

Handbook Highlight from the Montana Municipal Officials Handbook

1.6 CITY AND MUNICIPAL COURTS

1.601 Local Courts of Limited Jurisdiction

Courts of limited jurisdiction (as distinct from district courts with felony jurisdiction) are those local courts which deal with local ordinances, residential and commercial landlord/tenant disputes, forcible entry and detainer (unlawful keeping of another person's goods), collection of certain taxes, fees and assessments, and, most frequently, misdemeanor criminal charges. Misdemeanors are those offenses punishable by a fine not exceeding \$500 or imprisonment not exceeding six months. A civil action may be brought in a court of limited jurisdiction if the disputed sum does not exceed \$7,000 (exclusive of court costs). The two kinds of courts of limited jurisdiction found in Montana's cities and towns are the city court and the municipal court, each of which is described below.

1.602 City and Municipal Courts

Eighty-three of Montana's 129 cities and towns have a city court. Five cities (Bozeman, Billings, Great Falls, Helena and Missoula) have a municipal court which is also a court of limited jurisdiction but, unlike a city court, a municipal court is a court of record, as described below. The criminal jurisdiction of city and municipal courts is limited to misdemeanors, which are almost entirely violations of city or town ordinances, predominantly traffic related offenses.

1.603 City Courts

Even though state law does not mandate that a city court judge be an attorney, several are because this additional qualification may be set forth in a city or town ordinance ([3-11-202](#), MCA). The city and town councils of Montana's 117 Class 3 cities and Towns may decide by ordinance whether

to appoint or elect the city judge to the required four year term of office ([7-4-4102](#) and [4103](#), MCA). Most are elected, as are all the city judges in class 1 and class 2 cities. However, a number of smaller cities and towns choose to appoint a city judge from a neighboring city or town or to appoint a willing county justice of the peace as the city judge. Some 38 county JPs also serve as city judges.

1.604 Municipal Courts

Unlike a city court or justices court, a municipal court is a court of record and, therefore, appeals from its decisions do not require re-trial by a district court, which may review the case upon appeal based upon the court record created in the original municipal court proceeding. The five municipal courts have the same jurisdiction as city courts but, unlike city courts, municipal court judges must be elected and must have the same qualifications as a district court judge except that a municipal court judge must have been admitted to practice for only three years ([3-6-202](#), MCA)

1.605 Court Revenues

While local courts often collect fees from litigants or defendants, the municipal government cannot impose a certain collection rate or revenue expectation upon the court. State law provides great leeway to judges to reduce or waive fees especially when a defendant is indigent.

The revenue from the fines and forfeitures imposed by city and municipal courts can be substantial and all such revenues are deposited directly into the municipality's general fund. For example, the court revenues from one of Montana's larger municipalities exceeded \$750,000, as compared to the court's operating budget of about \$200,000, and therefore, resulted in a half million-dollar contribution to the city's general fund budget. Certainly, the purpose of any court is not to serve as a revenue center for government but, rather to create and maintain the expectation of justice in the community. Nevertheless, city and municipal courts remain important contributors to a balanced budget in most municipalities. It is important to note, however, that included in a municipal budget is the cost of the police department and the city attorney's office, both of which, along with the court itself, are essential public safety components of the community's justice system.

1.606 The Court's Relationship to the Legislative and Executive Branches

Judges and court staff are part of a separate branch of government. Neither

the Executive Branch nor the Legislative Branch may interfere in the daily workings of the Judicial Branch. Neither the council nor the mayor has authority to supervise, discipline or remove a judge during the judge's four year term of office.

The council appoints the judge for a four-year term. If a vacancy occurs during the judge's term of office, the council must appoint a new judge to serve out the remainder of the term. The new judge cannot perform any judicial acts until the Montana Supreme Court Administrator's Office has been notified of the appointment and the newly appointed judge has received a waiver of training.

All limited jurisdiction judges are required to attend twice yearly trainings and to pass a certification test upon appointment or election and every four years thereafter. The local government is responsible for paying the registration and travel expenses associated with these mandatory trainings.