State of Montana

EXHIBIT 1
DATE 3/15/05
SB 355

First Judicial District Court

Lewis and Clark County

Hon. Thomas C. Honzel Hon. Dorothy McCarter Hon. Jeffrey M. Sherlock

March 2, 2005

House Judiciary Committee
PO Box 200400
Helena, MT 59620-0400

RE: Senate Bill 355

Dear Madam Chair and Members of the Committee:

We three District Court Judges of the First Judicial District enthusiastically support Senate Bill 355, which deletes a portion of Section 3-5-604, MCA, that was enacted in the last legislative session.

That portion of the statute, Subsection (3)(b), currently limits court reporters their recovery of transcript fees for transcripts requested by a county attorney or the attorney general to "actual costs of preparation." That term has created an abundance of confusion among the various counties and judicial districts. The transcript fees traditionally collected by the court reporters, set forth in subsection (1) of the statute, are reasonable and conservative.

Subsection (3)(b) poses an additional problem that was apparently unanticipated when it was enacted. Many, if not most, of the district court reporters previously entered into contracts with the State under which they were to provide and maintain their own equipment and, in return, they would receive the transcript fees set forth in subsection (1) of the statute. The enactment of subsection (3)(b) reduces the court reporters' income with no equivalent consideration by the State and frustrates those contracts. The cost of the court reporters' equipment is several thousand dollars each.

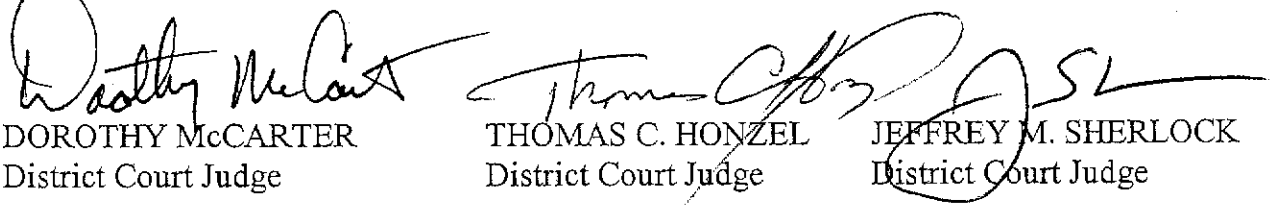
On that basis, we First Judicial District Court Judges granted our court reporters a grievance they submitted and which the Lewis and Clark County Attorney continues to honor.

228 Broadway County Courthouse Helena, MT 59601
(406) 447-8205 (406) 447-8209

The district court judges across the State of Montana overwhelmingly support this bill and respectfully request your support.

Thank you for your time and consideration.

Sincerely,



DOROTHY McCARTER
District Court Judge

THOMAS C. HONZEL
District Court Judge

JEFFREY M. SHERLOCK
District Court Judge

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