

5/23/2025

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANAClerk, U.S. District Court
District of Montana
Missoula DivisionIN RE: The Participation of Judges in
District Court Governance.

STANDING ORDER No. BMM-40

Pursuant to the unanimous agreement of all judges of the court in regular active service, IT IS HEREBY ORDERED that Standing Order BMM-1, governing the participation of senior judges in district court governance, is WITHDRAWN.

IT IS FURTHER ORDERED that all judges who have retired from regular active service under 28 U.S.C. § 371(b), and maintain a minimum active workload as defined below, shall have the powers of a judge of the court to participate in appointment of court officers and magistrate judges, rulemaking, and governance in the District of Montana.

For purposes of determining whether a judge who has retired from regular active service under 28 U.S.C. § 371(b) maintains a minimum active workload, and therefore qualifies to participate in governance under this order, the following criteria shall apply:

1. A judge who has retired from regular active service under 28 U.S.C. § 371(b) will be deemed to have met the workload standard if, during the preceding calendar year, such judge performs ten (10) percent or more of

- the average work of the judges of this court in regular active service in at least one of the following categories: total courtroom hours (including pretrial conferences and settlement conferences); civil case assignments; criminal case assignments; civil terminations; and criminal terminations.
2. Work performed in other district courts may be counted toward a judge's total work performed during the preceding calendar year in any category, provided that such work performed in other districts may count for no more than fifty (50) percent of such judge's total work performed. In accounting for work performed in other district courts, each out-of-district case assigned to a judge shall count as a case assignment for the calendar year during which such judge was first assigned to the case.
 3. Work performed while sitting by designation on a court of appeals may be counted toward a judge's total work performed during the preceding calendar year in the category of case assignments, provided that such work may count for no more than fifty (50) percent of such judge's total case assignments. In accounting for work performed while sitting by designation on a court of appeals, a judge will be credited for one district court case assignment for each case heard on an appellate panel, to be applied to that judge's total cases assigned for the calendar year during which the judge was assigned to the appellate panel.

IT IS FURTHER ORDERED that the powers of judges who have retired from regular active service under 28 U.S.C. § 371(b) may not be limited or withdrawn except by unanimous agreement of all judges of the court in regular active service.

The clerk shall immediately inform all judicial officers of this district of the entry of this order.

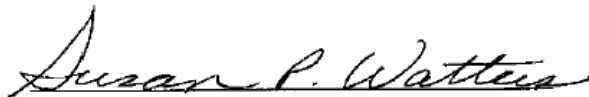
DATED this 23rd day of May, 2025.

A handwritten signature in blue ink, reading "Brian Morris", written over a horizontal line.

Brian Morris, Chief Judge
United States District Court

A handwritten signature in blue ink, reading "Dana L. Christensen", written over a horizontal line.

Dana L. Christensen, District Judge
United States District Court

A handwritten signature in blue ink, reading "Susan P. Watters", written over a horizontal line.

Susan P. Watters, District Judge
United States District Court