

SUPREME COURT OF THE STATE OF MONTANA

Motta v. Granite County

2011 MT 96N (2011) · No. DA 10-0589 · Decided May 4, 2011

SUMMARY

Richard Motta, a Granite County justice of the peace, challenged the reduction of the position's hours and salary, reimbursement determinations, and alleged inadequate clerk funding. The Montana Supreme Court affirmed the District Court's denial of relief, concluding that the clerk issue was moot, reimbursement was governed by statutory rates, and the position had been reduced before Motta's appointment. The Court issued the decision as a noncitable memorandum opinion and declined to consider factual-error claims because Motta had not provided a trial transcript.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Chief Justice Mike McGrath; Justice James C. Nelson; Justice Patricia Cotter; Justice Beth Baker; Justice Brian Morris
JURISDICTION	Montana
DECIDED	May 4, 2011
DOCKET	DA 10-0589
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a District Court order denying all requested relief after a bench trial.
STANDARD OF REVIEW	The court declined to review claims of factual error because Motta failed to provide a trial transcript. It reviewed the legal issues under settled Montana law.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Richard Motta v. Granite County Commissioners, Suzanne Browning, Maureen Connor, Cliff Nelson

TOPICS

- municipal law
- appellate procedure
- mootness
- statutory interpretation
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Motta's claim concerning the lack of proper funding for a court clerk was moot.
2. Whether Motta was entitled to reimbursement beyond the statutory rates for actual and necessary expenses.
3. Whether the County Commissioners were authorized to reduce the justice of the peace position's hours and salary before Motta applied for or was appointed to the position.
4. Whether the Supreme Court could review alleged factual errors when Motta failed to provide a transcript of the trial.

HOLDINGS

1. The clerk-funding claim was moot because Motta had a clerk and conceded that the Justice Court was current with its duties.
2. Motta had no legal basis for reimbursement beyond the statutory rates because Montana law limited reimbursement to actual and necessary expenses at the rates provided by statute, and he had been paid those rates.
3. The County Commissioners were statutorily authorized to appoint a replacement justice of the peace and to reduce the position's salary and hours before Motta applied for the position.
4. The Supreme Court would not address claims of factual error when the appellant failed to order or provide a transcript of the trial.

KEY QUOTATIONS

“this case is decided by memorandum opinion and shall not be cited and does not serve as precedent.” (§ 1)

“a constitutional provision prohibiting diminution of salaries during the term of office is designed to remove from lawmakers the temptation to exert control over the other branches by...threats of punishment by way of reduced salaries.” (§ 6)

FACTUAL BACKGROUND

Richard Motta was appointed part-time Granite County Justice of the Peace after the prior justice retired. Before Motta applied, the County Commissioners had reduced the position from full-time to part-time and lowered its salary. Motta later disputed the hiring of a clerk and reimbursement of expenses, and claimed that the reduced hours, pay, expenses, and clerk funding harmed him. By the time of trial, he had a clerk and conceded that the Justice Court was current with its duties.

PROCEDURAL HISTORY

Motta sued Granite County officials concerning the reduction of the justice-of-the-peace position's hours and salary, reimbursement of expenses, and funding for a court clerk. After a bench trial, the District Court denied all

requested relief, concluding that the clerk issue was moot, the reimbursement claim lacked merit, and the reduction in hours and salary was authorized by statute. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Coate v. Omholt, 203 Mont. 488, 500, 662 P.2d 591, 597 (1983)
- Giambra v. Kelsey, 2007 MT 158, ¶ 36, 338 Mont. 19, 162 P.3d 134