet with the Dean next week. Based on the Memorandum of Understanding that we had last time, we opened it up to not more than 20 judges. The Commission confirmed that 20 was a good number and one we should stick to. For dates, if we can't get June 9-20, 2025, is there an alternate date? The Commission thought any time in June would work. Proposed topics will be evidence, criminal law/procedure and civil procedure; presenters may be Andrew King-Ries, Prof. Anna Conley, and Paul Kirgis. Materials will likely all be available electronically, rather than a paper copy. The Law School provided an opening and closing reception, otherwise the judges are responsible for the costs of meals. The Law school can give credits for the classes, but they will likely be cost prohibitive to most and more hassle than they are worth. Peggy will report back to Shauna Ryan with her findings after her meeting with the Dean.

## **Montana Rules of Evidence – Update**

Shauna Ryan reported that she spoke to Cynthia Ford, and she has agreed to update the Montana Rules of Evidence. When Judge Harkin prepared the update in 2018, he was paid \$8,000. Cynthia Ford is amenable to preparing the update for \$10,000. The OCA would not be able to pay her more than that amount. She plans to research all cases through the end of 2024 and have the update done in time to have it published and available for the Fall 2025 COLJ Conference. With production, total costs for the update will likely be \$20,000-\$25,000.

## **NEW BUSINESS:**

### **Request for Waiver of Training for Fall 2024 Conference**

Hon. Stephen Becker and Hon. Caitlin Overland – On behalf of the waiver committee, Peggy Tonon recommended that the waivers be approved. The Commission concurred.

### **COCOLJ Vacancy – State Bar Representative**

Peggy Tonon submitted two names for the Commission for its consideration – Nicole Siefert and Adam Shaw. Both attorneys were highly recommended by Ms. Tonon. After a lengthy discussion by the Commission, Judge Bolstad moved that Nicole Siefert’s name be forwarded to the Court for appointment. Judge Connolly seconded the motion and it carried unanimously. Shauna Ryan will bring this to the attention of the Court.

### **Waiver Committee**

Judge Burman moved that Judge Grubich, Melissa Rosaaen, and the new State Bar representative (Nicole Siefert) serve on the waiver committee. Judge Bolstad seconded the motion and it carried unanimously. Judge Grubich will serve as chair of the committee.

### **Survey Monkey Results and Curriculum for Fall 2024**

The Commission reviewed the Survey Monkey results from the spring conference. Some judges expressed dislike for the field trip to the Bozeman Public Safety Center. In looking through the reviews, it appears there are still some questions regarding the separation of powers. It’s a hard topic to train on as each situation is fact specific and varies, in addition to the fact that the presenters are hesitant to or cannot give legal advice. Open lines of communication are the key. Per usual, the comments varied in whether folks liked or disliked particular sessions and presenters. As much as one judge loves a topic, the next is not a fan. It’s the nature of the training beast.

The Commission finished drafting the agenda for the fall conference in Helena. With the help of several of the Commission members, Shauna Ryan will continue contacting presenters and provide an update at the August meeting.

**Adjourned:** The meeting adjourned at 11:05 a.m.

**Next Meeting Date:** The next meeting will be Friday, August 16, 2024, at 8:30 a.m. in Helena.