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Judicial Redistricting Commission

64th Montana Legislature

LEGISLATORS

SEN. KRISTIN HANSEN
REP. NATE McCONNELL

PUBLIC MEMBERS

HON. GREG TODD - CHAIR
HON. RAY DAYTON
RICK COOK
DAVE SCHULZ
EMILY JONES

COMMITTEE STAFF

RACHEL WEISS, RESEARCH ANALYST
JULIANNE BURKHARDT, ATTORNEY
LAURA SHERLEY, SECRETARY

MINUTES

February 2, 2016
Room 102, Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

HON. GREG TODD - CHAIR
REP. NATE McCONNELL
SEN. KRISTIN HANSEN
HON. RAY DAYTON
RICK COOK
DAVE SCHULZ
EMILY JONES

COMMITTEE MEMBERS EXCUSED

STAFF PRESENT

RACHEL WEISS, Research Analyst
JULIANNE BURKHARDT, Attorney
LAURA SHERLEY, Committee Secretary

VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

COMMITTEE ACTION

At the February 2, 2016, meeting the Judicial Redistricting commission:

- requested additional budget information on the court system
- requested additional information on the impacts special masters and alternative courts have on judge workloads
- set a February 12 deadline to have proposed changes to staff for further analysis
- agreed to set the next meeting in April or May 2016

CALL TO ORDER and ROLL CALL

00:00:08 Judge Todd called the meeting to order at 9:01 a.m. The committee secretary called roll. ([Attachment 3](#))

00:02:24 Judge Todd reviewed the agenda and introduced the next agenda item.

UPDATE ON PREVIOUS RESEARCH REQUESTS

Case Priority Statute Review -- Julianne Burkhardt, Staff Attorney, Legislative Services

Division

00:01:36 Julianne Burkhardt ([Exhibit 1](#))([Exhibit 2](#))

00:03:25 Rep. McConnell arrived at the meeting at 9:03 a.m.

00:05:48 Sen Hansen asked if the subjects included in the 2016 District Court Case Filing Review should be reconsidered by the judges and court administrators.

00:08:17 Judge Todd agreed with Judge Dayton's response and commented about the choosing of statutes in the Case Filing Review.

00:09:45 Sen Hansen questioned the statutes being evaluated in the Case Filing Review and expounded on her opinion.

00:11:13 Beth McLaughlin commented on Sen Hansen's questions prior to the start of her presentation.

Cases Presided Over By Judge Not From The District and Update on 2015 Data on

Caseload and Judge Workload -- Beth McLaughlin, Court Administrator, Judicial Branch

00:11:58 Beth McLaughlin on cases presided over by a judge not from the district

00:14:48 Judge Todd commented on the numbers of judges brought in from outside districts presented by Ms. McLaughlin.

00:16:11 Commissioner Cook asked Ms. McLaughlin if she has been able to collect data concerning the mileage and hours spent by the District Judges for travel.

00:16:41 Ms. McLaughlin answered Commissioner Cook's questions and referred to the data present on the Montana District Courts Judicial Need Model ([Exhibit 3](#)) which was part of the workload study.

00:18:44 Judge Todd asked if mileage in the workload study considered travel for meetings and seminars as well as sitting on court cases.

00:20:17 Judge Dayton asked if the units in the workload study were miles or minutes of travel.

00:22:27 Beth McLaughlin referred to the memo on first judicial district civil cases involving the state of Montana as it was requested at the previous meeting. Judge Todd commented on the memo as well ([Exhibit 4](#)).

00:25:07 Beth McLaughlin gave an update on the 2015 Data on Caseload and Judge Workload ([refer to Exhibit 2 and Exhibit 3](#))([Exhibit 5](#))

- 00:35:56 Rachel Weiss, Research Analyst, added to Ms. McLaughlin's presentation **(Exhibit 6)**.
- 00:39:51 Judge Todd commented on the 2016 District Court Workload Review presented by Ms. McLaughlin **(refer to Exhibit 5)**.
- 00:42:00 Commissioner Schulz responded to Judge Todd's comments about what possible changes would come to Yellowstone County with the addition of judges.
- 00:43:02 Commissioner Schulz commented about the possible changes that can be made with the addition of judges in different counties around the state.
- 00:44:41 Ms. McLaughlin commented and encouraged the commission members to look at the judicial workload trend over the years rather than the specific year of judicial workload.

PUBLIC COMMENT

- 00:47:05 Jim Reno, Yellowstone County Commissioner, commented on the need for judges in his county.
- 00:51:21 **BREAK** (Reconvened at 10:03 a.m.)

COMMISSION WORK SESSION

Possible Action Items

- 01:02:05 Judge Todd reconvened the meeting at 10:03 a.m. and discussed possible action items before the commission.
- 01:04:07 Commissioner Jones commented that the issue of workload in the judicial districts seems to be from lack of resources and reallocating resources may not help solve the workload issue.
- 01:05:20 Judge Dayton commented on the current judicial resources around the State of Montana concerning reallocating these resources.
- 01:26:29 Commissioner Schulz commented on the judge's workloads in rural districts and Judge Tucker's letter regarding his workload **(Exhibit 7)**.
- 01:31:10 Rep. McConnell commented on the funds needed to increase resources for judicial services in Montana. Judge Dayton responded with a referral to his data collected on budget information for each branch of government **(Exhibit 8)**.
- 01:33:37 Rep. McConnell continued his discussion on the possible changes to be made in judicial resources around the state.
- 01:35:55 Ms. McLaughlin addressed the financial letter by Judge Dayton and clarified the reported funds of the Supreme Court operations budget.
- 01:37:35 Commissioner Cook commented on Judge Dayton's financial letter and the judicial resource needs versus judicial redistricting.
- 01:42:12 Judge Dayton responded to Commissioner Cook's comments and the inefficiencies spent by district judges of time that should be considered.
- 01:44:14 Sen. Hansen asked that if redistricting is not considered to be beneficial at this time then should the commission be dissolved at this time. Judge Dayton responded to Sen Hansen's question.
- 01:54:43 Commissioner Jones commented that the commission should not be dissolved at this time but should discuss action items to solve the issues at hand and to presented to the Legislature. Commissioner Jones also asked Sen. Hansen if she had a specific example of where redistricting would be beneficial. Sen. Hansen responded to Commissioner Jones' question **(refer to Exhibit 6)**.

01:58:18 Judge Todd commented on Sen Hansen's response and discussed criteria that formed the Judicial Redistricting Commission (**refer to Exhibit 7**).

02:02:45 Sen Hansen responded to Judge Todd's comments (**refer to Exhibit 5**)(**Exhibit 9**). Judge Todd continued the conversation of possible redistricting options.

02:06:31 Rep. McConnell recommended that the commission consider Sen. Hansen's comments and ideas. Rep. McConnell also commented about the purpose of the Judicial Redistricting Commission and needs of the judiciary.

02:10:04 Judge Todd discussed Sen. Hansen's ideas, reviewed the judicial resource trends, and commented possible combinations of districts to help solve the issue of judge workload (**refer to Exhibit 5**).

02:13:45 Ms. Weiss responded to the requested research needs of the commission.

02:15:35 Judge Todd responded to Ms. Weiss' comments and possible agenda topics of the next Judicial Redistricting Commission meeting.

02:16:52 Ms. Weiss commented on the upcoming meeting and when the plans from the commission's need to be available to the public.

02:18:07 Rep. McConnell asked a specific question on judicial redistricting about combining Superior and Thompson Falls Districts and taking a judge from Lake County. Rep. McConnell commented that all scenarios be considered for redistricting and judge workloads.

02:19:28 Judge Dayton responded to Rep. McConnell's comments about Lake County's workload increase from 2014-2015.

02:19:50 Judge Todd discussed proposal dates for agenda topics for the next Judicial Redistricting Commission meeting.

02:21:02 Judge Todd suggested that February 12th, 2016, be the deadline date for specific requests given to Ms. Weiss for the next Judicial Redistricting Commission meeting. With no disagreement from the other commissioners, the date was agreed upon.

Next Meeting Date

02:21:38 Judge Dayton asked that the meeting date not be solidified until further consideration.

02:22:08 Judge Todd responded with possible meeting dates to be considered and topics to be addressed at the next meeting.

02:26:35 Rep. McConnell asked that the impact be other alternative courts have to the judicial resources be considered and placed on the next meeting agenda.

02:27:55 Commissioner Jones asked for a budgetary component for the various scenarios considered added to the next meeting agenda.

ADJOURN

02:29:25 With no further business before the committee, Judge Todd adjourned the meeting at 11:31 a.m.