

## MINUTES

Commission on Courts of Limited Jurisdiction  
301 S Park Ave, Room 328, Helena, Montana  
June 17, 2005

President, the Hon. Johnny Seiffert, called the meeting to order at 10:05 a.m.

**Members Present:** Hon. Johnny Seiffert, Hon. Perry Miller, Hon. David Ortley, Hon. Gayle Stahl, Prof. Margaret Tonon, Hon. Doug Harkin, Sharon Skaggs, Hon. Jim Nelson, and Paul Luwe. Hon. Mary Jane Knisley and Hon. Scott Wyckman attended via video conferencing.

**Members Absent:** Shaun Donovan was absent due to recent knee surgery.

Staff: Karen Sedlock

**MINUTES:** A motion was made by Hon. Dave Ortley and seconded by Peggy Tonon that the minutes of the April 25, 2005 meeting be adopted as written. The motion passed unanimously.

**PUBLIC COMMENT:** None.

### **OLD BUSINESS:**

**Masking Convictions:** Since Mr. Donovan was unable to attend the June meeting; this matter will be moved to the July agenda.

**Education Policy:** The education policy was reviewed. A motion was made by Judge Knisley that Rule 5 (C)(3) of the Rules Governing the Commission be amended by deleting the second sentence. "~~No more than five substitute judges in one jurisdiction may receive a waiver of training in 1 year.~~" The motion was seconded by Hon. Dave Ortley and passed unanimously.

**TO DO: Staff will amend Rule 5 (C)(3) of the Rules Governing the Commission.**

**Juror Handbook:** Hon. Mary Jane Knisley provided each COCOLJ member with a copy of the Billings Municipal Courts' Juror Information and Document Samples. The Court Administrative staff is amending the forms to make the generic changes and they will be placed on the Supreme Court web site.

**TO DO: Staff will amend the forms and place the information on the Supreme Court web site.**

**Waivers:** The COCOLJ Waiver Committee met June 16th and provided a written report to the Commission. The report was reviewed and two amendments under the **Education Burden** section were suggested by Peggy Tonon, (1) change the word "~~burden~~" to obligation and (2) change the word "~~tortured~~" to treated.

The Commission decided that the amended report of the COCOLJ Committee should be sent to each Limited Court Judge along with a form that fits all waiver categories prior to the next school.

**TO DO: Judge Harkin will develop the appropriate form and it shall be placed on the July agenda for finalization and approval.**

**Big Sky Check Recovery & Collections:** Judge Seiffert explained the letter his clerk received from Big Sky Check Recovery and Collections requesting they post the notice in the office. The notice states they will prepare court orders to be filed with the clerk of court. Justice Nelson stated this could be unauthorized practice of law and requested a copy of the letter be sent to him for his review.

**TO DO: Karen Sedlock will send a copy of the letter from Big Sky Check Recovery & Collections to Judge Nelson.**

**Review of Conference Evaluations from Spring 2005:** After a review of the evaluations, the Commission expressed concern that many of the commends were very rude and unprofessional. Judge Stahl suggested that an announcement be made at the beginning addressing the issues of concern to set the standard of the conference and raise the professional issue. Peggy Tonon suggested an inspirational talk regarding educational conduct. Judge Harkin recommended putting all those ideas together and find a speaker, such as former Chief Justice Turnage, that is well respected by the judiciary that could get those points across.

The sound system seems to be a continual problem at each conference. Judge Harkin suggested that the Supreme Court hire a professional sound system person, or purchase a sound system that would adequately serve the conference needs.

Peggy Tonon also suggested that the Court consider having a shuttle for judges that choose to fly to the conference, or in the event that lodging is not within walking distance from the conference site.

**Curriculum Committee Report and Fall Agenda:** The curriculum committee met in Helena June 16th and prepared a tentative fall agenda, which was presented to the Commission for their consideration. Hon. Mary Jane Knisley suggested adding Evidence to the agenda and Judge Harkin agreed to be the presenter. The Crawford case will be the main focus of his presentation. Justice Nelson stated there is a Supreme Court case pending that should be completed regarding the use of PBT as substantial evidence.

Peggy Tonon recommended reducing her time on Search and Seizure to 30 minutes and allow Judge Harkin to take up the other one and one-half hours with Evidence.

Judge Harkin stated he is not well versed in Sentencing in Impaired Driving Cases and he would prefer having an acting judge who is more familiar with the subject present on this topic. Dave Ortley suggested Hon. Greg Mohr.

Judge Seiffert suggested adding a section to the agenda first thing Tuesday morning dealing with ethics and judicial dignity. Judge Harkin suggested asking former Justice Jean Turnage to present on this subject and if he is interested, invite him to attend the July meeting in Kalispell.

**TO DO: Karen Sedlock will contact Justice Turnage and see if he is interested in presenting the topic and if he is, invite him to the July meeting in Kalispell to discuss the topic.**

Paul Luwe suggested adding a one-half hour section on The Serviceman Civil Release Act. There was an amendment in 2003 on how to deal with an absent service member that should be shared with all limited court judges. Judge Knisley suggested placing this topic on the agenda first thing Thursday morning. Paul Luwe agreed to do the presentation.

**TO DO: Karen Sedlock will make the recommended changes to the agenda and start contacting speakers.**

Conference Location for Spring 2007: The tentative location for the Spring 2007 conference was Rock Creek Resort, 5 miles outside of Red Lodge. Karen Sedlock reported that Rock Creek Resort has 87 sleeping rooms available and the nearest hotel for the overflow is 5 miles away on the out-skirts of Red Lodge. The Commission reconfirmed they want to keep this location and suggested that the overflow stay at the Pollard Hotel in Red Lodge.

**TO DO: Karen Sedlock will confirm the Rock Creek Resort and contact the Pollard Hotel to see if they have an additional 30 rooms at state rate. Karen will also arrange for a shuttle to take judges back and forth to and from the Pollard Hotel to the Rock Creek Resort.**

**Leadership Institute:** Kathryn Story from the Leadership Institute in Judicial Education Center for the Study of Higher Education at the University of Memphis is inquiring if Montana wants to consider applying for the 2006-07 team workshops. Hon. Johnny Seiffert suggested that staff research the financial obligation and if funding is available, then open it up to other Limited Court Judges. The matter will be placed on the agenda for the July meeting.

**TO DO: Karen Sedlock will research the cost of sending a team to Memphis and discuss the financial obligation with Beth McLaughlin. Beth will give a report at the meeting in July.**

**Regional Training:** Beth McLaughlin spoke with Judy and Tammy at the Law Library and they agreed to put together a training packet for on-line legal research training. Limited Court Judges could access the training from their desks free. It is expected to be available by August or September 2005. All limited court judges will be notified when the training becomes available.

**Chat Room / On-Line Training:** Lisa Mader will demonstrate an on-line chat room training product to Judge Harkin and Sharon Skaggs after the June meeting. The objectives will be to develop an on-line training course and a bulletin board/chat room.

**TO DO: Judge Harkin agreed to put together a pilot training site and will give a report at the July meeting.**

**Update on FullCourt:** Karen Nelson gave an update on the progress of FullCourt. Currently they have completed FullCourt in 110 courts throughout Montana. Great Falls Municipal Court and Sanders and Ronan Courts were late in coming on board so they will be installed this fall. The Supreme Court received a grant from the Federal Motor Carriers which will be used for three areas: (1) connectivity for all limited courts (2) FullCourt upgrade and (3) a central repository for the State Courts in Montana.

**Judge Kambich's Request to Retake the Certification Test:** Judge Kambich took the required certification test and failed. He wrote a request to the Commission asking permission to retake the test. The Commission granted his request and requested that a mentor be assigned to work with Judge Kambich and that he review the tapes and discuss the content with the assigned mentor. The test must be retaken and passed by September 1, 2005.

**TO DO: Karen Sedlock will contact Judge Carol Anderson and request that she assigns a mentor to Judge Kambich. Karen will notify Judge Kambich of the Commission's decision and send him the tapes for review.**

**Statistics on Salaries:** Judge Greg Mohr suggested that the Court Administrator's Office gather statistics of salaries for Courts of Limited Jurisdiction Judges. Peggy Tonon stated that MACO already has that information and salaries is not a training issue or a matter for this Commission.

**TO DO: Karen Sedlock will notify Judge Mohr that MACO has the salary information he is requesting.**

**Location and Date for Next COCOLJ Meeting:** The next Commission meeting will be held July 29th in Kalispell, beginning at 8:30 a.m.

**TO DO: Karen Sedlock will call Cavanaugh's Hotel and see if they have a block of rooms and a meeting room. Karen and Beth McLaughlin will be in contact with Dave Ortley to work out the details. All Commission members will be notified as soon as room reservations have been confirmed.**

**Adjournment:** The meeting adjourned at approximately 10:50 a.m.