

MINUTES

Commission on Courts of Limited Jurisdiction
Kalispell, MT
September 26, 2011

Members Present: Hon. Perry Miller, Hon. Larry Carver, Hon. Greg Mohr, Hon. Gary Olsen, Hon. Marie Andersen, Hon. Steven Fagenstrom, Hon. Doug Harkin, Jennifer Boschee, Peggy Tonon, and Kelly Addy.

Members Absent: Bernie Cassidy and Randi Hood.

Staff Present: Beth McLaughlin and Shauna Ryan

Guests: Hon. Donna Marsh and Hon. Michele Snowberger

Judge Miller called the meeting to order at Noon.

PUBLIC COMMENT: Judge Snowberger reported that the Commission on Self Represented Litigants requested that she attend this meeting and advised that they are currently finalizing the next round of forms that will be drafted by the Commission under contract with Legal Services. The Commission was interested in determining what the needs of the Courts of Limited Jurisdiction may be and what forms they would like to have drafted. The present forms are out on the Law Library website under Forms. Judge Miller advised that he would need time to go out and review the forms online to determine if any other forms would be helpful. Judge Snowberger will serve as the liaison between this Commission and the Commission on Self Represented Litigants. The Commission will review the forms online and decide if additional forms are needed. This matter will be reviewed again at the Commission's November meeting.

TO DO: Judge Snowberger will forward the forms to Shauna Ryan for disbursement to the Commission members.

MINUTES: The minutes from the August 19, 2011 meeting were reviewed. A motion was made by Judge Mohr and seconded by Kelly Addy that the minutes be approved as written. The motion passed unanimously.

OLD BUSINESS:

Record Retention Schedule: Judge Miller advised that Judge Luth has taken the lead on the records retention schedule and there has been good dialogue between her and the rest of that committee. Jennifer Boschee reported that they are trying to narrow down the number of years the courts are required to keep files in certain types of cases. Judge Miller suggested that Judge Luth be invited to attend the next meeting to give an update on the record retention schedule.

TO DO: Shauna Ryan will notify Judge Luth of the next meeting and invite her to give an update.

Automation Advisory Committee Update: Judge Carver reported that the OCA IT trainers were currently in the process of drafting a procedure for the automation committee to approve. Certain courts are asking the OCA IT department to do their books every month. The committee is trying to establish a policy to stop that from occurring. A policy needs to be in place so all of the courts know what the OCA staff will and will not do as far as their end-of-the-month reports are concerned. The Committee continues to establish site pay in those courts that are interested. The courts need to decide whether they want site pay or not as the IT department needs to move ahead on other projects.

NEW BUSINESS:

Waivers: Judge Harkin reviewed the waivers approved for the fall conference. Judge McKenney received a waiver for the first day. Beth McLaughlin reported that she received a request for a waiver last Thursday afternoon from Judge Hartsock. To date, no further information has been received from Judge Hartsock.

Judge Miller reported that one of the biggest concerns of the OCA staff has been the absences during the course of the school. What is the Commission's preference on sorting out the true set of facts for absenting themselves from the class? At what point does the Commission intervene? No formal policy on absences will be established outside of what is already in statute. Judge Miller will issue a reminder at the beginning of the conference reminding the judges of the requirement to attend each class and to be on time.

Statute table update: Judge Carver reported that the Fish & Game statutes have been reorganized. All the statutes have been given new numbers. Judge Carver met with the Attorney General's office, Fish and Game and Lisa Mader and they have the new statute table complete. The goal is to have the statute table available to everyone by October 1, 2011. Unfortunately for a couple of years, the courts will be dealing with old statutes and new statutes because Fish & Game has three years under the statute of limitations to file a charge. In the meantime, the courts will need to use both statute tables. Judge Carver reported that the Fish & Game portion of the bond schedule is done and they will get that out electronically sometime next week. Judge Carver reported that the Bond book committee, chaired by Judge Herman, will meet next month and they hope to get the rest of the changes from the legislature made and into the bond book and statute table.

Letter from Jeffrey T. Patterson regarding Judge Bailey: Judge Miller reported that Mr. Patterson called him a couple of months ago. Judge Miller advised him that the Commission did not handle these types of complaints. Mr. Patterson indicated that he was apprehensive about going to local law enforcement. Judge Miller advised him that the Attorney General was the chief law enforcement in the state of Montana and that if he had issues with local law enforcement then he could file a complaint with the AG's office. Judge Miller further advised that any allegations of ethical misconduct could be made to the Judicial Standards Commission. Judge Harkin moved that a letter be sent to Mr. Patterson advising him that this issue exceeds the scope and authority of Commission on Courts of Limited Jurisdiction. Judge Carver seconded the motion and it carried unanimously.

TO DO: Shauna Ryan will prepare and send the letter to Mr. Patterson.

On October 19, 2011, Justice Nelson advised that the Court had already sent Mr. Patterson a letter advising him to file a complaint with the Judicial Standards Commission. The Court did not feel any further correspondence from the COCOLJ was necessary.

Next Meeting Date: The next meeting of the COCOLJ will be November 18th in Helena at the OCA office starting at 8:30 a.m.

Meeting Adjourned: The meeting adjourned at 1:25 p.m.