

Exhibit Number: 20

The following exhibit is several assorted documents that exceeds the 10-page limit therefore it cannot be scanned. A small portion has been scanned to aid in your research for information. The exhibit is on file at the Montana Historical Society and can be viewed there.

HB 794

The Montana Freedom of Information Hotline is staffed by attorney in a Helena law firm. The telephone number is the attorney's local Helena number and changes from firm to firm. The Hotline is not advertised across Montana. All calls are handled by attorneys.

A sample of calls outlined below is from a 30 month period between 2002 and 2004. Questions regarding school boards and school administrator's denial of access to documents and meetings is, year in and year out, the number one problem for the public gaining access to their government.

During this period, the call volume increased some 300 per cent per month.

324 total calls

268 detailed calls

Schools	85	33%
Cities	55	21%
Counties	46	17%
Law Enforcement	45	16%
Courts	17	06%
Hospitals	11	04%
State	09	03%
TOTAL	268	100%

MISL 56
Academic Requests
Federal agencies issues
Special improvement districts

MONTANA FOI HOTLINE

DATE: 01.07.04

TIME: 4:20 PM

LAWYER: Shontz

CALLER: [REDACTED]

MEDIA OUTLET: [REDACTED]

NATURE OF PROBLEM:

- Open Meetings
- Access to Public Records
- Response to Search Warrant
- Response to Subpoena
- Access to Court Proceedings
- Access to Court Records
- Prior Restraint
- Gag Orders
- Other

DESCRIPTION OF PROBLEM: [REDACTED] called; last night he attended a city council committee meeting at the beginning of which the mayor attempted to close the meeting to the public by claiming the meeting involved "litigation strategy." The meeting involved an employee labor complaint. [REDACTED] refused to leave because the meeting did not involve any litigation. The mayor canceled the meeting. The meeting was attempted again this morning and was closed due to a "labor dispute negotiation." [REDACTED] called wanting to know what to do.

ADVICE GIVEN: I advised [REDACTED] that "litigation strategy" could close a meeting only if actual litigation was discussed; the reason for the statute was to keep opposing counsel out of the meetings (The BN story). Litigation strategy does not "fly."

I further advised [REDACTED] that the chair of a meeting had to apply the two-part test before any meeting could be closed. The legal basis for the test and the legal basis for a right to privacy to prevail must be applied on the record by the chair before the meeting could be closed. Anything short of that process properly applied was not adequate to close a meeting. We discussed the case, new and old, involved and the appropriate Deskbook pages – he had the Deskbook in front of him.

FURTHER ACTION REQUIRED: Story to appear in the [REDACTED] tomorrow.

MONTANA FOI HOTLINE

DATE: 12/06/05 TIME: 2:30 PM LAWYER: Shontz
CALLER: ██████████ MEDIA OUTLET: none - Livingston

NATURE OF PROBLEM:

- Open Meetings
- Access to Public Records
- Response to Search Warrant
- Response to Subpoena
- Access to Court Proceedings
- Access to Court Records
- Prior Restraint
- Gag Orders
- Other

DESCRIPTION OF PROBLEM: ██████████ called about gaining access to her DD son's court records. He is under state care in a facility in Conrad; his care is being supervised by the district court in Missoula. Ms. ██████████ wants access to the court file; she has been denied access by the clerk's office and also referred to the Missoula County Clerk and Recorder's office. She fears for her son's life.

She finds the fees excessive to get copies of documents.

ADVICE GIVEN: I advised ██████████ that the court records, except certain reports prepared by an evaluation teams should be open to her; all other court records should be open to her. It did not appear that any records of interest would be held by the clerk and recorder except a filing of the appointment of a guardian ad litem.

I also advised ██████████ to contact several other resources for assistance including MAP.

FURTHER ACTION REQUIRED: None.

Foi_201____.doc

MONTANA FOI HOTLINE

DATE: 12/06/04 TIME: 12:30 pm LAWYER: Shontz
CALLER: [REDACTED] MEDIA OUTLET: None - Boulder

NATURE OF PROBLEM:

- Open Meetings
- Access to Public Records
- Response to Search Warrant
- Response to Subpoena
- Access to Court Proceedings
- Access to Court Records
- Prior Restraint
- Gag Orders
- Other

DESCRIPTION OF PROBLEM: [REDACTED] called regarding gaining access to an accident report of an accident where a vehicle had crashed into her house. The Boulder Police Dept. would not give her a copy of the report. She had the page out of the Deskbook with the correct citation allowing her to get a copy of the report.

ADVICE GIVEN: I advised [REDACTED] that the dept. had to give her a copy of the report. I advised her to take a copy of the report to the police dept. and show it to them. I also advised her that the Boulder City Attorney (Steve Shapiro) was generally very good about honoring the FOI laws; she could call him if she did not get what she needed.

FURTHER ACTION REQUIRED: None.

Foi_203_.doc

MONTANA FOI HOTLINE

DATE: 12/07/04

TIME: 2:40 pm

LAWYER: Shontz

CALLER: [REDACTED]

MEDIA OUTLET: [REDACTED]

NATURE OF PROBLEM:

- Open Meetings
- Access to Public Records
- Response to Search Warrant
- Response to Subpoena
- Access to Court Proceedings
- Access to Court Records
- Prior Restraint
- Gag Orders
- Other

DESCRIPTION OF PROBLEM: [REDACTED] called regarding the district court decision regarding the voiding of the Rattlesnake Sewer Project yesterday. He wanted to know the extent of the impact of the decision. The question was when does the public participation end under BRYAN.

ADVICE GIVEN: I had not read the decision but since the decision is founded in BRYAN I speculated on the why's of the decision: my speculations where on point based on [REDACTED] running comments on the decision. I advised [REDACTED] that the public participation ended when the public was made aware of a meeting with adequate time to review all of the materials involved in the decision to be made, had adequate time to prepare comments on the decision and had time to present those comments to the decision making body. This determination is made on a case by case basis.

FURTHER ACTION REQUIRED: None. [REDACTED] was sending me a copy of the decision.

Foi_207____.doc

MONTANA FOI HOTLINE

DATE: 1.19.04 TIME: 10:00 am LAWYER: Shontz
CALLER: ██████████ MEDIA OUTLET: ██████████

NATURE OF PROBLEM:

- X Open Meetings
- Access to Public Records
- Response to Search Warrant
- Response to Subpoena
- Access to Court Proceedings
- Access to Court Records
- Prior Restraint
- Gag Orders
- Other

DESCRIPTION OF PROBLEM: The Powell County high School board met in secret session covered by "litigation strategy." The board discussed arbitration of a dispute with the local teachers' union at the meeting. It does not appear that any litigation has been actually filed. Also, the school sent the union a letter. ██████████ wanted to know if the letter is open to the public.

ADVICE GIVEN: I advised ██████████ that, based on what information she gave me, the letter is open to the public. If litigation has been filed, then the board could close the meeting for litigation purposes. If no legal action is filed, then the board could not use the litigation exemption to close a meeting to discuss arbitration.

FURTHER ACTION REQUIRED: Hard to say.

From: "[REDACTED]" <[REDACTED].com>
To: "John M Shontz" <shontz@mt.net>
Subject: Re: one more thing
Date sent: Mon, 19 Jan 2004 14:33:39 -0700

Thanks a million, John, for this detailed reply.
Just spoke w/ Karen at HDN; I'll check out the stories. I think they'll say the document is private because it is about litigation strategy. (It worked once, anyway.)
Oh, and I have nothing concrete about DeSoto, just people saying they're sisters. I plan to ask her.

----- Original Message -----

From: "John M Shontz" <shontz@mt.net>
To: "[REDACTED]" <[REDACTED]>
Cc: <[REDACTED]>
Sent: Monday, January 19, 2004 12:53 PM
Subject: Re: one more thing

> Monday - [REDACTED], Yes the letter containing the offer made by the
> district is a public document. There is no reason to consider it a
> private document that I am aware of: the presumption in the law is
> that all documents are open to public inspection unless an
> individual right to privacy clearly outweighs the public's right to
> know.
>
> The use of the statutory litigation strategy exemption to
> the public's right to know has never been tested to determine if is
> constitutional. Second, has a lawsuit acutally been filed regarding
> the issue at hand by the union against the board? If not, then the
> litigation strategy exemption cannot be used. If no lawsuit has
> been filed, then use of the litigation strategy statute to secret
> things from the public is an abuse of the law. Is the arbitration part
> of the settlement of an actual lawsuit? If a lawsuit has been filed,
> then you should get a copy of the court file. Kaleva's comment do
> not clarify the existance of a suit or not.
>
> If no lawsuit has been filed, then the litigation strategy
> exception does not apply. Note the articles in the Havre Daily

- > News last week concerning a similar attempted use of the litigation
- > strategy. Please call Karne Datko (HDN editor 1-800-993-2459) and
- > ask her to email the articles to you. Involved an arbitration with a
- > city employee - the mayor closed the meeting due to litigation
- > strategy - Montana Dept. of Labor guy & I both said cannot use
- > litigation strategy to close the meeting. Newspaper prevailed. Don't
- > call until the early afternoon as the HDN is an afternoon paper;
- > deadline is noon.
- >
- > Hope this helps. Did you ever find out if Kaleva is a sister
- > of Katy Desoto, the school's attorney at the Garlington law firm?
- > Thanks, John

To: [REDACTED]@[REDACTED].com>
Copies to: [REDACTED]
Subject: **Re: one more thing**
Date sent: **Mon, 19 Jan 2004 12:51:07**

Monday - [REDACTED], Yes the letter containing the offer made by the district is a public document. There is no reason to consider it a private document that I am aware of: the presumption in the law is that all documents are open to public inspection unless an individual right to privacy clearly outweighs the public's right to know.

The use of the statutory litigation strategy exemption to the public's right to know has never been tested to determine if is constitutional. Second, has a lawsuit acutally been filed regarding the issue at hand by the union against the board? If not, then the litigation strategy exemption cannot be used. If no lawsuit has been filed, then use of the litigation strategy statute to secret things from the public is an abuse of the law. Is the arbitration part of the settlement of an actual lawsuit? If a lawsuit has been filed, then you should get a copy of the court file. Kaleva's comment do not clarify the existance of a suit or not.

If no lawsuit has been filed, then the litigation strategy exception does not apply. Note the articles in the Havre Daily News last week concerning a similar attempted use of the litigation strategy. Please call Karne Datko (HDN editor 1-800-993-2459) and ask her to email the articles to you. Involved an arbirtation with a city employee - the mayor closed the meeting due to litigation strategy - Montana Dept. of LAbor guy & I both said cannot use litigation strategy to close the meeting. Newspaper prevailed. Don't call until the early afternoon as the HDN is an afternoon paper; dealine is noon.

Hope this helps. Did you ever find out if Kaleva is a sister of Katy Desoto, the school's attorney at the Garlington law firm?
Thanks, John

Cc: [REDACTED];
[REDACTED]@aol.com; [REDACTED]@blackfoot.net;
[REDACTED]@blackfoot.net; [REDACTED].net; [REDACTED], Executive Dir. MTSBA';
[REDACTED]

Sent: Tuesday, December 09, 2003 4:38 PM

Subject: RE: pchs executive session

[REDACTED]

Dave initially stated that the meeting was being closed due to an individual right of privacy. This was an error, and I corrected that for you at the meeting. The meeting was closed to protect the litigating strategy of the Board of Trustees. The litigation is an action filed by the PCHSTA against the Board of Trustees. The case is currently pending in arbitration. No action was taken as a result of the executive session. If and when any action is taken by the Board on this case, it will be done at a duly noted meeting, and the action will be fully discussed and explained at the meeting.

If I can be of any further assistance, please let me know.

Elizabeth Kaleva

Director of Policy Services

Montana School Boards Association

1 South Montana Ave.

Helena, MT 59601

406.829.9009

ekaleva@mtsba.org

-----Original Message-----