

**~ Rule Section ~ Rule Section ~ Rule Section ~ Rule Section ~ Rule Section ~ Rule Section ~**

*(Please check with your local District Court Clerk (pages 177-186) for most current effective dates.)*

1st Judicial District Court (Broadwater and Lewis and Clark Counties).....	68
2nd Judicial District Court (Butte-Silver Bow County).....	70
4th Judicial District Court (Mineral and Missoula Counties).....	76
5th Judicial District Court (Beaverhead, Jefferson and Madison Counties).....	86
6th Judicial District Court (Park and Sweet Grass Counties).....	88
7th Judicial District Court (Dawson, McCone, Prairie, Richland and Wibaux Counties).....	95
8th Judicial District Court (Cascade County).....	100
9th Judicial District Court (Glacier, Pondera, Teton and Toole Counties).....	105
10th Judicial District Court (Fergus, Judith Basin and Petroleum Counties).....	109
11th Judicial District Court (Flathead County).....	113
12th Judicial District Court (Chouteau, Hill and Liberty Counties).....	115
13th Judicial District Court (Yellowstone County).....	119
14th Judicial District Court (Golden Valley, Meagher, Musselshell and Wheatland Counties).....	124
16th Judicial District Court (Carter, Custer, Fallon, Garfield, Powder River, Rosebud and Treasure Counties).....	129
17th Judicial District Court (Blaine, Phillips and Valley Counties).....	135
18th Judicial District Court (Gallatin County).....	140
19th Judicial District Court (Lincoln County).....	143
20th Judicial District Court (Lake and Sanders Counties).....	149
21st Judicial District Court (Ravalli County).....	151
22nd Judicial District Court (Big Horn, Carbon and Stillwater Counties).....	161

3rd Judicial District Court (Deer Lodge, Granite and Powell Counties).....	62
15th Judicial District Court (Daniels, Roosevelt and Sheridan Counties).....	62

 $\frac{1}{3}$





Note: contact the local District Court for any exhibits or forms referred to within these pages.

copy upon all opposing parties, in writing, the issues or questions of fact upon which such findings are requested, in proper form to submit to the jury.

### **RULE 8 - FINDINGS AND CONCLUSIONS**

Unless ordered otherwise, in all matters where the court must enter findings of fact and conclusions of law pursuant to M. R. Civ. P. 52, all parties shall file with the court, and serve upon all opposing parties, at least seven days prior to the scheduled trial or hearing, proposed findings of fact and conclusions of law. Failure to file proposed findings of fact and conclusions of law in a timely matter shall be cause for appropriate sanction including removal of the case from the trial calendar, dismissal or granting of a judgment, precluding the offending party from presentation of evidence or objecting to evidence submitted by the other party, or such other action as the court deems appropriate. Post-trial amended and supplemental findings of fact and conclusions of law may be submitted in appropriate circumstances upon order of the court.

### **RULE 9 - JUROR QUESTIONNAIRE**

(a) All jurors are requested to complete a questionnaire in the form on file with the clerk in his/her general order file and which contains basic vital statistics and other pertinent information. The completed forms will only be available to the parties, the attorneys for the parties, judges and court employees. Others requesting the completed forms must file a Request for Privacy Information with the court. The jury questionnaire will be destroyed by the clerk's office within a reasonable length of time after the conclusion of the jury term.

(b) A party may request that the court approve the mailing of a supplemental questionnaire to prospective jurors by submitting a motion, with proposed supplemental questions, at least sixty days in advance of the trial date. Any other party may file a response to the proposed supplemental questions within twenty days, and the moving party may file a reply within five days. The court may approve, modify, or disapprove the proposed supplemental questions in part or in their entirety. If the court approves or modifies the supplemental questions, the requesting party or parties shall pay the costs of mailing the supplemental questionnaire, including the costs of postage, paper, and envelopes.

### **RULE 10 - DEATH OR REMOVAL OF ATTORNEY**

(a) Whenever an attorney representing a party to an action, or in another civil proceeding of any kind, is removed, withdraws, or ceases to act as such, the attorney must inform the court and all other parties of the full name and address of the attorney's client and any other information which the court may find appropriate to assist in contacting the party.

(b) Except as allowed or modified by the limited scope of representation rules, when the attorney representing a party to an action or proceeding dies, is removed, withdraws, or ceases to act as such, that party, before any further proceedings are had against the party must be given notice by any opposing party:

- (1) That the party must appoint another attorney or appear in person;
- (2) The date of the trial or of the next hearing or action required in the case; and

(3) That if the party fails to appoint an attorney or appear in person by a date certain, which may not be less than twenty-one days from the date of the notice, the action or other proceeding will proceed and may result in a judgment or other order being entered against him/her, by default or otherwise.

(c) Notice may be by personal service or by certified mail to the party's last known address.

(d) If the party does not appoint another attorney or appear in person within twenty-one days of the service or mailing of the notice, the action may proceed to judgment. However, copies of all papers and documents required to be served by these Rules and the Rules of Civil Procedure shall be mailed to the party at the party's last known address.

(e) In addition to the foregoing requirements of this Rule and before any change or substitution of attorney is effective, regardless of the reason for such change or substitution, the requirements of sections 37-61-403, 37-61-404 and 37-61-405, MCA, shall have been fully satisfied.

### **RULE 11 - JUDGMENTS AND DECREES**

Whenever a judgment or decree is signed by the presiding judge it shall be delivered to the clerk and immediately filed in the records of the

court and the fee required by law shall be paid to the clerk. Failure of parties to observe this Rule shall be deemed a contempt of court.

### **RULE 12 - EXHIBITS**

(a) Every exhibit placed on file or offered in evidence shall be held in the custody of the clerk. Unless there is good reason why the original of an exhibit should be retained, upon application, the court may order a copy filed in its place. Public records offered in evidence may be withdrawn at the conclusion of the hearing on order of the court.

(b) Exhibits may be withdrawn by the party offering them thirty days after a judgment has become final. Forty-five days after a judgment has become final, the clerk may apply to the court for an order to dispose of exhibits, and shall notify the parties of the application. Twenty-one days after mailing of the notice the court may enter its order authorizing the clerk to dispose of exhibits.

### **RULE 13 - REGULATION OF ATTORNEYS NOT ADMITTED TO PRACTICE IN MONTANA**

An attorney seeking to be admitted to practice before the court on a particular case, who is not admitted to the Bar of Montana, and who is authorized to practice law in the highest courts of another state, must at the time of his or her first appearance in a district court in Montana, or within fourteen days, and before any further proceedings in the matter, join with an attorney who is admitted to practice in Montana and who is a resident of Montana.

In order to hold secure the just, speedy and inexpensive determination of every action, such local counsel must be furnished with all factual, evidentiary and legal information necessary to act on behalf of the party and must also be vested with full and complete authority to act on behalf of and bind the party in all matters connected with the litigation.

A failure of local counsel to take any action required by the Rules of Civil Procedure or these Rules by lack of authority shall, for the purpose of imposing sanctions, be treated as a refusal to act.

### **RULE 14 - CHIEF DISTRICT JUDGE**

(a) In a multijudge district court of Montana, a chief district judge shall be selected at the beginning of each calendar year, and the position shall rotate among the judges of the district annually, unless they agree otherwise. The rotation shall commence with the most senior district judge.

(b) The duties of the chief district judge shall be to provide for the efficient management of the district court business, in cooperation with the other judges of the district.

### **RULE 15 - LOCAL RULES ALLOWED**

Nothing in these Rules shall be construed as limiting the power of the district courts from promulgating rules that do not conflict with these Rules.

### **RULE 16 - ATTORNEY'S COPIED OR ELECTRONICALLY-GENERATED SIGNATURE**

(a) An attorney's copied or electronically-generated signature shall be deemed original for all court-filed documents.

(b) Pursuant to M. R. Civ. P. 5(b)(E), some or all of the parties may stipulate to provide service of all papers required to be served under M. R. Civ. P. 5(a)(1) by electronic means, including papers provided in response to written discovery requests. All parties that choose to accept service by electronic means shall sign a stipulation to be filed with the Court. Any party that chooses not to stipulate to service by electronic means must be served by one of the other methods identified in M. R. Civ. P. 5(b).

*Amended July 19, 2011  
Effective October 1, 2011  
Amended November 29, 2011  
Effective March 1, 2012  
Amended September 16, 2014  
Amended April 13, 2016  
Amended October 29, 2019  
Effective January 1, 2020*