

## **RULE 33: STANDING ORDER FOR REFERRING CASES TO A STANDING MASTER**

The District Court Judges of the Fourth Judicial District jointly issue this Standing Order pursuant to Montana Code Annotated § 3-5-124(1).

1. Appointment. District Court Judges, at their discretion, may appoint a Standing Master to adjudicate a case. Once appointed to a case, the Standing Master shall be responsible for the administration and disposition of proceedings on the case.

2. Governing Laws and Rules. Proceedings before a Standing Master are governed by Montana Code Annotated §§ 3-5-124 through 3-5-126, and any other statute specifically applicable to Standing Masters. Montana Code Annotated § 3-1-804 only applies to substitution of district court judges, and does not apply to Standing Masters.

3. Final Orders and Decrees. Pursuant to Montana Code Annotated § 3-5-126(1) and Rule 52(a), M.R.Civ.P., the Standing Master shall file and serve written findings of fact, conclusions of law, and a dispositive order for all contested proceedings tried upon the facts. The Standing Master shall file and serve a written decision and dispositive order for all contested proceedings not tried upon the facts. The filing and service of a dispositive order of the Standing Master shall trigger the beginning of the 10-day in which a party may file and serve objections pursuant to Montana Code Annotated § 3-5-126(2). If no objections are filed within the 10 days, the Standing Master's findings of fact and conclusions of law and/or order or decree are the final order of the Court. Mont. Code Ann. § 3-5-126(2). In this situation, no further action by the appointing District Court Judge is necessary.

4. Objections. If a party files objections to the Standing Master's dispositive order within the 10 days provided by statute, and the objections conform to the requirements set out below, then the case will proceed according to Montana Code Annotated § 3-5-126(2).

Objections to the Standing Master's Report must:

- A. be written;
- B. specifically identify the subject of fact or conclusion of law asserted to be in error; and
- C. for each assertion of error, state with particularity the asserted factual or legal basis or reason for the assertion with citation to relevant legal authority.

5. Effect and Enforceability of Standing Master's Order or Report Pending Review. Upon filing and except as otherwise stayed by order of the Standing Master or District Court Judge, the Standing Master's Orders or Report shall be immediately effective and enforceable as an Order of the Court, subject to subsequent order of the District Court Judge upon review based on a timely-filed objection which meets the requirements set out above. Upon motion of a party, the Standing Master or District Court Judge may order a

stay of execution of the Standing Master's Order or Report pending expiration of the 10-day objection deadline under Montana Code Annotated § 3-5-126(2), or entry of a final judgment by the Court upon review of the timely-filed objections. Along with the District Court Judge, the Standing Master retains jurisdiction to enforce all provisions of an Order or Report that are not subject to objection or Court's review pursuant to Montana Code Annotated § 3-5-126(2). The Standing Master also retains jurisdiction to hear and rule on all other pending and new issues raised by the parties in the proceeding.

6. Finality of Final Dissolution Decree Issued by Standing Master: Pursuant to Montana Code Annotated § 40-4-108(1), the filing of objections to a Final Decree of Dissolution issued by the Standing Master that do not challenge the finding that the marriage is irretrievably broken will not delay the finality of that provision of the Decree and therefore the marriage remains dissolved in accordance with the Standing Master's Order.

7. Force of Law. The District Court may address, remedy, and sanction or punish any violation of this Order as a contempt of court. This provision does not preclude, limit, or impair the authority of a Standing Master to address and remedy contempt of court within the authorized scope of a Standing Master's authority under this Order, any specific order of reference and Montana Code Annotated §§ 3-5-124 through 3-5-126.