

Commission on Courts of Limited Jurisdiction
Meeting Minutes
June 17, 2010
Malta, Montana

The meeting was called to order at 8:30 am by Chairwoman Mary Jane Knisely. Members attending the meeting were Hon. Doug Harkin, Hon. Perry Miller, Hon. Larry Carver, Hon. Greg Mohr, Jennifer Boschee, and Prof. Peggy Tonon.

Absent: Shaun Donovan, David Nielsen, Randi Hood, and Justice Jim Nelson.

Staff present were Beth McLaughlin and Karen Sedlock

Guest: Retired Judge Gayle Stahl.

Public Comment: None

Minutes: A motion was made by Peggy Tonon and seconded by Judge Carver that the minutes of the April 26, 2010 minutes be approved as written. The motion passed unanimously.

Bench Book: Peggy Tonon reviewed the proposed bench book that was prepared by Retired Judge Duehr. She added suggested revisions and made several changes in the format for easier reading. Judge Carver recommended that the Commission be given another 30 days to review the bench book. Peggy asked Commission members to send revisions to her so she can incorporate them prior to the next meeting.

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

RASS Forms: Judge Knisely talked to Lorelle Dumont and advised her that the drivers license number and social security numbers need to be removed from the form before the Commission will approve it. A motion was made by Judge Mohr and seconded by Judge Carver that the form be placed on hold until the changes were made. The motion passed unanimously.

TO DO: Staff will contact Department of Revenue and ask them to make the changes. If the changes are made by the August COLJ meeting, this item will be placed on the agenda for approval.

Rule 4: Judge Carver visited with Prof. Cynthia Ford regarding possible changes in Rule 4 in the Rules of Civil Procedure. The Commission decided this is an issue for legislative changes and not a training issue for the Commission.

NEW BUSINESS

Fall Conference Reception: Karen Sedlock reported that the hors d'oeuvres for COLJ Conference reception has become very costly and most people attending are substituting the reception for their dinner. She suggested replacing the hors d'oeuvres with a simple buffet. A motion was made by Judge Mohr and seconded by Judge Miller that a simple dinner buffet be provided instead. The motion passed unanimously.

Commission Meeting Dates: The next Commission meeting is set for August 20th. A motion was made by Peggy Tonon and seconded by Judge Mohr that the meeting be changed to August 5th. The motion passed unanimously. The next meeting will be Thursday, August 5th in Helena beginning at 8:30 a.m. The September 17th and October 15th meeting will remain the same unless changed at a future meeting.

Rosebud County JP: The Commission reviewed concerns from Mr. Busch regarding the Rosebud County Justice of the Peace allowing substitute judges to sit on the bench and sign court document when she is in and out of the office. A motion was made by Judge Mohr and seconded by Judge Harkin that Judge Knisely and Jennifer Boschee have a face-to-face meeting with the presiding judge and make sure she knows the procedure if she is unable to preside in court and sign legal documents. The motion passed unanimously.

TO DO: Judge Knisely and Jennifer Boschee will visit the Rosebud County JP and report back to the Commission at the August meeting.

Appointment of COLJ Members: Judge Carver made a motion that the Commission recommends to the Supreme Court the reappointment of Judge Knisely, Judge Harkin, David Nielsen and Shaun Donovan, provided they are all willing to accept the appointment. Judge Harkin and Judge Knisely both agreed to serve another 4-year term. The motion was seconded by Jennifer Boschee and passed. Judge Mohr opposed recommending the reappointment of members that are not willing to attend meetings and show an interest in commission business.

TO DO: Staff will contact Shaun Donovan and David Nielsen to make sure they are willing to serve, and if so, submit all four names to the Supreme Court for recommended reappointment to the Commission.

Recommendation to Supreme Court for Appointment to fill JP Position: Judge Miller nominated Judge Gary Olsen from Broadwater County to be recommended to the Supreme Court to replace Judge Stahl on the Commission. A nomination was made by Peggy Tonon and passed unanimously.

TO DO: Staff will notify the Supreme Court that the Commission is recommending Judge Gary Olsen as replacement for small jurisdiction JP Court on the Commission.

Term for City Court Judge: The Commission reviewed the statutes and discussed the length of term for appointment of City Court.

TO DO: Staff will notify Judge Marty Birkeneder that the City Commissioners need to contact their City Attorney for legal advice as to the length of the term.

TRAINING: Judge Carver asked if the MMA training judges should train the new judges that will be appointed in Lewis & Clark County and Phillips County since both of them will only serve as interim judges. The Commission unanimously agreed that both judges need training.

TO DO: Judge Carver will send training judges to both counties. Staff will contact Lewis & Clark County to see if they have appointed anyone to replace Judge Jewell.

Expanding Training: Judge Carver suggested that the training judges produce training videos on basic hearings that can be sent to new judges when they are appointed or elected to the bench. Then the training judges can follow-up with a face-to-face visit.

A motion was made by Judge Miller and seconded by Judge Harkin that Judge Carver be given the authority to determine content of the videos and the time that will be required. The motion passed unanimously.

TO DO: Judge Carver will work with staff to determine time and cost of the project. Staff will establish contact with videographer and negotiate a contract.

Education Materials: Judge Mohr lead a discussion about on-line education materials. The commission was interested and gave Judge Mohr permission to pursue grant opportunities in this area.

TO DO: Staff will ask Karen Nelson to demo Share-point at the August meeting.

Next Meeting Date: The next meeting will be August 5th in Helena, beginning at 8:30 a.m.

Adjournment: The meeting adjourned at 10:40 a.m.