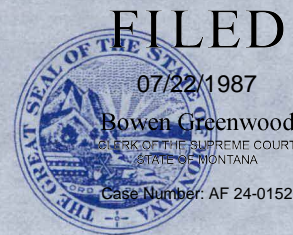


JOEL G. ROTH
District Judge

DON NYQUIST
Court Reporter

Phone 761-6700

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT



Cascade County, Great Falls

Judge's Chambers, Cascade County Courthouse
GREAT FALLS, MONTANA 59401

July 22, 1987

Clerk of Montana Supreme Court
Justice Building
215 North Sanders
Helena, MT 59620

Re: New Rule relating to
Disqualification of Judges

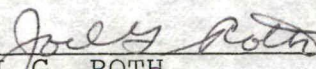
Dear Ms. Harrison:

Pursuant to the Supreme Court's Order dated June 17, 1987, relating to Disqualification of Judges and the Court's invitation of comments thereto, I suggest a clarification of Subparagraph (c) under the heading "Substitution of District Judges".

The last sentence in that subparagraph should specifically refer to the effect of the rule on Third Party Defendants. In other words, if an original Defendant in a civil case files a Third Party Complaint against a Third Party Defendant (a new party being brought into the lawsuit), does that new Third Party Defendant have a right to substitute the District Judge?

The present wording, using the words "joined" and "intervenes" leaves an uncertainty as to the status of a new party brought in as a Third Party Defendant.

Very truly yours,


JOEL G. ROTH
DISTRICT JUDGE

cc: Judge Robert M. Holter

RECEIVED

JUN 23 1987

ETHEL M. HARRISON
Clerk of Supreme Court
State of Montana



STATE OF MONTANA

Office of Clerk of The Supreme Court

HELENA, MONTANA
59620

Sample

ETHEL M. HARRISON
CLERK

June 23, 1987

Honorable Joel G. Roth
8th Judicial District
Cascade County Courthouse
Great Falls, MT 59401

Dear Judge Roth:

My office has received your comments relating to the new rule for Disqualification of Judges.

Your comments have been filed and will be submitted to the Montana Supreme Court at the termination of the comment period which is December 1, 1987.

Sincerely,

Ethel

Ethel M. Harrison