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### Minutes of the tenth meeting of the Judiciary Committee

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# MONTANA CONSTITUTIONAL CONVENTION

STATE CAPITOL • HELENA, MONTANA 59601 • TELEPHONE 406/449-3750

## JUDICIARY COMMITTEE

Place of Meeting: Industrial Accident Board Building, 815 Front,  
Helena, Montana

Date Meeting Held: January 26, 1972

Hour Meeting Held: 2:00 P.M.

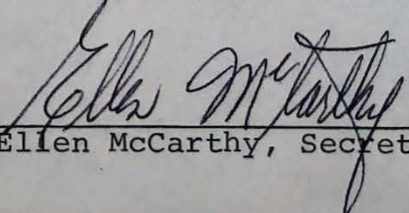
### MINUTES OF THE TENTH MEETING OF JUDICIARY COMMITTEE

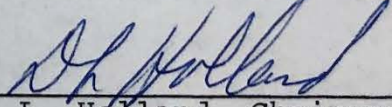
#### Roll Call:

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:

Chief Justice James T. Harrison supported the "Montana Plan", stating it "is the best that can be worked out". He advised the committee that four associate justices also supported the plan which would provide for appointed rather than elected justices. The only change in the Montana Plan necessary, he felt, would be that associate justices be called simply "justices". He felt that the judges should appoint the clerks of court as an office hires its own secretary. He favored a special committee to investigate charges made against judges and to recommend that senile judges retire as this would give judges a chance to answer unwarranted charges. The Judge favored an incumbent judge running against his record than an opponent. Questions and answers followed. In response to a question of the committee, Chief Justice Harrison stated the judiciary and bar should help the public evaluate judges and that a rotation basis of attorneys could be used in the event of a supreme court vacancy if attorneys were willing to serve when requested. The committee then recessed until 4:00 this date.

  
Ellen McCarthy, Secretary

  
D. L. Holland, Chairman