

Commission on Courts of Limited Jurisdiction
Meeting Minutes
April 26, 2010
Billings MT

Present: Judge David Ortley, Judge Greg Mohr, Judge Doug Harkin, Jennifer Boschee, Judge Larry Carver, Peggy Tonon, Judge Perry Miller, Judge Mary Jane Knisely

Absent: Judge Gayhl Stahl, Justice James Nelson, Shaun Donovan, David Nielsen and Randi Hood

Guests: Judge Richard Motta, Judge Michelle Snowberger

Staff: Beth McLaughlin and Karen Sedlock

Judge Knisley called the meeting to order.

MINUTES: Judge Ortley moved approval of the minutes; seconded by Judge Mohr. Minutes passed unanimously.

OLD BUSINESS:

Surcharges and State v Brown: Judge Carver noted this issue was resolved with the Brown decision. No follow-up is necessary.

Complaint from Paul Grigsby: Judge Carver talked to Judge Wanda Dreush about Paul Grigsby's complaints that the court was closing early and not issuing summons on civil matters. Judge Carver confirmed that court window closes at 4 p.m., which Commission members agreed was fine. The court does not issue summons upon filing of the complaint because they simply do not have the time. The court is short-staffed and cannot keep up with the volume of work. Judge Carver discussed Rule 4 with her, which requires the court to issue a summons. Judge Ortley noted the Gallatin County Court is a well-run court with a similar volume to his court. He said he would follow-up with Judge Dreush with tips about how they handle the work. Commission members noted that collection actions are up significantly in all courts, which has a dramatic affect on workload.

Public Comment: Judge Knisely noted that she neglected to ask for public comment at the start of the meeting so she called for public comment.

Judge Snowberger commented that perhaps Rule 4 needs to be changed if it's unmanageable for courts given the current debt collection actions. She stated that if courts are not able to comply with the Rule it may need to change. Commission members thanked her for the idea and mentioned it might make sense to discuss the issue with David Hull.

Conference Waivers: Judge Harkin reviewed the waiver process. Judge Mohr wanted to know if we needed to be more specific because of the number of people seeking waivers at the last school. Judge Harkin is generally happy with the rule language as long as people view the tapes. Jennifer asked whether most requests come in within the 40 day requirement. With the exception of illness, waivers do come in timely. Beth noted it can be difficult during courses when people become ill because staff don't want to make them stay especially if they are contagious. Judge Harkin said some people have abused it but not currently. Judges understand the need to be present at school. He would like to keep the waiver policy the same. The Commission agreed. Jennifer wondered about attendance for clerks because the judges want to know that clerks are in the classroom when they come to school. The Commission doesn't have authority to require the clerks to attend the classes but something could be added to the registration forms encouraging attendance at all sessions.

NEW BUSINESS:

Letter from Scott Restvedt: Mr. Scott Resvedt contacted the Commission in December requesting information about time pay bonds. The Commission responded and Mr. Resvedt responded to the Commission. Members reviewed his letter and decided no response was necessary. Judge Ortley made a motion to not respond; Judge Carver seconded the motion; it passed unanimously;

Approval of Benchbook: Commission members requested additional time to review the Benchbook. Judge Harkin requested that staff ask Judge Duehr to provide details about what changed in the book to make the review easier.

Approval of RASS Referral Form: Commission members reviewed the RASS referral form from the Department of Revenue. Judge Mohr noted that he would not be comfortable sending the form to judges because the form includes a space for date of birth and drivers' license number. This information is probably not necessary and should not be included on the form. Judge Knisely volunteered to contact the Department of Transportation and request information about why these fields were included on the form. The form will be reviewed again at the June meeting.

Request for Information: Commission members reviewed a memo from Gary Crandall memo – MJK has explained everything to him – some stuff he couldn't see; the judge, who is running for Justice of the Peace in Lincoln County. Commission members agreed that public information has been covered in previous conferences so it was likely not an educational matter requiring follow-up with the judge. Judge Knisely will respond on behalf of the Commission with general information about what the court can and cannot do. A copy will be sent to Judge Stormy Langston.

Request for Translation of Forms: Beth stated that the Montana Legal Services Association may have funding available to translate certain criminal justice forms into other languages. Commission members stated the following forms would be a priority: Drivers' manual and tests – consult with Greg Noose on specifics

Advisement of rights and change of plea forms
Implied consent advisory
Scheduling order
Civil procedure orders
Order of Protection
Notice of exemption for garnishments
Notice on getting an interpreter; instruction on how to proceed

Beth stated she would forward the list

Next Meeting Date: Judge Stahl would like to host the next meeting on **June 17 in Malta**. Commission members agreed to move the meeting date and time.

The meeting was adjourned at 1:15 p.m.

Meeting Reconvened April 27, 2010
Crown Plaza Billings
12:20 p.m.

Members present were: Judge David Ortleby, Judge Greg Mohr, Judge Doug Harkin, Judge Larry Carver, Peggy Tonon and Judge Perry Miller.

Staff: Karen Sedlock

A motion was made by Judge Larry Carver to amend the 2010 Spring Conference schedule by allowing Mark Long, Narcotics Bureau Chief of the Department of Justice, Division of Criminal Investigation to present on Medical Marijuana on Thursday's break-out sessions in place of Judge Mary Jane Knisely presenting on Restitution. The motion was seconded by Judge Greg Mohr and passed unanimously.

The meeting adjourned at 12:30 p.m.