

Extraordinary Writs

Certiorari—Writ of Review

1. The Writ Defined—Rule 14

A writ of certiorari is a discretionary writ that may be issued by the Supreme Court and directed to a district court or a court of limited jurisdiction when the other court has exceeded its jurisdiction.

2. Purpose of the Writ

A district court may grant a writ of review when a court of limited jurisdiction has exceeded its jurisdiction or an officer exercising judicial functions has exceeded the jurisdiction of the tribunal, board or officer, and there is no appeal, or in the judgment of the court, any plain, speedy and adequate remedy. [Shiplet v. Egeland](#), 2001 MT 21, 304 Mont. 141, 18 P.3d 1001;

§ 27-25-102, MCA.

The Supreme Court may grant a writ of review when it has determined that a district court or officer exercising judicial functions has exceeded its jurisdiction and there is no appeal, or any plain, speedy or adequate remedy. Section 27-25-102(2), MCA.

3. Review on Original Petition

There is no appeal from a contempt order. The Supreme Court may review a contempt order in civil proceedings that were had in a district court by way of a writ of review to determine whether the court exceeded its authority. There is no other means for the Supreme Court to review a finding of contempt or any sanction imposed. [Animal Found. of Great Falls v. Mont. Eighth Jud. Dist. Ct.](#), 2011 MT 289, ¶ 16, 362 Mont. 485, 265 P.3d 659; §§ 3-1-523, 27-25-102, MCA.

The Supreme Court reviews contempt orders to determine whether the court acted within its jurisdiction and whether there is evidence to support the finding of contempt. [Animal Found. of Great Falls](#), ¶ 16.

4. Appellate Review

The Supreme Court reviews on appeal orders issued by district courts granting or denying certiorari. The Supreme Court will not overturn a district court's denial of a writ unless an abuse of discretion is shown. [Schaefer v. Egeland](#), 2004 MT 199, ¶ 11, 322 Mont. 274, 95 P.3d 724.

An abuse of discretion has occurred when a district court has acted arbitrarily and failed to exercise conscientious judgment or has exceeded the bounds of reason. [Jenkins v. Town of Darby](#), 2006 MT 85, 332 Mont. 34, 134 P.3d 79.