








# MONTANA SUPREME COURT

Justice							
Confidence Score	Indeterminate	Indeterminate	Mild Democrat	Strong Republican	Mild Democrat	Mild Democrat	Indeterminate
Opinion Partners							
Dissenting Minority	✓	✓					✓
Determining Majority			✓	✓	✓	✓	
Lone Dissenter				✓			

- ▶ Number of justices: **7**
- ▶ Number of cases: **323**
- ▶ Percentage of cases with a unanimous ruling: **89.5 (289)**
- ▶ Justice most often writing the majority opinion: **Justice Ingrid Gustafson (61)**
- ▶ Per curiam decisions: **0**
- ▶ Concurring opinions: **19**
- ▶ Justice with most concurring opinions: **Justice James Rice (5) and Justice Ingrid Gustafson (5)**
- ▶ Dissenting opinions: **45**
- ▶ Justice with most dissenting opinions: **Justice Laurie McKinnon (13)**

## COURT CONTENTION

### Opinion partners

In 2020, the Montana Supreme Court decided ten cases 5-2. No justices frequently allied in dissent in those cases.

### Dissenting minority

In 2020, the Montana Supreme Court decided ten cases by split decision. Justice McKinnon was in the minority in all ten of those cases. Justices Gustafson, McKinnon, and Sandefur were in the dissenting minority five times, which was more frequently than any other group of three justices. In our *Ballotpedia*

*Courts: State Partisanship* study, Gustafson, McKinnon, and Sandefur recorded Indeterminate Confidence Scores.

### **Determining majority**

Of the ten cases decided by split decision in 2020, Justice Shea was in the majority nine times, which was more frequently than any other justice. The group of justices most frequently in the majority was Justices Shea, Rice, Baker, and McGrath, who allied in the majority five times. In our *Ballotpedia Courts: State Partisanship* study, Justices Baker and McGrath recorded Mild Democratic Confidence Scores, Justice Rice recorded a Strong Republican Confidence Score, and Justice Shea recorded a Mild Democratic Confidence Score.

### **Lone dissenter**

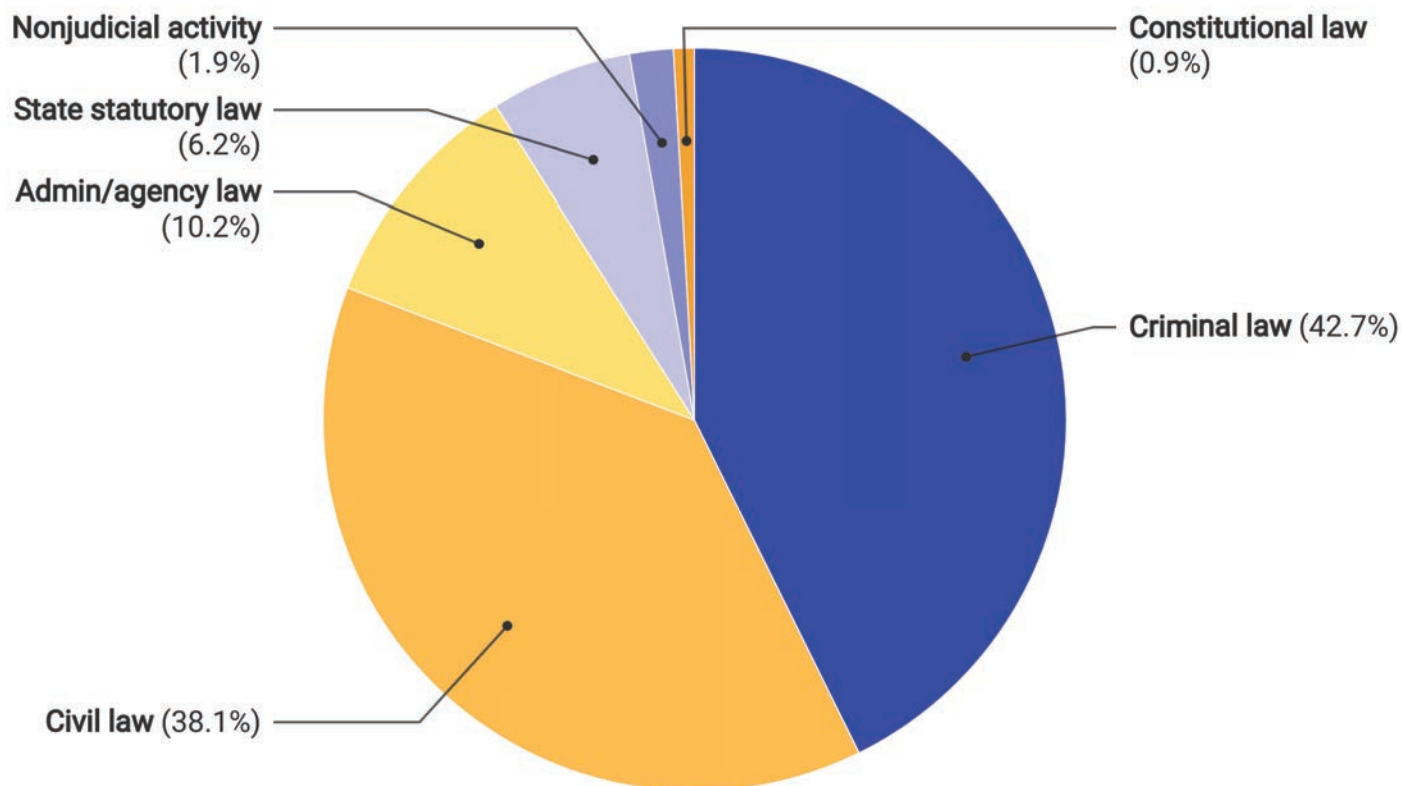
In 2020, there was a lone dissenter in five cases before the Montana Supreme Court. Justice Rice dissented alone in two of those cases, which was more than any other justice on the court. In our *Ballotpedia Courts: State Partisanship* study, Justice Rice recorded a Strong Republican Confidence Score.

## **COURT JURISDICTION**

Since Montana does not have an intermediate appellate court, the state supreme court hears appeals from all of the district courts across the state, as well as from the workers' compensation and water courts. Because of the right of all people to appeal, the Montana Supreme Court has no discretion to turn down appeals of lower court decisions.

The supreme court also has original jurisdiction, meaning it may hear and decide original cases, as opposed to appellate cases. It may exercise original jurisdiction over writs of habeas corpus and has supervisory control over lower courts, according to the Montana Constitution. It may also exercise original jurisdiction in cases that have not gone to the district courts, as long as there are no facts in dispute and the case presents only legal or constitutional questions.

## Case types decided by Montana Supreme Court, 2020



**BALLOT**PEDIA

The most common case category heard by the Montana Supreme Court in 2020 was criminal law. Of the 323 cases it heard, 138 were criminal cases, or 42.7 percent of its total caseload for the year. A criminal case involves a final criminal appeal before the court of last resort.

The second most common cases that reached the supreme court were civil cases. A civil case is one that involves a dispute between two parties, one of whom seeks reparations or damages. The Montana Supreme Court heard 123 civil cases in 2020, or 38.1 percent of its total caseload for the year.

The third most common cases that reached the court were administrative law cases. An administrative law case first proceeds from an administrative law court or involves the enforcement of an administrative regulation. The Montana Supreme Court heard 33 admin/agency cases in 2020, or 10.2 percent of its total caseload for the year.