

SUPREME COURT OF THE STATE OF MONTANA

Hartsoe v. Tucker

2013 MT 256, 371 Mont. 539 (2013) · No. DA 12-0740 · Decided September 10, 2013

SUMMARY

The Montana Supreme Court affirmed the dismissal with prejudice of John Hartsoe’s claims against Judge Loren Tucker, holding that judicial immunity applied to the judge’s rulings concerning bail, a civil claim, and a mistrial. The court also imposed filing restrictions requiring Hartsoe to obtain prior district court approval before filing certain claims for injunctive or declaratory relief against current or former judicial officers.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Justice Michael E. Wheat; Michael E. Wheat; Mike McGrath; Brian Morris; Laurie McKinnon; Jim Rice
JURISDICTION	Montana
DECIDED	September 10, 2013
DOCKET	DA 12-0740
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from the District Court's summary dismissal with prejudice of Hartsoe's claims against Judge Tucker on judicial-immunity grounds.
STANDARD OF REVIEW	De novo review of the district court's decision on a motion to dismiss.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential.
PARTIES	John Hartsoe v. Loren Tucker

TOPICS

- motions to dismiss
- sovereign immunity
- sanctions
- appellate procedure
- civil rights

PRACTICE AREAS

- civil procedure
- appellate procedure
- judicial immunity
- constitutional law
- sanctions

QUESTIONS PRESENTED

1. Whether Judge Tucker was entitled to judicial immunity under § 2-9-112(2), MCA, for denying a bail hearing, dismissing a civil claim, and declaring a mistrial.
2. Whether sanctions should be imposed under M. R. App. P. 19(5) and what restrictions were appropriate to curb Hartsoe's abusive litigation.

HOLDINGS

1. Judge Tucker was entitled to judicial immunity because denying a bail hearing, dismissing a civil claim, and declaring a mistrial are judicial functions, and he acted within the subject-matter jurisdiction of his court. Immunity applied even if the decisions were erroneous or exceeded his authority.
2. Sanctions were warranted under M. R. App. P. 19(5) because Hartsoe's repeated, groundless litigation against judicial officers constituted an abuse of the court system. Hartsoe was required to obtain prior district-court approval before filing specified actions naming a current or former judicial officer as a defendant.

KEY QUOTATIONS

“Judges are not entitled to judicial immunity when their act (1) is not normally a function performed by a judge, and (2) the judge acts in the “clear absence of all jurisdiction.”” (¶ 9)

“Because Judge Tucker’s act was judicial under the meaning of § 2-9-112(2), MCA, he is entitled to immunity regardless of whether his decisions were in error.” (¶ 10)

“These actions amount to an abuse of our court system, and we will impose a sanction tailored to prevent future harassment with frivolous claims.” (¶ 16)

FACTUAL BACKGROUND

Hartsoe alleged that Judge Tucker violated his constitutional rights through three judicial actions: denying a bail hearing, dismissing a civil claim, and declaring a mistrial in a criminal proceeding. Each challenged action arose from proceedings within Judge Tucker's court, which had subject-matter jurisdiction over the relevant criminal and civil matters. The Montana Supreme Court also considered Hartsoe's pattern of litigation against Montana judicial officers in determining whether sanctions were warranted.

PROCEDURAL HISTORY

Hartsoe filed suit alleging that Judge Tucker violated his constitutional rights by denying a bail hearing, dismissing one of his civil claims, and declaring a mistrial in a criminal matter. Judge Tucker invoked judicial immunity, and the Twentieth Judicial District Court granted summary dismissal with prejudice. Hartsoe appealed, and the Montana Supreme Court affirmed and imposed filing-related sanctions.

DISPOSITION

affirmed

CASES CITED

- Hartsoe v. McNeil, 2012 MT 221, ¶ 4, 366 Mont. 335, 286 P.3d 1211
- Grizzly Sec. Armored Express, Inc. v. The Armored Grp., LLC, 2011 MT 128, ¶ 11, 360 Mont. 517, 255 P.3d 143
- Silvestrone v. Park Co., 2007 MT 261, ¶¶ 14-15, 339 Mont. 299, 170 P.3d 950
- Stump v. Sparkman, 435 U.S. 349, 356-62 (1978)
- Mireles v. Waco, 502 U.S. 9, 13 (1991)
- Roadway Express, Inc. v. Piper, 447 U.S. 752, 765 (1980)
- Motta v. Granite County Comm'rs, 2013 MT 172, ¶¶ 16-23, 370 Mont. 469, 304 P.3d 720
- Hartsoe v. Christopher, 2013 MT 57, 369 Mont. 223, 296 P.3d 1186
- Hartsoe v. McNeil, 2012 MT 221, 366 Mont. 335, 286 P.3d 1211