

MONTANA SUPREME COURT PUBLIC MEETING MINUTES

Tuesday, May 5, 2026, 1:00 p.m.
Joseph P. Mazurek Justice Building
215 N. Sanders, Helena
Attorney's Lounge, 4th Floor

Chief Justice Swanson called the meeting to order at 1:01 p.m. In attendance were Chief Justice Swanson and Justices Baker, Bidegaray, McKinnon, Shea, and Rice. Justice Gustafson attended via Zoom.

Also in attendance were Bowen Greenwood, Clerk of the Montana Supreme Court; Melissa Watson, Director of Human Resources and Court Services of the Court Administrator; Dave McAlpin, Court Administrator; Ryan Davies, Director for the Information Technology Division of the Court Administrator; Cathy Pennie, Financial Services Director of the Court Administrator; and Elizabeth Webster and Ayden Auer, Law Clerks for the Montana Supreme Court. Alex Beal, Justice of the Peace for Missoula County, attended via Zoom.

Item 1: Approval of Minutes from March 24, 2026, Public Meeting

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

Item 2: Budget Proposal

- Chief Justice Swanson introduced the matter and asked McAlpin to address the Court regarding the budget proposal for the fiscal years of 2028 and 2029.
- McAlpin stated the budget would be proposed to the Legislature during the 2027 legislative session and that the Court Administrator would implement an interim strategy to assist with staffing and judicial workload.
- McAlpin explained the interim strategy would increase the salary for positions that are most underpaid or have been difficult to fill, including standing masters, internet technology (IT) personnel, and court reporters.
 - Justice McKinnon asked whether the interim strategy sought to raise salaries for standing master positions based on locality. McAlpin stated that it would be difficult to vary standing master position salaries by locality. Chief Justice Swanson and Justice Baker each expressed that the current salary for standing masters is non-competitive based on other jobs requiring an equal level of experience. Justice Baker expressed that non-competitive compensation for law clerks hindered the number of applications the Court received this year.

- McAlpin explained that the Court Administrator would increase compensation for IT positions to provide more competitive compensation because the Court Administrator has experienced IT personnel leaving to seek employment with other state agencies that provide better compensation. Director Davies explained the interim strategy primarily increased compensation for lower-level IT positions. Justice Bidegaray asked why lower-level IT positions' compensation varies across state agencies. Director Watson responded by explaining that the Court Administrator's compensation plan and its hiring policies and practices differ from other state agencies. Justice Bidegaray asked whether the Court Administrator should adopt similar hiring policies and practices to other state agencies. Director Watson responded that the Court Administrator should modernize the compensation plan to a market scale plan first and then determine whether the hiring policies and practices should also be modified.
- McAlpin explained increasing compensation for court reporters would be a good interim strategy because he has heard from judges that they have had difficulty filling the position.
- McAlpin stated that the interim strategy would repurpose some existing positions. Justice Baker asked for clarification on how the Court Administrator would create new law clerk positions. Director Pennie explained the Court Administrator would convert three unfilled juvenile probation officer positions to new law clerk positions. Justice Baker and Justice Bidegaray asked for clarification on where the new law clerks would be allocated. McAlpin stated the positions have not been allocated to a specific judicial district.
- McAlpin explained that adopting and implementing the interim strategy before July 1 will create a snapshot of the baseline budget that will be reviewed on July 1.
 - Director Pennie stated the interim strategy would support the proposed budget's funding requests set for the 2027 legislative session. Justice Baker asked for clarification on whether the new law clerk positions would be open before July 1 and whether the salary increases for the law clerks would take effect before July 1. Director Pennie explains the law clerk raises are funding proposals for the 2027 legislature. McAlpin stated the new law clerk positions would be created before July 1 but not necessarily filled.
- McAlpin introduced the budget proposal's funding requests for the 2027 legislative session. McAlpin discussed each line item in descending order of priority.
 - Item 1 – Funding to increase pay for law clerk positions by 15%
 - Item 2 – Funding to hire a third-party to evaluate and reset the Court Administrator's compensation plan.

- Director Watson explained the third-party would provide two services: (1) modernizing the compensation plan to a market scale compensation plan and (2) performing a market analysis and proposing compensation for positions within the Court Administrator based on comparisons to similar compensation plans in other states. Director Watson explained the timeline for completing the market analysis and the benefits of hiring a third-party to perform this service.
- Items 3a and 3b – Funding for IT maintenance and equipment
 - Director Davies explained the request for a 17% increase to the IT budget is due to inflation and increased equipment costs resulting from recent technological advancements, including artificial intelligence.
- Item 4 – Funding for the Eleventh and Eighteenth Judicial District Courts’ drug courts that will no longer receive federal grant funding.
 - McAlpin explained these courts will need to be funded through the general fund because their federal grant funding will cease.
- Item 5 – Funding for three new Court Administrator support staff positions
 - McAlpin explained two additional IT positions will create a better succession plan because two current IT employees are nearing the end of their careers.
 - McAlpin explained the new human resources position would fill a generalist role. Director Watson explained the job responsibilities would include training, coordination, and recruitment.
- Item 6 – Funding for Thirteenth Judicial District Court’s DUI Treatment Court
 - McAlpin explained the Drug Treatment Advisory Committee requested this funding. The purpose of the funding request is to increase stability of staffing the court using funds from the general fund rather than from the Montana Department of Transportation. The Court Administrator is waiting for additional information to further evaluate this request.
- Item 7 – Funding for annual dues of National Center for State Courts (NCSC)
 - McAlpin explained that being a dues-paying member provides benefits including access to national conferences for court administrators and chief justices and access to NCSC’s services and knowledge. McAlpin explained the Court Administrator in recent years has paid a la carte for NCSC services because it is not a dues-paying member. Other state agencies, including the Governor’s Office, Attorney General’s Office, and Legislature, are members of

their respective national associations. Justice Baker asked how much the Court Administrator pays a la carte for services and Justice Bidegaray sought to clarify the cost of membership. McAlpin explained the a la carte costs of services that NCSC provides and the cost of membership. Justice Baker supported funding a membership because NCSC's provides beneficial expertise and access to quality services. Chief Justice Swanson explained that being a dues-paying member would provide access to services that will address upcoming needs, such as a workload study. Justice McKinnon supported funding because membership provides an opportunity to draw on knowledge from other jurisdictions.

- Item 8 – Funding for a new district court judge position in the Eighteenth Judicial District
 - McAlpin explained this funding request is supported by the District Court Council and resembles the recent additional resources that were provided to the Thirteenth Judicial District. Chief Justice Swanson noted that the Thirteenth Judicial District's success was due to support from multiple offices within the district. Justice McKinnon sought clarification regarding whether an updated district court workload study would support creating both a new district court judge position and seeking to fill the vacant standing master position in Bozeman. Justice Baker stated that the 2026 district court workload study supported asking for both. Justice Baker expressed that the Justices should support the request because the District Court Council supported the request and reiterated the Chief Justice's point that the Justices should continue supporting the request if the request receives support from the offices within the Eighteenth Judicial District.
- Regarding timelines, Director Pennie explained the Court Administrator must submit a budget with initial placeholders and corresponding estimated costs by June 1 and that a final proposed budget would be due in early September.
- After a discussion regarding the timeline, Justice Baker moved to adopt the proposed interim strategy and the proposed budget Items 1 through 8, with the flexibility to adjust the proposed budget between now and final submission in early September.
 - Chief Justice Swanson expressed that Items 1 through 4 are necessary; Item 5 will grow into a need if it does not receive funding during the 2027 legislative session; and Item 6 through 8 are beneficial but not necessary. Chief Justice Swanson states funding in Item 6 is unnecessary because

MDOT provides active support and there was insufficient information to support that MDOT funding was threatened. Justice Bidegaray and Justice McKinnon support the quality of MDOT's work.

- Justice Bidegaray seconded the motion and expressed support to move forward with the proposed budget with the flexibility to adjust the funding requests as the process moves forward.
 - Justice McKinnon seconded the motion and asked whether the increasing the salary for the Court's staff attorney position was included in the proposed budget. Chief Justice Swanson explained the staff attorney position is being addressed separately. McAlpin added that the Court Administrator received requests for independent salary increases from the Workers' Compensation Court and the State Law Library.
 - Members of the Court spoke in favor of the Court Administrator's proposed interim strategy and proposed budget.
- Justice Bidegaray introduced issues regarding public access to district court documents. Chief Justice Swanson agreed that access to district court documents needs to be improved and explained that resolutions are currently being pursued to resolve public access issues but that it was not set to be part of the budget proposal. McAlpin discussed the historical context of the issue regarding access to district court documents. Justice McKinnon and Justice Bidegaray noted the difficult dynamic created by the Clerks of Court being elected officials rather than state employees.

Item 3 (AF 26-0019): Amendments to the Municipal Court Rules of Appeal to District Court

- Chief Justice Swanson introduced the matter, noting the amendments clarify the applicability of the appellate rules governing appeals from courts of limited jurisdiction to state district courts. Judge Beale explained the amendments reflect the reality that the appellate rules governing appeals from courts of limited jurisdiction to state district courts have been applied to all courts of limited jurisdiction, not just municipal courts. Judge Beal noted the amendments do not substantively change the rules and only replace the name "municipal court" with "limited jurisdiction court of record" within the text and title of the rules. Justice Baker supported the amendments because they will clarify the applicability of the appellate rules.
- Justice Baker asked Judge Beal when the amendments should become effective. Judge Beal stated the amendments could become effective at any time.

- The Justices unanimously approved the amendments and agreed to implement them with deliberate speed, setting an effective date of July 1 because it begins the next fiscal year.

Item 4 (AF 06-0263): Appointments to the Commission on Courts of Limited Jurisdiction

- The Justices unanimously reappointed Gregory Sullivan as the City Attorney member and Jeanne Torske as the County Attorney member to the Commission on Courts of Limited Jurisdiction each for terms ending June 30, 2030.

Hearing no further public comment, the Chief Justice concluded the meeting at 2:02pm.

Submitted by: Ayden Auer on June 1, 2026