

COMMISSION ON COURTS OF LIMITED JURISDICTION

MINUTES OF JANUARY 28, 2005

Helena

Members Present: Hon. Johnny Seiffert, Hon. Mary Jane Knisely, Hon. Perry Miller (by phone), Hon. David Ortley, Hon. Gayle Stahl, Prof. Margaret Tonon, Patty Day-Moore (for Paul Luwe), Sharon Skaggs (by videoconference), Shawn Donovan and Justice Jim Nelson.

Members Absent: Hon. Douglas Harkin and Hon. Scott Wyckman

Staff: Beth McLaughlin

Guests: Jim Oppedahl and Lisa Mader, Supreme Court Administration

The minutes of the November meeting were approved.

There was no public comment.

OLD BUSINESS:

Legislative/IT Update: Jim Oppedahl reported to the commission about legislative activities. The court currently has a mixture of funds for IT including base dollars for IT support; one-time only money for a District Court case management system; and a bonding bill for a variety of improvements. The base dollars are coming from the general fund but a bill to extend the surcharge will back fill the general fund. He reported that we wouldn't know the full budget outcome until the end of the session. Judge Seiffert reported that the Montana Magistrates Association would provide all necessary assistance.

FullCourt Update: Lisa Mader reported that they are finished with 101 or 63 percent of the courts. Her staff is getting ready for the large installations in other the large municipal and JP courts. She also reported that she would need advice or assistance on developing on-going training particularly in those small courts where only one or two people are familiar with the system. Commission members suggested that she consider using clerks' with extensive experience as a back up. Lisa will work with the automation subcommittee to develop an on-going training plan.

Proposed Rule Changes – Education Policy:

Judge Ortley and Mr. Donovan presented a proposed rule change. The commission discussed at length the issue of clerks attending the judges' school. Mr. Donovan presented a proposed rule change to read as follows:

“Duly elected or appointed judges of the Montana courts of limited jurisdiction and members of the Commission may attend the training sessions. Upon invitation of the Commission, or upon written application and for good cause shown, the Commission may allow attendance by any other person so long as that person's attendance is in furtherance of the educational policy of the Commission. All attendees shall follow the educational policies of the Commission.”

Judge Ortley made a motion to approve the proposal; Judge Stahl seconded the motion. The motion passed on a 7-2 vote with Judge Miller and Ms. Skaggs opposing the motion.

TO DO: The educational policies will be revised to reflect the change. The revised sections will be available at the spring school for the benchbook.

Spring 2005 Conference: The Commission members reviewed the Spring 2005 draft agenda and made several changes. The Commission requested that the following opinions be placed in the books (Alabama v Shelton; State of Montana v Lucero; and State of Montana v Bearchild). Justice Nelson will address State of Montana v Anyan at the conclusion of his section on campaigns.

TO DO: Staff will revise agenda per Commission direction. Staff will request that the Hon. Brad Johnson teach the city court section.

Waiver Practices: Judge Harkin was unable to attend due to a jury trial. The agenda item will be moved to the next meeting.

Masking Convictions: Mr. Donovan is continuing the research this issue. He will have more information at the next meeting.

NEW BUSINESS:

Training Issues: The items discussed will be included in the spring 2005 school.

Grant Proposal: Beth reported that Judge Michelle Snowberger requested that the Commission consider applying for a minim-grant to do a juror handbook. The Commission discussed the matter and decided at this time to not proceed. Judge Kinsley noted that she had a juror handbook that she used and would share with other judges.

TO DO: Beth will contact Judge Snowberger. Judge Kinsley will forward her juror handbook to staff who will make copies available to the Commission members.

VAWA Proposal: Beth asked the Commission to approve a proposal to request grant funding to create on-line educational opportunities for judges. The Commission approved the proposal.

Vendor Fair: Ms. Skaggs reported that the clerks wanted to host a vendor fair at the Fall 2005 School on the registration day. Commission members agreed this was allowed under the educational policy.

MMA Legislative Update: Judge Seiffert reported that MMA was following several bills. The bill of most concern right now is a draft that would increase the civil claims to \$15,000 and small claims to \$10,000. The MMA is also following a potential bill that would make time pay bonds illegal.

Meeting adjourned at 11:35 a.m.