

MONTANA JUDICIAL BRANCH

Standing Master Overview

April 2016

□ Standing Masters:

- Judicial Branch employees authorized to hear matters in place of a District Court judge. The function is referenced in statute (see below). It is different from a special master, who is appointed on a case-by-case basis and paid by the parties.
- Standing masters usually hear domestic relations cases but can also manage preliminary work in child abuse and neglect and criminal matters.
- Standing masters are located in:
 - 2.0 FTE in the 4th Judicial District
 - 1.0 FTE each in the 8th, 13th and 18th Judicial Districts
 - 1.0 FTE shared by the 13th and 22nd Judicial Districts (new)
 - .5 FTE in the 9th Judicial District (new)
- The Workload Study Advisory Committee determined that standing masters count as .5 FTE judicial resource in the workload study. The decision is based on the significant limitation in the type of cases referred to a standing master.

□ 3-5-124. Standing masters -- reference -- powers. (1) A reference to a standing master must be made at the judge's discretion or by standing order of the district court.

(2) (a) The order of reference to the standing master may specify or limit the standing master's powers and may direct the standing master to present findings of fact and conclusions of law upon particular issues. Subject to the specifications and limitations stated in the order, the standing master shall regulate all proceedings in every hearing before the standing master and implement measures necessary for the efficient performance of the standing master's duties under the order.

(b) The standing master may:

(i) require the production of evidence upon all matters embraced in the reference, including the production of all books, papers, vouchers, documents, and writings that are applicable;

(ii) rule upon the admissibility of evidence unless otherwise directed by the order of reference;

(iii) put witnesses on oath and examine them;

(iv) call the parties to the action and examine them on oath; and

(v) issue temporary orders that are subject to review by the district court, upon objection by a party to the action.

(c) The standing master shall make a record of the evidence offered and excluded in the same manner and subject to the same limitations as provided in the Montana Rules of Evidence for a court sitting without a jury. Audio and video recordings are acceptable means of record so long as a master recording is properly preserved and can be transcribed for district court and appellate review.

MONTANA JUDICIAL BRANCH
Proposal Recommendation Highlights
2019 Biennium

New Judges' Package

- Two judges in the 13th Judicial District (Yellowstone County - one appointed in January 2018; other elected to take office in January 2019)
- One judge in the 4th Judicial District (Missoula/Mineral Counties - appointed in January 2018)
- One judge each in the 8th and 11th Judicial Districts (Cascade and Flathead Counties elected to take office in January 2019)
- One standing master in the 1st Judicial District with .5 Judicial Assistant (Lewis and Clark/Broadwater Counties - start date July 2017)
 - Each judge would receive the full staff (JA, Law Clerk and Court Reporter), funding for furniture and equipment, courtroom furnishings, court reporter equipment and audio/video

		FY18		FY19	Biennium
DISTRICT COURT					
New Judges & Staff	5.5 FTE	631,471.00	15.5 FTE	1,676,455.00	2,307,926.00