



Bohyer, Erickson,
Beaudette, & Tranel, P.C.

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Jesse B. Beaudette
April 30 2015
John P. Bohyer
Erin M. Erickson
CLERK OF THE SUPREME COURT
Nathan A. Futer
Katherine C. Giffin 0244
Ryan Heuwinkel
Paul N. Tranel

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Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

The Honorable Chief Justice Mike McGrath
Room 323, Justice Building
215 North Sanders
P.O. Box 203003
Helena, MT 59620-3003

Re: November 5, 2014 Order on Proposed Changes to Rules of Admission to the Bar

Dear Chief Justice McGrath:

After considering the Court's proposal to implement admission on motion and adopt reciprocity rules in Montana, I oppose this change. First, the Montana bar is centered around a unique atmosphere of collegiality and professionalism not found in many other jurisdictions. This atmosphere will be lost or, at minimum, greatly diminished should this change occur. That will not be advantageous to clients, opposing parties or our over-worked courts.

Next, the current *pro hac vice* rules provide safeguards to the citizens of this state because these rules require the lawyers that practice under them to be associated with Montana counsel. These rules prevent abuse of the privilege by allowing the Court to withdraw the grant of limited representation. By opening the practice of law to individuals who are not used to, nor subscribe to, the Montana culture will not be beneficial to our courts or to our citizens. Furthermore, these rules already allow for non-Montana licensed lawyers to practice in Montana on select cases. These rules allow that while protecting the public.

It is without doubt the bar exam is important. It requires that those individuals that practice in our courts are competent. That is paramount. Lawyers must understand specific areas of law that are unique to Montana. Few jurisdictions have to address the issues surrounding "Ridley demands" or advance pay issues in general. Furthermore, fewer jurisdictions have third-party bad faith. These types of legal issues are unique to Montana, and the lawyers that practice here must understand the unique differences in the law found here. Those are simply two examples, and in reality the list is endless.

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Respectfully, this Court should reject the proposed reciprocity rule. If reciprocity is implemented in Montana, the UBE should not be the basis for it. That is simply a false pretense on which to adopt these new rules. As the proposed rules are drafted, they allow for unlimited reciprocity, and this is not acceptable.

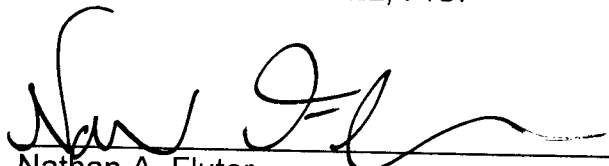
Graduation from the University of Montana School of Law (or any other accredited law school), as well as taking the Montana Bar Exam before it morphed into the "UBE" served to protect, clients, the courts and the public at large. Part of that protection was stripped by the implementation of the UBE. It is a great imperative that all lawyers practicing in Montana have the proper qualifications, education and experience in Montana law. Yes, experience matters. This Court has the duty to maintain these protections, not weaken them. I have been presented with no compelling reason why the admission rules in this instance should be changed. I believe the adoption of the UBE has already weakened these protections. This Court must not weaken them further. As it is, the UBE only requires that test takers sit for a one-day Montana law seminar. That is not a substitute to actually learning Montana law. It does not matter how many years you have practiced law, the fundamental reality is, you must have a strong working-knowledge of Montana law. I do not pretend to know the law of Hawaii, and I am confident a one-day seminar will not help me in that regard.

It has been the rule for a very long time that if you want the privilege to practice in our Montana courts, you must sit for the bar exam. No exceptions. This requirement has served everyone well. I know of no group of stakeholders who have requested this change. The change is not needed. The system is not broken, and consequently no fix is necessary. Again, I oppose these rule changes.

Thank you for the opportunity to present comments on this issue.

Sincerely,

BOHYER, ERICKSON,
BEAUDETTE & TRANEL, P.C.



Nathan A. Fluter

NAF/dlp