

# MINUTES

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

**Helena, MT**

**August 16, 2024**

**Members Participating:** Hon. Kelly Mantooth, Hon. Steve Fagenstrom, Hon. Steve Bolstad, Hon. David Grubich, Peggy Tonon, Brian Smith, Hon. Jessie Connolly, Greg Sullivan, Hon. Maureen O'Connor, Nicole Siefert and Justice Jim Rice.

**Members Absent:** Hon. Kerry Burman and Jeanne Torske

**Staff Present:** Shauna Ryan

**Guests:** None

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

**Public Comment:** Brian Smith wondered if folks read recently about the Missoula City Council threatening to take away some funding from the municipal courts. Councilman, Bob Campbell, an ex-officer with the Missoula Police Department, motioned to take \$275,000 away from the municipal courts because the courts were more worried about the defendants than the victims. Ultimately the motion failed. This falls in line with more of the same separation of powers issues that courts are encountering across the state.

### **OLD BUSINESS:**

#### **Minutes**

The minutes from the meeting on June 21, 2024, were reviewed. Judge Fagenstrom moved that the minutes be approved. Judge O'Connor seconded the motion, and it carried unanimously.

#### **Judges Deskbook – Update**

Judge Mantooth reached out to the three judges who agreed to undertake the project and inquired on the status. Between vacations and busy schedules, there has not been much progress yet.

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

Shauna Ryan indicated that at the last meeting Peggy Tonon had an upcoming meeting with the Dean of the Law School. She met with the Dean, and they were able to lock in the dates of June 9-20, 2025, for the school. They agreed to cap the number at 20 attendees, and she will work with university staff on campus lodging. Topics will include criminal procedure with Andrew King-Ries, civil procedure with Craig Cowie, and evidence with Anna Conley. The cost of each professor will be \$8,000. Griz cards will not be provided but judges can still eat on campus. Shauna suggested making an announcement at the Fall Conference about MJI to garner interest. Judge Connolly and Judge Burman will provide some history on MJI and answer questions. Peggy is in Connecticut on vacation currently, but Shauna will follow up with her in the next several weeks to work out the details of the MOU and the housing contract with the University.

## **Fall Conference Agenda - Updates**

Shauna Ryan reported that all the presenters had been contacted and were confirmed. Judge Herbst (Livingston JP) will be taking the certification test on the Monday of conference. Once he is certified, every limited jurisdiction court judge will have taken and passed the 2022 certification test. (Woohoo!)

## **NEW BUSINESS:**

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

Hon. David Carter and Hon. Audrey Barger – On behalf of the waiver committee, Judge Grubich recommended that the waivers be approved. The Commission concurred.

### **Landlord Tenant Form – Filing a Complaint**

Judge Fagenstrom reported that almost all landlord tenant cases in Cascade County are filed on their own form. There is a rule that says on a default judgment they can't grant anything more than what is set forth in the prayer. The form provided on the state's website does not provide a space to set forth a specific amount. So technically, if he follows the rule, he's unable to grant a default judgement if they use the state's form. Judge Fagenstrom thinks that form needs to be addressed and modified. Judge Connolly commented that if it's a form that came from Montana Legal Services it wouldn't necessarily be under our purview. Judge Fagenstrom will track down the form, possibly talk with Josh Campbell about it, and follow up at the next meeting.

### **Invite Supreme Court Candidates to the MMA Banquet**

Judge Mantooth thought it would be nice to invite the four candidates running for the Montana Supreme Court to the MMA banquet and give them each a few minutes to address our group and take questions. Judge Connolly will reach out to the MMA board and make sure they are on board to extend the invite. If she receives concurrence from the board then she will reach out to the candidates, on behalf of the MMA. Candidates are Cory Swanson and Jerry Lynch, both running for the Chief Justice seat; and Judge Dan Wilson and Judge Kathy Bidegaray, both running for the Associate Justice seat. Judge Mantooth will also reach out to Chief Justice McGrath and see if he might be interested in stopping by the conference to say a few things to the COLJ judges before he retires at the end of the year.

**Adjourned:** The meeting adjourned at 9:15 a.m.

**Next Meeting Date:** The next meeting will be Monday, September 23, 2024, at 1:00 p.m. at the Delta Hotel in Helena.