

FILED

April 16 2015

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

Case Number: AF 11-0244

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CLERK OF THE SUPREME COURT  
STATE OF MONTANA

April 14, 2015

Ed Smith  
Clerk of Court  
Montana Supreme Court  
215 N. Sanders, Rm. 323  
PO Box 203003  
Helena, MT 59620-3003

RE: AF 11-0244, Rules for Admission to the State Bar of Montana

Dear Honorable Clerk of Court:

I write in support of changing Montana's Rules of Admission to allow for reciprocity with other states. I wrote in support of this in 2003. I seem to recall that I had understood that this rule had been studied and recommended by the American Bar Association and approved by the membership of the State Bar. In my opinion, then, as now, the most significant need for this rule is the fact that our Montana clients are more mobile and have increasing multiple state interests. For business, real estate and planning clients, they do not appreciate having to pay two different attorneys to handle relatively ordinary affairs that are often just different parts of the same transaction or planning matter but which happen to be separated by state lines. They also get frustrated when they become a resident of another state and cannot use their long-time attorney who may very well be interested in obtaining a license in that other state, but does not have the time to take another bar exam.

Additionally, I submit that in many areas of the law, Montana is not that special or unique and the reciprocity standards and continuing education requirements will protect the consumer. I believe the opponents to the rule place too much emphasis on worrying about other attorneys coming into the State of Montana. If the issue here is truly the protection of the Montana consumer/client, then why should not that client be able to access an attorney of his or her own choice who has otherwise met the requirements of the reciprocity rules? Likewise, I kindly request this Court consider that it should be appropriate for Montana attorneys to follow their clients into other states or to ply their trade and experience in other states in today's increasingly mobile and connected society.

As recognized by the Court's November 5, 2014 Order, there is an additional reason to support and implement reciprocity, namely, it is illogical that lawyers who recently took the UBE bar

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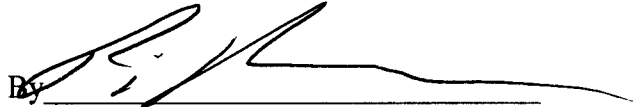
Ed Smith  
April 14, 2015  
Page 2

exam in another state or in this state can be admitted to another UBE state, but those of us who have been practicing law for many years essentially have to take another bar exam or jump through significantly higher standards to be admitted in another state, particularly those of us who are transactional and planning based attorneys. Again, if the goal is to protect the client, the client should be allowed access to experienced attorneys of their choice provided that attorney has complied with the reciprocity rules. It does not make sense that attorneys with no experience have an easier route to other state admissions than those with experience.

I support the Court implementing reciprocity. Thank you for the opportunity to comment.

Sincerely,

JOSEPHSON LAW FIRM, P.L.L.C.

By   
R. Mark Josephson

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