

Judicial Branch

Overview

June 2011

For the Law and Justice Interim Committee

Branch Head: Montana Supreme Court, Chief Justice Mike McGrath, state-elected
Lois Menzies, Court Administrator, appointed by Supreme Court

Description and Responsibilities:

- Independent branch of government
- Forum to resolve civil and criminal disputes
- Preserve rule of law
- Protect rights and liberties
- Provide for orderly conduct of proceedings
- Control conduct of its ministerial officers
- Compel attendance of persons to testify
- Maintain state law library
- Provide for youth court and juvenile probation
- Info. tech. support to lower courts
- Note: Courts of limited jurisdiction are funded and maintained at county and city level

Courts:

- Supreme Court consists of a Chief Justice and six Associate Justices
- 56 district courts operate in 22 judicial districts with 46 district court judges
- Each of the judicial districts operates a youth court and has a chief juvenile probation officer
- Courts of Limited Jurisdiction are maintained by local governments
 - 66 Justice's Courts (county)
 - 81 City Courts
 - 7 Municipal Courts
- Water Court
 - Statutorily created and given exclusive jurisdiction over water rights
 - Chief water judge appointed by Chief Justice from nominees of Judicial Nominations Commission
 - A water judge is appointed for each of 4 water districts
 - Chief water judge appoints special masters to assist water judges
- Workers' Compensation Court
 - Statutorily created and administratively attached to Department of Labor and Industry
 - Judge is appointed by governor from nominees of Judicial Nominations Commission
- Specialty/treatment courts (drug, DUI, mental health, co-occurring)
 - Special dockets of existing courts, **not new courts**
 - 12 adult specialty district courts
 - 3 specialty youth courts
 - 5 municipal specialty courts
 - 3 specialty Justice's courts

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State-level Programs, FTE, and Funding for FY 2012-FY 2013:

Programs	FY 2013 FTE	General Fund	State Other	Proprietary	Federal	Total ALL	Percent of total state- level funds
Supreme Court							
- operations	41.25	\$ 8,906,511	\$ -	\$ -	\$ -	\$ 8,906,511	
- civil legal assistance	0.00	\$ -	\$ 281,338	\$ -	\$ -	\$ 281,338	
- court assessment	1.00	\$ 26,131	\$ -	\$ -	\$ 245,921	\$ 272,052	
- court help	0.00	\$ 584,757	\$ -	\$ -	\$ -	\$ 584,757	
- drug courts	4.00	\$ 1,466,759	\$ 100,000	\$ -	\$ -	\$ 1,566,759	
- information technology	18.00	\$ 7,444,986	\$ -	\$ -	\$ -	\$ 7,444,986	
Supreme Court Subtotal	64.25	\$ 18,429,144	\$ 381,338	\$ -	\$ 245,921	\$ 19,056,403	24.7%
Boards and Commissions							
- boards and commissions		\$ 530,556	\$ 148,101	\$ -	\$ -	\$ 678,657	
- judicial standards		\$ 25,000	\$ -	\$ -	\$ -	\$ 25,000	
Boards and Comm Subtotal	3.00	\$ 555,556	\$ 148,101	\$ -	\$ -	\$ 703,657	0.9%
Law Library							
- law library		\$ 1,691,289	\$ -	\$ -	\$ -	\$ 1,691,289	
- on-line searches		\$ -	\$ -	\$ 379,594	\$ -	\$ 379,594	
Law Library Subtotal	6.75	\$ 1,691,289	\$ -	\$ 379,594	\$ -	\$ 2,070,883	2.7%
District Court							
- employees and operations	265.58	\$ 35,306,076	\$ 449,063	\$ -	\$ -	\$ 35,755,139	
- judges and operations	46.00	\$ 14,949,910	\$ 5,280	\$ -	\$ -	\$ 14,955,190	
District Court Subtotal	311.58	\$ 50,255,986	\$ 454,343	\$ -	\$ -	\$ 50,710,329	65.8%
Water Court Supervision							
	21.50	\$ -	\$ 3,530,907	\$ -	\$ -	\$ 3,530,907	4.6%
Clerk of Court							
	5.50	\$ 962,391	\$ -	\$ -	\$ -	\$ 962,391	1.2%
TOTALS	412.58	\$ 71,894,366	\$ 4,514,689	\$ 379,594	\$ 245,921	\$ 77,034,570	100.0%
Agency's GF as a percentage of state's total GF budget	2%						

Source: Legislative Fiscal Division

* **NOTE:** Each fiscal year, the Dept. of Corrections allocates a portion of its juvenile delinquency and intervention program budget to each judicial district for out-of-home placements, programs, and

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services. Judicial districts received \$4,011,877 for FY 2012.

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Administratively Attached to Supreme Court:

- Medical legal panel (section 27-6-104, MCA)
- Chiropractic legal panel (section 27-12-104, MCA)

Legislative Audits:

- Financial compliance, 2010
- Juvenile delinquency intervention program, 2005

Branch Bills Passed During 2011 Session:

- Revise payment for court interpreter services - HB 65 (Menahan)
- Temporarily suspend juvenile delinquency intervention program annual evaluation - SB 67 (Shockley)

Branch Bills that Failed During 2011 Session:

- None

Other Judiciary-related Bills Passed During 2011 Session:

- Amend youth court sentencing authority - HB 126 (Hansen)
- Revise laws relating to justices' courts - HB 480 (Menahan)
- Court dismissal of case with no action - SB 21 (Shockley)
- Allow cities to establish courts of record - SB 41 (Shockley - LJIC)
- Authorize warrants to obtain blood or breath test in DUI cases - SB 42 (Shockley - LJIC)
- Increase jurisdictional limit for justices', city, and small claims courts - SB 238 (Blewett)

Law and Justice Interim Committee Areas of Interest:

- DUI laws
- Specialty courts, such as drug and DUI courts

Hot Topics of 2011 Session:

- DUI laws
- Abortion rights
- Death penalty
- Nullification of federal law
- Medical marijuana

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