



SENATE SELECT COMMITTEE ON JUDICIAL OVERSIGHT AND REFORM

68th Montana Legislature

SENATE MEMBERS

Mary Ann Dunwell
Janet Ellis
Jason Ellsworth
Daniel Emrich
Steve Fitzpatrick
Chris Friedel
Carl Glimm
Jen Gross
Steve Hinebauch
Tom McGillvray
Wendy McKamey
Shane Morigeau
Mark Noland
Andrea Olsen
Barry Usher

HOUSE MEMBERS

Lyn Hellegaard
Fiona Nave
Sue Vinton

COMMITTEE STAFF

Jameson Walker- Attorney
Anja Alduenda- Secretary
Maddelyn Black- Secretary

PUBLIC MEMBERS

Andrew Billstein
Joan Mell
Jim Ramlow

MINUTES LOG

July 15, 2024
Room 137 & Zoom
Helena, Montana

Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <https://leg.mt.gov>. From the home page, select the "Committees" drop down menu at the top, then select Administrative or Interim, and the appropriate committee. The written minutes log can be located by expanding the accordion menu for the date of the meeting. Links to the audio/video files can be located by selecting the Video/Audio button on the same page, then the "past/current recordings" button. From there, use the calendar to select the date of the meeting you wish to view/listen to. The written Minutes Log, along with links to the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed. Please contact the Legislative Services Division at 406-444-3064 for more information.

MEMBERS PRESENT:

Sen. Jason Ellsworth, Chair (R)
Sen. Barry Usher, Vice Chair (R)
Sen. Daniel Emrich (R)
Sen. Chris Friedel (R)
Sen. Carl Glimm (R)
Sen. Wendy McKamey (R)
Sen. Steve Hinebauch (R)
Sen. Tom McGillvray (R)
Sen. Mark Noland (R)
Rep. Sue Vinton (R)
Rep. Lyn Hellegaard (R)
Rep. Fiona Nave (R)
Andrew Billstein, Public Member

Joan Mell, Public Member
Jim Ramlow, Public Member

MEMBERS EXCUSED:

Sen. Steve Fitzpatrick (R)

MEMBERS ABSENT:

Sen. Jen Gross (D)
Sen. Shane Morigeau (D)
Sen. Mary Ann Dunwell (D)
Sen. Janet Ellis (D)
Sen. Andrea Olsen (D)

STAFF PRESENT:

Jameson Walker, Attorney, Legislative Services Division
Ania Alduenda, Secretary
Maddelyn Black, Secretary

AGENDA ([Attachment 1](#))

VISITORS' LIST ([Attachment 2](#))

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL

08:02:57 Presiding Officer Jason Ellsworth called the meeting to order at 8:02 AM. The committee secretary took roll. ([Attachment 3](#))

Discussion

08:05:08 Presiding Officer Jason Ellsworth
08:05:35 Rep. Sue Vinton

OVERVIEW OF JUDICIAL PERFORMANCE EVALUATIONS

08:05:50 Justice Rebecca Kourlis, Former Trial Court Judge and Justice of Colorado Supreme and Former Executive Director at the Institute for the Advancement of the American Legal System (IAALS)
08:14:20 Brittany Kauffman, Chief Executive Officer, IAALS
[EXHIBIT 1](#)
[EXHIBIT 2](#)

Public Comment

08:55:58 None

Committee Questions / Discussion

08:56:08 Sen. Mark Noland
08:56:42 Brittany Kauffman
08:58:11 Justice Rebecca Kourlis
08:59:33 Joan Mell

Committee Questions / Discussion - Continued

09:01:06 Justice Rebecca Kourlis
09:12:44 Brittany Kauffman
09:13:34 Joan Mell
09:14:38 Justice Rebecca Kourlis
09:20:00 Sen. Tom McGillvray
09:20:22 Brittany Kauffman
09:23:17 Rep. Sue Vinton
09:23:49 Brittany Kauffman
09:26:21 Justice Rebecca Kourlis
09:27:48 Sen. Steve Fitzpatrick joined the meeting
09:27:58 Andrew Billstein
09:29:00 Brittany Kauffman
09:32:49 Justice Rebecca Kourlis
09:38:33 Jim Ramlow
09:39:41 Brittany Kauffman
[EXHIBIT 3](#)
09:42:19 Justice Rebecca Kourlis
09:42:54 Jim Ramlow
09:43:14 Justice Rebecca Kourlis
09:45:15 Sen. Carl Glimm
09:46:36 Brittany Kauffman
09:50:29 Justice Rebecca Kourlis
09:52:13 Sen. Carl Glimm
09:56:24 Brittany Kauffman
09:58:55 Presiding Officer Jason Ellsworth
09:59:24 Joan Mell
09:59:51 Brittany Kauffman
10:01:00 Sen. Mark Noland
10:01:15 Brittany Kauffman
10:03:00 Rep. Sue Vinton
10:03:17 Bruce Spencer, State Bar of Montana
10:05:13 Sen. Mark Noland
10:09:10 Presiding Officer Jason Ellsworth
10:10:20 Bruce Spencer
10:12:05 Vice Presiding Officer Barry Usher
10:12:30 Bruce Spencer
10:13:39 Vice Presiding Officer Barry Usher
10:14:08 Brittany Kauffman
10:14:35 Justice Rebecca Kourlis

10:15:46 Vice Presiding Officer Barry Usher
10:16:37 Brittany Kauffman
10:19:05 Jameson Walker, Legislative Attorney, Legislative Services Division (LSD)
[EXHIBIT 4](#)
[EXHIBIT 5](#)

10:21:56 **Recessed**
10:32:55 **Reconvened**

IMPLEMENTATION OF JUDICIAL PERFORMANCE EVALUATIONS – UTAH EXPERIENCE

10:33:39 Jennifer Yim, Former Executive Director of Utah Judicial Performance Evaluation Commission (JPEC)
[EXHIBIT 6](#)
11:15:49 Presiding Officer Jason Ellsworth

Public Comment

11:16:01 None

Committee Questions / Discussion

11:16:20 Vice Presiding Officer Barry Usher
11:17:09 Jennifer Yim
11:27:28 Andrew Billstein
11:27:43 Jennifer Yim
11:32:55 Sen. Tom McGillvray
11:33:22 Jennifer Yim

IMPLEMENTATION OF JUDICIAL PERFORMANCE EVALUATIONS – UTAH EXPERIENCE - Continued

11:36:14 Lowry Snow, Former Member of Utah House of Representatives 2012-2022 and Former Chair of Utah JPEC

Public Comment

11:54:12 Bruce Spencer, State Bar of Montana

Committee Questions / Discussion

11:57:12 Rep. Sue Vinton
11:57:48 Lowry Snow
12:03:32 Rep. Fiona Nave
12:04:05 Lowry Snow
12:07:03 Rep. Lyn Hellegaard
12:07:26 Lowry Snow
12:11:09 Vice Presiding Officer Barry Usher
12:13:05 Lowry Snow
12:17:50 Sen. Tom McGillvray

12:18:03 Jennifer Yim
12:18:38 Sen. Tom McGillvray
12:19:16 Lowry Snow
12:24:41 Presiding Officer Jason Ellsworth

12:27:51 **Recessed**

13:59:45 **Reconvened**

Committee Questions / Discussion

13:59:50 Presiding Officer Jason Ellsworth
14:02:15 Vice Presiding Officer Barry Usher
14:03:26 Judge Mike Menahan, First Judicial District
14:05:49 Joan Mell
14:06:27 Beth McLaughlin, Court Administrator
14:08:23 Presiding Officer Jason Ellsworth

DISTRICT COURT CASE ASSIGNMENTS, RETIRED JUDGES, SUBSTITUTION OF JUDGES, AND FOLLOW-UP TO QUESTIONS FROM JUNE 2024 MEETING

14:09:18 Beth McLaughlin
[EXHIBIT 7](#)
14:12:48 Rep. Sue Vinton
14:12:57 Beth McLaughlin
14:17:25 Sen. Carl Glimm
14:17:33 Beth McLaughlin
[EXHIBIT 8](#)
14:23:37 Joan Mell
14:23:42 Beth McLaughlin
14:24:44 Rep. Sue Vinton
14:25:04 Beth McLaughlin
14:27:49 Joan Mell
14:28:05 Beth McLaughlin
14:28:28 Presiding Officer Jason Ellsworth
14:28:31 Beth McLaughlin
14:29:48 Sen. Chris Friedel
14:30:16 Beth McLaughlin
14:31:02 Sen. Steve Fitzpatrick
14:31:28 Beth McLaughlin
14:33:14 Presiding Officer Jason Ellsworth
14:33:40 Beth McLaughlin
14:34:10 Sen. Steve Fitzpatrick

14:34:34 Beth McLaughlin
[EXHIBIT 9](#)
14:36:54 Angie Sparks, Lewis and Clark County Clerk of District Court

Committee Questions / Discussion

14:37:50 Presiding Officer Jason Ellsworth
14:40:21 Beth McLaughlin
14:47:28 Joan Mell
14:48:32 Beth McLaughlin
14:49:14 Sen. Steve Fitzpatrick
14:49:30 Joan Mell
14:49:51 Angie Sparks
14:52:07 Judge Mike Menahan
14:54:35 Vice Presiding Officer Barry Usher
14:56:24 Presiding Officer Jason Ellsworth
14:56:36 Judge Mike Menahan
14:58:14 Beth McLaughlin
[EXHIBIT 10](#)
14:58:26 Presiding Officer Jason Ellsworth
15:01:15 Sen. Steve Hinebauch
15:01:37 Angie Sparks
15:02:42 Rep. Sue Vinton
15:03:21 Angie Sparks
15:04:19 Beth McLaughlin
15:05:43 Presiding Officer Jason Ellsworth
15:06:17 Sen. Steve Fitzpatrick
15:06:51 Angie Sparks
15:07:47 Beth McLaughlin
15:08:24 Sen. Steve Fitzpatrick
15:19:17 Sen. Mark Noland
15:20:20 Beth McLaughlin
15:27:03 Judge Mike Menahan
15:27:38 Sen. Mark Noland
15:27:54 Beth McLaughlin
15:28:51 Joan Mell
15:29:19 Beth McLaughlin
15:30:25 Joan Mell
[EXHIBIT 11](#)
15:30:55 Judge Mike Menahan
(See Exhibit 10)

Committee Questions / Discussion

15:40:26 Presiding Officer Jason Ellsworth
15:40:37 Judge Mike Menahan
15:41:02 Joan Mell
15:44:48 Sen. Tom McGillvray
15:45:10 Sen. Carl Glimm
15:45:27 Beth McLaughlin
(See Exhibit 8)
15:47:28 Vice Presiding Officer Barry Usher
15:48:11 Beth McLaughlin
(See Exhibit 10)
15:52:00 Vice Presiding Officer Barry Usher
15:52:46 Judge Mike Menahan
15:55:55 Joan Mell
15:58:28 Judge Mike Menahan
16:02:00 Presiding Officer Jason Ellsworth
16:02:10 Joan Mell
16:02:27 Judge Mike Menahan
16:04:49 Sen. Steve Fitzpatrick
16:06:35 Judge Mike Menahan
16:12:08 Sen. Tom McGillvray
16:13:02 Judge Mike Menahan
16:24:32 Sen. Steve Hinebauch
16:26:30 Judge Mike Menahan
16:31:18 Joan Mell
16:33:20 Judge Mike Menahan
16:38:13 Vice Presiding Officer Barry Usher
16:38:44 Judge Mike Menahan
16:39:45 Presiding Officer Jason Ellsworth
16:41:52 Judge Mike Menahan

PUBLIC COMMENT ON ANY TOPIC UNDER THE COMMITTEE'S JURISDICTION

16:43:29 None

COMMITTEE WORK SESSION

16:44:06 Presiding Officer Jason Ellsworth left the meeting
16:44:30 Vice Presiding Officer Barry Usher
16:45:40 Sen. Mark Noland
16:45:45 Rep. Fiona Nave

Motion

16:46:45 Vice Presiding Officer Barry Usher moved to start drafting a committee bill to work with IAALS to create and implement a Judicial Performance Evaluation Commission in Montana.

Discussion on the Motion

16:47:19 Sen. Mark Noland
16:47:30 Vice Presiding Officer Barry Usher restated the motion.
16:48:01 Jameson Walker
16:48:34 Sen. Mark Noland
16:48:45 Rep. Sue Vinton
16:49:14 Vice Presiding Officer Barry Usher
16:50:05 Sen. Steve Hinebauch
16:50:12 Sen. Tom McGillvray
16:50:32 Jameson Walker
16:50:59 Sen. Mark Noland
16:51:12 Sen. Daniel Emrich
16:51:35 Vice Presiding Officer Barry Usher

16:52:20 **Vote:** Carried unanimously by voice vote.

16:52:30 Vice Presiding Officer Barry Usher

ADJOURNMENT

Adjournment: 16:53:14