

IN THE SUPREME COURT OF THE STATE OF MONTANA

IN RE: THE MATTER OF OPINION FORMS)
AND CITATION STANDARDS OF THE)
SUPREME COURT OF MONTANA; AND)
THE ADOPTION OF A FORM OF PUBLIC)
DOMAIN AND NEUTRAL-FORMAT)
CITATION)

FILE
ORDER DEC 16 1997

Ed Smith
CLERK OF SUPREME C
STATE OF MONTANA

In order to facilitate electronic legal research via the Internet; in order to make the opinions and substantive orders issued by this Court more accessible to the print and broadcast media and to members of the public; and in order to more effectively implement the “Right to Know” provisions of the Constitution of the State of Montana, Article II, Section 9, this Court, pursuant to its authority under Article VII, Section 2(3) of the Constitution of the State of Montana, has determined to make an addition to its current citation format. Accordingly,

IT IS ORDERED that, from and after January 1, 1998:

(1) At the time of issuance, this Court shall assign to all opinions and to those orders designated by this Court for publication (hereinafter referred to as substantive orders), a citation which shall include the calendar year in which the opinion or substantive order is issued followed by the Montana U.S. Postal Code (MT) followed by a consecutive number beginning each year with “1” (for example, 1998 MT 1). This citation shall be known as the public domain or neutral-format citation and shall appear on the title page of each opinion

and on the first page of each substantive order issued by this Court. State Reporter Publishing Company and West Group are requested to publish this public domain, neutral-format citation within the heading of each opinion or substantive order published by those companies.

(2) Beginning with the first paragraph of text, each paragraph in every such opinion and substantive order shall be numbered consecutively beginning with a ¶ symbol followed by an Arabic numeral, flush with the left margin, opposite the first word of the paragraph. Paragraph numbers shall continue consecutively throughout the text of the majority opinion or substantive order and any concurring or dissenting opinions or rationale. Paragraphs within footnotes shall not be numbered nor shall markers, captions, headings or Roman numerals which merely divide opinions or sections thereof. Block-indented single-spaced portions of a paragraph shall not be numbered as a separate paragraph. State Reporter Publishing Company and West Group are requested to publish these paragraph numbers in each opinion or substantive order published by those companies.

(3) In the case of opinions which are not to be cited as precedent (variously referred to as unpublished, “noncite,” or memorandum opinions) and in the case of all substantive orders (unless otherwise specifically designated by this Court), the consecutive number in the public domain or neutral-format citation shall be followed by the letter “N” to indicate that the opinion or substantive order is not to be cited as precedent in any brief, motion or document filed with this Court or elsewhere (for example, 1998 MT 1N). Any “N” citation,

nevertheless, shall be listed along with the result, case title and Supreme Court cause number in the quarterly table of noncitable cases issued by this Court and published by State Reporter Publishing Company and West Group.

(4) In the case of opinions or substantive orders which are withdrawn or vacated by a subsequent order of this Court, the public domain, neutral-format citation of the withdrawing or vacating order shall be the same as the original public domain, neutral-format citation but followed by a letter "W" (for example, 1998 MT 1 W). An opinion or substantive order issued in place of one withdrawn or vacated shall be assigned the next consecutive number appropriate to the date on which it is issued.

(5) In the case of opinions or substantive orders which are amended by a subsequent order of this Court, the public domain, neutral-format citation of the amending order shall be the same as the original public domain, neutral-format citation but followed by a letter "A" (for example, 1998 MT IA). Amended paragraphs shall contain the same number as the paragraph being amended. Additional paragraphs shall contain the same number as the immediately preceding original paragraph but with the addition of a lower case letter (for example, if two new paragraphs are added following paragraph 13 of the original opinion; the new paragraphs will be numbered ¶13a and ¶13b). If a paragraph is deleted, the number of the deleted paragraph shall be skipped in the sequence of paragraph numbering in any subsequently published version of the amended opinion or substantive order, provided that

at the point where the paragraph was deleted, there shall be a note indicating the deletion of that paragraph.

(6) The following are examples of proper citations to Montana Supreme Court opinions:

For cases decided before January 1, 1998:

Primary cite:

Roe v. Doe (1997), 284 Mont. 301,989 P.2d 472.

Primary cite with pinpoint cite:

Roe v. Doe (1997), 284 Mont. 301, 305, 989 P.2d 472,475.

Pinpoint cite alone:

Roe, 284 Mont. at 305,989 P.2d at 475.

For cases decided from and after January 1, 1998:

Primary cite:

Doe v. Roe, 1998 MT 12,286 Mont. 175,989 P.2d 1312.

Primary cite with pinpoint cite:

Doe v. Roe, 1998 MT 12, ¶¶ 44-45, 286 Mont. 175, ¶¶ 44-45,989 P.2d 13 12, ¶¶ 44-45.

Pinpoint cite:

Doe, ¶¶ 44-45.

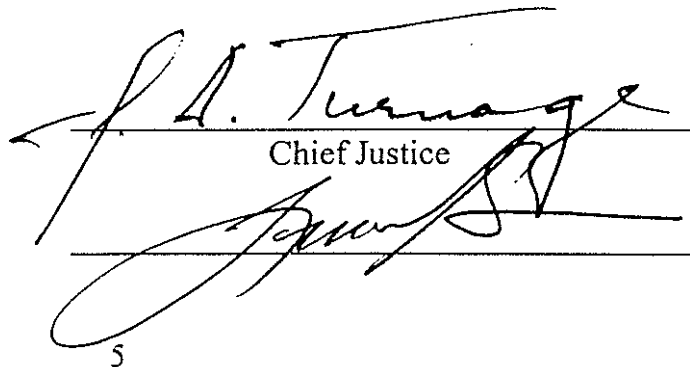
IT IS FURTHER ORDERED that the citation formats adopted herein are in addition to and supplement the current citation formats used by this Court. The Montana Reports is the official reporter of this Court's opinions and this Court will continue to cite to both its official reporter and to the regional, Pacific, reporter in addition to the public domain, neutral-format citation. This Court encourages the adoption and use of these formats in all briefs, memoranda and other documents filed in this Court.

IT IS FURTHER ORDERED that copies of this order shall be mailed by the Clerk of this Court to:

The Code Commissioner and Director of Legal Services for the State of Montana;
The District Judges of the State of Montana;
The Clerks of the District Courts of the State of Montana;
The Clerk of the United States District Court of the State of Montana;
The Clerk of the United States Circuit Court of Appeals, 9th Circuit;
W.H. Bellingham, Chairman of the Advisory Commission of Rules of Civil and Appellate Procedure;
The State Law Librarian;
The State Librarian;
The Librarian for the University of Montana, School of Law;
The Dean of the University of Montana, School of Law, with the request that this order be distributed to the faculty and students of the School of Law;
The Attorney General for the State of Montana;
The Appellate Defender for the State of Montana;
The President and Executive Director of the State Bar of Montana with a request that this order be published in the next available issue of *The Montana Lawyer*;
The State Reporter Publishing Company and West Group with a request that this order be published in their respective publications.

This Court expresses its appreciation to Judy Meadows, State Law Librarian; to Ruth Ann Popp, Secretary, Montana Supreme Court; and to Shauna Thomas, Editor, State Reporter Publishing Company for their advice and assistance in the preparation and implementation of this order.

DATED this 16th day of December, 1997.



Chief Justice

5

William E. Skutumpah

Karla M. Gray

W. William Dupont

Joni Lewis

Froy Truvels

ustices 3

IN THE SUPREME COURT OF THE STATE OF MONTANA

No.

IN THE MATTER OF AMENDING CITATION)
STANDARDS FOR THE MONTANA) ORDER
SUPREME COURT)

Pursuant to its authority under Article VII, Section 2(3) of the Constitution of the State of Montana, this Court filed an order on December 16, 1997, adopting citation formats for use in its opinions, including a public domain or neutral-format citation. The Court has now determined to simplify the format set forth in that order for pinpoint citations to opinions decided after January 1, 1998, by eliminating the requirement that paragraph number(s) be repeated for all three sources cited.

THEREFORE,

IT IS ORDERED that, effective immediately, proper pinpoint citations to opinions decided by this Court after January 1, 1998, shall be in the form shown in the following example:

Doe v. Roe, 1998 MT 12, ¶¶ 44-45, 286 Mont. 175, 989 P.2d 1312

In all other respects, the Court's order filed December 16, 1997, shall remain unchanged.

The Clerk is directed to provide copies of this order to:

The Code Commissioner and Director of Legal Services for the Montana Legislative Services Division;

The District Judges of the State of Montana;

The Clerks of the District Courts of the State of Montana;

The Clerk of the United States District Court of the State of Montana;

The State Law Librarian;

The Librarian for the University of Montana School of Law;

The Dean of the University of Montana School of Law;

The Attorney General for the State of Montana;

The Office of Public Defender for the State of Montana;

The President and Executive Director of the State Bar of Montana, with a request that notice of this Order be published in the next available issue of the *Montana Lawyer*;

LexisNexis and West.

DATED this 22nd day of January, 2009.

For the Court,

/S/ MIKE McGRATH

DATED this 25th day of February, 2010.

/S/ MIKE McGRATH
/S/ JAMES C. NELSON
/S/ MICHAEL E WHEAT
/S/ PATRICIA O. COTTER
/S/ BRIAN MORRIS
/S/ W. WILLIAM LEAPHART
/S/ JIM RICE