

IN THE SUPREME COURT OF THE STATE OF MONTANA

FILED

IN THE MATTER OF AMENDING
RULE 23, M.R.APP.P., TO REQUIRE THE
INCLUSION OF A COPY OF THE ORIGINAL
BRIEF SAVED TO A DISC OR CD
WHEN THE BRIEF IS FILED

MAR 11 2003

Ed Smith
CLERK OF SUPREME COURT
STATE OF MONTANA

ORDER
Nunc Pro Tunc

On February 4, 2003, we entered an order amending Rule 23(B), M.R.App.P.. The purpose of our order was to require disc or CD copies of briefs to be filed with the briefs from and after April 1, 2003. Unfortunately, the placement in the Rule of the language added was not correct. Accordingly, this order is necessary to correct that error.

This Court has been advised that the State Law Library will be able to make briefs filed in this Court available on line more quickly if the brief does not have to be first optically scanned by library personnel, but instead can be input directly from a computer disc or CD.

Therefore, in order to better utilize the time and resources of the State Law Library and in order to make briefs filed in this Court more readily available to the bench, bar and public via the State Law Library website,

IT IS ORDERED that Rule 23, M.R.App.P., is amended by adding thereto a paragraph (i), to follow paragraph (h), as follows:

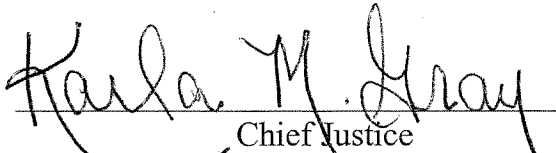
(i) Disc copy of briefs. There shall be included with original briefs filed under this Rule and under Rule 17, one copy of the brief saved to either a 3½" floppy disc or to a CD. This rule shall not apply to hand-written briefs or to those typed on a typewriter. Failure to include the disc or CD with the original brief shall not be grounds for dismissal or for refusal to file the brief.

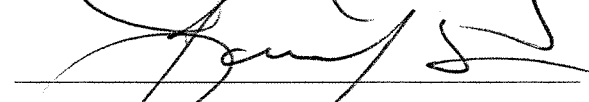
IT IS ORDERED that our February 4, 2003, order is vacated and that this order is substituted therefore, *nunc pro tunc*.

IT IS FURTHER ORDERED that this amendment shall be applicable to briefs filed on and after April 1, 2003.

IT IS FURTHER ORDERED that the Clerk of this Court give notice of this Order by mail to each clerk of the district court; to the Executive Director of the State Bar of Montana with a request that this Order be published in the next available issue of the Montana Lawyer and be posted to the Bar's website; to the State Law Librarian with the request that this Order be posted to the Law Library's website; and to Gregory J. Petesch, Code Commissioner & Director of Legal Services.

DATED this 11th day of March, 2003.

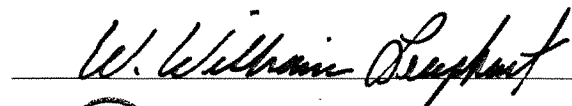

Chief Justice












Justices