

## MINUTES

Commission on Courts of Limited Jurisdiction  
Holiday Inn, Billings, Montana  
October 3, 2005, 2005

Chairman, the Hon. Johnny Seiffert, called the meeting to order at 3:00 p.m.

**Members Present:** Hon. Johnny Seiffert, Hon. Perry Miller, Hon. David Ortley, Prof. Margaret Tonon, Hon. Doug Harkin, Sharon Skaggs, Hon. Mary Jane Knisely, Hon. Scott Wyckman, and Hon. Gayle Stahl.

**Members Absent:** Justice Jim Nelson, Paul Luwe and Shaun Donovan.

Staff: Beth McLaughlin, Karen Sedlock.

Guests: Hon. Michelle Snowberger, Hon. Gary Olson, Hon. Larry Carver, Hon. Gregory Mohr, Hon. Carol Anderson, Hon. Larry Herman, Hon. Kathleen Jensen, Colette Davies and Lt. Bryan Lockerby.

**MINUTES:** A motion was made by Hon. Gayle Stahl and seconded by Hon. David Ortley that the minutes of the July meeting be adopted as written. The motion passed unanimously.

**PUBLIC COMMENT:** None.

### **OLD BUSINESS:**

**Leadership Institute:** A motion was made by Hon. Gayle Stahl and seconded by Hon. Doug Harkin, that the Court Administrator's Office apply to attend the Leadership Institute in Memphis in 2006. If Montana is accepted, the Commission will discuss who will attend.

**TO DO:** Staff will review the requirements and draft an application proposal.

**On-line Education:** Beth reported that the bulletin board for limited court judges is ready to go. Each judge will receive an access code when they register for the conference. If a judge wants his/her clerk(s) to have access to the bulletin board, they need to contact Karen Sedlock or Beth McLaughlin and give authorization. The clerk's name and email address must be included.

Beth reported that the Law Library training is scheduled for November 8, 2006 using WebEx.

Beth reported that the first WebEx course will cover Basic Evidence. Judge Harkin will be working on getting it set up.

**TO DO: Judge Harkin will set up a WebEx course on Basic Evidence.**

**Certification Test:** Hon. Carol Anderson and Hon. Greg Mohr appeared before the Commission to discuss training for new judges. Judge Anderson reported she assigns a training judge when a new judge takes the bench. Their duties and responsibilities are to go to the new judges chambers and take inventory to make sure they have adequate material to conduct business. Then they go over judicial basics and answer questions. They will often invite the new judge to come to their court to observe.

A mentor judge is selected by the Courts of Limited Jurisdiction Commission to prepare the new judge for the certification test, which they must take within 6 months of taking office.

There was a suggestion that a basic orientation class be held two days prior to the certification school for new judges. Judge Ortleby stated this is an issue that needs more discussion and suggested it be placed on the November agenda.

**TO DO: Place basic orientation class and certification test on November agenda.**

**New Judge Testing:** Karen Sedlock reported that Hon. Steve Kambich recently retook the certification test and passed. Judge Perry Miller has been mentoring Judge Jack Stokes from Shelby and Judge Stokes is scheduled to retake the test within the next month.

**Motor Carriers Requirements:** Shaun Donovan was unable to attend the meeting, so this subject will be placed on the November agenda.

**TO DO: Mr. Donovan will request an Attorney General's Opinion and report at the next meeting.**

**NEW BUSINESS:**

**E-Ticketing:** Lt. Bryan Lockerby, from the Great Falls Police Department gave a report to the commission on electronic ticketing. A groups of local police departments and the Highway Patrol are leading a movement to do away with hard tickets and have electronic tickets printed on thermo paper and sent directly from the patrol car. The only draw back, is they will have to keep the hand written form in some areas because not all districts will be able to afford the equipment.

Judge Harkin suggested contacting the Department of Justice and getting them involved on a statewide basis. Lt. Lockerby stated Homeland Security may help with funding.

Lt. Lockerby agreed to demo an e-ticket system at the next meeting in November. It was suggested that he try multi violations on a single ticket.

**TO DO: Staff will place e-ticketing on the November agenda.**

**Rosebud County Sheriff's Office Letter:** On August 26, 2005 a letter was received from the Detention Supervisor at the Rosebud County Sheriff's Office stating that one of their Justices' of the Peace would only accept cash or a money order for bond because of FullCourt. A call was made to the Judge and informed her that she can accept checks from the Rosebud County Sheriff's Office for bond with FullCourt.

**Municipal Court Waivers:** The question of whether a fill-in pro tempore judge needs to have a waiver was asked by a municipal court judge. Sec. 3-6-204, MCA, addresses this issue. The waiver committee will do further research on the subject and report their findings at the next meeting.

**TO DO: The waiver committee will research waiver requirements for fill-in pro tempore judges and report at the November meeting. Staff will place this item on the agenda.**

**Training Issues:** Sharon Skaggs requesting the following training issues be discussed.

- ♦ **Notice of Intent to Dismiss** - Justice Court in Missoula is sending out letters to their civil plaintiffs stating they will issue a Notice of Intent to Dismiss on all civil cases if there has been no action within 60 days. The Commission found no problem with what Missoula is doing.
- ♦ **Order and Summons - Landlord Tenant Act** - A Valley County Justice Court issued an Order and Summons to the Sheriff to remove the tenant and serve the defendant with a summons and complaint for eviction. Since this appears to be a training issue, Judge Stahl agreed to contact the Valley County JP and make sure she understands the proper procedure.

**TO DO: Judge Stahl will contact the judge.**

- ♦ **Warrant "fee"** - Can a warrant fee be added on to a warrant? The commission decided this should be a training issue for a future school.
- ♦ **Default Judgment** - A Justice of the Peace issued an Order denying default judgment and dismissed the matter because it was a trivial amount of money. The Hon. Dave Ortleby will call the Judge and visit with him about proper procedure.

**TO DO: Judge Ortleby will contact the judge.**

**Spring 2006 Draft Agenda:** A draft agenda was presented to the Commission for review. It was decided that the matter be tabled until the November meeting.

**TO DO:** Staff will place the proposed Spring 2006 agenda on the November agenda.

**Conference Costs:** Beth reported expenses for conference continue to rise. Staff will have a full accounting of conference costs for both Judge and Clerk Conferences at the November meeting.

**TO DO:** Staff will have full accounting for both Judge and Clerk Conferences and the item will be placed on the November agenda.

**INTRODUCTION:** Judge Knisely introduced Colette Davies, who is soon to be the new municipal judge in Billings.

**Other New Business:** Judge Snowberger suggested that the Commission consider an in-depth training on Orders of Protection. Other training subjects suggested were: Relief Request, Visitation Schedule and Child Support.

**Adjournment:** The meeting adjourned.