

**MONTANA FOURTEENTH JUDICIAL DISTRICT  
COURT RULES**

**GOLDEN VALLEY, MEAGHER, MUSSELSHELL and WHEATLAND  
COUNTIES**

**PREFACE**

The following are the Rules of Procedure of the District Court of the Fourteenth Judicial District. Where indicated, these Rules incorporate the Uniform District Court Rules as adopted by the Order of the Supreme Court.

These rules describe the usual manner in which the Court does business, including the processes which govern litigation. If counsel have an emergency which is not covered adequately by these rules, or need relief from the application of them, counsel may present such matters to the Court for its consideration.

*(for Rules 1-13, see the Montana Uniform District Court Rules)*

**RULE 14 - OBTAINING COURT ORDER**

(a) (b) see Rule 14 of the Montana Uniform District Court Rules

(c) Motion and Briefing Requirement. Under Rule 7, M.R.Civ.P., any request for court order shall be by motion stating with particularity the grounds therefor and the relief or order sought. All motions filed shall be briefed and deemed submitted pursuant to Rule 2, Uniform District Court Rules.

(d) Document Title. For meaningful information in Court indexing, motions and Briefs shall include in the document title identity of submitting party and a brief description of subject. (Eg., Defendant's Motion for Change of Venue)

(e) Proposed Order. Parties applying for an order shall present prior to hearing or action upon the same a separate proposed order for signature of the Court. Where applicable, the title of the proposed order shall make reference to the underlying motion. Two copies of any order to show cause, temporary restraining order or like order shall be presented and, if found acceptable, signed with one retained for the court files and the duplicate original returned for purpose of making service.

(f) Oral Arguments. Oral argument will not be set on summary judgment motions unless requested, a party. In civil cases, parties desiring oral argument on other motions must support the request with specific reasons. Oral argument is scheduled exclusively by the Judge or through the Court's Administrative Assistant.

**RULE 15 - TELEFAX AND ELECTRONIC FILING**

(a) Authorization. Any document which may be filed by mail may be submitted by telefax or electronic transmission using the following procedure.

(b) Filing Procedure.

(a) The telefaxed or electronically submitted document will not be accepted unless it is completely legible, shows all necessary signatures and does not result in reversal of telephone or telefax charges to be incurred by the Court.

(b) The date and time of the Clerk of Court's receipt of the telefax or electronically transmitted document shall be the date and time of filing.

(c) Should the original of the telefaxed or electronically filed document not be served on the same day as transmittal, service of the document must be made as provided in Rule 5, M.R.Civ.P.

(d) Documents and filings containing only the attorney's signature may be filed via fax or email, and the original will no longer need to be filed. All other parties telefaxing or electronically submitting a document shall, on the date of the transmission, mail the original of the document to the Clerk of Court by first class mail. Upon receipt and confirmation that the original is exactly the same as the telefaxed or electronic transmission, the Clerk shall file and attach the original to the transmitted document.

(e) The Certificate of Service must show that a telefax or electronic transmission was sent to the Clerk of Court and the date of such transmission.

(f) Failure of the clerk to receive the signed original document in a timely fashion will be cause for an order to strike the telefaxed or electronically submitted document and thereupon, it shall have no force or effect whatsoever. The party filing the telefaxed or electronic document

shall be responsible to assure the original is timely received and filed by the Clerk.

(g) Filing documents by telefax or by electronic means shall not change or delay payment of fees in the manner and within the time required by the Clerk of Court.

**RULE 16 - COMMUNICATIONS WITH THE COURT**

(a) Reception, Scheduling, Transcripts and General Inquiries. All persons seeking a conference with the judge **MUST**, in order to avoid conflict, first check in with the Court Administrator Derinda Hazelton. All inquiries concerning the scheduling of matters, court appointed counsel assignments, and requests for transcripts **MUST**, in order to avoid conflicts, be referred to Derinda Hazelton, 506 Main Street, Roundup, Montana 59072; Telephone: 406-323-1701, Fax: 406-323-1710.

(b) Reminders to the Court. In matters pending or taken under advisement including, but not limited to, a motion or decision in a bench trial, parties may, and are encouraged, following any period as allowed for briefing or additional filing, to send the Court a reminder letter containing only a brief description of the matter needing attention and the date it was made or taken under advisement.

**RULE 17 - LAW AND MOTION**

(a) Day and Time. To conduct routine matters, there will be a minimum of two (2) law and motion dates monthly. More will be added as needed.

(b) With the installation of video-teleconferencing throughout the 14th Judicial District, Law and Motion Days will be conducted from Judge's home county of Musselshell.

(c) Contact numbers for respective counties within the 14th Judicial District are as follows:

IP Addresses:

- 161.7.25.10/Musselshell County
- 161.7.25.242/Meagher County
- 161.7.25.162/Wheatland County
- 10.48.17.188/Golden Valley County

Virtual Meeting Room:

- 215-2031/Musselshell County
- 215-2030/Meagher County
- 215-2032/Wheatland County

Virtual Meeting Room Teleconference Numbers:

- 1.406.449.7478, conf. code 2031#/Musselshell County
- 1.406.449.7478, conf. code 2030#/Meagher County
- 1.406.449-7478, conf. code 2032#/Wheatland County

(d) Routine Matters. "Routine matters" for the purpose of law and motion shall include initial appearance, arraignment, judgment by consent or default, probate proceedings, uncontested ex parte matters, matters pertaining to questions of law only and any other matters reasonably anticipated to take less than 30 minutes to complete. Matters set for law and motion date which become contested are subject to postponement and rescheduling.

(e) Calendar. Counsel or parties shall notify the Court Administrator by noon on the preceding business day of matters to be placed on the law and motion calendar. Emergency matters may be presented to the court at any time upon adequate showing by moving party. Parties or counsel not prepared when their matter is called from the calendar will be moved to the end of the calendar and be heard subject to available time.

(f) Continuances. Matters scheduled for law and motion may be continued by the Court on its own initiative. Ex Parte requests to continue any matter set by Court order for law and motion must comply with Rule 3, Uniform District Court Rules. Counsel may withdraw from the law and motion calendar any matter placed thereon solely by reason of their prior notification to the Court Administrator.

(g) Contested Matters. Unless scheduled by the Judge, contested matters involving questions of fact, or matters requiring more than 30 minutes for presentation shall be scheduled through the Court Administrator at (406) 323-1701.

~ Rule Section ~



(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 may 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 Person. 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 21 - 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 numbers, and defendants shall use letters. 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 Uniform District Court Rules 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 approval of the Court.

(d) Voir Dire. Voir dire examination shall not exceed one (1) hour per side without prior leave of Court. Only one (1) attorney for each party may conduct voir dire. In the exercise of discretion, the Court may preclude counsel on voir dire from:

1. Asking questions of an individual juror that can be asked collectively;
2. Asking questions covered by and answered in the juror questionnaire;
3. Repeating questions asked and answered;
4. Using voir dire to instruct the jury on the law;

5. Using voir dire to argue the case; or

6. Asking a juror what his or her verdict might be under hypothetical situation based upon expected evidence or otherwise.

(e) Examination. Only one (1) attorney for each party shall examine or cross-examine the same witness. On cross-examination of any witness or direct examination of a hostile witness, counsel shall not approach the witness without first obtaining permission of the court. Counsel shall not obstruct jury view of the witness.

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

(g) Character or Parenting Witnesses. No more than three (3) witnesses for each party will be permitted to testify as to the character of a person or parenting practices and abilities without an order of Court authorizing additional witnesses.

(h) Final Argument. Each party is limited to one (1) hour for final argument, without prior leave of the Court. Plaintiff must allocate more time to the opening portion of Plaintiff's final argument.

(i) Jury Instructions. To provide impartial copies for submission to the jury, parties must be prepared to offer an unbound copy of approved jury instructions absent of citation of authority, offered party and consecutive numbering required under Rules 7(b)&(c), Uniform District Court Rules. Parties should inquire of the Court at the final pre-trial conference of any stock instructions which need to be duplicated.

(j) Invoking 5th Amendment Privilege. Any attorney, party, or witness, who anticipates that any witness to be called in a trial by jury might refuse to answer a question on the grounds that the answer may tend to incriminate him or her, shall so advise the court in advance of such witness testifying. The court shall thereupon hold a hearing outside of the presence of the jury to determine if, in fact, such will be the case. An appropriate order will then be entered for the purpose of avoiding, if possible, "taking the 5th" in the presence of a jury.

## **RULE 22 - RULES OF DECORUM**

(a) The District Court adopts the Fourteenth Judicial District Courtroom Decorum and Practice Guidelines attached hereto as Exhibit "A."

(b) Photography and Media. Broadcasting, television, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court, or recesses between sessions, shall be allowed only with prior notice to, and specific permission of, the presiding judge. All equipment used and persons using it shall remain behind the bar. No flash lights, or other lighting equipment, or large microphones shall be used. Photographers, television cameras, and other recording devices, when allowed, shall remain stationary, and shall be used so as to not disrupt the proceedings. No photographs of or televising of the members of a jury shall be permitted.

(c) Removal. Parties or other persons in the courtroom while the Court is in session shall be subject to removal for behavior or actions considered disruptive or threatening.

## **RULE 23 - MARITAL DISSOLUTION CASES**

(a) Child Support Guidelines. As long as application of uniform child support guidelines is required under § 40-4-204, Montana Code Annotated, a guidelines worksheet and financial affidavit(s), in accepted form, must be completed. In non-contested cases, these documents must be filed as required by § 46.30.1515 Administrative Rules of Montana. In contested cases, these documents must be offered into evidence as exhibits.

(b) Support Variance. A party seeking variance from the support guidelines or withholding requirements must furnish written proposed findings addressing their contention the variance is supported by clear and convincing evidence.

(c) Notice to Child Support Enforcement Division. Any petition filed to commence proceedings involving modification of child support shall include a statement whether the requesting party has knowledge of the child(ren) receiving or applying for public assistance and if so, petitioner shall immediately notify Montana's Child Support Enforcement Division and the State Attorney General's Office, in writing of the pending action and file proof of such notice with the Clerk of Court.



(\$7000.00) shall be subject to removal to Small Claims Court pursuant to § 3-10-1004, Montana Code Annotated.

### **RULE 30 - CLOSURE OF ESTATES**

The Clerk of Court shall notify the Judge of all estate matters that remain pending two (2) years after appointment of the personal representative. The Court may thereupon order the personal representative and attorney to appear and show cause under § 72-3-1015, Montana Code Annotated why the estate has not been closed.

### **RULE 31 - CONSERVATORSHIPS**

(a) Insurance Settlement. In the event of a settlement for a minor or disable person, the insurance company, through counsel, may not represent the plaintiff for conservatorship purposes.

(b) Annual Accounting. Unless waived by Court Order or these local rules, all orders should contain provisions requiring conservators to provide an annual accounting. The accounting may be made informally by letter, together with a list showing the location of all accounts, proof of beginning balance, itemization of income and expenses, and proof of ending balance.

(c) Borrowing by Conservator. All orders must provide that the conservator shall not borrow monies from the estate without prior Court approval.

(d) Bond or Certificate of Deposit. A bond must be posted in all conservatorship actions unless good cause is shown for not requiring the same. Good cause for not requiring a bond exists if the total estate of the conservatorship is invested in a certificate of deposit in a local bank and fully insured by FDIC. In such event, the certificate of deposit must be in the name of the Clerk of Court as trustee for the minor or incapacitated person, interest must automatically accrue and be reinvested, the certificate cannot be cashed without prior court order, the bank must expressly consent to these limitations, and the certificate of deposit must be delivered to the Clerk of Court for safekeeping, to be delivered upon the conservatorship estate being terminated.

(e) Waiver of Annual Accounting. In the event of a Certificate of Deposit as contained in the immediately preceding local rule, there is no annual accounting required.

### **RULE 32 - SIGNATURE STAMP**

The Court Administrator shall maintain under lock and key a signature stamp bearing a facsimile of the Judge's signature. On occasions when the Judge is out of the jurisdiction or is otherwise unavailable, the Judge may authorize the Court Administrator to use the Judge's signature stamp on documents requiring immediate attention by the Court. It shall be necessary to secure the Judge's authorization on every occasion before his signature stamp is used, and the signature stamp shall only be used when it is not feasible to wait until the judge returns to the jurisdiction or otherwise becomes available to personally sign the document in question.

### **RULE 33 - AMENDMENT-RELIEF**

(a) Amendment. Amendments to these rules may be made from time to time by Court Order filed with the Clerks of Court for each county within the 14th Judicial District.

(b) Relief. If counsel believe in good faith they have a situation which is not covered adequately by these rules, or need relief from the application of these local rules, counsel may, upon application, present such matters to the court for its consideration.

(c) Applicability. These rules, in addition to the Uniform District Court Rules, shall apply to all cases in each Court in each County in said District, and shall be entered upon the Minutes of this Court in each County of said District. The Clerks of Court shall keep an original copy of these Rules and any amendments thereto.

### **RULE 34 - DISMISSAL OF ACTIONS FOR LACHES**

The Clerk of Court will bring to the attention of the Court on a quarterly basis those actions which the pleadings shown to have been at issue for more than three (3) years. Periodically, the Court will review the status of civil cases and request status reports. Parties are to comply with such request within twenty (20) days in writing. In the event parties do not comply, the Court may dismiss the matter or issue further appropriate orders.

Pursuant to 3-1-112, Montana Code Annotated, the District Court of the Fourteenth Judicial District of the State of Montana, in and for the Counties of Musselshell, Golden Valley, Wheatland and Meagher hereby adopts the foregoing Rules of Court for the practice and proceedings of the Fourteenth Judicial District of the State of Montana, and that the same be entered upon the minutes of this Court in each County of this District, and that they be printed for distribution among the attorneys of this Court.

IT IS HEREBY ORDERED, that the foregoing Rules of Court take effect on and that thereupon any former rules of this Court are abrogated.

*DATED this day of 1st day of November, 2014.*

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RANDAL I. SPAULDING, DISTRICT JUDGE