

MINUTES

Commission on Courts of Limited Jurisdiction (COCOLJ) Helena, MT November 15, 2019

Members Present: Hon. Perry Miller, Hon. Steve Fagenstrom, Hon. Holly Frederickson, Peggy Tonon, Hon. Kelly Mantooth, Hon. Jessie Connolly, Mary Ann Ries, and Hon. Jim Rice.

Members Participating Via Telephone or Video: Tina Reinicke and Charlie Harball.

Members Absent: Hon. Heidi Ulbricht, Peter Ohman, and Hon. Steve Bolstad.

Staff Present: Shauna Ryan

Guests: None

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

PUBLIC COMMENT: None.

OLD BUSINESS:

Minutes

The minutes from the meeting on September 23, 2019, were reviewed. Peggy Tonon moved that the minutes be approved. Judge Connolly seconded the motion and it carried unanimously.

Fall 2019 Conference – Survey Monkey Results

The comments remain mostly positive. There continues to be frustration among some about the conferences not being held in the eastern part of the state more often. The task of finding a hotel that has adequate conference space, is willing to set aside 120 sleeping rooms at the state government rate, and also offers onsite catering is challenging. Our meeting needs limit where we can hold our conferences – bottom line. We do stagger the conference locations between the larger towns/cities, but typically don't look farther east than Billings due to the lack of adequate accommodations.

It was suggested that we offer a break-out on Indian law at a future conference. Cynthia Ford sits on the appellate court for the tribes and prosecuted in Indian country for years. Maylinn Smith taught Indian Law for years at the Law School, however is now a full-time prosecutor for the Salish Kootenai. Both Cynthia and Maylinn would be a great resource on the subject.

Training Requirements for Municipal Court Judges

The question was raised again about the requirement that municipal court judges attend the mandatory COLJ conferences. The issue is not made clear in statute. However, the Supreme Court issued an order on June 10, 2003, wherein they specify that both municipal court judges and justices of the peace for justice courts of record must attend the mandatory annual training sessions prescribed by 3-10-203, MCA. A copy of the order has been sent again to the current municipal court judges.

NEW BUSINESS:

Presenters Observing Before/After Presentation

Judge Fagenstrom was concerned about presenters remaining in the conference room when they are not presenting. Non-judges typically do not get to attend the conferences. If they are not presenting, or not part of a panel, then non-judges should not be in the conference room. Judge Frederickson suggested that in the future, if we allow a presenter to remain in the room during another presentation, we need to advise them not to interject themselves into any of the discussion. If future instances occur where a presenter wants to observe another session, they need to be instructed to conduct themselves accordingly.

Request for Waiver of Training for Fall 2019 Conference

Hon. Linda Cantin and Hon. A. Suzanne Nellen: On behalf of the waiver committee, Peggy Tonon recommended that the waiver requests be approved. The Commission concurred.

Training New Judges – Judge LeDesky, Judge Lesofski and Judge Norby

Judge Miller and Judge Connolly will reach out to Judge LeDesky and Judge Lesofski and provide training as necessary. Judge Frederickson will follow up again with Judge Norby to conduct a training audit.

Curriculum for Spring 2020 – Draft Agenda

The Commission drafted an agenda for the spring conference in Helena. Shauna Ryan will contact presenters and provide an update at the January meeting.

Meeting Adjourned: The meeting adjourned at 12:30 p.m.

Next Meeting Date: The next meeting will be January 17, 2020, at 8:30 a.m. in Helena.

May 23, 2022