

Commission on Courts of Limited Jurisdiction
Meeting Minutes
Aug 5, 2010
Helena, Montana

The meeting was called to order at 8:30 am by Chairwoman Mary Jane Knisely. Members attending the meeting were Hon. Perry Miller, Hon. Larry Carver, Jennifer Boschee, David Nielsen, Randi Hood, Shaun Donovan, Hon. Gary Olsen and Prof. Peggy Tonon. Hon. Doug Harkin was present by telephone and Hon. Greg Mohr was present via Vision Net.

Absent: Hon. David Ortley and Justice Jim Nelson.

Staff present were Beth McLaughlin and Karen Sedlock

Public Comment: None

Minutes: A motion was made by Peggy Tonon and seconded by Judge Miller that the minutes of the April 26, 2010 minutes be approved as written. The motion passed.

Prime for Life: Peg Shea, from the Victim Mental Disorder Division and Chuck Michaud from the Chemical Dependency Bureau attended the meeting. Peg described the new "Prime for Life" program. It is designed to influence behaviors using a research-based persuasion protocol. Both content and process are keys to successful delivery of the program and behavior change. The program has been designed to function as therapeutic education for people who make high-risk drinking choices and use drugs. Prime for Life is used with young people age 13-20 who are already engaged in high-risk drinking or drug use or who are in a group that research shows is likely to begin making choices that increase risk for problems. Montana has adopted the 8-hour version of the program. The workbook sells for \$25 for each participant and the programs vary from \$250 to \$410, depending upon the area. Ms. Shea will provide a list of the directors for each area. They will have a table at the COLJ fall conference on Sunday afternoon, during registration to provide information to the judges attending the conference. If anyone has questions about the new program, they may contact Peg Shea at peg@pegshea.com or call her cell phone at 608-609-9767.

Bench Book: Peggy Tonon incorporated the changes that she received as well as made some additional comments. A motion was made by Judge Miller and seconded by David Nielsen that the Bench Book be approved as amended. The motion passed unanimously.

Peggy asked that the Court Administrator's Office assist in getting the changes completed as she is now retired and no longer has access to her staff. Beth agreed to have OCA staff insert the changes and complete the index. It is hopeful that the book will be printed and ready for distribution at the fall certification school.

TO DO: The bench book will be completed by OCA staff and sent to the printers for printing.

RASS Forms: Recommended changes were made to the Responsible Alcohol Sales and Service Training form and it was reviewed by the Commission. A motion was made by Judge Miller and seconded by Judge Mohr that the form be adopted as amended by removing the driver license number and the date-of-birth. The motion passed unanimously.

TO DO: Beth will notify Lorelle Demont, from the Department of Justice and Lisa Scates from the Department of Revenue that the RASS form has now been approved. Beth will also ask the state to provide a list of the RASS training classes.

Report from on Visit to Rosebud County Justice of the Peace: Judge Knisely reported that she and Jennifer Boschee were unable to find a time to visit the JP in Rosebud County. They have now set a date and will call ahead of time to make sure the judge will be in her office before visiting her.

TO DO: Judge Knisely and Jennifer Boschee will give a report at the September meeting.

Recommendation to Supreme Court for Appointment to fill Representative from City Government: Judge Knisely suggested that Kelly Addy, Assistant City Attorney from Billings be recommended to the Supreme Court to replace David Nielsen on the Commission. Judge Knisely called Mr. Addy and he would like to serve on the Commission by requested that the Commission ask his supervisor for permission. Judge Mohr suggested Janet Christofferson, City Attorney from Sidney be considered for the position. Judge Mohr contacted her and she is willing to serve if she can appear via vision net occasionally.

A motion was made by Peggy Tonon that the Commission recommend Kelly Addy to the position if he is able to accept the recommendation. If he is unable to accept the position, then the commission will defer to Ms. Christofferson to be recommended for the vacant seat. The motion passed unanimously.

TO DO: Judge Knisely will contact Mr. Addy's supervisor and verify that he is willing to give Mr. Addy the time off needed to serve on the Commission. Judge Knisely will report her findings to Beth McLaughlin so she can make a recommendation to the Supreme Court for the vacant City Government seat.

NEW BUSINESS

Record Retention Guidelines: Jim Doyle, Clerk of Court from Justice Court in Blaine County sent an email to Jennifer Boschee stating that Kay Johnson, who is head of the records retention committee was wondering if the lower court clerks would like any

changes or have any suggestions regarding the record retention guidelines for the lower courts. Their committee meets in October, so if any changes are recommended they would need to present them before that date.

Judge Wall wrote concerning the requirement that lower courts copy and store their files on microfilm/fiche and not on DC-ROM prior to the destruction of the original file. Judge Carver stated this issue is covered in an existing statute.

TO DO: Karen Sedlock will forward Judge Wall's email to Judge Carver and he will notify Judge Wall of the existing statute.

FullCourt Issue: Beth McLaughlin received an email from John Cummings, of the HR and Risk Management Program, expressing concerns that some of the limited court clerks have regarding court files being taken home so the clerk can work from her home computer. Karen Nelson stated that FullCourt is available through Citrix which can be accessed from any computer in the state. It is the Commission's position that each court must develop their own policy regarding taking files home. This is not an issue for the commission and there will be no further action.

TO DO: Beth will notify Mr. Cummings of the Commission's position on this issue.

Demonstration on Share-Point: Karen Nelson demonstrated the share-point program to the Commission members. The Commission is interested in developing a program in share-point for the limited courts.

Judge Mohr stated his sub-judge has a comparable program that he has developed. Judge Carver suggested we compare the two programs and decide upon a direction to proceed.

Deferred Impositions of Sentences for Traffic Offenses: Carrie Garber, Deputy City Attorney from Missoula wrote an email asking if the commission condones, authorizes or approves of the use of a 4-day deferred imposition of sentence on traffic offenses. Since this is a non-training issue, the commission will not respond.

TO DO: Judge Knisely agreed to contact Mr. Garber and let him know of the commission's position not to respond.

IT Grant: Karen Nelson applied for and received a grant to provide training for court clerks. A planning committee is required to plan the agenda for the clerk's training. The intention will be to train both district court clerks and limited court clerks. Beth asked for volunteers from the Commission to assist. **Jennifer Boschee, Judge Mohr and Judge Carver volunteered to serve on the planning committee.**

Death in Office: A sitting judge in Toole County recently passed away. The question arose "Can existing substitutes be used until a new judge is appointed"? Judge Harkin stated that the commission should look at MCA 2-16-501, Vacancy in Office. An office becomes vacant before the expiration of the term of the incumbent upon the death of the

incumbent. Therefore because the office is now vacant, the County Commissioners must appoint a replacement and call in another judge to serve until a new one is appointed. Substitute judges cannot be used.

Next Meeting Date: The next meeting will be September 17th in Helena, beginning at 8:30 a.m.

Adjournment: The meeting adjourned at 11:40 a.m.