

Under Rule 16(b), M.R.Civ.P., the following matters are exempt from this scheduling procedure:

1. Youth Court cases
2. Criminal actions
3. Probates
4. Adoptions
5. Mental Commitment
6. Small Claims appeals
7. Abstract or Transcript of Judgment
8. Administrative appeals
9. Seizures and Forfeitures
10. Habeas Corpus and Post Conviction Relief
11. Name Changes
12. Abused or Neglected proceedings
13. Emancipation

(b) **Trial Settings.** Trials shall be held throughout the year as scheduled. Trials may be stacked, i.e., more than one trial may be set for the same time, and if so, the Court shall determine the order of priority. Regardless of order, counsel and parties should be prepared to commence trial at the time scheduled. If preempted by another trial, the Court will reset trial and, whenever possible, to commence within the next thirty (30) days.

Because of difficulty in obtaining jurors, jury trials will not be set in July, August and the last half of December except as found necessary. Reasonable effort will be made for initial trial settings to commence as follows:

In Valley County: During week commencing with first monthly law and motion in Rule 18(a)(i), LDCR.

In Phillips County: During week commencing with second monthly law and motion in Rule 18(a)(ii), LDCR.

In Blaine County: During week commencing with first monthly law and motion in Rule 18(a)(iii), LDCR.

(c) **Six-Person Juries.** Pursuant to § 3-15-106, MCA, in all civil actions where the relief sought in the complaint is under the sum of Ten Thousand Dollars (\$10,000.00), the trial jury shall consist of six persons. The Court encourages parties to stipulate to six-person juries in other civil cases where appropriate.

(d) **Extension of Discovery Deadlines.** Discovery deadlines are to be followed. Extension of deadline to complete discovery must be by Court order upon written request setting forth the discovery accomplished to date, the reasons for missed discovery deadlines, and a statement regarding opposing counsel's position on the request. The request must be accompanied by a proposed order identified as "Amended Discovery Order" containing proposed new deadlines.

(e) **Monitoring.** The Court's Administrative Assistant will monitor deadlines established by scheduling order(s). Failure to diligently respond to monitoring inquiry may result in sanctions, including removal from the trial calendar or loss of trial priority status.

(f) **Final Pretrial Conference.** A date and time for the Final Pretrial Conference (FPC) under Rule 5, UDCR will be set at the scheduling conference. Each party represented by counsel will have an attorney present at the FPC with authority to make stipulations and admissions. Counsel should inform the Court at the FPC of health conditions or other special needs of counsel, a party or witness that will likely need attention during trial.

(g) **Sanctions.** Sanctions for violating the Court's scheduling order or pretrial conference agenda may be imposed under Rule 16(f), M.R.Civ.P.

(h) **Postponement of Trials.** Requests to continue trial must be by written motion setting forth specific reasons and a statement whether other parties oppose continuance. Continuances are addressed to the discretion of the judge. Any motion to postpone trial on grounds of absence of witness or evidence shall be supported by affidavit under § 25-4-501, MCA showing that reasonable grounds exist to believe the absent witness or evidence cannot otherwise be obtained and that the same will be available should postponement be granted.

RULE 20 - SECURITY

(a) **Weapons.** Only on-duty law enforcement officers or court security personnel shall be entitled to bring or carry firearms or other weapons in the courtroom, chambers or offices of other court personnel.

(b) **Search.** Anyone wishing to enter the courtroom may be subject to metal detector security check or required to submit to a search of his

or her person or belongings by law enforcement or other court security personnel.

RULE 21 - ALTERNATE DISPUTE RESOLUTION

(a) **Mediation.** Parties, at their cost, may voluntarily retain a private individual for mediation of their case. In such case, mediation shall be a confidential meeting between the parties and the mediator to seek and promote communication between the parties with a view toward reaching a settlement agreement. Parties may agree to attend mediation without counsel. Any agreement reached in mediation shall be promptly reduced to writing and upon execution by parties, a written status report shall be filed with the Court.

(b) **Settlement Conference.** In all civil cases, the court may require at any time a settlement conference before an appointed settlement judge or master. Any party may move the Court to order a settlement conference with an appointed settlement judge or master. At the discretion of the Court, trial may be postponed or not set until after a settlement conference.

1. **Settlement Judge or Master.** The settlement judge will be either a current or retired state District Court Judge. The settlement master may be any person qualified under Rule 53, M.R.Civ.P.

2. **Settlement Conference Defined.** A settlement conference is a confidential meeting between the parties, attorneys and the settlement judge/master with a view toward negotiating a settlement. Each party will submit to the settlement judge/master a confidential settlement statement containing a summary of their case and description of strengths and weaknesses on each side. The parties and their attorneys must be present unless excused by the settlement judge/master.

3. **Sanctions.** Failure of a party or counsel to participate in a Court-ordered settlement conference may result in sanctions such as imposition of costs and attorney's fees incurred by opposing party in preparation for settlement conference.

4. **Confidential.** No person present at a settlement conference shall be subject to examination concerning statements made by any other person at the settlement conference. Parties cannot subpoena or otherwise require the appointed settlement judge/master to testify regarding his opinions or other matters expressed at the settlement conference.

5. **Attendance of Insurance Claims Persons.** In all cases where pertinent, claims representative(s) from insurance companies, with requisite settlement authority, shall be required to attend the settlement conference in person or by speaker phone. Upon good cause shown, the Court may require personal appearance.

6. **Fees.** Fees charged by a settlement judge/ master may be imposed upon parties in discretion of the Court.

(c) **Settlement Documents.** If a case is settled by settlement conference or other method before the trial date without documentation, parties shall forthwith inform the Court in person or by conference call and a minute entry will be made vacating trial as the case has been settled. Once of record, the agreement is binding and enforceable. Within thirty (30) days, settlement documents must be prepared and filed.

(d) **Sealing Confidential Information.** The court reserves the right to deny a request to seal sensitive information as part of a settlement, if disclosure of the information is in the public interest.

RULE 22 - TRIAL PRACTICE

(a) **Exhibits.** Counsel shall make reasonable effort to pre-label all exhibits to be used at a trial. In marking trial exhibits, plaintiff shall use letters and defendants shall use numbers. Multiple defendants should use a different initial before numbering of each exhibit. (Eg., Defendant Robin would use R-1, R-2, etc.). Copies of all standard-size exhibits shall be made in advance for the judge and opposing counsel. No exhibits shall be used in opening statement without prior Court approval. Exhibits will be disposed under Rule 12 U.D.C.R. upon final disposition of the case.

(b) **Timing of Objections.** Objections must be made after the question has been asked and before the witness has answered. It is objecting counsel's responsibility to stop the witness so the objection can be made. All counsel shall prepare their witnesses to refrain from answering when an objection is made.

(c) **Manner of Objections.** Unless apparent, counsel must state succinctly the specific grounds for objection. All objections will be addressed to the Court. Argument may be made only upon request or

