

*Judiciary  
of the  
State of  
Montana*



2004  
Annual Report

### ***A message from Chief Justice Karla M. Gray***

Once again, Montana's Judiciary had a busy year with many successes and challenges. As Chief Justice, it is my pleasure to present this 2004 annual report which is the Judiciary's opportunity to highlight successes this past year. I continue to be amazed by the accomplishments of Montana's judges and their staffs despite limited funding and resources. Our citizens are well served by these dedicated public servants.



The state assumption of District Courts continued to be a main focus in 2004. In key areas, uniform policies for assumption are in place and well-understood. Challenges still remain but under the able guidance of the District Court Council, the Judiciary is operating effectively as a state-funded system.

In fact, 2004 marked the first time that the District Courts worked in conjunction with the Supreme Court to develop a unified budget for the Judiciary. The process of identifying needs for the state funded Judiciary was invigorating and a bit daunting for all of us who participated in the process.

Technology continued to be a large focus for the Judiciary. Information technology in the Courts of Limited Jurisdiction, District Courts and Youth Courts moved forward primarily because of the availability of federal grant funds. The branch continues to rely heavily on these outside dollars to move court technology forward. Effective technology will continue to improve the way the Judiciary does business and, in many cases, will provide easier access to information to other branches of government and, most importantly, the public we serve.

The 2004 caseload statistics reflects that Montanans continue to avail themselves of their court system. District Courts saw an increase in case filings and the Supreme Court continues to manage a very large appellate case load. At all levels, the increasing number of people representing themselves in court adds to an already challenging caseload for judges and justices. This conundrum highlights the on-going need for legal assistance for those unable to afford counsel.

This Annual Report will provide you with additional information about our successes and remaining challenges. It is with pleasure and pride that I recommend the 2004 Annual Report of the Judiciary of the State of Montana to you.

## Montana Supreme Court

The Montana Supreme Court consists of six justices and one chief justice. All seven justices are elected on a non-partisan statewide ballot. The Montana Constitution grants the Supreme Court the authority to hear appeals from all District Courts. It also authorizes the Supreme Court to exercise original jurisdiction over some legal actions.

### Members of the Montana Supreme Court - 2004



From left to right: Justice Patricia Cotter, Justice W. William Leaphart, Justice Jim Regnier, Chief Justice Karla M. Gray, Justice James C. Nelson, Justice Jim Rice, Justice John Warner

## ***Major Initiatives and Successes:***

- ◆ The Supreme Court resolved 800 cases in 2004. Nearly half of these cases were resolved with written opinions. A full breakdown of Supreme Court statistics is available at [Supreme Court Statistics](#).
- ◆ The Supreme Court revised the ethical rules for attorneys practicing law in the state of Montana. The changes are available at [ORDER & MONTANA RULES OF PROFESSIONAL CONDUCT](#).
- ◆ The Supreme Court traveled to various locations in Montana for oral arguments including the Supreme Court's historic first trip to Glendive. A large audience from across eastern Montana attended the oral argument in one of eastern Montana's largest cities.
- ◆ In partnership with Clerk of the Supreme Court Ed Smith ([Clerk of the Supreme Court](#)), the Supreme Court secured a federal grant of \$594,000 to implement an appellate court case management system in the Clerk's office and the Supreme Court. The branch will need additional funding to complete the project but the grant provides a significant portion of the necessary funding. A fully automated case management system is key to managing the Supreme Court's large workload.
- ◆ Commissions operating under the supervision of the Supreme Court - including the Judicial Standards Commission, Commission on Practice and Sentence Review Board - continued to process hundreds of complaints and petitions. A full overview of the Boards and Commissions is available at [Montana Supreme Court](#).
- ◆ The Supreme Court, through the State Law Library, continued to provide access to free legal information. Under the direction of State Law Librarian Judy Meadows, the law library continued to enhance services delivered to Montana's citizens. Access to justice continues to be a key issue for the Judicial Branch. Information about the Law Library is available at [State Law Library of Montana](#).



### ***Judicial Branch Profile***

During 2004, Justice John Warner was the newest member of the Supreme Court. However, Justice Warner was not new to the Judiciary. He served as a District Court Judge in the 12<sup>th</sup> Judicial District for almost 15 years. Justice Warner, a Montana native, has served as the President of the Montana Judges' Association and as a member of the District Court Council, in addition to service on several other judicial commissions. Full profiles of the Supreme Court Justices can be found at [Supreme Court Profiles](#).

- ◆ The Court Appointed Special Advocate program (CASA), headquartered in the Supreme Court Administrator's Office, successfully formed a statewide volunteer board in 2004. CASA is a program that provides volunteer advocates for children involved in abuse or neglect cases. More information is available at [CASA of Montana](#).

## Montana District Courts

District Courts in Montana are courts of general jurisdiction with authority over felony criminal cases and every conceivable type of civil cases including domestic relations matters. The District Courts also serve as the Youth Courts. Montana has 42 District Court Judges in 22 judicial districts covering all 56 of Montana's counties. Montana's District Court Judges have more than 400 years of combined experience on the bench.

### *Major Initiatives and Successes:*

- ◆ District Court Judges continued to see increases in caseloads in 2004. Montanans filed more than 38,000 cases in the District Courts in 2004. Workloads in the District Courts have increased steadily in the past decade without significant increases in the number of judges or employees. Full statistics are available at [District Court Statistics](#).
- ◆ The Montana Judges' Association hosted two judicial training conferences for District Court Judges and Supreme Court Justices. Judges are required to attend at least 15 credit hours of continuing judicial or legal education each year. In addition, many District Court Judges and Supreme Court Justices teach courses for various organizations and groups.
- ◆ The District Court Council provided excellent leadership to the state's Judiciary. The DCC provides oversight for state assumption issues in the District Courts. In 2004, the DCC oversaw changes in reimbursement practices for judicial costs, assisted in the development of priorities for the judiciary's budget submission and began work on uniform case filing standards and workload assessments. The voting members of the DCC in 2004 were Chief Justice Karla M. Gray and District Court Judges Katherine Curtis, John McKeon, Thomas McKittrick, and Ed McLean.
- ◆ Drug courts continued to deal productively with adult and juvenile offenders and families. Family Drug Courts were in place in 2004 in the 2<sup>nd</sup>, 10<sup>th</sup>, 13<sup>th</sup>, and 16<sup>th</sup> Judicial Districts. The 18<sup>th</sup> Judicial District continued to run a highly successful adult drug court and the 4<sup>th</sup> Judicial District had continued success with a youth drug court in two counties. Drug courts are supported by federal or other grant dollars and some local funds.

## *Judicial Branch Profiles*



Judge Mike Salvagni and Judge Susan Watters are two leaders of the drug court movement in Montana. Judge Salvagni started the first adult offender drug court and has continued his leadership in approaching drug offenders in a new way. He has been innovative in finding funding for the adult drug court and instrumental in making the court an integral part of the justice system in the 18<sup>th</sup> Judicial District. Judge Salvagni has been a District Court Judge since 1997.

Judge Watters, who has been a judge since 1998, leads Montana's largest and most senior family drug court. The 13<sup>th</sup> Judicial District family drug court is recognized nationally for its work with drug-addicted parents and their children. The court, funded by a federal grant, has effectively worked with others in the Billings community to successfully treat parents and protect children.



- ◆ Youth Courts, in partnership with court administration, began development of a risk management and data management system in 2004. The system, when deployed in 2005, will mark the first standalone data and assessment system designed solely for Youth Courts.
- ◆ Youth Courts continued to make significant strides in developing consistency in policies and procedures where appropriate. As an example, Youth Courts now purchase drug-testing materials under a shared contract, substantially reducing costs.
- ◆ District Courts increased the use of videoconferencing technology in 2004. The technology, funded by federal dollars, allows judges to conduct matters in other counties through live video. The technology greatly increases judicial efficiency and saves money and time for lawyers and litigants.
- ◆ Montana's Water Court, led by the Chief Water Judge C. Bruce Loble, continued work on its massive effort to adjudicate water disputes in the state of Montana. More information about the important work conducted by this court is available at [Montana Water Court](#).

## Montana Courts of Limited Jurisdiction

### *Major Initiatives and Successes:*

The Montana Courts of Limited Jurisdiction include the 107 justices of the peace, city court and municipal court judges. Limited jurisdiction courts are the courts most often accessed by citizens of the state. These courts handle a variety of criminal and civil matters. Limited jurisdiction courts process more than 320,000 cases per year.

- ◆ Limited jurisdiction courts continued to see an increased in caseload in 2004. More than 320,000 cases were filed in the limited jurisdiction courts in 2004. More than 30% of these cases were criminal cases. Municipal courts in Missoula, Great Falls and Billings have the largest dockets. Full statistics are available at [Limited Court Statistics](#).
- ◆ Limited jurisdiction courts continued to automate many practices in partnership with the Supreme Court. By the end of 2004, 99 courts were on Full Court, a modern case management system. Limited jurisdiction courts also have made full use of video technology where appropriate.

### *Judicial Branch Profile*



Judge Karen Orzech, a training judge, is one of two Justices of the Peace in Missoula County. Judge Orzech, who is serving her second four-year term, was elected to her post in 1999. She holds a doctorate and served as visiting professor in the division of biological sciences at the University of Montana. She currently serves on the Supreme Court's Commission on Technology and the Commission on the Code of Judicial Conduct. Her unique background is indicative of the types of dedicated officials who serve in Montana's courts of limited jurisdiction. More information about these courts is available at [Courts of Limited Jurisdiction](#).

- ◆ A limited jurisdiction court ad hoc committee revised and released a newly designed bond book for use by the courts and law enforcement agencies. The redesigned manual was user-friendly for people within the justice system. Information about publications from the limited jurisdiction courts is available at [Limited Court Documents](#)
- ◆ Financial support from the Montana Board of Crime Control allowed the court clerks to attend a two-day conference on domestic violence issues. The conference brought together more than 50 clerks throughout the state for advanced education in domestic violence. The judges, through assistance from the same grant, dedicated the Fall 2004 training conference to domestic violence issues. Faculty from the National Judicial College presented the three-day course.

## Montana's Judiciary Quick Facts

- ◆ Most judges and officials within Montana's Judiciary are elected. The Chief Justice, Justices and the Clerk of the Supreme Court are statewide elected officials. District Court Judges are elected within a judicial district, while Clerks of the District Courts and Justices of the Peace are elected on a county basis. Municipal Court Judges and some City Court Judges are also elected.
- ◆ In Montana's limited jurisdiction courts, approximately 20 percent of the judges are attorneys; the majority are lay judges. Further, 45% of the limited jurisdiction court judges are female. Many judges (33%) in the limited jurisdiction courts serve as both a Justice of the Peace and City Court Judge. More information about the location of limited jurisdiction court judges can be found at [Montana Court Locator](#).
- ◆ Montana's 22 Judicial Districts vary in significant ways. For instance, the 13<sup>th</sup> Judicial District had close to 6,000 case filings in 2004. Five judges in a single county –Yellowstone - serve the district. Another judicial district, the 16<sup>th</sup>, had a smaller number of case filings (close to 1,000 cases) but its two judges cover more than 22,000 square miles and seven counties. A map of the judicial districts is available at [Montana Court Locator](#).
- ◆ The state funds the District Courts including judges, judicial staff and programs as well as the indigent defense system. In 2004, the state-funded court system had about 350 employees located throughout Montana. The Clerks of the District Courts are county-funded officials located in all 56 counties. Local governments fund the limited jurisdiction courts.
- ◆ State-funded judicial expenditures in fiscal year 2004 (July 2003- June 2004) amounted to \$33,546,314. The District Court program, which includes the variable budget for costs such as the indigent defense system, accounted for nearly 80% of the total state expenditure.

## **Montana's Judiciary - Looking Ahead**

Montana's Judiciary continues to excel at providing a forum for the state's citizens to address their legal disputes. Numerous challenges lay ahead. In the coming years, the Judiciary will face increasing caseloads at all levels. Increased funding and staff from the Legislature will be critical to provide Montanans with the system of justice to which they are constitutionally entitled. The Judiciary will continue to use existing resources creatively and with the goal of squeezing every ounce of efficiency out of all parts of the Judiciary. The increased use of technology and the appropriate allocation of existing resources are two ways in which the Judicial Branch anticipates meeting these challenges.

For those who are interested in more information about Montana's courts, the Montana Judiciary website is available at [Montana Courts](#).