

DEFINITIONS

5. Abuse of Discretion

An abuse of discretion can be found if the district court acts arbitrarily without the employment of conscientious judgment or exceeds the bounds of reason resulting in substantial injustice. [State v. Sage](#), 2010 MT 156, ¶ 21, 357 Mont. 99, 235 P.3d 1284.

The abuse of discretion standard applies to trial administration issues, post-trial motions, and similar rulings. [Lynch v. Reed](#), 284 Mont. 321, 326, 944 P.2d 218, 221-22 (1997).

Notwithstanding this deferential standard, however, judicial discretion must be guided by the rules and principles of law; thus, our standard of review is plenary to the extent that a discretionary ruling is based on a conclusion of law. In such circumstance, we must determine whether the court correctly interpreted the law. [State v. Price](#), 2006 MT 79, ¶ 17, 331 Mont. 502, 134 P.3d 45

While the denial of a temporary or permanent injunction is reviewed for “manifest abuse of discretion,” deference is not applied to the district court’s conclusions of law, which are reviewed de novo to determine whether its interpretation of the law is correct. [City of Whitefish v. Bd. of Co. Comm’rs of Flathead Co.](#), 2008 MT 436, ¶ 7, 347 Mont. 490, 199 P.3d 201; [Jefferson Co. v. Dep’t of Env’tl. Quality](#), 2011 MT 265, ¶ 16, 362 Mont. 311, 264 P.3d 715. [Krutzfeldt Ranch, LLC v. Pinnacle Bank](#), 2012 MT 15, ¶ 13, 363 Mont. 366, 272 P.3d 635.

Failure of a district court to exercise discretion is itself an abuse of discretion. [Clark Fork Coalition v. Mont. Dept. of Env’tl. Quality](#), 2008 MT 407, ¶ 43, 347 Mont. 197, 197 P.3d 482.

Manifest abuse of discretion

Manifest abuse of discretion is one that is obvious, evident, or unmistakable. [Faulconbridge v. State](#), 2006 MT 198, ¶ 23, 333 Mont. 186, 142 P.3d 777.