

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 12-0374

IN THE MATTER OF MODIFYING THE RULES
FOR COURTS OF LIMITED JURISDICTION
TRAINING AND CERTIFICATION OF JUDGESO R D E R

Through its Chairman, Judge Perry Miller, the Commission on Courts of Limited Jurisdiction (Commission) has asked this Court to make certain modifications to Rule 5 of the Rules for Courts of Limited Jurisdiction Training and Certification of Judges. The purpose of the modifications, which relate to emergency waivers from training conferences, is to reflect current practice and to provide clarity to judges, Commission members, and staff.

Good cause having been shown,

IT IS ORDERED that Rule 5 of the Rules for Courts of Limited Jurisdiction Training and Certification of Judges is modified as follows, to address the need for emergency waivers from training conferences. Language hereby added to the Rule is shown highlighted:

Rule 5. Waiver

A. WAIVER COMMITTEE. The Commission shall annually name a three-member waiver committee. The committee shall recommend action to the commission on all **written** applications from judges for waivers of **semi**-annual training, and shall act on all applications for waivers of training for substitute judges.

B. WAIVER OF **SEMI**-ANNUAL TRAINING.

(1) To obtain a waiver of attendance at a training conference, the judge must make written application to the Commission, **via the waiver committee**, stating the reason why the waiver is requested. Except for requests for a waiver under B(2), the request for a waiver must be submitted to the Commission, **via the waiver committee**, at least forty (40) days prior to the scheduled date the training conference will begin. A notice of the waiver committee's proposed recommendation to the Commission will be sent to the applicant five (5) days prior to the Commission's action thereon. If the applicant objects to the proposed recommendation, the applicant may appear at the next regular Commission meeting and present his or her position to the commission. The Commission shall consider the request for waiver and shall advise the judge in writing of its determination at least ten (10) days prior to the scheduled date the training conference will begin.

(2) The Commission may grant a waiver of **semi-annual** training because of illness, death in the family, or other good cause. Only one **semi-annual** training session may be waived by virtue of attendance at an out-of-state training program.

(3) Any request for permission to leave a **semi-annual** training conference prior to its completion shall be presented **in writing** to the Commission, **via the waiver committee**, and shall constitute an application for a waiver. **All training conference and emergency waiver requests shall be initially addressed by the waiver committee, which will make a recommendation to the full Commission.** ~~Emergencies shall be addressed to the commission at the training conference for approval.~~

[No changes to subsection (C)]

The Clerk is directed to provide copies of this order to the Chair of the Commission on Courts of Limited Jurisdiction, Thomson Reuters, Todd Everts at Montana Legislative Services Division, and Shauna Ryan, Judicial Education Coordinator, Montana Supreme Court.

DATED this 26th day of June, 2012.

/S/ MIKE McGRATH
/S/ JAMES C. NELSON
/S/ JIM RICE
/S/ PATRICIA COTTER
/S/ BETH BAKER
/S/ BRIAN MORRIS