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Judicial Redistricting Commission

64th Montana Legislature

LEGISLATORS

SEN. KRISTIN HANSEN
REP. NATE McCONNELL

PUBLIC MEMBERS

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

COMMITTEE STAFF

RACHEL WEISS, RESEARCH ANALYST
JULIANNE BURKHARDT, ATTORNEY
KATYA GROVER, SECRETARY

MINUTES

September 3, 2015
Room 137, 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.

COMMISSION MEMBERS PRESENT

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

STAFF PRESENT

RACHEL WEISS, Research Analyst
JULIANNE BURKHARDT, Attorney
KATYA GROVER, Commission Secretary

VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

COMMISSION ACTIONS

The commission:

- elected Judge Gregory Todd as the commission's presiding officer
- requested additional information on the following topics:
 - the number of civil cases in the 1st Judicial District (Lewis and Clark County and Broadwater County) that have the State of Montana as a defendant or a plaintiff
 - case type priorities that are mandated by law
 - the number of district court cases being presided over by a judge that is not from the district in which the case was filed
 - information about miles traveled by judges handling cases for other districts
 - drug treatment courts, including impact to judges' workloads, availability, and effectiveness
- agreed to meet in early 2016 after updated judicial workload statistics are available

CALL TO ORDER AND ROLL CALL

- 00:02:07 Sen. Hansen called the commission to order at 9:00 a.m. The commission secretary called roll. ([Attachment 3](#))
- 00:02:59 Sen. Hansen spoke on commission procedures and rules.
- 00:06:34 The members and staff of the commission introduced themselves.

ELECTION OF OFFICERS

- 00:13:07 Sen. Hansen provided a brief review of presiding officer election procedure.
- 00:13:39 Judge Dayton nominated Judge Todd for presiding officer of the commission.
- 00:13:59 Commissioners discussed duties of a presiding officer.

Motion/Vote

- 00:17:58 Judge Todd was elected presiding officer on a roll call vote. The motion passed unanimously. ([Attachment 4](#))

ADMINISTRATIVE MATTERS - Rachel Weiss, Research Analyst

- 00:19:24 Ms. Weiss discussed commission duties and staff roles and responsibilities for the 2015-2016 Interim. ([Exhibit 1](#))

Commission questions

- 00:23:56 Judge Todd asked Ms. Weiss about the minutes log.

REVIEW OF EXISTING JUDICIAL DISTRICTS AND HISTORY OF JUDICIAL REDISTRICTING

- 00:24:52 Ms. Weiss provided a review of existing judicial districts and history of judicial redistricting in Montana. ([Exhibit 2](#))
- 00:28:28 Rep. McConnell asked Ms. Weiss about the importance of the 2017 election of judges.

LEGAL BACKGROUND FOR JUDICIAL REDISTRICTING - Julianne Burkhardt, Staff Attorney

00:30:33 Ms. Burkhardt provided a brief review of legal background for judicial redistricting.

Public Comment

00:35:11 Harold Blattie, Executive Director, Montana Association of Counties (MACo), asked the commission members to keep in mind two points when considering redistricting: large counties and rural counties.

Commission discussion

00:37:51 Commission members discussed the previous studies on judicial redistricting and the perspectives of those commissioners who served on similar committees.

OVERVIEW OF CASELOAD WEIGHTS, JUDGE WORKLOAD STUDY, AND DATA - Beth McLaughlin, Supreme Court Administrator

00:45:37 Ms. McLaughlin provided a presentation on Montana District Courts: Caseload and Workload Information. **(Exhibit 3)** During the presentation, Ms. McLaughlin referred to the "Montana District Court Judicial Weighted Caseload Study, 2014" mailed to the commissioners prior to the meeting. **(Exhibit 4)**

00:54:20 Judge Dayton asked Ms. McLaughlin to clarify which bill is being discussed.

00:54:26 Ms. McLaughlin answered and resumed the presentation.

01:01:18 Sen. Hansen asked about case processing, or performance, measures.

01:01:43 Ms. McLaughlin answered and resumed the presentation.

01:01:57 Judge Dayton asked about a 6-week judge study and whether it is reflected in today's presentation.

01:02:58 Judge Todd spoke about the difference between what is being discussed now and the case processing measures that Sen. Hansen asked about.

01:03:42 Ms. McLaughlin resumed the presentation.

01:13:27 Rep. McConnell asked Ms. McLaughlin about treatment courts and noted that not every district court has a treatment court.

01:14:46 Rep. McConnell asked Sen. Hansen about annual cost of a judge.

01:16:18 Ms. McLaughlin resumed the presentation.

Commission discussion on whether several children belonging to the same family each constitute a separate case

01:23:13 Sen. Hansen

01:25:50 Judge Todd

01:27:30 Ms. McLaughlin

01:28:31 Sen. Hansen

Commission discussion on treatment courts

01:29:13 Commissioner Jones

01:30:11 Judge Todd

01:31:48 Judge Dayton

01:32:57 Judge Todd

01:34:00 Ms. McLaughlin briefly spoke about the drug court biennial report and resumed the presentation.
01:38:42 Sen. Hansen asked about judge travel statistics with respect to the Yellowstone County reflected on page 16 of Exhibit 4.
01:40:46 Ms. McLaughlin answered and resumed the presentation.
01:48:08 Judge Todd commented on statistics reflected in "Montana District Courts Judicial Need Model: 2014 Case Weights with 2014 Case Fillings" of Exhibit 3.

BREAK

Presentation and commission discussion on performance measures

02:05:00 Ms. McLaughlin, in response to Sen. Hansen's question about performance measures, provided information on performance measures and statistics from the Montana Judicial Branch website: <http://courts.mt.gov/statistics>.
02:08:01 Sen. Hansen asked about district court statistics.
02:08:40 Ms. McLaughlin answered and resumed the presentation.
02:13:23 Sen. Hansen asked about the districts that are either over- or under-performing.
02:17:35 Ms. McLaughlin resumed her presentation.

Commission discussion on standing masters

02:24:21 Commissioner Schulz
02:25:35 Sen. Hansen
02:29:39 Judge Todd
02:31:58 Ms. McLaughlin
02:32:39 Rep. McConnell
02:33:40 Ms. McLaughlin resumed her presentation and asked the commissioners to take into consideration the highway map when deciding on redistricting.

Committee discussion on caseload situation and questions of Ms. McLaughlin

02:41:36 Commissioner Schulz asked about the Montana Supreme Court.
02:43:13 Sen. Hansen asked about statistics provided in "Case Weight Adjustments and Rationale for Change", page 17 of Exhibit 4.
02:46:27 Judge Todd addressed Sen. Hansen's question as well.
02:49:15 Ms. McLaughlin spoke about civil case numbers.
02:50:49 Rep. McConnell asked commissioners to give their feedback about the disadvantageous situation with respect to the civil cases and the effects it has on the local economies.
02:51:42 Commissioner Jones addressed this point.
02:53:28 Ms. McLaughlin pointed out that there are no statistics about 2014-2015 available yet.
02:55:09 Commissioner Cook addressed the point with respect to effects that the caseload situation has on the confidence of citizens in the judiciary system but not on economy per se.
02:56:40 Ms. Weiss spoke about additional data tables and maps with respect to judicial redistricting. (**Exhibit 5**) Ms. Weiss also returned to her previous presentation: review of existing judicial districts and history of judicial redistricting in Montana.

Public Comment - none

03:03:20 Judge Todd spoke about the remaining items on the agenda.

03:05:10 Ms. Weiss spoke about scheduling.

LUNCH BREAK

COUNTY EXPENSES AND JUDICIAL SPACE CONSIDERATIONS - Harold Blattie, Executive Director, Montana Association of Counties (MACo)

04:19:58 Mr. Blattie provided a presentation about the county expenses and judicial space considerations.

Commission discussion on the judicial space

04:36:55 Judge Todd spoke about the courthouse issue in Billings and asked Mr. Blattie for any suggestions for improving the situation with judicial space.

04:39:36 Rep. McConnell commented about the funding for remodeling court space in Missoula.

04:40:50 Judge Todd spoke about his experience with the courtroom size situation.

04:44:02 Rep. McConnell asked Mr. Blattie for his opinion about the best way to approach redistricting.

PANEL: OTHER COURT RESOURCES AVAILABLE TO DISTRICT COURTS

Chris Manos, Executive Director, State Bar of Montana

Beth McLaughlin, Supreme Court Administrator

04:47:18 **Mr. Manos** gave a presentation on alternative measures used in district courts. He referred the commissioners to the "2015 Lawyers' Deskbook and Directory". **(Exhibit 6), (Exhibit 7), (Exhibit 8)** Note: Exhibit 6 is available in the Legislative Services Division's office upon request.

Commission discussion on dispute resolution, mediation, alternative dispute resolution, and Pro Bono Program

05:08:58 Sen. Hansen

05:10:44 Rep. McConnell

05:12:24 Judge Dayton

05:20:01 Commissioner Jones

05:24:55 Judge Dayton

05:27:28 **Ms. McLaughlin** spoke about special masters, treatment courts, and the Court Help Program.

Commission discussion on mediation and settlement

05:35:10 Judge Todd

05:36:24 Rep. McConnell

WORK PLAN REVIEW

05:37:07 Ms. Weiss provided the commission with an overview of the Draft Work Plan for

05:48:38 the 2015-2016 Interim. **(Exhibit 9)**
Commissioner Schulz asked about the MACo conference and suggested to make the key information that had been heard during today's meeting available to each county.

BREAK

Public Comment

06:06:06 Bruce Spencer, lawyer, State Bar of Montana, offered his assistance to the commissioners with questions that they might have.

COMMISSION WORK SESSION

Draft Interim Work Plan Discussion

06:08:09 Judge Todd asked the commissioners for input about the work plan and for commissioners' approval of it.
06:09:36 Judge Dayton spoke about the work plan and whether or not redistricting is necessary.
06:13:21 Sen. Hansen spoke about the schedule and suggested to adopt the work plan in November or December and combine later meetings into a two-day meeting. Sen. Hansen also requested information about the number of civil cases in Lewis and Clark County and Broadwater County, as well as about case types priorities that are mandated by law.

Commission questions of Ms. McLaughlin

06:16:14 Commissioner Cook asked about how many cases judges hear out of their own districts and about the number of miles that these judges have to travel while hearing cases outside of their districts.
06:17:12 Commissioner Jones asked about the reasons why judges are going out of their districts.
06:17:35 Rep. McConnell asked about drug treatment courts and what has an impact on reducing the workload of judges.
06:18:33 Sen. Hansen requested information about proposals that the Court Administrator's Office may have produced and asked about statistics in "Montana District Courts Judicial Need Model: 2014 Case Weights with 2014 Case Fillings" from Exhibit 3.
06:21:25 Sen. Hansen asked when the data for 2015 will be available.
06:21:47 Sen. Hansen stated that this information will be valuable for the next meeting and proposed to have a two-day meeting.

Information request and commission discussion

06:22:09 Judge Todd requested information about the recidivism rates. Judge Todd also expressed hope that Mr. Blattie and Commissioner Schulz will have a discussion involving the space issues, funding and other challenges that counties face.
06:23:51 Commissioner Schulz pointed out that it will be challenging to obtain this information.
06:24:54 Judge Todd suggested that in the biggest 5 or 6 districts solutions other than

adding judges may be difficult as well as suggested focusing on the smaller counties which have smaller districts.

Next Meeting Date

Motion/Vote

- 06:28:21 Sen. Hansen made a motion to defer the next meeting to January.
06:28:54 Ms. Weiss and the commissioners discussed the possibility and procedure of scheduling the next meeting in January.
06:34:32 The motion passed unanimously by voice vote.
06:35:13 Judge Todd, Ms. Weiss and Ms. Burkhardt further discussed the procedure of scheduling and running the next meeting.

Commissioners' Proposals for Next Meeting

- 06:37:15 Ms. Weiss and the commission members discussed their work with respect to producing proposals for the next meeting.
06:40:04 Sen. Hansen, Judge Dayton and Ms. Weiss discussed the point about determining what proposals should be made available to the public and what proposals should wait for commissioners' approval.
06:49:32 Judge Todd made closing comments.

ADJOURNMENT

- 06:50:26 With no further business before the committee, Judge Todd adjourned the meeting.

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