

**LOREN TUCKER**  
DISTRICT JUDGE  
Montana Fifth Judicial District

EXHIBIT 5  
DATE 2/8/05  
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February 3, 2005

RE: General Government and Transportation Appropriations Subcommittee  
Judicial Branch Budget

Dear Senator or Representative:

Almost all persons are aware that our society becomes evermore complex. A natural result is that the work of the judicial branch increases. I hope to persuade you to support the budget proposed for the judicial branch so that every resident of Montana can enjoy the constitutional right that "courts of justice shall be open to every person and speedy remedy afforded . . . . [R]ight and justice shall be administered without delay." (Article II, Section 16, Montana Constitution). The judicial branch must be properly funded so that every Montanan's constitutional right is preserved. This is an increasing concern, particularly in rural areas.

In urban areas there are multiple judges in each district. Support staff levels usually are at least adequate. In the event of an emergency or a statute mandated early action date, one judge among the several usually can accommodate that need in one of several courtrooms located in the same building. Urban residents need to travel only across the city to reach the courthouse.

Rural residents do not have those opportunities. They can only hope that their case will be heard after a judge is located and after the judge can travel to their courthouse and after they themselves travel a distance to the courthouse. There often is no support staff. Rural residents do not have equal access to the courts.

I am specifically concerned for the residents of southwest Montana who live in Beaverhead, Jefferson, and Madison counties. These counties make up the Fifth Judicial District. The number of cases filed in this District each year continues to grow. Those numbers are as follows:

Year	Total Cases Filed
2004	1005
2003	886
2002	831

2001

697

From 2001 to 2003 (which is the last year for which data is available) the rank of the Fifth Judicial District in cases per judge per district across the State of Montana has risen from 12th to 9th. In addition, the cases in this District are spread approximately evenly among the three counties. That distribution requires virtually constant travel to attempt to serve the needs of District residents. I can reach the courthouse nearest to my home in 15 minutes or less. The one at farthest distance requires one hour and forty-five minutes of travel. Judicial business has required in excess of 20,000 miles per year. This travel time constitutes more than 7 weeks of 8 hour days assuming a constant speed of 70 miles per hour. Of course, this assumption is not realistic because it does not account for stop signs, towns, or deer on dark and icy roads.

The District Court Council recommends three FTE support staff for each judge. Those usually are a Court Administrator, Court Reporter and Law Clerk. This District has dedicated Court Reporters. I have a very good assistant. However, she is allowed to work only .8 FTE. There is no law clerk. A 2003 District Court Council staff study for each district weighted case loads, miles traveled, existing staff, and population. The results are reproduced below:

TOTAL WEIGHTED SCORE SUMMARY  
BY JUDICIAL DISTRICT

Rank	District	City	Total Weighted Score
1	5	Dillon	118.80
2	15	Wolf Point	112.45
3	12	Havre	95.90
4	22	Red Lodge	89.75
5	17	Glasgow	83.45
6	9	Cut Bank	79.95
7	3	Deer Lodge	74.30
8	6	Livingston	71.50
9	1	Helena	65.00
10	16	Miles City	64.70
11	18	Bozeman	62.40
12	4	Missoula	60.35
13	13	Billings	58.40
14	19	Libby	58.10
15	20	Polson	56.25
16	8	Great Falls	52.40
17	11	Kalispell	50.60
18	10	Lewistown	48.05
19	7	Sidney	40.50
20	14	Roundup	39.70

21	21	Hamilton	27.40
22	2	Butte	26.85

There is a glaring need in this District for adequate staff to provide judicial services which are the right of every Montanan. The fact that this District is allowed only .8 FTE compared to the recommended 3 FTE is compelling in itself. Moreover, the study shows that the Fifth Judicial District has a greater need for staff resources than any other district in our State. Since that study was completed, the caseload in this district has increased. Staff assistance is still less than one full time employee. The problem is exacerbated by the fact that the Court Administrator now takes home less income than the year before due to increased costs of health insurance.

Of course, I have a personal interest in these matters. However, the people of the Fifth Judicial District deserve adequate judicial services regardless of the brief time which I may hold office.

You have many important issues to consider and many challenges in this legislative session. Please support the budget for the judicial branch to the fullest extent. Please make certain that rural Montanans are provided judicial resources equal to those in the urban areas. Thank you for your efforts for the good of the people of Montana.

Sincerely,

Loren Tucker  
District Judge

LT:dlk

c: Senator Ed Tash  
Representative Debby Barrett  
Representative Scott Mendenhall  
Representative Diane Rice  
County Commissioners