

United States District Court  
District of Montana  
P.O. Box 1529  
Great Falls, Montana 59401

att  
GM

Chambers of  
Paul G. Hatfield  
Chief Judge

April 6, 1992

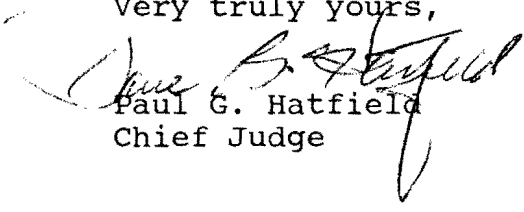
Duane R. Lee, Chief  
Court Administration Division  
Administrative Office of United States Courts  
Washington, D.C. 20544

Dear Mr. Lee:

Please be advised the District of Montana has made amendments to its local rules as reflected in the enclosed Order amending local rules and related pamphlet containing the amendments. I also enclose the affidavit of publication by the Clerk of Court for the District of Montana.

I submit these enclosures to you in satisfaction of the prescription of F.R.Civ.P. 83.

Very truly yours,

  
Paul G. Hatfield  
Chief Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA

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IN RE:

AMENDMENT OF LOCAL RULES     )  
105, 200, 220 AND 235         )             ORDER

---

Pursuant to the authority vested in this court by Federal Rule of Civil Procedure 83,

IT IS HEREBY ORDERED that Rules 105, 200, 220 and 235 of the RULES OF PROCEDURE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA are amended as follows:

**RULE 105  
DIVISIONS--ASSIGNMENT OF  
DIVISIONS--VENUE  
TERMS OF THE COURT  
AND CALENDAR**

105-1 DIVISIONS WITHIN DISTRICT

Unchanged

105-2 ASSIGNMENT OF CASES

(a) Jurisdiction

All of the judges of the District of Montana, including the senior judges designated to serve in Montana by the chief judge of the circuit, shall have jurisdiction over

all criminal and civil cases filed in the District of Montana, and may make and sign any orders, decrees or judgments.

(b) Assignment of Division Workload

For the purpose of allocating the work of the judges, however, the chief judge of the District shall by order, assign each of the divisions of the court to one of the judges in regular active service in the District. All applications for orders in cases pending in any division shall be made to the judge to whom the division is assigned unless by order of the chief judge, a particular cause is specifically assigned to a judge other than the one regularly assigned, in which case application for orders shall be to the judge so specifically assigned.

(c) Assignment of Cases to Magistrate Judges

The judge to whom the work of a particular division is assigned may direct that any civil case filed within that division be assigned to any magistrate judge of the District of Montana in accordance with 28 U.S.C. § 636, and Rule 400-1 of the RULES OF PROCEDURE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA.

(d) Consent to Proceed Before a Magistrate Judge

The right to have all civil proceedings conducted by a United States District Judge appointed pursuant to Article III of the United States Constitution shall be preserved to the parties inviolate.

Any party to a civil action that has been assigned to a magistrate judge pursuant to subsection (c) of the present rule may demand that all pretrial matters excepted from the jurisdiction of the magistrate judge by 28 U.S.C. § 636(b)(1)(A) be heard and determined, and all trial proceedings conducted and judgment entered, by an Article III judge, by serving upon the other parties a demand therefor in writing at anytime after the commencement of the action and not later than ten (10) days after the service of the last pleading directed to such issue. Such demand may be endorsed upon a pleading of the party. The failure of a party to serve a demand as required by this rule and to file it as required by Fed.R.Civ.P. 5(d) constitutes a waiver by the party to have any pretrial matter heard and determined, or trial proceedings conducted and judgment entered, by an Article III judge, and a consent by the party to have the magistrate judge hear and determine any pretrial matter and to conduct any or all trial proceedings and order the entry of judgment in the case.

105-3 VENUE

Unchanged

105-4 TERMS OF COURT AND CALENDAR

Unchanged

## RULE 200

### CIVIL PROCEEDINGS

200-1 CIVIL COVER SHEET

Unchanged

200-2 FILING OF PLEADINGS REQUIRING  
LEAVE OF COURT

Unchanged

200-3 DOCUMENTS OF DISCOVERY

Unchanged

200-4 FILING OF BRIEFS

Unchanged

200-5 DISCOVERY AND DISCOVERY RESPONSES

(a) Pre-Discovery Disclosure

(1) Except with leave of court, a party may not seek discovery from any source before making an appropriate pre-discovery disclosure and may not seek discovery from another party before serving that party with an appropriate disclosure. A party may serve written interrogatories upon a party simultaneously with service of the required disclosure statement upon that party. Every party shall serve an appropriate disclosure not later than fifteen (15) days in advance of the preliminary pretrial conference.

The disclosure shall contain the following information:

(i) the factual basis of every claim defense advanced by the disclosing party.

the event of multiple claims or defenses, the factual basis for each claim or defense.

(ii) the legal theory upon which each claim or defense is based including, where necessary for a reasonable understanding of the claim or defense, citations of pertinent legal or case authorities.

(iii) the identity of all persons known or believed to have discoverable information about the claims or defenses, and a summary of that information.

(iv) a description, including the location and custodian of any tangible evidence or relevant documents that reasonably likely to bear on the claims or defenses;

(v) a computation of any damages claimed; and

(vi) the substance of any insurance agreement that may cover any resulting judgment.

(2) Supplementation of Disclosure -- The disclosure obligation is reciprocal and continues throughout the case. A party who has made a pre-discovery disclosure is under a duty to seasonably supplement or correct the disclosure if the party learns that the information disclosed is not complete and correct or is no longer complete and correct.

(3) Signing of Disclosure -- Every mandatory disclosure or supplement made by a party represented by an attorney shall be signed by at least one attorney of record. A party who is not represented by an attorney shall sign the disclosure. The signature of the attorney or party constitutes a certification that to the best of the signer's knowledge, information, and belief, formed after reasonable inquiry, the disclosure is complete as of the time it was made.

(b) Responses to Discovery

Answers and objections to interrogatories pursuant to Rule 33 of the Federal Rules of Civil Procedure, and responses and objections to requests for admission pursuant to Rule 36 of the Federal Rules of Civil Procedure shall identify

and quote each interrogatory or request for admission in full immediately preceding the statement of any answer or objection.

(c) Excess of Interrogatories

A party upon whom interrogatories have been served may seek relief from responding to interrogatories which are excessive in number. For the purpose of this rule, more than fifty (50) interrogatories, including subparts, shall be considered excessive, unless the party propounding them can establish that the interrogatories are not unduly burdensome, have been propounded in good faith, have been tailored to the needs of the particular case, and are necessary because of the complexity or other unique circumstances of the case.

(d) Demand for Prior Discovery

Whenever a party makes a written demand for discovery which took place prior to the time he became a party to the action, each party who has previously provided responses to interrogatories, requests for admission or requests for production shall furnish to the demanding party the documents in which the discovery responses in question are contained, for inspecting and copying, or a list identifying each such document by title, and upon further demand shall furnish to the demanding party, and at the expense of the demanding party, a copy of any listed discovery response specified in the demand; or, in the case of request for production, shall make available for inspection by the demanding party all documents and things previously produced. Furthermore, each party who has taken a deposition shall advise the demanding party of the availability of a copy of the transcript at the latter's expense.

(e) Discovery Motions

(1) All motions to compel or limit discovery shall set forth, in full, the text of the discovery originally sought and the response made thereto, if any, and identify the reason why the proposed discovery is objectionable or should be limited.

(2) The court will deny any motion pursuant to Rules 26 through 37 of the Federal Rules of Civil Procedure, unless counsel shall have conferred concerning all disputed issues before the motion is filed. If counsel for the moving party seeks to arrange such a conference, and opposing counsel wilfully refuses or fails to confer, the judge may order the payment of reasonable expenses,

including attorney's fees, pursuant to Fed.R.Civ.P. 37(a)(4). Counsel for the moving party shall include in the motion a certificate of compliance with this rule.

(f) Filing Discovery Papers

Originals of responses to requests for admissions or production and answers to interrogatories shall be served upon the party who made the request or propounded the interrogatories, and that party shall make such originals available for use by any other party at the time of any pretrial hearing or at trial. Likewise, the deposing party shall make the original transcript of a deposition available for use by any party at the time of any pretrial hearing and at trial, or filing with the court if so ordered.

200-6 DEMAND FOR JURY TRIAL

Unchanged

200-7 STATUTORY THREE-JUDGE COURT

Unchanged

**RULE 220**

**MOTIONS--NOTICE AND  
OBJECTIONS--EXTENSIONS**

220-1 MOTIONS

(a) Same as previous text

(b) Briefs on motions shall contain an accurate statement of the questions to be decided, set forth succinctly the relevant facts and the argument of the party with supporting authorities, and not be longer than twenty (20) pages (exclusive of exhibits, table of contents, and cover) without prior court approval. Briefs exceeding twenty (20) pages shall have a table of contents and a table of cases with page references.

220-2 NOTICE TO OPPOSING COUNSEL,  
AND OBJECTIONS

Unchanged

220-3 EXTENSIONS OF TIME

Unchanged

220-4 MOTIONS FOR SUMMARY JUDGMENT

(a) Any party filing a motion for summary judgment shall also file a "Statement of Uncontroverted Facts" which shall set forth separately from the memorandum of law, and in full, the specific facts on which that party relies in support of the motion. The specific facts shall be set forth in serial fashion and not in narrative form. As to each fact, the statement shall refer to a specific portion of the record where the fact may be found (*e.g.*, affidavit, deposition, etc.).

Any party opposing a motion for summary judgment must file a "Statement of Genuine Issues", setting forth the specific facts, which the opposing party asserts establish a genuine issue of material fact precluding summary judgment in favor of the moving party.

In the alternative, the movant and the party opposing the motion shall jointly file a stipulation setting forth a statement of the stipulated facts if the parties agree there is no genuine issue of any material fact. Such stipulations are entered into only for the purposes of the motion for summary judgment and are not intended to be otherwise binding.

220-5 HEARING ON MOTIONS (same as former 220-4)

220-6 INFORMAL MATTERS (same as former 220-5)

220-7 REMINDER TO THE COURT OF PENDING MATTERS

(a) In any civil case where a motion has been pending for determination for a period in excess of sixty (60) days, the Clerk of Court shall, in writing, advise the judicial officer to whom the case is assigned of the pendency of the motion.

(b) If the judicial officer does not render his decision within thirty (30) days of the date of the clerk's advisement, the judicial officer shall immediately issue a written report as to the status of the pending matter. A copy of the written report from the judicial officer shall be provided to the chief judge of the District.



(c) As long as the matter remains under advisement, a similar advisement, as mandated by subsection (a), shall be made to the judicial officer at intervals of forty-five (45) days. A similar report, as mandated by subsection (b), shall be issued by the judicial officer.

220-8 MOTIONS HEARD ON CLERK'S RECORD (same as former 220-6)

## RULE 235

### PRETRIAL PROCEEDINGS--CIVIL

#### 235-1 PRELIMINARY PRETRIAL CONFERENCE

(a) Not later than forty-five (45) days after a case is at issue, or one hundred twenty (120) days after filing of the complaint, whichever comes first, the judge or magistrate judge to whom the case is assigned shall hold a preliminary pretrial conference to discuss the matters included in the preliminary pretrial statements and discuss and schedule the following matters:

- (1) joinder of additional parties;
- (2) amendment of pleadings;
- (3) filing and hearing motions;
- (4) identification of expert witnesses;
- (5) completion of discovery;
- (6) filing of proposed final pretrial order;
- (7) final pretrial order conference;
- (8) a trial date, if applicable;
- (9) any other dates necessary for appropriate case management.

All parties receiving notice of the conference shall attend in person or by counsel, prepared to discuss the implementation of a pretrial scheduling order conducive to the efficient and expeditious determination of the case.

(b) Every party shall serve a Pre-Discovery Disclosure Statement required by Local Rule 200-5(a) not later

than fifteen (15) days prior to the date set for the preliminary pretrial conference.

(c) Every party shall file a Preliminary Pretrial Statement no later than seven (7) days prior to the date set for the conference. The statement shall include a brief factual outline of the case. The statement shall also address:

- (1) issues concerning jurisdiction;
- (2) identifying, defining and clarifying issues of fact and law genuinely in dispute;
- (3) making stipulations of fact and law and otherwise narrowing the scope of the action to eliminate superfluous issues;
- (4) deadlines relating to joinder of other parties and amendments to pleadings;
- (5) the pendency or disposition of related litigation;
- (6) propriety of special procedures including reference to a master or a magistrate judge;
- (7) controlling issues of law which the party anticipates presenting for pretrial disposition;
- (8) anticipated course of discovery, and time frame for completion, including procedure for management of expert witnesses;
- (9) propriety of modifying standard pretrial procedure established by Local Rule 235;
- (10) advisability of the case being considered for placement upon the court's expedited trial docket in accordance with Rules 235-4(a); and
- (11) prospect for compromise of case and feasibility of initiating settlement negotiations or invoking alternate dispute resolution procedures.

(d) The following cases shall be excepted from the requirements of the present rule:

- (1) Appeals from proceedings of an administrative body of the United States of America.
- (2) Petitions for a Writ of Habeas Corpus.
- (3) Proceedings under the Bankruptcy Code, Title 11, United States Code.
- (4) Actions prosecuted by the United States of America to collect upon a debt.
- (5) Forfeiture actions prosecuted by the United States of America.
- (6) Any case which the judge or magistrate judge to whom the case is assigned orders to be excepted from the requirements of the present rule.

In those cases excepted from the requirements of the present rule, the assigned judicial officer shall, not later than forty-five (45) days from the date the case is at issue, or one hundred twenty (120) days after filing of the initial pleading, establish a schedule for final disposition of the case.

#### 235-2 PRETRIAL SCHEDULING ORDER

After the Preliminary Pretrial Conference, the presiding judge or magistrate judge shall immediately enter an order summarizing the matters discussed and action taken, setting a schedule limiting the time for those matters referred to in Rule 235-1(a) and covering such other matters as are necessary to effectuate the agreements made at the conference.

The scheduling order shall specifically designate whether the case has been placed upon the court's expedited trial docket pursuant to Rule 235-4(a).

#### 235-3 STATUS CONFERENCES

Status conferences may be held in any case as deemed necessary by the judge or magistrate judge to whom the case is assigned. A party may move the assigned judicial officer to convene a status conference by filing an appropriate motion advising the judicial officer of the necessity for a conference.

235-4 TRIAL SETTING

(a) Expedited Trial Docket

- (1) The court shall establish an expedited trial docket. A case placed on the expedited trial docket shall be set on the court's trial calendar for a date not later than six (6) months from the date of the preliminary pretrial conference.
- (2) A party may, at the time of the preliminary pretrial conference, request placement of the case upon the expedited trial docket. With the consensus of the parties, the assigned judicial officer may place the case upon the expedited trial docket, establishing a date certain for trial in the pretrial scheduling order. By consenting to placement upon the expedited trial docket, the parties agree the trial shall not be continued absent a showing that a continuance is necessary to prevent manifest injustice.

(b) General Trial Docket

Unless a trial date has been established by previous order, the judge or magistrate judge to whom the case is assigned shall, within thirty (30) days of the submission of a proposed final pretrial order, convene a status conference for the purpose of determining the readiness of the case for trial and establishing a trial date.

Pursuant to the status conference the judicial officer to whom the case is assigned shall immediately enter a final scheduling order which establishes date for the following:

- (1) a final pretrial conference unless deemed unnecessary by the judicial officer;
- (2) filing of each party's proposed charge to the jury, or, where appropriate, proposed findings of fact and conclusions of law; and
- (3) trial; the date established shall not be more than sixty (60) calendar days from the date of the status conference, unless the assigned judicial officer's trial docket precludes accomplishment of trial within that time frame, in which event the case shall be given

priority on the next trial calendar. In the event the trial date established is beyond eighteen (18) months from the date the complaint was filed, the judge or magistrate judge to whom the case is assigned shall enter an order certifying that (i) the demands of the case and its complexity render a trial date within the eighteen-month period incompatible with serving the ends of justice; or (ii) the trial cannot be reasonably held within the eighteen-month period because of the status of the judicial officer's trial docket.

#### 235-5 SETTLEMENT CONFERENCE

The judge or magistrate judge to whom a civil case is assigned may, upon written request of any party filed in the record, or upon the judicial officer's own initiative, order the parties to participate in a settlement conference to be convened by the court. Each party, or a representative of each party with authority to participate in settlement negotiations and effect a complete compromise of the case, shall be required to attend the settlement conference. The judicial officer may, in his or her discretion, preside over the settlement conference.

#### 235-6 FINAL PRETRIAL ORDER

##### (a) Procedure

Counsel for the parties shall prepare and sign a proposed consolidated final pretrial order to be lodged with the Clerk of Court by the date established in the pretrial scheduling order. It shall be the responsibility of counsel for the plaintiff(s) to convene a conference of all counsel at a suitable time and place. The purpose of the conference is to arrive at stipulations and agreements conducive to simplification of the triable issues and to otherwise jointly prepare a proposed final pretrial order. If counsel for any party is unreasonably refusing to cooperate in the preparation of the pretrial order, the opposing party shall move the court to enter an appropriate order.

##### (b) Form and Content

- (1) Nature of Action. A plain, concise statement of the nature of the action.

- (2) Jurisdiction. The statutory basis of jurisdiction and factual basis supporting jurisdiction.
- (3) Jury; Nonjury. Whether a party has demanded a jury of all or any of the issues and whether any other party contests trial of any issue by jury.
- (4) Agreed Facts. A statement of all material facts that are not in dispute.
- (5) Disputed Factual Issues. A concise narrative statement of each material issue of fact in dispute. This statement shall include a concise narrative of each party's contentions to each material issue of fact in dispute
- (6) Relief Sought. The elements of monetary damage, if any, and the specific nature of any other relief sought.
- (7) Points of Law. A concise statement of each disputed point of law with respect to liability and relief, with reference to pertinent statutory and decisional law. Extended legal argument shall not be included.
- (8) Amendments; Dismissals. A statement of requested or proposed amendments to the pleadings, or dismissals of parties, claims or defenses.
- (9) Witnesses. Each party shall identify by name and address all prospective witnesses, and specifically designate those who are expected to be called as an expert witness.
- (10) Exhibits; Schedule, and Summaries. An exhibit list furnished by the Clerk of Court shall be completed by each party and appended to the proposed pretrial order. The list shall include all documents or other items that the party expects to offer as an exhibit at trial, except for impeachment or rebuttal.
- (11) Discovery Documents. A list of all answers to interrogatories and responses

to requests for admissions that a party expects to offer at trial.

- (12) Bifurcation, Separate Trial or Issues. A statement whether bifurcation or separate trial of specific issues is feasible and advisable.
- (13) Estimate of trial time. An estimate of the number of court days counsel for each party expects to be necessary for the presentation of their respective cases in chief.

#### 235-7 FINAL PRETRIAL CONFERENCE

The final pretrial conference shall be convened by the assigned judicial officer at the time designated, and shall be attended by the attorneys who will be trying the case.

Unless otherwise ordered, counsel for the parties shall, not less than seven (7) days prior to the day on which the final pretrial conference is scheduled, accomplish the following:

(a) Exchange of Exhibits. Exchange copies of all items expected to be offered as exhibits, and all schedules, summaries, diagrams, charts, etc., to be used at trial, other than for impeachment or rebuttal.

The copies of the proposed exhibits shall be premarked for identification, with the plaintiff's proposed exhibits being identified by numbers 1 to 500 and the defendant's by numbers 501 to 1000. Upon request, a party shall make the original or the underlying documents of any proposed exhibit available for inspection.

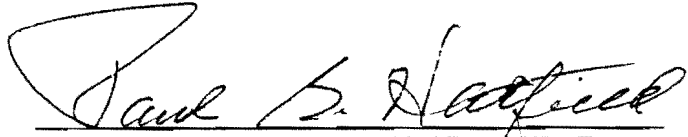
(b) Deposition Testimony. Serve and file statements designating excerpts from depositions (specified by witness, page and line reference) proposed to be offered at trial other than for impeachment and rebuttal.

The opposing party shall, at the time of the final pretrial conference, serve and file a statement which sets forth both (1) any objection to the excerpts of each deposition identified; and (2) any additions to the excerpts of each deposition (specified by witness, page and line reference) that he/she proposes to offer.

235-8 REPRESENTATION AT PRETRIAL CONFERENCES

At least one of the attorneys for each party participating in any conference before trial shall have authority to enter into stipulations and to make admissions regarding all matters that the participants may reasonably anticipate may be discussed.

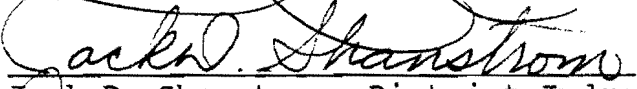
DONE AND DATED this 3<sup>rd</sup> day of March, 1992.



PAUL G. HATFIELD, CHIEF JUDGE



Charles C. Lovell, District Judge



Jack D. Shanstrom, District Judge



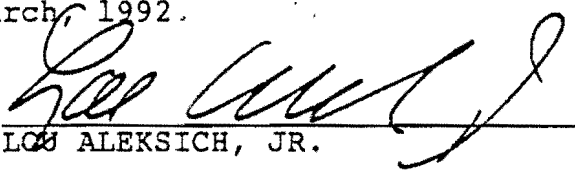
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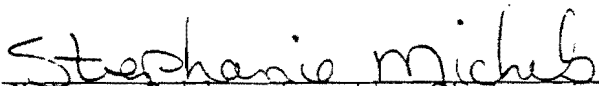
RE: Proposed Amendments to the Rules of Procedure of the United States District Court of Montana pursuant to the Mandate of the Civil Justice Reform Act of 1990 (28 USC Section 471 et. seq.)

STATE OF MONTANA )  
 )  
 ) ss:  
County of Yellowstone )

1. I am the Clerk of the United States District Court for the District of Montana.
2. On January 27, 1992, I placed a Notice regarding the Civil Justice Reform Act in the following publications (copy of Notice attached): the Missoulian, the Great Falls Tribune, the Billings Gazette, the Helena Independent Record, the Montana Standard, the Daily Interlake, the Bozeman Daily Chronicle and the Montana Lawyer.
3. Comments to the aforesaid Amendments were to be addressed to me and the comment deadline was March 16, 1992.
4. I received two comments which are attached to this Affidavit.

DATED this 16th day of March, 1992.

  
\_\_\_\_\_  
LEE ALEKSICH, JR.

  
\_\_\_\_\_  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My Commission expires: 9-26-94

(SEAL)

## ALPS DECLARES DIVIDEND

The Attorney's Liability Protection Society has declared a five percent dividend for those who have held ALPS policies since its inception in 1988, provided they renew during 1992.

Policy holders may choose to have the dividend reduce their 1992 premiums or assign it to their respective bar association foundations to help make legal services accessible to all segments of their communities.

"We are delighted to be able to keep the faith with those lawyers of vision who accepted the ALPS concept early on and supported our company," said ALPS President Robert W. Minto, Jr. "Our ability to declare this dividend is the direct result of an excellent 1988 claims history, the professionalism of our insureds, and the continued support of our reinsurers." □

## NORWEST TRUST SEMINAR POPULAR

More than 350 have registered for next week's Norwest Corporation-sponsored trust seminar that will address probate, revocable living trusts, and trusts administration. The registration deadline is past, but a few seats might be available at the last minute.

Those who attend the free seminar will receive the comprehensive *Attorney's Reference File of Will and Trust Forms Manual, Third Edition*, just completed by the Norwest Capital Management and Trust Company in Montana. The seminar is approved for 3.5 CLE credits. Speakers are UM Law School Professor Ed Eck and Ann Hart Wernz, vice president and senior counsel at Norwest.

Seminars are Feb. 11 in Billings, Feb. 12 in Great Falls and Helena, Feb. 13 in Kalispell, and Feb. 14 in Missoula. Late signups will be accepted on a space-available basis. For more information, call Trust Officer Pam Ness at (406) 657-3491. □

### CSC OF MONTANA, INC.

Third Floor, First National Bank Building  
P.O. Box 1715, Helena, MT 59624  
Telephone: (406) 442-8560

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### NOTICE

#### Proposed Amendments to the Rules of Procedure of the U.S. District Court for Montana

To members of the bar and the public at large:

Pursuant to the mandate of the Civil Justice Reform Act of 1990 (28 U.S.C. §§ 471 et seq.), the United States District Court for the District of Montana adopted a Civil Justice Expense and Delay Reduction Plan on Dec. 31, 1991. The Plan contains numerous provisions that will be implemented through the promulgation of amendments to the aforementioned Court's Rules of Procedure. Consistent with the directive of Federal Rule of Procedure 83, the proposed amendments must be presented to the public for comment.

Therefore:

YOU ARE HEREBY NOTIFIED that a copy of the Civil Justice Expense and Delay Reduction Plan adopted by the District, together with the proposed amendments to the local rules, may be reviewed at the office of the Clerk of Court in Billings, Butte, Great Falls, Helena, and Missoula.

All communication with respect to the proposed amendments should be addressed to Lou Aleksich, Jr., Clerk, U.S. District Court for the District of Montana, 5405 Federal Building, Billings, MT 59101. **THE DEADLINE IS MARCH 16, 1992.**

### REMINDER

State Bar members are asked to complete the natural resources survey that appeared on page 17 of the January issue of *The Montana Lawyer* no later than Feb. 15. The information will help the Natural Resource, Energy & Environmental Law Section plan its future activities. Thank you.

STATE OF MONTANA }  
County of Silver Bow. }

UNITED STATES  
DISTRICT COURT  
FOR THE DISTRICT  
OF MONTANA  
NOTICE  
PROPOSED AMENDMENTS  
TO THE RULES OF  
PROCEDURE OF  
THE UNITED STATES  
DISTRICT COURT FOR  
THE DISTRICT  
OF MONTANA

TO THE MEMBERS OF THE  
BAR AND THE PUBLIC AT  
LARGE:

Pursuant to the mandate of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 et seq.), the United States District Court for the District of Montana adopted a Civil Justice Expense and Delay Reduction Plan on December 31, 1991. The Plan contains numerous provisions that will be implemented through the promulgation of amendments to the RULES OF PROCEDURE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA. Consistent with the directive of Federal Rule of Procedure 83, the proposed amendments to the local rules of procedure deemed necessary to effect the Plan must be presented to the public and the public afforded an opportunity to comment. Therefore,

YOU ARE HEREBY NOTIFIED that the United States District Court for the District of Montana has proposed various amendments to the RULES OF PROCEDURE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA, and shall receive comment upon the proposed amendments. A copy of the Civil Justice Expense and Delay Reduction Plan adopted by the District, together with the proposed amendments to the local rules, may be reviewed by you at the office of the Clerk of the Court maintained at each of the following localities: Billings, Butte, Great Falls, Helena and Missoula.

All communication with respect to the proposed amendments should be addressed to:

Lou Aleksich, Jr., Clerk  
United States District Court  
for the District of Montana  
5405 Federal Building  
Billings, MT 59101

All comments and sugges-

# Proof of Publication

Debra Krill

being first duly sworn, on oath deposes and says: That she is the principal clerk of The Montana Standard, Division of Lee Newspapers, Inc., printer and publisher of "The Montana Standard", a daily newspaper of general circulation, printed and published at Butte, in the County of Silver Bow, State of Montana; that the notice of which a copy is hereto attached was first published in said newspaper in its issue

dated the 3rd day of Feb., 1992, and was

published in said newspaper in its issues of .....

the last publication thereof being in the issue of said newspaper dated the

4th day of Feb., 1992

Debra Krill

Subscribed and sworn to before me this 4th

day of Feb, 1992

William H. Foster  
Notary Public for the State of Montana.  
Residing at Butte, Montana.

My Commission expires December 16, 1994

# Affidavit of Publication

STATE OF MONTANA, }  
County of Gallatin, } SS.

Vivie Portnell, being duly sworn,  
deposes and says: That s he is Principal Clerk  
of the Bozeman Daily Chronicle, a newspaper of general circulation,  
printed and published in Bozeman, Gallatin County, Montana; and that the  
notice hereunto annexed ( Proposed Amendments to the Rules of

Procedure of the United States District Court for the District  
has been correctly published in the regular and entire issue of every number of s  
for 2 consecutive insertions the first of which publication was made on t  
day of February 19 92, and the last on the 5th day of Feb

Subscribed and sworn to before me this 5th day of Feb

*[Signature]*

Notary Public for t

19 92

residing at

UNITED STATES  
DISTRICT COURT  
FOR THE  
DISTRICT OF MONTANA  
NOTICE  
PROPOSED AMENDMENTS  
TO THE RULES OF  
THE UNITED STATES  
DISTRICT COURT  
FOR THE  
DISTRICT OF MONTANA  
To The Members Of The  
Bar And The Public At  
Large:  
Pursuant to the mandate of  
the Civil Justice Reform Act of  
1990 (28 U.S.C. SS471 et  
seq.), the United States Dis-  
trict Court for the District of  
Montana adopted a Civil Jus-  
tice Expense and Delay Re-  
duction Plan on December 31,  
1991. The Plan contains nu-  
merous provisions that will be  
implemented through the  
promulgation of amendments  
to the Rules of Procedure  
of the United States Dis-  
trict Court for the District  
of Montana. Consistent with  
the directive of Federal Rule  
of Procedure 83, the pro-  
posed amendments to the  
local rules of procedure  
deemed necessary to effect  
the Plan must be presented to  
the public and the public af-  
forded an opportunity to com-  
ment. Therefore,  
YOU ARE HEREBY NOTI-  
FIED that the United States  
District Court for the District  
of Montana has proposed vari-  
ous amendments to the  
Rules of Procedure of the  
United States District  
Court for the District of  
Montana, and shall receive  
comment upon the proposed  
amendments. A copy of the  
Civil Justice Expense and  
Delay Reduction Plan adopted  
by the District, together with  
the proposed amendments to  
the local rules, may be re-  
viewed by you at the office of  
the Clerk of Court maintained  
at each of the following locali-  
ties: Billings, Butte, Great  
Falls, Helena and Missoula.  
All communication with re-  
spect to the proposed Amend-  
ments should be addressed  
to: Lou Alekatch, Jr., Clerk;  
United States District Court for  
the District of Montana; 5405  
Federal Building; Billings, MT  
59101.  
All comments and sugges-  
tions should be received by  
the Clerk of Court no later  
than \_\_\_\_\_, 1992.

NOTARY  
Residing  
My Comm

AFFIDAVIT OF PUBLICATION

NOTICE  
PROPOSED AMENDMENTS  
TO THE  
RULES OF PROCEDURE OF  
THE UNITED STATES  
DISTRICT COURT FOR THE  
DISTRICT OF MONTANA  
UNITED STATES DISTRICT  
COURT FOR THE  
DISTRICT OF MONTANA  
TO THE MEMBERS  
OF THE BAR AND THE  
PUBLIC AT LARGE:

Pursuant to the mandate of the Civil Justice Reform Act of 1990 (28 U.S.C. Sections 471 et seq.) of the United States District Court for the District of Montana adopted a Civil Justice Expense and Delay Reduction Plan on December 31, 1991. The Plan contains numerous provisions that will be implemented through the

promulgation of amendments to the RULES OF PROCEDURE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA. Consistent with the directive of Federal Rule of Procedure 83, the proposed amendments to the local rules of procedure deemed necessary to effect the plan must be presented to the public and the public afforded an opportunity to comment. Therefore,

You are hereby notified that the United States District Court for the District of Montana has proposed various amendments to the RULES OF PROCEDURE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA, and shall receive comment upon the proposed amendments. A copy of the Civil Justice Expense and Delay Reduction Plan adopted by the District, together with the proposed amendments to the local rules, may be reviewed by you at the office of the Clerk of the Court maintained at each of the following localities: Billings, Butte, Great Falls, Helena and Missoula.

All communication with respect to the proposed amendments should be addressed to:

LOU ALEKSICH, JR.,  
Clerk  
United States District  
Court for the  
District of Montana  
505 Federal Building  
Billings, MT 59101

All comments and suggestions should be received by the Clerk of Court no later than March 14, 1992.

PAUL G. HATFIELD,  
Chief Judge  
United States  
District Court

(501925) 2/6 7.

-----Lyla Jo Lords----- being first duly sworn  
deposes and says that GREAT FALLS TRIBUNE COMPANY is a corporation  
duly incorporated under the laws of the State of Delaware, that the said  
GREAT FALLS TRIBUNE COMPANY is the printer and publisher of the  
GREAT FALLS TRIBUNE, a daily newspaper of general circulation, pub-  
lished and printed in the City of Great Falls, in the County of Cascade,  
State of Montana, and that the deponent is the principal clerk of said  
GREAT FALLS TRIBUNE COMPANY, printer of the GREAT FALLS,  
TRIBUNE, and that the advertisement hereto annexed -----  
----- Notice: Proposed amendment -----  
has been correctly published TWO ----- times in the regular and entire  
issue of said paper on the following dates:

6th & 7th day of February 19 92  
----- day of ----- 19-----  
----- day of ----- 19-----  
----- day of ----- 19-----  
----- day of ----- 19-----  
----- day of ----- 19-----

*Lyla Jo Lords*

STATE OF MONTANA, } ss.  
County of Cascade. }

On this 12th day of February 19 92, before me the  
undersigned, a Notary Public for the State of Montana, personally appeared  
-----Lyla Jo Lords-----, known to me to be the person whose  
name is subscribed to the within Instrument and acknowledged to me that  
s... he executed the same.

In witness whereof, I have hereunto set my hand and affixed my Notarial  
Seal the day and year first above written.

*Mary J. Hanel*  
-----  
Notary Public for the State of Montana, resid-  
ing at Great Falls, Montana. My commission  
expires: 4/27/92

# PROOF OF PUBLICATION

Debbie Saunders being first duly sworn

deposes and says, that the above named is a representative of THE MISSOULIAN, the publishers of The Missoulian, a daily newspaper of general circulation, printed and published in the City of Missoula, County of Missoula, State of Montana, and that the subjoined Proposed Amendments

NOTICE  
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA  
PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA TO THE MEMBERS OF THE BAR AND THE PUBLIC AT LARGE:

Pursuant to the mandate of the Civil Justice Reform Act of 1990 (28 U.S.C. to 471 et seq.), the United States District Court for the District of Montana adopted a Civil Justice Expense and Delay Reduction Plan on December 31, 1992. The Plan contains numerous provisions that will be implemented through the promulgation of amendments to the RULES OF PROCEDURE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA. Consistent with the directive of Federal Rule of Procedure 83, the proposed amendments to the local rules of procedure deemed necessary to effect the Plan must be presented to the public and the public afforded an opportunity to comment. Therefore,

YOU ARE HEREBY NOTIFIED that the United States District Court for the District of Montana has prepared various amendments to the RULES OF PROCEDURE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA, and shall receive comment upon the proposed amendments. A copy of the Civil Justice Expense and Delay Reduction Plan adopted by the District, together with the proposed amendments to the local rules, may be reviewed by you at the office of the Clerk of the Court maintained at each of the following localities: Billings, Butte, Great Falls, Helena, and Missoula.

All communication with respect to the proposed amendments should be addressed to:

Lois Aleksuch, Jr., Clerk  
United States District Court for the District of Montana  
5405 Federal Building  
Billings, MT 59101

All comments and suggestions should be received by the Clerk of Court no later than March 16, 1992.

/s/ Paul G. Hatfield  
Chief Judge  
United States District Court  
8937 Feb 3, 4 1992

a copy of which as printed is hereto attached, was printed and published in the regular and entire issue of said paper DAILY

For \_\_\_\_\_ successive weeks, commencing on the \_\_\_\_\_, day of \_\_\_\_\_, 19 \_\_\_\_\_, and printed and published on the following dates thereafter, to wit: February 3, 4 1992

Debbie Saunders

STATE OF MONTANA )  
County of Missoula )

On this 5th day of February, 1992, before me, a notary public in and for said state, personally appeared

Debbie Saunders,  
known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

Renee Sletch  
Notary Public for the State of Montana  
Residing at Missoula, Montana  
My commission expires: 12/17/92

(Note: This proof should be attached to the original instrument of which publication is made.)

STATE OF MONTANA,  
County of Lewis & Clark,

UNITED STATES  
DISTRICT COURT FOR  
THE DISTRICT  
OF MONTANA

Joan Nicholls

NOTICE

PROPOSED  
AMENDMENTS TO THE  
RULES OF PROCEDURE  
OF THE UNITED  
STATES DISTRICT  
COURT FOR THE  
DISTRICT OF MONTANA  
TO THE MEMBERS OF  
THE BAR AND THE  
PUBLIC AT LARGE:

Pursuant to the man-  
date of the Civil Justice  
Reform Act of 1990 (28  
U.S.C. 471 et seq.), the  
United States District  
Court for the District of  
Montana adopted a Civil  
Justice Expense and Delay  
Reduction Plan on Decem-  
ber 31, 1991. The Plan con-  
tains numerous provisions  
that will be implemented  
through the promulgation  
of amendments to the

RULES OF PROCEDURE  
OF THE UNITED  
STATES DISTRICT  
COURT FOR THE  
DISTRICT OF MONTANA.  
Consistent with the direc-  
tive of Federal Rule of  
Procedure 83, the proposed  
amendments to the local  
rules of procedure deemed  
necessary to effect the  
Plan must be presented to  
the public and public af-  
forded an opportunity to  
comment. Therefore,

YOU ARE HEREBY  
NOTIFIED that the United  
States District Court for  
the District of Montana  
has proposed various  
amendments to the  
RULES OF PROCEDURE  
OF THE UNITED  
STATES DISTRICT  
COURT FOR THE  
DISTRICT OF MONTANA,  
and shall receive comment  
upon the proposed amend-  
ments. A copy of the Civil  
Justice Expense and Delay  
Reduction Plan adopted by  
the District, together with  
the proposed amendments  
to the local rules, may be  
reviewed by you at the of-  
fice of the Clerk of the  
Court maintained at each  
of the following localities:  
Billings, Butte, Great  
Falls, Helena and Missou-  
la.

All communication with  
respect to the proposed  
amendments should be ad-  
dressed to:

Lou Aleksich, Jr.,  
Clerk  
United States District  
Court of the District of  
Montana  
5405 Federal Building  
Billings, MT 59101

All comments and sug-  
gestions should be re-  
ceived by the Clerk of  
Court no later than March  
18, 1992.

PAUL G. HATFIELD,  
CHIEF JUDGE  
UNITED STATES  
DISTRICT COURT  
February 3, 4, 1992

Being duly sworn, deposes and says:

That she is the principal clerk of the Independent Record, a newspaper of  
general circulation published daily in the City of Helena, in the County of Lewis & Clark,  
State of Montana, and has charge of the advertisements thereof:

That the Legal Notice - Proposed Amendments

a true copy of which is hereto annexed, was published in said newspaper on the following  
dates: viz:

February 3, 4, 1992

making in all 2 publication<sup>s</sup>.

*Joan Nicholls*

Subscribed and sworn to before me this 4  
day of February, 19 92

*Stanley E. Hooge*

NOTARY PUBLIC for the State of Montana  
Residing at Helena, Montana  
My commission expires 1-15-94

(NOTARIAL SEAL)

No. 5157  
UNITED STATES DISTRICT  
COURT FOR THE DISTRICT OF  
MONTANA  
NOTICE  
PROPOSED AMENDMENTS TO  
THE RULES OF PROCEDURE OF  
THE UNITED STATES DISTRICT  
COURT FOR THE DISTRICT OF  
MONTANA

TO THE MEMBERS OF THE BAR  
AND THE PUBLIC AT LARGE:

Pursuant to the mandate of the  
Civil Justice Reform Act of 1990 (28  
U.S.C. §§ 471 et seq.), the United  
States District Court for the District  
of Montana adopted a Civil Justice  
Expense and Delay Reduction Plan  
on December 31, 1991. The Plan con-  
tains numerous provisions that will  
be implemented through the promul-  
gation of amendments to the RULES  
OF PROCEDURE OF THE UNITED  
STATES DISTRICT COURT FOR  
THE DISTRICT OF MONTANA. Consis-  
tent with the directive of Federal  
Rule of Procedure 83, the proposed  
amendments to the local rules of pro-  
cedure deemed necessary to effect the  
Plan must be presented to the public  
and the public afforded an opportuni-  
ty to comment. Therefore,

YOU ARE HEREBY NOTIFIED  
that the United States District Court  
for the District of Montana has pro-  
posed various amendments to the  
RULES OF PROCEDURE OF THE  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA,  
and shall receive comment upon the  
proposed amendments. A copy of the  
Civil Justice Expense and Delay  
Reduction Plan adopted by the Dis-  
trict, together with the proposed  
amendments to the local rules, may  
be reviewed by you at the office of the  
Clerk of the Court maintained at  
each of the following localities:  
Billings, Butte, Great Falls, Helena  
and Missoula.

All communication with respect to  
the proposed amendments should be  
addressed to:

Lou Aleksich, Jr., Clerk  
United States District Court for the  
District of Montana  
5404 Federal Building  
Billings, MT 59101

All comments and suggestion  
should be received by the Clerk of  
Court no later than March 16, 1992.

/s/ Paul G. Hatfield, Chief Justice  
United States District Court  
February 3, 4, 1992

Wendy C. Seidel, being duly sworn, deposes and says:

That she is Principal Clerk of the DAILY INTER LAKE,  
(PRINTER, PUBLISHER OR PRINCIPAL CLERK)

a daily newspaper of general circulation, printed and published in the City of  
Kalispell, in the County of Flathead, State of Montana, and that the

Legal #5157-Notice of Proposed Amendments, a copy of

which is hereto attached, was printed and published in the regular and entire  
issue of said paper, and in each and every copy thereof on the dates of

February 3, 4, 1992

*Wendy C. Seidel*

Subscribed and sworn to before me this 13 day of February

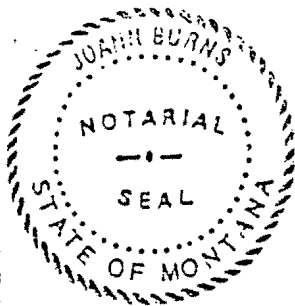
A. D. 1992

*John Burns*

Notary Public for the State of Montana

Residing in Kalispell

My commission expires 5/30/92



the daily Inter Lake  
727 E. Idaho  
P.O. Box 3  
Kalispell, MT 59901

PHONE  
755-7000

Lou Aleksich, Jr.  
United States District Court  
Office of the Clerk  
Room 5405 Federal Bldg.  
316 NO. 26th St.  
Billings, MT 59101

RECEIVED  
FEB 14 1992

U.S. DISTRICT COURT  
DISTRICT OF MONTANA  
BILLINGS, MONTANA

2/13/92

#5157 - Notice of Proposed Amendments published  
February 3, 4, 1992

7 folio inches @ 6.00 \$42.00  
7 folio inches @ 4.99 28.00  
\$70.00



Affidavit of Publication

STATE OF MONTANA, )  
County of Yellowstone, ) ss.

: Eugene Dean

Being duly sworn, deposes and says:

That he is the principal clerk of The Billings Gazette, a newspaper of general circulation published daily in the City of Billings, in the County of Yellowstone, State of Montana, and has charge of the Advertisements thereof.

That the: 85 line legal regarding

UNITED STATES DISTRICT COURT...

CIVIL JUSTICE EXPENSE AND DELAY REDUCATION PLAN...

a true copy of which is hereto annexed, was published in said newspaper on the following dates: viz:

02/03 & 02/04/92

making in all 2 publication(s).

*Eugene Dean*

STATE OF MONTANA  
County of Yellowstone

On this 4th day of February, 1992, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Eugene Dean, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year first above written.

*Beverly A. Hogg*  
NOTARY PUBLIC for the State of  
Montana Residing at Billings, MT.

My commission expires: 10/31/94

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA NOTICE PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA TO THE MEMBERS OF THE BAR AND THE PUBLIC AT LARGE: Pursuant to the mandate of the Civil Justice Reform Act of 1990 (28 U.S.C. ss. 471 et seq.), the United States District Court for the District of Montana adopted a Civil Justice Expense and Delay Reduction Plan on December 31, 1991. The Plan contains numerous provisions that will be implemented through the promulgation of amendments to the RULES OF PROCEDURE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA. Consistent with the directive of Federal Rule of Procedure 83, the proposed amendments to the local rules of procedure deemed necessary to effect the Plan must be presented to the public and the public afforded an opportunity to comment. Therefore, YOU ARE HEREBY NOTIFIED that the United States District Court for the District of Montana has proposed various amendments to the RULES OF PROCEDURE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA, and shall receive comment upon the proposed amendments. A copy of the Civil Justice Expense and Delay Reduction Plan adopted by the District, together with the proposed amendments to the local rules, may be reviewed by you at the office of the Clerk of the Court maintained at each of the following localities: Billings, Butte, Great Falls, Helena, and Missoula. All communication with respect to the proposed amendments should be addressed to: Lou Aleksich, Jr., Clerk United States District Court for the District of Montana 5405 Federal Building Billings, MT 59101 All comments and suggestions should be received by the Clerk of Court no later than March 16, 1992. Sincerely, /s/ Paul G. Hatfield, Chief Judge United States District Court 2/3.4

The University of  
**Montana**

School of Law  
The University of Montana  
Missoula, Montana 59812-1071  
(406) 243-4311

March 13, 1992

RECEIVED

MAR 16 1992

Lou Aleksich, Jr., Clerk  
U.S. District Court  
for the District of Montana  
5405 Federal Building  
Billings, MT 59101

CLERK, U. S. DISTRICT COURT  
DISTRICT OF MONTANA  
BILLINGS, MONTANA

Dear Mr. Aleksich:

Please consider the enclosed materials to be my comments on the proposed amendments to the local rules which implement the Montana Civil Justice Expense and Delay Reduction Plan. The first is a copy of an article that will soon appear in 52 MONTANA LAW REVIEW 433 (1991) and the second is a copy of an article that will appear in 53 MONTANA LAW REVIEW No. 1 (1992).

Please accept my apologies for not sending you the final printed versions of the articles. Because the articles will not be in print until late March, I had to send the page proofs to comply with the March 16 deadline for commenting.

Thank you.

Sincerely,



Carl Tobias  
Professor of Law

CT:cp

Enclosure