

MONTANA SUPREME COURT PUBLIC MEETING MINUTES

Tuesday, February 14, 2023, 1:00 p.m.

Joseph P. Mazurek Justice Building

215 N. Sanders, Helena

4th Floor Attorney's Lounge

Chief Justice McGrath called the meeting to order at 1:02 p.m. In attendance were the Chief Justice and Justices Baker, Gustafson, McKinnon, Rice, Sandefur, and Shea.

Also in attendance were Jeanine Blaner, Supreme Court Staff Attorney, Kevin Cook, Supreme Court IT Supervisor, Hunter Howe, Supreme Court Law Clerk, Mat Roundy, Supreme Court Law Clerk, Tori Koch, Supreme Court Intern, John Mudd, Executive Director and General Counsel for Montana State Bar, Jennifer Rickman, Staff for Commission of Continuing Legal Education, Michelle Peterson-Cook, Member of Commission of Continuing Legal Education, Pam Bucy, Chief Counsel for Office Interdisciplinary Counsel, Mary Moe, Member of Commission of Continuing Legal Education, and Paul Stahl, Chair of Commission of Continuing Legal Education.

Item 1: Approval of Minutes from January 24, 2023, Public Meeting

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

Item 2: Approves the Commission on Continuing Legal Education's Petition to Adopt Revisions to the Montana Rules of Continuing Legal Education

- The Chief Justice noted that the Court appreciates the opportunity to work with the Commission of Continuing Legal Education and Montana State Bar. He also recognized the excellent work the two organizations have conducted concerning the Petition to Adopt Revisions to the Montana Rules of Continuing Legal Education.
- Justice Baker provided the background of the Petition to Adopt Revisions to the Montana Rules of Continuing Legal Education. She noted that, after the initial petition for changes was filed in the summer of 2021, the Court passed a fee increase but deferred action on the other proposals and appointed a working group to meet and make recommendations. That committee focused on three substantive changes to the Montana Rules of Continuing Legal Education: (1) expanding the courses that satisfy the ethics requirement; (2) allowing members of the Montana State Bar residing outside of Montana to obtain continuing legal education credit when they are in compliance with CLE requirements for the bar of the state in which they reside; and (3) recognizing that members of the Montana State Bar residing in Montana must obtain approval of courses completed outside of Montana on an individual basis without a presumption of accreditation. After the

committee submitted its recommendations, the Commission of Continuing Legal Education worked on other revisions and submitted the final proposal before the Court.

- Justice Baker acknowledged the excellent work of the Commission of Continuing Legal Education and Montana State Bar over the last two years, thanked those who had served on the working group, and recommended that the petition be granted.
- Justice Gustafson expressed concern regarding the differing treatment of accreditation between residents of Montana and residents of other jurisdictions when completing courses outside of Montana.
- Justice Baker, the Commission members, and the State Bar representatives responded to Justice Gustafson's concern, noting that the substantive changes in the rules will address most of the problems that led to denial of accreditation in the past, the remote chances of any issue arising from the differing treatment, and the goals of training competent attorneys while safeguarding the public.
- Mary Moe, Member of Commission of Continuing Legal Education, and Justice Gustafson expressed the importance of training attorneys to better serve their clients and Montana through continuing legal education.
- Pam Bucy, Chief Counsel for Office Interdisciplinary Counsel, expressed excitement for the potential impact of the proposed changes.
- Justice Baker moved to approve the Petition to Adopt Revisions to the Montana Rules of Continuing Legal Education.
- Justice Rice seconded Justice Baker's motion.
- The Justices voted unanimously to approve the Petition to Adopt Revisions to the Montana Rules of Continuing Legal Education.

There was no public comment on any matter.

The Court expressed gratitude to the Commission of Continuing Legal Education and Montana State Bar.