



ADMINISTRATIVE RULES OF MONTANA



37.62.939 WITNESS AND EXHIBIT LIST AND EXCHANGE OF EXHIBITS

- (1) A party must prepare and file with the OALJ a witness and exhibit list when the party intends to present, use, or refer to at hearing:
 - (a) the testimony of any witness other than the party; or
 - (b) any exhibit or other documentary evidence.
- (2) The witness and exhibit list must include:
 - (a) for each witness, including the party if the party intends to testify, the name, address and telephone number at which the witness can be reached for the hearing;
 - (b) a brief summary of the testimony to be given by each non-party witness;
 - (c) a listing of each exhibit separately identified by number or alphabet letter; and
 - (d) attached to the list, the original copy of each exhibit identified in the witness and exhibit list. If an original copy is not reasonably available, a clear photocopy of the original may be substituted for the original. Each attached exhibit must be numbered consistent with the list and, in addition, each exhibit must include some marking to identify the party offering the exhibit.
- (3) Within the time set by the ARM 37.62.919 scheduling order the witness and exhibit list with attachments must be filed with the OALJ. Within the same time the party must also serve copies of the list and copies of the attached exhibits on all parties as provided by ARM 37.62.917. If a witness is to give testimony with regard to a particular exhibit, the party should deliver a copy of that exhibit to the witness within this same time.
- (4) If a party fails without good reason to file a witness and exhibit list or fails to serve a copy of the list on another party as provided in this rule, the ALJ may prevent the witness from testifying at the hearing or may exclude the exhibit as evidence. Upon a showing of good reason, the ALJ may allow a late witness or exhibit. If a party objects to the late entry, the ALJ may, upon motion by the party, delay the hearing or final decision and order and reconvene the hearing at a later date to allow the moving party to adequately cross-examine or rebut the late witness's testimony or late exhibit.

Authorizing statute(s): Sec. 17-4-105, 40-5-202, 40-5-262, 40-5-272, 40-5-273, 40-5-405, 40-5-713, 40-5-825 and 40-5-906, MCA

Implementing statute(s): Sec. 17-4-105, 40-5-157, 40-5-202, 40-5-208, 40-5-226, 40-5-233, 40-5-261, 40-5-271, 40-5-273, 40-5-414, 40-5-431, 40-5-703, 40-5-710, 40-5-821, 40-5-822, 40-5-823, 40-5-824 and 40-5-906, MCA

History: NEW, 2000 MAR p. 3547, Eff. 12/22/00.