

MINUTES

Commission on Courts of Limited Jurisdiction (COCOLJ)

Helena, MT

January 17, 2025

Members Participating: Hon. Kelly Mantooth, Hon. Steve Fagenstrom, Hon. Kerry Burman, Hon. Jessie Connolly, Hon. David Grubich, Brian Smith, Greg Sullivan, Hon. Maureen O'Connor, Hon. Justice Rice, and Nicole Siefert.

Members Absent: Melissa Rosaaen, Jeanne Torske, and Hon. Steve Bolstad

Staff Present: Shauna Ryan

Guests: None

Judge Mantooth called the meeting to order at 8:30 a.m.

Public Comment: None

OLD BUSINESS:

Minutes

The minutes from the meeting on November 15, 2024, were reviewed. Judge Fagenstrom moved to approve the minutes. Judge Burman seconded the motion, and it carried unanimously.

Montana Justice Institute – UM Law School

Shauna Ryan reported that Beth McLaughlin is working on the grant application and hopes to get everything submitted on Monday. Peggy Tonon has done great working with the Law School – we have a contract in place with the school and will individually contract with the three professors. Shauna is hoping to be able to send notice and invitation to all the limited jurisdiction judges next week sometime.

NEW BUSINESS:

Email from Missoula City Attorney Re: Process in Municipal Court

Judge Mantooth asked if this was a training issue or something more outside of the Commission's purview. Nicole Siefert thought that it might be something the Commission could help with but could be done informally. Possibly a couple of the Commission members could go to Missoula and meet with the judges and see if they need any assistance and offer help. Judge Fagenstrom thought additional information was needed on a couple of the issues. Judge O'Connor didn't think there was enough information to take any particular action other than perhaps to add to training some discussion on probable cause review and maybe warrant review. Judge Connolly agreed with Judge O'Connor and that there may be some additional training we could offer. She didn't understand the concern about warrants not being entered into the Missoula Police Department database as it was her understanding that is not up to the judges. Judges can provide the information but it's up to law

enforcement whether it gets entered anywhere. That's been an ongoing concern that Judge Connolly has when her warrants don't get entered into a database, but she can't strong arm law enforcement to make them comply. This could be a training issue. As far as overdue processing, every court has a different process, and she didn't think that a prosecutor should be dictating how that court is managing things like non-compliance. Maybe a couple of the issues raised could be addressed in the court break-out sessions at spring conference. Judge Mantooth thought it would be okay to have a couple commission members meet with the judges and offer to assist if needed. Greg Sullivan offered to help where needed. He indicated that Bozeman is looking at obtaining a Bureau of Justice assistance grant to have someone come in and take a comprehensive look at the entire criminal justice system within his community – from the police operations, prosecution services, how the judiciary handles these types of issues and make recommendations on where we could improve. Bozeman has gone from a community of 20,000 people twenty years ago to suddenly way too many people. How do we go from being a small city to a big city – the criminal justice system has to grow with that change. Greg thought any response from the Commission should first cover what the Commission has authority over and then that it is considering training on some of these issues during the spring judges conference. We could then advise the judges and the city prosecutor that members of the commission have offered to assist in facilitating a discussion if they are interested. Greg agreed to draft a letter on behalf of the Commission for Judge Mantooth's signature. Judge Mantooth also agreed to talk to Judge Bolstad to see if he'd communicated with the Missoula judges regarding this matter.

United States v. DeFrance, Ninth Circuit No. 23-2409

Judge Mantooth said the Ninth Circuit is saying that the Montana statute for partner family member assault is not clear enough for the feds to restrict firearms from Montanans convicted under PFMA because of our definition which includes the bodily injury, bodily injury with a weapon, or reasonable apprehension. The reasonable apprehension is what they are balking at. He talked with his county attorney, and he said the county attorney's association is trying to get this fixed during this legislative session. Judge Mantooth just wanted everyone to be aware of the order.

Legislative Updates

Judge Mantooth reported that Bruce Spencer is doing a great job as the MJA and State Bar lobbyist. There are a lot of bills affecting the judiciary. Both the House and Senate Judiciary Committees have been slamming through a lot of the bills proposed by the interim Senate Select Committee on Judicial Oversight and Reform. It will be interesting to see how all of them pan out.

Request for Temporary Certificate and Waiver of Training for New Judge

Hon. Jeffrey Schmalz (Carbon County JP), Hon. Tim Wenz (Flathead County JP), and Hon. Scott Owens (Whitehall City) – On behalf of the waiver committee, Judge Grubich recommended the temporary waivers be approved. The Commission concurred. After discussion among the commission members, it was clarified that the 6-month window runs from the date the judge takes office.

Spring Conference Agenda

Shauna Ryan reported that the only session not solidified was the motivational interviewing. Justice Gustafson is working on finding a presenter as the same topic will be on the MJA (district court) conference agenda. We're hoping to utilize the same presenter/s for both conferences. The rest of the conference agenda has been confirmed.

Adjourned: The meeting adjourned at 10:15 a.m.

Next Meeting Date: The next meeting will be Friday, February 21, 2025, at 8:30 a.m. in Helena.