

MONTANA SUPREME COURT PUBLIC MEETING MINUTES

Tuesday, October 13, 2020, 1:00 p.m.

Joseph P. Mazurek Justice Building

215 N. Sanders, Helena

4th Floor Conference Room

Chief Justice McGrath called the meeting to order at 1:01 p.m. In attendance were the Chief Justice and Justices Baker, Gustafson, McKinnon, Rice, Sandefur, and Shea.

Also in attendance were Pamela Bucy of the Office of Disciplinary Counsel, Ward E. “Mick” Taleff of the Commission on Practice, Jeanine Blaner, Supreme Court Staff Attorney, Elizabeth Webster, Supreme Court Law Clerk, and Heather Perry.

Item 1: Approval of Minutes from March 10, 2020, Public Meeting

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

Item 2: Amendments to the Montana Rules for Lawyer Disciplinary Enforcement

- The Chief Justice proposed two minor amendments: 1) to Rule 5(A) that the Chief Disciplinary Counsel and Deputy Disciplinary Counsel serve at the pleasure of the Court, and 2) to Rule 26(A) regarding minor changes to style and grammar. The Justices voted unanimously in favor of these amendments.
- Justice Baker proposed changes to three rules: 1) to Rule 7, that any lawyer who “violates the conditions of a disciplinary order” is subject to the Court’s jurisdiction be added to subsections (A) and (C), and that any lawyer “not admitted in this jurisdiction” be moved from subsection (A) to (B); 2) to Rule 16, that any petition for rehearing comply with the Montana Rules of Appellate Procedure Rule 21; and 3) to Rule 19(D), that the Court may, “upon a finding of contempt by the Commission,” enforce a subpoena. Following comment from Mr. Taleff and Ms. Bucy, the Justices voted unanimously in favor of these conceptual amendments. Justice Baker will work with Ms. Blaner on specific final language.
- Justice Rice asked a clarifying question regarding Rule 25 and both Ms. Bucy and Mr. Taleff confirmed that the rule memorializes what is already in practice.
- After no further discussion and no public comment, the Justices voted unanimously to approve the Amendments to the Rules for Lawyer Disciplinary Enforcement as a whole.
- Subsequently, the Justices voted unanimously in favor of a friendly amendment to Rule 35, that the effective date for the rules as amended be set for January 1, 2021.

- The Chief Justice thanked Ms. Bucy and Mr. Taleff for their time and efforts in rewriting the rules and acknowledged that the task was extremely important to the practice of law and the people of Montana.

Item 3: Appointments to the Commission on Continuing Legal Education

- The Chief Justice noted that the terms of Chair K. Paul Stahl and members Casey Heitz and Kimberly Obbink expired on September 30, 2020, and that all three indicated an interest in being retained.
- The Justices voted unanimously to reappoint the aforementioned individuals to the Commission on Continuing Legal Education.