MONTANA FIFTH JUDICIAL DISTRICT
COURT RULES

BEAVERHEAD, JEFFERSON, AND MADISON COUNTIES

Rule 1 - Law and Motion

The typical schedule is:

Monday - Madison County
Tuesday & Thursday - Beaverhead County
Wednesday - Jefferson County

Counsel and parties should set and confirm hearing dates with the Clerk of Court. In the event counsel or parties encounter extreme difficulties with the date selected, they should consult with the opponent and then advise the Court by stipulation or motion supported by brief and affidavit stating efforts to contact the opponent and the opponent's position.

Rule 2 - Pleadings & Motions

2.1 Briefs shall not exceed 20 pages without leave of the Court for good cause demonstrated.

2.2 Proper documentation demonstrating service shall accompany all documents offered for filing other than a complaint. The Clerk shall return other documents forthwith and without further order.

2.3 A demand for jury trial shall be included in the caption of the complaint or answer.

2.4 When an issue is fully submitted and ready for a decision from the Court, the moving party should file a Notice to bring the matter to the Judge's attention in the event a decision has not been rendered within 30 days.

2.5 Papers may be signed and filed electronically. A document may be filed or signed by facsimile or e-mail after arrangements for payment for these services have been made with the Clerk of District Court.

Rule 3 - Attorneys

3.1 *Pro Hac Vice* - An attorney seeking to appear *pro hac vice* shall file a motion and proposed order accompanied by a copy of the State Bar of Montana *Pro Hac Vice* Application and confirmation correspondence from the Bar Admissions Administrator.

3.2 Release of Counsel of Record on Notice - After final disposition and the time for appeal has expired, all counsel shall be relieved of their duties as counsel of record provided they first file a Notice of Termination with the Clerk of Court and serve the same on opposing counsel and their client. Thereafter, notice must be served on the adverse party as provided in Rule 4(D), MRCP.

Rule 4 - No Appearance by Party Required

No personal appearance by the parties shall be required in the following cases and under the circumstances specified:

1. Quiet Title Actions - Where an affidavit of the salient facts has been filed with the Court and the opponents are in default.
2. Probate of Estates - Where proper documentation has been filed and there is no objection from any interested party.
3. Dissolutions - a) where there is filed a verified petition and uncontroverted affidavit including proof of service upon the opposing party b) and where both parties are represented by counsel or there is written certification that the opposing party recognizes that counsel is appearing only for one party and nonetheless decides to proceed without counsel c) and there are signed written agreements on all issues d) and a completed Vital Statistics form, judgment fee and proposed order are provided.

Rule 5 - Default Judgments/Writs of Execution

5.1 Application for default judgment shall show how the total claimed with interest has been calculated including, but not limited to, the interest rate, per diem and number of days accrued.

5.2 Writs of execution shall include information in accord with the format available at the Clerk of Court's office or in a substantially similar form.

Rule 6 - General Provisions

6.1 There shall be no food or drink in the Courtroom except water in suitable containers.

6.2 Cell phones shall be allowed in the Courtroom only when turned off.

Rule 7 - Weapons

Anyone wishing to enter the courtroom may be required to submit to a search of their person or belongings by security personnel.

Rule 8 - Child Support Guideline Requirements

Parent financial affidavits and uniform child support guidelines worksheets shall be filed with the Court before entry of any child support order requested of the Court.

Rule 9 - Parenting Plan Guidelines

Guidelines will help the parents in knowing what the presiding judge in the Fifth Judicial District believes generally is reasonable, unless special circumstances require a different arrangement. Guidelines are available from Diane Kaatz at 406-843-4235, 406-683-3745 or dkaatz@mt.gov.

Dated: January 28, 2013.

/s/
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LOREN TUCKER
District Judge

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