

MONTANA SUPREME COURT PUBLIC MEETING MINUTES

Tuesday April 12, 2022

Joseph P. Mazurek Justice Building
215 North Sanders, Helena

Attorneys Lounge 4th | Also Available via Zoom Conference

FILED

MAY 17 2022

Bowen Greenwood
Clerk of Supreme Court
State of Montana

Chief Justice McGrath called the meeting to order at 1:17 p.m. In attendance were the Chief Justice and Justices Baker, Gustafson, McKinnon, Rice, Sandefur, and Shea. Judicial staff also in attendance were: Jeanine Blaner, Supreme Court Staff Attorney; Kevin Cook, Electronic Services Coordinator; Beth McLaughlin, Court Administrator; Cathy Pennie, OCA Financial Director; and Shelly Smith, Judicial Office Administrator. Supreme Court Law Clerks present included Katy Lindberg and Dimitrios Tsolakidis. Members of the press present included Shaylee Ragar, Montana Public Radio.

Item 1: Approval of the Minutes from April 5, 2022 Public Meeting

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

Item 2: Judicial Branch Budget Proposals

- Chief Justice McGrath introduced the matter.
- Court Administrator Beth McLaughlin (McLaughlin) described the 2023 legislative budget proposals as recommended by Commission on Technology and the District Court Council.
- McLaughlin stated that the most significant budget issue for the Judicial Branch is employee compensation and noted that the Branch currently has 45 vacancies. She specifically noted that the shortage of court reporters is nearing a crisis.
 - Justice Baker asked about the salary increases for Judicial Assistants noted under District Requests Not Recommended.
 - McLaughlin advised that this request was from a single judicial district and part of the larger issue of employee compensation that would be addressed in employee-pay discussions with the Budget Office. She added that the other positions requested but not recommended could be addressed internally without new funding.
- McLaughlin described a proposal to transition eight drug courts from federal to state funding.
 - McLaughlin noted that the drug court proposals may be appropriately funded through the opioid settlement dollars rather than through the general fund.
- McLaughlin described the HB 10 information technology proposal for enhancing audio-visual equipment in the district courts.
 - McLaughlin noted the importance of remote court appearances, particularly as a resource for the Office of the State Public Defender and to compensate for the vacant court reporter positions.
- McLaughlin summarized the courthouse security proposal as recommended by the courthouse security working group.

- McLaughlin noted that, although the Court is working with Homeland Security on the initial security assessments, the funding would be used to contract with a private firm that would assess security needs of each courthouse individually and to identify recommended changes.
- McLaughlin explained that the proposal seeks permanent funding for the pre-trial project.
- McLaughlin noted that the workload study was being updated and no new judges were proposed.
- The Chief Justice asked for questions from the Court.
 - Justice Baker inquired whether the courtroom security proposal included funding for training.
 - McLaughlin explained that the proposal includes \$50,000 for de-escalation training for Judicial Branch Staff and that OCA would be working on providing training with existing resources before this funding is requested or approved.
 - The Chief Justice noted the importance of unified security across the Judicial branch.
 - The Chief Justice also noted that the pretrial program has seen continued success.
 - Justice Baker noted that the special appropriation for the Simplified Family Law Resolution Project came from the American Rescue Plan Act (ARPA) funds appropriated by the Legislature and inquired what would happen to the funding if it was not spent during the biennium.
 - McLaughlin stated that the ARPA funding should be continued past the biennium and the deadline to spend the funds is December 2024.
- The Chief Justice asked for questions or comments from the public on the proposed Judicial Branch Proposals. There were none.
- Justice Rice moved to approve. Chief Justice McGrath seconded the motion.
- The Justices voted unanimously in favor of the proposed changes.
- The proposed changes were approved.

Item 3: Appointments to the Commission on Practice

- The Chief Justice noted that Area G remains vacant after Judge Ohman conducted an election. Four candidates received two votes each. The Chief Justice explained that he had begun calling the candidates to gauge their interest and had yet to hear back from any of them.
- Shelly Smith (Smith) noted that the next Commission on Practice meeting is July 20 through 22, so there is time to fill the Area G vacancy.
- Justice Baker inquired about the expiration of Lori Maloney's term.
 - Smith clarified that Maloney's term is not up until June 30, 2022, not March 30, 2022 as previously stated.
- The Chief Justice stated that the Area G vacancy would be addressed later once he has heard back from the candidates.

Public Comment

- None.

Chief Justice McGrath adjourned the meeting 1:42 PM

Submitted by Katy Lindberg and Dimitrios Tsolakidis, Law Clerks, on April 13, 2022.