

MONTANA SUPREME COURT PUBLIC MEETING MINUTES

Tuesday November 19, 2019, 1:15 p.m.

Joseph P. Mazurek Justice Building
215 North Sanders, Helena
Attorney's Lounge, 4th Floor

FILED

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Bowen Greenwood
Clerk of Supreme Court
State of Montana

Chief Justice McGrath called the meeting to order at 1:00 p.m. In attendance were the Chief Justice and Justices McKinnon, Baker, Shea, Sandefur, and Gustafson.

Also in attendance were Beth McLaughlin Court Administrator; Bowen Greenwood, Clerk of Court; John Nesbitt, Supreme Court Law Clerk; and Jeanine Blaner, Supreme Court Staff Attorney.

Item One: Approval of the Minutes from August 6, 2019 Public Meeting

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

Item Two: Revisions to the Montana Rules of Appellate Procedure as recommended by the Clerk of Court

- The Chief Justice asked if Bowen Greenwood would like to address his proposed revisions. Bowen Greenwood stated the Clerk of Court's Office takes in a high volume of documents from incarcerated litigants and the proposed changes were meant to address the resulting motions for extension of time to file briefs filed by the Attorney General's office. Bowen further stated the Clerk of Court's office had been proceeding with the understanding that the extensions were not objected to, hence the rule change.
- Justice Baker stated she was fine with the extensions, as they reflect existing practice i.e. one extension is typically granted as a matter of course.
- The Chief Justice echoed Justice Baker's comment with the caveat that the requests for extension are normally sent to the Court and the first request is granted.
- Bowen Greenwood stated that under the new rule the requests would be treated differently than a request in a youth in need of care case in that they would not require the Attorney General to state that they had contacted opposing counsel.
- Justice Baker stated that in the rule changes supreme court should not be capitalized and she would change "pro se" to "self-represented."
- The Justices voted unanimously in favor of the proposed rule changes.

Item Three: Revisions to Judicial Branch Administrative Policy Numbers 200, 204, 206, 210, and 401

- The Chief Justice stated that these rule changes had already been approved at the last District Court Council meeting.
- Beth McLaughlin, as head of the District Court Council, spoke in favor of the proposed rule changes. Beth McLaughlin asked the Court to please allow her the authority to format the rule changes and edit them for grammar and style. Beth McLaughlin stated that the first policy section is changes to employment policy to bring them up to current practice and to address supervising and hiring staff who are related to one another to ensure there is a practice set in place.
- Justice Baker inquired as to a reference to traffic citations in policy 210 and wondered if it would be helpful to clarify that a DUI is a non-traffic offense. Chief Justice McGrath stated that DUIs are not separate in the code. Justice Baker asked whether it would be the common understanding of judicial branch employees that a DUI is not a traffic citation. Beth McLaughlin indicated that judicial branch employees already agree to report if they receive a DUI. Justice Baker indicated she had some suggestions for punctuation changes as well.
- Beth McLaughlin stated that the vehicle policy was modified to clarify that officials have authority to use their own vehicle and be reimbursed. Chief Justice McGrath spoke in favor of the proposed changes to the judicial branch vehicle policy, as they allow for employees to use their own vehicle, in lieu of a state vehicle less suited to dangerous road conditions. The Chief Justice indicated the records should reflect that we are eliminating a policy that is no longer relevant.
- The Justices voted unanimously in favor of the proposed rule changes.

Item Four: Revisions to Judicial Branch Administrative Policy Numbers 770, 890, 780, 860, and 920 as recommended by the District Court Council

- The Chief Justice stated that these policy changes had also been passed and recognized by the District Court Council.
- Justice Baker stated some of these policies are being eliminated.
- Beth McLaughlin indicated some of the policy changes are further modifications to the travel policy and some of the changes are to the court interpreter policy to increase the hourly rate of compensation. Beth McLaughlin also requested that Policy 780, a vehicle policy, Policy 860, which addresses federal proceedings, as well as Policy 920, be repealed as they are no longer needed.
- The Justices voted unanimously in favor of the proposed rule changes.