

ORIGINAL

MINUTES

**Montana Supreme Court Public Meeting
Tuesday, February 28, 2012, 1:30 p.m.
Justice Building, Attorney's Lounge, 4th Floor
215 North Sanders, Helena, Montana**

FILED

APR 03 2012

L. Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Chief Justice McGrath called the meeting to order at 1:31 p.m. Chief Justice McGrath and Justices Baker, Rice, Nelson, and Morris were in attendance. Several members of the public were in attendance. The Court approved the minutes from the November, 2011 meeting.

The Court signed an order reappointing Hon. Jeffrey M. Sherlock and Gary M. Zadick to the Commission on Rules of Evidence; and appointing Robin Meguire, Randi Hood, and Michael Cok as new members to the Commission on Rules of Evidence.

The Court signed an order reappointing Prof. Andrew King-Ries to the Criminal Jury Instructions (CJI) Commission and appointing Peter B. Ohman as a new member of the CJI Commission. Prof. King-Ries will serve as Chair of the Commission.

The Court discussed amendments proposed by judges of the Montana Eighteenth Judicial District to Rule 52 of the Montana Rules of Civil Procedure. The district court judges suggested amending the rule to provide clarity regarding the recent change that Findings of Fact and Conclusions of Laws are not necessary for motions under Rule 12 or Rule 56. The Court decided not to entertain the proposed amendments, and the Court will respond to the district court judges by letter.

The Court also discussed a proposed amendment to Rule 4(5) of the Montana Rules of Appellate Procedure. The Justices discussed the placement of the proposed amendment within the structure of the current rules. The Court agreed to take public comment on the proposed amendment for 60 days.

The Court referenced a prior presentation from the Court Administrator's staff on the proposed budget for the next biennium. There were no public comments on the budget. The Court adopted the proposed budget, and a copy of it is attached to these minutes.

The meeting adjourned at 1:46 p.m.

Duly Submitted,
Amy S. Young and Briana E. Schwandt
Law Clerks

ORIGINAL

JUDICIAL BRANCH BUDGET PROPOSALS FOR FY 2014 AND FY 2015

Submitted by Office of Court Administrator
February 2012

The Judicial Branch budget for this biennium (FY 2012 and FY 2013) is \$76.7 million, which supports five budgetary programs and 412.6 FTE. In October 2011, the Office of Court Administrator (OCA) began the Branch's budget building process for the 2015 biennium budget (FY 2014 and FY 2015).

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Total Budget Proposals Submitted (Appendix A)

The OCA received budget proposals from four of the Branch's five programs: Supreme Court Operations, Law Library, District Courts Operations, and Water Court Supervision. (No proposals were submitted for the Clerk of the Supreme Court.) The proposals amounted to over \$4.7 million, an increase of approximately 6.13% over the current biennium budget. A total of 33 FTE were requested. Appendix A presents a compilation of the proposals submitted.

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Several District Courts requested funding for items such as furniture and office equipment. We have determined that nearly all of these requests could be filled within the FY 2012 or FY 2013 budget, which would eliminate the need to seek funding for the next biennium. The items highlighted in yellow in Appendix A are the proposals that will be funded in FY 2012 or FY 2013.

OCA Recommendations (Appendix B)

Appendix B presents the OCA's funding recommendations for the 2015 biennium. The total cost of these recommendations is \$3,825,389 or an increase of approximately 5% over the current biennium budget. A total of 25.75 FTE are recommended. A description of the major recommendations follows:

Supreme Court Operations

- New FTE and funding for increased IT system maintenance costs.
 - \$91,241 for the biennium to fund increased maintenance costs for the maintenance of the C-Track, Full Court and JCATS systems.
 - \$814,258 for the biennium to fund 7.0 FTE for IT. This includes 1.0 IT Data Mining Engineer/Research Analyst, 2.0 Network Technicians, 1.0 Sharepoint Administrator and 3.0 Business Analysts. The increase in IT staffing will provide for efficiencies in

providing technology services to 1,000 plus statewide users in the Branch.

- Court Help law program.
 - \$699,408 for the biennium to continue this program, including funding for the 1.0 statewide court-help administrator, 1.0 statewide pro bono coordinator, 1.0 Yellowstone County court-help law center coordinator, 1.0 Flathead County court-help law center coordinator, and a .25 Gallatin County court-help law center coordinator for a total of 4.25 FTE. The proposal will also fund continuation of the AmeriCorps grant, which funds 6 members serving 17 counties. The 2007, 2009 and 2011 Legislatures appropriated funding in one-time-only funds for the court-help law program. Both the court-help law program and the pro bono coordinator are providing important services to low and moderate income Montanans with civil legal needs.

- Drug courts.
 - \$140,463 for the biennium to fund an increase in the general fund money for 13 adult, youth, and family drug courts receiving general fund dollars.
 - \$552,951 and 4.5 FTE for the biennium for continued funding of 6 additional courts who will lose federal funding during the 2015 biennium. The courts are located in the 1st, 7th, 9th and 13th Judicial Districts.
 - \$100,000 for the biennium is requested to provide general fund support for four DUI courts that are funded primarily by Montana Department of Transportation. These requests are supported by the current drug court judges statewide.

District Court Operations

- Minimum level of staffing for judges. The OCA received proposals for 14.0 for the following support staff: 5.25 for judicial assistants, 6.25 for law clerks, 1.0 financial specialist, .5 court help program assistant and 1.0 for a court reporter. Several of these requests for positions are beyond the minimum level of staffing (1 Judicial Assistant, 1 Law Clerk and 1 Court Reporter per Judge). The OCA recommends:
 - \$735,658 and 7.0 FTE for the biennium as follows:
 - 1.0 law clerk each for Judicial Districts 7, 16 and 20;
 - .25 law clerk (additional hours) for Judicial District 19;
 - 1.5 judicial assistants for standing masters in Judicial Districts 8 and 18 (.75 each for each district);
 - 1.5 law clerks for standing masters in Judicial District 4; and
 - .75 judicial assistant for Judicial District 19.

- Increase for contract payments.
 - \$50,242 for the biennium to increase rates to contractors in several areas for district courts; contracted court reporters (3 districts), relief court reporters (most districts), CASA programs and contracted GAL's and GAL's paid on a \$60 per hour basis. Rates paid for these services have not increased since state assumption of District Courts.
- Continuation of funding for GAL contracts in the 2nd Judicial District.
 - \$140,000 for the biennium to continue one-time-only funding for GAL services in child abuse and neglect cases. The funding is not in the base budget because it was a one-time-only appropriation in 2011.

Miscellaneous Requests

- Rent increases. Current leases for the OCA office and Water Court offices require increases of \$12,639 and \$15,480 respectively.
- Judicial Standards. Request to fund Judicial Standards for the biennium, \$23,000.
- Transfer of FTE from DNRC to Water Court. Judge Loble has requested the transfer of 3.0 FTE and \$417,549 from DNRC to the Water Court to accelerate the state's water right adjudication effort.
- Law Library equipment. The Law Library has requested \$32,500 for the purchase of a book scanner and the replacement of public study chairs in the Law Library.
- IT equipment requests. OCA has begun work with Department of Administration to include funding requests in the general automation funding bill (normally HB10 – Long Range Building). The funding will be for on-going courtroom technology improvements or additions and Video Conferencing solutions in 7 rural Judicial Districts. The estimated amount of this request is \$300,000 to \$350,000.