

Extraordinary Writs

Supervisory Control

Pursuant to Article VII, Section 2(2), of the Montana Constitution, this Court may exercise supervisory control over other courts. [State v. Mont. Second Judicial Dist. Court](#), 2015 MT 294, ¶ 6, 381 Mont. 250, 358 P.3d 895.

Supervisory control enables this Court to control the course of litigation in the inferior courts where those courts are proceeding within their jurisdiction, but by a mistake of law, or willful disregard of it, are doing a gross injustice, and there is no appeal, or the remedy by appeal is inadequate. [State ex rel. Gadbaw v. Eighth Judicial Dist. Court](#), 2003 MT 127, ¶ 16, 316 Mont. 25, 75 P.3d 1238.

We are justified in exercising supervisory control when urgency or emergency factors exist making the normal appeals process inadequate, when the case involves purely legal questions, and when one or more of the following circumstances exist: the other court is proceeding under a mistake of law and is causing a gross injustice; constitutional issues of state-wide importance are involved; the other court has granted or denied a motion for substitution of a judge in a criminal case. M. R. App. P. 14(3); [State v. Spady](#), 2015 MT 218, ¶ 11, 380 Mont. 179, 354 P.3d 590.

Our determination of whether supervisory control is appropriate is a case-by-case decision. It remains an extraordinary remedy, however, exercised only in extraordinary circumstances. [Safeco Ins. Co. v. Mont. Eighth Judicial Dist. Court](#), 2000 MT 153, ¶ 14, 300 Mont. 123, 2 P.3d 834.

Judicial economy and inevitable procedural entanglements have been cited as appropriate reasons for this Court to issue a writ of supervisory control. In such an instance, the denial of a speedy remedy by supervisory control would be a denial of justice. [Stokes v. Mont. Thirteenth Judicial Dist. Court](#), 2011 MT 182, ¶ 5, 361 Mont. 279, 259 P.3d 754.

Because denial of summary judgment is an interlocutory order that is subject to later review by a district court if the circumstances warrant, supervisory control is rarely appropriate in these circumstances. In the absence of extraordinary and compelling circumstances beyond simply requiring a party to proceed to trial, we decline to review the order of the district court denying summary judgment by supervisory control or other extraordinary writ. [State ex rel. Kosena v. District Court](#), 172 Mont. 21, 560 P.2d 522 (1977).