

SENATE BILL 211

IN THE SENATE

January 23, 1979

Introduced and referred to  
Committee on Judiciary.

April 20, 1979

Died in Committee.

1 *V. Volkung*  
 2 INTRODUCED BY *Senate* BILL NO. *211*  
*S. Brown* *Blaylock* *M. Callahan* *F. ...*

*Rosbie*  
*Shinnel*  
*Varly*  
*Ryan*  
*Slated*

3 A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE  
 4 QUALIFIED ELECTORS OF MONTANA A CONSTITUTIONAL AMENDMENT TO  
 5 PROVIDE FOR THE STATUTORY CREATION OF A COMMISSION ON  
 6 PRACTICE; TO PROVIDE FOR THE APPOINTMENT AND CONFIRMATION OF  
 7 COMMISSION MEMBERS; TO PROVIDE FOR THE POWERS AND DUTIES OF  
 8 THE COMMISSION RELATING TO THE DISCIPLINE OF ATTORNEYS; TO  
 9 REQUIRE THAT CERTAIN DOCUMENTS OF THE COMMISSION BE  
 10 AVAILABLE FOR PUBLIC INSPECTION; AMENDING ARTICLE VII,  
 11 SECTION 2; AND ADDING A NEW SECTION 12 IN ARTICLE VII OF THE  
 12 MONTANA CONSTITUTION."  
 13

14  
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 16 Section 1. Article VII, section 2, of the Montana  
 17 constitution is amended to read:  
 18 "Section 2. Supreme court jurisdiction. (1) The  
 19 supreme court has appellate jurisdiction and may issue,  
 20 hear, and determine writs appropriate thereto. It has  
 21 original jurisdiction to issue, hear, and determine writs of  
 22 habeas corpus and such other writs as may be provided by  
 23 law.  
 24 (2) It has general supervisory control over all other  
 25 courts.

1 (3) It may make rules governing appellate procedure,  
 2 practice and procedure for all other courts, and, subject to  
 3 section 12, admission to the bar and the conduct of its  
 4 members. Rules of procedure shall be subject to disapproval  
 5 by the legislature in either of the two sessions following  
 6 promulgation.

7 (4) Supreme court process shall extend to all parts of  
 8 the state."

9 Section 2. Article VII of the Montana constitution is  
 10 amended by adding a new section 12 that reads:

11 Section 12. Discipline of attorneys. (1) The  
 12 legislature shall create a commission on practice consisting  
 13 of nine persons. Six members shall be attorneys appointed by  
 14 the supreme court. Three members who are not attorneys  
 15 shall be appointed by the governor. All appointees shall be  
 16 subject to confirmation by the senate.

17 (2) The commission shall investigate complaints and  
 18 make rules implementing this section. It may subpoena  
 19 witnesses and documents.

20 (3) Upon recommendation of the commission, the supreme  
 21 court may censure, suspend, or disbar any attorney for  
 22 willful misconduct or violations of any ethical standard  
 23 established by the supreme court.

24 (4) The proceedings of the commission are confidential  
 25 except as follows:

1 (a) When the supreme court publicly disciplines an  
2 attorney, all of the commission's transcripts and documents  
3 concerning that attorney shall be available for public  
4 inspection.

5 (b) The commission shall submit a report to the  
6 legislature, the governor, and the supreme court each year  
7 the legislature meets in regular session. The legislature  
8 shall specify the content of the report but may not require  
9 the disclosure of information that would affect the  
10 confidentiality of any proceeding which did not result in an  
11 attorney being publicly disciplined by the supreme court.

12 Section 3. Effective date. If approved by the  
13 electorate, sections 1 and 2 are effective January 1, 1981.

14 Section 4. Submission to electors. Sections 1 and 2  
15 shall be submitted to the electors of the state of Montana  
16 at the general election to be held November 4, 1980, by  
17 printing on the ballot the full title of this act and the  
18 following:

19  FOR the statutory creation of a commission on  
20 practice to discipline attorneys and the public  
21 disclosure of certain of its proceedings.

22  AGAINST the statutory creation of a commission on  
23 practice to discipline attorneys and the public  
24 disclosure of certain of its proceedings.

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