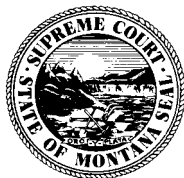


# State of Montana



## DISTRICT COURT COUNCIL

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**Minutes of February 21, 2003  
Old Livestock Building  
1310 East Lockett  
Helena, MT 59620**

### **DCC Voting Members Present:**

The Honorable Karla Gray, Chief Justice, Supreme Court  
The Honorable Diane Barz, District Court Judge, 13<sup>th</sup> Judicial District  
The Honorable Thomas McKittrick, District Court Judge, 8<sup>th</sup> Judicial District  
The Honorable Ed McLean, District Court Judge, 4<sup>th</sup> Judicial District

### **DCC Non-voting Members Present:**

Emile Kimmet, Clerk of the District Court, Choteau  
Vickie Pratt, Court Reporter, Helena

### **Staff:**

Beverley Boyd, Court Services Director  
Lisa Smith, Administrative Services Director  
Shelly Hinson, Administrative Assistant

### **Guests:**

Ellen Bush, CASA/GAL, Helena  
Darcy M. Crum, Attorney, Great Falls  
Joy Mariska, Chief Probation Officer, Billings  
Ann O'Connell, Executive Director, CASA, Missoula

## **I. Welcome**

The District Court Council met on Friday, February 21, 2003, at 8:00 a.m. at the Old Livestock Building, 1310 East Lockey, Helena, 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:

### **Introductions**

Chairperson Chief Justice Karla M. Gray introduced Chief Probation Officer, Joy Mariska, of Billings, Montana.

## **II. Approve January 17, 2003 DCC Minutes**

Judge Ed McLean stated that the minutes needed to be amended in section IV, last paragraph, last sentence, to read: **Judge Loren Tucker's district will be merged with Butte, Silver Bow. Broadwater County will be merged with the 14<sup>th</sup> judicial district and removed from the 1<sup>st</sup> judicial district.**

**II. (a) Motion to Adopt:** Judge Diane Barz, District Court Council Member, moved to adopt the January 17, 2003 District Court Council minutes as amended. Judge Ed McLean seconded. Judge McLean called the question. No further discussion. Motion passed unanimously.

## **Revert to IV. Legislation Update**

Chief Justice Karla Gray reported on the following bills:

1. Information Technology Bill has been transmitted to the Senate Judiciary. No problems expected for approval.
2. HB 224 – Special Masters Bill has been transferred to Senate Judiciary.
3. HB369 – Add surcharge fee in the amount of \$10.00 to speeding violations. The bill has gone to the Senate and may provide an additional \$400,000 over the biennium for court automation.
4. HB489 – To remove the 1998-1999 language relating to reimbursement of civil jury trial fees under state assumption. The bill has been heard and transmitted to the Senate. This bill never went to the House Appropriations Committee.
5. HB715 – Introduced by Joe Balyeat to revise the salaries of the Chief Justice and Justices of the Montana Supreme Court to a grade 11 for the Chief Justice and a grade 10 for the Justices. Referred to state administration but no hearing has been scheduled.
6. SB18 – Section 62 mandate on Youth Court proceedings and the involuntary commitment proceedings. No executive action has been taken on the bill.
7. SB19 – Cleanup bill has gone to House.

8. SB20 – Exemption from the state procurement act for independent contract court reporters. This bill is in the House.
9. SB36 – Workers Comp/Water Commissioners Bill. This bill is in the House.
10. SB147 – Redistricting of district courts bill. Heard on January 16<sup>th</sup> and referred to a subcommittee. The subcommittee voted but the Senate Judiciary has not taken action yet.
11. SB218 – Bill to create a Public Defender system. It is in the Senate Joint subcommittee. No action taken yet.
12. SB388 – Bill to transfer Juvenile Probation to the Department of Corrections. Chief Justice Karla Gray believes that the bill will either die or they will give parents additional rights.

Chief Justice Karla Gray reported the Budget Subcommittee has taken executive action on the budget and has essentially restored it to the 2002 base.

### **Revert to VII. Resource Allocation**

District Court Judge, John Warner, stated that he had several discussions with other district court judges and subsequently made some wording changes to the resource allocation documents. Letters outlining resource allocation concerns were received from the 11th and the 21st judicial.

The council discussed concerns about the nature of cases, the need for uniform reporting, and whether or not to continue with the resource allocation model.

Judge Barz stated that it seemed the model, as proposed, was improper as it indicated that resources would need to be moved from larger districts to smaller districts with small caseloads.

Judge McKittrick indicated he and other judges had concerns with the proposed model for the same reasons.

**Motion:** Judge Ed McLean, District Court Council Member, moved to delay allocation of human resources until such time as we have a uniform reporting system through the Information Technology program. Judge Tom McKittrick seconded. Discussion revealed that individual courts report cases based on how judges instruct the clerks of the district court to open and count cases.

Judge Warner suggested that if the motion was passed the Council should consider and adopt a policy concerning how the proposed budgets of the judicial districts for the next budget year were to be reviewed and fixed. If there is no such policy, the districts will simply submit their proposed budgets and the Court Administrator's staff will review and set the budgets with no council input.

Judge Ed McLean called the question. Judge Ed McLean, Judge Tom McKittrick, and Judge Diane Barz voted for the motion. Chief Justice Karla Gray and Judge John Warner voted against the motion. Motion passed.

### **Revert to III. Budget**

Lisa Smith reported that state assumed employees leaving their jobs after many years of service would be paid from the variable costs budget for this fiscal year. Twenty five percent of state assumed employees are currently retirement eligible.

The two top priorities for administrative services are fiscal notes and payment of indigent defense costs. Once the fiscal notes are complete, the indigent defense costs can be paid.

### **Revert to VI. CASA Presentation**

Darcy Crum and Ann O'Connell presented information on the funding needs and expenses associated with each CASA program. The costs per case range from \$616 to \$1,089 depending on the size of the program. Currently the programs are being reimbursed at \$400 per case. The salary of the executive director is between \$20,000 and \$30,000. The executive director in each program is responsible for writing grants, recruitments, and volunteer training and supervision.

Chief Justice Karla Gray addressed Darcy, Ann and Ellen on behalf of the council, stating that the members recognize the value of the CASA program and apologized that additional funding was not available at this time.

### **Revert to VIII. Other Business**

Judge John Warner asked the council if the subject of uniform reporting could be enforced by the council as part of the resource allocation. Chief Justice Karla Gray recommended for discussion purposes that if a group were to come up with a proposal for standardized reporting, then the council could direct her, as chair, to take the proposal before the Supreme Court and request an order or directive.

The next meeting is scheduled for March 21, 2003 in the Old Livestock Building. April meeting is scheduled for April 18, 2003 in the Attorney's Lounge at the Justice Building. Judge Tom McKittrick announced he would not be attending the April meeting.

## **IX. Adjourn**

Meeting adjourned at 10:15 a.m. by order of the Chair, Chief Justice Karla Gray.