

THE JUSTICE COURT OF YELLOWSTONE COUNTY,
STATE OF MONTANA

UNIFORM JUSTICE & CITY COURT RULES

REPRESENTATION IN JUSTICE COURT

RULE 14. REPRESENTATION

- (a) A party may represent oneself or be represented by counsel.
- (b) Except as provided in (c), no representation can be made on behalf of a party by another person except an attorney duly licensed by the State of Montana. A nonresident attorney may be permitted to represent a party upon motion of a licensed resident attorney as allowed under Section IV, Pro Hac Vice, of the 1998 Rules of Admission to the Bar of Montana.
- (c) Unless the articles of organization state otherwise, a member with a majority interest in a limited liability company may represent the limited liability company as an attorney in justice's court as provided in **25-31-601**.
- (d) Death or removal of an attorney shall be governed by Rule 10 of the Uniform District Court Rules.

**MONTANA JUSTICE AND CITY COURT RULES OF
CIVIL PROCEDURE**

RULE 2. COMMENCEMENT OF ACTION

- (a) A civil action is begun by filing a complaint with the justice or city court. A concise written statement of the cause of action is considered a complaint. A person as defined in Rule 4(a)(1) may file individually or through an attorney. All others, as defined in Rules 4(a) 2, 3, 4, and 5, must file through an attorney. The individual or the attorney must sign the complaint. Other requirements for the complaint are set out in Rule 7.
- (b) Filing Fees. Before a complaint will be filed and an action commenced, the plaintiff must pay the filing fee specified by statute. However, indigent parties may request a waiver of this requirement as set forth in M.C.A. **25-10-404** and, if the waiver is granted, may proceed without prepaying the filing fee.

RULE 4. PERSON

A. Person

As used in this rule, the word “person”, whether or not a United States citizen or resident of this state and whether or not organized under the laws of this state, includes:

- (1) An individual, whether operating in the individual’s own name or under a trade name;
- (2) An individual’s agent or personal representative;
- (3) A corporation, business trust, estate, trust, partnership, or limited liability company;
- (4) Any two or more persons having a joint or common interest; and
- (5) Any other legal or commercial entity

B. Jurisdiction of Persons

- (1) Subject to jurisdiction. All persons are subject to the jurisdiction of a justice or city court who reside or are found within the State of Montana.
- (2) Acquisition of jurisdiction. A justice or city court may acquire jurisdiction over a person through service of process as provided in these rules, through the voluntary appearance in an action by a person, either personally or through an attorney or any other authorized officer, agent, or employee. Each defendant must be served separately.

QUESTIONS CONCERNING NON-LAWYER ACTIONS IN JUSTICE COURT

Can I file a complaint and represent myself in justice court without an attorney?

YES. Rule 14 (a) and Rule 4 (a) (1) state that an individual may represent him or herself or use an attorney. You may prepare and file your own complaint.

Can I, as a sole proprietor of an unincorporated business, file a complaint and represent myself and business in Justice Court?

YES. You would file your action as “(Your Name) doing business as (Business Name)”. However, if your business is a corporation you will need an attorney.

Can I, as an officer of a corporation, file a complaint and represent the corporation without an attorney?

NO. You need an attorney. A corporate officer who is not an attorney cannot appear on behalf of a corporation. A corporation is a separate legal entity and cannot appear on its own behalf through an agent other than an attorney.

Can I give a friend or relative who is not a licensed attorney a power of attorney to represent me in Justice Court?

NO. You need an attorney. Rule 14 of the Montana Uniform Rules for the Justice and City Courts Prohibit lay persons from practicing law in justice courts. The Montana Supreme Court has confirmed that lay persons are prohibited from representing other persons in justice courts.

Can I, as a rental property manager, file a complaint and represent the owner without an attorney?

No. You need an attorney. As a non-lawyer you may not represent others in Justice Court. Rule 14 of the Montana Uniform Rules for the Justice and City Courts prohibit lay persons from practicing law in justice courts. The Montana Supreme Court has confirmed that lay persons are prohibited from representing other persons in justice courts.

NOTE: Under the rules only individuals may represent themselves. All others-agents, personal representatives, corporations, partnerships, joint ventures, and other legal entities must file through an attorney.