

# ORIGINAL

# FILED

April 1 2015

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

1 April 2015 Case Number: AF 11-0244

MEMORANDUM FOR THE HONORABLE JUSTICES OF THE MONTANA  
SUPREME COURT

# FILED

FROM: Colonel Edward R. Lucas  
PSC 3 Box 12  
APO AP 96266

APR 01 2015

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

SUBJECT: Memorandum in Support of Proposed Amendment to the Rules of Admission on  
Motion (AF 11-0244)

1. Thank you for the opportunity to submit comments in support of the proposed amendment to the rules of admission on motion. This memorandum includes both a personal statement and a recommended change to the proposed rule.
2. I have been a member of the Nebraska State Bar since 1993. I became a United States Air Force Judge Advocate General that same year and started my legal career at Malmstrom Air Force Base. My wife and I fell in love with Montana and vowed to return upon our retirement from the Air Force. I watched with disappointment as the reciprocity rule was changed in 1998 just as I was nearing the point of having practiced law for five years. I was equally disappointed when the decision was made to not adopt reciprocity rules and admission on motion in 2003. I understand that there are valid competing interests in this matter. However, I humbly request that the court approve this proposal.
3. Over the course of a 22 year military legal career, I've had the privilege of practicing law while stationed in seven states, the District of Columbia, six foreign nations, and to have earned an LL.M. My family and I are currently serving what we anticipate will be our final tour of duty in the Republic of Korea. While the Lucas family has been blessed with many wonderful experiences, we have always longed to return "home" to Montana.
4. As the legal counsel to the senior United States Air Force commander in the Republic of Korea, I am the supervisory attorney (Staff Judge Advocate) of four legal offices (a total of 46 attorneys, paralegals and civilian support staff). I am also a husband and father of three children (ages 8 to 15). I have applied to sit for the July 2015 UBE in Montana and have been studying for the exam for many months. However, as much as I relish the idea of becoming a Montana lawyer, I may defer taking the test pending the decision on this proposed rule. One of the things I've learned over the years is the importance of knowing one's limits. While I am quite comfortable that I have a firm grasp of the law across a range of disciplines, developed over the last 20+ years of practice and CLE, I do not feel that I will be able to meet my current

professional and personal commitments while simultaneously continuing to devote the significant time and effort I have expended to date in preparation for the July Bar Exam. Amending the rules to allow admission by motion will make the privilege of serving Montana clients an attainable goal for experienced attorneys.

5. Additionally, please consider a minor modification to the proposed "Admission on Motion" rule, described below:

a. Paragraph C(4) of the proposed rule requires an applicant to provide "character and fitness statements from three non-related licensed attorneys in good standing in every jurisdiction where the applicant is licensed to practice law..." This requirement provides insight into the applicant's character. However, attorneys licensed in a particular jurisdiction may not maintain personal or professional relationships in that jurisdiction. For example, Judge Advocates of the military services are required to be licensed attorneys in good standing in at least one jurisdiction. However, a career Judge Advocate's duties cause them to be stationed in many different states and often in locations around the world. It is uncommon for a Judge Advocate to be stationed in the state in which he/she is licensed. The Judge Advocate must be in good standing with his/her licensing jurisdiction, but this does not necessarily include maintaining personal relationships with other attorneys practicing in that jurisdiction.

b. Character and fitness statements are most valuable when they come from attorneys that have had significant contact with the applicant, ideally over a period of years. Since those attorneys that know the applicant best may not be from the applicant's licensing jurisdiction, please consider modifying this requirement as follows: "character and fitness statements from three non-related licensed attorneys in good standing with the highest court of their licensing jurisdiction, who are familiar with the applicant's qualifications, certifying that the applicant is a person of good moral character and physically and mentally qualified for admission to the bar of Montana."

6. Thank you for the opportunity to provide comments. The proposed rule for admission on motion will ensure that attorneys admitted to practice will maintain the State Bar of Montana's commitment to excellence and integrity. Please feel free to contact me at [Edward.Lucas@us.af.mil](mailto:Edward.Lucas@us.af.mil) or at (217) 960-1842.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward R. Lucas", with a stylized flourish at the end.

EDWARD R. LUCAS