

## MINUTES

Commission on Courts of Limited Jurisdiction  
Red Lion Colonial Inn, Helena, Montana  
September 29, 2008

Chairman Johnny Seiffert called the meeting to order at 12:10 p.m.

**Members Present were:** Hon. Johnny Seiffert, Hon. Gayle Stahl, Hon. Scott Wyckman, Paul Luwe, Hon. Perry Miller, Hon. Mary Jane Knisley, Shaun Donovan, Peggy Tonon Hon. Doug Harkin, Hon. David Ortley, Hon. Larry Carver and Barbara Pepos.

**Members Absent:** Supreme Court Liaison Justice Jim Nelson

**Guests:** Hon. Michele Snowberger and Hon. Greg Mohr

**Staff Present:** Beth McLaughlin and Karen Sedlock

**PUBLIC COMMENT:** None

**MINUTES:** The minutes from the July 15, 2008 meeting were reviewed. A motion was made by Hon. Perry Miller and seconded by Peggy Tonon that the minutes be approved as written. The motion passed unanimously.

### **OLD BUSINESS:**

**Bulletin Board:** The bulletin board was discussed and it was decided that it should be renewed for one more quarter. Judge Carver agreed to give a demonstration at the conference on how to sign on and use the bulletin board.

**TO DO:** Staff will place this on the agenda for the January 2009 meeting.

**City Representative:** Paul Luwe reported that Eric Bryson was unable to accept the position of City Representative on the COLJ. Paul then talked to Kelly Addy, Deputy City Attorney from Billings and he was very interested in the position, however, he would have to check with the City Attorney to get permission to serve. A motion was made by Mr. Luwe and seconded by Judge Stahl that Kelly Addy be recommended to the Supreme Court to fill the position of City Representative; subject to agreement of the Billings City Attorney. The motion passed unanimously.

**TO DO:** Mr. Luwe will inform Kelly Addy that the COLJ agreed to recommend him to the position. **Update: Mr. Addy is unable to serve due to workload. Paul Luwe will provide another opinion to the COLJ in November.**

### **NEW BUSINESS**

**Virtual Cashier:** Lisa Mader reported her staff seems to be spending more and more time helping courts balance their books. There does not appear to be technical problems, however, the courts are requesting IT staff to assist in balancing their books. The

Commission recommended that IT staff develop a policy setting out when their staff will assist with bookkeeping problems and how much time should be dedicated to each court. Lisa said she would discuss the advice with her supervisor, Karen Nelson.

Ms. Mader explained that Mineral County was having problems reconciling their books. The Commission recommended that Ms. Mader inform Mineral County that they need to hire an auditor to resolve their problem.

**Election of Chairman and Vice-Chairman:** Pursuant to the Order of the Montana Supreme Court dated August 27, 2008, the Commission elected the chairperson and vice-chairperson of the Commission on Courts of Limited Jurisdiction.

A motion was made by Judge Stahl and seconded by Judge Knisley that Hon. Johnny Seiffert serve as Chairman of the COCOLJ. The motion passed unanimously.

A motion was made by Judge Carver and seconded by Judge Stahl that Judge Knisley serve as Vice-Chairman. The motion passed unanimously.

**TO DO: Staff shall put this item on the agenda each year at the fall school.**

**Pre-Retirement Training Seminar:** Judge Welch forwarded a note from Kathy McNeill at the Professional Development Center stating she would be willing to set up a Pre-Retirement Planning seminar just for judges. Since the Clerks were having a session on the Public Employees Retirement System at this conference, Beth will see how it goes.

**TO DO: Staff will monitor the session, then report and make a recommendation at the next meeting. This item shall be placed on the November agenda.**

**Retention and Disposition of Bench Warrants:** Barb Pepos addressed the Montana Local Government Records Schedules, which states that Bench Warrants for "non appearance in court by the defendant" are to be destroyed 2 years after issuance. Since there appears to be a designation problem, this matter should be addressed by the Records Committee at their next meeting.

**TO DO: Judge Miller will contact his clerk of court, who serves on the committee, and ask her to research this issue. Perry will report his findings back to the COLJ at the next meeting. Staff will place this on the November agenda.**

**Orders of Protection issues in Dawson County:** Lora Knowles from the Dawson County Domestic Violence & Sexual Assault Program in Glendive wrote an email to Beth McLaughlin expressing concerns with Orders of Protection in their city court. The Commission reviewed the concerns and decided it was a training issue. A motion was made by Judge Stahl and seconded by Paul Luwe that a training judge should be sent to clarify the concerns. The motion passed unanimously.

**TO DO:** Judge Mohr agreed to visit Judge Burman and provide detailed training on the areas of concern. Ms. McLaughlin will inform Ms. Knowles of the Commission decision.

**Orders of Protection:** Judge Carver reported that the Attorney General's Office reviewed the Order of Protection form and made significant changes. Judge Carver will schedule another automation meeting to go back and review Title 48 and the recommended changes.

**Next Meeting Date:** The next meeting will be held Friday, November 21, 2008 beginning at 8:30 am in Helena at the Court Administrator's Office. The October 17, 2008 commission meeting has been canceled.

**Adjournment:** The meeting adjourned at approximately 1:34 p.m.