

SUPREME COURT PUBLIC MEETING MINUTES

Tuesday, August 19, 2025, 1:00 p.m.
Joseph P. Mazurek Justice Building
215 North Sanders, Helena
Attorney's Lounge, 4th Floor

Chief Justice Swanson called the meeting to order at 1:02 p.m. In attendance were Chief Justice Swanson, Justices Baker, McKinnon, Shea, and Rice. Justices Bidegaray and Gustafson attended via Zoom. Also present were Jeanine Blaner, Supreme Court Staff Attorney; John Mudd, Executive Director of the State Bar of Montana; Casey Heitz, Chair of the Montana Commission of Continuing Legal Education; Paul Stahl and Cindy Thiel, members of the Commission on Continuing Legal Education; Jennifer Rickman, Director of Montana Continuing Legal Education Regulatory Compliance for the Commission of Continuing Legal Education; Brooke Dolan, Supreme Court Outreach Coordinator; and Monte Cole, Lukas Ericson, and Emily Howke, Law Clerks of the Montana Supreme Court.

Item 1: Approval of Minutes from July 15, 2025, Public Meeting

- All Justices approved the Minutes from the previous public meeting.

Item 2: Appointments to the Access to Justice Commission

- Justice Baker introduced the matter, noting that Lillian Alvernaz, Judge Stacie Fourstar, Gretchen Hall, Maggie Weamer, Alison Paul, and Juli Pierce—the members with expiring terms—all agreed to reappointment to the Commission.
- Justice Baker moved to reappoint these members to a three-year term.
 - Justice Shea seconded the motion.
 - The Justices unanimously approved the motion.

Item 3: Appointments to the Commission on Continuing Legal Education

- Chief Justice Swanson introduced the matter and noted that the terms of Commission members Cindy Thiel, Michele Peterson-Cook, and Patty Fain will expire in September of this year. The Chief Justice reported that Peterson-Cook and Fain indicated their willingness to continue serving on the Commission. The Chief Justice acknowledged the unexpected passing of Commission member Janette Krutzfeldt Jones.
- The State Bar nominated Michelle Peterson-Cook, Patty Fain, and Colin Stephens for three-year terms. The State Bar also nominated Samantha Howard to fill the remaining two-year term replacing Janette Krutzfeldt Jones.
- The Chief Justice, Justice Baker, and John Mudd thanked Cindy Thiel for her extended, invaluable service to the Commission.

- Justice McKinnon moved to appoint Michelle Peterson-Cook, Patty Fain, and Colin Stephens for three-year terms and to appoint Samantha Howard to Krutzfeldt Jones's remaining two-year term.
 - Justice Rice seconded.
 - The Justices unanimously approved the motion.

Item 4: Amendments to the Rules on Continuing Legal Education

- Chief Justice Swanson introduced the matter, noting that the Court received extensive public comment on the proposed amendments, including from the State Bar and the CLE Commission. Justice Baker stated that the proposed amendments were prompted by attorneys requesting CLE credit for teaching seminars and courses to paralegals and concerns raised by mediators. Justice Baker asked the CLE Commission members their thoughts on including lawyers who conduct mediation training in the amendment.
 - Paul Stahl expressed that it would be difficult for the CLE Commission to grant accreditation on the basis of the audience of a seminar or course.
 - Cindy Thiel responded that the CLE Commission does not outright deny all requests for CLE credit simply because an attorney wants to teach a course to mediators or other legal professionals. Thiel emphasized that the CLE Commission does accredit courses for mediators and that attorneys have the opportunity to appeal the Commission's initial denial to the accreditation committee. Thiel expressed concern that adding mediators to the amendment might require the Commission to approve any and all courses teaching mediators.
 - Jennifer Rickman stated that applications for CLE credit may be denied based on deficient information, including when it involves teaching a mediation course. Rickman opined that requests for CLE credit from teaching mediation courses are uncommon.
- Justice McKinnon stated that mediators are key components of access to justice and would fit under the Court's proposed amendment. Justice Bidegaray agreed, stating that trained mediators have increased access to justice and reduced district courts' workload by resolving family law matters without litigation.
- Justice Rice sought to clarify the scope of the proposed rule amendment and expressed that the amendment does not require the Commission to approve any particular requests for credit.
 - Casey Heitz said that the goal of the Commission's proposed amendment was to make administration of requests for CLE credit easier. The Court's proposed amendment, Heitz opined, was too broad. Jennifer Rickman echoed Heitz's sentiment, stating that the goal of the Commission's amendment was to allow for awarding CLE credit to attorneys teaching paralegals, judges, or community justice workers, but to avoid overbreadth.
- Justice Gustafson noted that the Commission's amendment could prevent attorneys from obtaining CLE credit for courses teaching law enforcement officers on search and seizure law.

- Cindy Thiel stated that the primary purpose of the CLE rules is to improve attorneys' competence and to ensure that attorneys keep up with changes in the law. If an attorney teaches a course that improves the competence of attorneys, Thiel said, that is consistent with the rules. Thiel expressed that granting pro bono credits would be a better fit for instruction that furthers access to justice. Thiel pointed to Rule 9.A.2.h, indicating that this provision could cover courses taught to high school history teachers or law enforcement officers but applicants may need to provide greater detail about the course.
- Justice Baker moved to adopt the CLE Commission's proposed amendment to Rule 9.A.2.e with no amendment to Rule 8.
 - Justice Rice seconded the motion
- Justice Shea noted that the amendment to Rule 9.A.2.e would not foreclose the "catch-all" provision under Rule 9.A.2.h.
- Chief Justice Swanson and Justices Rice, Baker, and Shea voted in favor of the motion. Justices McKinnon, Bidegaray, and Gustafson voted nay.
- Justice Baker will work with Jeanine on a proposed order for the amendment to Rule 9.A.2.e. and encouraged the Commission to continue to explore ways to address the Court members' concerns.

Chief Justice Swanson adjourned the meeting at 2:04pm.

Submitted by: Monte Cole and Emily Howke on August 20, 2025.