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CIVIL LOCAL RULES	EXPLANATION OF AMENDMENTS	Page #s in redline version
1.2 Divisions of the Court	<p>The clerk of court shall make civil case assignments in accordance with caseload distribution targets established by the Court.</p> <p><i>Rationale: Clarifying that only civil case assignments are done using caseload distribution targets. Criminal case assignments are set forth by standing order.</i></p>	<p>p. 1</p>
1.4 Means of Filing 83.8(c) Self-Represented Litigants	<p>1.4(b) Electronic Filing: (3) Self-Represented Litigants. Self-represented litigants may request to file electronically in civil cases through Public Access to Court Electronic Records (“PACER”) by submitting a pro se e-filing registration form to the clerk of court’s office. The clerk reserves the right to deny requests to file electronically.registering for an account as a non-attorney filer. Once registered in PACER, the self-represented litigant waives their ability to file documents in paper form over the counter or through the mail. All filings by self-represented litigants must be done through PACER, by mail, or by in person delivery to the clerk’s office.</p> <p>83.8(c) Self-Represented Litigants. Self-represented litigants may request to file electronically in civil cases through PACER by submitting a pro se e-filing registration form to the clerk of court’s office. The clerk reserves the right to deny requests to file electronically.registering for an account as a non-attorney filer. Once registered in PACER, the self-represented litigant waives their ability to file documents in paper form over the counter or through the mail. All filings by self-represented litigants must be done through PACER, by mail, or by in person delivery to the clerk’s office.</p> <p><i>Rationale: This proposal clarifies the process, clarifies that pro se litigants may only file electronically in civil cases, and clarifies that the Clerk’s office may deny pro se requests to file electronically. It also adds language that if registered to file electronically filers waive the right to submit documents over the counter or through the mail.</i></p>	<p>p. 6-7</p> <p>p. 82</p>



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3.3 Removal and Remand	<p>(a)(2) When the state court file is received in this court, the clerk will enter into CM/ECF the pleadings and any state court injunction orders filed to date in the state court. All other documents will be attached as exhibits to the state court docket sheet.</p> <p><i>Rationale: Allows the Clerk's office to discontinue filing all state court orders separately upon removal because the entire state court record is also filed.</i></p>	p. 12
47.1 Examining Jurors	<p>(d) Electronic Record. The clerk's list of trial jurors' names and information must be sealed if filed in the record of the case. If filed in the record of the case, the list of trial jurors' names, juror information, and any voir dire transcript containing jurors' names or other identifying information must be sealed. If a prisoner requests a transcript of voir dire, the court will issue an order describing the terms of the prisoner's access to it.</p> <p><i>Rationale: Allows voir dire transcripts to be sealed if there is a reference to a juror's name or other identifying information.</i></p>	p. 48
73.1 Consent Election	<p>(d) Return of Consent Election Forms. Parties have 14 days from service of the clerk's notice of assignment to file a notice of withholding of consent form. If any party's form is not timely filed within 17 days after service of the clerk's notice of assignment, that party is deemed to have consented to magistrate judge jurisdiction. If any party objects to the exercise of jurisdiction by a magistrate judge, the case will be reassigned to an Article III judge but may still be referred to a magistrate judge for all pretrial proceedings pursuant to 28 U.S.C. § 636(c).</p> <p><i>Rationale: CM/ECF tracks whether a notice of assignment is sent electronically (14 days to object) or via mail (17 days to object). This change clarifies that a party is deemed to have consented if their objection form is not timely filed.</i></p>	p. 61
83.1 Attorney Admission and Appearance	<p>(a) General Rules.</p> <p>(1) An attorney who appears in this court is subject to its disciplinary jurisdiction as set forth in L.R. 83.2.</p> <p>(2) In order to appear on behalf of a party in this court, an attorney must be:</p>	pp. 64-65



	<p>(A) admitted to practice before this court and be on active status and in good standing with the State Bar of Montana;</p> <p>(B) be an attorney currently employed or retained by the United States or by the Federal Defenders of Montana; or</p> <p>(C) have been granted leave to appear pro hac vice in the case in which they are appearing.</p> <p>(3) An attorney authorized to appear in this court must promptly notify the court of any change in the attorney's status in another jurisdiction that would make the attorney ineligible for membership under subsection (b) of this rule or ineligible to appear under subsections (c) or (d) of this rule.</p> <p>(b) Membership in the Bar.</p> <p>(1) Only attorneys who are active members of the State Bar of Montana and not subject to any pending administrative, disciplinary, suspension, or disbarment orders in any jurisdiction may be admitted as members of the bar of this court.</p> <p>(2) Law clerks currently employed by a judge of this District may be admitted to this court even if they are on inactive status with the State Bar of Montana.</p> <p>(3) Applicants must disclose on their application whether they have ever been held in contempt, otherwise disciplined by any court for disobedience to its rules or orders, or sanctioned under Fed. R. Civ. P. 11 or 37(b) or their state equivalent. The Chief Judge may designate a judge to review all applicants who have been subject to any such discipline, obtain additional information regarding such sanctions if necessary, and make a determination as to membership.</p> <p>(4) Eligible attorneys must complete the online application process using PACER and pay all required fees including the admission fee and any re-registration fees which may be imposed. Failure to pay these fees may result in denial of admission or deactivation of filing privileges.</p> <p>(5) Any suspension, disbarment, or transition to inactive status with the State Bar of Montana automatically renders an attorney ineligible to practice in this court. When the clerk receives notice that a member of the</p>	
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	<p>Bar has been suspended, disbarred, or gone to inactive status, the clerk will notify the attorney that he or she may not appear in any case. An attorney's eligibility to practice is automatically reinstated upon return to active status and in good standing with the State Bar of Montana. When the clerk receives notice that a member of the Bar is not in good standing, the clerk will notify the attorney that he or she may not appear in any case. On the clerk's receipt of notice from the State Bar of the attorney's return to good standing, the attorney is reinstated to practice in this court.</p> <p><i>Rationale:</i> <i>Paragraph 2: The Clerk's office has omitted the character certificate requirement for bar membership and therefore proposes the omission of the "good moral character" requirement.</i></p> <p><i>Paragraph 5: If an attorney is suspended, disbarred, or goes inactive with the Montana State Bar, it should be automatic that they cannot appear in this court.</i></p>	
83.1(d) Pro Hac Vice Appearance	<p>(1) A non-member attorney who does not reside and is not regularly employed in Montana may, upon motion to and in the discretion of the presiding judge, appear and participate in a particular case provided they are:</p> <p>(A) an active member of another federal bar or of the bar of the highest court of a State, territory, or insular possession of the United States;</p> <p>(B) not subject to any pending administrative or disciplinary suspension or disbarment order or an order of suspension in any jurisdiction; and</p> <p>(C) —of good moral character; and</p> <p>(C)(D) have been retained to appear in this court.</p>	p. 66



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	<i>Rationale: The Clerk's office has omitted the character certificate requirement for bar membership and therefore proposes the omission of "good moral character" requirement.</i>	
83.2(d)(2) Reciprocal Discipline	<p>(C) Show-Cause Order. Upon receiving notice of imposition of discipline in another jurisdiction other than the State Bar of Montana, the Disciplinary Judge will issue an order requiring the disciplined attorney to show cause in no less than 21 days why the same discipline should not be imposed in this court. The order will include:</p> <p><i>Rationale: Proposal for the reciprocal discipline show cause order to only apply to discipline from a jurisdiction other than Montana since Montana discipline of suspension, disbarment or inactive status automatically makes an attorney ineligible to appear in this court.</i></p>	p. 71

CRIMINAL LOCAL RULES	EXPLANATION OF AMENDMENTS	Page #s in redline copy
CR 55.1 Matters Held Under Seal	<p>(d)(6) transcripts of voir dire, if filed, unless jurors' names or other identifying information isare not used;</p> <p><i>Rationale: Broadens the basis upon which voir dire transcripts can be sealed if there is a reference to a juror's name or other identifying information.</i></p>	p. 110