

MONTANA FIRST JUDICIAL DISTRICT COURT RULES

LEWIS & CLARK AND BROADWATER COUNTIES

Rule 1 - Application of Rules

The First Judicial District is comprised of Lewis and Clark County and Broadwater County. Except where otherwise indicated, these rules apply to all cases filed in either county.

These rules supplement the Montana Rules of Civil Procedure and the Montana Uniform District Court Rules. All prior rules issued by the First Judicial District Court are rescinded and these rules substituted therefore.

Rule 2 - Departments of the District Court

A. Lewis and Clark County

In Lewis and Clark County, the Court is divided into four departments:

Department No. 1: Honorable Mike Menahan presiding. Criminal law and motion – Wednesdays at 9:00 a.m. Uncontested probate and other civil matters – Wednesdays at 1:30 p.m. Youth in need of care law and motion – Wednesdays at 3:00 p.m.

Department No. 2: Honorable Michael F. McMahon presiding. Uncontested civil matters – Tuesdays at 8:30 a.m. Criminal law and motion – Wednesdays at 1:30 p.m. Youth in need of care law and motion – Thursdays at 9:00 a.m.

Department No. 3: Honorable Kathy Seeley presiding. Youth in need of care law and motion – Wednesdays at 1:30 p.m. Youth court law and motion – Wednesdays at 3:00 p.m. Uncontested civil matters – Thursdays at 8:30 a.m. Criminal law and motion – Thursdays at 1:30 p.m.

Department No. 4: Honorable James P. Reynolds presiding. Family Treatment Court – Mondays at 10:30 a.m. Adult Treatment Court – Mondays at 2:00 p.m. Criminal law and motion – Tuesdays at 9:00 a.m. Uncontested civil matters – Tuesdays at 1:30 p.m. Youth in need of care law and motion – Tuesdays at 3:00 p.m.

The courtrooms will be assigned according to seniority.

B. Broadwater County

Broadwater County – The Judges will rotate conducting hearings on Fridays: Judge Menahan, 1st Friday of each month; Judge McMahan, 2nd Friday of each month; Judge Seeley, 3rd Friday of each month; and Judge Reynolds, 4th Friday of each month. If a specific month has a 5th Friday, no hearings will be scheduled for that day.

Rule 3 - Chief Judge

The position of Chief Judge is assumed for a calendar year in rotating order as follows: Department No. 1 – 2020; Department No. 2 – 2019; Department No. 3 – 2021; and Department No. 4 – 2022.

Rule 4 - Assignment/Designation of Cases

A. Assignment of Cases

In Lewis and Clark County, all probate cases are assigned to Judge Menahan; all youth court cases are assigned Judge Seeley; and all treatment court cases are assigned to Judge Reynolds. Guardianship cases are assigned to Judge McMahan in odd-numbered years and to Judge Reynolds in even-numbered years. All other cases are assigned at random.

B. Designation of Cases

All cases are designated by numbers and letters as follows: Judge Menahan's are designated by first letter A; Judge McMahan's are designated by first letter B; Judge Seeley's are designated by first letter C; and Judge Reynolds' are designated by first letter D.

The second and third letters indicate the general nature of the case, followed by four digits indicating the year in which the case was filed, followed by a number assigned in chronological order to causes filed in that category in that year. For example:

District Criminal = DC-2019-01

District Domestic Relations = DR-2019-02

District Civil = DV-2019-03

District Guardianship/Conservatorship/Trusts= DG-2019-04

District Probate = DP-2019-05

District Adoptions = DA-2019-06

Dependent/Neglect = DN-2019-07

District Juvenile = DJ-2019-08

District Treatment Court = TE-2019-09

District Family (Paternity) = DF-2019-10
District Mental Health = DI-2019-11
District Process Server = DS-2019-12
District Develop. Disabled Commitment = DD-2019-13
Marriage License = DL-2019-14
Investigative Subpoena = IS-2019-15
Search Warrants = SW-2019-16
Special Book = SB-2019-17

If an out-of-town judge assumes a case, the case remains assigned to the original department, but the case number will be preceded by an “X” (i.e., XBDV-2019-18).

Rule 5 - Pleadings/Briefs

A. Length

Pleadings/briefs, except initial pleadings, in all cases shall be limited to 20 pages, not including attachments. Additional pages may be filed only with leave of the court and with good cause showing.

B. Form of Briefs

Please refer to Montana Uniform District Court Rule 1, except that the font size shall be no smaller than 12 point.

C. Citations

The First Judicial District Court follows the uniform system of citation in the most current edition of the ALWD CITATION MANUAL for citing case law. For citations to Montana Supreme Court cases issued after 1998, *see Matter of Opinion Forms and Citation Standards* (Dec. 16, 1997) 54 St. Rep. 1357; amended by *Matter of Amending Citation Standards for MT Supreme Court*, Rule AF 07-0064 (Jan 22, 2009); amended by *Matter of Opinion Forms and Citation Standards of the Supreme Court of Montana* (Feb. 25, 2010).

D. Motions

All motions, except for motions for summary judgment, shall include a proposed order with copies and addressed envelopes for all counsel of record.

E. Motions and Briefs to be Filed Separately

All motions and briefs are to be filed as separate documents, and each document shall be clearly labeled in the caption. Failure to file briefs and motions separately will result in the return of the unfiled documents.

F. Notice of Submittal

i. When any motion has been fully briefed and oral argument has been held (if requested), the movant shall advise the Court by filing and serving a “Notice of Submittal.” Until such notice has been filed and served, the matter will not be deemed submitted for decision.

ii. If a judge has had any matter under advisement for more than thirty days, any party affected thereby may file and serve a “Reminder of Submittal,” describing the matter under advisement and stating the date it was taken under advisement.

G. Motions to Continue

Motions to continue must be in writing.

H. Motions to Extend Scheduling Orders

Motions to extend deadlines in scheduling orders must include a statement of when trial is scheduled.

I. Filing Deadlines

Filing and scheduling order deadlines will be strictly adhered to unless a written motion for an extension has been received and approved by the Court.

J. Email Filings

Documents may be submitted for filing by email. Fax filings will no longer be accepted. Documents submitted by email must be emailed to clerkofcourt@lccountymt.gov. A hard copy original must be provided as indicated in section iii below.

The following guidelines must be followed:

- i. All documents must be properly signed and dated.
- ii. Email documents must be in a PDF format and submitted as an attachment to an email.
- iii. A hard copy original of an emailed document must be provided within five business days.
- iv. The Clerk of Court shall print the first page of the emailed document, date stamp, and file it. The Clerk of Court shall delete the emailed document after five days. If the original document is not filed within five days, the pleading is void.

K. Copies of Court Documents

When a Montana attorney is associating with an out-of-state attorney who is appearing *pro hac vice* on a Montana case, orders/notices from the District Court will be mailed to in-state counsel only, with few exceptions.

Rule 6 - Specific Trial/Hearing Conduct

- A.** Unless otherwise ordered by the Court, plaintiffs/petitioners shall use numbers to identify their exhibits, and defendants/respondents shall use letters.
- B.** If a party is represented by more than one attorney, only one of the attorneys may question a specific witness.
- C.** If a party is represented by more than one attorney, and one of those attorney objects to a line of questioning, then only that objecting attorney may cross-examine the witness.
- D.** Attorneys must request permission of the Court to approach witnesses.
- E.** If a document is presented during trial/hearing, copies of the document must be presented to the judge and to opposing counsel.
- F.** Jury trials are normally scheduled to begin on Monday mornings at 9:00 a.m. All settlement negotiations should be completed by 4:00 p.m. the preceding Friday. Failure to comply with this rule may result in the imposition of sanctions in appropriate circumstances.
- G.** Attorneys/clients shall not keep the Court waiting, but shall appear at the scheduled time ready to proceed.

Rule 7 - Dependent Neglect Cases

A. In abuse and neglect cases brought by the Montana Department of Health and Human Services (Department), counsel for the Department, at the time of the filing of a petition for any type of custody, shall provide to counsel for the parents, the GAL, and the CASA worker (if any) copies of all documents sought to be admitted into evidence at any hearing by the Department, including, but not limited to, all reports generated by third parties gathered by the Department in the course of its investigation and treatment of the family involved.

Counsel for each party will not disseminate without prior Court approval the discovery obtained from the Department or any excerpt, exhibit, or transcript prepared from these recordings, to any person other than the following:

- i. any attorney of record for the mother, father or youth;
- ii. CASA/GAL assigned to the case;
- iii. investigators and support staff for the counsel of each party;
- iv. any expert retained to review the recordings; and
- v. any person retained for the purpose of preparing an excerpt, exhibit, or transcript from the recordings.

B. Counsel for each party may show the discovery to the parties, but that at all times counsel for the party or a paralegal shall be present. If counsel chooses to provide a copy to their parent client, it is counsel's obligation to redact confidential information. Counsel for the parties shall advise any above-listed person receiving the discovery that further dissemination, in *its broadest sense*, is strictly prohibited.

C. It shall be the responsibility of the attorneys of record in an action to employ, consistent with this local rule, reasonable measures to control the duplication of, the access to, and the distribution of discovery. The parties will not be prohibited from using the discovery, at the hearings of this matter, to the extent otherwise permitted by law.

D. All DI or DD matters shall be filed under seal. The respondent, the respondent's attorney, the county attorney, and all court personnel are allowed access to the DI or DD files without specific authorization from the Court. Any other access to DI or DD files will only be made with specific authorization from the Court.

E. Failure of any party to comply with the terms of this rule will subject themselves to punishment to the fullest extent of this Court's inherent authority as set out in Montana Code Annotated § 46-15-329.

Rule 8 - Court Security - Potentially Violent Situations; Duty of Party

In any case where a party believes that a potentially violent situation may arise, that party, through counsel or *pro se*, shall notify the assigned judge, the court security officer, and/or court bailiff sufficiently in advance so that appropriate security measures can be taken.

Amended December 7, 2017

Effective January 2, 2019

KATHY SEELEY
District Court Judge

JAMES P. REYNOLDS
District Court Judge

MIKE MENAHAN
District Court Judge

MICHAEL F. McMAHON
District Court Judge