

## 1 SENATE JOINT RESOLUTION NO. 2

2 INTRODUCED BY B. USHER

3 BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

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5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
6 MONTANA TO DISAPPROVE OF THE RULES OF PRACTICE AND PROCEDURE ADOPTED BY THE  
7 MONTANA SUPREME COURT.

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9 WHEREAS, Article VII, section 2, of the Montana Constitution provides the Montana Supreme Court  
10 with the authority to make rules governing practice and procedure for courts in this state; and

11 WHEREAS, the same provision of the Montana Constitution provides that rules of procedure adopted  
12 by the Montana Supreme Court are "subject to disapproval by the legislature in either of the two sessions  
13 following promulgation".

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15 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF  
16 THE STATE OF MONTANA:

17 That the 69th Legislature disapproves of the following rules as adopted by the Montana Supreme  
18 Court:

19 (1) Revisions to AF 07-0157 "In the Matter of the Montana Rules of Civil Procedure" as adopted on  
20 October 12, 2021, and June 28, 2022;

21 (2) Revisions to AF 07-0016 "In the Matter of the Rules of Appellate Procedure" as adopted on  
22 October 12, 2021;

23 (3) Revisions to AF 07-0110 "Uniform District Court Rules" as adopted on August 30, 2023;

24 (4) Revisions to AF 11-0360 "In re Uniform Caseload Filing Standards for District Courts" as  
25 adopted on December 14, 2021;

26 (5) Revisions to AF 14-0745 "In re Temporary Electronic Filing Rules" as adopted on February 22,  
27 2022, March 26, 2024, and April 24, 2024;

28 (6) AF 06-0377 "In the Matter of Rules for Public Access to the Trial Court Public Record Portal" as

1 adopted on April 7, 2022;

2 (7) Revisions to AF 06-0163 "In re the Rules of Continuing Legal Education" as adopted on March  
3 15, 2022, March 1, 2023, and proposed revisions posted for public comment on June 25, 2024;

4           (8)       Revisions to AF 06-0628 "In re the Rules of Lawyer Disciplinary Enforcement" as adopted on  
5   October 12, 2021; and

6 (9) Revisions to AF 14-0356 "Judicial Standards Commission Rules" as proposed and posted for  
7 public comment on August 26, 2024.

8 BE IT FURTHER RESOLVED, that the Legislature urges the Montana Supreme Court to provide  
9 explanatory testimony related to these rules to the 69th Legislature.

10 BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the Montana  
11 Supreme Court, the State Bar of Montana, the Judicial Standards Commission, and the Montana Judges  
12 Association.

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