

## MINUTES

Commission on Courts of Limited Jurisdiction  
Helena, MT  
August 19, 2011

**Members Present were:** Hon. Larry Carver, Hon. Greg Mohr, Hon. Gary Olsen, Hon. Marie Andersen (via the phone), Peggy Tonon, Bernie Cassidy, Kelly Addy and Hon. Perry Miller

**Members Absent:** Supreme Court Liaison Justice Jim Nelson, Hon. Douglas Harkin, Jennifer Boschee and Randi Hood

**Staff Present:** Beth McLaughlin

**Guests:** None

Judge Miller called the meeting to order at 8:40.

**PUBLIC COMMENT:** None

**MINUTES:** The minutes from the June 17, 2011 meeting were reviewed. A motion was made by Kelly Addy and seconded by Judge Mohr that the minutes be approved as written. The motion passed unanimously.

### **OLD BUSINESS:**

**Records Retention Issue:** Judge Miller gave an update about the committee's work. Judge Nancy Luth volunteered to chair the group and is doing an excellent job moving it forward quickly. The committee will need assistance on fish and game issues. Commission members recommended working with Judge Pete Howard. The committee will have recommendations ready for all judges to review at the fall conference.

**Letter from Supreme Court:** Judge Miller explained that he contacted Justice Jim Nelson and had a good discussion about the role of the Commission. He does not believe that an additional rule or modification to current rules is necessary. No additional follow up is needed.

**Judge Tara Batey:** Beth stated that Judge Batey had an extension to take the certification test through the end of August. Judge Miller made a motion to direct staff to notify Judge Batey that she must take the certification test and that an additional extension would be not recommended. Judge Fagenstrom seconded the motion; the motion passed unanimously.

**TO DO:** Staff will notify Judge Batey that she must take the test by the end of August if she intends to take the test.

**Consumer Debt Materials:** Judge Fagenstrom and Judge Olsen reported they attended a meeting to talk about educational materials for litigants in consumer debt cases. The meeting was not as expected as the discussion centered on changing the statute, which was not something the judges expected. The Commission discussed debt collection issues and the need to provide some guidance to the fall speaker, Cliff Hayden.

**Fall 2011 meeting:** The Commission discussed the points Judge Miller should present at the start of the Fall school. He is going to make clear the Commission's role and that the Commission cannot become involved in disputes between a judge and local government. The Commission rules will be included in the conference packet for reference. Judge Miller will also remind conference attendees about courtesy issues during class including limiting talking, cell phone and laptop use.

**NEW BUSINESS:**

**Out of State Drivers' Licenses:** Judge Mohr reported that he was receiving inconsistent information about whether an out-of-state driver's license in a DUI case should be sent to the drivers' record bureau. He thought it would be an appropriate issue for Erin Inman to discuss during her Fall presentation.

**TO DO:** Staff will notify Erin and ask her to address the issue during her presentation.

**Juvenile Contempt:** Judge Mohr mentioned that he was hearing from judges again about confusion with handling contempt in MIP cases involving youth. He noted that the process is straightforward but should probably be addressed in the fall given the questions. Judge Mohr suggested asking Judge Steve Muth to mention it during his contempt presentation.

**TO DO:** Judge Mohr will talk to Judge Muth about the issue.

**Request from Judge Gail Beckham:** Judge Beckham contacted Prof. Tonon for advice because the city judge position was included in a union organizing petition with Colstrip. She was seeking any advice from Prof. Tonon. The Commission discussed the issue and determined it was outside its scope.

**TO DO:** Staff will notify Judge Beckham that the Commission is unable to provide any advice.

**Automation Advisory Committee Update:** Judge Carver reported that the automation committee had a lengthy meeting. The committee is ready to start the Bondbook production but must wait until the new statutes are completed by Legislative Services. The committee is very concerned about the quick turnaround needed with the recodification of the fish and game statutes. Judge Carver noted that the Highway Patrol import is live in all but eight courts and is working well. He also noted that Fish, Wildlife and Parks and the Department of Transportation are considering moving to SmartCop, which would allow import of fish and game and GVW tickets electronically.

**Disqualification for Cause – Nuts and Bolts:** Judge Fagenstrom reported that an affidavit of disqualification was recently filed in his court. He noted that it's such an unusual

situation that it might be worth addressing at the conference. Judge Andersen and Judge Ortley will be asked to add it to Nuts and Bolts. Judge Mohr also suggested they discuss the requirement for a preliminary inquiry in criminal matters.

**TO DO:** Staff will notify follow-up with Judge Andersen and Judge Ortley with the two topics for Nuts and Bolts.

**Next Meeting Date:** The next meeting of the COCOLJ will be September 26 at 12 noon at the Kalispell Hilton Garden Inn.

**Meeting Adjourned:** The meeting adjourned at 11:30 a.m.