

# **MINUTES**

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

**Helena, MT – via ZOOM and In-Person**

**June 25, 2021**

**Members Participating In-person, Via Telephone or Video:** Hon. Perry Miller, Hon. Steve Bolstad, Hon. Holly Frederickson, Peggy Tonon, Hon. Kelly Mantooth, Tina Reinicke, Hon. Jessie Connolly, Hon. Steve Fagenstrom, Hon. Heidi Ulbricht, Scott Twito, Charlie Harball, and Justice Rice.

**Members Absent:** Brian Smith.

**Staff Present:** Shauna Ryan

**Guests:** None

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

### **OLD BUSINESS:**

#### **Minutes**

The minutes from the meeting on April 26, 2021, were reviewed. Charlie Harball moved that the minutes be approved. Judge Connolly seconded the motion and it carried unanimously.

### **NEW BUSINESS:**

#### **Spring 2021 Conference – Survey Monkey Results**

The comments were primarily positive, and folks were happy to be back together in person. There was some negative feedback regarding the transgender informational session, but the Commission determined it was charged with bringing forward a wide variety of topics and issues facing the courts, and although not everyone might feel comfortable with or agree with a particular subject matter, it's an issue, nonetheless. Overall, it was a successful conference.

#### **Request for Waiver of Training for Spring 2021 COLJ Conference**

Hon. Gayle Stahl, Hon. Mark Piskolich, Hon. Suzanne Nellen, Hon. Andy Bruener, Hon. Sheila Kolar, Hon. Peggy Pierson, and Hon. Jean Kerr – On behalf of the waiver committee, Peggy Tonon recommended that all the waiver requests be approved. The Commission concurred with all the approvals, except for the one from Judge Kerr. The Commission approved Judge Kerr's waiver (11-1), contingent on the understanding that future requests of this nature would not be approved.

#### **Request for Temporary Certificate and Waiver of Training for New Judge**

Hon. Jon Schmitt (Judith Basin JP) and Hon. Lori Ann Sorenson (WSS City) – On behalf of the waiver committee, Peggy Tonon recommended the temporary waivers be approved. The Commission concurred. Judge Mantooth, Judge Connolly and Judge Frederickson will work to provide some training to them.

### **Personal Attendance at Conferences**

Judge Fagenstrom suggested implementing a policy with specific language that attendance at the biannual conferences be in person. Peggy Tonon commented that the feedback and interaction between the presenters and the judges at conference are invaluable and something not attainable when meeting remotely. Judge Miller added that when the Supreme Court designed the Commission and made training mandatory in order that lay people could sit on the bench throughout Montana, there was no virtual training options available. The statutes were crafted with the intent of in-person training. Judge Fagenstrom asked Justice Rice if he thought we'd be overstepping our authority if we adopted a policy requiring personal attendance at every training without first seeking guidance or authorization from the Supreme Court. Justice Rice did not think the Commission would be overstepping its bounds to adopt such a policy. He thought it was within the Commission's jurisdiction under the statute to adopt a policy to implement training in the way they think is best and ultimately put the onus on anyone who disagrees to challenge it. Judge Mantooth moved that the Commission draft a standing policy that mandatory physical attendance at the training is required. Judge Bolstad seconded the motion. Charlie Harball wondered if that much was required. Judge Fagenstrom thinks it is because we often get questioned by some judicial members on what is required by the word attend, and aside from the statutes, we don't have a definitive answer. The Commission needs to define what it means to attend and what that requires. Judge Bolstad agreed to work together with Judge Fagenstrom and Judge Mantooth to draft such a policy and to also include the rationale behind it. Judge Mantooth's motion carried unanimously. The subcommittee will bring a draft policy back to the Commission for its review and consideration at the next meeting.

### **Fall 2021 Conference – Draft Agenda**

The Commission drafted an agenda for the fall conference in Helena. Shauna Ryan will begin contacting presenters and provide an update at the August meeting.

**Adjourned:** The meeting adjourned at 11:40 a.m.

**Next Meeting Date:** The next meeting will be Friday, August 20, 2021, at 8:30 a.m. in Helena.