

*Montana's
Judicial Branch*



2006
Annual Report

A message from Chief Justice Karla M. Gray

Montana's Judicial Branch has been improving steadily in many ways for some years, and 2006 was no exception. Indeed, I believe the Judicial Branch has entered a new era of accountability, modernization and increased responsiveness to Montana's citizens.

During 2006, your Judicial Branch focused on clearly defining the workload—and resource needs—in the District Courts. This multi-faceted and intensive project will set the stage for obtaining and managing resources in the District Courts for years to come.

The Judicial Branch also focused renewed efforts on children in the court system. Specifically, we spent significant time at the local and state levels finding ways to improving the process for cases involving abused and neglected children. These cases should receive special attention from the courts and staff, and they do—in the District Courts and the Supreme Court. Our commitment to these cases and kids is strong and on-going.

The Judicial Branch takes its constitutional obligations to be open to every person and to provide equal justice under law very seriously. Consequently, I am troubled by the large number of litigants who must represent themselves in Montana's courts because they cannot afford an attorney, but also cannot be served by the under-funded Montana Legal Services Association. Judges and clerks in both the Courts of Limited Jurisdiction and the District Courts are responding by actively trying to make court processes more user-friendly to these self-represented litigants, and the Supreme Court's Commission on Self-Represented Litigants continues to help. Judges must remain the neutral arbiters of disputes, however, and cannot resolve the challenges of inadequate access to justice alone. I believe we must partner with everyone involved in the administration of justice, including the Executive and Legislative Branches, to address this lack of adequate access to justice in Montana.

This 2006 Annual Report of the Judiciary of the State of Montana will give you a much broader view of what is happening in the Judicial Branch, and what challenges remain. Montana is served by extraordinary judges and staff. They handle difficult and extensive caseloads with diligence, commitment, compassion and wisdom. Our Judges and staff have my utmost admiration and respect. It is my hope that, after you review the 2006 Annual Report, they will have yours too.



Montana Supreme Court

The Montana Supreme Court consists of six justices and one chief justice. All seven justices are elected via non-partisan statewide elections. 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 - 2006



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

Major Initiatives and Successes:

- ◆ The Supreme Court resolved 736 cases in 2006. The number of actions filed before the court increased 8% from 2005. Pro se litigants continued to represent a large percentage of litigants – 33% of the litigants filing cases with the court were representing themselves. A full breakdown of Supreme Court statistics is available at [Montana Supreme Court Caseload Statistics](#).

◆ The Supreme Court co-hosted the first Montana Children’s Summit – a two-day event that brought together the various parties involved in the abuse and neglect cases in the courts. More than 200 people participated in the summit. Participants, including judges, caseworkers, attorneys and advocates, worked hard to create action plans for local districts.



◆ The State Law Library, under the leadership of the Supreme Court, unveiled an updated website with enhanced search capabilities. State Law Librarian Judy Meadows spearheaded the changes as part of the on-going effort to provide legal research resources to the public and the increasing number of pro se litigants in all courts. Information about the Law

Library is available at [State Law Library of Montana](#).

Judicial Branch Profile

Justice Patricia O’Brien Cotter

On November 7, 2000, Justice Patricia O’Brien Cotter won election to an eight-year term on the Montana Supreme Court. Justice Cotter is currently chair of the Supreme Court commission appointed to make recommendations regarding the adoption of a new Code of Judicial Conduct for the State of Montana.



Justice Cotter graduated in 1972 with honors from Western Michigan University with a B.S. in Political Science and History, and graduated from Notre Dame Law School in 1977. After practicing law in her native South Bend, Indiana, for six years, she and her husband Michael moved to Montana, and in early 1984 began practicing law with John Hoyt in Great Falls. In 1985, they established the firm of Cotter & Cotter.

In 1992 and again in 1998, Justice Cotter received the Montana Trial Lawyers Association's Public Service Award for her contributions in the preparation and filing of amicus curiae briefs before the Montana Supreme Court. In 1993, she became chair of the Association's amicus committee, and served in that capacity until resigning to run for the Court in 1999.

Justice Cotter and her husband Michael have two children, Jack and Kathleen. Full profiles of the Supreme Court Justices can be found at [Supreme Court Profiles](#).

- ◆ The Supreme Court successfully completed rules addressing public access to court documents. This project, led by a court-appointed task force, resulted in very specific and detailed rules governing access to electronic and paper records in the courts. The rules are available at [Privacy and Access Rules](#)



- ◆ Clerk of the Supreme Court Ed Smith ([Clerk of the Supreme Court](#)), who has served as the Clerk since 1989, was re-elected to another six year term in 2006. The Clerk's Office completed the first full year with a modern case management system for the appellate court and was actively involved in the deployment of the second phase of the system in the Supreme Court.

- ◆ The Supreme Court's lawyer discipline system continued to manage a high volume of complaints against lawyers from members of the public. The Office of Disciplinary Counsel processes all complaints against Montana attorneys. Complaints deemed valid are moved forward to the Commission on Practice, which makes disciplinary decisions or recommendations to the Supreme Court. Full statistics about attorney discipline are available at [MT Supreme Court-Office of Disciplinary Counsel](#).
- ◆ Other commissions operating under the supervision of the Supreme Court continued to process hundreds of complaints and petitions and perform other important work. A full overview of the boards and commissions is available at [MT Supreme Court Boards & Commissions](#).

Montana District Courts

District Courts in Montana are courts of general jurisdiction with authority over felony criminal cases and a huge variety of civil cases, including domestic relations matters. The District Courts also serve as Montana's Youth Courts. Montana has 43 district court judges in 22 judicial districts. The District Courts serve citizens in all 56 of Montana's counties. District Court judges have more than 400 years of combined experience on the bench.

Major Initiatives and Successes:

- ◆ 2006 marked the first full year of uniform case filings standards in the District Courts. Cases are now counted in the same manner in each of the 56 District Courts. In 2006, more than 41,500 cases were filed in the general jurisdiction courts. About 40% of these were civil cases and 20% were criminal. Full statistics are available at [MT - District Court Statistics](#)
- ◆ Under the direction of the District Court Council, the judges undertook a study of the workload within the District Courts. The study, funded in part by the State Justice Institute, will guide the way for systemic resource decisions in the District Courts. The full report is available at [District Court Workload Study](#)
- ◆ A new judge, the Hon. John Brown, joined the 18th Judicial District in Gallatin County. The new judgeship was created during the 2005 Legislature. A map of the District Courts and information about other judges is available at [MT - District Court](#)
- ◆ The District Courts started the first step toward a modern case management system in the 56 county clerks' offices. The 4th Judicial District in Missoula and Mineral counties piloted the new system. The system, when operational, will modernize case management functions in the District Clerks of Court Offices.
- ◆ The District Court Council undertook resource reallocation in the Youth Courts, which resulted in the movement of some vacant positions to districts with a need for additional staff.

Judicial Branch Profiles
Judge Deborah “Kim” Christopher

Judge Christopher is one of two District Judges in the 20th Judicial District of Montana serving Lake and Sanders Counties. She was selected as Montana CASA Judge of the Year 2005.



She was elected to the bench in 2000. Prior to taking the bench, she was elected as the first female Lake County Attorney from 1994 – 2000. Before her election, she was in private practice with the Polson firm of French, Mercer, Grainey & O'Neill and worked as a Deputy County Attorney in Cascade County, Great Falls, Montana. She served in the United States Army Judge Advocate General's Corps as a Trial Counsel during Desert Storm and as a Special Assistant United State's Attorney at Fort Lewis, Washington. She earned her wings at the United States Army Airborne School at Fort Benning, Georgia.

Judge Christopher received her B.A. and J.D. from the University of Montana.

- ◆ The District Court Council finished extensive policy changes that were made necessary by the creation of the statewide public defender office. The newly created office assumed financial responsibility for public defender costs on July 1, 2006.
- ◆ District Court judges along with judges in the courts of limited jurisdiction attended a day long conference with media representatives to discuss the courts and media coverage. The conference – a national initiative by the National Judicial College – allowed judges and print and broadcast journalists to discuss the complexity of covering courts and judges.
- ◆ District Court judges continued to demonstrate leadership in maintaining and increasing local drug courts. The 8th Judicial District started an adult felony drug court while planning a juvenile drug court similar to an active juvenile court in the 4th Judicial District. Family drug courts continued to thrive in the 2nd, 10th, 13th and 16th Judicial Districts despite significant funding problems. Montana drug courts, which have shown great success, continue to be funded with a mix of federal, local and private grant dollars.

◆ District Courts continued to make use of video conferencing capabilities. A cost benefit analysis of the video network completed in 2005 supported the theory that the use of video technologies, when appropriate, could lower costs in the court and criminal justice systems. More information about video capabilities is available at [Montana Supreme Court - Information Technology](#).

◆ Youth Courts produced the first annual report with a variety of statistics and information about youth served through the Youth Court. The report was made possible because the web-based youth court case management system is now fully operational. The report can be viewed at [Youth Court Report Card](#)

Montana Courts of Limited Jurisdiction

Major Initiatives and Successes:

The Montana Courts of Limited Jurisdiction include 158 justice, city and municipal courts. Limited jurisdiction courts are the courts most often accessed by citizens of the state. These courts handle a variety of matters both criminal and civil in nature.

- ◆ Limited jurisdiction court judges continued to manage huge caseloads in 2006. A detailed summary and breakdown of court statistics is available at: [COLJ 2006 stats](#)

Judicial Branch Profiles

Judge Johnny D. Seiffert

Judge Johnny D. Seiffert was born in Billings and raised in Missoula, where he attended grade school and high school. Judge Seiffert enlisted in the U.S. Coast Guard after high school and served on a Search and Rescue Station in the Great Lakes area, where he started his career as a Federal Boarding Officer.

Judge Seiffert served as a Yellowstone County Deputy Sheriff, Detention Officer and as a Red Lodge Police Officer until his appointment as Carbon County Justice of the Peace in 1993. Judge Seiffert has been re-elected by the Carbon County voters every 4 years since his appointment.



Judge Seiffert has served on the Montana Supreme Court's Automation Committee since 1996 and the Commission on Courts of Limited Jurisdiction since 1998. He has served as chairman of the COLJ since 2003. He was elected President of the Montana Magistrates' Association in 1998 – a post he still holds. Judge Seiffert is a graduate of the Montana Judicial Institute at the University of Montana School of Law, the National Judicial College and the Montana Law Enforcement Academy.

- ◆ The Commission on Courts of Limited Jurisdiction, in addition to overseeing the twice-yearly judges training sessions, successfully completed the judges' certification school in fall 2006. Every four years all judges in the limited jurisdiction courts are required to take and pass a comprehensive exam covering their jurisdictional areas. Newly elected or appointed judges must take and pass the test within six months of taking office. More information about Montana's Courts of Limited Jurisdiction and the judicial training program is available at [Montana - Courts of Limited Jurisdiction](#).
- ◆ Judge Mary Jane Knisely, with financial support from a federal grant, started the first ever limited court drug court. The court, part of the Billings Municipal Court, addresses the substance abuse issues present in some criminal defendants. Several other limited courts are also considering adding a drug court component. Judge Karen Orzech continued her activities with a mental health court in Missoula County.
- ◆ All but the smallest limited jurisdiction courts were equipped with an automated case management system by 2006. In addition, the courts began reporting data to a central court repository. The repository provides a back-up site for courts and also permits appropriate information exchanges between the courts and other partners such as the Department of Justice. In the first pilot, several courts began submitting drivers' license information to the Department of Justice electronically thus reducing a large paper flow.
- ◆ Judges in the courts of limited jurisdiction continued to take an active role in court-related projects by serving on various commissions and task forces. A full list of court-related commissions is available at: [MT Supreme Court Boards & Commissions](#)

Montana's Judiciary Quick Facts

- ◆ Most judges and officials within Montana's Judicial Branch 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 also are elected.
- ◆ In Montana's limited jurisdiction courts, approximately 15% of the judges are attorneys; 85% are lay judges. Further, 45% of the limited jurisdiction court judges are women. Many judges (about 35%) in the limited jurisdiction courts serve as both a justice of the peace and as city court judge or a city court judge in multiple locations. More information about the location of limited jurisdiction court judges can be found at [Montana Court Locator](#).
- ◆ Montana has 43 District Court judges who serve citizens in all 56 counties. These judges have more than 400 years of combined experience. The current longest serving judge, the Honorable Douglas Harkin has been on the bench since 1981. More information about the location of District Court judges can be found at [Montana Court Locator](#).
- ◆ Montana's 22 Judicial Districts – established by statute - are quite different in size and scope much like the rural and urban make-up of the state. For instance, the 16th Judicial District has two judges covering seven counties stretching across eastern Montana. Other Judicial Districts have multiple judges located in one county. A map of the judicial districts is available at [Montana Court Locator](#).
- ◆ The state funds the District Courts including judges, judicial staff and programs. In 2006, the state court system had about 350 state-funded employees located throughout Montana. The Clerks of the District Courts are county-funded elected officials located in all 56 counties. Local governments fund the limited jurisdiction courts.
- ◆ State-funded Judicial Branch expenditures in fiscal year 2006 (July 2005 - June 2006) amounted to \$39,980,554. The District Court program, which includes the variable budget for costs such as the indigent defense system, accounted for nearly 80% of the total Judiciary state expenditures.

Montana's Judiciary - Looking Ahead

Montana's Judiciary continues to mature in extraordinary ways thanks to the efforts of many dedicated judges, employees and partners in the justice system. New methods of gathering statistics and data about court caseloads and processes will allow Montana's Judicial Branch to make informed decisions about resources and services. Taking a fresh look at what we do is crucial in this era of increasing demands on the court system at all levels. What will not change, though, is the commitment to meeting the constitutional requirements of access to courts for the state's citizens. This will continue to be our primary challenge and overriding goal.

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