

MINUTES
MONTANA SUPREME COURT PUBLIC MEETING

FILED

Tuesday, April 4, 2017, 1:15 p.m.

Joseph P. Mazurek Justice Building
215 North Sanders, Helena, Montana
Attorney's Lounge, 4th floor

APR 25 2017

Ed Smith

CLERK OF THE SUPREME COURT
STATE OF MONTANA

The Chief Justice called the meeting to order at 1:15 p.m. In attendance were the Chief Justice, Justices Baker, Rice, Shea, Cotter, Wheat, and McKinnon, Law Clerks Tyler Stockton, Melanie D'Isidoro, and Jason Collins, and Chris Manos and Shelly Smith.

Item 1: Minutes from the previous public meeting

- The Court unanimously approved the Minutes from the previous public meeting.

Item 2: AF 06-0090 APPOINTMENTS TO THE COMMISSION ON PRACTICE

- The Court unanimously appointed Lori Maloney to the Commission on Practice to fill the remainder of the term held by non-attorney member James Jacobsen expiring June 30, 2018.
- The Court unanimously reappointed Brad Belke (Area B) and Robert J. Savage (Area H) and appointed Heather Perry (Area F) and Dan O'Brien (Area D) each to four-year terms on the Commission on Practice to expire April 1, 2021.
- The Chief discussed redistricting the respective Areas to match those recently redone by the Montana Bar Board and will speak further with Chris Wethern regarding doing so for representatives on the Commission on Practice.

Item 3: AF 06-0216 APPOINTMENTS TO THE COMMISSION ON TECHNOLOGY

- The Court unanimously reappointed Justice Mike Wheat, Court Administrator Beth McLaughlin, and Clerk of the Supreme Court Ed Smith each to new three-year terms on the Commission on Technology to expire March 31, 2020.

Item 4: IN RE MATTER OF APPOINTMENT TO THE DISTRICT COURT COUNCIL

- The Court unanimously appointed Gary Krueger as nominated by the Montana Association of Counties to fill the remainder of Jim Reno's term on the District Court Council expiring June 30, 2017.

**Item 5: AF 11-0765 IN RE CREATION OF A WORKING COMMITTEE TO STUDY
THE ISSUE OF LIMITED LICENSE LEGAL TECHNICIANS**

- The Chief opened discussion of this item.
- Justice Baker stated that the idea was raised by the Paralegal Section and the State Bar to the Access to Justice Commission. The idea is to create a working committee to study the possible creation of a limited licensing program to allow paralegals with the appropriate credentials to conduct limited legal work. Washington has implemented a program, including licensure, testing, and academic credentials, that allows paralegals to perform legal services in the family, real estate, and estate areas of the law. The Access to Justice Commission agreed to support the petition, and the suggested members of the working committee include entities interested in exploring this idea.
- Justice Wheat inquired of Mr. Manos as to who would staff this committee. Mr. Manos stated that by nature of the Bar's involvement, it would have staff support and, Justice Baker noted that the Bar would likely oversee any licensing were this to be implemented.
- Justice McKinnon asked what other states have implemented this program. Mr. Manos stated that Washington and Utah were two of the ones he knew of.
- Justice Baker stated there was some discussion by paralegals of approaching the Legislature to seek out a licensing structure to implement this idea, and the Bar and the Access to Justice Commission believed that something of this nature should be overseen by the Court.
- Justice McKinnon stated that she wanted to ensure that if this was implemented there would be no change or lowering of the professional standards.
- Justice Rice stated that this request was part of a cutting edge movement to tier or change the licensing structures of the practice of law and that only a few states have actually implemented it.
- The Court unanimously approved creating the working group to explore the idea and Justice Baker will draft the appropriate order.

The Chief Justice adjourned the meeting at 1:35 p.m.

Duly submitted,
Tyler Stockton
Law Clerk