

ORIGINAL

**MONTANA SUPREME COURT PUBLIC MEETING
MINUTES**

Tuesday, October 5, 2021, 1:15 p.m.
Joseph P. Mazurek Justice Building
215 North Sanders, Helena
Held via Zoom Conference

FILED

NOV 09 2021

Bowen Greenwood
Clerk of Supreme Court
State of Montana

Chief Justice McGrath called the meeting to order at 1:15 p.m. In attendance were Justice Baker, Justice Gustafson, Justice McKinnon, Justice Shea. Justice Sandefur and Justice Rice were excused. The following people were also present: Kevin Cook, Electronic Services Coordinator; Britton Fraser, Alizabeth Brondson, and Erin McGarvey, Law Clerks for the Montana Supreme Court.

Item 1: Approval of the Minutes from August 17, 2021 Public Meeting

- Justice Baker noted that Niki Zupanic's name was misspelled in the minutes from previous public meeting. A correction will be sent to the Britton Fraser to update the minutes.
- All present Justices approved the Minutes from the previous public meeting.

Item 2: AF 06-0163, Revisions to the Rules of Continuing Legal Education Withdrawn from the Agenda

- Justice Baker noted there is nothing in C-Track indicating that this petition was withdrawn.
- Chief Justice McGrath presumed something will be entered in the minutes.

Item 3: AF 06-0628, Revisions to the Rules for Lawyer Disciplinary Enforcement

- Chief Justice McGrath introduced the proposed revisions regarding a change of the confidential nature of tendered admissions. This rule change was proposed by the Montana Office of Disciplinary Counsel (ODC).
- Justice McKinnon noted that there are no public comments on the proposed order since it was filed August 4, 2021.
- Justice Baker noted that this issue arose from a disciplinary matter in front of this Court. The Justices noticed there was some confusion surrounding the timing of when a

tendered admission would become public if the disciplinary matter is handled by the Commission itself. Justice Baker did not have any suggested changes to the proposal.

- The Court unanimously voted to adopt the proposed revision to the Rules for Lawyer Disciplinary Enforcement.

Item 4: AF 07-0157, Revisions to the Montana Rules of Civil Procedure and AF 07-0016 Revisions to the Montana Rules of Appellate Procedure

- Chief Justice McGrath introduced the proposed revisions to the Montana Rules of Civil Procedure and Montana Rules of Appellate Procedure. The Chief noted that these changes came from suggestions made to Jeanine Blaner, Staff Attorney for the Montana Supreme Court. Ms. Blaner had compiled these changes over the last few months. Chief Justice McGrath noted that there were no public comments.
- Justice McKinnon inquired if a version with marked changes had been circulated. Justice Baker confirmed that the marked version was in the August 4 Order.
- Chief Justice McGrath noted the change is to Appellate Rule 4(5), Time for filing notice of appeal or cross-appeal, subsection (a) Appeals in civil cases.
- Justice Baker noted the change to the Rules of Civil Procedure 58(e), that would remove the sentence, "A notice of appeal filed before disposition of any such motions shall be treated as filed on the date of such entry."
- Justice Gustafson inquired if this Rule revision arises in situations such as when the Court holds appeals in abeyance while attorney fee orders were being finalized. Chief Justice McGrath and Justice Baker confirmed.
- Justice Baker moved to adopt the changes to both Montana Rule of Civil Procedure 58 and Montana Rule of Appellate Procedure Rule 4. Justice McKinnon seconded the motion.
- The Court unanimously voted to approve the proposed rule changes.
- Chief Justice McGrath adjourned the meeting at 1:25 p.m.

Submitted by Erin McGarvey, Law Clerk, on October 5, 2021.