

IN THE SUPREME COURT OF THE STATE OF MONTANA

IN THE MATTER OF AMENDING
RULE 4(c), MONTANA RULES
OF APPELLATE PROCEDURE

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)

ORDER

In order to resolve confusion as to what is encompassed within a notice of appeal from a final judgment,

IT IS HEREBY ORDERED that, effective the date of this order, Rule 4(c) of the Montana Rules of Appellate Procedure is amended to read as follows (deleted language is indicated by strikeout; new language is underlined):

Content of the notice of appeal. The notice of appeal shall specify the party or parties taking the appeal; and shall designate the judgment, or order or part thereof appealed from. An appeal from a judgment draws into question all previous orders and rulings excepted or objected to and which led up to and produced the judgment. The notice of appeal shall substantially comply with Form 1 in the Appendix of Forms to Rule 54. An appeal shall not be dismissed for informality of form or title of the notice of appeal, so long as the information required in Form 1 in the Appendix of Forms to Rule 54 is contained in the notice of appeal.

The Clerk is directed to mail copies of this order to West Group, State Reporter Publishing Company and the *Montana Lawyer* with the request that it be published in their respective publications; to the Director of Legal Services of the Montana Legislative Services Division; and to all Clerks of the District Court of the State of Montana with a request that each Clerk furnish a copy to the District Court Judges.

DATED this 23rd day of October, 2003.

FILED

OCT 23 2003

Ed Smith

CLERK OF THE SUPREME COURT
STATE OF MONTANA

Karla M. May
Chief Justice
W. William Leight

Jim Legner

Ann L.

Patricia Cotton

John Warner

Jim Rice

Justices