

SUPREME COURT OF THE STATE OF MONTANA

In re the Adoption of Uniform Case Filing Standards for District Courts

Uniform Case Filing Standards Order · Decided May 3, 2005

SUMMARY

The Montana Supreme Court adopted Uniform Case Filing Standards for the state's district courts upon petition by the District Court Council. The standards establish uniform procedures for opening, closing, reopening, and designating inactive case files across 13 case types, effective January 1, 2006.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Karla M. Gray; Patricia Cotter; John Warner; James C. Nelson; Jim Rice; Brian Morris
JURISDICTION	Montana
DECIDED	May 3, 2005
DISPOSITION	approved
PROCEDURAL POSTURE	The District Court Council petitioned the Montana Supreme Court to adopt Uniform Case Filing Standards for the District Courts. The court granted the petition and adopted the standards by order.
PRECEDENTIAL VALUE	Administrative order adopting statewide court-record and caseload-reporting standards; limited value as judicial precedent.

TOPICS

- civil procedure
- appellate procedure
- probate procedure
- family law procedure
- guardianship procedure

PRACTICE AREAS

- civil procedure
- criminal procedure
- probate
- family law
- guardianships

QUESTIONS PRESENTED

1. Whether the Montana Supreme Court should adopt the District Court Council's proposed Uniform Case Filing Standards for the District Courts.

2. Whether the standards should be adopted without public comment and with an effective date of January 1, 2006.

HOLDINGS

1. The court granted the District Court Council's petition and adopted the Uniform Case Filing Standards for the District Courts.
2. The court adopted the standards without public comment and made them effective January 1, 2006.

KEY QUOTATIONS

“The uniform filing standards will create a uniform filing system in all district courts which will promote consistency, and provide for efficient and effective administration of court business.” (Order at 1)

“We also agree that public comment is not necessary on the standards since they are primarily an internal management and resource allocation tool” (Order at 1)

FACTUAL BACKGROUND

The District Court Council was statutorily created to implement state assumption of district court expenses and allocate resources among district courts, among other functions. The Council and district court clerks developed uniform filing standards to create consistent case-counting and reporting practices, improve court administration, and generate reliable statewide caseload data for management and resource allocation.

PROCEDURAL HISTORY

The District Court Council developed the proposed standards over approximately two years with assistance from district court clerks and provided district courts and clerks opportunities to comment and seek revisions. The Council petitioned the Supreme Court on April 22, 2005, requesting adoption without public comment and an effective date of January 1, 2006. The Supreme Court granted the petition on May 3, 2005.

DISPOSITION

approved

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