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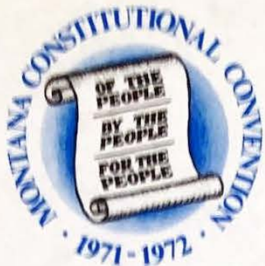
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MONTANA CONSTITUTIONAL CONVENTION

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

JUDICIARY COMMITTEE

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

Date Meeting Held: January 26, 1972

Time Meeting Held: 4:00 P.M.

MINUTES OF THE ELEVENTH MEETING OF JUDICIARY COMMITTEE

Roll Call:

David L. Holland	-	Present
Mrs. Catherine Pemberton	-	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:

Committee members discussed setting tentative hearings. Judge Robert Keller accentuated the deplorable compensation for the judiciary in Montana. Salary must attract competent lawyers for the bench, he stated. He said it was not unusual for a judge to stay on the bench for the mere fact that he cannot return to practice of law after being a judge for such a long time. He then felt that most lawyers believe selection of judges is better than the elective system if the State is to obtain competent judges, but stated that the legislature should handle this matter. He advised the committee that an independent selection committee was necessary. He was of the opinion that it is the better politician who wins an election not necessarily the best man qualified to sit as judge. He said this was a result of lay people not understanding the problems of electing judges. Judge Keller also supported appointment of clerks and a magistrate system with magistrates being lawyers as the bulk of people encounter justice at this level. He refreshed the memory of the committee as to a commission to assist the governor in appointing judges for vacancies. He said it was not mandatory for the governor to follow these recommendations and the system was unsuccessful as any lawyer interested in applying for consideration could be recommended to the governor. Questions and answers follows. Chairman Holland requested Judge Keller to submit a proposal to the committee on salaries and the commission idea of compensation, composition and selection methods.



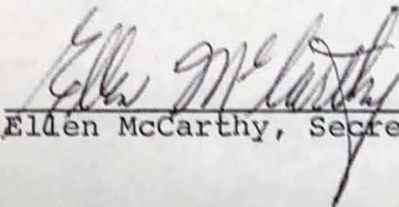
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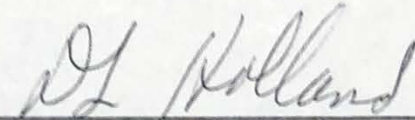
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Mr. Archie Wilson, constitutional delegate furnished the committee with a prepared statement and letter from the County Attorney of Rosebud County, Montana. Such are attached and made a part of these minutes.

The committee then discussed Delegate Proposals No. 30, 34 and 38. There being no further business, the committee adjourned at 6:45.


Ellen McCarthy, Secretary


D. L. Holland, Chairman