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### Minutes of the twenty-second 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: Room 413, Capitol Building, Helena, Montana

Date Meeting Held: February 3, 1972

Hour Meeting Held: 2:00 P.M.

### MINUTES OF THE TWENTY-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:

The Committee met at 2:00 P.M. and immediately heard District Judge W. W. Lessley and District Judge Robert Wilson testify in support of the so-called "Montana Plan" with the exception of the magistrate provision which they felt should be deleted and left to the legislature. Delegate Robert L. Kelleher appeared in favor of appointment of judges but advocated leaving the clerks of court in the constitution. Delegate Franklin Arness felt that the wording of the present judicial article should be retained as much as possible.

The next person to appear before the members of the committee was Paul Keller, attorney at law from Helena, Montana. Mr. Keller favored eliminating of justice of peace courts and taking them out of the constitution. He felt that present attempts to educate the justice of peace people are not successful. Joe Renderes, 3100 Fifth Ave. S. of Great Falls appeared in opposition to the Montana Plan. He appeared as a private citizen. James T. Mular, representing the Brotherhood of Railroad Union, Butte, Montana, also spoke against the Montana Plan in its entirety. He presented a prepared written statement for the committee records. Senator John L. McKeon of Anaconda, next appeared in opposition to the Montana Plan. He suggested redistricting judges of the supreme court and making them closer to the people. He also advised the members that judges' salaries are higher than judges themselves requested of the legislature. John Sullivan, a University of Montana Law School student, also opposed the Montana Plan and was



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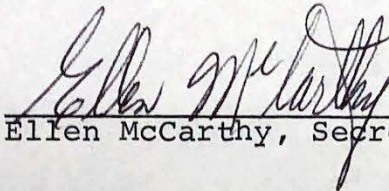
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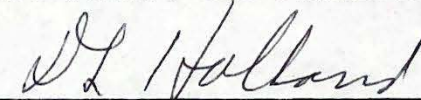
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particularly opposed to the rule-making power of the Montana Plan.

There being no further business before the committee, they adjourned.

  
Ellen McCarthy, Secretary

  
David L. Holland, Chairman



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