

assigned functions and duties:

The Court Administrator's staff supported several of the Boards and Commissions that the Court utilizes in order to discharge its general supervisory responsibilities delegated by the Constitution and specific legislative acts. The Court Administrator has 2 full time staff that perform support tasks for the Commission on Practice, Board of Bar Examiners, Sentence Review Division, Judicial Standards Commission, and Judicial Nominations Commission. Other boards and commissions do not require intensive support but the office provides support when it is necessary.

The District Court Criminal Reimbursement and Grant-In-Aid Program in 1995 reimbursed 100 percent of the valid claims presented. The total amount distributed in 1995 to county courts was \$2,614,254.59. In addition to the reimbursed expenses, the program also distributed \$965,010 in grant awards to county courts.

In 1993, the Legislature, under SB 271, (41-3-1101 through 41-3-1114 MCA) sponsored by Senator Judy Jacobson, placed a new program with the Office of the Court Administrator. This bill enacted a pilot Foster Care Citizens Review Board, that would have OCA train local community volunteers to review foster care placements in selected pilot sites around the state. These boards are to advise and make recommendations to the Department of Family Services and the District Judges to ensure that the needs of children are considered and that the placement plans for children lead to as short of stay in nonpermanent status as possible. During 1995, two Judicial Districts have totally operational Review Boards. The success of the program has convinced the Supreme Court to propose increased funding in the next biennium.

In 1993, the United States Congress passed the Federal Family Preservation and Support Act which authorized a federally funded program to assess the foster care system in it's entirety. The act required

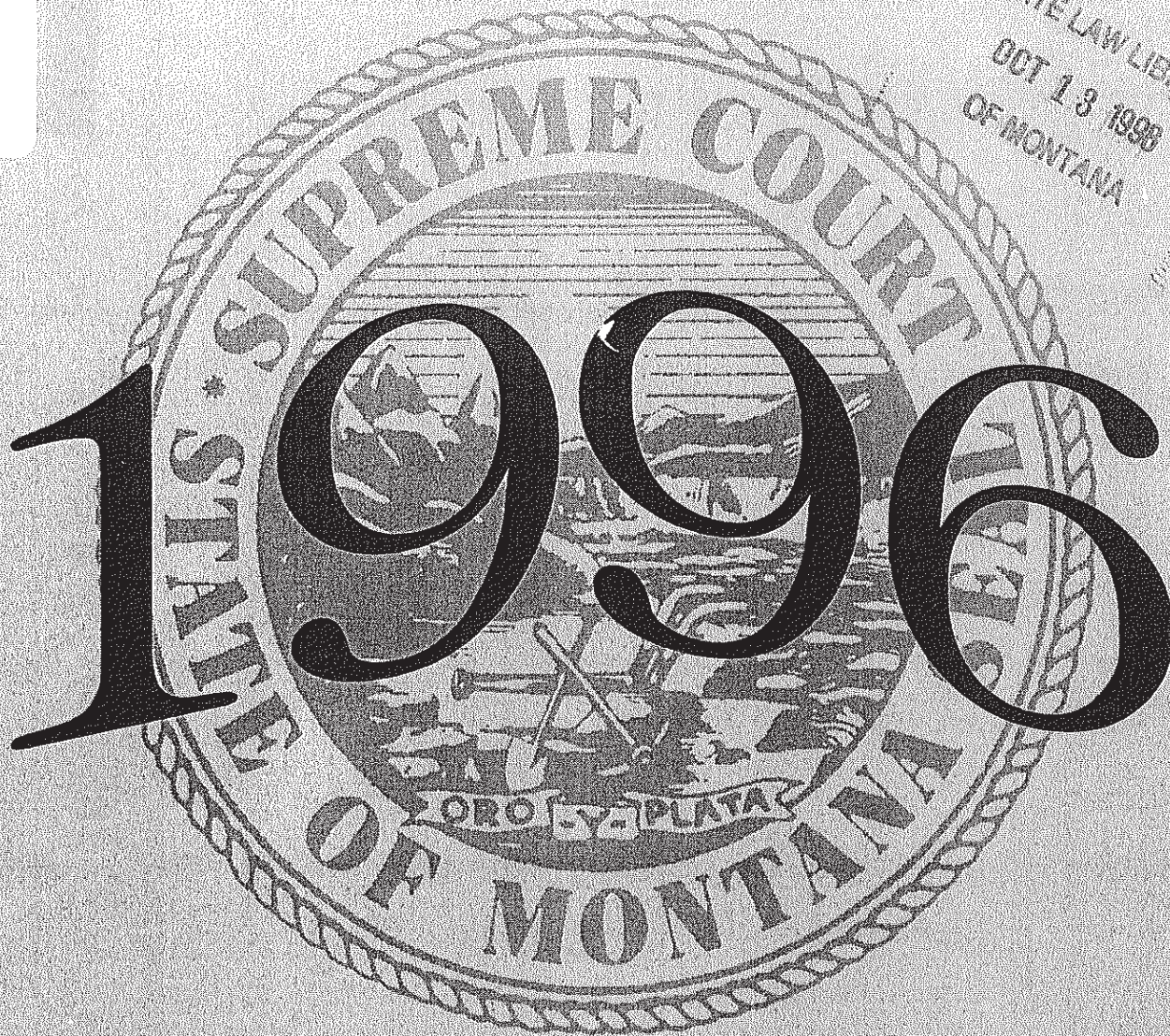
that in each state the highest court apply for this funding . The Montana Supreme Court through the OCA, applied for these funds along with 48 other states. The Legislature funded the program at 100% federal funds for the first year of the five year act and at 75% for the remaining four years. The Legislature authorized the corresponding state match for the second and third years during the 1995 session. In 1995 the OCA has been busy working on the assessment with the assistance of a Court named Advisory Board made up of collaborating interested parties.

In 1995 the Court Administrator's Office coordinated two District Judges Conferences, as well as participated in the annual Five State Judicial Conference held in Rapid City, South Dakota. The states of North Dakota, South Dakota, Wyoming, Idaho, and Montana participate. In 1996 the Montana Judiciary will be the host state for this conference. The OCA has started initial planning for this conference with the theme centered on Native American Issues. The Five State Conference is totally funded through registration fees charged to participating state supreme court justices and general jurisdiction judges.

The Court Administrator, with direction from the Commission on Courts of Limited Jurisdiction, planned, coordinated, and staffed two conferences for Justices of the Peace, City Judges and a Municipal Judge. A total of 37 hours of State Bar certified continuing legal education instruction was given at these two conferences. Again in 1995 the Montana Judicial Institute was coordinated by the OCA for 30 participating judges. This Institute was funded by a grant from the State Justice Institute for 1994 and 1995 and the Commission and OCA will continue to pursue funding for this excellent education instrument for future years.

The Court Administrator participated in the Montana Clerks of Court Certification Conference as well as the Annual educational conference. In 1995 the OCA secured funding from the Legislature to assist the district court clerks in educational programs.

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statutory changes to the legislature and should continue through 1998.

CITIZEN REVIEW BOARDS

During the 1993 Montana Legislative Session, a bill was introduced by Senator Judy Jacobson establishing the Local Citizen Review Board for foster care placement. During the November-December 1993 special session, the legislature clarified the pilot program act to provide that the Montana Supreme Court Administrator's Office be the entity to administer the program.

As a result of the implementation of the pilot program, one full-time Program Supervisor was hired with the assistance of a part-time law clerk to initiate the program. After the first year, rules were drafted, a training manual was written, board members were recruited and trained, and the first judicial district was set up with hearings taking place. As the program expanded, a full-time coordinator and a part-time secretary were added.

The function of the board is to examine cases where a child has been removed from his or her home, for reasons of alleged delinquency, abuse or neglect. The first review occurs no more than six months after the child is placed in substitute care. Subsequent reviews occur at least every six months until the child is no longer in substitute care. The reason behind the legislation was to create an impartial review body, separate from the Department of Public Health and Human Services (DPHHS), to review children's placement.

Each local board comprises five citizen volunteers. These volunteers represent a socio-economic and ethnic cross-section of their communities. They possess unique experience and knowledge in child welfare issues and are particularly interested in the welfare of Montana's children. The volunteers are appointed by the District Court Judges and serve without compensation.

Training of volunteer members is a crucial part of the citizen review process. Citizen members receive training in placement issues and review procedures in order to properly fulfill their responsibilities. They are given a complete training manual which includes applicable laws and procedures. Each member is required to complete a full day of training prior to serving on the board. After the initial training is complete, they take an oath of confidentiality which is administered by a District Court Judge. All

volunteers agree not to disclose information that is obtained during the reviews.

Continuing training is provided for citizen review boards that have been in existence for one year. Review board members receive three to four hours of training quarterly on issues relating to foster care.

Each case review focuses on 1) whether reasonable efforts were made to return the child home; 2) appropriateness of the placement; 3) compliance with the case plan; 4) projection date for reunification with family or placement for adoption or legal guardianship; 5) other problems, solutions, or alternatives that the board determines should be explored; and, 6) whether the District Court should appoint an attorney or other person as special advocate to represent or appear on behalf of the child. Based upon the findings presented, the board makes recommendations to the District Court and DPHHS regarding the child's case plan.

Once the board begins reviewing a child's case, every attempt is made to have that same board continue to review that child's case every six months, or more often if the board determines the case is not progressing. One of the main goals of the program is to obtain continuity in the system. Many times a child will have several different case workers and many placements. Once a child is assigned to a board, that board will continue to review the child for as long as he or she remains in foster care. Siblings are usually reviewed together.

The board's findings and recommendations are sent to all parties who were invited to attend the review, including the court that placed the child, the child's guardian ad litem, the Court-Appointed Special Advocate (CASA), the agency responsible for the child, and the county attorney. When applicable, recommendations are also sent to the tribal court, the child's parole officer, or the probation officer. The agency responsible for the child must implement the recommendations of the board within seventeen days of receiving the report. Should it disagree with any of the recommendations, it must respond to the board in writing within seventeen days. The citizen review boards may also make recommendations to the legislature concerning services, policies, procedures, and laws which affect these children.

Citizen review boards are currently operating in three judicial districts. The Fourth Judicial

District, consisting of Missoula and Mineral Counties, has three boards which have been in place since December of 1994. The Second Judicial District, encompassing Butte/Silver Bow County, has three boards which began reviews in December of 1995. The program expanded to the Eighteenth Judicial District, Gallatin County, and reviews began in June of 1996.

DISTRICT COURT CRIMINAL REIMBURSEMENT PROGRAM

The District Court Criminal Reimbursement Program, enacted by SB25 and SB142 during the regular session of the 1985 Legislature, established an expanded state assumption of certain expenses associated with criminal proceedings in Montana's District Courts.

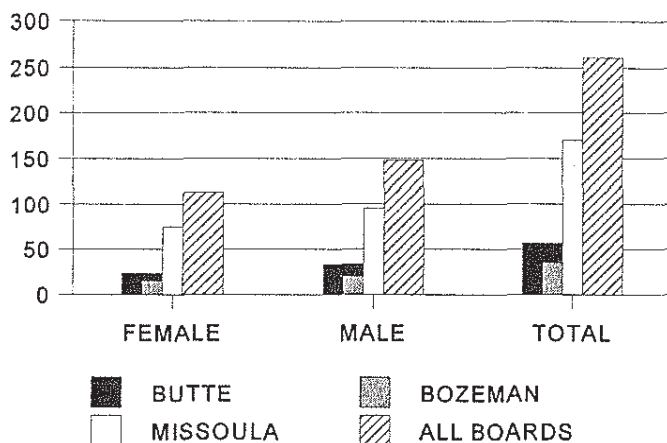
The District Court Criminal Reimbursement Program reimburses counties for certain adult criminal expenses. The program, as outlined by §3-5-901, MCA, applies to eligible expenses in the following five categories:

- A percentage of court reporters' salaries;
- The cost of transcripts of eligible criminal proceedings;
- Psychiatric examinations in criminal proceedings;
- Witness and jury expenses of criminal proceedings;
- Indigent defense expenses of criminal proceedings.

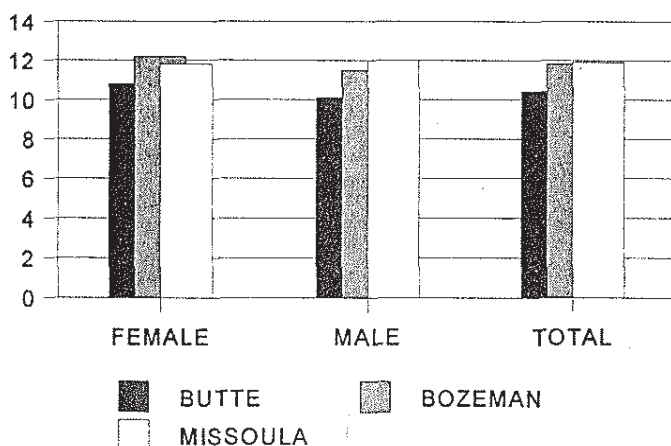
Program revenues derive from a portion of the motor vehicle license tax.

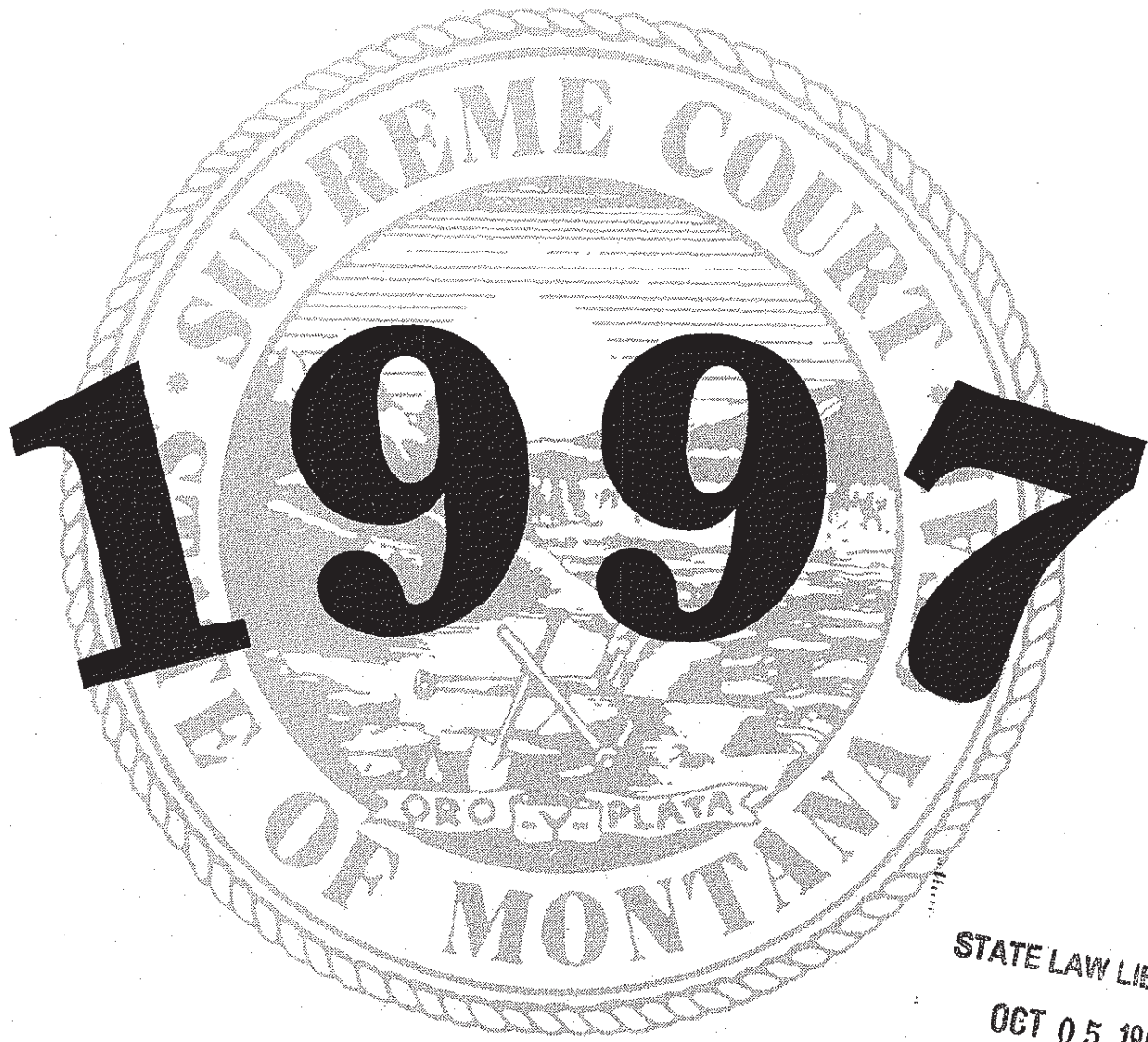
If a balance remains after all reimbursements are made, that balance must be awarded to counties in the form of a grant. The grant is based on whether the county has expended funds over and above its maximum mill levy set by law for district court expenses.

Number of Open Cases
by Citizen Review Board, by Gender



Average Age of Open Cases
by Review Board, by Gender





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Court Assessment Program

The Court Assessment Program was very involved in implementing new legislation to amend the Child Abuse and Neglect Act. The amendments included: setting deadlines for all temporary orders; requiring the court to conduct a permanency planning hearing within twelve months of the initial hearing if the child is in out-of-home care; creating a legal status (long-term custody) for children who cannot return home but it is not in their best interest to terminate parental rights; setting forth the burden of proof for each stage of the proceeding; clarifying that a guardian ad litem represents the best interest of the child; and identifying that child welfare proceedings were subject to the Indian Child Welfare Act. In addition to statutory changes in the Child Abuse and Neglect Act, the Program assisted in drafting and lobbying for legislative changes to Montana's adoption laws and guardianship statutes. Efforts on both fronts were successful.

The Court Assessment Program then worked to educate participants in abuse and neglect litigation as to the new laws and the importance of permanency for children. The Program invited a representative from the American Bar Association Center on Children and the Law to speak at the state bar conference in the spring, and organized and conducted a fall Bench/Bar Permanency Planning Seminar with prominent speakers on the judiciary's effect on permanency for children. In addition, the Program received a grant from the Montana Families for Kids Project to implement an Indian Child Welfare Act training program that was offered in twelve locations to tribal and state judges, attorneys and social workers. The Program also encouraged and sponsored judicial attendance at national conferences regarding abuse and neglect case procedures and policies.

The Court Assessment Program received a grant from the State Justice Institute to examine what factors will encourage district court judges to use technologies in their courts and to make recommendations as to what technologies can and will be used to expedite hearings in abuse and neglect cases. The Program also established a link to the State Law Library's Web page to provide information to participants in abuse and neglect cases about residential and non-residential treatment facilities, programs for parents, and health resources. The Program investigated funding resources for appointments of attorney guardians ad litem, and encouraged the collaboration and communication between volunteer lay advocate groups by sponsoring state meetings of directors for local programs. The Program worked with the University of Montana School of Law to pursue funding for a child advocacy clinical program at the law school. Though 1997 efforts were unsuccessful, the pursuit continues due to the critical need for training new lawyers regarding child advocacy issues.

The 1997 Adoption and Safe Families Act provided for a three-year extension of court improvement projects. The Court Assessment Program will pursue the state match in the 1999 legislative session to continue its efforts in court improvement.

Citizen Review Board Program

This program was authorized and attached to the Supreme Court Administrator's Office by statute in 1993. The program was organized as a pilot project and was charged with conducting impartial and independent reviews of foster care placements made by the Montana Department of Public Health and Human Services (DPHHS). Case reviews are conducted by local citizen boards comprising five volunteers who have demonstrated an interest in and knowledge of child welfare issues. These volunteers are appointed by local district court judges and are sworn to respect the confidentiality of all cases reviewed. Volunteers also receive initial and on-going training in review procedures and placement issues and are provided program

manuals prepared by program staff.

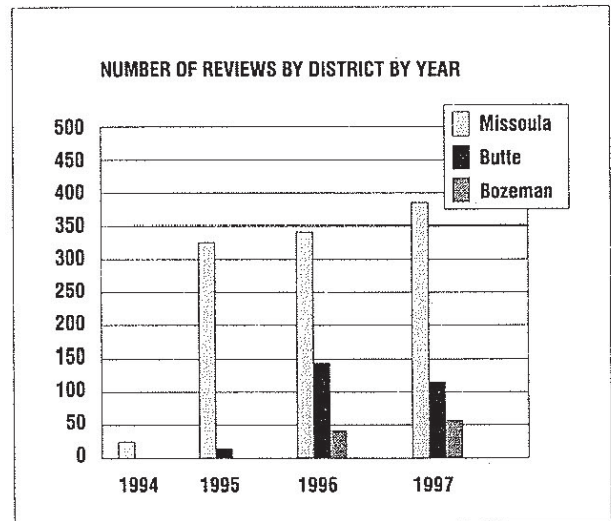
The initial pilot program site was the fourth judicial district, comprising Missoula and Mineral counties. The program subsequently was expanded to incorporate the second and eighteenth judicial districts, in Butte and Bozeman, respectively.

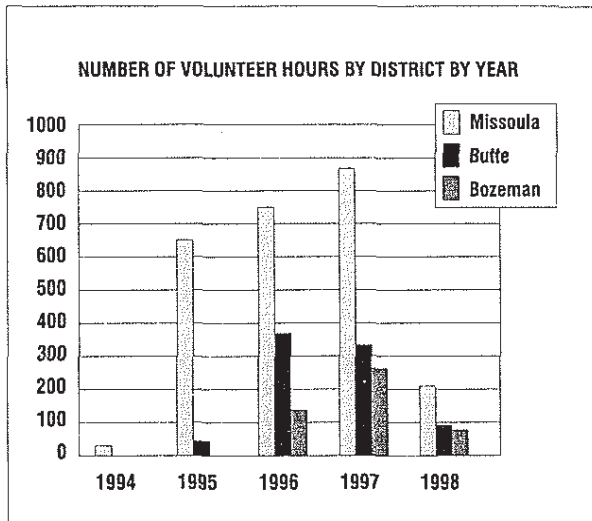
Case reviews are to consider:

- 1) Whether reasonable efforts were made to return each child to the natural home;
- 2) The appropriateness of all placements;
- 3) Compliance with the child's case plan;
- 4) A projected date for family reunification or placement for adoption or legal guardianship;
- 5) Other issues important to the individual case; and
- 6) Whether the district court should appoint a special advocate for the child in question.

The initial case review is to occur within six months of initial placement of the child in substitute care. Subsequent reviews are to occur at least once every six months until the child is no longer in substitute care. Parents, foster parents, DPHHS case workers, guardians, volunteers, the child and other interested parties are invited to case reviews. Review results are forwarded to the DPHHS. That agency must either implement the Citizen Review Board recommendations or explain in writing why the recommendations cannot be implemented.

Number of cases in the graph are reflected by the number of reviews that were conducted. The first program site was Missoula. They began their reviews in December of 1994. The second program site, in Butte, began reviews in December of 1995, and the third program site, in Bozeman, began reviews in June of 1996. Caseloads vary in number in the three judicial districts.





Hours in the graph are reflected by the number of reviews that were conducted. The hours reflected in the chart only calculate the actual hours spent at reviews. It does not include the number of hours the volunteers spent in training and the number of hours they spent reading case files, formulating questions, and preparing for the reviews.

District Court Criminal Reimbursement Program

The District Court Criminal Reimbursement Program, enacted by SB 25 and SB 142 during the regular session of the 1985 Legislature, established an expanded state assumption of certain expenses associated with criminal proceedings in Montana's District Courts.

The District Court Criminal Reimbursement Program reimburses counties for certain adult criminal expenses. The program, as outlined by 3-5-901, MCA, applies to eligible expenses in the following five categories: 1) a percentage of court reporters' salaries; 2) the cost of transcripts of eligible criminal proceedings; 3) psychiatric examinations in criminal proceedings; 4) witness and jury expenses of criminal proceedings; and 5) indigent defense expenses of criminal proceedings.

Program revenues derive from a portion of the motor vehicle license tax.

If a balance remains after all reimbursements are made, that balance must be awarded to counties in the form of a grant. The grant is based on whether the county has expended funds over and above its maximum mill levy set by law for district court expenses.

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and practice in child protection cases.

The Program established Court Appointed Special Advocate/Guardian Ad Litem (CASA/Gal) of Montana, a statewide organization, to support local lay advocate guardian ad litem programs. The Program also assisted the Cascade County Law Clinic in the development of the Parents' Assistance Program. Staff organized and facilitated discussion on practice and procedures in child protection cases at the County Attorney's conference and is working with the Department of Justice to acquire additional staff attorneys to assist the county attorneys in child protection cases.

The Court Assessment Program looks forward to working with its advisory committee to continue its efforts in court improvement.

Citizen Review Board Program

The 1993 Montana Legislature passed a bill establishing the Local Citizen Review Board Pilot Program (CRB). The legislature was concerned that reviews conducted by DPHHS Foster Care Review Committees were not objective because reviewers were not independent. Citizen Review Boards perform impartial case reviews of placements independent of DPHHS. During the 1993 Special Legislative Session, the Program was attached to the Montana Supreme Court.

Board members were recruited and trained, and the Fourth Judicial District in Missoula was chosen as the first program pilot site. Citizen Review Boards are currently operational in three judicial districts: the Fourth Judicial District (Missoula and Mineral Counties); the Second Judicial District (Butte Silver Bow County); and the Eighteenth Judicial District (Gallatin County).

Accomplishments of the Citizen Review Boards

The volunteers appointed to CRB's contribute their time, effort, and talents by serving on the boards. In 1997, volunteers in the three districts donated approximately 1,455 hours in review and advocacy. This figure excludes preparation and training time. If volunteer service were calculated into dollars at \$10 per hour, it means the dollar value to the State of Montana would exceed \$14,550. Citizen Review Boards are a prime example of volunteerism.

Citizen Review Boards have held 1,830 case reviews since the program began in 1994. Missoula Review Boards have held 1,291 reviews since December 1994; Butte Review Boards have held 375 reviews since December 1995; and the Bozeman Review Board has held 164 reviews since June 1996. Citizen Review Boards have tracked over 590 individual children in foster care. In calendar year 1997, CRB's, along with DPHHS and the district courts, resolved 117 cases; 61 of those were adopted or returned home.

Another major accomplishment is the movement of children toward permanency. The average number of days a child was under a Temporary Investigative Authority Order has been reduced from 332 days in calendar year 1995, to 132 days in calendar year 1997. The average number of days a child was under a Temporary Legal Custody Order has been reduced from 497 days in calendar year 1995, to 165 days in calendar year 1997. Judges are placing a priority on children in out-of-home care and understand the importance for the need of a permanent home for these children.

Movement Toward Permanency by Year			
	1995	1996	1997
<u>Parental Agreement</u>			
No. of Youth	5	15	2
Average No. of Days	331	280	171
<u>Temporary Investigative Authority (TIA)</u>			
No. of Youth	39	62	32
Average No. of Days	332	218	132
<u>Temporary Legal Custody</u>			
No. of Youth	44	30	23
Average No. of Days	497	383	165

Summary

Many of the cases reviewed by the local CRB's had been adrift for two years or more, thus hindering permanency for these children. Urgency is a key factor to providing services to foster children and their families.

CRB's are important because they assist in resolving cases. Review hearings provide regular judicial oversight of children in foster care. The reviews hold DPHHS accountable and gets the community involved.

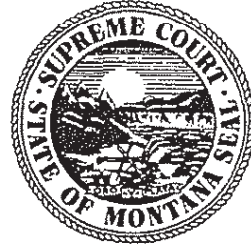
One of the most promising options to reduce the burden on an already stressed system, due to limited resources and lack of foster homes, is exploring extended family placements. CRB's continue to collaborate with social workers, permanency planning specialists, the Court Assessment Program, the Casey Family Program and others in the community, in order to become more creative in finding permanent placement for the children in foster care in Montana.

District Court Criminal Reimbursement Program

The District Court Criminal Reimbursement Program (DCCRP), enacted by SB 25 and SB 142 during the regular session of the 1985 Legislature, established an expanded state assumption of certain expenses associated with criminal proceedings in Montana's District Courts.

The DCCRP reimburses counties for certain adult criminal expenses. The Program, as outlined by 3-5-901, MCA, applies to eligible expenses in the following five categories: 1) a percentage of court reporters' salaries; 2) the cost of transcripts of eligible criminal proceedings; 3) psychiatric examinations in criminal proceedings; 4) witness and jury expenses of criminal proceedings; and 5) indigent defense expenses of criminal proceedings.

Montana Supreme Court 1999 Annual Report



Montana Citizens:

Montana's court system is comprised of three constitutionally-required levels, Supreme Court, District Courts, and Courts of Limited Jurisdiction. The court that most Montanans will come into contact with is the Limited Court. In 1999 these courts processed 282,099 case filings.

The District Courts are courts of general jurisdiction – they handle criminal cases, dissolutions of marriage, property and contract disputes, probates and estates, and other filings as well as appeals from the courts of limited jurisdiction. The case filings in these courts took a small down turn over 1998, from 34,669 filings to 34,086.

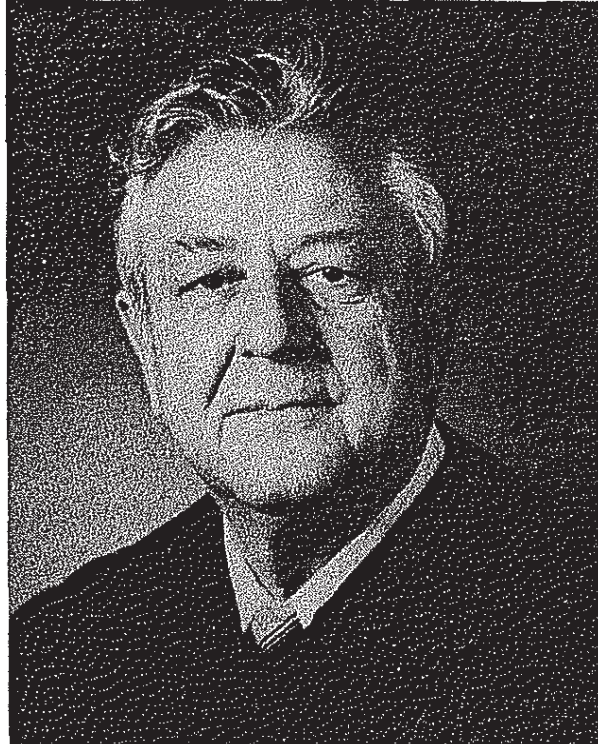
The Supreme Court continues to receive high numbers of filings on appeal. In 1999 the number of filings was 709 and 731 in 1998. Although this is a decrease, the Court's workload is extremely high in comparison to other state Supreme Courts.

This 1999 annual report will give you an overview of the work of your courts for the year. The Justices, Judges and employees of the Judicial Branch are all working very hard to serve all Montana citizens with fair and equitable justice.

Sincerely,

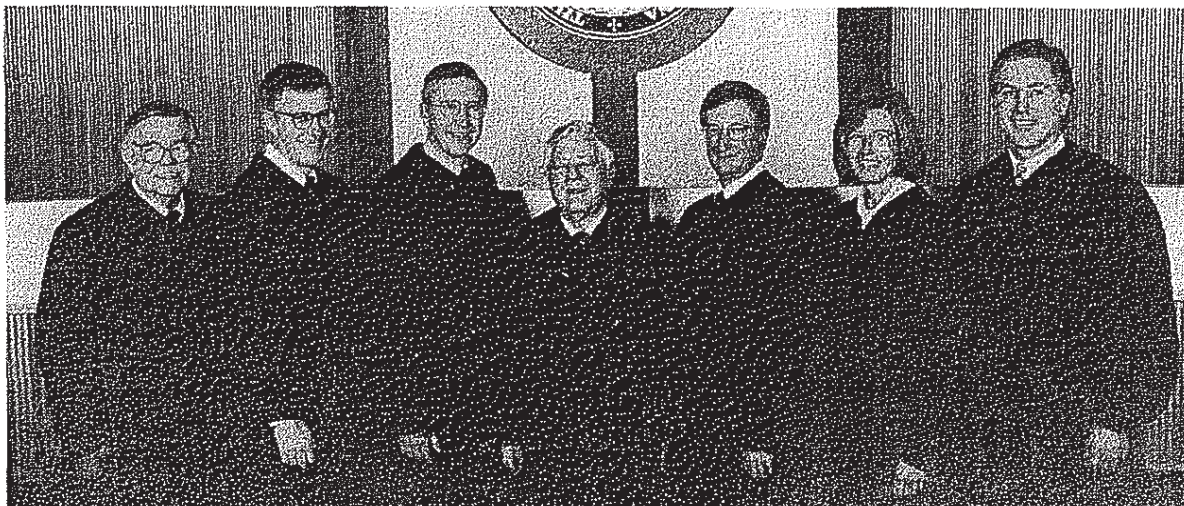
A handwritten signature in cursive script that reads "J.A. Turnage".

J.A. Turnage
Chief Justice



Members of the Montana Supreme Court

William E. Hunt, Sr. * W. William Leaphart * Jim M. Regnier * Chief Justice J.A. Turnage
James C. Nelson * Karla M. Gray * Terry N. Trieweiler



Court Assessment Program

The Court Assessment Program was established in June of 1995. It is funded through a federal grant with a state match to improve the court system in child abuse and neglect cases. The purpose of the program is to assess the court system, make recommendations based on that assessment, and implement those recommendations to improve the system for children and families. Recommendations include improving representation for children, parents and the state, and improving judicial oversight of child welfare cases by increasing judicial knowledge in child abuse and neglect law and enabling courts to hold effective hearings and case reviews within limited time periods. These recommendations have been and will continue to be implemented through changes in statute, the state Court Appointed Special Advocate program, judicial and attorney trainings, a mediation program, the child advocacy law class at the University of Montana's School of Law, parents assistance programs, and local advisory committees.

Citizen Review Board Program

In 1993 the Citizen Review Board (CRB) Pilot Program was established by the Legislature. This legislative action created a system whereby each child's placement in out-of-home care is independently reviewed every six months by a group of volunteer citizens from that particular community.

The Fourth Judicial District (Missoula and Mineral Counties) was the forerunner of this program. This Board held their first review in December, 1994, and has continued to meet on a monthly basis. The CRB program, which is administered by the Office of the Court Administrator, has expanded to Butte, Bozeman, and Helena. Once the program has expanded to Great Falls (summer, 2000), it will have accomplished the goal of the legislative planning committee in setting up the fifth and final site under the pilot project.

The Mission

The Program's mission is to ensure that children do not linger unnecessarily in foster care, but receive the support and benefits of a safe, permanent home within a time frame consistent with a child's sense of time.

The Backbone of the Program

Panels composed entirely of dedicated volunteers appointed by the local District Court judges donate hundreds of hours to ensure that children obtain permanency as quickly as possible.

These volunteers possess unique backgrounds and interest in foster care and child welfare, and are provided initial and continued training relevant to these issues. They play an active role in the child protection process by reviewing the progress of a case and offering specific recommendations for achieving a permanent placement for each child as quickly as possible.

Citizen Review Boards have held a total of 3,078 case reviews since the Program's inception. Missoula Review Boards have held 1,930 reviews since December, 1994; Butte Review Boards have held 594 reviews since December, 1995; Bozeman Review Boards have held 261 reviews since June, 1996, and Helena Review Boards have held 157 reviews since January, 1999.

Summary

Citizen Review Boards have several advantages not only for the children in foster care, but for the court and social services systems, and taxpayers. By engaging in interdisciplinary cooperative efforts, citizen review systems have made tremendous advances in the delivery of foster care services.

The District Courts

Montanans are served by 56 district courts. These courts are organized within 21 judicial districts and are served by 37 district judges. District Courts are courts of original and appellate jurisdiction. Original jurisdiction incorporates all felony cases, all civil and probate cases, all cases at law and in equity, all misdemeanor and other special actions and proceedings not otherwise provided for, all civil actions that might result in a finding against the State for the payment of money, naturalization proceedings, various writs and some narrowly-defined ballot issues. Appellate jurisdiction includes cases arising from the State's Courts of Limited Jurisdiction as prescribed by law and the Constitution.

DISTRICT COURT INFORMATION					
JUDICIAL DISTRICT	DISTRICT JUDGES	DISTRICT COURT CLERKS	COUNTIES IN DISTRICT	AREA IN SQ. MILES	*POP.
1	Thomas C. Houzei Dorothy McCarter Jeffrey M. Sherlock	Judy Gillespie Nancy Sweeney	Broadwater Lewis & Clark	4,669	18,242
2	James E. Purcell John W. Whelan	Lori A. McLooney	Silver Bow	715	33,954
3	Ted L. Mizer	Susan McNeil Beverly L. Kulasti Sharon Applegate	Deer Lodge Granite Powell	4,888	19,328
4	Douglas G. Harkin John S. Hinson John W. Larson Edward P. McLean	Cheryl Demmon Kathleen "Kade" Brewer	Mineral Missoula	3,834	93,211
5	Frank M. Davis	Sheila Bruakhoeft Marilyn J. Stevens Bundy K. Bailey	Beaverhead Jefferson Madison	10,731	26,084
6	William Neil Swandil	Jane Little Deanna Novotny	Park Sweet Grass	4,466	19,566
7	Richard A. Simontoe Richard G. Phillips	Ardelle Adams Trudy Kirkgaard Lisa Kimmel Arleen Riggs	DeWagon McCone Prairie Richland	9,676	23,124
8	Margaret Johnson Thomas M. McKittrick Kenneth R. Neill	Michael W. Schneider Nancy J. Morton	Wilbur Cascade	2,661	78,282
9	Marc G. Boyrke	Diane D. Anderson Arlia Vandolah Emile Kismet Carol Swoboda	Glacier Pondera Teton Toole	8,853	29,917
10	John Christensen	Phyllis D. Smith Acellia "Abe" Leach Mary Brindley	Fergus Judith Basin Petroleum	7,777	14,970
11	Katherine R. Curtis Ted O. Lympas	Peg L. Allison	Flathead	5,137	72,773
12	John Warner	Terrance Anderson Dena Tippetts Patricia "Pat" Seitzler	Chouteau Hill Liberty	8,293	24,369
13	Michael R. Colberg, Jr. G. Todd Baugh Russell C. Pegg Susan P. Walters Diane G. Barz	Jackie Heath Gayle M. Straszburg Jean Barr Jean A. Thompson	Big Horn Carbon Silverwater Yellowstone	11,523	157,702
14	Roy C. Rodegiero	Kathleen Ott Donna Baker Conale Matfield Joel Hill	Golden Valley Meagher Missoula Wheatland	6,837	9,654
15	David Cybulski	Patricia McDouell Patricia Strones Cheryl A. Olson	Dawson Roosevelt Sheridan	5,501	16,975
16	Joe L. Hegel Gary L. Day	Carole Carcy Bernice Matthews Jerrine Newell Condie Nielsen Aleta Shannon Marilyn Hollister Ruth Baker	Custer Custer Fulton Gardiner Powder River Roosevelt Treasure	22,460	30,101
17	John C. McKeon	Kay Johnson Frances M. Webb Patricia A. Hill	Blaine Phillips Valley	14,499	19,898
18	Michael Salvagni Thomas A. Olson	Lorraine Van Arsdale	Gallatin	2,517	63,881
19	Michael Prezau	Nedine Pival	Lincoln	9,714	18,219
20	C. B. McNeil	Delbie Harmon Katherine E. Poderico Diane Rumel	Lake Sanders	4,263	36,118
21	Jeffrey H. Langdon	Delbie Harmon Ravalli	Ravalli	2,382	35,811

*Estimated 1999 Figures

1999 DISTRICT COURT STATISTICS - BY DISTRICT
CASE FILINGS

Judicial District	Adoption	Criminal	Civil	Monthly Ill/Dev. Disabled	Paternity	Guard./Conserv.	Juvenile	Dep./Neg. Children	Probate	Domestic Relations	1999 Totals	1998 Totals	Difference
1	57	532	1,647	97	4	65	232	64	168	1,069	3,936	4,045	-109
2	23	211	268	75	1	43	70	129	132	285	1,239	1,142	97
3	12	154	147	148	1	28	53	16	74	138	271	911	-140
4	50	560	1,377	86	1	143	140	50	197	242	3,346	3,654	-308
5	14	118	276	8	3	28	15	19	78	121	680	772	-92
6	7	160	302	13	0	8	26	3	95	110	224	689	35
7	11	113	205	37	3	37	39	13	108	156	246	814	-68
8	29	524	1,491	18	18	68	177	65	269	589	3,348	3,451	-103
9	9	171	294	5	1	25	48	21	124	154	852	803	49
10	10	99	181	22	2	13	27	28	71	96	549	593	-44
11	47	386	1,123	32	13	66	160	50	208	644	2,729	2,720	9
12	14	184	284	24	1	25	70	40	101	153	896	799	97
13	117	1,418	2,089	189	47	130	561	332	385	1,673	6,941	6,797	144
14	8	81	122	3	1	13	15	15	40	58	356	373	-17
15	2	71	172	10	7	12	29	3	99	35	395	421	-28
16	20	153	293	12	2	22	49	74	136	181	949	1,027	-78
17	13	46	199	4	0	12	42	4	100	83	503	548	-45
18	36	317	720	16	0	27	86	24	157	472	1,864	1,837	28
19	12	145	291	3	1	13	38	23	53	200	821	829	-8
20	35	290	440	3	0	30	63	31	115	314	1,321	1,247	74
21	23	183	466	8	5	39	86	21	75	213	1,119	1,183	-64
TOTAL	606	5,917	12,387	833	120	857	2,066	1,027	2,785	7,488	34,686	34,669	-17

AVERAGE NUMBER OF CASE FILINGS
PER JUDGE

IN EACH JUDICIAL DISTRICT
1999

Judicial District	Number of Judges per District	'99 Average No. of Cases per Judge	'98 Average No. of Cases per Judge	'99 Statewide Ranking No. of Cases per Judge
1	3	1312	1348	4
2	2	620	571	15
3	1	771	911	12
4	4	837	914	10
5	1	680	772	14
6	1	724	689	13
7	2	373	407	20
8	3	1116	1151	6
9	1	852	803	9
10	1	549	593	16
11	2	1365	1360	2
12	1	896	799	8
13	5	1388	1359	1
14	1	356	373	21
15	1	395	423	19
16	2	475	514	18
17	1	503	558	17
18	2	933	919	7
19	1	821	829	11
20	1	1321	1247	3
21	1	1119	1183	5

1999 DISTRICT COURT STATISTICS - BY DISTRICT
CASE DISPOSITIONS

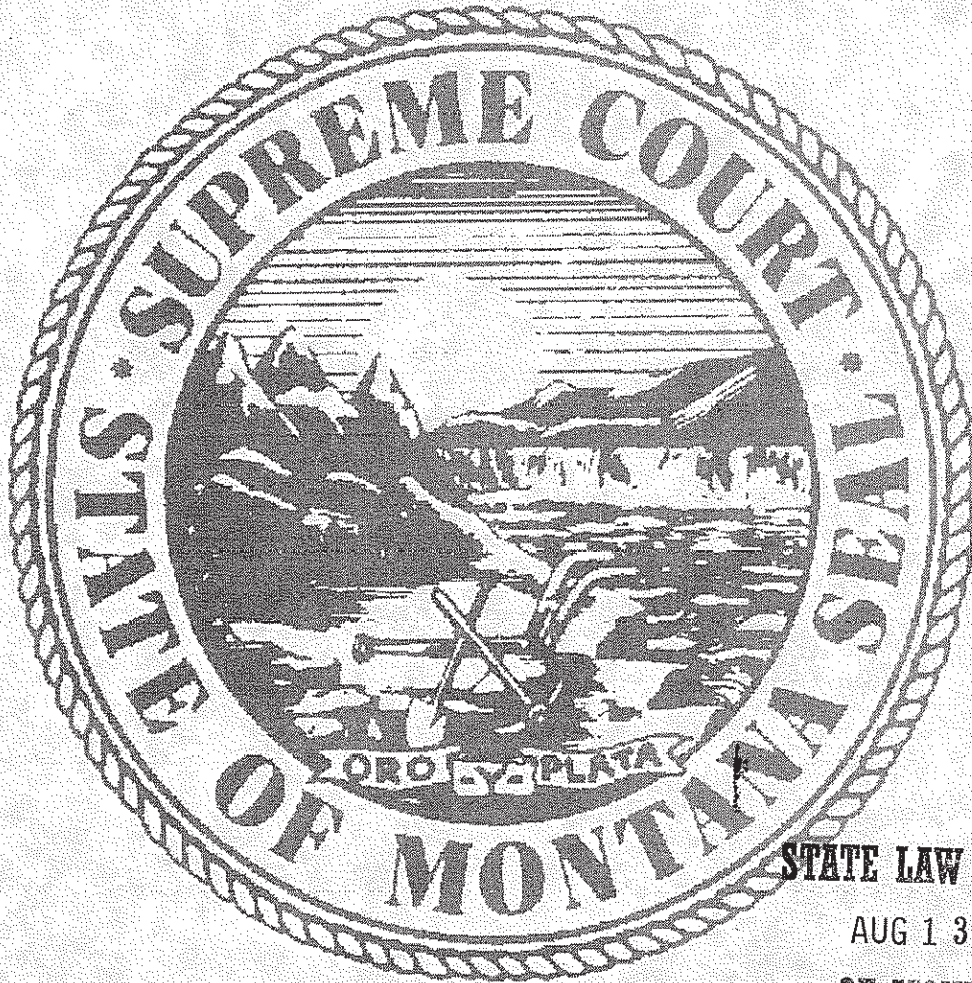
Judicial District	Adoption	Criminal	Civil	Monthly Ill/Dev. Disabled	Paternity	Guard./Conserv.	Juvenile	Dep./Neg. Children	Probate	Domestic Relations	1999 Totals	1998 Totals	Difference
1	48	499	1,564	212	2	12	110	54	145	995	3,646	3,401	245
2	11	198	248	67	3	63	65	118	126	248	1,167	1,012	155
3	12	216	226	136	1	2	58	11	68	126	853	732	116
4	40	612	1,361	0	292	88	182	41	226	820	4,168	3,874	294
5	6	103	256	4	1	17	21	10	76	98	592	741	-149
6	2	124	290	9	0	2	24	0	54	139	649	687	-38
7	15	127	224	57	1	16	38	21	111	163	725	824	-99
8	24	842	2,267	12	11	14	183	51	264	720	4,478	4,012	466
9	12	162	255	4	1	19	52	18	168	132	821	753	68
10	8	94	174	27	1	16	28	29	65	98	540	563	-23
11	41	380	988	29	9	25	135	40	194	572	2,421	2,715	-292
12	17	197	300	24	6	16	60	17	127	161	945	826	119
13	110	1,383	2,031	177	41	50	769	402	353	1,640	6,948	6,228	620
14	9	45	103	1	1	4	17	13	35	50	278	336	-58
15	2	14	150	1	0	1	22	0	133	28	358	291	67
16	14	166	334	16	5	42	40	24	148	202	1,041	1,034	7
17	11	50	210	3	0	2	21	2	87	79	465	549	-84
18	33	295	642	13	0	6	71	13	132	413	1,618	1,518	100
19	2	161	236	4	3	2	60	22	41	195	754	736	18
20	30	256	400	2	0	16	58	34	39	279	1,124	1,263	-139
21	20	164	405	7	4	16	71	14	81	193	925	1,035	-60
TOTAL	552	6,118	12,664	895	202	436	2,025	1,004	2,694	7,352	34,629	33,187	1,442

AVERAGE NUMBER OF CASE DISPOSITIONS
PER JUDGE

IN EACH JUDICIAL DISTRICT
1999

Judicial District	Number of Judges per District	'99 Average No. of Cases per Judge	'98 Average No. of Cases per Judge	'99 Statewide Ranking No. of Cases per Judge
1	3	1215	1134	3
2	2	584	506	15
3	1	853	737	9
4	4	1042	969	6
5	1	592	741	14
6	1	649	687	13
7	2	388	413	19
8	3	1493	1337	1
9	1	821	753	10
10	1	540	563	16
11	2	1212	1358	4
12	1	945	826	8
13	5	1390	1256	2
14	1	278	336	21
15	1	358	291	20
16	2	521	517	17
17	1	465	549	18
18	2	609	759	11
19	1	754	736	12
20	1	1124	1263	5
21	1	975	1035	7

2000



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JCMS with roll out expected in 2001. Development of the graphical case management system for the District Courts continues, with expected deployment in the fall of 2001.

Court Assessment Program

The Court Assessment Program was established in June of 1995. It is funded through a federal grant with a state match to improve the court system in child abuse and neglect cases. The purpose of the program is to assess the court system, make recommendations based on that assessment, and implement those recommendations to improve the system for children and families. Recommendations include improving representation for children, parents and the state; improving judicial oversight of child welfare cases by increasing judicial knowledge in child abuse and neglect law; and enabling courts to hold effective hearings and case reviews within limited time periods. These recommendations will continue to be implemented through changes in state statutes, the state Court Appointed Special Advocate program, judicial and attorney training, the mediation program, the child advocacy law class, the Yellowstone County Family Drug Court, a child advocacy web page, and a judicial teleconferencing system.

Citizen Review Board Program

In 1993, the Legislature established the Local Citizen Review Board (CRB) Pilot Program and attached it to the OCA. In the communities where it operates, the CRB independently reviews each child's placement in out-of-home care at least every six months. CRBs are comprised of volunteer citizens in the community.

Five CRB pilot sites were established between 1994 and 2000 and the first operational CRB was created by the Fourth Judicial District Court in Missoula County. Currently, there are 12 CRBs with 5 volunteer members on each board. The CRB members and alternates are recruited, trained, and continue to receive on-going education on child abuse and neglect issues. The members are dedicated and committed to the children in foster care. They are selected by the District Court Judges and receive no compensation for their work.

The 2001 Legislature removed the CRB's pilot status and the program is now permanent.

-Purpose of Citizen Review Boards-

The main purpose of CRBs is to achieve permanency in a timely manner for children in out-of-home care. This is accomplished by:

- Developing findings and recommendations to achieve timely permanency;
- Monitoring the child's health, safety and progress toward permanency;
- Monitoring reasonable efforts toward permanency and decision-making process and time frames as required by the federal Adoption and Safe Families Act (ASFA);
- Holding individuals, organizations and systems accountable for achieving positive outcomes for children in foster care;
- Promoting community participation in decision-making, thereby enhancing public confidence in Montana's child protection system;
- Influencing foster care decision makers to improve policy, practice and service to more effectively address the needs of children in care;

□ Building a citizen advocacy for abused and neglected children and the systems that serve them.

–Citizen Review Boards Statistics–

In fiscal year 2000, there were 390 open cases being reviewed under the auspices of the CRB. 173 cases closed during that fiscal year. The CRB conducted 820 reviews, representing 453 individual children.

State Law Library

The State Law Library is statutorily responsible for maintaining an adequate legal collection and services to fulfill the needs of the Supreme Court, the Legislature, state officers and employees, attorneys and the general public. The Justices of the Supreme Court serve as the Library's Board of Trustees.

The Law Library's digital outreach continues to expand as more online material is added and Law Library staff teach researchers how to use CD-ROM's, electronic databases, and the Internet. More and more people send their reference questions to the Law Library's web site at www.lawlibrary.state.mt.us, and they are assisted without the need for a single telephone call or photocopy of material from hard copy.

The Law Library now has 142,000 volumes in hard copy and the number of books reshelved by staff increased by 28% in the past year to 22,078 volumes. The Law Library still has a significant number of walk-in users who depend on books and journals rather than electronic information.

Law Library reference requests increased by 21% in 2000 as a result of the increase in

non-lawyer clientele of the Law Library. Self-represented parties generally need much more assistance than do those who have formally studied the law. The Director of the Law Library has worked closely with the Clerks of District Court around the state to assure them in referring their customers to the Law Library for assistance. The Law Library's Pro Bono Legal Clinic won an award for excellence in service to the under-represented, and continues to be mentioned as a model of agencies cooperating to provide service to those in need of legal assistance.

Boards and Commissions of the Supreme Court and Statutory Commissions

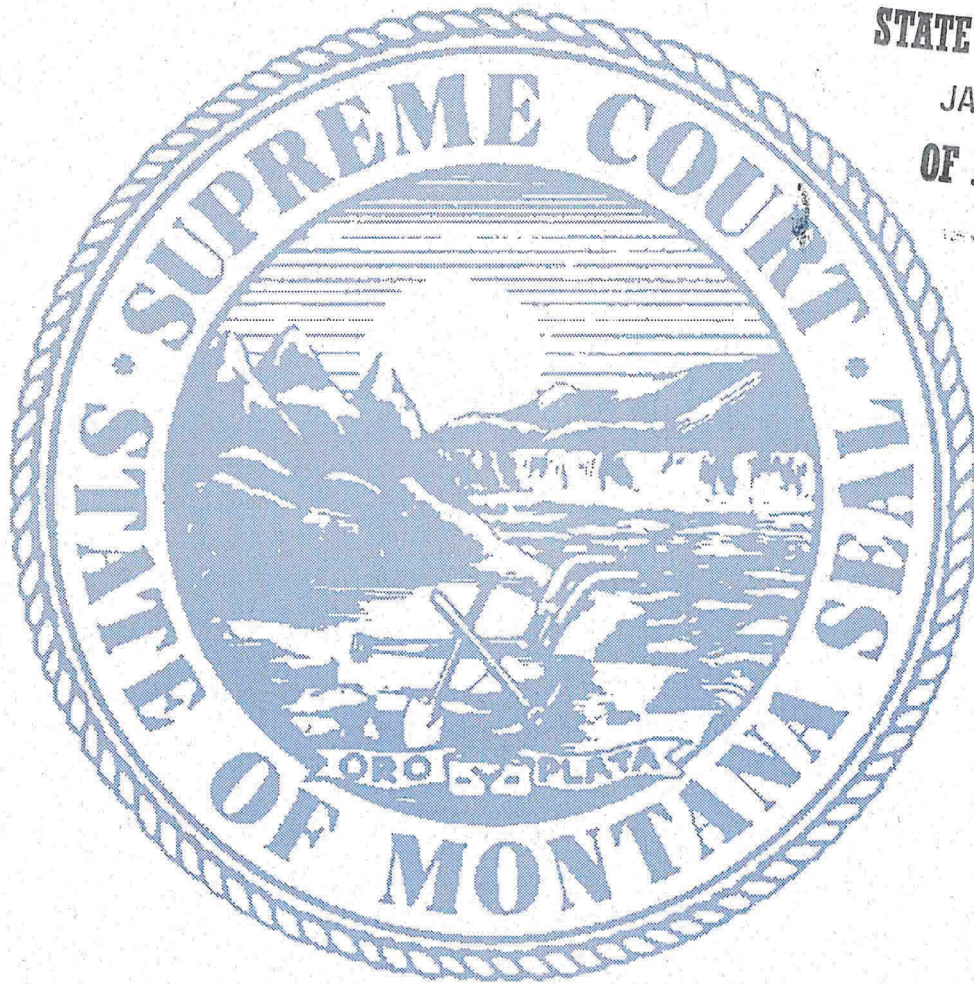
In addition to its obligations in exercising original and appellate jurisdiction, the Supreme Court is responsible for a variety of other matters including rulemaking and overseeing the administration of justice in Montana. One of the Supreme Court's important constitutional obligations is to make rules for admission to the practice of law and the conduct of Montana lawyers. As explained below, the Supreme Court has established a Commission on Practice to assist in the process of disciplining lawyers who have violated rules of professional conduct applying to all lawyers who practice in Montana. In addition to the other Commissions and groups discussed below, the Supreme Court has created bar admission-related groups to check on an applicant's character and fitness and to write, give and score the Montana Bar examination, and Commissions on civil and appellate procedural rules, evidence, and civil and criminal jury instructions. In 2000, the Supreme Court established new Commissions on Self-Represented Litigants

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2001 Supreme Court Caseload Statistics

Filings carried over from 2000	<u>577</u>
New Civil Filings	429
New Criminal Filings	<u>480</u>
<u>Total New Filings</u>	<u>909</u>
Dispositions by Remittitur in 2001	326
Dispositions by Dismissal in 2001	250
Dispositions - Writ Denied	234
Dispositions - Writ Granted	81
Dispositions - Other	57

▼ Office of the Court Administrator

The Montana Legislature authorized the establishment of the Office of the Court Administrator (OCA) in 1977. The Court Administrator is the administrative officer of the Supreme Court. Under the direction of the Supreme Court Justices, the Court Administrator is required by statute to:

- Prepare and present the Judicial Branch budget to the Legislature;
- Collect, compile, and report statistical and other data relating to the business transacted by the courts, and provide the information to the Legislature on request;
- Recommend improvements in the Judicial Branch to the Supreme Court;
- Administer state funding for District Courts; and
- Perform other duties assigned by the Supreme Court.

The OCA provides centralized services to courts through five primary divisions: Administrative Services, Court Services, Information Technology, Human Resources, and Dependent Children's Services.

Administrative Services Division

The Administrative Services Division oversees budget and finance, accounting, procurement, facilities management, legislative liaison, and public information.

Court Services Division

The Court Services Division provides technical assistance to courts, coordination in preparing the Annual Report of the Montana Judiciary, and staff support in managing the District Court State Assumption Project.

Information Technology Division

The Information Technology Division manages court automation and technology projects, installs hardware, provides software application and user support, and maintains existing networks. Division employees support and maintain the District Court Judicial Case Management System (JCMS), the Limited Jurisdiction Case Management System (LJCMS), and the recently deployed Full Court case management program for Justice, City and Municipal Courts.

Human Resources Division

The Human Resources Division develops and oversees management of the Judicial Branch Personnel Plan including recruitment and selection, classification and compensation, benefits, education and training, and employee performance and evaluation.

Dependent Children's Services Division

The Dependent Children's Services Division administers the Court Assessment Program (CAP), Citizen Review Board (CRB) Program, and Court Appointed Special

Advocate/Guardian ad Litem (CASA/GAL) Program. Although not integral parts of the Supreme Court, these adjunct programs are attached to the Court for administrative purposes.

CAP

The Court Assessment Program was established in 1995. Program staff assess the court system's process in handling child abuse and neglect cases, make recommendations based on those assessments, and implement changes to improve the system for children and families involved in these cases.

In 2001, CAP staff worked to enact child welfare laws to support the rights of children and parents, helped develop family drug courts in the Tenth and Thirteenth Judicial Districts, developed a child advocacy web site, facilitated discussions for full faith and credit in cross jurisdiction and domestic protection orders, and collaborated on the District Court video conferencing pilot project in Miles City.

CRB

The Citizen Review Board program was created in 1993. Citizen Review Boards are located in five Judicial Districts and reviews are conducted in Missoula, Butte, Bozeman, Helena, and Great Falls for children who are in out-of-home care.

In 2001, the CRB staff conducted 946 reviews. The review is intended to assess the progress being made by the Child and Family Services Division in obtaining a permanent home for the child. There are 76 volunteers who serve on the Citizen Review Boards. These persons are appointed by the District Court Judges to work in the child welfare system and play an active role in the child protection process.

CASA/GAL

The Court Appointed Special Advocate/Guardian ad Litem program provides support to local CASA/GAL offices throughout the state. Program staff work to improve the representation of children involved in abuse and neglect proceedings. They also help to establish a safe, permanent and nurturing home for each child.

▼ State Law Library

The State Law Library provides bibliographical and physical or remote access to recorded legal knowledge and information consistent with the present and anticipated research needs, responsibilities, and concerns of Montana's courts, the Legislature, state officers and employees, attorneys, and the general public. The Law Library is governed by a Board of Trustees comprised of the seven members of the Supreme Court.

During 2001, the Law Library experienced a continuation of the trend of fewer people physically in the library and more people accessing the resources from remote locations. Although books, audio and video tapes, journal articles, and legal documents are still mailed out, Law Library staff also respond to requests by faxing, e-mailing, or placing a document on the Internet for retrieval. In 2001, over 3,000 books were checked out, 31,000 pages photocopied and 34,000 books reshelfed. The collection grew modestly, and now numbers over 152,000 volumes. Reference requests continue to be varied and challenging. Law Library staff are asked to provide legislative histories for state and federal statutes; forms for name changes, parenting plans, divorce, or premarital agreements; jury verdicts; national sentencing statistics; U.S. Extradition treaties; and information about squatters' rights from the 1800's.

THE SUPREME COURT OF MONTANA

KARLA M. GRAY
CHIEF JUSTICE

215 NORTH SANDERS
P.O. BOX 203001
HELENA, MONTANA 59620-3001



TELEPHONE (406) 444-5490
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FAX (406) 444-3274

Dear Fellow Montanan:

2002 was an incredibly busy year for the Montana Judiciary! This report is but a meager representation of momentous changes in the Judiciary that took place last year.

The 2001 Legislature passed Senate Bill 176, commonly called the "District Court Assumption" bill. This law moved 275 employees from county to state employment within the Judiciary effective July 1, 2002. Employees affected included judicial assistants, law clerks, juvenile probation officers and others in District Courts and Youth Courts across Montana.

Much of the first half of 2002 was dedicated to making this transition as smooth as possible. Employees were moved from county payroll and retirement systems, office computers were migrated to the state judicial system and the Montana Supreme Court adopted statewide judicial branch personnel and operating policies.

The second half of 2002 witnessed further development of statewide policies and procedures relating to District Court Assumption. In addition, of course, Montana's courts continued to provide the most efficient and fair justice possible to all Montanans having contact with their courts. Much time also was spent preparing for the 2003 Legislative Session and, for the first time in history, the Montana Supreme Court heard a case in Lewistown.

District Court Assumption was just one of the big challenges for the Montana Judiciary in 2002. This 2002 Annual Report documents the ongoing enormous workloads in Montana's courts and the dedication of judicial employees who serve all of you, ensuring that justice in Montana is equal, fair and—to the extent humanly possible—speedy.

I hope you will find this 2002 Annual Report of the Montana Judiciary helpful in understanding your court system.

Sincerely,


Karla M. Gray
Chief Justice

Court Assessment Program

The Court Assessment Program was established in 1995. Program staff assess the court processes in handling child abuse and neglect cases, make recommendations based on those assessments, and implement changes to improve the system for children and families involved in these cases.

In 2002, CAP staff worked to enact child welfare laws to support the rights of children and parents, helped develop family drug courts in the Tenth and Thirteenth Judicial Districts and collaborated on the District Court video conferencing pilot project in Miles City.

Citizen Review Board

Citizen Review Boards were created during the 1993 Legislative Session. Statutory authority provides for independent reviews to be conducted by community based volunteer boards that are trained in issues of child welfare. The volunteer board members are appointed by the District Court Judges.

As mandated by law, each child in foster care must receive a six-month review to make sure they are placed in a “forever home” in a timely manner.

Review hearings provide independent oversight of children in foster care and provide judges with another perspective on the case.

The Volunteers

Twelve review boards with 55 full time board members and 26 alternate members are currently in existence throughout five judicial districts, which include Missoula, Helena, Butte, Bozeman and Great Falls.

Between 7/1/2000 and 6/30/2002, volunteers donated 4,681 hours of their time to review the cases of children in foster care. In addition, they spent 3424 hours preparing for the reviews. The value to the State for their services is **\$121,575** (8105 hours x \$15 per hour).

Paramount Concern

The child’s safety must always be the paramount concern when making service provisions and placement and permanency planning decisions.

Statistics

During fiscal year 2001, 1,176 reviews were conducted on 667 children. In fiscal year 2002, 1,166 reviews were held reviewing 696 children’s cases.

On June 30, 2002, there were 512 open cases being reviewed by Citizen Review Boards. Out of these 342 (67%) had been in out of home care for more than 15 out of

the past 22 months. Comparing this to the 83% of the open cases on June 30, 2000, the current figures show an improvement in reaching permanency more quickly for children.

Because of recent legislative changes and departmental policies, the review boards are seeing an increase in children placed in kinship care.

In comparing the statistics of children who only had one entry into the system with statistics from two years ago, we find a 3.2% increase, which indicates that children are achieving permanency with fewer placements.

CASA/GAL

The Court Appointed Special Advocate/Guardian ad Litem program provides support to local CASA/GAL offices throughout the state. Program staff work to improve the representation of children involved in abuse and neglect proceedings.

State Law Library

The mission of the Montana State Law Library is to provide access to legal information at the time and in the format that best serves the research needs, responsibilities, and concerns of Montana's courts, legislature, state officers and employees, members of the practicing bar, and members of the general public. A Board of Trustees comprised of the 7 Supreme Court Justices governs the Law Library.

The Library's 2002 statistics closely parallel those of the previous year: 3,400 books circulated, and 32,400 books were reshelfed within the Library. The volume of photocopy requests, however, rose by 66% to 46, 845 pages. This reflects the growing demand for forms by customers of the state's district courts and the 540 requests for copies of our legislative histories, which alone accounted for nearly 25,000 pages. In fiscal year 2002 5, 800 volumes were added to the collection, and 2,020 withdrawn, for a new volume count of 155,895.

Discussing volume count does not take into consideration the print titles that have been replaced with electronic access. When a publisher no longer provides hard copy of a work, but only online access, the Law Library still has to pay the same price but no longer owns the work. Some well known titles that we now have available only through online access include the *Standard Federal Tax Reporter*, *Environmental Law Reporter*, and *Shepard's Citations*. The implications for the user for this trend remain to be seen. We do not know yet if someone will use material if it cannot be checked out from the Law Library. Most electronic licenses to legal texts have fee structures that are prohibitive for providing desktop access to computers outside of the Justice Building.

The Law Library's web site continues to be heavily used, with more than 5000 hits each month. An average number of 650 items are scanned and added each month. Presentations have been made on how to access the materials on the web site during training for judges of the limited jurisdiction and district courts and at a continuing legal education seminar for attorneys. The new Montana Courts website has also been previewed for these groups.

State of Montana



DISTRICT COURT COUNCIL

**Minutes of May 15, 2003
KwaTaqNuk Inn
303 US Highway 93 East
Polson, Montana**

DCC Voting Members Present:

The Honorable Karla Gray, Chief Justice, Supreme Court
The Honorable Diane Barz, District Court Judge, 13th Judicial District
The Honorable Thomas McKittrick, District Court Judge, 8th Judicial District
The Honorable Ed McLean, District Court Judge, 4th Judicial District
The Honorable John Warner, District Court Judge, 12th Judicial District

DCC Non-Voting Members Present:

Lori Maloney, Clerk of the District Court, Butte
Mike Hutchin, County Commissioner, Polson
Barbara Monaco (for Glen Welch), Missoula

Staff:

Karen Sedlock, Program Supervisor, Montana Supreme Court
Jim Oppedahl, Court Administrator, Montana Supreme Court

Guests:

Howard Gipe, Flathead County Commissioner
Peg Allison, Flathead County Clerk of Court
Bonnie Olson, Flathead County District Court Administrator
The Honorable John McKeon, District Court Judge, Malta
The Honorable Loren Tucker, District Court Judge, Dillon
The Honorable Wayne Phillips, District Court Judge, Lewistown

5. **HB18** – Technology Surcharge, passed with major changes. It will sunset in two years and the Supreme Court must find a different way to fund the Information Technology Division.
6. **Clerks of Court** - The clerks were successful with the bill clarifying that all civil jury costs are state assumed.
7. **Juvenile Probation Officers** – SB388 to transfer Juvenile Probation Officers to the Department of Corrections. **Dead**
8. **Citizen Review Board (CRB)** – All funding and the FTEs were removed from HB2. Although the program is still in statute, it is an unfunded mandate and will be phased out internally by the end of June.

Overall, the money situation is dire, however, Justice Gray asked members of the council not to panic. The Chief Justice stated she would not close the Court System down, no matter what happens. Beginning July 1st, the Supreme Court will be fully responsible for paying all bills. At this point it appears the Court is approximately \$1.8 million short.

The Legislature did allow the Judicial Branch to carry forward any money left over from FY03 to FY04 instead of reverting it to the state's general fund.

Bottom Line Shortages – An estimated \$1.8 million on court assumption; \$500,000 for vacancy savings; payout of sick and annual leave for CRB staff; and \$300,000 for civil jury trials; which totals approximately **\$2.6 million**.

The Honorable Thomas McKittrick expressed the importance of keeping the public and the State Bar Association informed of the status of the Judicial Branch's budget.

The Chief Justice encouraged council members to talk to community organizations, such as Rotary and the Kiwanis Club and keep local legislators informed.

IV. Uniform Reporting Standards

District Court Judge, Ed McLean handed out a phone survey that was conducted by Shirley Faust, District Court Clerk for Missoula County, and Nancy Sweeney, Clerk of Court in Helena. The survey is designed to capture how many filings are going through each county and how the counties are reporting their cases.

Results of the survey indicate that filings are being handled differently throughout the state. Judge McLean would like to see a group of people consisting of court clerks and himself, come up with a suggestion to present to the District Court Council, who will then recommend to the Supreme Court the adoption of uniform filing standards statewide.