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MONTANA CONSTITUTIONAL CONVENTION

STATE CAPITOL

HELENA, MONTANA 59601

TELEPHONE 406/449-3750

JUDICIARY COMMITTEE

Place of Meeting: Room 413, Capitol Building, Helena, Montana

Date Meeting Held: January 17, 1972

Hour Meeting Held: 11:25 A.M.

MINUTES OF THE SECOND MEETING OF JUDICIARY COMMITTEE

Roll Call:

David L. Holland, Chairman	- Present
Mrs. Catherine Pemberton, Vice-Chairman	- Present
Cedor B. Aronow	- Present
Ben E. Berg, Jr.	- Present
Mrs. Jean M. Bowman	- Present
Leslie "Joe" Eskildsen	- Present
Rod Hanson	- Present
J. Mason Melvin	- Present
John M. Schiltz	- Present

DISCUSSION: Chairman Holland introduced his committee staff to the members of the committee. He then called the members' attention to the proposed schedule of the Judicial Committee, a copy of which is attached hereto and made a part of these minutes. All the members took part in a discussion of how meetings of this committee should be noticed and how the various parties wishing to testify before the committee should be notified. The members endeavored to plan scheduled hearings to allow ample time for all proponents and opponents to testify. Mr. Holland mentioned that he had been in contact with several individuals or members of groups, to-wit: George Schotte, Chairman of Citizens Conference Montana Judicial System; William H. Bellingham, President of the Montana Bar Association; Glen Winters, Director American Judicature Society; President of the Montana Judges Association; Supreme Court Justice James Harrison; and several others who would like to appear and testify on the so-called "Montana Plan". After much discussion it was decided to notice a hearing for the following days: Jan. 20, Jan. 21, and Jan 22 or 24, depending upon the work schedule of the Convention. A copy of said notice is attached hereto and made a part of these minutes also. Joe Eskildsen was the only member who favored Friday as the first scheduled meeting.

It was also discussed that in the event 25% of the committee is in opposition to a majority report, there will be submitted



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a minority report as well as the majority report.

Sandra Muckelston advised the committee that they were also responsible for Sections 4-5 of Articles 13-19 as well as the Judicial Article. Joe Eskildsen felt that there would have to be a limitation date on introductions of proposals with which all of the members agreed.

It was also discussed that the committee would send letters to all attorneys licensed before the Supreme Court residing in Montana. It was stated that representatives of the Clerk of Courts, the Young Lawyers Association and the Montana Trial Lawyers Association expressed interests in appearing before the committee. The County Attorneys' Offices were discussed in small detail and it was determined that they would not be affected differently than any attorney's office. Mr. Jean Bowman expressed concern over the rule of three days' notice of every meeting. David Holland questioned a newsreporter as to whether the public could be notified of a hearing date set for Jan. 20 and the reporter felt that this was ample notice to the public and would enhance the image of the convention to set hearings as soon as possible. It was agreed the meeting would be held Jan. 20 to hear proponents of the so-called "Montana Plan". Chairman Holland stated that it was his desire to hear testimony as soon as possible, but that the committee would be flexible in hearing testimony at the convenience of the individual appearing before the committee.

The possibility of each delegate being a one-man delegation in his or her district was discussed.

David Holland motioned to adjourn, which motion was seconded by Rod Hanson and carried. The committee adjourned at 12:25.

DAVID HOLLAND, Chairman