

State of Montana



Date 2-9-05
SB 355

First Judicial District Court

Lewis and Clark County

Hon. Thomas C. Honzel

Hon. Dorothy McCarter

Hon. Jeffrey M. Sherlock

February 8, 2005

Senate Judiciary Committee
PO Box 200500
Helena, MT 59620-0500

RE: Senate Bill **355**

Dear Mr. Chair and Members of the Committee:

Regrettably, we three judges of the First Judicial District are in court this morning and are unable to attend this hearing.

We enthusiastically support Senate Bill 355, which deletes a portion of Section 3-5-604 that was enacted in the last legislative session. That portion of the statute, subsection (3)(b), currently limits 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, receive 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 that equipment for each court reporter was several thousands of dollars.

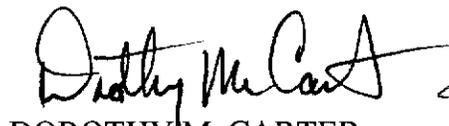
On that basis, we First Judicial District judges granted our court reporters a grievance they submitted, which the Lewis and Clark County Attorney continues to honor.

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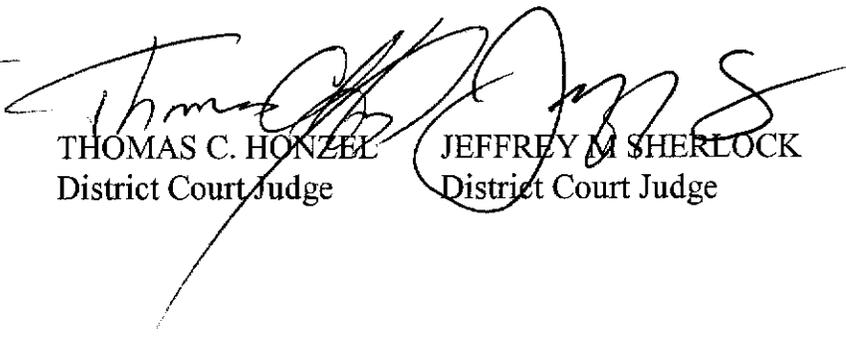
The District Court Judges across the State of Montana overwhelmingly support this bill and respectfully request your support.

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