

MINUTES

Commission on Courts of Limited Jurisdiction (COCOLJ) Missoula, MT September 22, 2025

Members Participating: Hon. Kelly Mantooth, Hon. Maureen O'Connor, Hon. David Grubich, Hon. Jim Rice, Melissa Rosaaen, Hon. Jessie Connolly, Greg Sullivan, Nicole Siefert, Jeanne Torske, and Brian Smith.

Members Absent: Hon. Steven Bolstad

Staff Present: Shauna Ryan

Guests: Hon. Anna Straub and Hon. Kathleen Rosencranz

Judge Mantooth called the meeting to order at 1:00 p.m.

Public Comment: Judge Straub wanted to personally thank the Commission for allowing her to attend the Montana Justice Institute (MJI) training back in June at the Law School. She gave a big shout out to everyone involved in putting it together and allowing the judges to attend. Judge Straub indicated that cumulatively she has about 17 years on the bench but had never attended anything with such magnitude and that left so much of an impression as the Montana Justice Institute. It was amazing and of great benefit to her! To be there for two weeks and be drenched in criminal procedure, civil process, and rules of evidence and to be instructed by the caliber of professors there was amazing. She thanked the Commission and encouraged it to continue offering MJI – at more frequent intervals if possible.

OLD BUSINESS:

Minutes

The minutes from the meeting on August 15, 2025, were reviewed. Brian Smith moved to approve the minutes. Nicole Siefert seconded the motion, and it carried unanimously.

Judge Deskbook - Update

Judge Mantooth reported that he had not heard back from Judge Sullivan on his progress. He did have updates from Judge He Does It. The committee has done a lot, but Judge Sullivan previously indicated he wanted to finetune some things. He thinks they are close to having the project complete. He plans to bring the finished product to the Commission for review and approval.

NEW BUSINESS:

Request for Temporary Certificate and Waiver of Training for New Judge

Hon. Kaity Williams (Stillwater County JP) – On behalf of the waiver committee, Judge Grubich recommended the temporary waiver be approved. The Commission concurred.

Request for Waiver of Training for Fall 2025 Conference

Hon. Jordan Allhands, Hon. Steve Bolstad, Hon. Dennis Loveless, Hon. Jarod Nieskens, Hon. Seth Broesder, Hon. Jean Kerr, Hon. Karolina Tierney – On behalf of the waiver committee, Judge Grubich recommended the waivers be approved. The Commission concurred.

Commission Vacancy (Member-at-Large)

The following judges submitted letters of interest for the member-at-large seat on the Commission:

Hon. Christina Hillman (Valley County JP), Hon. Anna Straub (Fallon County JP/Baker City), Hon. Bert Kraft (Bridger City), Hon. Mike Swingley (Lewis and Clark County JP), Hon. Stormy Langston (Eureka City), and Hon. Jacob Coolidge (Missoula Municipal).

Judge Grubich nominated Judge Straub for the at-large seat on the Commission. Brian Smith nominated Judge Coolidge. Nicole Siefert nominated Judge Swingley. After a lengthy discussion and a vote among all members, the Commission recommended that Judge Straub be appointed to the Commission. Shauna Ryan will pass the Commission's recommendation on to the Court for official appointment.

Mandatory In-Person Attendance at COLJ Conferences

Brian Smith inquired about the requirement that all training for the limited jurisdiction court judges be in-person only. He felt it was a bit of a draconian and rigid rule and unlike any other profession's continuing education requirements. Brian's understanding was that when this rule was first adopted it was because some said we need to do in-person training because we have non-attorney judges, and this is very good training; and if we don't have in-person training then we risk skepticism of our training principles. Judges and attorneys can do remote training – the State Bar approves remote training – however it's limited to five hours if you're just watching video. I know when we weigh the waivers, we say judges must watch the videos within a certain period of time. On some level, we are saying watching the videos is as sufficient as attending in person. I think some people get a lot out of the in-person training, but not everybody. Judge Mantooth responded that through COVID and the remote learning that was happening nationwide – they found there was a decrease in learning. In-person is the best training, and we should strive for the best. Judge O'Connor responded that this is a unique organization. Shauna pointed to the Commission's minutes from September 27, 2021, which references personal attendance at conference and the amount of valid discussion on the issue at that time. Judge Grubich said that there was a lot of discussion around this issue, lasting through several meetings and a few iterations of the rule. If there's a change in circumstances in some way he's not opposed to revisiting the rule, but there's no doubt in his mind that in-person learning is a better learning experience. He thinks there is a higher propensity to do other work or other things while the CLE's are held remote versus when you are there listening to it in person. You can interact with your peers and it's a more valuable experience. Judge Fagenstrom offered that there is no evidence that we can keep track of people when they are attending training remotely and certainly not as close as we can when they are physically present at the conference. He would not want to go back to the days where we have no idea whether an individual is paying attention or not and this same individual is charged with being responsible for the outcome of someone's life – whether it's a tenant who gets thrown out into the cold or somebody that's someone's jailed for something they shouldn't have been. He's not comfortable with the idea that the person who is supposed to be at conference instead turns their laptop on, doesn't have a video camera on, and they are off doing whatever it is people tend to do when they don't feel obligated to attend these trainings. Judge Mantooth referenced Judge Fagenstrom's comment back on September 27, 2021, and that was that "we are training folks to be judges". Judge Mantooth said we are not training them to be lawyers, we are training them to be judges. Judge O'Connor commented that based on the uniqueness of Montana having a

judicial system where a significant portion of the judges are non-attorney judges, along with the US Supreme Court case that went up all those years ago - it adds legitimacy to how this state is running its judicial system and allowing for non-attorney judges when they are required to put in the extra effort to be at conference and there is no distraction. At the end of the day if Montana is going to continue with its current judicial system and how it operates then it's important that it is in-person training. Yes, it's unique, but Montana is unique in how it runs its courts of limited jurisdiction. Nicole Siefert offered that her understanding of why the State Bar cares about this Commission is because there are so many non-attorney judges and they want to make sure they have the proper training. The State Bar would want to make sure that people are attending the training and absorbing the information being presented. Judge Fagenstrom said that having practiced elsewhere he would stack up any one of our non-lawyer judges against any judge anywhere in the country and they would hold their own. Judge Connolly concurred with everything that Judge O'Connor said and agrees that the State Bar would say yes, in person, is best. She also agrees with Judge Mantooth that we are training folks to be judges, not lawyers. She remembered Peggy Tonon during an ethics presentation talking about the uniqueness of Montana and how lonely and isolating it can be as a judge, especially in a small jurisdiction. In a larger jurisdiction, you have colleagues, whether it's another municipal judge, a justice of the peace or even just other judges close by. When you're in remote jurisdictions, you are alone. If we don't have the connectedness that comes from being here in person some judges might align inappropriately with the prosecutor or with defense counsel, and we must remember our role. Coming together in person creates that connection and is the best way for us to keep lay judges on the bench.

Adjourned: The meeting adjourned at 2:33 p.m.

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