

**COMMISSION ON COURTS OF LIMITED JURISDICTION**

**MINUTES OF MARCH 18, 2005**

**301 S Park Ave, Room 328, Helena, Montana**

**The Hon. Mary Jane Knisely acted as Chairwoman.** The meeting was scheduled to begin at 8:30 am but due to technical difficulties, it started a little late.

**Members Present:** Hon. Mary Jane Knisely (by videoconference), Hon. Perry Miller (by phone), Hon. David Ortley, Hon. Gayle Stahl (by phone), Prof. Margaret Tonon, Paul Luwe, Shaun Donovan and Hon. Doug Harkin (by phone).

**Members Absent:** Hon. Johnny Seiffert, Sharon Skaggs, Hon. Scott Wyckman and Justice Jim Nelson.

**Staff:** Karen Sedlock and Beth McLaughlin

**Guests:** Jim Oppedahl and Lisa Mader, Supreme Court Administration

**MINUTES** A motion was made by Hon. David Ortley that the minutes of the January 28, 2005 meeting be approved as written. The motion was seconded by Paul Luwe and passed unanimously.

**PUBLIC COMMENT** None.

**OLD BUSINESS**

**Legislative/IT Update:** Jim Oppedahl thanked the Montana Magistrates' Association for the help that their lobbyist, Ted Clack, is providing. Mr. Clack is well respected by the legislative folks and has been a great help to the judiciary during this legislative process.

Jim Oppedahl reported current legislative activities to the Commission. Initiatives in the general appropriations bill were discussed. An amendment to eliminate the Supreme Court's proposal for an appellate mediator position passed. An amendment to reduce from \$1,345,000 to \$1,095,000 the one-time-only general fund appropriation for the purchase of case management software for district courts and courts of limited jurisdiction. This reduction of \$250,000 passed.

The biggest challenge the Supreme Court faces is to get an adequate source of funding for judicial needs. A summary of Judicial Branch IT proposals will be emailed to Commission members that were not in attendance at this meeting.

**FullCourt Update:** Lisa Mader reported that they are finished with 104 courts. On March 7, 2005, they completed the Missoula County Justice Court. IT staff is working very hard on training the staff and getting the installation to run smoothly.

The next scheduled site is Billings Municipal Court in April. There are a total of 162 courts that will have FullCourt installed.

**Spring 2005 Conference:** Beth McLaughlin reported all the registration material has been sent out and the presenters have been contacted. Hon. Brad Johnson has agreed to teach the section on City Courts.

**Waiver Practices:** Judge Harkin reported on three waivers that he granted for the Spring 2005 School in Miles City. He felt the waiver for Judge Travis was warranted due to his wife's serious medical condition. Waivers were granted to Judge Wall and Judge Frame due to the additional cost they would have to incur to stay over an additional day.

The waiver granted to Judge Tina Gordon last year was discussed. Judge Harkin made his decision based upon his thoughts about how the Supreme Court would view a denial of such a request.

Judge Harkin stated he needs better criteria to determine which waivers should be granted. He suggested looking back at the previous waivers and categorizing them. The information should then be shared with the Waiver Committee who can come up with guidelines and general categories.

**TO DO: Karen Sedlock will review the previous waivers and send the information to the waiver committee.**

**Masking Convictions:** Mr. Donovan spoke with the Attorney General's Office about obtaining a Formal Opinion regarding masking convictions. The Attorney General's Office suggested doing research on the subject then determine if a Formal Opinion is actually needed. A Law Clerk is currently doing the research and it is hopeful he will have the information completed prior to the April meeting.

**TO DO: Mr. Donovan will share his findings with all COCOLJ Commission members as soon as they are available.**

## **NEW BUSINESS**

**Conference Waiver:** Paul Luwe reported that Patty Day-Moore would like to attend a portion of the Spring 2005 School. Mr. Luwe suggested the Commission grant her request due to her service on this Commission in his absence. A motion was made by Peggy Tonon and seconded by Hon. Davis Ortleby that Ms. Day-Moore be allowed to attend a portion of the conference, which she feels is necessary. The motion passed unanimously.

**TO DO: Paul Luwe will verbally inform Ms. Day-Moore of the Commission's decision and Commission staff will write her a formal letter.**

**Issuance of Untimely Forfeiture Bond:** The Hon. Johnny Seiffert received a letter from Mr. Jason Strouf, a licensed Surety agent in Miles City, indicating that Judge Hom failed to issue a forfeiture bond in a timely manner. The Commission discussed the issue and came to the conclusion that this is not a training issue. If an error were made, the Bonding Company would have to deal directly with the judge.

As a courtesy to Judge Hom, Judge Knisely agreed to give him a call, tell him about the letter that was received from Mr. Strouf and reiterate his statutory authority in forfeiture of bonds. A letter will be written to Mr. Strouf informing him that he needs to deal directly with Judge Hom.

**TO DO: Judge Knisely will call Judge Hom about the letter from Mr. Strouf. Court Administration Staff will write a letter to Mr. Strouf and copy the letter to Judge Hom.**

**Court TV:** Judge Seiffert received a call from Mikaela Beardsley asking if he would identify misdemeanor and civil cases that would be "odd beat" stories of interest to Court TV views. The Commission discussed the issue and felt it is inappropriate for a judge to report such stories.

**TO DO: Since Judge Seiffert was unable to attend the meeting, staff will inform him of the Commission's findings.**

**Web-Based Educational Opportunities:** Hon. Doug Harkin recently attended a Web-Based Distance Learning Workshop in Reno. Web-based courses allow participants to study at any time and interact with many judges from around the state/country in a collegial online atmosphere. Judge Harkin learned how to create a discussion group through a chat room for judges on-line. He will discuss the subject of web-based learning at the Spring 2005 School in Miles City and find out how many judges are interested and what subjects are they are interested in having available to them. Judge Harkin only recommends this for additional training; it would not be in lieu of the statutorily required six-month schools.

**Courtroom Security:** The Hon. David Ortleby suggested the Commission revisit courtroom security at a future conference. Beth McLaughlin agreed it was a good idea and suggested contacting Mike Batista from the Department of Justice. He will be presenting this subject at the Spring MJA Conference and there is a possibility he would be willing to do a class for the COLJ Fall 2005 Conference.

**TO DO: Beth McLaughlin will contact Mr. Batista and ask him to present a session on courtroom security at the Fall 2005 COLJ Conference.**

**Education Policy:** Judge Knisley requested that the Commission review the educational policy on the number of substitute judges each judges is allowed. Due to her heavy caseload, she requires several substitute judges and wants to make sure she is in compliance with the policy. She requested this be placed on the April agenda for discussion.

**TO DO: Place the Waiver of Training for Number of Substitute Judges on the April Agenda.**

**Jury Packet:** Judge Knisley will forward her juror handbook to staff who will make copies available to the Commission members for the April meeting.

**TO DO: Judge Knisley will forward her juror handbook to staff. Staff will make copies and bring to the Spring meeting.**

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**Meeting adjourned at approximately 10:45 a.m.**