

The Legislative Fiscal Division Presents an Agency Profile of:

## The Judicial Branch

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### Definition of Terms

### Agency Description

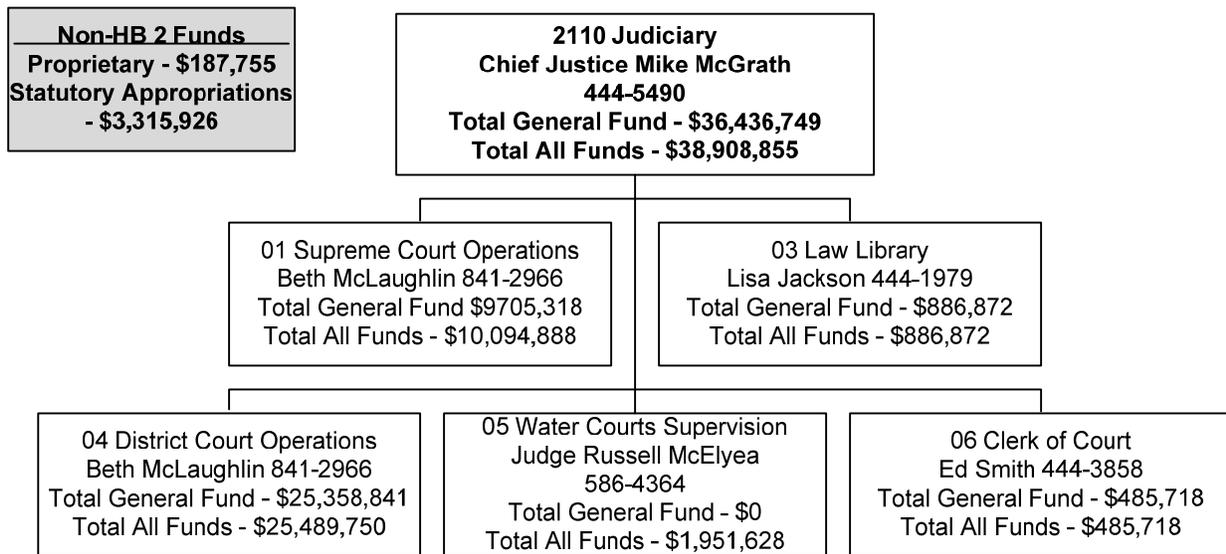
The Judicial Branch, an independent branch of government, provides an independent forum to resolve disputes, preserve the rule of law, and protect the rights and liberties guaranteed by the Constitutions of the United States and Montana. Additionally, Juvenile Probation is part of the District Court Operations Program within the Judicial Branch. The branch provides these services through:

- The Supreme Court, based in Helena, with seven justices
- District Courts (56 courts) split into 22 judicial districts with 46 district court judges, and staff including law clerks, assistants, court reporters, support staff, and juvenile probation officers
- A Water Court with a chief judge, associate water judge, and various water masters and administrative staff specializing in adjudication of water rights
- Boards, commissions, and councils that oversee various aspects of legal practice in the state
- A state law library in Helena
- A Clerk of Court for the Supreme Court

The Supreme Court Justices and District Court judges are elected through a nonpartisan ballot. The Clerk of the Supreme Court is also an elected official.

Article III, Section I, and Article VII of the Montana Constitution authorizes the Judicial Branch. There are five programs within the branch: 1) Supreme Court Operations; 2) Law Library; 3) District Court Operations; 4) Water Court Supervision; and 5) Clerk of the Supreme Court.

Below is an organizational chart of the agency including general fund appropriations, statutory appropriations, proprietary funds, and total funds.



The Judicial Branch provides services through the following courts and supporting functions.

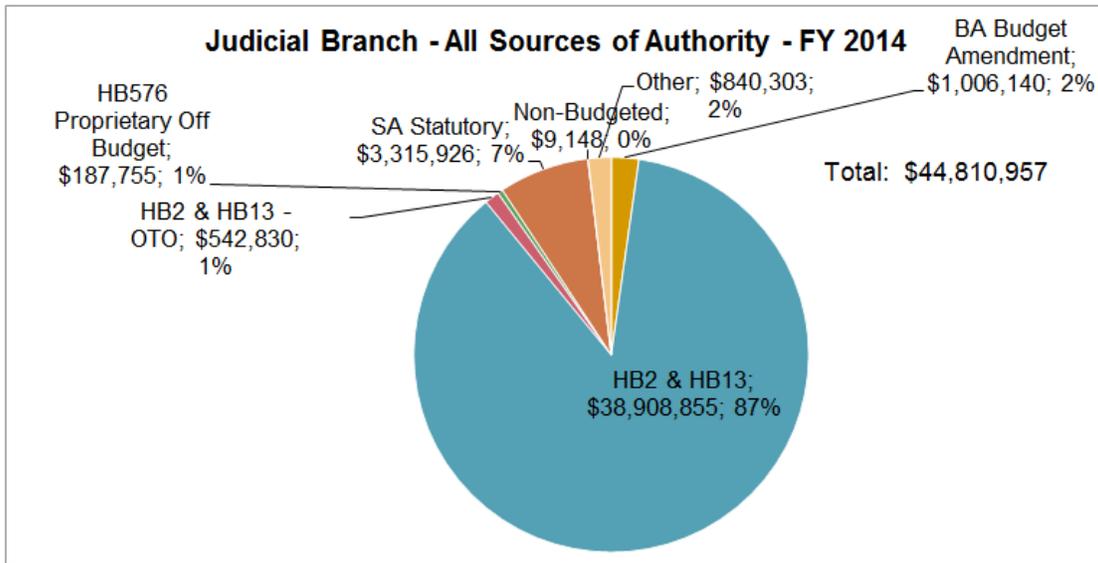
The Montana Supreme Court, which is a court of review and a court of original jurisdiction. The court has jurisdiction over appeals from all Montana district courts. This court also hears appeals from the Water and the Workers' Compensation Courts. It has original jurisdiction to hear and determine writs, attorney discipline, rules governing appellate procedure, and practice and procedures for the other courts. It also has supervisory control of all state courts and the entire judicial system. Under this court is the Office of Court Administrator who is the appointed administrative officer of the Supreme Court, administrative services, court services, and information technology development and support. The court uses boards and commissions to assist it in matters involving rulemaking and oversight of Judicial Branch functions in Montana. Among the boards and commissions within the branch are the: Sentence Review Board, Commission on Practice, Commission on Courts of Limited Jurisdiction, Judicial Standards Commission, and the Judicial Nomination Commission. The Clerk of the Supreme Court, an elected official, conducts the business of the Supreme Court, including controlling the dockets and filings, managing appellate mediations, maintaining the official roll of Montana attorneys, and licensing for the attorneys.

District courts are courts of general jurisdiction that process felony cases, probate cases, civil cases and actions, special actions and proceedings, naturalization proceedings, writs, and ballot issues and have some appellate jurisdiction of cases from courts of limited jurisdiction. Included in district courts is a function for overseeing probation of juveniles. Except for clerks of court or other elected county officials, operations of district courts including judges are funded by the state.

The Water Court adjudicates state law-based water rights and federal and Indian water right claims.

The State Law Library, governed by the board of trustees composed of the seven members of the Supreme Court, provides resource information to the public and those working within the court system.

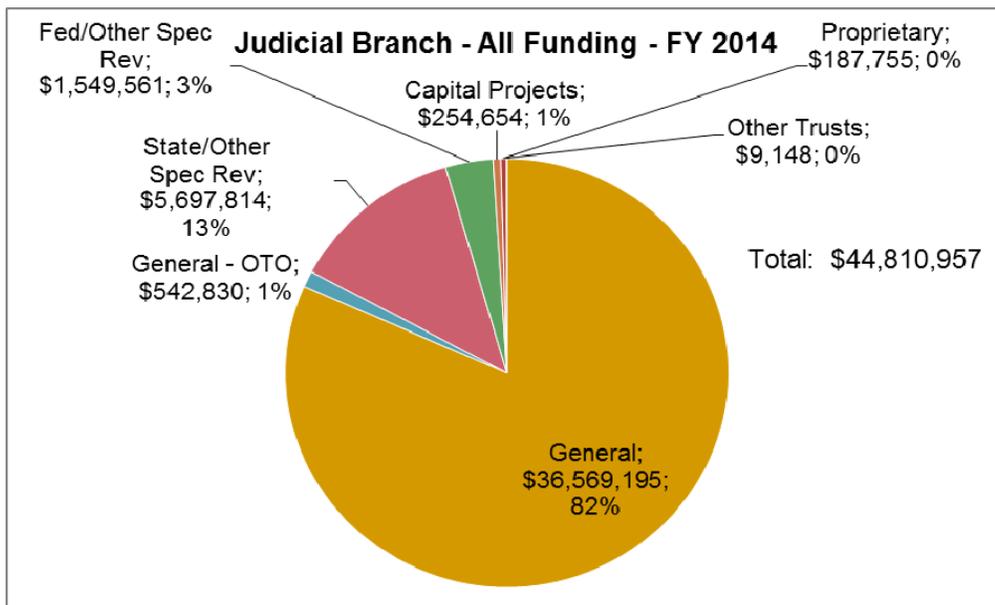
## Sources of Spending Authority



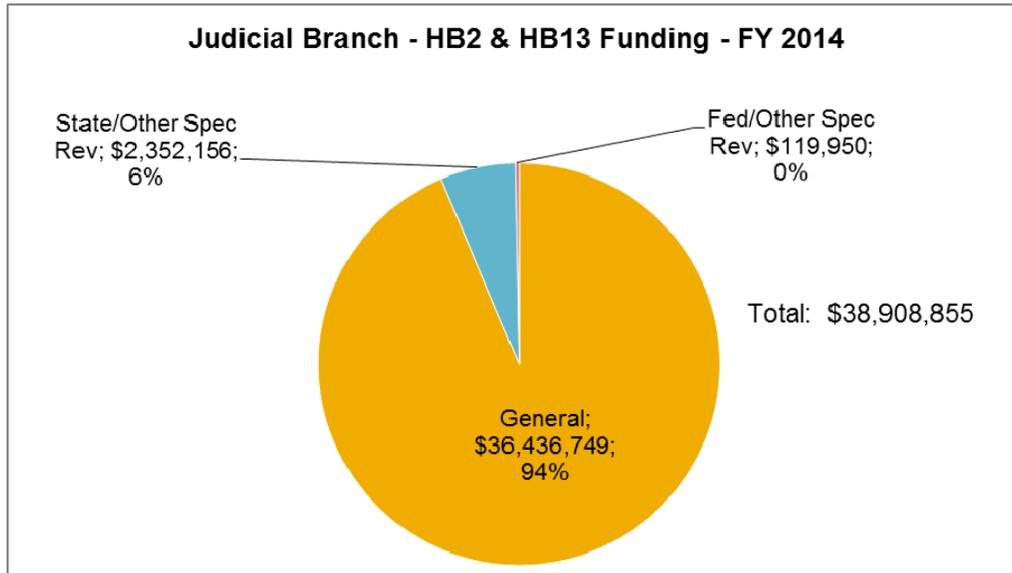
The above chart shows the sources of authority for the Judicial Branch. The accounting term “off base” includes one-time-only appropriations for guardian ad litem services in the 2nd judicial district and the Court Help Program. Other legislative appropriations (sometimes called cat and dog bills) are included in the above categories as appropriate. For a more detailed description of accounting terminology, please refer to the definition of terms.

## HB 2 Funding

The following charts show the agency’s HB 2 funding authority by fund type and all sources of its total funding authority.

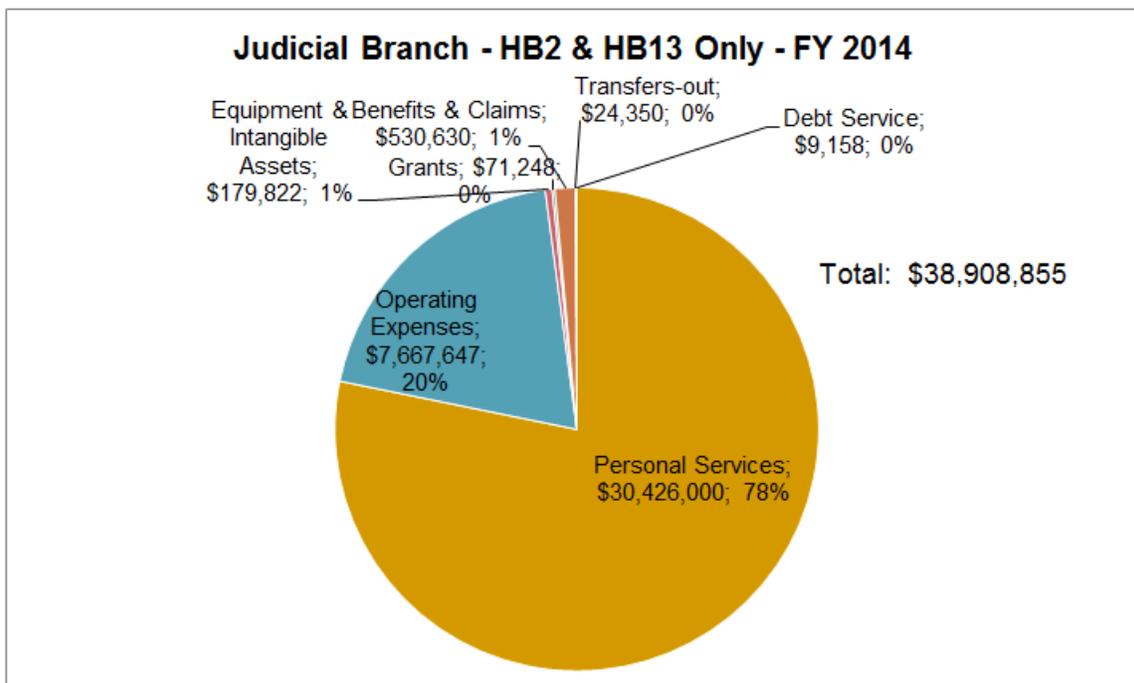


This chart matches the agency chart found in the 2015 Budget Analysis. Some minor discrepancies may occur as a result of rounding.



## Expenditures

The next chart explains how the HB 2 authority is spent. Personal services funds costs of Montana Supreme Court and district court judges, judicial assistants, court reporters, juvenile probation officers, and other support staff, except clerks of district courts. Operating expenses includes operating costs for the Montana Supreme Court and district courts, the law library, and clerk of courts office.



## How the 2015 Legislature Can Effect Change

In order to change expenditure levels and/or agency activity, the legislature must address one or more of the following factors that drive costs:

- Change constitutional guarantees and/or provisions related to the judicial system
- Impact caseloads by changing statutes – criminal and civil proceedings. Also, in some cases dollar value of the crime directs the case to either a district court or lower court. Cases could be shifted between courts by changing the dollar threshold. This could create cost shifts since the state funds district courts while counties and cities fund lower court activities
- Increase or decrease the number of courts and/or create specialty courts (for example, family court, drug court, treatment courts). A change in the number and/or function(s) of a court may also increase or decrease efficiency, and thus increase or decrease costs
- Change the number of counties in the state, which would in turn change the number of courthouses to be staffed and maintained
- Use of technology, such as video conferencing, may impact costs
- Change statutory requirements related to how courts are funded

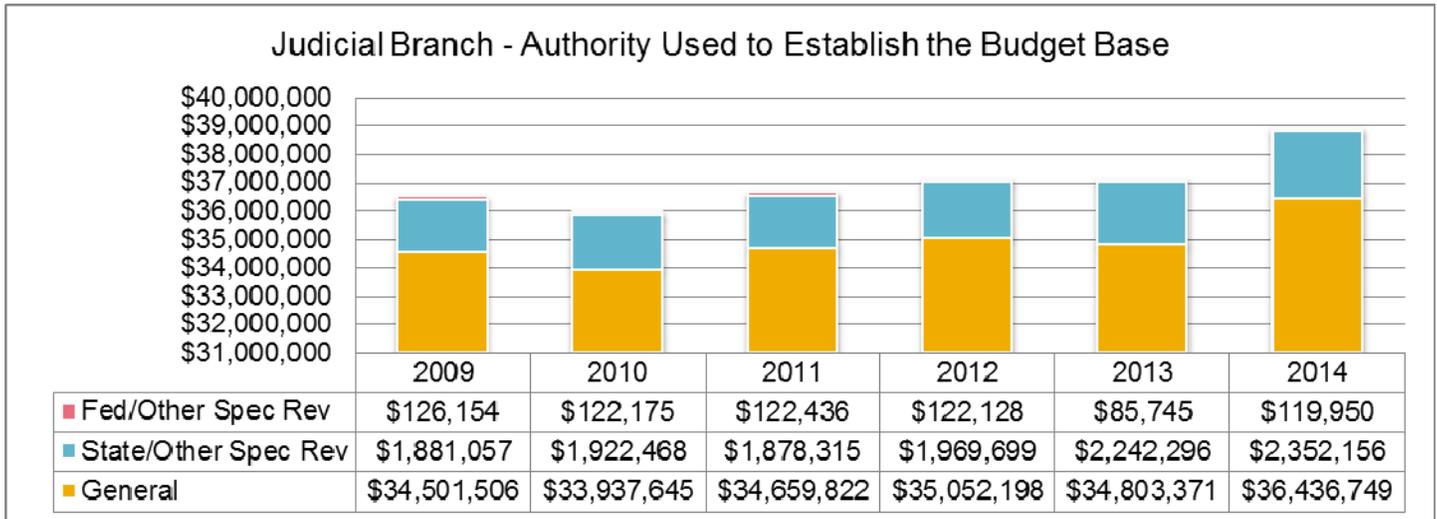
## Major Cost Drivers

Driver	2002	2013	Significance of Data
New district court cases filled and reopened - Abuse and Neglect	906	1,527	Shows caseload impacts of abuse and neglect cases
New district court cases filled and reopened - Criminal	7,046	9,147	Shows caseload impacts of criminal cases
New district court cases filled and reopened - Civil	10,673	18,899	Shows caseload impacts of civil cases
New district court cases filled and reopened -Domestic Relations	8,003	10,732	Shows caseload impacts of domestic relations cases
New district court cases filled and reopened - All Cases	33,443	52,105	Shows caseload impacts of all cases on district courts
New case filings - Montana Supreme Court	793	860	Shows caseloads of Montana Supreme Court
Court cases are shown for calendar year			

The table above provides some cost drivers that can indirectly impact the operating costs of the department.

## Funding/Expenditure History, Authority Used to Establish the Budget Base

The following figure shows how expenditures in base of HB 2 have been funded for the period from FY 2009 through FY 2014. Over the period, base funding has not changed materially.



## Major Legislative Changes in the Last Ten Years

The following legislative changes have impacted the funding for the Judicial Branch:

- A surcharge on court cases was increased from \$5 to \$10 for funding of court technology in HB 18 of the 2003 Legislature
- A statewide public defender system was established and the functions were moved from the branch in SB 146 of the 2005 Legislature
- A district court judge was added to the 18th judicial district by SB 18 of the 2005 Legislature
- Funding previously established from a surcharge on court cases was directed for deposit into the general fund and general fund began funding court automation costs in HB 536 of the 2005 Legislature
- The Juvenile Delinquency Intervention Act was revised as were the Department of Corrections and the branch in SB 146 of the 2007 Legislature
- An accelerated water adjudication program was established in HB 473 of the 2007 Legislature and \$25 million general fund was transferred to the water adjudication state special revenue account to fund the program through FY 2020
- Long-range information technology program funding was appropriated in HB 4 of the May 2007 Special Session for case management and courtroom technology improvements
- Three district court judges, in the 1st, 11th, and 13th districts, were added by SB 158 of the 2009 Legislature
- An associate water judge was added to the water court by HB 587 of the 2011 Legislature
- HB 107 of the 2013 Legislature assigned funding responsibility for court appointed guardian ad litem and court appointed special advocate in an abuse and neglect petition

For further information, you may wish to contact the agency at:

Montana Supreme Court  
Justice Building  
215 N. Sanders  
P.O. Box 203001  
Helena, Montana 59620-3001  
Phone: 406-444-5490  
Fax: 406-444-3274  
web: <http://courts.mt.gov>  
Office of the Court Administrator

Room 328, Park Avenue Building  
301 S. Park  
P.O. Box 203005  
Helena, Montana 59620-3005  
Phone: 406-841-2950  
Fax: 406-841-2955