

DISTRICT COURT  
MONTANA 18TH JUDICIAL DISTRICT

District Judge Holly B. Brown  
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615 S. 16<sup>th</sup>, Room 207  
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March 9, 2005

To: The Montana Senate Finance and Claims Committee

From: Judge Mike Salvagni and Judge Holly Brown

Re: A Third Judge for the Eighteenth Judicial District

1. History
2. Gallatin County Commission Endorsement
3. Montana District Court Council Endorsement
4. Gallatin County Bar Association Board of Directors Endorsement
5. Bozeman Daily Chronicle Editorial Endorsement
6. Caseload and Population Statistics

**HISTORY OF THE 18<sup>TH</sup> JUDICIAL DISTRICT, GALLATIN COUNTY, MONTANA**  
**Prepared by Judge Mike Salvagni**  
**January 19, 2005**

The 18<sup>th</sup> Judicial District Montana, was created on February 22, 1947.<sup>1</sup> The District embraces Gallatin County. One judge was appointed by the governor to preside in the District. During 1948, the first year of the District's existence, 274 cases were filed in the District.<sup>2</sup>

In 1977 the Montana Legislature approved a second judge for the 18<sup>th</sup> Judicial District.<sup>3</sup> The judge was elected in the 1978 general election and began serving in January, 1979. In 1979 1,430 cases were filed in the District.<sup>4</sup>

During the 1980s the case filings remained relatively consistent. In 1990, 1,408 cases were filed in the District.<sup>5</sup> It is noted that in 1981 the Montana Legislature increased the jurisdictional limits of justice of the peace court in civil cases from \$1,500 to \$3,500.

During the 1990s the caseload steadily increased. In 2000, 1,943 cases were filed in the District.<sup>6</sup> In 2003, 2,397 cases were filed in the District.<sup>7</sup> It is also noted that in 1991 the Montana Legislature increased the jurisdictional limits of the justice of the peace court in civil cases to \$5,000 and in 1999, again increased the limit to \$7,000. Although there is no available data to show the effect of these increases, it can be assumed that with the increases, fewer civil cases would have been filed in the District Court. Nevertheless, the caseload in the 18<sup>th</sup> Judicial District has steadily increased.

As compared to the number of cases filed in 1979, which was the first year of the second judge, the number of cases filed in 2003 increased by 67%.

In 1980 Gallatin County had a population of 42,865.<sup>8</sup> The 2003 estimated population is 73,243.<sup>9</sup> During the 25 years that the 18<sup>th</sup> Judicial District has had two judges the population of Gallatin County has increased by approximately 71%

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<sup>1</sup> Montana Session Laws 1947, Chapter 80

<sup>2</sup> Obtained from the records of the Clerk of the District Court

<sup>3</sup> Montana Session Laws, Chapter 517

<sup>4</sup> Obtained from the records of the Clerk of the District Court

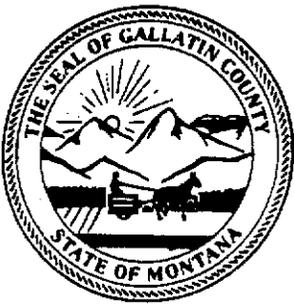
<sup>5</sup> Obtained from the 1990 Annual Report of the Montana Judiciary

<sup>6</sup> Obtained from the 2000 Annual Report of the Montana Judiciary

<sup>7</sup> Obtained from the 2003 Annual Report of the Montana Judiciary

<sup>8</sup> <http://www.co.gallatin.mt.us/about/population.htm>

<sup>9</sup> <http://www.co.gallatin.mt.us/about/population.htm>



## GALLATIN COUNTY

311 West Main, Rm. 306 • Bozeman, MT 59715

County Commission

William A. Murdock

John Vincent

Joe P. Skinner

Phone (406) 582-3000

FAX (406) 582-3003

January 19, 2005

To Whom It May Concern:

Re: A Third District Court Judge for the Eighteenth Judicial District

We wish to express our support for a third District Court Judge in Gallatin County, the Eighteenth Judicial District. We are committed to remodeling the space in our Law and Justice Center, to be available by January 1, 2006. This space has been outgrown and vacated by the County Attorney, is temporarily housing our new Department of Court Services, and mirrors the other two courtrooms and chambers.

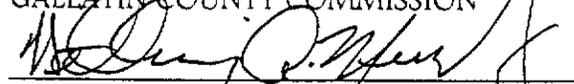
Recognizing the rapid growth of this County, and how far behind we have fallen, we worked this past year with the national firm of Carter, Goble, Lee, Assoc., Inc., to assess our future criminal justice space and facility needs. The twenty-year plan, which we are assessing and implementing step by step, includes a new Courthouse for four district court departments as well as our courts of limited jurisdiction. We are also in our second year of consulting with a separate expert to revamp our criminal justice programs and processes. Thus, we are not making this request in a vacuum, but as part of a comprehensive plan. We are accepting our responsibility to provide high quality space for a modern criminal justice system. We are counting on the State to accept its partnership responsibility in providing the district court staff.

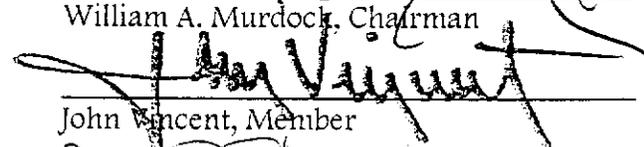
We considered supporting a third judge in the 2003 Legislature, to raise awareness of our need. However, we decided to wait, recognizing the necessity of completing the particulars of court assumption. Considering the growth of our county and the unrelenting acceleration of court business, we cannot wait any longer. Our District's second judge began serving in 1979, and the earliest date by which our third judge could begin serving would be 2006 – a stretch of 27 years. We cannot think of a single component of government that has been frozen in size for that period of time.

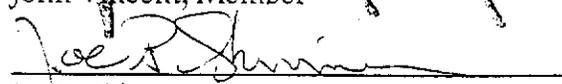
Thank you for your consideration.

Sincerely,

GALLATIN COUNTY COMMISSION

  
William A. Murdock, Chairman

  
John Vincent, Member

  
Joe P. Skinner

## DISTRICT COURT COUNCIL HAPPENINGS

Date: November 14, 2004

To: DCC members, Supreme Court justices and District Court judges  
From: Hon. John C. McKeon, DCC member

Re: Nov. 12, 2004 DCC meeting – Justice Bldg., Helena, MT

**TRAVEL POLICY:** DCC unanimously passed modifications to travel policies 770 and 880 to reflect recent change in standard lodging rate. Policies as modified allow reimbursement at actual cost of lodging not to exceed federal per diem rate for location involved, plus taxes.

**INDIGENT DEFENSE - FINANCIAL STANDARDS POLICY:** DCC unanimously passed policy on court determination of indigence where statute allows appointment of counsel. The approved policy requires the following minimum review: consideration of financial affidavit with income, assets and expenses; review appointments by Courts of Limited Jurisdiction; consideration of partial payment. Courts are encouraged to consider nature of services rendered, the usual and customary charges of an attorney in the community and other relevant circumstances. Upon approval of indigency, an order of appointment must be entered to include an amount, if any, the indigent person is required to pay toward representation. The court must find indigence and eligibility for appointment prior to directing the State to make any payment of expenses. Courts may delegate some responsibility under this policy.

**18<sup>TH</sup> JUDICIAL DISTRICT WORKLOAD ASSESSMENT:** Judges Salvagni and Brown, attorneys and a county commission representative of 18<sup>th</sup> Judicial District (Gallatin county) presented workload information and request for DCC support for additional district judge. DCC passed (4 to 1) motion to support efforts of Gallatin county to obtain additional district judge and supporting staff.

**NEXT MEETING:** Set for 8:00 A.M., Friday, January 21, 2005 at Justice Building, Helena, MT.

RESOLUTION  
OF  
BOARD OF DIRECTORS OF  
GALLATIN COUNTY BAR ASSOCIATION, INC.

WHEREAS, the 18<sup>th</sup> Judicial District's second Judge began serving in 1979; in 1980, Gallatin County's population was 42,865; since that time Gallatin County's population has increased approximately 71 percent to over 73,000 as of 2003, and the County continues to have the second most rapid population growth in the state, with predicted growth by 2010 to 90,000;<sup>1</sup> and

WHEREAS, since 1979 the number of court staff, law enforcement officers and related personnel has doubled while the number of judges has remained the same; and

WHEREAS, since 1979 the number of cases filed with the Clerk of Court for the 18<sup>th</sup> Judicial District has doubled while the number of judges has remained the same; and

WHEREAS, currently the 18<sup>th</sup> Judicial District has the third largest caseload in the state per judge with nearly 1,200 case filings per year as of 2003, making the caseload per judge among the highest of any district in this state and creating extraordinary workload<sup>2</sup>; and,

WHEREAS, the Gallatin County Commissioners are committed to providing appropriate space for a third judge; and,

WHEREAS, in view of its projected rate of growth, the County's 20 year space and facility plan, developed in consultation with a national firm, includes space for four district court judges;

NOW THEREFORE BE IT RESOLVED THAT, the Board of Directors for the Gallatin County Bar Association supports the addition of a third district court judge for the 18<sup>th</sup> Judicial District.

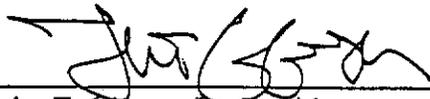
DATED this 9<sup>th</sup> day of November, 2004.

[Directors' signatures follow on next page]

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<sup>1</sup> 1996 Montana County Statistical Report by Martin & Meagher, Woods and Poole Economics Inc., 1998.

<sup>2</sup> 2003 Annual Report of Montana Judiciary, Montana Supreme Court Office of the court administrator.



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John T. Glover, Jr., President



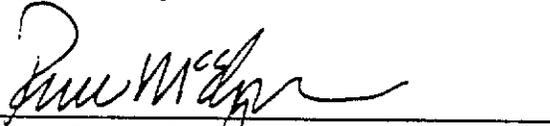
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Lynda Sedivy White, Treasurer



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Dorie Benesh Refling, President-Elect



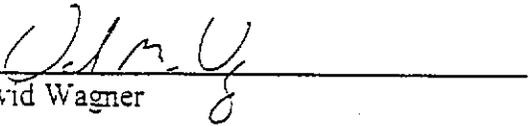
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Wm. Russell McElyea, Past President



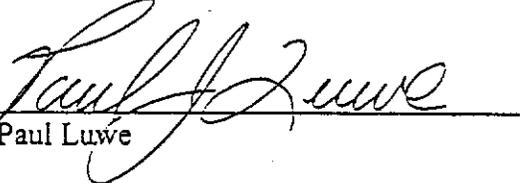
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Christopher Williams, Secretary



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David Wagner



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Paul Luwe



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Phyllis Beck

## OUR OPINION

# The time for a third state district judge here is now

**O**ne of the most essential services government provides is an adequate criminal justice system, and the state is failing to provide that service in Gallatin County.

Rapid growth has brought a lot of economic benefits to the Bozeman area, but it has also produced an unworkable burden of criminal and civil cases for the county's two state district judges. And justice delayed, as they say, is no justice at all.

The numbers tell the tale: When a second judge was appointed for the county in 1979, there were 1,430 cases filed in this district; in 2002, that number had risen to 2,233, a 56 percent increase. Do the math: That's 1,116 cases per year per judge, or 21 cases a week, more than four cases a day. Pity anyone seeking swift justice in that situation.

The District Court Council in Helena voted 4-1 last month to recommend a third judge in Gallatin County. And county officials have identified space for the judge and a court within the Law and Justice Center.

*This is a nonpartisan issue. We all have an interest in speedy justice just on moral grounds, but there's also the ever present possibility that any one of us could need the services of the court*

The ball's now in the court of state lawmakers who will have to authorize the court, and that's going to cost money. But some urgent considerations come before worrying about higher taxes.

Local officials are cautiously optimistic that the Legislature will approve the third judge for this district, and a bill to that effect already has been introduced for the session to begin in January. If approved, a judge could be appointed by Gov.-elect Brian Schweitzer to take office in January of 2006.

This is a nonpartisan issue. We all have an interest in speedy justice just on moral grounds, but there's also the ever present possibility that any one of us could need the services of the court — for a divorce, child-custody dispute, personal injury litigation or even criminal charges.

If and when that day comes, we have a right to expect the court to be able to bring our case to an equitable resolution within a reasonable amount of time.

Projections are that Gallatin County's growth isn't going to slow down any time soon, and continued growth will produce more cases for the court. The time to address this pressing need is now.

## GALLATIN COURT CASELOAD AND POPULATION GROWTH STATISTICS

- Each Gallatin County judge had 1,198 cases for 2003. There has been an average of 255 cases filed per month since January 2004.<sup>1</sup> From this trend it is expected that the district court caseloads will increase to 3,060 per year or 1,530 per judge.
- In 2003, Gallatin County had the third most case filings per judge in the state.<sup>2</sup>
- The 2003 average new case filing per judge in Montana is 425 per year. Gallatin County had nearly 3 times as many with nearly 1,200 per judge as of 2003.
- Gallatin County's population in 1980 was 42,865 with two district court judges serving the county. In 2003, the estimated population was 73,243 and is expected to rise to 90,000 by 2010.<sup>3</sup>
- Gallatin County is now the second fastest growing county in the state.
- With increased population, there will continue to be increased criminal and civil case filings to the point that by 2007, Gallatin County will likely be the busiest judicial district in Montana.
- There is demonstrated need that two additional judges will be needed to adequately serve the citizens of Gallatin County.

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<sup>1</sup> Gallatin County Clerk of Court office; case filings through October 31, 2004.

<sup>2</sup> 2003 Annual Report of Montana Judiciary, Montana Supreme Court, office of the court administrator.

<sup>3</sup> 1996 Montana County Statistical Report by Marin & Meagher, Woods and Poole Economics Inc., 1998.