

State of Montana



DISTRICT COURT COUNCIL

**Minutes of October 11, 2002
Old Livestock Building
1310 East Lockey
Helena, MT 59620**

DCC Voting Members Present:

Chief Justice Karla M. Gray, Montana Supreme Court
The Honorable Diane Barz, District Court Judge, 13th Judicial District
The Honorable Thomas McKittrick, District Court Judge, 8th Judicial District
The Honorable Ed McLean, District Court Judge, 4th Judicial District
The Honorable John Warner, District Court Judge, 12th Judicial District

DCC Non-voting Members Present:

Mike Hutchin, Lake County Commissioner, Polson
Nancy Sweeney, Clerk of the District Court, Helena (substitute for Lori Maloney, Butte)
Glen Welch, Juvenile Probation Officers Association, Missoula

Staff:

Rick Lewis, Supreme Court Administrator
Beverley Boyd, Court Services Director
Dan Chelini, Information Technology Director
Beth McLaughlin, Human Resources Director
Lisa Smith, Administrative Services Director
Shelly Hinson, Administrative Assistant

Guests:

Harold Blattie, Montana Association of Counties (MACo), Helena
Judy Meadows, State Law Librarian, Helena
Gordon Morris, Montana Association of Counties (MACo), Helena
Bonnie Olson, District Court Administrator, Flathead County, Kalispell
Lynn Zanto, Legislative Fiscal Division, Helena

I. Welcome

The District Court Council met on Friday, October 11, 2002, at 8:00 a.m. at the Old Livestock Building, 1310 East Lockey, Helena, and MT 59620. Chairperson Chief Justice Karla M. Gray called the meeting to order. A quorum being present, the meeting duly convened and business was transacted as follows:

II. Approve September 13, 2002 DCC Minutes

II.(a) Motion to Adopt: Judge John Warner, District Court Council Member, moved to adopt the September 13, 2002 District Court Council minutes as presented. Judge Thomas McKittrick seconded. Judge McLean called the question. No further discussion. Motion passed unanimously.

III. Legal Resources

The District Court Council members discussed legal resources, line items and budgets for the district court judges. Chief Justice Karla Gray discussed the various publications the judges may use as identified in Judge Langton's letter dated September 19, 2002, and asked the Council what would be appropriate publications for the judges to use. Judy Meadows discussed the State Law Library website and said the listserv will provide weekly notifications of Montana Supreme Court decisions handed down each week, as well as periodic listings of Web sites useful to Montana judges and attorneys. Chief Justice Karla Gray requested Judy Meadows to provide a copy of last week's opinions for the Council Members.

Chief Justice Karla Gray informed the Council that the Secretary of State is providing the ARMS to the District Court Judges without cost. A letter of appreciation will be sent thanking them for their gracious contribution. The State Bar is providing copies of the Lawyers Deskbook at no charge to the District Court Judges.

IV. Budget

Status on FY 2002 Reimbursement: Lisa Smith reported that the January 2002 payment was processed and sent out today. With two staff and one temporary staff, it is anticipated that a reimbursement check will be distributed every two weeks. Lisa Smith will present another update at the next District Court Council meeting.

Status on 65% Reimbursement: Lisa Smith informed the Council the projections on the 65% payouts would not be available until a few payouts were done. Lisa will present an update on this matter at the next District Court Council meeting.

Revert to III. Legal Resources

Lisa Smith presented a summary of the budget line items for legal resources by Judicial District. The budget allocation is based on the percentages of where the district courts spent their 2001 dollars. The Council discussed the budgets and publication needs for the District Judges.

III.(a) Motion to Adopt: Judge John Warner, District Court Council Member, moved to adopt, in substance a memo by the Chief Justice, to District Judges and Counties to advise that they may continue for now to expend monies in their library line-items. This practice will be examined and may not continue as it exists now. And further, not to be included in the memo, direct staff to contact the Judges in the 10th, 15th and the 19th Judicial Districts and make inquiry as to the library budget details and what their needs are. Motion died for lack of second.

III.(b) Motion: Judge Ed McLean, District Court Council Member, moved that each judge be notified that they are on a status quo basis and may continue to use their library budget if such a line item exists in their current budget. Judge John Warner seconded. Chief Justice Karla Gray voiced concern about giving the judges the status quo on their library budgets. Council members discussed the matter further.

III.(c) Amended Motion: Judge Ed McLean, District Court Council Member, amended his motion to add that each District Judge is cautioned to keep monies aside for cost overruns in other line items (i.e. personal services) and that some library funds may have to be redistributed to other areas to cover these other costs. Judge John Warner seconded. Judge McLean called the question. No further discussion. Motion passed.

Chief Justice Karla Gray instructed staff to include, with the memo, a note to each district with only that district's budget information.

V. Legislation Update

Beth McLaughlin discussed the Bill Drafts that were listed to present to the Legislature: SB176 housekeeping, Court Reporter Procurement, IT Surcharge, Section 62, Water Commissioner Workers Comprehensive Insurance, and Masters' Employment. The IT surcharge bill will request a \$10.00 surcharge to replace the \$5.00 surcharge.

Chief Justice Karla Gray informed the District Court Council about her visit with the Legislative Finance Committee to report on the State Assumption and the judicial branch budget request of \$55 million. Chief Justice Karla Gray said she made a request to the Legislative Finance Committee to retain the placement dollars for the Montana Department of Corrections.

Early in November 2002, after the election, OCA staff will send out a simple fact sheet that summarizes basic FY 2004 and FY 2005 budget numbers of "big-ticket" items to the Council members.

VII. Technology Update

Dan Chelini reported on the Commission on Technology's last meeting. The Commission has created a mission statement, goals, and objectives. A draft of the strategic plan should be completed by December 2002 for submittal to the Supreme Court for approval.

The Supreme Court's Information Technology Division received a grant in the amount of \$240,000 from the Montana Board of Crime Control. That allowed the purchase of 52 new workstations for youth courts. Staff has placed 15 workstations. Staff sent a survey to the juvenile probation offices requesting information on the type of equipment their offices are using.

Dan said JCMS is currently deployed in all district courts separately but cannot communicate with each other. The Information Technology Division is looking to centralize JCMS to allow everyone access to the software.

Information Technology Division staff deployed Full Court in 4 additional courts in September 2002. There are 14 courts with the Full Court program to date. Centralizing the Full Court program on a single server is also a possibility in the future.

The Council discussed the need for more uniform data reporting by courts.

VIII. Allocation of Resources

Rick Lewis informed the District Court Council that the work group, which consists of Judge Warner, Beverley Boyd, Bonnie Olson and himself, has met three times to discuss and review the basic court and demographic data that is available for calculations using the ratio method. Beverley Boyd presented the Council with several charts showing various ratios. She said existing variables included the number of case filings, the number of case dispositions, district, judge, and general and grant funded FTE by job classification and judicial district.

Judge Warner said the reallocation plan may include sending each judge a copy of the previous years budget and requests that budget changes be submitted to the District Court Council for review and approval. Judge John

Warner mentioned that by February 2003 there should be a motion from the District Court Council to define the reallocation process.

Judge John Warner requested a Juvenile Probation officer to be included on the work group. Chief Justice Karla Gray asked the work group to choose a Juvenile Probation Officer and send out a survey to collect juvenile probation data. The cover memo should contain the date the information is due back to the work group.

It was agreed that the workgroup should not be involved in developing a uniform court statistical reporting system at this time.

IX. Grant Funded Employees Update

Beverley Boyd said Juvenile Accountability Grant contracts are complete for FY 2003 and were sent out to the counties to be signed. She said the contracts are due to the Court Administrator's Office by October 21, 2002. District Judges are to be reminded that grant funded employees are at continuous risk. Due to employee concerns, Beth McLaughlin will remind the state assumed employees in the next newsletter that there are 26 pay periods for the state as opposed to the 24 pay periods under the county.

Other Business

The next District Court Council meeting is November 15, 2002.

Lisa Smith presented the Youth in Need of Care policy that will be on the next agenda and asked the Council to review the policy for ideas to address the issue of defining the costs of CASA and GAL payments.

XI. Adjournment

Meeting adjourned at 12:00 PM by order of the Chair, Chief Justice Karla Gray.