

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. AF 06-0090

FILED

MAR 12 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE MATTER OF THE APPOINTMENT
OF A MEMBER TO THE COMMISSION
ON PRACTICE OF THE SUPREME
COURT OF THE STATE OF MONTANA

Rule 2(A) of the Rules for Lawyer Disciplinary Enforcement (2002) provides that appointments to the Commission on Practice shall be made by the Supreme Court from a list of three licensed and practicing attorneys submitted to this Court as having received the three highest number of votes in an election by the Area members of the State Bar of Montana. Rule 2(A) further provides that this Court shall, by order, designate the time, place and method for the election of members for appointment to the Commission on Practice.

The 4-year term of the attorney member from Area B, Chair of the Commission on Practice, John Warren, is due to expire on May 2, 2009. John Warren has consented to reappointment, however, an election is nevertheless required. Area B is comprised of Silver Bow, Deer Lodge, Granite, Powell, Beaverhead, Jefferson and Madison Counties (2nd, 3rd and 5th Judicial Districts).

THEREFORE,

IT IS NOW ORDERED:

1. An election shall be had in Area B for nomination of three resident bar members receiving the three highest number of votes in that area. The three names shall be submitted to this Court, and this Court shall then appoint one of the three to membership on the Commission on Practice.
2. The election in Area B shall be the responsibility of District Judge Kurt Krueger.
3. The elections shall be conducted in the following manner:
 - (a) At the discretion of Judge Krueger, the election may be conducted either by e-mail

or regular mail. Whether by e-mail or regular mail, the ballots shall be in the following form:

AREA B

Silver Bow, Deer Lodge, Granite, Powell, Beaverhead,
Jefferson and Madison Counties
(2nd, 3rd and 5th Judicial Districts).

BALLOT FOR MEMBERS OF COMMISSION ON PRACTICE
(Vote for Three)

1. _____
2. _____
3. _____

(b) If the election is by e-mail, an e-mail shall be sent to each licensed and practicing attorney in Area B with an ascertainable e-mail address, informing the attorney of the election, and a ballot (in the form of an attachment) included. The attorney shall print the ballot from the attachment, vote and return the paper ballot to the address listed in (d) below. Any ballot returned by e-mail will not be counted.

(c) If a licensed and practicing attorney in Area B does not have an ascertainable e-mail address, a letter informing the attorney of the election and a ballot shall be sent, by regular mail, to the attorney. The attorney shall vote and return the ballot to the address listed in (d) below.

(d) All ballots are to be returned to the following address:

Hon. Kurt Krueger
Att: Ballot
155 W. Granite St.
Butte, MT 59701

(e) Judge Krueger shall prepare and distribute the ballots on or before March 27, 2009.

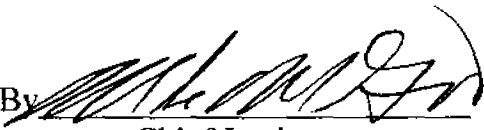
(f) Voted ballots must be returned to Judge Krueger on or before April 10, 2009.

(g) After April 10, 2009, the ballots are to be opened and counted by Judge Krueger. Judge Krueger shall then certify to this Court by no later than April 17, 2009, the names of the three attorneys in Area B receiving the highest number of votes.

The Clerk is directed to mail a true copy of this order to the Honorable Kurt Krueger, to each member of the Commission on Practice, and to the Administrative Secretary of the Commission on Practice.

DATED this 11 day of March, 2009.

For the Court,

By 
Chief Justice