

1 House JOINT RESOLUTION NO. 21
 2 INTRODUCED BY MERCER Lyn Spartz

3
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 5 REPRESENTATIVES OF THE STATE OF MONTANA URGING THE SUPREME
 6 COURT TO LIMIT EACH PARTY TO ONE PEREMPTORY CHALLENGE FOR
 7 SUBSTITUTION OF JUDGES.

8
 9 WHEREAS, the disqualification and substitution of
 10 judges is a time-consuming and costly procedure; and

11 WHEREAS, the Supreme Court has, by an order dated June
 12 29, 1981, allowed for two peremptory challenges by each
 13 party in a civil case; and

14 WHEREAS, peremptory challenges for substitution of
 15 judges are in addition to disqualifications of judges for
 16 cause; and

17 WHEREAS, only one peremptory challenge per party for
 18 substitution of a judge is allowed in a criminal case; and

19 WHEREAS, the time has passed for legislative
 20 disapproval of the court order.

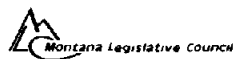
21
 22 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 23 OF REPRESENTATIVES OF THE STATE OF MONTANA:

24 That the Supreme Court be urged to amend the rule on
 25 peremptory challenges for the substitution of a judge in a

1 civil proceeding by limiting each party in a civil case to
 2 one peremptory challenge.

3 BE IT FURTHER RESOLVED, that the Secretary of State
 4 send a copy of this resolution to each Justice of the
 5 Supreme Court.

-End-



-2- INTRODUCED BILL
 HJR 21

APPROVED BY COMMITTEE
ON JUDICIARY

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