

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. AF 06-0632

IN THE MATTER OF AMENDMENT
OF THE MONTANA SUPREME COURT
INTERNAL OPERATING RULES

O R D E R

The Court has determined it is necessary to revise Section I, paragraph 3(c), and Section VII, paragraph 7 of its Internal Operating Rules. The revisions are shown below, with language to be deleted interlineated, and language to be added highlighted:

Changes to Section I, paragraph 3(c):

(c) (i) If an appeal presents no constitutional issues, no issues of first impression, does not establish new precedent or modify existing precedent, or, in the opinion of the Court, presents a question controlled by settled law or by the clear application of applicable standards of review, the Court may classify that appeal as one for ~~an unpublished~~ **a memorandum** opinion.

(ii) The decision of the case will provide the ultimate disposition without a detailed statement of facts or law. The decision shall not be citeable as binding precedent, but may be cited when relevant to establishing the application of law of the case, res judicata, or collateral estoppel; or in a criminal action or proceeding involving the same defendant or a disciplinary action or proceeding involving the same person. The opinion shall be filed as a public document with the clerk; shall be reported by result only to the LexisNexis Group and to West's Pacific Reporter along with the case title and Supreme Court cause number in the quarterly table of ~~unpublished~~ **memorandum** opinions issued by this Court; and shall be assigned a public domain, neutral-format citation in accordance with the Court's order dated December 16th, 1997, and posted to the State Bulletin Board.

(iii) ~~An unpublished~~ **A memorandum** opinion may be entered pursuant to this subsection on a majority vote, even ~~though the claim may have merit in the view of the minority~~ **if the opinion is not unanimous**, provided that all justices participating in the action shall agree that such summary disposition of the action may be made.

(iv) A petition for rehearing of a cause decided under this subsection may be served and filed pursuant to the provisions of Rule 20, M. R. App. P.

Changes to Section VII, paragraph 7:

7. A full written opinion shall be prepared unless the Court shall determine the disposition shall be by order or by ~~unpublished~~ memorandum opinion. An example of disposition by order is the following:

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No. ____

[Title of Cause]

The appeal in this case is dismissed for failure of appellant to order or file a transcript within the time allowed by law. See Rules 8(3) and 9, M. R. App. P.

(DATED AND SIGNED)

The Clerk is directed to provide copies of this Order to the State Bar of Montana and the Montana State Law Library.

DATED this 9th day of June, 2015.

/S/ MIKE McGRATH
/S/ LAURIE McKINNON
/S/ JAMES JEREMIAH SHEA
/S/ BETH BAKER
/S/ MICHAEL E WHEAT
/S/ PATRICIA COTTER
/S/ JIM RICE