

MONTANA SUPREME COURT PUBLIC MEETING MINUTES

Tuesday, June 12, 2018, 1:15pm
Joseph P. Mazurek Justice Building
215 North Sanders, Helena
Attorney's Lounge, 4th Floor

Chief Justice McGrath called the meeting to order at 1:15 p.m. In attendance were the Chief Justice and Justices Baker, Gustafson, McKinnon, Rice, Sandefur, and Shea.

Also in attendance were: Beth McLaughlin, Montana Court Administrator and Sarah Christopherson, Supreme Court Law Clerk

Item 1: Approval of the Minutes from June 5, 2018 Public Meeting

- The Justices unanimously approved the minutes from the previous public meeting.

Item 2: AF 06-0652, Appointment to the Uniform District Court Rules Commission

- Chief Justice McGrath noted that Sean Goicoechea was recommended for appointment and to serve the remainder of Rebekah French's term on the Uniform District Court Rules Commission. The Court unanimously appointed Sean Goicoechea.

Item 3: AF 06-0090, Appointments to the Commission on Practice

- Chief Justice McGrath stated that three of the Commission on Practice members' terms will expire on June 30, 2018. Two of those members would like to be reappointed. The Court unanimously reappointed Lori Maloney and Ward "Mick" Taleff.
- Chief Justice McGrath noted that Patt Leikam has been recommended to fill member Rich Ochsner's seat on the Commission on Practice. Justice Baker spoke approvingly of Patt Leikam's qualifications. The Court unanimously appointed Patt Leikam.

Item 4: AF 17-0393 Appointments to the Pretrial Supervision Advisory Board

- Chief Justice McGrath discussed the vacancies on the Pretrial Supervision Advisory Board. Justice Gustafson asked to continue her involvement with the Board as a liaison. There were no objections.
- The Court unanimously appointed Senator Nate McConnell, Judge Michael G. Moses, and Rhonda Schaffer to the Pretrial Supervision Advisory Board.

Item 5: Adoption of Judicial Branch Administrative Policy 1010 Regarding Payment of Transcript Fees, Witness Fees and Expenses, and Juror Fees

- Chief Justice McGrath stated that no public comments were received on Policy 1010. Chief Justice McGrath also noted that no members of the public were present and introduced Beth McLaughlin to speak about Policy 1010.
- Beth McLaughlin discussed the fees at issue, specifically regarding psychosexual evaluations. She explained the use of psychosexual evaluations in sentencing and their cost to the Public Defender Office. Beth stated that in response to budget cuts, the Public Defender Office held a public hearing and approved a cap of \$1,350 per evaluation.
- Beth told the Court that the Court Administrators office is proposing a similar cap on the cost of psychosexual evaluations when the Public Defender Office will not share its evaluation with district courts for sentencing. Currently, district courts must pay whatever they are billed for an evaluation. It is anticipated that Montana courts will pay approximately \$160,000 for psychosexual evaluations in 2018. Beth explained that setting a cap on evaluation rates would save the courts \$70,000 this year.
- Justice Baker asked if evaluators will be caught off guard by a cap. Beth McLaughlin replied “no,” and explained that although some evaluations cost up to \$4,000, the quality of a \$1,350 evaluation will remain the same. She also explained that the cap was endorsed unanimously by the District Court Council and would become effective on July 1, 2018.
- Justice Baker moved to approve. Justice Shea seconded. The Court unanimously adopted Policy 1010.

Chief Justice McGrath adjourned the meeting at 1:27 p.m.

Duly Submitted,
Sarah Christopherson
Law Clerk