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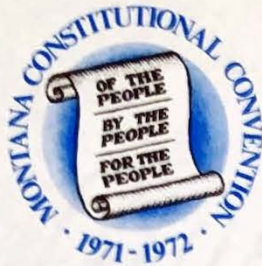
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MONTANA CONSTITUTIONAL CONVENTION

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

JUDICIARY COMMITTEE

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

Date Meeting Held: January 28, 1972

Time Meeting Held: 2:00 P.M.

MINUTES OF THE FIFTEENTH MEETING OF JUDICIARY COMMITTEE

Roll Call:

David L. Holland, Chairman	-	Absent
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	-	Absent

DISCUSSION:

Vice-Chairman Pemberton called the afternoon meeting to order and introduced Mr. Charles "Timer" Moses of Billings to the committee members. Attorney Moses appeared in opposition to raising committee to constitutional status when referring to the proposed nominating committee of the Montana Plan. He went on to say "What we are saying if we adopt the Montana Plan is that the legislature shall not stick their collective noses in judicial business." He advocated certain principles that should be in a judicial article as follows: 1. Right to democratic and representative government and felt trial courts exemplify and invigorate this principle. He felt that under the Montana Plan, we would delegate authority to a few. 2. Right to vote. The Montana Plan, he felt, takes away this right and gives it to a committee. He quoted cases of the last few years regarding people's right to vote as basic and public interest. 3. Right to know. Under the Montana Plan, he stated, the judges decide everything. 4. Right to Justice. Attorney Moses suggested improvements of lower court justice regarding facilities and qualifications and salaries. He summarized his opinions by stating that the legislative process is important in administration of justice and the constitution on judicial reform must be flexible. Several comments were made as to the extent of legislative powers and he was of the attitude that supervisory control should be broad enough to include administrative control. He also felt the magistrate system would be disasterable. Lengthy period of questions and answers followed. Attorney Moses presented a blue covered copy of his proposed plan to the committee for their consideration.



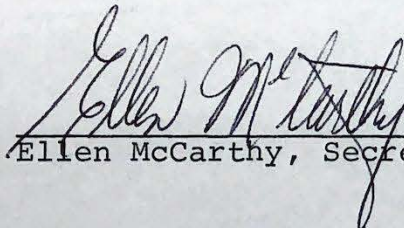
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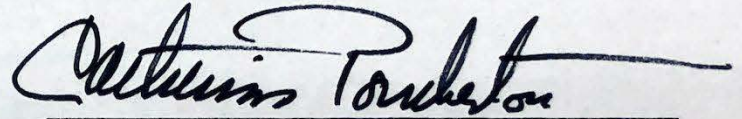
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The next person to appear before the committee was Conrad Fredericks, the County Attorney of Sweetgrass County. He was of the opinion that county attorneys should be elected and stated the county attorney is a legal advisor to public officials and should be in each county in order to give fast, reliable advice and work closely with the officials. He also reminded the committee that the officials of the County Attorneys' Association would be appearing next Tuesday.

Richard Josephson, Big Timber attorney, complimented the committee on its interests. The committee members then discussed the judicial plan among themselves and then adjourned.


Ellen McCarthy, Secretary


Catherine Pemberton, Vice Chairman