

FILED

07/31/2026

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: AF 07-0110

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 07-0110

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Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN RE THE MONTANA UNIFORM
DISTRICT COURT RULES

ORDER

ORIGINAL

On July 28, 2026, this Court adopted amendments the Montana Uniform District Court Rules proposed by the Uniform District Court Rules Commission. The amended version of the rules was attached to the Order; however, the redlined version was inadvertently omitted.

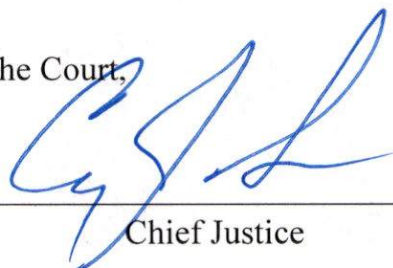
Attached to this Order is the redlined version of the Montana Uniform District Court Rules.

IT IS HEREBY ORDERED that the attached redlined version of the rules shall be posted on the Court's website.

The Clerk of this Court is directed to provide copies of this Order and the attachment to the State Law Library, Todd Everts, Connie Dixon, Shana Harrington, and Karl Krempel at Montana Legislative Services, Eric Goodemote in the Thomson Reuters Rules department at Thomson Reuters, Patti Glueckert and the Statute Legislation department at LexisNexis, and the State Bar of Montana with the request that it provide notice to the membership by publication in the *Montana Lawyer* magazine and through other electronic and timely means.

DATED this 31st day of July, 2026.

For the Court,



Chief Justice

MONTANA UNIFORM DISTRICT COURT RULES

* * *

Rule 2 – Motions.

(a) Prerequisites to Filing a Motion. Except when filing a motion pursuant to M. R. Civ. P. 12(b), 12(c), or 56, the The text of the motion must state that other parties have been contacted and state whether any party objects to the motion. Parties that have not yet appeared in the action or whose default has been entered need not be contacted. When a motion is unopposed, the word “unopposed” must appear in the title of the motion.

(b) Filing Briefs in Support of Motions. The moving party shall file with the court a supporting brief upon filing a motion. The brief may be accompanied by appropriate supporting documents. ~~Except as provided in M. R. Civ. P. 56(e), within fourteen days after service of the movant’s brief, the opposing party shall file an answer brief which also may be accompanied by appropriate supporting documents. Within fourteen days after service of the opposing party’s answer brief, the movant may file a reply brief or other appropriate responsive documents.~~

(c) Responses/Replies.

(i) Responses to motions to dismiss, for judgment on the pleadings, or for summary judgment must be filed within twenty-one days after service of the movant’s brief.

(ii) Responses to all other motions must be filed within fourteen days after service of the movant’s brief.

(iii) The moving party may file a reply or other appropriate responsive documents within fourteen days after service of the response.

(ed) Failure to File Briefs. Failure to file briefs may subject the motion to summary ruling. The moving party’s failure to file a brief shall be deemed an admission that the motion is without merit. Failure to file an answer brief by the opposing party within the time allowed shall be deemed an admission that the motion is well taken. Reply briefs by movant are optional, and failure to file will not subject a motion to summary ruling.

(de) Oral Argument. The court may order oral argument sua sponte or upon application of a party for good cause shown. A motion for oral argument, if any, shall be filed on or before the date any reply brief is due.

(ef) When Motion Deemed Submitted. Unless oral argument is ordered, or unless the time is enlarged by the court, the motion is deemed submitted at the expiration of any of the applicable time limits set forth above. If oral argument is ordered, the motion will be deemed submitted at the close of argument unless the court orders additional briefs, in which case the motion will be deemed submitted as of the date designated as the time for filing the final brief.

(fg) Subject to subsection (e), above, the moving party ~~shall~~ may file a ~~notice~~ Notice of Issue ~~with the court within five days after the filing of a reply brief, or if no reply brief is filed, within five days after the filing of all response briefs,~~ advising the court that the matter is fully submitted and ready for decision. A copy of the notice shall be sent to the presiding judge’s chambers.

(gh) In the event of conflict, the Montana Rules of Civil Procedure shall control. Time computation shall be governed by M. R. Civ. P. 6.

* * *

Rule 4 – Filing of Discovery.

(a) Depositions upon oral or written examinations, interrogatories and answers thereto, requests for production of documents and responses thereto, and requests for admissions and responses

thereto shall not be filed without leave of court. When any motion is filed referring to discovery, the party filing the motion shall submit with the motion relevant unfiled documents.

(b) The pre-trial order shall identify all those portions of depositions, interrogatories, requests for admissions and answers and responses thereto that the parties intend to introduce into evidence.

(c) Electronic Service. Upon the written agreement of all parties by electronic mail, service of discovery, including interrogatories and answers thereto; requests for production of documents and responses thereto; and requests for admission and responses thereto shall be accomplished through electronic service.

(i) "Electronic service" means service of a document on a party by either electronic transmission or electronic notification. Electronic service may be performed directly by a person or a person's agent, including the person's attorneys.

(ii) Written agreement to electronic service of discovery must be obtained from some or all parties electronically after the appropriate electronic service address has been confirmed for all counsel and/or parties. Each party shall separately indicate whether it agrees to electronic service and file an appropriate notice with the court. Each party's consent for electronic service shall include the party's appropriate email address.

(iii) Confidential or sealed records shall be electronically served through encrypted methods or other secure means to ensure that the documents are not improperly disclosed.

(iv) Consent to electronic service of discovery may be withdrawn at any time by a party by providing electronic notice to all counsel and/or parties and filed with the court.

Rule 6 – Simplified Procedure for Civil Actions.

(a) The purpose of this rule is to protect the right to trial by jury in civil actions; to provide maximum access to the district courts and opportunity for citizens to participate in the civil justice system in civil actions; to enhance the provision of just, speedy, and inexpensive determination of civil actions; to facilitate limited discovery and decrease expenses; and to provide opportunities for counsel to train in civil trial practice.

(b) This rule applies to all civil actions in which a jury trial has been requested. Attorneys are required to educate and consult with their clients about this Simplified Procedure and all parties shall be prepared to elect or decline the Simplified Procedure process at the initial scheduling conference.

(c) Simplified Procedure means that the action shall be subject to the following requirements and limitations unless otherwise ordered by the court:

(i) Trial Setting. Following issuance of the scheduling order, the court shall set the case for trial on a date certain within six months or as soon as the court's schedule allows. A maximum of three trial days shall be allowed absent leave of court. The parties are not required to attend a settlement conference.

(ii) Initial Disclosures. Each party shall produce initial disclosures fourteen days from the date of the Scheduling Order. The disclosing party shall sign all disclosures under oath. The initial disclosures must contain the following information:

(A) The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;

(B) A copy—or a description by category and location of such items that cannot be copied—of all documents, electronically stored information, and tangible things

that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;

(C) A good faith, reasonable initial computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under M. R. Civ. P. 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and

(D) Any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

(iii) Lay Witness Statements. Each party shall serve written disclosure statements identifying the name, address, telephone number, and a detailed statement of the expected testimony for each witness (not the party) the party intends to call at trial. For adverse witnesses, written disclosure of the expected subject matters of the witness's testimony, rather than a detailed statement of the expected testimony, shall be sufficient. Subject to the court's Scheduling Order, it is expected Lay Witness Statements will be filed within two months of the court's Scheduling Order.

(iv) Expert Witness Reports. ~~Expert testimony shall be disclosed through detailed written reports which may be drafted by counsel but shall be signed by the expert, and shall include the subject areas, bases, list of material relied upon, and specific opinions intended to be offered at trial. Such written expert reports shall be sufficiently detailed that expert depositions are not permitted absent leave of court. Subject to the court's Scheduling Order, it is expected Expert Witness Reports will be filed within three months of the court's Scheduling Order.~~

(A) Retained or Specifically Employed. Expert testimony for any witness who is retained or specially employed to provide expert testimony shall be disclosed through detailed written reports which may be drafted by counsel but shall be signed by the expert, and shall include the subject areas, bases, list of material relied upon, and specific opinions intended to be offered at trial. Such written expert reports shall be sufficiently detailed that expert depositions are not permitted absent leave of court. Subject to the court's Scheduling Order, it is expected Expert Witness Reports will be filed within three months of the court's Scheduling Order.

(B) Hybrid Witnesses. An expert witness report is not required for non-retained/hybrid expert witnesses. However, a non-retained/hybrid expert will not be allowed to testify outside of their disclosed records unless such opinions are specifically disclosed in a report pursuant to subsection (c)(iv)(A), above.

(C) Failure to comply with the disclosure requirements of this subpart may result in the exclusion of opinions not properly disclosed.

(v) Discovery. Interrogatories shall be limited to twenty-five including subparts. Requests for production shall be limited to twenty-five including subparts. Depositions shall be limited to three per party. The limitations on interrogatories, requests for production, and depositions per party may be modified only on consent of the parties or leave of court upon a showing of good cause. Subject to the court's Scheduling Order, it is expected discovery will be closed within four months of the court's Scheduling Order.

(vi) Discovery Disputes. Discovery disputes shall be resolved through telephonic or in-person hearings with the court. Written discovery motions are not permitted without leave of court.

(vii) Pretrial Motions. Motions made pursuant to M. R. Civ. P. 12 or 56 shall not be filed absent leave of court. Motions in limine shall be filed consistent with the court's Scheduling Order.

(d) Changed Circumstances. In a case governed by this Rule, any time prior to trial, on the court's own motion or upon a specific showing of substantially changed circumstances sufficient to render the application of Simplified Procedure under this Rule unfair, and a showing of good cause for the timing of the motion to terminate, the court shall terminate application of this Rule and enter such orders as are appropriate under the circumstances.

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Rule 13 – Regulation of Attorneys not Admitted to Practice in Montana.

An attorney seeking to be admitted to practice before the court on a particular case, who is not admitted to the Bar of Montana, ~~and who is authorized to practice law in the highest courts of another state, must at the time of his or her first appearance in a district court in Montana, or within fourteen days, and before any further proceedings in the matter, join with an attorney who is admitted to practice in Montana and who is a resident of Montana.~~

~~——— In order to hold secure the just, speedy and inexpensive determination of every action, such local counsel must be furnished with all factual, evidentiary and legal information necessary to act on behalf of the party and must also be vested with full and complete authority to act on behalf of and bind the party in all matters connected with the litigation.~~

~~——— A failure of local counsel to take any action required by the Rules of Civil Procedure or these Rules by lack of authority shall, for the purpose of imposing sanctions, be treated as a refusal to act.~~ must comply with the Pro Hac Vice Rules for Admission to the Bar of Montana, as they may be periodically amended by the Montana Supreme Court. After an application for a pro hac vice appearance has been certified by the Bar Admission Administrator, an attorney admitted to practice in the courts of Montana, and who is associated as an attorney of record, shall file a Motion for Pro Hac Vice Admission with the presiding judge.