

MINUTES

Commission on Courts of Limited Jurisdiction
Helena Mt
June 15, 2007

Chairman, the Hon. Johnny Seiffert, called the meeting to order at 8:40 a.m.

Members Present: Hon. Johnny Seiffert, Hon. David Ortley, Hon. Perry Miller, Hon. Doug Harkin (via phone), Hon. Gayle Stahl, Hon. Mary Jane Knisely, Prof. Margaret Tonon, and Barb Pecos.

Members Absent: Hon. Scott Wyckman, Shaun Donovan, Paul Luwe and Supreme Court Liaison Justice Jim Nelson

Staff Present: Beth McLaughlin

Guests Present: Hon. Larry Carver, Karen Nelson and Lois Menzies

PUBLIC COMMENT: No public comment

MINUTES: The minutes from the April 23, 2007 meeting were reviewed. A motion was made by Judge Ortley and seconded by Judge Knisely that the minutes be approved as written. The motion passed unanimously.

OLD BUSINESS:

Update on Training Visits: No report; keep on agenda for next meeting.

Public Defender Issues: The Commission reviewed the document that Paul Luwe put together. It contained the questions for the PD Commission submitted by the judges following the spring school. The questions were divided into five groups (1) appointment of a PD (2) reimbursement (3) indigence determination and eligibility (4) representation and (5) other issues. The Commission noted that the list of questions could be reduced as some were duplicative and others had answers contained within policy and statute. However, the remaining questions were concerning enough to warrant further discussion. The Commission formed a working group to establish a final group of questions or topics (Mr. Luwe, Judge Miller and Judge Kinsely). The Commission also requested that staff contact the PD Office and request a joint meeting as suggested by Jim Taylor, the chairman of the PD Commission.

TO DO: The subcommittee will meet and finalize the list of questions and concerns. Staff will contact Randi Hood and Jim Taylor about the possibility of a joint meeting with the PD Commission.

MIP Issue: The Commission discussed the concern again that had been raised by judges about whether MIPs were cumulative when a person received one when under the age of 18. Judge Ortley made a motion to ask Shaun Donovan to request an Attorney General's about the issue; Judge Stahl seconded the motion which passed unanimously.

TO DO: Judge Knisely will contact Mr. Donovan and ask him to request the opinion.

Statistics:

Karen Nelson reviewed the preliminary 2006 case statistics with the Commission. Commission members were concerned that the statistics did not reflect the full workload of the limited courts. Judge Miller suggested that some of the problems could be addressed by adding a disclaimer that notes what is not covered in the statistics. Ms. Nelson said that she would take the Commission's comments and make some additional changes to the statistics for the Commission to review in August. Beth noted the statistics needed to be approved by August so the annual report could be finished.

TO DO: The matter will be placed on the agenda for the August meeting.

On-Line Training:

Judge Harkin reported that the Basics of Evidence course was on the web-site. He had a few changes that he wanted to make (adding a table of contents and show it in a different format) He asked staff to forward the website to the Commission for their review. Commission members were asked to provide comment to Judge Harkin during the next month.

TO DO: Staff will forward the link to Commission members and Commission members will provide comments to Judge Harkin. The item will be placed on the next meeting agenda for approval before the training document is sent to all judges.

NEW BUSINESS

Automation Committee Report: Judge Seiffert reported the Committee would meet that afternoon to discuss the FullCourt jury module, imaging and to review the change request process. The Committee will report at the August meeting.

TO DO: Place on the August agenda for update.

Court Intercept Fee: The Commission reviewed a letter from Chief Justice Karla Gray encouraging the Montana Congressional delegation to support legislation that would allow courts to intercept federal payments to individuals if a person owed court fines, fees or restitution. Commission members noted that they were appreciative of the effort.

State v Pyette Decision

The Commission reviewed this case, which overturned a lower-court ruling regarding the drivers' license suspension process. The Commission discussed the case decision and will review it with judges at the fall school.

Cost of 2007 Schools: Beth noted that the fall and spring school costs exceeded the tuition income. This will likely not happen next year as the certification school added an extra day and significant copying costs. The Commission members agreed to monitor costs.

Clerks' Agenda – Fall 2007:

Barb Pepos reviewed the Clerks' Agenda. The Clerks would like to have a joint session with the judges on the access rules. Judge Miller made a motion to allow for a joint session; Prof. Tonon seconded; motion passed unanimously.

TO DO: Staff will schedule the conferences to allow for a joint presentation on access rules.

Fall 2007 conference:

The Commission the final fall 2007 agenda and gave staff permission to schedule speakers.

Adjournment: The meeting adjourned at approximately 11 a.m. The next meeting will in August on a date and a location to be determined.