

seeking an extension of time, filing beyond the date certain may result in the Court's disregarding the brief.

G. Length of Briefs. No individual brief shall exceed twenty (20) pages in length, exclusive of indexes and appendices, without prior leave of the Court.

H. Citations in Briefs. Briefs containing citations of authority must contain official reporter citations. (Citations to Westlaw or Lexis are improper.)

RULE 12 - SETTLEMENT CONFERENCES

A. Settlement Conference Required. In each civil case, subject to a scheduling order pursuant to Local Rule 6, there will be a master-supervised settlement conference, the holding of which will be required before a case may be set for trial. The settlement conference shall be addressed in the scheduling order prepared and issued in accordance with Rule 6 of the Local Rules. The purposes of such conferences are to

- (1) facilitate (but not coerce) settlement;
- (2) lessen congestion of the trial calendar; and
- (3) reduce the cost of litigation by providing a means to resolve contested cases prior to final trial preparation.

The District Court Administrator shall maintain a list of Court-approved Settlement Masters for use in cases where the parties are unable to agree upon a Settlement Master.

B. Master-Supervised Settlement Conference. The master-supervised Settlement Conference may be held at any time upon stipulation of the parties or order of the Court. Unless otherwise agreed, the conference shall be held after the close of discovery and rulings on pretrial motions. The Court shall issue a separate order confirming the appointment of the Settlement Master providing for their compensation and procedures to be followed at the Settlement Conference. Counsel who will try the case and all parties shall attend in person. Out-of-area corporations or insurance companies will have a representative with full settlement authority present in person or via speaker phone, unless personal attendance is ordered by the Court upon a showing of good cause. All participants must have requisite settlement authority.

C. Report of the Settlement Master. Within five (5) days of the completion of the master-supervised Settlement Conference, the Settlement Master shall submit, on a form provided by the Court, a report indicating that the conference was held and describing the issues that were settled, if any. The report shall be filed with copies to the Court, all counsel of record and any parties not represented by counsel. In the event that the case is not fully settled, the form shall also state the following information obtained from counsel for the parties and any unrepresented party:

- (1) the total length of time anticipated to be necessary for trial;
- (2) dates counsel or key witnesses are legitimately unavailable for trial;
- (3) any special requests or needs regarding trial scheduling;
- (4) whether there is still a reasonable prospect for settlement.

Cases will be set for trial upon submission of the Settlement Master's report.

D. Proceedings Confidential. No person present at a Settlement Conference, including the Settlement Master, shall be subject to examination concerning statements made by any person at the Settlement Conference. The parties will not subpoena or otherwise require the Settlement Master to testify regarding the Settlement Conference or the Settlement Master's opinions regarding the case.

E. Trial Preparation Order. The Court shall issue a Non-Jury or a Jury Trial Preparation Order in cases not settled by the date of filing of the Settlement Master Report. Said Order shall set the matter for pretrial conferences and trial and provide for filing of jury instructions, and the pretrial order or proposed findings of fact and conclusions of law as the case may require.

RULE 13 - TRIALS

A. Trial Settings. Non-jury and jury trials shall be scheduled by the District Court Administrator throughout the year as time is available.

B. Jury Instructions. Proposed instructions to the jury in a civil or criminal action shall be presented to the Court and served upon each adverse party in accordance with the jury trial preparation order issued.

Proposed forms of verdict must be submitted by each party at the same time and in the same manner as the jury instructions. The Court requests that, where possible, CD containing the proposed jury instructions and verdict form (formatted in either WordPerfect or Word) accompany the instructions.

On or before the date of the preliminary pretrial conference counsel shall submit:

- 1) One "clean" set of joint jury instructions for the Court.
- 2) Two (2) "working" copies of joint jury instructions (opposing attorney/Judge)
- 3) One "clean" set of proposed instructions not agreed upon
- 4) Two (2) "working" sets of proposed instructions not agreed upon (opposing attorney/Judge)
- 5) A CD containing the jury instructions.

Brief written objections to the opposing party's supplemental proposed instructions containing citations to appropriate authority and legal arguments shall be submitted at or before the final pretrial conference on the morning of trial. Oral arguments regarding contested instructions shall be heard during final settlement of the instructions.

RULE 14 - VOIR DIRE

A. Length. The length and conduct of *voir dire* examination shall not exceed one (1) hour per side without prior leave of the Court.

B. Conducted by One Attorney Per Party. Only one attorney for each party shall be allowed to question the prospective jurors on *voir dire*.

C. Scope of Questioning. The only proper purpose of *voir dire* is to select a panel which will fairly and impartially hear the evidence presented and render a just verdict, and to determine the grounds for any challenge for cause. Accordingly, the Court in exercising its discretion may discourage counsel from:

- (1) Asking questions of an individual juror that are susceptible of being asked collectively;
- (2) Asking questions covered by and answered in the juror questionnaire, except to explore some answer in great depth;
- (3) Repeating questions asked and answered;
- (4) Using *voir dire* for the purpose of attempting to instruct the jury on the law;
- (5) Using *voir dire* for the purpose of arguing the case; or
- (6) Asking a juror what his verdict might be under any hypothetical situation based upon expected evidence or otherwise.
- (7) Unnecessary invasions of a juror's right of privacy.
- (8) Any other improper purpose.

RULE 15 - ATTORNEYS

Attorneys of Record. Unless appearing in a limited scope consistent with Montana Rules of Professional Conduct 1.2, and unless the attorney's firm appears on the pleadings in the case, no attorney may participate in any proceedings in the case until the attorney's firm name has been entered of record as counsel of record. Attorneys shall comply with Uniform District Court Rule 10 and §§37-61-403 through -405 for substitution or other change in representation.

RULE 16 - EXHIBITS

A. Custody. The Clerk is required to keep a list of all exhibits offered and the ruling of the Court thereon. No exhibit admitted into evidence shall be removed from the custody of the Clerk of Court without the Clerk's prior approval. Exhibits and any discovery documents filed with the Court shall be disposed of as provided in Uniform District Court Rule 12 upon final disposition of each case.

B. Labeling. Counsel shall pre-label their proposed exhibits with standard exhibit labels pursuant to the trial preparation order issued by the Court.

C. Mounted Exhibits. Counsel shall mount exhibits in such a fashion that they may be dismounted for folding, rolling, storage and/or shipping if necessary.

D. Oversize Exhibits. Letter size copies of oversize exhibits are encouraged for use by the bench and jury, and for substitution for oversize exhibits after trial.

E. Electronic Courtroom. To facilitate greater efficiency and enhance the juries' ability to view exhibits contemporaneously, the Court has

RULE 26 - PARENTING AND VISITATION GUIDELINES

A powerful cause of stress, suffering, and maladjustment in children of divorce is not simply the divorce itself, but continuing conflict between the parents before, during and after the divorce. To minimize conflict over the children, the parents should agree on a parenting arrangement that is most conducive to the children having frequent and meaningful contact with both parents with as little conflict as possible. When parents' maturity, personality and communication skills are adequate, the ideal arrangement is reasonable visitation upon reasonable notice, since that provides the greatest flexibility. The next best arrangement is a detailed visitation agreement made by the parents to fit their particular needs and, more importantly, the needs of the children. If the parents are unable to agree, however, the following guidelines will help the parents in knowing what the presiding judge in the Twenty-First Judicial District believes are generally reasonable, unless special circumstances require a different arrangement. (See Paragraph 1.17 below.) Unless these guidelines are incorporated in a court order, they are not compulsory rules, only a general direction for parents. In the event visitation becomes an issue in court, the judge reserves the right to set whatever visitation schedule best meets the needs of the children in that case.

1. GENERAL RULES

Parents should always avoid speaking negatively about the other and should firmly discourage such conduct by relatives or friends. In fact, the parents should speak in positive terms about the other parent in the presence of the children. Each parent should encourage the children to respect the other. Children should never be used by one parent to spy on the other. The basic rules of conduct and discipline established by the custodial parent should be the base line standard for both parents and any step-parents, and consistently enforced by all, so that the children do not receive mixed signals.

Children will benefit from continued contact with all relatives and family friends on both sides of the family for whom they feel affection. Such relationships should be protected and encouraged. But relatives, like, parents, need to avoid being critical of either parent in front of the children. Parents should have their children maintain ties with both the maternal and paternal relatives. In Montana grandparents have a legal right to reasonable visitation with their grandchildren, if it is in their best interests. Usually the children will visit with the paternal relatives during times the children are with their father and with the maternal relatives during times they are with their mother.

In cases where both parents resided in the same community at the time of separation, and then one parent left the area, thus changing the visitation pattern, the court will consider imposing the travel costs for the children necessary to facilitate future visits on the parent who moved. The court will also consider other factors, however, such as the economic circumstances of the parents and the reasons prompting the move.

1.1 Parental Communication. Parents should always keep each other advised of their home and work addresses and telephone numbers. As far as possible, all communication concerning the children shall be conducted between the parents themselves in person, or by telephone at their residences and not at their places of employment.

1.2 Grade Reports and Medical Information. The custodial parent shall provide the noncustodial parent with grade reports and notices from school as they are received and shall permit the noncustodial parent to communicate concerning the child directly with the school and with the children's doctors and other professionals outside the presence of the custodial parent. Each parent shall immediately notify the other of any medical emergencies or serious illnesses of the children. The custodial parent shall notify the noncustodial parent of all school or other events (like Church or Scouts) involving parental participation. If the child is taking medications, the custodial parent shall provide a sufficient amount and appropriate instructions.

1.3 Visitation Clothing. The custodial parent shall send an appropriate supply of children's clothing with them, which shall be returned clean (when reasonably possible), with the children, by the noncustodial parent. The noncustodial parent shall advise, as far in advance as possible, of any special activities so that the appropriate clothing may be sent.

1.4 Withholding Support or Visitation. Neither visitation nor child support is to be withheld because of either parent's failure to comply with

a court order. Only the court may enter sanctions for non compliance. Children have a right both to support and visitation, neither of which is dependent upon the other. In other words, no support does not mean no visitation and no visitation does not mean no support. If there is a violation of either a visitation or a support order, the exclusive remedy is to apply to the court for appropriate sanctions.

1.5 Adjustments in This Visitation Schedule. Although this is a specific schedule, the parties are expected to fairly modify visitation when family necessities, illnesses or commitments reasonably so require. The requesting parent shall act in good faith and give as much notice as circumstances permit.

1.6 Custodial Parent's Vacation. Unless otherwise specified in a court order or agreed by the parties, the custodial parent is entitled to a vacation with the children for a reasonable period of time, usually equal to the vacation time the noncustodial parent takes with the children. The custodial parent should plan a vacation during the time when the noncustodial is not exercising extended visitation.

1.7 Insurance Forms. The parent who has medical insurance coverage on the children shall supply, as applicable, insurance forms and a list of insurer approved or HMO qualified health care providers in the area where the other parent is residing. A parent who, except in an emergency, takes the children to a doctor, dentist or other provider not so approved or qualified should pay the additional cost thus created. However, when there is a change in insurance which requires a change in medical care providers and a child has a chronic illness, thoughtful consideration should be given by the parties to what is more important: allowing the child to remain with the original provider or the economic consequences of changing. When there is an obligation to pay medical expenses, the parent responsible therefor shall be promptly furnished with the bill by the other. The parents shall cooperate in submitting bills to the appropriate insurance carrier. Thereafter, the parent responsible for paying the balance of the bill shall make arrangements directly with the health care provider and shall inform the other parent of such arrangements. Insurance refunds should be promptly turned over to the parent who paid the bill for which the refund was paid.

1.8 Child Support Abatement. Unless a court order otherwise provides, support shall not abate during any visitation period.

1.9 Missed Visitation. When a scheduled visitation cannot occur due to events beyond either parents' control, such as illness of the parent exercising visitation or the child, a mutually agreeable substituted visitation date shall be arranged, as quickly as possible. Each parent shall timely advise the other when a particular visitation cannot be exercised. Missed visitation should not be unreasonably accumulated.

1.10 Visitation a Shared Experience. Because it is intended that visitation be a shared experience between siblings and, unless these Guidelines, a court order, or circumstances, such as age, illness, or the particular event, suggest otherwise, all of the children shall participate in any particular visitation.

1.11 Telephone Communication. Telephone calls between parent and child shall be liberally permitted at reasonable hours and at the expense of the calling parent. The custodial parent may call the children at reasonable hours during those periods the children are on visitation. The children may, of course, call either parent, though at reasonable hours, frequencies and at the cost of the parent called if it is a long distance call. During long vacations the parent with whom the child is on vacation is only required to make the child available to telephone calls every five days. At all other times the parent the child is with shall not refuse to answer the phone or turn off the phone in order to deny the other parent telephone contact. If a parent uses an answering machine, messages left on the machine for the child should be returned. Parents should agree on a specified time for calls to the children so that the children will be made available.

1.12 Mail Contact. Parents have an unrestricted right to send cards, letters and packages to their children. The children also have the same right with their parents. Neither parent should interfere with this right.

1.13 Privacy of Residence. A parent may not enter the residence of the other except by express invitation of the resident parent, regardless of whether a parent retains a property interest in the residence of the other. Accordingly, the children shall be picked up and returned to the front entrance of the appropriate residence. The parent dropping the children off should not leave until the children are safely inside. Parents should refrain from surprise visits to the other parent's home. A parent's

time with each parent during this holiday period.

2.5 Holidays. Parents shall alternate the following holiday weekends: Easter, Memorial Day, the 4th of July, Labor Day and Thanksgiving. Thanksgiving will begin on Wednesday evening and end on Sunday evening; Memorial Day and Labor Day Weekends will begin on Friday and end on Monday evening; Easter weekend will begin on Thursday evening and end on Sunday evening; while the 4th of July, when it does not fall on a weekend, shall include the weekend closest to the 4th. Holiday weekends begin at 5:30 P.M. and end at 7 P.M. on the appropriate days.

2.6 Children's Birthdays. Like the holidays, a child's birthday shall be alternated annually between the parents. If the birthday falls on a weekend, it shall extend to the full weekend, and any resulting conflict with regular visitation shall be resolved pursuant to Paragraph 1.9. If the birthday falls on a weekday, it shall be celebrated from 3 P.M. to 9 P.M. (or so much of that period as the noncustodial parent elects to use).

2.7 Parents' Birthdays. The children should spend the day with the parent who is celebrating their birthday, unless it interferes with a noncustodial parent's extended visitation during vacation.

2.8 Conflicts Between Regular and Holiday Weekends. When there is a conflict between a holiday weekend and the regular weekend visitation, the holiday takes precedence. Thus, if the noncustodial parent misses a regular weekend because it is the custodial parent's holiday, the regular alternating visitation schedule will resume following the holiday. If the noncustodial parent receives two consecutive weekends because of a holiday, regular alternating visitation will resume the following weekend with the custodial parent. The parents should agree to make up missed weekends due to holiday conflicts.

2.9 Visitation Before and During Vacations. There will be no visitation the weekend(s) before the beginning of the noncustodial parent's summer vacation visitation period(s), regardless of whose weekend it may be. Similarly, that parent's alternating weekend visitation(s) shall resume the second weekend after each period of summer vacation that year. Weekend visitation "missed" during the summer vacation period will not be "made up." During any extended summer visitation of more than three consecutive weeks, it will be the noncustodial parent's duty to arrange, for a time mutually convenient, a 48 hour continuous period of visitation for the custodial parent unless impracticable because of distance.

2.10. Notice of Canceled Visitation. Whenever possible, the noncustodial parent shall give a minimum of three days notice of intent not to exercise all or part of the scheduled visitation. When such notice is not reasonably possible, the maximum notice permitted by the circumstances, and the reason therefor, shall be given. Custodial parents shall give the same type of notice when events beyond their control make the cancellation or modification of scheduled visitation necessary. If the custodial parent cancels or modifies a visit because the child has a schedule conflict, the noncustodial parent should be given the opportunity to take the child to the scheduled event or appointment.

2.11. Pick Up and Return of Children. When the parents live in the same community, the responsibility of picking up and returning the children should be shared. Usually the noncustodial parent will pick up and the custodial parent will return the children to that parent's residence. The person picking up or returning the children during times of visitation has an obligation to be punctual: to arrive at the agreed time - not substantially earlier or later. Repeated, unjustified, violations of this provision may subject the offender to court sanctions.

2.12. Additional Visitation. Visitation should be liberal and flexible. For many parents these guidelines should be considered as only a minimum direction for interaction with the children. These guidelines are not meant to foreclose the parents from agreeing to such additional visitation as they find reasonable at any given time.

3. VISITATION OF CHILDREN OVER AGE FIVE WHEN SOLE CUSTODY OR PRIMARY PHYSICAL CUSTODY AND PARENTS RESIDE MORE THAN 200 MILES APART

3.1 Extended Visitation. All but three weeks of the school summer vacation period and, on an alternating basis, the school Winter (Christmas) vacation and Spring Break.

3.2 Priority of Summer Visitation. Summer visitation with the noncustodial parent takes precedence over summer activities (such as Little League) when the visitation cannot be reasonably scheduled around such events. Even so, the conscientious noncustodial parent will often

be able to enroll the child in a similar activity.

3.3 Notice. At least 60 days notice should be given of the date for commencing extended visitation, so that the most efficient means of transportation may be obtained and the parties and the children may arrange their schedules. Failure to give the precise number of days notice does not entitle the custodial parent the right to deny visitation.

3.4 Additional Visitation. Where distance and finances permit, additional visitation, such as for holiday weekends or special events, are encouraged. When the noncustodial parent is in the area where the child resides, or the child is in the area where the noncustodial parent resides, liberal visitation shall be allowed and because the noncustodial parent does not get regular visitation, the child can miss some school during the visits so long as it does not substantially impair the child's scholastic progress.

4. PARENTAL CHANGE OF RESIDENCE

4.1 The provisions of Section 40-4-217, M.C.A. shall be followed with regard to parental changes of residence.

4.2 A move involving relocation of the child(ren) which is opposed by the other parent shall be evaluated under the best interests of the child criteria. In addition, the Court shall consider the following:

- A) The parent's good faith in moving;
- B) The child's attachment to each parent;
- C) The possibility of devising a visitation schedule that will allow meaningful contact with the non-custodial parent;
- D) The quality of life in the proposed new home; and
- E) The negative impact of continued hostility between the parents if the Court disapproves the relocation.
- F) Availability of health insurance for the children in either location.

RULE 27 - CRIMINAL AND DELINQUENCY ACTIONS

A. Preliminary Procedures in Felony Cases

(1) In all felony criminal prosecutions initiated by complaint in Justice Court, the Justice Court shall set an initial appearance no later than the regular Law and Motion day (Wednesday for Judge Langton and Thursday for Judge Haynes) of the third week after the week of the filing of the complaint unless District Court will not be in session on that date in which event the initial appearance shall be scheduled to coincide with the next regular Law and Motion day. The Justice Court shall advise the Defendant and counsel to be personally present on said date.

(2) If the County Attorney thereafter elects to file a motion for leave to file an information in District Court said motion shall be filed not less than one week before the initial appearance date and the County Attorney shall immediately notify the Justice Court by sending a copy to that Court. The Justice Court shall thereupon transmit a bail transmittal memorandum, the Conditions of Release Order, any bail bond, and the application for court appointed counsel to the Clerk of District Court for filing and the Justice Court shall send a copy of that information to the County Attorney at the same time.

(3) The County Attorney shall be responsible to calendar the case for initial appearance in District Court on Law and Motion Day.

B. Arraignment. An Acknowledgment of Rights form shall be presented to the Court by defense counsel at the time of arraignment.

A Plea of Guilty and Waiver of Rights form shall be presented to the Court by defense counsel at the time of a guilty plea.

These forms are available from the District Court Administrator.

No Plea Agreement shall be considered unless it is in writing and filed with the Court.

C. Omnibus Hearing.

(1) When a plea of NOT GUILTY is entered, the Court shall set an omnibus hearing to be held within a reasonable time thereafter (not less than thirty [30] days before trial). The purpose of the hearing is to expedite procedures leading up to the trial of the Defendant. The presence of the Defendant shall not be required. The prosecutor and defense counsel must be prepared at the hearing to address any pre-trial matter appropriate to the case, including but not limited to the matters set forth in Section 46-13-110(a) through (m), MCA. At the conclusion of the hearing a Court-approved memorandum of the matters discovered and/or settled shall be signed by the Court and counsel and filed with the Clerk of Court.

(2) In order to conserve time in Court, the prosecution and the defense counsel shall make a reasonable effort to meet privately and

B. Expense Penalty. Any litigant and/or legal counsel responsible for late postponement of a trial or contested hearing previously set on a day other than regular law and motion day may be assessed a penalty equal to any court expenses or expenses of the adverse party (including attorney fees) thereby needlessly incurred.

RULE 31 - PROBATE FEES

Attorney fees in informal probate matters will not be routinely fixed by the Court, unless there is a disagreement between the attorney and the personal representative. Should there be a disagreement, either party may present the matter to the Court after giving proper notice and a hearing shall be conducted thereon.

RULE 32 - SUBSTITUTION OF JUDGES

All motions for the substitution of a judge shall be accompanied by the required filing fee at the time of filing, pursuant to Sections 3-1-804 and 25-1-201, MCA, otherwise the motion shall be stricken.

RULE 33 - SIX-PERSON JURIES

Pursuant to Section 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.

RULE 34 - WITNESSES

A. Subpoena Duces Tecum. A subpoena duces tecum may be issued in compliance with Rule 45, M.R.Civ.P. and for only such information as is relevant and material.

B. Sheriff / County Attorney. A subpoena duces tecum relating to records of the Ravalli County Sheriff or Ravalli County Attorney shall not be presented to the Court for approval unless it has been discussed with the affected public official to determine if they have objections.

C. Examination Limited. On the examination of witnesses, only one attorney upon each side will be permitted to examine or cross-examine the same witness, except by permission of the Court first asked and obtained.

D. Discharge of a Witness. A party having a witness subpoenaed in a civil cause may discharge the witness by motion made in open court. If an adverse party desires such witness to remain, the adverse party must procure the witness's further attendance by subpoena or order of the Court, and shall thereafter be responsible to the witness for witness fees and costs.

RULE 35 - JUDGMENT ON WRITTEN INSTRUMENT

In all cases in which a judgment is entered upon a written instrument, the instrument must be presented to the Clerk at the time judgment is granted by the Court, and the Clerk shall note in ink across the face of the instrument the fact of the entry of judgment and its date. The Clerk shall sign the entry, attach the official seal, and file the instrument. The instrument shall not be removed except by order of the court in writing setting forth the facts of such removal.

RULE 36 - MEDIA

A. Cameras and Recordings. Only members of bonafide press organizations recognized by the Court will be allowed to operate cameras or electronic recording devices during court proceedings. Said members of the press shall be prepared to identify themselves and their media organization to the uniformed security officer(s) prior to entering the courtroom. Exception as provided herein, no cameras or electronic recording devices or personnel shall be allowed in the courtroom absent the express permission of the Judge.

B. Operation of Cameras. All cameras or electronic recording devices allowed into the courtroom shall be in place and ready to function well prior to the scheduled court proceeding being covered. Equipment and personnel shall remain in the courtroom until such time as a recess in proceedings is called by the Court. All camera or electronic recording devices shall be operated as quietly and inconspicuously as possible. Media personnel shall respect the dignity and decorum of the Court and conduct themselves and their business accordingly. Those that are disruptive or cause distraction from the proceedings at hand shall be promptly removed from the courtroom. No additional lighting shall be used without the express prior approval of the Court.

C. Microphone Placement. No microphones or other types of broad-

casting or taping equipment shall be placed on or near the Judge's bench without advance request to and approval of the Court.

D. Disobedience of Guidelines. Any person disregarding the guidelines as set forth herein may be asked to leave or be escorted from the courtroom and will be denied readmittance and may possibly be held in contempt of Court if a warning is ignored.

RULE 37 - JURY SUMMONING PROCEDURE

A. Jury Lists. The Clerk of District Court, as the County Jury Commissioner, shall require annually that an alphabetized computer database of potential jurors and their addresses be filed by July 1 of each year with an attached certificate signed by the Ravalli County Clerk and Recorder and the Ravalli County Commissioners which shall contain a description of the computerized random selection method employed to complete the list.

Said certificates and the lists shall be kept in the office of Clerk of Court and be made available for public inspection during normal business hours. The Clerk shall thereupon enter the database into her computer and produce a randomized database and a certificate describing the process used to do so which shall thereupon be presented to the Court for its approval and preserved for public inspection.

B. Exemptions. All questions of juror exemptions or alleged incompetencies from jury duty shall be granted exclusively by the Court in all cases upon a satisfactory showing of undue hardship or other legal grounds.

C. Procedure. In all cases set for jury trial, the following procedures shall be followed except for cases awaiting trial as of the date of adoption of this Rule which will be dealt with on a case by case basis.

1. In cases to be set for jury trial the Court will issue a written Order to the Clerk of District Court specifying the date(s) of trial, the summoning method to be used and the number of potential jurors to be summoned.

2. The trial will be set at least three (3) consecutive weeks after the date set for pre-trial conference and the following schedule shall apply:

a) The Court shall issue an Order to the Clerk's Office immediately after the preliminary pre-trial conference to summon a jury.

b) The Clerk of District Court shall follow their set procedure and mail out written summons for jury service. After the procedural deadline has passed, the Clerk of District Court shall send an Additional Juror Summons and a praecipe to the Ravalli County Sheriff for personal service upon non-responding potential jurors.

c) The parties shall have two (2) business days thereafter to file any motion and affidavits to discharge the jury panel as allowed by section §46-16-112, M.C.A. in criminal cases. If the motion and affidavit is filed and presents substantial grounds, the Court shall conduct an immediate hearing thereon as permitted by the Court's schedule.

RULE 38 - CONSOLIDATION OF ABUSE/NEGLECT CASES

A. Filing Standards. Each case shall be opened by the Clerk of District Court consistent with the Montana Judicial Branch District Court Uniform Caseload Filing Standards.

B. Time of Consolidation. All child abuse and neglect (DN) cases involving the children of one or more common parent, step parent or guardian shall be consolidated automatically before the show cause hearing, under the case number for the youngest affected child. This is not a permanent consolidation under the same case number, but rather a temporary consolidation for ease of case management and administrative purposes. Each case shall retain a separate file and case number. Objections to consolidation, if any, must be raised at the show cause hearing. If an objection is raised and the Court determines that complete integration is inappropriate because of confidentiality or other issues, then as an alternative, the cases may be consolidated and grouped according to common parents, etc. For example, in a case involving one mother but two fathers, the separate cases for the children may be consolidated into two groups, one for each father, each of which will include all the children of that father.

C. Caption on Consolidated Cases. In issuing Orders to Show Cause, Subpoenas, or Summons, the Clerk of District Court shall issue one such document as necessary for each consolidated case, rather than one document for each child. The Clerk of the District Court shall list the consolidated case number first for the show cause hearing or

