EXHIBIT 7
DATE 1/18/2013
HB 172

Great Falls Municipal Court
Honorable Nancy J. Luth

PO Box 5021
Great Falls, MT 59403
Phone (406) 770-1380
Fax (406) 727-8069

TO: The 2013 House Judiciary Committee for the hearing on January 18, 2013

RE: HB 172 - Allow Montana State Bar Attorney member to serve as Judge Pro Tem

The request to amend MCA 3-6-204 is made for the following reasons:

1. A Municipal court judge in Montana must be admitted to practice law in Montana for 3 years prior to election or appointment; however,

2. MCA 3-6-204 requires a substitute Municipal Court Judge to be an attorney who has been a member of the State bar of Montana for 5 years or more.

3. The amending language would lift the years of practice requirement and allow the sitting judge to ask younger members of the Montana bar to sit in as judge. These young lawyers are well educated, eager and do not have a fully established law practice so are readily available to act for the sitting judge.

4. More experienced lawyers are often too busy with their own practice to sit in on a regular basis, therefore often the court clerks with no formal legal knowledge have to help them through proceedings. Lawyers who sit in often express that they agree to do so as a favor to the court.

5. This legislation would allow those of us who have hired law clerks to assist in our courts to appoint them to sit as substitute judges. Law clerks are attorneys who are admitted to practice in Montana but due to the limited pay tend to be new members of the bar. However because they work specifically in our courts, they are very well versed on our particular proceedings-thus needing no help from clerical staff to handle paperwork associated with the court proceedings.

6. Municipal Courts tend to operate at a very fast pace because of the large number of cases filed in our courts. It would be beneficial to allow the sitting Municipal court judge of any given jurisdiction to select his or her substitute judge without the over burdensome requirement of a mandatory number of years of practice so long as that person is member of the Montana bar; retired or practicing.

Thank you for your positive consideration of this matter.

Sincerely,

Nancy J. Luth
Municipal Court Judge