

## MINUTES

Commission on Courts of Limited Jurisdiction  
Rock Creek Resort, Red Lodge  
April 23, 2007

Chairman, the Hon. Johnny Seiffert, called the meeting to order at 3:10 p.m.

**Members Present:** Hon. Johnny Seiffert, Hon. David Ortley, Hon. Perry Miller, Hon. Doug Harkin, Hon. Gayle Stahl, Hon. Mary Jane Knisely, Hon. Scott Wyckman, Prof. Margaret Tonon, M. Shaun Donovan, Paul Luwe, and Barb Pepos.

**Staff Present:** Beth McLaughlin

**Guests Present:** Hon. Larry Carver, Hon. Greg Mohr, Hon. Anna Straub, Hon. Michelle Snowberger and Hon. Carol Anderson

**PUBLIC COMMENT:** Judge Michelle Snowberger asked for time during the conference to notify judges that Montana Legal Services was putting the order of protection form on the HotDocs system and they were interested in knowing if judges wanted a draft order included for their use. The Commission approved the request and asked Judge Snowberger to speak prior the Brady session.

**MINUTES:** The minutes from the February 16, 2007 meeting were reviewed. A motion was made by Prof. Tonon and seconded by Judge Stahl that the minutes be approved as written. The motion passed unanimously.

### **OLD BUSINESS:**

**Letter to City Attorneys:** The Commission reviewed a letter written to city attorneys by Mr. Luwe. The letter asks cities to review any appointments for city judges to ensure the appointments comply with 2004 Attorney General Opinion that clarified city judge terms. Judge Harkin suggested that Mr. Luwe add a paragraph that describes what could happen if the appointment is not done correctly. Commission members agreed with the suggestion.

**TO DO:** Mr. Luwe will rewrite the letter and forward it to staff. Staff will send the letter to city attorneys and mayors. Staff will contact the MMIA for a mailing list.

**Court Watch Manual:** The Commission reviewed the Court Watch Manual submitted by the Montana Coalition against Sexual and Domestic Violence. Judge Snowberger noted that a court watch program was starting in Gallatin County. Commission members did not want to provide comment about the draft with one exception. Judge Stahl wanted the coalition notified that the courts should be referred to as “limited” courts not “lower” courts.

**TO DO: Staff will thank the coalition in writing and will request copies of any updates or reports from actual programs as they become available.**

**NEW BUSINESS**

**Training Visits/New Courts:** Judge Mohr reported on MMA training activities. He reported that the new judges had not returned their inventory forms so he would be following up with them. Judge Mohr also reported on a recent training visit to Brockton, where the city is starting a city court. He is concerned because many items are unfinished and incomplete. Judge Mohr will conduct another training visit to Brockton and report back to the Commission.

The following judges were assigned mentors:

Hon. David Riggan	Hon. Perry Miller
Hon. Leland Spottedbird	Hon. Greg Mohr
Hon. Kathleen Brandis	Hon. Gordon Smith or Hon. Scott Wyckman

**TO DO: Staff will follow up with mentors and ensure they contact their assigned judge.**

**Certification Test:** Beth reported that Judge Willis Etter did not pass the certification test and requested an additional waiver. The Commission approved a waiver of three months and appointed the Hon. Greg Mohr as training judge. The Commission also granted approval to send Judge Mohr the test to review prior to tutoring Judge Etter.

**TO DO: Staff will follow up notify Judge Etter in writing of the extension.**

**Public Defender System**

Mr. Luwe presented the questions that were submitted regarding the public defender system. He noted that Jim Taylor offered to have a joint meeting with the Commission. After some discussion, Commission members agreed that Mr. Luwe would talk with the judges at the conference and ask them to submit any additional questions by May 15th. He will then compile the questions and staff will forward them to Randi Hood, Chief Public Defender. If questions or issues remain outstanding, the Commission will request a joint meeting with the Public Defender Commission to discuss the outstanding issues.

**TO DO: Staff will request that judges submit questions by May 15. Mr. Luwe will compile the questions, which will be forwarded by staff to Randi Hood in June.**

**HB722:** Judge David Ortleby notified the Commission members that he understood that a letter he wrote in opposition to HB722 was upsetting to some judges. He wanted the Commission members to be aware that he had great respect for the non-attorney judges and was distressed that the letter had caused concern. Judge Ortleby said he would be happy to speak with anyone who had specific concerns about the letter.

**Complaint Regarding City Court:**

Shaun Donovan reported that he had received an informal complaint about a city court judge. The person claimed the judge was ordering juveniles to attend church as part of community service in addition to other complaints. The Commission said that they could only respond to formal complaints. However, Commission members thought it was a training issue that could be resolved. Judge Wyckman agreed to speak with the judge during the conference about some of the general concerns. Mr. Donovan will notify the person that he/she can request in writing that the Commission provide additional information to the judge.

**Statistics:**

Beth passed out very preliminary statistics for the Commission to review. The stats come from the FullCourt repository and need refining. Commission members wanted to discuss the item at the next meeting.

**TO DO: The matter will be placed on the agenda for the next meeting. Staff will request that IT staff attend and demonstrate how the reports are compiled.**

**1984 Attorney General Opinion:** Judge Seiffert reported that he understood that several public defenders were arguing that a 1984 Attorney General opinion entitled a minor to an attorney for a MIP charge. Judge Ortley and Judge Knisely will look at the opinion. Judge Ortley and Mr. Donovan agreed to also revisit the issue of “stacking” MIP citations.

**TO DO: The matter will be placed on the agenda for the next meeting. Judge Knisely, Judge Ortley and Mr. Donovan will report on the two matters.**

**Next Meeting Date:** The Commission requested that staff send the minutes and a draft agenda out. Commission members will review the information and determine whether a May meeting is necessary. If not, the next meeting will take place in June at a date, time and location to be announced.

**Adjournment:** The meeting adjourned at approximately 4:50 p.m.

