

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA

**FILED**

**MAR 20 2020**

Clerk, U.S. District Court  
District Of Montana  
Missoula

IN RE: The Participation of Judges in  
District Court Governance.

STANDING ORDER No. BMM-1

Pursuant to the unanimous agreement of all judges of the court in regular active service, IT IS HEREBY ORDERED that Standing Order DLC-2, governing the participation of senior judges in district court governance, is WITHDRAWN.

IT IS FURTHER ORDERED that the right of district judges to participate in court governance in the District of Montana shall be determined in accordance with federal law. As provided in 28 U.S.C. § 132(b), the district court “consist[s] of the district judge or judges for the district in regular active service,” and all such judges are entitled to participate in appointment of court officers and magistrate judges, rulemaking, governance, and administrative matters. In addition, as provided in 28 U.S.C. § 296, any judge who has retired from regular active service under 28 U.S.C. § 371(b) and been designated and assigned to perform judicial duties in this court under 28 U.S.C. § 294(b) and (c), and who has performed in the preceding calendar year an amount of work equal to or greater than the amount of work an average judge in active service on the court would perform in six months, and who elects to exercise such powers, shall have the powers of a judge of the court to participate in appointment of court officers and magistrate judges,

rulemaking, governance, and administrative matters 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) qualifies to participate in governance under 28 U.S.C. § 296, 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 50 percent or more of the average work of the judges of this court in regular active service in at least two of the following categories: total courtroom hours (including pretrial conferences and settlement conferences); total case assignments (to be determined based on cases assigned off the wheel); 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 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

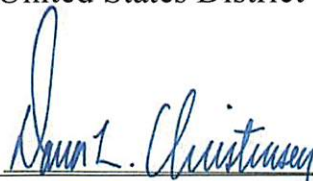
be counted toward a judge's total work performed during the preceding calendar year in the category of case assignments, provided that such work may count for no more than 50 percent of such judge's total case assignments. In accounting for work performed while sitting by designation on a court of appeals, 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.

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

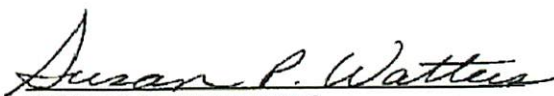
DATED this 20<sup>th</sup> day of March 2020.



Brian Morris, Chief Judge  
United States District Court



Dana L. Christensen, District Judge  
United States District Court



SUSAN P. WATTERS  
United States District Judge