

except that only the Court shall set hearings for pretrial conferences in adversary proceedings, disclosure statement hearings, and confirmation hearings for Chapters 11, 12 and 13 cases. The Court may at any time reschedule matters.

RULE 5071-1. Request for Continuance.

Any party requesting the continuance of a trial, hearing or conference shall:

- (a) file a motion seeking the continuance at least three (3) business days prior to the scheduled trial, hearing or conference;
- (b) advise the Court of the affected party's response to such request or what attempts have been made to gain each party's consent; and
- (c) give telephone notice of the date, time and location of, and reason for, the continued hearing to all affected parties and file written confirmation of such notice with the Clerk within two days of receiving such information from the Court, unless all affected parties receive electronic notice.

RULE 5072-1. Courtroom Decorum.

The following procedures are to be followed in all proceedings in open court:

- (a) there shall be no oral confrontation or colloquy directly between opposing attorneys or parties;
- (b) all persons addressing the Court shall stand, unless otherwise directed by the Court, and address the Court from the podium or from a microphone location to improve the quality of the recording;
- (c) all objections shall be stated with specificity prior to any argument or explanation of the same (i.e., leading, hearsay, improper foundation, etc.);
- (d) during the testimony of a witness, attorneys shall not approach the witness box, bench, or clerk's bench without the Court's prior approval, and all persons within the courtroom shall be treated with dignity and respect;
- (e) counsel shall request assistance from the courtroom deputy if they wish to use blackboards, view boxes, or other audio-visual aids and shall make their request sufficiently in advance of the need to allow for set-up of this equipment when the Court is not in session;
- (f) counsel shall address each other and all witnesses by formal name (rather than by first name) during all court proceedings; and
- (g) all attorneys shall wear business, not business casual, attire while appearing before the Court.

RULE 5073-1. Photography, Recording Devices and Broadcasting.

- (a) **Cameras and Personal Electronic Devices.**

(1) **General Rule.** Personal electronic devices, including but not limited to tablets, cameras, phones, or laptop computers, whether capable of transmitting or recording or not, must not be used or possessed in any courthouse of this District. Upon entry to a courthouse and upon demand, all such devices are subject to security screening and screening for compliance with this Rule. Devices not subject to an exception must be left with court security officers.

(2) **Exceptions.**

(A) District of Montana Judges may use personal electronic devices in any courthouse or courtroom and may set policy for chambers staff.

(B) Employees of the Clerk's Office, the United States Probation Office, and the United States Marshals Service, contract court security officers, and building managers and General Services Administration employees may use personal electronic devices in any courthouse.

(C) Attorneys appearing before the Court in a calendared matter, including scheduling conferences, may use personal electronic devices that are not disruptive or distracting. Use must be limited to purposes related to the appearance. Personal electronic devices may not be used to communicate publicly about the case. Photography, video-recording, and verbatim recording are prohibited. Audible rings or alarms are prohibited. In courtrooms, voice communication using personal electronic devices is prohibited. In sealed proceedings, personal electronic devices may not be used for communication. An attorney may authorize an employee to use a device in compliance with this paragraph, but the attorney is exclusively responsible for the employee's conduct.

(D) Office of the United States Attorney.

(i) The United States Attorney may authorize use of cameras and personal electronic devices inside his or her office space but must prohibit any use of such devices in courthouse space and any photography or video recording showing courthouse space.

(ii) The following persons are authorized to bring personal electronic devices into a courthouse but may not use such devices, except as otherwise provided by this Rule:

(a) employees of the United States Attorney's Office or the U.S. Department of Justice;

(b) provided they have business in the U.S. Attorney's Office, federal agents or other law enforcement officers and federal employees holding a federal Personnel Identity Verification card; and

(c) any individual identified in a writing that is signed by an Assistant United States Attorney and presented to court security officers prior to the individual's entry.

(E) Court reporters employed by or acting pursuant to contract with the Court may use personal electronic devices. Photography and video-recording are prohibited. In courtrooms, personal electronic devices must not be used for voice communication and must not use audible rings or alarms.

(F) Persons who rely on personal electronic devices for medical reasons may use their devices. Photography and video-recording are prohibited.

(G) By written order, a Judge may authorize use of personal electronic devices in administrative proceedings and photography or video-recording on special occasions, such as naturalization or investiture proceedings.

(b) Broadcasting Prohibited.

Inside the Courthouses of this District, broadcasting is prohibited, regardless of technology or medium except that:

- (1) The Court may permit electronic or photographic preservation of evidence and perpetuation of the record ;
- (2) The Court may also permit broadcasting, televising, or photographing of ceremonial proceedings; and
- (3) The Court may conduct video conferences at the established court locations in Butte, Billings, Great Falls and Missoula and at off-site locations.

Committee Note:

This LBR is intended to mirror D. Mont. L. R. 1.3(d) and should be revised or amended so as to conform with D. Mont. L. R. 1.3(d)
