

SENATE JOINT RESOLUTION NO. 2

Introduced: 1/3/83

Referred to Committee on Judiciary: 1/3/83

Hearing: 1/13/83

Report: 01/14/83, Do Not Pass. Report Adopted.

Bill Killed.

SENATE JOINT RESOLUTION NO. 2

INTRODUCED BY AKLESTAD

BY REQUEST OF THE JOINT SUBCOMMITTEE ON JUDICIARY

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE MONTANA SUPREME COURT TO ADOPT RULES OR RULE AMENDMENTS ALLOWING THE SUPREME COURT TO REVIEW CIVIL CASES AND TO DETERMINE BY WRITTEN ORDER WHICH CASES WILL OR WILL NOT BE HEARD ON APPEAL.

WHEREAS, the Montana Supreme Court has traditionally heard on appeal all civil cases in which a notice of appeal is filed with a District Court; and

WHEREAS, the number of civil appeals to the Supreme Court has grown with the ever-increasing caseload of the District Courts and has resulted in an increasing number of decisions and orders that must be reviewed by the Supreme Court; and

WHEREAS, some of the increasing number of civil appeals involve issues of settled law that do not warrant the writing and circulation of opinions among the Justices of the Supreme Court or are so wholly frivolous that review on the merits of the case and the writing of opinions cannot be justified as an efficient use of the time and energies of

the Court; and

WHEREAS, changes in the Rules of the Supreme Court of Montana and the Montana Rules of Appellate Civil Procedure to allow the Court to dispose of certain civil appeals without the necessity of a written opinion on the merits of the case would reduce the time required to dispose of civil cases, increase respect for the judicial system, and make more efficient use of critical state resources.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Supreme Court is encouraged to amend the Montana Rules of Appellate Civil Procedure and the Rules of the Supreme Court of Montana to allow the Montana Supreme Court to review and to dismiss by written order frivolous causes or causes based on settled law.

BE IT FURTHER RESOLVED, that rules adopted by the Court specify the review procedure to be used by the Court and the types of causes which will or will not be heard on their merits by the Court and that in adopting the rules or rule amendments the Court make the rules governing civil appeals as nearly identical as practicable to the provisions of [LC 90] Bill No. __, governing appeals in criminal cases, and any rules adopted thereunder.

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