

**MONTANA SUPREME COURT PUBLIC MEETING
MINUTES**

FILED

Tuesday, September 19, 2017, 1:15pm
Joseph P. Mazurek Justice Building
215 North Sanders, Helena
Attorney's Lounge, 4th Floor

OCT 03 2017

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Chief Justice McGrath called the meeting to order at 1:15 p.m. In attendance were the Chief Justice and Justices Baker, McKinnon, Rice, Sandefur, Shea, and Wheat.

Also in attendance were: Betsy Brandborg, Montana State Bar Counsel, Randy Bishop, President-Elect of American Board of Trial Advocates (ABOTA), Montana Chapter, and Madelyn Krezowski, Supreme Court Law Clerk

Item 1: Approval of the Minutes from September 5, 2017 Public Meeting

- The Justices unanimously approved the minutes from the last public meeting.

Item 2: AF 11-0244, Proposed Civility Provision to the Rules for Admission to the Bar of Montana

- Randy Bishop spoke on behalf of ABOTA in favor of the amended language for the written and oral oaths of attorneys upon admission to the Bar of the State of Montana. Bishop stated that the purpose of the petition was to raise the profile, in an aspirational way, of the importance of civility between lawyers inside and outside of the courtroom. The proposed changes are to the written oath and incorporated into the spoken oath. Seventeen states have adopted civility language in their attorney oaths. Montana would be the eighteenth. ABOTA intends to further promote civility through public outreach, especially in law schools, with its Civility Matters program. This is part of a nationwide effort. ABOTA has forty-six members in Montana, split evenly between civil plaintiffs' and defense attorneys. The ABOTA Montana Chapter plans to have a presence in the Alexander Blewett III School of Law at the University of Montana. The organization's presentations discuss how to avoid uncivil behaviors.
- Justice Baker asked whether the presence in the law school would be guest lectures or something else. Bishop said the presence is undefined at the moment but that he is in Missoula and will be involved personally. He will work with the law school administration and is planning to pursue "attendance encouraged" presentations rather than mandatory presentations.
- Justice McKinnon thanked Bishop for ABOTA's efforts because promoting civility is important to have in the oath and in the law school. Bishop agreed that fostering a civil culture in the profession must start when lawyers are young.
- Betsy Brandborg stated that the Board of Trustees of the Montana Bar supports the language proposed in the opinion and encouraged the Court to adopt the changes.
- The Chief Justice stated that if the measure passed it would be incorporated into the oath for the swearing in ceremony for new attorneys on September 26, 2017.

- Justice Baker moved to adopt the amended language. Justice Wheat seconded.
- The Justice unanimously approved the amendment to the oath

The Chief Justice adjourned the meeting at 1:23 p.m.

Duly submitted,
Madelyn Krezowski
Law Clerk