

Flathead County Justice Court
Local Rules - Modified February 2020

1. **Scope.** These rules shall apply to Flathead County Justice Court and shall not be construed to overrule any precedent of the Montana Supreme Court or the Eleventh Judicial District. These rules shall not contravene Montana law as codified by the legislature. These rules are designed to supplement the Montana Uniform Rules for the Justice and City Courts, the Montana Justice and City Court Rules of Civil Procedure and Montana's Criminal Procedure.
2. **Hours.** The Justice Court shall be open for business from 8 a.m. to 5 p.m. Monday through Friday and no later than 7 p.m. on Tuesdays. The office of the Justice Court shall be closed on all state holidays and for staff meetings set on an irregular basis.
3. **Legal advice.** The clerks of the Justice Court are forbidden to provide legal advice. They may provide some assistance with small claims cases.
4. **Civil Discovery.** Discovery in all civil cases shall be informal. Formal discovery may only be obtained, on a limited basis, when informal discovery proves fruitless and following a written request to the opposing party. Formal discovery may only be conducted after a motion is made and granted by the court.
5. **Criminal Discovery.** Discovery in all criminal cases shall be completed no later than 10 days before the omnibus hearing. Failure to comply with this rule may result in imposition of any of the sanctions provided at § 46-15-330, M.C.A. An exception to this rule shall be production of reports of the Montana Crime Lab. These reports shall be provided no later than the date of the pretrial conference approximately one week before the scheduled trial date.
6. **Witness and Exhibit lists.** Witness and exhibit lists in criminal cases shall be exchanged by the pretrial conference. Failure to comply with this rule may result in the exclusion of any evidence not identified or disallowance of the testimony of any witness not disclosed. Late filing may result in sanctions being imposed. Witness and exhibit lists shall be exchanged no later than 20 days prior a pre-trial conference in civil cases, unless otherwise ordered.
7. **Pre-trial motions.** Any party filing a pre-trial motion shall represent to the court whether or not the opposing party objects to the motion. In criminal cases, pre-trial motions shall be filed not later than 15 days after the omnibus hearing. In all pre-trial motions, the parties shall inform the court of the length of time they believe it will take to have the motion heard. A proposed order shall be submitted by any party making an unopposed motion. If submitted through the electronic filing system, the proposed order shall be attached as a Microsoft Word (.docx) filetype.
8. **Jury Instructions.** In criminal cases, jury instructions shall be exchanged no later than the Friday prior to any scheduled trial. Failure to provide jury instructions shall be a waiver of a party's right to a jury trial or waiver of a proposed instruction. In civil cases, jury instructions shall be exchanged and filed no later than one week prior to any scheduled trial.
9. **Continuances in criminal jury trials.** No motions to continue shall be granted, absent extraordinary circumstances, if filed later than 5 p.m. the Tuesday preceding a Thursday jury trial.
10. **Continuances in criminal bench trials.** All motions to continue criminal bench trials shall be filed with a proposed order that includes a "cc" line listing the defendant in addition to any other

party making an appearance in the case. Stamped and addressed envelopes for all copied parties must be included with the motion. Failure to comply with this rule may result in summary denial of the motion.

11. **Plea Agreements.** All plea agreements in cases set for a change of plea and sentencing shall be in writing. Plea agreements reached at omnibus hearings are not required to be in writing. Deferred prosecution agreements shall be in writing.

12. **Assignment of Cases.** The Justice Court is divided into two Departments each having one Judge. All cases shall be assigned to the departments on a random and even basis by the Clerk of Justice Court. The work in Justice Court shall be interchangeable among the Judges thereof during the absence or disability of any Judge, or upon the request of the Judge. Any Judge acting on behalf of the Judge of the other Department will be presumed to have acted with the consent of that Judge. Such actions do not result in the transfer of the case to the other Department unless both Judges sign a Relinquishment and Acceptance.

13. **Motions.** All motions must certify whether the opposing counsel or party objects to the motion. Routine or unopposed motions must be accompanied by a proposed order, with sufficient copies and addressed stamped envelopes for service.

14. **Communications.** The Court may refuse all communication from counsel or parties, which do not indicate copies have been sent to the opposing counsel or parties.

15. **Cell Phones.** Cell phones must be on silent or vibrate so that they do not disturb court proceedings. Should any such disturbance occur, the individual will be asked to leave the courtroom.

16. **Recordings of Court Proceedings.** Any individual or entity wishing to video, photograph, or otherwise record a court proceeding must coordinate with the Justice Court Administrator in advance of the proceeding to minimize any disruption. The jury voir dire process may not be recorded in any manner.

17. **Jurors and Alleged Victims.** No video, photographs or drawings shall be made of jurors or alleged victims and their family members.

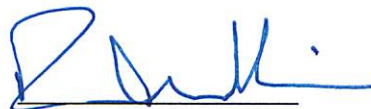
18. **Electronic Filing.** The use of the electronic filing system for all lawyers admitted to practice in Montana, or those appearing *pro hac vice*, is mandatory in all cases. The Montana Supreme Court has adopted rules governing access to and the use of the electronic filing system. *See In Re Temporary Electronic Filings Rules*, AF 14-0745, filed October 3, 2017. A copy of those rules is incorporated herein by this reference.

While use of the electronic system is not currently mandatory for self-represented litigates, self-represented litigants are strongly encouraged to become registered users of the system. Instructions on becoming a registered user and accessing the electronic filing system are available at <https://courts.mt.gov/courts/efile>.

Approved this 21 day of February, 2020.



Eric Hummel
Justice of the Peace, Dept. 1



Paul D. Sullivan
Justice of the Peace, Dept. 2