

## MINUTES

Commission on Courts of Limited Jurisdiction  
Helena, Montana  
**January 15, 2010**

**Members Present were:** Hon. Larry Carver, Hon. Perry Miller, Hon. Mary Jane Knisley, Hon. David Ortley , Peggy Tonon, Hon. Gayle Stahl, Hon. Greg Mohr and Jennifer Boschee.

**Members Absent:** Supreme Court Liaison Justice Jim Nelson, Hon. Doug Harkin, Randi Hood, David Nielsen and Shaun Donovan.

**Staff Present:** Beth McLaughlin

Chairman Judge Mary Jane Knisely called the meeting to order at 8:40 a.m.

**PUBLIC COMMENT:** None

**MINUTES:** The minutes from the November 20, 2009 meeting were reviewed. A motion was made by Judge David Ortley and seconded by Judge Gayle Stahl that the minutes be approved as written. The motion passed unanimously.

### **OLD BUSINESS:**

**Surcharges and State V Brown:** Judge Larry Carver reported on the Automation Committee's recommendation regarding surcharges and the public defender fee. The Automation Committee is going to maintain the order in which surcharges are distributed in FullCourt. Shaun Donovan was not available to report on whether he contacted the Yellowstone County Attorney. Judge Carver also reported that the Automation Committee decided that the public defender fee should not be collected through FullCourt system based, in part, on the Supreme Court's decision in State v Brown. Instead, the Automation Committee will establish forms and other best practices for judges to use for defendants to direct pay the fees to the OPD.

**TO DO: Judge Carver will bring the forms to the Spring School for distribution. Judge Carver will also follow up with Randi Hood, who was not at the meeting.**

### **NEW BUSINESS:**

**E-mail from Paul Grigsby:** Prof. Tonon reviewed an e-mail that she received from Paul Grigsby, an attorney in Bozeman. Mr. Grigsby was concerned about several practices and procedures in the Gallatin County Justice Court. The Commission discussed whether the issues were educational in nature or not. Judge Carver will contact Judge Druesch and report back at the next meeting. Prof. Tonon will get back to Mr. Grigsby.

**TO DO: Judge Carver will contact the court and report back at the next meeting.**

**Can donated food compensate for statutory surcharges and fees?** The Commission addressed a question from David Nielsen about whether 46-18-201 (1)(2), MCA, allows for the statutory surcharges to be offset by food donations. Commission members concurred that the statute only addresses fines and does not include surcharges. Judge Mohr noted that he had heard concerns from county officials about the statute.

**Substitute judges:**

Judge Knisely stated that she had received a complaint from the city attorney because one of her substitute judges is also a practicing attorney. She asked the Commission to consider whether this creates an issue. The Commission looked at 3-1-601, MCA and 3-1-604, MCA and determined the statutes allow the practice.

**Conference location:** Staff asked the Commission to consider a new location for the Spring 2012 conference. Commission members endorsed looking at Fairmont, Helena or Miles City. Commission members also approved Bozeman as the Fall 2012 site.

**Mentor judges:** The Commission assigned mentor judges to the newly appointed judges. Staff will contact the judges and ask if they are willing to mentor a new judge.

**Press Communication:** Judge Carver reported that he was contacted by a reporter from Missoulian regarding the Commission's position on practices in the Missoula Municipal Court. He told the reporter that the Commission does not comment on practices in individual courts. He requested that the Commission establish a protocol for press contacts. Commission members agreed that requests from the press about Commission responses on matters should be directed to the Chairwoman.

**Next Meeting Date:** The next meeting of the COCOLJ will be March 19, 2010 in Helena.

**Meeting Adjourned:** The meeting adjourned at 10:10 a.m.