

**Montana Tenth Judicial District Court Rules  
Fergus, Judith Basin, and Petroleum Counties**

**November 5, 2025**

**Preface**

The following are the Rules of Procedure of the District Court of the Tenth Judicial District. Where indicated, these Rules incorporate the Uniform District Court Rules (MUDCR) as adopted by the Order of the Supreme Court. These rules are meant to supplement the MUDCR and the Montana Rules of Civil Procedure (M. R. Civ. P.) Conflict shall be controlled by the MUDCR Procedure and/or the M. R. Civ. P.

These rules describe the usual manner in which the Court does business, including the processes which govern litigation. If counsel have an emergency which is not covered adequately by these rules, or need relief from the application of them, counsel may present such matters to the Court for its consideration.

If an order setting a requirement or restriction imposed by the Court in a particular case conflicts with these rules, the Court's order supersedes these rules.

**Rule 1 - Law and Motion**

**A.** Law and Motion for all counties in the Tenth District shall regularly be held in the Fergus County Courthouse, except that the Court may, in its discretion, hear and dispose of all Law and Motion matters at any place and at any time in the District. Additional Law and Motion days may be held in any county of the District when, in the discretion of the Judge presiding therein, the business of the District so requires.

- (1)** Uncontested Civil Law and Motion: Monday mornings;
- (2)** Substantive Law and Motion: Monday afternoons;
- (3)** Criminal Law and Motion: Tuesdays;

- (4)** Prehearing conference and emergency protective services hearings in DN matters: Wednesday at 11:00 a.m. and Noon, respectively, unless otherwise scheduled; and
- (5)** Contested adjudicatory hearings in DI matters: At the earliest possible date and supersede Law & Motion days as scheduled above.
- B.** The Clerk of Court may, but is not required to, provide a weekly calendar to members of the local bar. Court orders, not the courtesy calendar, control whether and when a matter will be heard.
- C.** No matter will be scheduled for hearing until the motion or other documentation, and all relevant supporting documents, have been filed with the Clerk of Court.
- (1)** The Clerk of Court shall review all documents filed to ensure the filings are complete, consistent, and comply with these rules as well as any other applicable rules. The Clerk of Court should not file, and the Court may strike, any papers presented for filing which do not conform to MUDCR 1, and Rules 10 and 11 of the M. R. Civ. P., or these rules. The Clerk of Court may return documents that do not meet the above requirements or may bring the filings to the attention of the Judge to review and take appropriate action.
- D.** Routine matters for the purpose of Law and Motion shall include initial appearance, arraignment, status, judgment by consent or default, probate proceedings, uncontested *ex parte* matters, matters pertaining to questions of law only and any other matters reasonably anticipated to take less than 30 minutes to complete. Matters set for Law and Motion, which become contested, are subject to postponement and rescheduling. Counsel is required to notify the Court in writing if a matter has become contested.
- (1)** Routine matters are stacked and the Court proceeds with the hearings as a “cattle call”. Therefore, the Court may, and likely will, hold hearings in a different order than listed on the Clerk of Court’s courtesy calendar.

- (2)** Parties or counsel not prepared when their matter is called will be moved to the end of the calendar and be heard subject to available time.
- (3)** Status hearings in all matters may be set at the discretion of the Court. If scheduled the parties shall be present.
- (4)** Status hearings in DN matters are set approximately halfway through the period of Temporary Legal Custody.
- (5)** In all uncontested matters, the findings of fact, conclusions of law, and proposed order should be filed with the Clerk of Court no later than forty-eight (48) hours before the Court is to hear the matter, unless not reasonable to do so.
- E.** In contested DN hearings the parties are required to meet prior to the hearing for mediation to allow meaningful discussion of the issues of dispute, at a date and time convenient to all parties, or as ordered by the Court. If the parties settle any issues, counsel must inform the Court of the settlement prior to presenting any evidence, testimony, or argument. In contested family law proceedings, the parties are not required to but are strongly encouraged to meet prior to the hearing as set forth above.
- F.** In hearings that must be held within a statutory time frame, the Court will rarely be able to accommodate a full-blown hearing with multiple witnesses or extensive testimony. At the hearing the Court will establish a plan for the interim until a full hearing can be held.
- G.** No *ex parte* motions in family law or guardianship/conservatorship matters will be considered without demonstrating clear and convincing evidence of imminent physical or mental harm.
- (1)** Any *ex parte* motions regarding parenting must conform to Mont. Code Ann. § 40-4-220(2).
- H.** Matters scheduled for Law and Motion may be continued by the Court on its own initiative. *Ex parte* requests to continue any matter set by Court order for Law and Motion, must comply with MUDCR 3. Continuances are granted by

motion only, if such continuance does not inconvenience the court in the progress of the trial calendar.

- (1)** Continuances of any nature, even when stipulated to by counsel, will not routinely be granted and the parties are discouraged, absent extraordinary circumstances and good cause shown, from seeking a continuance. Requests for continuance which are not filed at least one day prior to the hearing must be made verbally at the scheduled time for the hearing.
- (2)** All motions to reset a hearing or trial must include information regarding dates of availability and/or the length of continuance requested (i.e. 45-60 days) in order to avoid multiple continuances.

**I.** While emergency situations arise, the Tenth District does not find that last minute motions for zoom appearances or continuances due to a scheduling conflict, etc., rise to the burden of an “emergency filing”.

- (1)** If a filing needs to be brought to the attention of the Court right away check the “emergency filing” box in e-filing.
- (2)** If filing by fax or email, note the filing is an emergency in the cover sheet or subject line of the email. A courtesy copy of such filings must be emailed to the Court Administrator.
- (3)** Proposed orders for emergency filings should be properly filed with the Clerk of Court as well as emailed to the Court Administrator in .doc or .docx format.

**J.** The moving party is required to file a notice of issue after all motions have been fully briefed.

**K.** All hearings will proceed as scheduled regardless of whether motions are pending or alternative dispute resolution is being pursued.

### **Rule 2 - Scheduling Procedure and Case Management.**

- A.** The schedule shall be set by the Court Administrator for the presiding Judge, or other personnel the Judge may designate.

**B.** The Court will always try to comply with the scheduling deadlines set forth in Rule 16(b), M. R. Civ. P.

(1) Scheduling conferences will be held either formally before the Court or informally with the Court Administrator, at the Court's discretion.

Following the scheduling conference, a scheduling order with discovery deadlines and trial dates will be issued by the Court.

**C.** The following matters (cases) shall generally be excluded from the foregoing under Rule 16(b), M. R. Civ. P., unless ordered by the Court or at the request of the parties:

(1) Youth Court Actions,

(2) Criminal Actions,

(3) Uncontested Probates,

(4) Adoptions,

(5) Mental Commitment,

(6) Small Claims Appeals,

(7) Abstract or Transcript of Judgment,

(8) Administrative Appeals,

(9) Habeas Corpus and Post Conviction Relief,

(10) Name Changes,

(11) Abuse or Neglect Proceedings, and

(12) Emancipation,

**D.** The Court's scheduling orders shall be complied with as to specific dates set forth in the scheduling orders. If documents are submitted to the Clerk of Court in violation of the Court's Scheduling Order, i.e., beyond the required filing date, such documents shall be filed only with leave of the Court.

**E.** Discovery deadlines are to be followed. Motions to extend deadlines must include a statement regarding opposing counsel's position on the request. The request must be accompanied by a proposed order containing proposed new deadlines.

**F.** The Court Administrator will monitor deadlines established by Scheduling Order(s). Failure to diligently respond to monitoring inquiries may result in sanctions, including removal from the trial calendar or loss of trial priority status.

**(1)** Unless the last deadline in a scheduling order sets a conference or a trial date, it must require the parties to file a joint notice stating the matter is ready for trial or further scheduling.

**G.** Sanctions for violating the Court's scheduling order or pretrial conference agenda may be imposed under Rule 16(f), M. R. Civ. P.

**H.** Requests to continue trial must be by written motion setting forth specific reasons and a statement indicating whether the other parties oppose the continuance. The Court reserves discretion whether to grant or deny the request. Any motion to postpone trial on grounds of absence of witness or evidence shall be supported by affidavit under Mont. Code Ann. § 25-4-501, showing that reasonable grounds exist to believe the absent witness or evidence cannot otherwise be obtained and that the same will be available, should postponement be granted, or pursuant to Mont. Code Ann. § 46-13-202, if the interests of justice require it.

**Rule 3 - Record of Court Proceedings and Court Security.**

**A. Official Record of Court Proceedings.** The Tenth District Court Reporter is an electronic court reporter. The parties are notified that it is their responsibility to ensure the accuracy of their record by speaking clearly and at an appropriate volume into the microphones.

**(1)** In proceedings before the Tenth District Court, official court reporters or monitors are responsible for taking the official record. No one may record any such proceeding, either by voice or video, without the prior approval of the assigned Judge.

**(2)** All requests for transcripts must be made directly to the Tenth District Court Reporter, Deidre Taber, at [dtaber@mt.gov](mailto:dtaber@mt.gov).

**B. Use of Electronic Devices in the Courtroom.** An “electronic device” is any device capable of transmitting and/or recording data or audio, including but not limited to smartphones, cellular phones, smart watches, still and video cameras, voice recorders, computers, laptops, tablets, notebooks, and personal digital assistants.

- (1) Members of the public are not permitted to use electronic devices in the courtroom. Electronic devices possessed by members of the public must be turned off or “silenced” and kept out of sight.
- (2) Attorneys, court staff, law enforcement, probation, social workers, persons representing him or herself, and the media are permitted to use electronic devices in the courtroom; subject to the following:
  - (i) Usage is limited to court or business related matters;
  - (ii) Unless leave of Court is granted, lawyers or *pro se* parties may not use electronic devices to record court proceedings via audio or video;
  - (iii) Electronics devices must be placed in silent mode and used in a discreet manner;
  - (iv) Electronic devices must not interfere with courtroom decorum or the proper administration of justice;
  - (v) Electronic devices must not interfere with court recording equipment or other courtroom technology; and
  - (vi) Electronic devices must not be used for voice communication.
- (3) This policy is not intended to interfere with the use of any adaptive technology used by a person with a disability.
- (4) Nothing in this policy affects the authority of a Judge to determine what use, if any, can be made of electronic devices in the courtroom.
- (5) Any person using an electronic device in a manner in violation of this policy or in violation of a Court order may be:
  - (i) Required to turn the device off;

- (ii) Required to forfeit the device in the courtroom;
- (iii) Required to leave the courtroom; and/or
- (iv) If found to be willfully violating the policy, may be found in civil or criminal contempt of court and may be sanctioned.

**C. Photography and Media.** Broadcasting, television, video or voice recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of Court, or recesses between sessions, shall be allowed only by prior written permission of the presiding judge. Written requests shall be made through the Clerk of Court's Office.

(1) All equipment used and persons using it shall remain behind the bar. No flashlights, or other lighting equipment, or large microphones shall be used. Photographers, television cameras, and other recording devices, when allowed, shall remain stationary, and shall be used so as to not disrupt the proceedings. No photographs of or televising of the members of a jury shall be permitted.

**D. Court Security.** In any type of case where a party, whether counsel or *pro se*, believes that a potentially violent situation might arise, they shall notify the Court Administrator sufficiently in advance of the hearing so that appropriate security measures can be taken.

(1) Parties or other persons in the courtroom while the Court is in session shall be subject to removal for behavior or actions considered disruptive or threatening.

(2) Pursuant to the Standing Orders listed in Rule 23 below, only law enforcement or judicial personnel with a valid permit issued pursuant to Mont. Code Ann. § 45-8-321 or recognized pursuant to Mont. Code Ann. § 45-8-329, shall be entitled to possess or carry firearms or other weapons in the Fergus, Judith Basin, or Petroleum County Courthouses. Anyone wishing to enter the courtroom may be required to submit to a search of his or her person or belongings by security personnel.

(3) Prisoners may appear in Court in jail clothing when a jury or jury panel is not present. While in the courtroom prisoners will have handcuffs, manacles, and/or other restraining devices, unless the Defendant's counsel requests otherwise and sheriff's deputies or detention center officer(s) in their discretion believe it is appropriate to remove some or all of such devices. Prisoners shall not appear in Court or in any places where they may be observed by a jury or jury panel in prisoner/jail clothing or in restraints without permission of the Court being first obtained.

(4) No person other than detention center staff, law enforcement, court security personnel, or counsel of record may have physical contact with or communicate with in-custody prisoners or pre-trial detainees at any time said persons are in the Courtroom, or being transported to/from the Courthouse. Attorney/prisoner visits or meetings should be conducted in a secure location, preferably the detention center. However, if during court proceedings, it becomes necessary for an attorney to consult with a prisoner, pursuant to Mont. Code Ann. § 37-61-418, such communication shall take place between attorney and prisoner alone and in private with due regard for security considerations.

#### **Rule 4 – Pleadings/Briefs.**

- A.** Any pleadings filed in any civil action which does not conform to Rule 10 or 11, M. R. Civ. P., may be stricken by the Court on its own initiative and upon such terms as the Court deems just.
- B. Forms of Papers Presented for Filing.** Any pleading filed in an action which does not conform to, MUDCR 1, will not be filed by the Clerk of Court and shall be returned to the party submitting it. All papers shall be:
  - (1)** Typewritten or if handwritten in clear and legible handwriting;
  - (2)** Only on standard quality paper, 8 ½" x 11" in size with one inch margins on one side only;

- (3) Lines numbered consecutively from the top;
- (4) Spaced one and a half or double, except for quoted material and footnotes;
- (5) Numbered consecutively on the bottom left hand portion of the page. If the filing is more than one page, the page number should be in the format “x of x”; and
- (6) The title of the pleading shall not be listed in the bottom margin and must be left blank for the electronic signature of the Court.

**C. The first page of any filing shall conform to the following:**

- (1) Commencing at line 1 at the left margin, single spaced, shall identify the name of the attorney or party responsible for the pleadings together with complete mailing address, telephone number and email address;
- (2) Lines 1 through 7 of the right one half of the page shall be left blank for the use of the Clerk of Court;
- (3) On or below line 8, the title of the Court;
- (4) Commencing at line 9 or below, on the left the title of the case;
- (5) On the right and opposite the title of the case, the case number and identification of the document;
- (6) Nonconforming pages may not be filed without leave of the Court and will either be rejected by the Clerk of Court or stricken from the record.

**D. Requirements of Briefs:** No individual brief shall exceed twenty (20) pages in length, exclusive of the electronic certificate of service, indexes, or appendices, without prior leave of the Court. Serial motions filed for the purpose of evading the page limitation may result in summary denial of all such motions.

- (1) Filings may alternatively be limited to 6,500 words (excluding the caption, signature block, certificates of service or compliance, any tables of contents or authorities, and any appendices) if accompanied by a certification of compliance which states the word count and the documents line spacing and states:

- (i) The document is proportionally spaced, together with the typeface and point size; or
- (ii) The document uses a monospaced typeface, together with the number of characters per inch. A party may rely on the word count of the word processing system used to prepare the document.

(2) Reply briefs shall not exceed ten (10) pages or 2,500 words.

**E. Overlength Briefs.** Pursuant to Rule 12(10), of the Montana Rules of Appellate Procedure (M. R. App. P.), motions seeking leave to file an overlength brief are disfavored and will only be granted for good cause. Motions must include the number of additional pages and detail why an overlength brief is necessary.

(1) Parties shall not file an overlength brief simultaneously with the motion seeking leave to file it. Unless leave of Court is granted, the above rule controls. The Clerk of Court will refuse to file overlength briefs without a Court order.

(2) Non-duplication: Exhibits, appendices, and other attachments (hereinafter “attachments”) to pleadings, motions, and other papers shall be filed with the Court only once; subsequent use of such attachments shall be by reference to the document name, filing date, and docket number. The total number of pages of attachments shall not exceed fifteen (15) except by leave of the Court and shall not be larger than 8 ½” x 11”.

(i) Parties may not attach an entire deposition or set of responses to interrogatories when only a portion of the discovery is referenced to in a brief.

(ii) The filer must review each exhibit and redact any sensitive, confidential, or private information in accordance with Rule 5.2, M. R. Civ. P., or seek an order from the Court to seal the exhibit.

Any person who files a document under seal, with or without prior leave, certifies that sealing is appropriate to the best of the person's knowledge, information, or belief.

**F.** In a prefatory statement in each motion submitted to the Court, the moving party shall certify that the other parties have been contacted concerning the motion, and whether the parties object to the motion.

(1) Statements that the other party has been contacted but have not yet replied will automatically be deemed as an opposed motion and will not be ruled on until the response time has expired, or opposing counsel has filed a notice of no objection.

(2) In the event of objection, the motion must state whether the objecting party will exercise the right to file a written objection. Unless the Court has been informed that the adverse party does not oppose the motion, or the adverse party opposes the relief but does intend to file a written objection, then absent good cause to act *ex parte*, the adverse party is entitled to the opportunity to respond or object to the Motion before the Court makes a ruling. Timelines established by the MUDCR, the M. R. Civ. P., and applicable specific statutes govern the time to be allowed for any response or objection.

**G. Shortened Briefing Schedule.** If a party submits a motion at a time that does not allow a full briefing schedule, the party filing the motion shall request a shortened briefing schedule and indicate the adverse party's position about a shortened briefing schedule.

**H.** Proposed orders (uncontested or otherwise) shall accompany the motion as a separate document and must conform as set forth above.

(1) Proposed orders following a hearing, if requested by the Court, should be submitted via e-filing or by email to the Court Administrator within fourteen days of the hearing, unless otherwise directed.

- I. Certificate of Service.** Proper documentation demonstrating service has been made must accompany all documents offered for filing other than a complaint. The Court will not consider any documents requiring a certificate of service that do not have a complete certificate of service attached. The Clerk of Court may reject and return all documents that are not in compliance without further order of the Court.
- J. Motion for Leave to Amend or Supplement.** When a party moves for leave to amend or supplement a pleading, the proposed pleading must be attached to the motion as an exhibit. If leave is granted, the party must promptly file the pleading. If leave is granted counsel must submit the amended document for filing, the Clerk of Court will not file the attached exhibit.
- K. Jury Demands.** When a demand for a jury trial is incorporated in a pleading, parties shall so indicate in the title as well as the body of the pleading.
- L. Sealed Items.**
  - (1)** The followings items must be filed under seal:
    - (i)** Presentence Investigation Reports,
    - (ii)** Psychological Reports, and
    - (iii)** Sensitive Case Forms.
  - (2)** Any document which includes an individual's full date of birth, minor child's full name, social security number, or financial information such as a full checking account number,
    - (i)** Counsel and *pro se* litigants are encouraged to redact such information, utilize the initials of minor child's names, and the year of birth unless specifically necessary to be in the record.
  - (3)** Absent leave of the Court, documents that are sealed may only be accessed by the parties, counsel of record, and court staff, unless otherwise provided for by law.

#### **Rule 5 - Manner of Filing.**

**A.** The Tenth Judicial District Court has implemented the State of Montana's E-Filing system. Most case types are capable of electronically filing. Counsel is responsible for knowing what case types have been enabled and proper filing procedures. The Montana Supreme Court has adopted rules governing access to and use of the electronic filing system. *See in re Temporary Electronic Filing Rules, AF 14-0745, filed October 3, 2017.* Consistent with Temporary Electronic Filing Rule 2(b), use of the electronic filing system for all lawyers admitted to practice in Montana, or those appearing *pro hac vice*, is mandatory in all cases in which e-filing has been enabled, unless specifically exempted.

**B.** The party requesting any civil order, judgment, or decree must present the same through e-filing at the time of application for such order. When directed by the Court to prepare an order after hearing, the party shall submit the proposed document within fourteen (14) calendar days of the hearing, unless a different deadline is established by the Court.

**(1)** Courtesy copies of proposed orders that have been correctly submitted via e-filing are not required but are welcome. Courtesy copies shall be emailed to the Court Administrator.

**C.** All proposed orders shall:

**(1)** Be submitted as a separate document under the filing type "Proposed Document" and shall not have a footer or signature block for the Judge's signature.

**(2)** The traditional signature block shall be replaced with:  
**ELECTRONICALLY SIGNED AND DATED BELOW.**

**(3)** Be submitted via e-filing in .doc or .docx format. All proposed orders in cases that are not enabled for e-filing shall be emailed to the Court Administrator in .doc or .docx format;

**(4)** Omit macros or special coding or formatting other than appropriate citation format; and

**(5)** Adhere to the formatting requirements as set forth above.

**D. Jury Instructions.** Sourced jury instructions are to be filed under the filing type “Notice” and filing subtype “Notice”. Clean jury instructions are to be filed under the filing type “Proposed Document” and the filing subtype “Jury Instructions Proposed”. Failure to choose the correct filing type may result in jury instructions either not being entered into the docket or the clean copies unavailable to the Court.

(1) If the clean proposed jury instructions and verdict form are not submitted by e-filing the parties shall email them to the Court Administrator in .doc or .docx format.

**E.** For extenuating circumstances in which e-filing is undergoing maintenance, or is otherwise unavailable, documents may be filed with the Clerk of Court via mail, email, or facsimile, subject to the provisions of this rule and the M. R. Civ. P. Any proposed documents must be emailed to the Court Administrator in .doc or .docx.

(1) The date and time of receipt by the Clerk of Court of the transmission shall be the date and time of filing. If the original is not served on the same day as the facsimile or electronic transmission, service of the facsimile or electronic document must be made as provided in Rule 5, M. R. Civ. P.

(2) If documents (exclusive of original wills) are faxed, emailed, or e-filed the originals need not be sent to the Clerk of Court.

**F. Fees and Costs.** The use of facsimile or electronic equipment shall not change or delay the required payment of fees. Required filing fees and/or costs shall be paid at the time of filing via the e-filing payment system or if otherwise filed shall accompany the filing, unless prior arrangements have been made with the Clerk of Court.

## **Rule 6 – Jury Term and Trial Settings**

**A.** The normal jury term is July to June. Trials shall be held throughout the year as scheduled. Due to difficulty in obtaining jurors there are certain times of year

that trials will not be set. The Court establishes a calendar that sets forth trial and law and motion settings for each week of the year. The Tenth District does not set separate criminal and civil trial weeks, and trial weeks are either set for three or five day trial settings. The parties may request either setting.

- B.** Trials will likely be stacked, i.e., more than one trial may be set for the same time. If so, the Court shall determine the order of priority. Therefore, the parties in all matters should be prepared for continuances attributable to statutory priority. Regardless of priority order, counsel and parties should be prepared to commence trial at the time scheduled. If preempted by another trial, the Court will reset the trial; and whenever possible reset for a trial setting within the next thirty (30) days.
- C.** Trials in civil matters are set at the time of the Scheduling Conference. Trials in criminal matters trials are set following the Arraignment.

**Rule 7 - Pre-Trial and Trial.**

- A. Jury Instructions.** Proposed jury instructions shall be e-filed with the Court as a Notice of Filing and served upon opposing counsel. A “sourced” set of proposed instructions shall indicate the party on whose behalf it is requested, be numbered consecutively, and contain reference to the source thereof, and a citation of authority, if any, supporting the statement of law therein. A set of “clean” jury instructions shall also be e-filed in .doc or .docx format that does not contain the citations. Proposed verdict forms must be filed with the Court in the same manner as jury instructions. Proposed jury instructions and verdict forms shall be filed according to the requirements of Rule 4.
  - (1)** Counsel shall ensure that proposed jury instructions are correct with respect to the parties name and gender and as to whether parties are singular or plural.
- B.** Pursuant to Mont. Code Ann. § 3-15-106, the Court will hold six-person jury trials as allowed by law.

**C. Pre-Trial Conference.** In civil matters a date and time for the pre-trial conference under MUDCR 5, will be set at the scheduling conference. Each party represented by counsel must have an attorney present at the pre-trial conference with authority to make stipulations and admissions.

- (1) In criminal trials the Court will set a pretrial conference following the jury confirmation hearing by order of the Court. When a trial has been continued to a different setting the Court may reset the pretrial conference at that time, or a separate order will issue following the jury confirmation hearings for the other trials on that setting.
- (2) Pretrial conferences are generally held at noon on the Thursday prior to the trial week. The parties should be prepared to discuss any procedural issues, pending motions, jury instructions, etc.

**D.** Exhibits are to be appropriately marked and exchanged prior to trial, with Plaintiff/Petitioner using numbers and Defendant/Respondent using letters—unless directed otherwise by the Court.

**Rule 8 - *Voir Dire*—Opening Statements—Closing Arguments.**

- A. *Voir dire* shall not be conducted in a manner calculated to create prejudice or bias or to disqualify the entire panel by what may be revealed by one prospective juror. Sensitive matters may, upon request, be examined one juror at a time and out of the presence of the balance of the panel. Any requests for pretrial jury questionnaires shall be made at the Jury Confirmation Hearing. *Voir dire* shall not be used to argue the merits of the case.
- B. Other than use at trial, any disclosure of juror information must be limited to parties and counsel involved in the case and persons consulted about the composition of the jury. Those persons must take reasonable steps to protect the confidentiality of the information.
- C. Time limits for *voir dire* examination may be established for each party at the pre-trial conference, unless for good cause shown, additional time is secured from the Court. Generally, *voir dire* is limited to sixty (60) minutes.

**D. Opening Statements—Closing Arguments.** The length of opening and closing statements shall be addressed at the pretrial conference, unless otherwise specified. Generally, opening statements shall be limited to one hour. At the conclusion of trial, closing arguments shall be limited to one (1) hour; for good cause, additional time may be requested. Any requests to use audio or visual aids during opening or closing statements shall be made at the pretrial conference. If the parties intend to use any special equipment the parties must make the appropriate arrangements at least five (5) business days prior to the date of the trial with the Court Administrator.

**Rule 9 - Trial Briefs.**

A. If required by the scheduling order, at least two (2) days before the pretrial conference of any cause, counsel may present to the judge presiding and serve upon opposing counsel a trial brief, setting forth a statement of the theory of their cause and the issues involved, with a statement of the authorities upon which they rely as to both the laws of the case and in support of the introduction of evidence proposed to be offered.

**Rule 10 - Discovery**

A. **Authenticity of Documents.** Any party receiving a document in discovery shall immediately object to authenticity of that document upon production, if appropriate and not later than thirty (30) days from the date of production (the day after the date of mailing is the first day to be counted). Failure to object within the time set forth above shall be deemed an admission that the document is authentic, and no further proof of authenticity shall be required at hearing or trial.

(1) In all criminal matters the parties may be required to hold an Informal Discovery Conference at least sixty (60) days prior to the jury confirmation hearing, to review the completeness and authenticity of discovery. In contested civil matters in which discovery disputes arise

the parties must hold an informal discovery conference prior to filing a motion to compel discovery.

**Rule 11 - Telephonic or Video Testimony & Appearances.**

A. Telephonic or video testimony and appearances by witnesses or parties is the exception and not the rule.

(1) With the installation of video conferencing throughout the Tenth District the Judge will generally appear from Fergus County, unless a party has filed, reasonably in advance of any hearing, a specific request for personal appearance of the Judge. The Court may grant such request if the Court's calendar can accommodate travel time.

(2) In cases for another county or jurisdiction the Court may require parties and counsel to be present in the Fergus County Courthouse if the parties do not object.

(3) Unless otherwise ordered the following Tenth District Zoom Meeting Information will be utilized:

(i) Meeting ID: 875 0834 0114

Password: 213261

(4) Motions for Zoom appearances must be filed at least **two (2) business days** prior to the hearing. The parties and counsel are required to be personally present for all substantive or non-routine hearings and motions for Zoom appearances will automatically be denied, absent extraordinary circumstances. Any matter where witness testimony or documentary evidence will be presented is not considered a routine hearing.

(5) Attorneys and parties in contested hearings shall appear in person absent prior permission and/or order of the Court to appear remotely.

(6) Motions for Zoom appearances in criminal matters will not be granted if the Defendant has been arraigned but has not been fingerprinted on the

*charges contained in the Information* at a Sheriff's Office in the Tenth District.

- (i)** A motion for a Zoom appearance may be considered if Defendant has made prior arrangements to be fingerprinted in a timely manner.
  - (7)** If a Defendant is entering a guilty plea or being sentenced, their counsel is not permitted to appear by Zoom unless an appropriate motion is filed that includes their client's consent.
  - (8)** Zoom appearances will be granted for Defendants/Youths that incarcerated or in secure detention outside of Fergus County. It is the responsibility of counsel to make arrangements with the detention facility to ensure they are able to accommodate such hearing. If the detention facility cannot accommodate the hearing, counsel shall determine what dates and times such hearing can be accommodated and provide that information to the Court in an appropriate motion.
  - (9)** A personal appearance is generally not required in the cases and circumstances listed below, unless otherwise ordered by the Court. A party intending to appear by Zoom must notify the Court Administrator or other Court personnel prior to the Hearing.
    - (i)** Quiet Title Actions – Where facts are uncontested and an affidavit of the salient facts has been filed with the Court and the opponents are in default;
    - (ii)** Probate proceedings – Where proper documentation has been supplied and there is no objection from any interested party;
    - (iii)** Dissolutions/Parenting Plans – Where a default has been entered against one party or either party has waived their presence at the Hearing; all documents are proper and notarized written agreements on all issues have been filed; and a completed vital

statistics form and judgment fee has been received by the Clerk of Court's Office; and

**(iv) MISC.** – Uncontested *ex parte* matters or judgment by consent or default.

**(10)** A party appearing by Zoom must be aware of potential limitations in court reporting. A party accepts any issues that may arise by the form of this limited appearance. A party not in agreement shall appear in person. All risk of equipment failure is borne by the party appearing by Zoom.

**(i)** The Court cannot guarantee the functioning of the Zoom system. In the event that of an immediately irreparable malfunction of the Zoom connection, counsel must be prepared to present necessary testimony using alternative means.

**(11)** Any party or counsel that have been permitted to appear by Zoom either via these rules or court order must provide the Court Administrator, and/or other Court personnel with a telephone number at which they may be reached in case of delay or issues with the connection.

**(12)** Any party appearing by video via Zoom must identify themselves by first and last name, as well as the organization they represent if applicable. Zoom guests listed only by nicknames, phone numbers, or State ID numbers will be placed in the Zoom waiting room and will not be able to view or hear the court proceeding until they list their full name, etc. Any party appearing by telephone via Zoom must identify themselves to the Court at the start of the Hearing.

**(13)** It is the responsibility of the attorneys to advise their staff, clients, and witnesses accordingly, well before the day of Court.

**(14)** During the hearing, any person not speaking shall mute their device.

**(i)** Keep in mind you are appearing in Court, even if remotely. So, you should dress and act accordingly.

- (ii) No recording, broadcasting, or videoing court proceedings is permitted, whether attending in person or remotely.
- (iii) All exhibits the party may wish to use should be provided to the Clerk of Court and Court Administrator in advance of the hearing. Last minute faxes or emails are not acceptable.

### **Rule 12 - Stipulations and Agreements.**

- A. Stipulations and Agreements between the parties or their attorneys shall be made on the record and reduced to writing.

### **Rule 13 - Criminal Actions.**

- A. If the State Office of the Public Defender (OPD) has not been previously appointed the Court will appoint OPD if requested by Defendant at the Initial Appearance, pending qualification and acceptance. Defendants desiring Court-appointed counsel due to indigence shall complete the application process with the OPD, pursuant to its Rules and Procedures and Mont. Code Ann. § 47-1-111.

- (1) If OPD has been appointed or if defense counsel has been assigned in a lower court proceeding, the County Attorney shall include such information in their Motion and Affidavit for Leave to File Information.
  - (2) Defense counsel shall immediately file a notice of appearance upon assignment or reassignment.

- B. **Bail and Conditions.** At the time of seeking leave to file an Information, the County Attorney shall submit a proposed order and shall include any bond and conditions that were imposed in the Justice or City Court and/or provide recommendations for bail and conditions of release, pending initial appearance.

- (1) Bail From Lower Courts.** Whenever bail has been furnished to a Justice or City Court, and the cause is transferred to District Court, bail bond or cash bond is to be transferred to the Clerk of Court by the initial appearance. If cash bail is furnished, the transfer to District Court shall identify the person or party who actually posted the cash bail. The

District Court is not bound by the bail amounts set in the Lower Courts and may modify the same.

- (2) All proposed arrest warrants shall include proposed bond and conditions.

### **C. Arraignment.**

(1) **Charging Documents.** The Information or other charging documents shall be submitted as soon as possible following the filing of the Order Granting Leave to Information. If a Defendant is incarcerated, the Information shall be filed no later than five (5) days following the Order, otherwise there are calendaring issues for speedy trial.

(2) **Acknowledgement of Rights:** Defendant shall use his/her best efforts to review and file with the Court an Acknowledgement of Rights prior to or at the initial appearance/arraignment. The form used in the Tenth District is available on request and will be made available on the Clerk of Court's website.

(3) **Court Entered "Not Guilty" Plea.** A Defendant unwilling to enter a plea at the time of arraignment is subject to the Court entering a "not guilty" plea. In such event, the Defendant, on request, will be allowed to reserve for a reasonable time the right to move against the charging document(s) and to file motions and assert all defenses to which he/she may be entitled.

### **D. Omnibus Hearing.** Following a plea of "not guilty", the Court will set a jury trial pursuant to the length of trial counsel requests. Upon agreement by counsel, the omnibus hearing may be held informally and will be conducted via the disclosure process listed below.

(1) **Omnibus Disclosures:** If Defendant waives a Formal Omnibus Hearing the prosecution and defense will each complete their portions of the Omnibus Memorandum and Order and email the completed form to the Court Administrator which will be submitted to the Court for approval.

Counsel is permitted to hand deliver their disclosures so long as they also provide a copy to opposing counsel. A deadline for omnibus disclosures will be set in the Order Setting Trial. The form is available upon request and will be made available on the Clerk of Court's website.

**(2) Discovery.** The State and Defendant shall exchange discovery as required by Mont. Code Ann. §§ 46-15-322 and 323 and other applicable law. Discovery shall be accomplished as soon as reasonably practical and should be substantially completed one week prior to the omnibus disclosure deadline. An initial discovery deadline will be set in the Order Setting Trial. Disputes about discovery are not a basis for refusal to complete the omnibus memorandum. Unless a motion is filed seeking protection, the prosecution shall make disclosure under Mont. Code Ann. § 46-15-322, or seek extension as allowed thereunder. The Defendant shall make disclosure under Mont. Code Ann. § 46-15-323, unless a motion is filed seeking protection.

**(3) Waiver.** Upon submission of a completed Omnibus Hearing Memorandum form, counsel will be deemed to have waived an omnibus hearing before the Court, absent a request to the contrary. Motions may be made according to the Omnibus Hearing Memorandum form or by law.

**(4) Mental Competency Issues.** Upon motions under Mont. Code. Ann § 46-14-202, requesting examination, Defendant's counsel shall be prepared to identify the name and business address of a qualified professional sought to conduct the examination and to discuss the availability of this professional to do the examination. Should examination be ordered upon Defendant's motion, defense counsel shall be responsible to assure a report of examination under Mont. Code. Ann. § 46-14-206, is timely filed.

**E. Plea Agreement/Plea Discussions.** No Defendant is required to discuss a plea agreement. Any proposed plea offers must be discussed with the Defendant by counsel.

- (1) Written Plea Agreements.** Plea agreements under Mont. Code Ann. § 46-12-211, must be reduced to writing, signed by counsel and the Defendant, and filed with the Clerk of Court.
- (2) Alford Pleas.** Counsel who intend to proffer an *Alford* plea or plea of *nolo contendere* under Mont. Code Ann. § 46-12-204, must present a factual basis showing good reason for the Court to accept the plea, Mont. Code Ann. § 46-12-212(2).
- (3) Effect on Trial Setting.** At its discretion, the Court may refuse to vacate a trial setting by reason of a plea agreement until after Defendant has appeared and entered a plea found acceptable to the Court.
- (4) Change of Plea Hearing.** If a plea agreement is filed with the Court, the parties should be prepared to proceed with a change of plea hearing either at the next hearing as scheduled or at a hearing scheduled by the Court following the filing of the plea agreement.

**F. Pre-Sentence Investigation Report.** Unless effectively waived by a Defendant, a Presence Investigation Report (PSI) shall be completed and the original filed with the Court. A sentencing hearing will be set once the PSI has been filed unless otherwise ordered.

- (1)** In preparing a PSI, the probation officer/PSI writer shall make reasonable effort to contact any victim(s) and inform them of a right to be present and give testimony at the sentencing hearing and seek a written statement to be attached to the PSI.
- (2)** Notices of Noncompliance with the PSI process should not be filed with the Court but directed to the County Attorney for them to review and take appropriate action.

**G. Restitution.** If restitution is requested in a criminal matter and the amount is in dispute between parties, the Court may, by motion of the parties or in its own discretion, hold a separate hearing to address restitution prior to the final sentencing hearing.

**Rule 14 - Confidential Criminal Justice Information.**

A. A copy of any petition for the release of confidential criminal justice information under Mont. Code Ann. § 44-5-303, shall be served by the petitioning party upon the opposing party and each agency maintaining such information. A hearing may be held at the Court's discretion. Dissemination shall be subject to copying costs paid in advance to the requested agency.

**Rule 15 - Marital Dissolution Cases.**

A. In disputed parenting matters, the Court may order the parents to participate in a court approved parenting class, either in person or through an online or home study course, with a certain focus or number of hours. In such cases, when the class is complete, the parents must file a certificate of completion with the Court.

B. Temporary Child Support/Interim Parenting Plan. The welfare of the parties' children is of paramount importance. Accordingly, Counsel for the parties shall confer, within thirty (30) days of Respondent's first appearance, to set a temporary amount of child support and/or temporary parenting schedule.

(1) If the parties are unable to reach a stipulation for temporary child support the parties shall open a case with the Montana Child Support Services Division (CSSD). Both parties shall fully cooperate with CSSD in providing all requested and needed information. The parties must file the CSSD order with the Court.

(2) In the event of a dispute as to the appropriate temporary custodial parent or interim parenting plan, either party may file an appropriate motion and indicate whether a hearing is necessary.

**C. Child Support Services Division Notice.** All parenting cases shall include a notice by the Petitioner of the status and case number for CSSD or the most recent CSSD order.

- (1) A party seeking variance from the support guidelines or withholding requirements must furnish written proposed findings addressing their contention the variance is supported by clear and convincing evidence.
- (2) Any petition filed to commence proceedings involving modification of child support shall include a statement whether the requesting party has knowledge of the child(ren) receiving or applying for public assistance, and if so, petitioner shall immediately notify CSSD in writing of the pending action and file proof of such notice with the Clerk of Court.

**D. Parenting Guidelines.** The Court adopts the Montana Tenth Judicial District Shared Parenting Guidelines (attached hereto as Exhibit A).

**E. Temporary Orders of Protection.** When any action for declaration of invalidity of marriage, dissolution of marriage, or child custody action is filed in the District Court between parties who are also parties to a temporary order of protection in a court of limited jurisdiction, counsel for the Petitioner or the party who is the Petitioner in the lower court proceeding shall promptly notify said lower court of the District Court action and move the lower court to transfer the matter to the District Court. Upon certification and transfer the District Court shall assume jurisdiction thereof and any orders issued by the court of limited jurisdiction shall continue in full force and effect until modified or dissolved by the District Court.

- (1) Unless an action has been filed in the District Court as set forth above, a sworn petition for a temporary order of protection will be automatically denied, barring extenuating circumstances, such as the absence of the Judge in the lower court.

**F. Sensitive Case Form.** At the time of filing a petition for dissolution, invalidity of marriage, petition for legal separation, or petition for parenting plan the

Petitioner or the Co-Petitioners shall file a sensitive case form which sets forth the parties and minor children's full names, full dates of birth, and social security numbers. If the Petitioner is unaware of any of that information they shall indicate such on the form and the Respondent will be required to file a sensitive case form with any information that was incorrect or unknown to Petitioner. The sensitive case form will be filed under seal and only accessible by the Court, counsel, and the parties. If a sensitive case form is not submitted, the Clerk of Court may refuse to file the petition or responsive documents.

**G. Contested Family Law Proceedings.** Counsel and the parties are reminded that contested family law proceedings are emotional disputes, and if not handled with appropriate delicacy, they can leave permanent scars on litigants, and more important, on their children.

(1) In the heat of battle domestic relations clients may demand that their counsel take a position or tactic that only serves to escalate the proceedings. Lawyers are expected to maintain client control and not pursue a "scorched earth" policy merely because their client is demanding such an approach.

(2) *Pro se* litigants should be aware of the above warning to counsel and that they will be held accountable for unnecessary inflammatory or derogatory actions.

**H.** The Tenth District does not use the Informal Domestic Relations Trial procedure (Rule 17, M. R. Civ. P.) and instead continues to proceed with all domestic relations procedures as it has since 2022, some of which are informal. Each case will be addressed according to the specific needs of the parties. The goal continues to be to fairly and expeditiously resolve domestic relations cases. The Court utilizes a modified/hybrid Rule 17 approach.

#### **Rule 16 - Alternative Dispute Resolution.**

**A. Mediation.** Parties, at their cost, may voluntarily retain a private individual for mediation of their case. In such case, mediation shall be a confidential meeting

between the parties and the mediator to seek and promote communication between the parties with a view toward reaching a settlement agreement. Parties may agree to attend mediation without counsel. Any agreement reached in mediation shall be promptly reduced to writing and upon execution by parties, a written status report shall be filed with the Court.

- B. Settlement Conference.** In all civil cases, the Court may require at any time a settlement conference before an appointed settlement judge, mediator, or master. Any party may move the Court to order a settlement conference with an appointed settlement judge, mediator, or master. At the discretion of the Court, trial may be postponed or not set until after a settlement conference.
- C. Settlement Judge or Master.** The settlement judge may be either a current or retired State District Court Judge. The settlement master may be any person qualified under Rule 53, M. R. Civ. P.
- D. Settlement Conference Defined.** A settlement conference is a confidential meeting between the parties, attorneys and the settlement judge/ mediator/ master with a view toward negotiating a settlement. Each party will submit to the settlement judge/ mediator/ master a confidential settlement statement containing a summary of their case and description of strengths and weaknesses on each side. The parties and their attorneys must be present unless excused by the settlement judge/ mediator/ master.
- E. Sanctions.** Failure of a party or counsel to participate in good faith and with full settlement authority in a Court-ordered settlement conference may result in sanctions such as imposition of costs and attorney's fees incurred by opposing party in preparation for settlement conference.
- F. Confidential.** No person present at a settlement conference shall be subject to examination concerning statements made by any other person at the settlement conference. Parties cannot subpoena or otherwise require the appointed settlement judge/ mediator/ master to testify regarding his/her opinions or other matters expressed at the settlement conference.

**G. Attendance of Insurance Claims Person.** In all cases where pertinent, claims representative(s) from insurance companies, with requisite settlement authority, shall be required to attend the settlement conference in person or by speaker phone. Upon good cause shown, the Court may require personal appearance.

**H. Fees.** Fees charged by a settlement judge/mediator/master may be imposed upon parties at the discretion of the Court.

**I. Settlement Documents.** If a case is settled by settlement conference or other method before the trial date, the parties shall forthwith file a notice. Once of record, the agreement is binding and enforceable. Within thirty (30) days, settlement documents must be prepared and filed.

**J.** If the parties do not reach an agreement in criminal matters and the trial must be reset, it will be reset at the Court's convenience dependent upon the priority of other criminal cases.

**K. Sealing Confidential Information.** The Court reserves the right to deny a request to seal sensitive information as part of a settlement, if disclosure of the information is in the public interest.

**Rule 17 - Substitution and Withdrawal of Counsel.**

**A.** When a party changes attorneys, a notice of substitution signed by the incoming and outgoing attorney and client must be filed by the outgoing attorney. When the incoming attorney makes an appearance, the case service matrix will be updated by the Clerk of Court and electronic service on the outgoing attorney will be terminated. If counsel appears in Court and notifies the Court on the record that they are now counsel of record for the party and if not objected to, the Clerk of Court will update the case service matrix and terminate electronic service on previous counsel.

**B.** Counsel may not withdraw from any case, civil or criminal, except by consent of the client or by leave of the Court after Notice is served on the client and other parties/opposing counsel. A Motion to Withdraw/Notice of Withdrawal

will not be considered by the Court unless it comports with Mont. Code Ann. §§ 37-61-403 – 405 and MUDCR 10. Further, counsel that desires to withdraw shall include in their Motion/Notice the parties updated contact information, including telephone number and mailing/physical address, before the Court will consider the Motion or direct the Clerk of Court’s Office to update the case service matrix

**Rule 18 - Ex Parte/Pro se Communications.**

- A. *Ex parte* communication is any communication between the presiding judge and one party to the matter. There will be no *ex parte* discussion with the Court of substantive issues involving pending or anticipated cases, without the presence of, or notice to, all opposing parties, or without prior approval or stipulation of opposing parties. A violation of this rule may result in imposition of sanctions against the offending party or attorney.
- B. The Court will not engage in conversation of an *ex parte* nature or review any *ex parte* documents, such as letters, and the document will be returned to the sender and/or forwarded to all counsel of record.
- C. The same prohibition against *ex parte* contact with the Judge, applies to the Clerk of Court’s Office and the Judge’s staff. Court staff may not offer legal advice. This does not prohibit general assistance by the Court Staff to *pro se* litigants to facilitate compliance with these rules.
- D. Communication with the Judge will go through the Court Administrator or the Law Clerk (e.g. visit, email, or phone call). Direct emails or phone calls to the Judge are prohibited unless you are responding to the Judge who emailed or called you directly.

**Rule 19 - Bankruptcy.**

- A. Should a party file for protection in Bankruptcy Court, that party shall immediately notify the Court in writing of the filing and provide a copy of the bankruptcy cover sheet. Upon discharge of or confirmation of a bankruptcy reorganization plan superseding any claim made in this Court, notice thereof

shall be filed and upon such filing, a party may request and obtain dismissal of the claim.

- B.** Status Reports for matters which have been filed in Bankruptcy Court shall be filed on an annual basis.

**Rule 20 - Appeals from Justice Court or City Court.**

- A.** When an appeal from a Justice or City Court of record, being civil or criminal, has been filed and the record received by the Clerk of Court, the Clerk shall notify the Court and a briefing schedule shall issue pursuant to Rule 14 of the Montana Uniform Municipal Court Rules of Appeal to District Court (U. M. C. R. App.). A briefing schedule will not be issued for appeals for protective orders unless otherwise ordered by the Court. Pursuant to Rule 15, U. M. C. R. App. U, oral argument will not be held unless ordered by the Court. Appeals for protective orders are immediately reviewable by the District Court. This provision does not apply to appeals on the record from Small Claims Court.
- B.** If the Appellant's brief is not timely filed, the appeal is subject to the Court disposing of the matter as the ends of justice dictate, including issuance of an order dismissing the appeal.

**Rule 21 - Removal to Small Claims Court.**

- A.** All actions for recovery of money or specific personal property where the amount in controversy does not exceed seven thousand dollars (\$7,000.00) shall be subject to removal to Small Claims Court pursuant to Mont. Code Ann. § 3-10-1004.

**Rule 22 - Dismissal of Inactive Cases or Failure to Notify**

- A.** The Clerk of Court may close all causes of action without activity for one (1) or more years, unless an arrest warrant is outstanding. The effect of this Order is administrative and/or ministerial only and does not address the merits of any cause of action.
- B.** The Clerk of Court will give written notice to the attorneys of record or the parties when an action has been closed pursuant to this rule.

- C. Cases which have been closed for lack of prosecution shall only be reopened by filing an appropriate document. No judicial action will be taken in the case or part thereof unless good cause is shown.
- D. On a quarterly basis the Clerk of Court will bring to the attention of the Court those actions in which no proceedings have been taken in any civil cause for a period of two (2) years. Upon review of the record the Court may require a status report or other filings, or the action may be dismissed with or without prejudice by the Court on its own motion, after the giving of twenty (20) days notice of such intended dismissal, unless good cause shown. If status reports are required and the parties do not file a status report within the allotted time frame the Court may dismiss the matter or issue further appropriate orders.
- E. In estate matters the Clerk of Court will notify the attorney of record immediately following receipt of the Mont. Code Ann. § 72-3-1015 Notice from the Supreme Court Administrator that, within ninety (90) days, in the absence of good cause shown to the Court, the matter shall be called to the attention of the Court so that the Court may order the personal representative and counsel of record to appear and show cause why the estate has not been closed or such action as the Court may deem appropriate. The Clerk of Court will file and send the personal representative and counsel of record the following notice:

**(1)** This Estate has been brought to the attention of this Court by the Montana Supreme Court, which monitors whether estates have been closed within two years of being filed. Accordingly, in keeping with the Local Court Rules the Personal Representative will have a period of ninety (90) days from the date of this Notice to either close the estate, or in the alternative, to file a Status Report stating why the Estate is not yet in a position to be closed. Such Status Report shall include the estimated time remaining to close the Estate. If this Estate is not closed within ninety (90) days from the date of this Notice, and no Status Reports

have been filed stating adequate reasons for why the Estate is not yet in a position to be closed, then this file will be brought to the attention of the presiding judge and the Court will schedule a show cause hearing or take appropriate action.

- F. In conservatorship matters an annual accounting is required unless waived by Court Order. All orders shall contain provisions requiring conservators to file an annual accounting. Such annual accounting is due one calendar year from the date the order is issued. Upon review of the annual accounting the Court may notify the parties that the annual accounting may not be necessary. If either party does not file an objection within the response time the Court will issue an Order waiving the annual accounting.
- G. The Court may dismiss a matter without prejudice if a document directed to the attorney or self-represented party by the Court or the Clerk of Court has been returned as not deliverable and the Court or Clerk of Court fails to receive within sixty (60) days of this return a written communication from the attorney or self-represented party indicating a current address for service.

**Rule 23 - Standing Orders.**

- A. The Tenth District has implemented the following standing orders which are strictly imposed:
- (1) Weapons in the Courthouse (Fergus Co. SB-21-9, Judith Basin Co. SB-21-5, Petroleum Co. SB-21-3)
  - (2) District Court Judges invited to assume jurisdiction during absence (Fergus Co. SB-23-1, Judith Basin Co. SB-23-1)
  - (3) Cases sealed once jury confirmed (Fergus Co. SB-23-9, Judith Basin Co. SB-23-2, Petroleum Co. SB-23-2)
  - (4) Criminal History filed in new DC matters (Fergus Co. SB-18-26, Judith Basin Co. SB-18-4, Petroleum Co. SB-18-7)
  - (5) Redacted and Underseal Filings (Fergus Co. SB-25-27, JB Co. SB-25-4, Petroleum Co. SB-25-3)

## **Rule 24 - Miscellaneous.**

- A. Law Clerk.** The Judge shall have a Law Clerk to perform such duties as the District Court Judge shall direct, including research, preparation of findings and conclusions, and serving as a special master and judge *pro tempore*.
  - (1)** The Court reserves the right to assign all dissolution matters to its Law Clerk who shall serve as a special master pursuant to Rule 53, M. R. Civ. P., and Mont. Code Ann. § 3-5-113, and other appropriate matters, in the Court's discretion.
- B. Court Administrator.** The Court Administrator shall maintain under lock and key a signature stamp bearing a facsimile of the Judge's signature. On occasions when the Judge is out for the jurisdiction or is otherwise unavailable, the Judge may authorize the Court Administrator to use the Judge's signature stamp on documents requiring immediate attention by the Court. It shall be necessary to secure the Judge's authorization on every occasion before his signature stamp is used.
- C.** The Law Library is no longer available for research and will not be updated on a regular basis. When required by statute and/or case law, legal research tools and materials will be made available upon written request of the individual or entity and approval by the presiding judge.
- D.** The forms referenced herein as well as other forms as the Court may require will be made available on the Clerk of Court's website for each county in the Tenth District. *Pro se* forms are available at courts.mt.gov/forms.

## **Rule 25 - Amendment Relief**

- A. Amendment.** Amendments to these rules may be made from time to time by Court order filed with the Clerk of Court for each county within the Tenth Judicial District.
- B. Relief.** If counsel believe in good faith they have a situation which is not covered adequately by these rules, or need relief from the application of these

local rules, counsel may, upon application, present such matters to the Court for its consideration.

**C. Applicability.** These rules, in addition to the MUDCR, shall apply to all cases in each Court in each county in said district, and shall be entered upon the minutes of this Court in each county of said district. The Clerk of Court shall keep an original copy of these rules and any amendments thereto.

**IT IS HEREBY ORDERED** pursuant to Mont. Code Ann. § 3-1-112, the District Court of the Tenth Judicial District of the State of Montana, in and for the counties of Fergus, Judith Basin, and Petroleum, hereby adopts the foregoing District Court Rules for the practice and proceedings of the Tenth Judicial District of the State of Montana, and that the same be entered in a special book in Fergus County Cause No. SB-2013-18, Judith Basin County Cause No. SB-2013-17, and Petroleum County Cause No. SB-2013-5; of this Court in each county of this district.

The foregoing District Court Rules take effect on **November 5, 2025**, and that thereupon any former rules of this Court are superseded.

**DATED** this 5th day of November, 2025.

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HON. HEATHER PERRY  
Tenth Judicial District Court

**Effective November 5, 2025.**