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MONTANA CONSTITUTIONAL CONVENTION

1971-1972

JUDICIARY COMMITTEE

MINUTES OF FIRST MEETING

December 1, 1971

MEMBERS OF THE JUDICIARY COMMITTEE:

| | |
|------------------------|---------------------------------------|
| Dave Holland, Chairman | 1361 Dewey Blvd., Butte 59701 |
| Catherine Pemberton, | |
| Vice Chairman | Box 65, Broadus 59317 |
| Cedor B. Aronow | P.O.Box 651, Shelby 59474 |
| J. Mason Melvin | 316 S. 5th Ave., Bozeman 59715 |
| Leslie "Joe" Eskildsen | Malta 59538 |
| Rod Hanson | Box 476, Fairfield 59436 |
| John M. Schiltz | 729 Highland Park Dr., Billings 59102 |
| Jean M. Bowman | 2244 Fairview Pl., Billings " " |
| Ben E. Berg, Jr. | 520 So. Willson, Bozeman 59715 |

Chairman Dave Holland called the meeting to order and as a first order of business suggested each member introduce himself and if possible give the address in Helena where he will be staying during the January session:

| | |
|---------------------|------------------------|
| Dave Holland | Capitol Motel |
| Joe Eskildsen | |
| Cedor Aronow | Coach House |
| Mason Melvin | Madison Avenue address |
| Jean Bowman | 400 Floweree |
| John Schiltz | 710 Harrison |
| Rod Hanson | |
| Ben Berg | Sunrise Hotel |
| Catherine Pemberton | Colonial Motel |

Mr. Holland asked the consensus of the members as to whether or not they wished to have a meeting sometime during the interim. The majority agreed, after discussion, an interim meeting would probably serve no purpose; that a first meeting held perhaps a day or two prior to the convening of the January session might suffice and be more convenient for committee members.

Chairman Holland stated in his opinion the first decision of the committee should be what phase of judicial law should be attacked first. It was the committee's final decision the Montana Plan on the Judicial Article of the Constitution was a good choice, particularly since this Plan has had a lot of research prepared and formulated by both the citizenry and scholars of law. Members were advised the Montana Plan was not set up by the Law University but was a product of the Montana Citizens for Court Improvement group, the American Judicature Society, and the Montana Bar Association.

It was decided notices would be sent out to the above named societies, and public information given on hearings to be held, with the lapse of time between notices and hearings to be decided at a later date. The committee agreed several hearings should be scheduled for the first days of the Convention.

It was moved and unanimously seconded that all hearings and deliberations of the committee will be open to the public. It was also decided that some method for questioning witnesses must be established.

The following names and addresses are provided for the convenience of the committee:

George Schotte, 505 Hayes Ave., Helena, 59601
President of the Montana Citizens for Court Improvement

Kenneth H. Davis, 542 Ave. C, Billings
Secretary, Montana Citizens for Court Improvement

Dean Robert Sullivan, Montana University Law School,
Missoula, Montana 59801

Professor David R. Mason, University Law School, Missoula
Professor of Law

Judges Association; Judge Paul Hatfield, Great Falls, Pres.

William Bellingham, Pres., Montana Bar Association,
2236 Fairview Pl., Billings, Montana

Glenn Winters, Executive Director, American Judicature Society
1155 E. 60th St., Chicago, Ill. 60637 (Tel. 312-667-2727)

It was emphasized that proponents of the Montana Plan would also be given ample notice of all public hearings.

Chairman Holland suggested, and the members agreed, it might be a good plan at a later date, for committee members

periodically to resolve themselves into committees of one and individually hold hearings in their home areas, or even other areas of the state.

It was agreed it would be beneficial to have the use of a tape recorder or a reporter at all meetings and hearings so that statements made could be referred to with verification. These records would also clarify the "intent" of the committee in their decisions.

Sandy Muckelston, research analyst on the Constitutional Convention Commission staff, was present. Miss Muckelston said her report on The Judiciary will be published in about three weeks; and that she can be found in the Commission quarters in the Capitol Building if she can assist the committee at any time.

Miss Muckelston suggested it is helpful when giving notice of public hearings, to invite any interested party to bring a prepared statement, if he so desires.

It was agreeable to the members of the committee, that Chairman Holland have the authority to set up a first hearing date, if convenient to do so without notifying the members.

Their business having been concluded, the meeting adjourned.

DAVE HOLLAND, Chairman

Rosemary Acher
Acting Committee Secretary