

Missoula County Media Release

Contact: Amy McGhee

Justice Court Administrator

amcghee@missoulacounty.us

406-258-3216

Sept. 30, 2019



Commissioners to Vote on Establishing Court of Record for Missoula County Justice Court

Commissioners will decide at their Thursday, Oct. 3, public meeting whether to establish Missoula County Justice Court as a court of record. The meeting will take place at 2 p.m. in the Sophie Moiese Room of the Courthouse Annex.

Historically, proceedings in Missoula County Justice Court have not been electronically recorded, which means no official record was available for review by parties in a case, appellate courts or the general public. The only “record” of any proceeding were the notes of a judge or clerk. Appeals to District Court or the Montana Supreme Court were “de novo,” meaning the process starts over again, throwing out any decision made and all testimony and work of the parties in Justice Court.

Missoula County Justices of the Peace Landee Holloway and Alex Beal requested that the commissioners establish a court of record. If approved, having a court of record would mean any appeals from Justice Court would involve a review of the official record, and the appellate court judge would only need to determine whether the Justice Court judge made an error in their decision.

“Not having appeals start from scratch will be much more efficient for the parties involved and District Court,” said District Court Judge Jason Marks. “Having a court of record will also mean that if there are questions about what was said or what was decided, the judge, the parties or the public can go back to the recording to be sure of what the initial decision was.”

Increasing efficiency in the appeals process is not the only benefit. Though not required by state law, a court of record allows for more transparency and accountability in court proceedings. Establishing a court of record will also eliminate the need for survivors of crimes to testify more than once.

“This is an important change for victims of crime – particularly survivors of sexual and domestic violence or abuse,” said Relationship Violence Services Director Shantelle Gaynor. “Every time a survivor has to retell their traumatic story, they actually relive those events. This can be incredibly painful and stressful for them. Testifying in court one time is hard enough, but having to testify multiple times because the court was not a court of record creates undue re-traumatization. We applaud this change and thank Judges Holloway and Beal for leading the way.”

Pending commissioner adoption of the resolution, Missoula County Justice Court will transition to a court of record on Jan. 1, 2020. Any unresolved cases pending on that date would be appealed on the record. Justice Court is actively testing the recording equipment and has started to unofficially record hearings. Commissioners have already authorized \$25,000 in the fiscal year 2020 budget to add the necessary recording equipment to the two Justice Court courtrooms.

Justice Court conducts initial appearances for in-custody felony charges and felony probation violations in Missoula County. It also handles all aspects of misdemeanor cases filed by the Missoula County Sheriff's Office, the Montana Highway Patrol, Fish, Wildlife and Parks officers and Motor Carrier Services. Justice Court has jurisdiction over civil claims where damages are alleged to be less than \$12,000, as well as the informal "small claims" court for cases up to \$7,000 where parties appear without attorneys. Justice Court handles all landlord/tenant eviction requests.

For more information, call Missoula County Justice Court Administrator Amy McGhee at 406-258-3216.

###