



SENATE SELECT COMMITTEE ON JUDICIAL OVERSIGHT AND REFORM

69th Montana Legislature

SENATE MEMBERS

Mary Ann Dunwell
Janet Ellis
Jason Ellsworth
Daniel Emrich
Steve Fitzpatrick
Chris Friedel
Carl Glimm
Jen Gross
Steve Hinebauch
Tom McGillvray
Wendy McKamey
Shane Morigeau
Mark Noland
Andrea Olsen
Barry Usher

HOUSE MEMBERS

Lyn Hellegaard
Fiona Nave
Sue Vinton

PUBLIC MEMBERS

Andrew Billstein
Joan Mell
Jim Ramlow

COMMITTEE STAFF

Jolanda Songer - Secretary
Jameson Walker - Attorney

MINUTES LOG

July 29, 2024
Room 137
Helena, Montana

Please note: This document is a Minutes Log and provides annotation 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 recording 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 the 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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MEMBERS PRESENT:

Sen. Jason Ellsworth, Presiding Officer (R)
Sen. Barry Usher, Vice Presiding Officer (R)
Sen. Chris Friedel (R)
Sen. Mark Noland (R)
Sen. Carl Glimm (R)
Sen. Steve Hinebauch (R)
Sen. Tom McGillvray (R)
Sen. Wendy McKamey (R)
Rep. Sue Vinton (R)
Rep. Lyn Hellegaard (R)
Rep. Fiona Nave (R)
Joan Mell, Public Member
Jim Ramlow, Public Member

Andrew Billstein, Public Member

MEMBERS EXCUSED:

Sen. Daniel Emrich (R)
Sen. Steve Fitzpatrick (R)

MEMBERS ABSENT:

Sen. Jen Gross (D)
Sen. Andrea Olsen (D)
Sen. Shane Morigeau (D)
Sen. Mary Ann Dunwell (D)
Sen. Janet Ellis (D)

STAFF PRESENT:

Jolanda Songer, Secretary
Jameson Walker, Attorney

AGENDA [\(Attachment 1\)](#)

VISITORS' LIST [\(Attachment 2\)](#)

CALL TO ORDER / ROLL CALL

09:00:10 Presiding Officer Jason Ellsworth called the meeting to order at 9:00 AM. The committee secretary took roll.

PERSPECTIVES FROM FORMER DISTRICT COURT JUDGE BLAIR JONES

09:01:49 Presiding Officer Jason Ellsworth

09:02:19 Former Judge Blair Jones, 22nd Judicial District, Stillwater, Carbon, and Big Horn Counties

[EXHIBIT 1](#)

09:05:58 Sen. Chris Friedel joined the meeting.

09:15:49 Presiding Officer Jason Ellsworth

Committee Questions / Discussion

09:16:28 Vice Presiding Officer Barry Usher

Public Comment

09:17:20 None

Committee Questions / Discussion

09:17:44 Hon. Blair Jones, 22nd Judicial District

[EXHIBIT 2](#)

09:33:28 Sen. Tom McGillvray

09:37:53 Hon. Blair Jones

09:44:00 Presiding Officer Jason Ellsworth

09:44:56 Vice Presiding Officer Barry Usher

09:45:51 Hon. Blair Jones

09:53:04 Joan Mell
09:54:30 Hon. Blair Jones
10:10:33 Sen. Mark Noland
10:12:22 Hon. Blair Jones
10:17:52 Sen. Steve Hinebauch
10:19:56 Hon. Blair Jones
10:28:07 Vice Presiding Officer Barry Usher
10:30:13 Hon. Blair Jones
10:30:40 Presiding Officer Jason Ellsworth
10:31:08 Hon. Blair Jones
10:44:14 Jim Ramlow
10:45:25 Hon. Blair Jones
10:52:59 Presiding Officer Jason Ellsworth

10:57:44 **Recess**
11:09:41 **Reconvened**

PERSPECTIVES FROM FORMER DISTRICT COURT JUDGE BLAIR JONES - Continued

11:09:43 Presiding Officer Jason Ellsworth
11:10:24 Hon. Blair Jones
11:11:35 Jim Ramlow
11:20:44 Sen. Wendy McKamey
11:21:42 Joan Mell
11:23:02 Hon. Blair Jones
11:41:41 Presiding Officer Jason Ellsworth
11:42:49 Rep. Fiona Nave
11:42:56 Presiding Officer Jason Ellsworth
11:43:40 Hon. Blair Jones
11:50:06 Sen. Tom McGillvray
11:50:43 Hon. Blair Jones
11:58:46 Sen. Mark Noland
11:59:13 Hon. Blair Jones
12:05:45 Sen. Steve Hinebauch
12:07:14 Hon. Blair Jones
12:15:36 Sen. Mark Noland
12:16:00 Hon. Blair Jones
12:17:02 Vice Presiding Officer Barry Usher
12:18:07 Hon. Blair Jones
12:21:03 Sen. Tom McGillvray
12:21:26 Hon. Blair Jones

12:23:11 Rep. Fiona Nave
12:24:18 Hon. Blair Jones
12:26:32 Presiding Officer Jason Ellsworth
12:27:35 Hon. Blair Jones
12:31:53 Vice Presiding Officer Barry Usher
12:32:46 Hon. Blair Jones

12:38:44 **Recess**

14:02:30 **Reconvene**

PERSPECTIVES FROM ATTORNEYS

14:03:01 Peter F. Habein, Attorney, Billings
14:22:52 Mark Parker, Attorney, Billings

Public Comment

14:31:43 Bruce Spencer, State Bar of Montana
14:38:09 Peter F. Habein, Billings
14:38:44 Mark Murphy
14:43:58 Presiding Officer Jason Ellsworth

Committee Questions / Discussion

14:45:46 Sen. Mark Noland
14:46:22 Bruce Spencer, State Bar of Montana
14:47:10 Peter F. Habein
14:48:39 Mark Parker, Billings
14:54:22 Joan Mell
14:55:15 Peter F. Habein
14:56:47 Mark Parker
15:03:50 Presiding Officer Jason Ellsworth
15:04:09 Sen. Tom McGillivray
15:05:19 Peter F. Habein
15:10:02 Joan Mell
15:10:51 Peter F. Habein
15:17:08 Mark Parker
15:19:38 Sen. Steve Hinebauch
15:21:56 Peter F. Habein
15:31:50 Presiding Officer Jason Ellsworth
15:32:07 Peter F. Habein
15:32:25 Mark Parker
15:36:31 Vice Presiding Officer Barry Usher

DISCUSS DRAFT INQUIRY LETTER RE: APPOINTMENT OF RETIRED JUDGES

15:36:53 Presiding Officer Jason Ellsworth
(See Exhibit 2)

Discussion

15:39:14 Rep. Lyn Hellegaard
15:39:42 Presiding Officer Jason Ellsworth
15:41:04 Vice Presiding Officer Barry Usher
15:41:21 Presiding Officer Jason Ellsworth

Motion

15:41:59 Vice Presiding Officer Barry Usher moved to accept the Letter of Inquiry regarding Appointment Judges, with the proposed change to add all names of the members of the Senate Select Committee on Judicial Oversight and Reform (SJOR).

Discussion on the Motion

15:42:04 Sen. Wendy McKamey
15:43:01 Rep. Sue Vinton seconded the motion.
15:43:40 Vice Presiding Officer Barry Usher altered his motion to list the names of the members in the committee present for this meeting, rather than all persons of the committee.
15:44:35 Sen. Chris Friedel
15:45:30 Vice Presiding Officer Barry Usher clarified his motion should be to list the names of the voting members in the committee, rather than all members of the committee.
15:47:03 Jim Ramlow
15:48:29 Presiding Officer Jason Ellsworth
15:48:46 Andrew Billstein
15:49:55 Sen. Steve Hinebauch
15:50:20 Presiding Officer Jason Ellsworth
15:51:32 Bruce Spencer, State Bar of Montana
15:52:08 Presiding Officer Jason Ellsworth
15:52:20 Vice Presiding Officer Barry Usher amended his motion to list the names of the members in the committee that opt in to their names being listed rather than all members of the committee, with the correction that Bruce Spencer mentioned.

Vote

15:52:37 Carried unanimously by roll call vote.

Discussion on the Vote

15:54:21 Presiding Officer Jason Ellsworth
15:54:46 Sen. Wendy McKamey
15:55:13 Sen. Tom McGillvray
15:55:24 Vice Presiding Officer Barry Usher

15:55:33 Sen. Mark Noland
15:55:44 Joan Mell
15:56:06 Presiding Officer Jason Ellsworth
15:56:14 Rep. Sue Vinton
15:56:44 Vice Presiding Officer Barry Usher

**DISCUSSION, DIRECTIONS TO STAFF FOR A JUDICIAL PERFORMANCE EVALUATIONS
DRAFT LEGISLATION**

15:57:15 Presiding Officer Jason Ellsworth
15:57:40 Rachel Weiss, Research Director, Legislative Services Division (LSD)
[EXHIBIT 3](#)

Committee Questions / Discussion

16:04:31 Sen. Tom McGillvray
16:05:55 Sen. Chris Friedel
16:06:56 Sen. Wendy McKamey
16:07:58 Presiding Officer Jason Ellsworth
16:08:22 Andrew Billstein
16:09:01 Rep. Fiona Nave
16:09:36 Joan Mell
16:10:21 Vice Presiding Officer Barry Usher
16:10:55 Sen. Wendy McKamey
16:11:06 Presiding Officer Jason Ellsworth
16:12:36 Sen. Tom McGillvray
16:12:53 Rachel Weiss, LSD
16:13:11 Sen. Tom McGillvray
(See Exhibit 3)
16:14:25 Vice Presiding Officer Barry Usher
16:14:39 Sen. Tom McGillvray
16:15:07 Presiding Officer Jason Ellsworth
16:15:38 Rep. Lyn Hellegaard
16:16:05 Presiding Officer Jason Ellsworth
16:16:33 Vice Presiding Officer Barry Usher
16:16:56 Sen. Tom McGillvray
16:17:35 Rachel Weiss
16:18:13 Rep. Fiona Nave
16:18:35 Sen. Tom McGillvray
16:18:47 Rachel Weiss
16:19:01 Presiding Officer Jason Ellsworth
16:20:10 Sen. Tom McGillvray
16:21:06 Vice Presiding Officer Barry Usher
16:21:18 Sen. Wendy McKamey

16:22:24 Sen. Steve Hinebauch
16:22:35 Sen. Wendy McKamey
16:22:49 Rep. Fiona Nave
16:23:25 Andrew Billstein
16:24:10 Presiding Officer Jason Ellsworth
16:24:56 Jameson Walker, Legislative Attorney, LSD
16:25:41 Sen. Chris Friedel
16:26:01 Jameson Walker, LSD
16:26:26 Sen. Wendy McKamey
16:26:55 Vice Presiding Officer Barry Usher
16:27:10 Presiding Officer Jason Ellsworth
16:27:50 Sen. Tom McGillvray
16:29:25 Andrew Billstein
16:30:03 Sen. Tom McGillvray
16:30:43 Sen. Steve Hinebauch
16:31:23 Sen. Tom McGillvray
16:31:33 Rachel Weiss
16:32:00 Sen. Tom McGillvray
16:32:08 Vice Presiding Officer Barry Usher
16:32:37 Sen. Tom McGillvray
16:32:47 Presiding Officer Jason Ellsworth
16:32:51 Sen. Tom McGillvray
16:33:11 Vice Presiding Officer Barry Usher
16:33:43 Rachel Weiss
16:34:11 Presiding Officer Jason Ellsworth
16:34:21 Joan Mell

PUBLIC COMMENT ON ANY TOPIC UNDER THE COMMITTEE'S JURISDICTION

16:35:32 None

ADJOURNMENT

Adjournment: 16:36:00