CIVIL

Introduction

2. Findings of Fact and Conclusions of Law

"A finding of fact is clearly erroneous if it is not supported by substantial evidence, if the court misapprehended the effect of the evidence or if, upon reviewing the record, this Court is left with the definite and firm conviction that the district court made a mistake." **In re S.T.**, 2008 MT 19, ¶ 8, 341 Mont. 176, 176 P.3d 1054 (citation omitted).

We review a district court's conclusions of law de novo to determine whether they are correct. **Giambra v. Kelsey**, 2007 MT 158, ¶ 28, 338 Mont. 19, 162 P.3d 134 (citations omitted).

This Court reviews mixed questions of law and fact de novo. **Stop Over Spending Mont. v. State**, 2006 MT 178, ¶ 10, 333 Mont. 42, 139 P.3d 788 (citation omitted). Mixed questions of law and fact are presented to this Court when the historical facts of a case are admitted or established, the applicable law is undisputed, and the issue is whether the facts satisfy the statutory standard. **Stop Over Spending Mont.**, ¶ 10 (citations omitted).

We review a district court's conclusions of law and interpretations of the Constitution or the rules of evidence de novo. **State v. Mizenko**, 2006 MT 11, ¶ 8, 330 Mont. 299, 127 P.3d 458 (citations omitted).

Interpretation and construction of a rule of procedure, like interpretation and construction of a statute, is a matter of law, which we review de novo, determining whether the court's interpretation and construction of the rule is correct. **In re Estate of Strange**, 2008 MT 158, ¶ 6, 343 Mont. 296, 184 P.3d 1029.

We review interpretation of the Montana Rules of Appellate Procedure the same as we review interpretation of the Rules of Civil Procedure and statutory interpretation, as a matter of law. **Nielson v. Brocksmith**, 2004 MT 259, ¶ 7, 323 Mont. 98, 99 P.3d 181.