

University of Montana

## ScholarWorks at University of Montana

---

The Montana Constitution Collection

Mansfield Center

---

2-2-1972

### Minutes of the twentieth meeting of the Judiciary Committee

Montana. Constitutional Convention (1971-1972). Judiciary Committee

Follow this and additional works at: <https://scholarworks.umt.edu/montanaconstitution>

**Let us know how access to this document benefits you.**

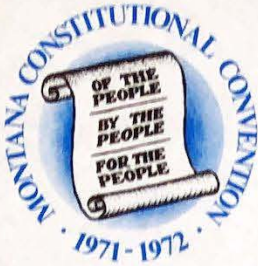
---

#### Recommended Citation

Montana. Constitutional Convention (1971-1972). Judiciary Committee, "Minutes of the twentieth meeting of the Judiciary Committee" (1972). *The Montana Constitution Collection*. 241.

<https://scholarworks.umt.edu/montanaconstitution/241>

This Committee Minutes and Testimony is brought to you for free and open access by the Mansfield Center at ScholarWorks at University of Montana. It has been accepted for inclusion in The Montana Constitution Collection by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact [scholarworks@mso.umt.edu](mailto:scholarworks@mso.umt.edu).



# MONTANA CONSTITUTIONAL CONVENTION

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

## JUDICIARY COMMITTEE

Place of Meeting: Room 402  
Date Meeting Held: February 2, 1972  
Hour Meeting Held: 2:00 P.M.

### MINUTES OF THE TWENTIETH 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
Rod Hanson	- Present
J. Mason Melvin	- Present
John M. Schiltz	- Present

#### DISCUSSION:

This meeting was called to order. The first person to appear before the committee was Thomas J. Kearney, Clerk of the Supreme Court. He appeared in support of keeping the Clerk of the Supreme Court in the constitution as an elective office. A copy of his statement is attached hereto and made a part of these minutes.

Roger J. Barnaby of Wibaux, Montana, then appeared in support of keeping clerks of district courts in the constitution on an elective basis. He also furnished a statement to the committee which is made a part of these minutes. Mr. Barnaby represents the Clerks of District Court Association. He also furnished the committee with statements from Henry J. Schepens, Chairman of the Democratic Central Committee, District No. 3, and from Evelyn Thompson, Clerk of District Court, Gallatin County, Bozeman, Montana.

Elmer Erickson of Choteau, Montana, representing the Clerks of District Court, also appeared to voice his opinion that clerks of district courts should be elected. He also supported retention of a three level court system. A copy of his statement is attached hereto and made a part of these minutes.

Hardin E. Todd, Clerk of the District Court of Yellowstone County, and Secretary of the Montana Clerks of Court Association, spoke in opposition to the Montana Plan and favored retention of the Clerks of District Courts as elected officials. He further supported retention of a three level court system. A copy of his statement





# MONTANA CONSTITUTIONAL CONVENTION

STATE CAPITOL

HELENA, MONTANA 59601

TELEPHONE 406/449-3750

Page 2  
February 2, 1972

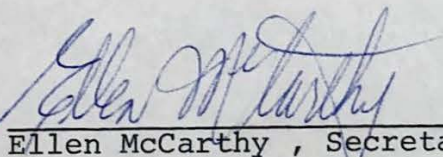
is attached hereto and made a part of these minutes.

Francis Mitchell of Canyon Ferry Route, Helena, Montana, appeared before the committee in support of election of the supreme court. He represented Montana Common Cause, an organization of Montana citizens committed to better government through active citizen participation in government. He felt the supreme court should be allowed to design the rest of the state court system, subject to review and approval of the legislature. He suggested that judicial campaigns be publicly funded. A copy of his statement is attached hereto and made a part of these minutes.

J. Chan Ettien of Havre, Montana, presented comments on the Montana Plan for Court Improvement. He went through the proposed Plan section by section and offered his criticism and suggestions. His written comments are attached hereto and made a part of these minutes.

Joe Roberts, law student at the University of Montana School of Law, Missoula, Montana, urged the committee to change the justice of the peace court system. A copy of his statement is attached and made a part of the minutes. Another law student of the University, John O. Mudd, appeared. He limited his remarks to the issue of the proper method for selection of judges. He argued against the elective method of judges. A copy of his remarks is attached.

The committee adjourned at 4:45 P.M.

  
Ellen McCarthy, Secretary

  
DAVID L. HOLLAND, Chairman