

From: Menzies, Lois
Sent: Monday, August 30, 2010 3:31 PM
To: Moss, Sen. Lynda; Peterson, Rep. Ken; Rep. Cindy Hiner; Rep. Janna Taylor; Rep. Shannon Augare; Sen. John Esp; Sen. Keith Bales; Sen. Steve Gallus
Cc: Gervais, Pat (LEG)
Subject: Requested Information
Attachments: Ref book subcomm questions 0810.doc

Dear Reference Book Subcommittee members,

At your July meeting, you requested cost information related to court closures and law clerks. Attached is a short letter providing this information. Thank you.

Lois

Lois Menzies, Court Administrator
Montana Supreme Court, Office of Court Administrator
301 South Park Avenue, Room 328
PO Box 203005
Helena, MT 59620-3005
(406) 841-2957
lmenzies@mt.gov

The Supreme Court of Montana
Office of Court Administrator

Lois Menzies
Court Administrator
e-mail: lmenzies@mt.gov



301 South Park Avenue, Room 328
PO Box 203005
Helena, Montana 59620-3005
Phone: (406) 841-2957
Fax: (406) 841-2955

TO: Members of the Reference Book Subcommittee
FROM: Lois Menzies, Court Administrator
DATE: August 30, 2010
SUBJECT: Response to Questions

The following information is provided in response to questions asked by the Reference Book Subcommittee at its July meeting:

- What savings might be generated by closing the 56 district courts one day per week?

This proposal would result in a 20% pay cut for judicial assistants, court reporters, and law clerks who assist the 43 district court judges throughout the state. A 20% pay cut for these 120 employees would generate approximately \$1.46 million per year.

As we noted at the meeting, this proposal would:

- reduce citizens' access to judicial services by 20%;
- exacerbate the current backlog in cases in urban judicial districts; and
- further delay resolution of civil disputes -- small business claims, domestic relations cases, probate matters -- because other cases take priority (e.g., criminal, child abuse and neglect, commitment, and juvenile cases).

Because courthouse expenses and the operation of the Clerk of District Court's offices are county expenses, court closures would not generate state general fund savings from these sources.

- What savings might be generated by eliminating all law clerk positions in the district courts?

Eliminating the 39 district court law clerks throughout state would generate \$2.6 million per year.

During the meeting, it was suggested that the role of law clerk could be performed by legal counsel for the parties to a case. In fact, a judge may ask the attorneys in a case to submit proposed findings of fact and conclusions of law. However, in complex legal cases, it is unlikely that most private attorneys would be able to devote the time and resources necessary to conduct legal research regarding motions and other matters pending before a judge. Furthermore, the objectivity of the research may be at question if the source is a party to the case.

In addition to conducting legal research, a senior law clerk may function as a special master, settlement master, or judge pro tempore and preside at court hearings, omnibus hearings, pretrial conferences, and scheduling conferences. These services keep cases moving and often help reduce the number of cases going to trial. Without a law clerk, these duties would fall upon the judge resulting in further court congestion.

Please let me know if you have additional questions or need further information.