

SUPREME COURT OF THE STATE OF MONTANA

In re Revised Rules on Substitution of District Judges

In re Revised Rules on Substitution · Decided July 10, 2009

SUMMARY

The Montana Supreme Court adopted revised rules governing the substitution of district judges under Montana Code Annotated § 3-1-804. The rules address eligibility, filing deadlines, notice, fees, timeliness, reassignment of cases, and substitution rights following new trials or appellate remands.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Mike McGrath; W. William Leaphart; Jim Rice; Patricia Cotter; James C. Nelson; John Warner; Brian Morris
JURISDICTION	Montana
DECIDED	July 10, 2009
DISPOSITION	approved
PROCEDURAL POSTURE	The Montana Supreme Court exercised its constitutional rulemaking authority to adopt revised rules governing substitution of district judges.
PRECEDENTIAL VALUE	Published rulemaking order adopting binding procedural rules

TOPICS

civil procedure criminal procedure joinder intervention motion for new trial

PRACTICE AREAS

civil procedure criminal procedure judicial administration

QUESTIONS PRESENTED

- Whether the Montana Supreme Court should adopt the proposed revised rules governing substitution of district judges.
- When the revised substitution rules should become effective.

HOLDINGS

1. The Montana Supreme Court adopted the attached revised rules for substitution of district judges pursuant to its constitutional rulemaking authority.
2. The revised rules for substitution of district judges became effective October 1, 2009.

KEY QUOTATIONS

“IT IS ORDERED that the attached rules for the substitution of district judges are adopted, effective October 1, 2009.” (Order)

FACTUAL BACKGROUND

The Montana Supreme Court had established rules for substitution of district judges under its constitutional authority, and those rules were codified at section 3-1-804 of the Montana Code Annotated. The Court proposed revisions primarily to make the rules easier to read and understand, accepted public comments, and adopted a final revised version.

PROCEDURAL HISTORY

The Court previously proposed and published revised substitution rules and solicited comments. After considering the comments, it adopted the final revised rules, effective October 1, 2009.

DISPOSITION

approved