

MONTANA SUPREME COURT PUBLIC MEETING MINUTES

Tuesday, November 18, 2025, 1:00 p.m.

Joseph P. Mazurek Justice Building
215 N. Sanders, Helena
4th Floor Conference Room

Chief Justice Swanson called the meeting to order at 1 p.m. In attendance were the Chief Justice and Justices Baker, Bidegaray, Gustafson, McKinnon, Shea, and Rice.

Also in attendance were Bowen Greenwood, Supreme Court Clerk of Court; Dave McAlpin, Court Administrator; Ryan Davies, IT Director; Tom Billteen, Youth Court Services Bureau Chief, Jeanine Blaner, Supreme Court Staff Attorney; and Alexander Clark, Lukas Vining, and Elizabeth Webster, Law Clerks.

Item 1: Minutes from August 19, 2025, Public Meeting

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

Item 2: Amendments to the Rules on Substitution of District Judges

- SB 41, enacted in 2023, provides that, in the event a district court judge is substituted, disqualified, or recuses, subsequent district court judges are to be selected randomly in a manner established by the office of the court administrator. Under SB 41, “random selection” means “selection from a larger group by chance.” The method must ensure reasonable geographic proximity to the original judge’s district and randomness.
- On August 11, 2025, Chief Justice Swanson and Court Administrator McAlpin created a proposal for implementing SB 41 and sent it to district court judges for comment/feedback. The proposal creates “regional” selection pools and a “state-wide” pool for selection after exhaustion of district and regional pools. The state-wide pool will contain active judges and may contain qualified retired judges, appointed to the pool at the Chief Justice’s discretion.
- On August 28, 2025, the Chief Justice and Mr. McAlpin circulated another memo reflecting changes to the proposal made in response to feedback received. The procedure will require exhausting all judges in a multi-judge district before selecting from a regional pool. Also, the regional pools are to be comprised of contiguous judicial districts. The Supreme Court put the proposal out for a 45-day public comment period.
- The Office of Court Administrator has developed a software application that district court clerks can use to randomly select substitute judges. The new software allows clerks to instantly select judges from in-district, regional, and state-wide pools. Mr. McAlpin and Ryan Davies explained that, while not part of Full Court Enterprise,

the new application is integrated with and will “talk to” FCE. Mr. Davies said that clerks will be trained to use the software at the court level.

- The Court received written comments from Judges Michael Hayworth, Peter Ohman, Rienne McElyea, and Brett Linneweber. The Court also received written comments and proposed changes from Judge Amy Eddy, a member of the District Court Counsel, the day of the meeting.
- The Chief Justice noted that any procedural rules implementing SB 41 are Supreme Court rules, which will be codified, and do not make statutory changes.
- Justices McKinnon, Gustafson, and Bidegaray noted that there are already procedures for random selection of substitute judges in place. Justice McKinnon acknowledged the purpose behind SB 41 but questioned the need for a new system where the existing random selection process is working as intended.
- Justice Gustafson questioned the extent of the court administrator’s involvement beyond developing the software and training district court clerks to use it. Mr. McAlpin answered that his office would need to maintain the pools and “quality control.”
- Some Justices noted concerns regarding selection in single-judge districts and maintaining randomness when forming the state-wide pool. Many Justices agreed that the state-wide pool should contain retired judges.
- Justice Baker voiced support for some of Judge Eddy’s suggested revisions. But, because Judge Eddy submitted her comments the day of the meeting, they were not yet publicly available and not everyone had seen or reviewed them.
- The Justices unanimously agreed to postpone action on the proposal.
- The Court Administrator’s Office will review the Justices’ comments from the meeting and public comments already submitted, including Judge Eddy’s suggestions, and then report to the Court. The Court will then decide whether to issue a revised proposal for further public comment.

Item 3: Appointment to the Commission on Courts of Limited Jurisdiction

- Judge Kerry Burman resigned her position as member-at-large on the Commission on Courts of Limited Jurisdiction. The Court thanked Judge Burman for her service.
- The Justices unanimously agreed to appoint Judge Anna Straud, Justice of the Peace and City Court Judge in Baker, as the Commission’s member-at-large member through June 30, 2028.

Item 4: Amendments to Judicial Branch Policies

- The Court considered several updates to Judicial Branch Policies.
- Youth Court Services Bureau Chief Tom Billteen explained Policy No. 1320, Levels of Supervision under Montana’s Youth Court Act. Mr. Billteen said the new policy

was designed to consolidate the finer points of the Act, making them more accessible for state employees. The Justices unanimously adopted Policy No. 1320.

- Court Administrator McAlpin explained that Policy No. 820, Guardian Ad Litem/Child Advocate Costs, was amended to increase the reimbursement rate for GALs, which were previously not competitive. Justice Bidegaray raised questions about striking the term “guardian ad litem” in some places but not others in the policy. The Court agreed to postpone action on this policy until Mr. McAlpin could provide more information about the changes.
- Mr. McAlpin also explained that Policy No. 880, Drug Treatment Court Funding, was amended to update the fiscal year. Justice Bidegaray raised questions regarding why the participant numbers caps were reduced. The Court agreed to postpone action on this policy until Mr. McAlpin could provide more information about the cap changes.

Other than listed participants and written submissions, there was no public comment on any agenda items. The meeting adjourned at 2:00 p.m.