



ORIGINAL

MONTANA SUPREME COURT PUBLIC MEETING MINUTES

FILED

Tuesday, September 6, 2022

Joseph P. Mazurek Justice Building
215 N. Sanders, Helena

SEP 13 2022

4th Floor Attorney's Lounge | Also Available via Zoom Conference

Bowen Greenwood
Court 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 Beth McLaughlin, Court Administrator; Sarah McClain, Court Services Director; Kevin Cook, Electronic Services Coordinator; and Lauren Moose, Anders Newbury, and Amy Reavis, Supreme Court Law Clerks.

Item 1: Approval of the Minutes from June 28, 2022, Public Meeting

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

Item 2: Adoption of Judicial Branch Administrative Policy No. 310 for the Telework Program

- Court Administrator Beth McLaughlin noted that the Judicial Branch had needed a policy to address responsibilities and requirements for teleworking employees.
- Justice Baker recommended a change to § 3.1, “Implementation.” Section 3.1(a) states that an “employee, supervisor, and District Court Judge, and Human Resources Personnel” must sign a telework agreement. Justice Baker recommended that the text be changed to “employee, supervisor, Supervising Judge or Justice, and Human Resources Personnel” to include the Supreme Court and the Water Court.
- Justice Baker asked if other state agencies had similar policies; McLaughlin replied that they do.
- Justice Baker moved to approve the policy as amended. Justice Rice seconded the motion.
- The Justices unanimously approved the adoption of Judicial Branch Administrative Policy No. 310 for the Telework Program.

Item 3: Revisions to the Rules for Public Access to Court Records

- Court Administrator Beth McLaughlin noted the Commission on Technology recommended several substantive and stylistic changes to the Rules for Access to the Trial Court Public Record Portal. McLaughlin noted that one substantive change was in § 4.00, which was amended to allow the public to search the public access portal “by court, by name of the party so long as the party is over the age of 18 years, or by the case number.”
- McLaughlin also addressed § 4.30. This section exempts certain court records from public search access. McLaughlin stated that the purpose was to protect juvenile information by limiting the public’s ability to search for juvenile cases. McLaughlin noted that one exception to searching for juvenile cases is that juvenile records in limited courts may still be accessed by case number, but no juvenile cases can be accessed by name.
- Justice Shea moved to adopt the amended rules; Justice McKinnon seconded the motion.
- The Justices unanimously approved the revisions to the Rules for Access to the Trial Court Public Record Portal.

Item 4: Appointment to the Criminal Jury Instructions Commission

- The Chief Justice noted that Mardell Ployhar’s term on the Criminal Jury Instructions Commission had expired and that she was willing to serve again.
- The Chief Justice recommended Ms. Ployhar to serve another term on the Commission.
- The Justices voted unanimously to reappoint Mardell Ployhar as a member of the Criminal Jury Instructions Commission for a four-year term.

Item 5: Appointments to the Access to Justice Commission

- Justice Baker provided the backgrounds of the appointees.
- The Justices voted unanimously to appoint Margaret Weamer as a representative of the Montana Justice Foundation. Ms. Weamer is a former president of the Montana Justice Foundation and a current partner at Tarlow, Stonecipher, Weamer, & Kelly.
- The Justices voted unanimously to appoint Juli Pierce as a representative of the State Bar of Montana. Ms. Pierce is a former State Bar of Montana president and currently practices criminal and family law in Billings, MT.
- The Justices voted unanimously to appoint Lillian Alvernaz as a representative of Montana’s Native Communities. Ms. Alvernaz is Sisseton-Wahpeton Dakota and Nakoda. She is an Associate Attorney for Big Fire Law & Policy Group, LLP, a

100% Native-owned national law firm, a former prosecutor for the Fort Belknap Tribes, and lives in Montana.

- The Justices voted unanimously to reappoint Katy Lovell (DPHHS Office on Aging), the Honorable Stacie FourStar (Chief Judge of the Fort Peck Tribal Court), and Alison Paul (Montana Legal Services Association).
- The Justices voted unanimously to appoint Assistant Professor Kekek Stark as a representative of the Alexander Blewett III School of Law at the University of Montana for the remainder of Professor Monte Mills' three-year term ending September 30, 2024. In his capacity as Assistant Professor of Law he is the Co-Director of the following programs: the Indian Law Program; the Margery Hunter Brown Indian Law Clinic; and the American Indian Governance and Policy Institute.

Public Comment

- None

Chief Justice McGrath adjourned the meeting at 1:30 p.m.