

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0051

ROBERT BAXTER, et al.,

Plaintiffs-Appellees,

v.

**STATE OF MONTANA and
STEVE BULLOCK,**

Defendants-Appellants.

FILED

MAR 30 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF

In accordance with M. R. App. P. 12(7), the International Task Force on Euthanasia and Assisted Suicide [hereafter "International Task Force"], Herbert Hendin, MD, and Professor Yale Kamisar, by and through their counsel, hereby request leave to file an *Amicus Curiae* Brief in Support of the State of Montana and reversal of the First Judicial District Court of Lewis and Clark County. *Amici* applicants requested consent to file. The State takes no position on the request and Plaintiffs-Appellees have stated that they have reached agreement with the State that neither side will oppose requests of various groups to file *amicus* briefs.

INTEREST OF *AMICUS CURIAE* APPLICANTS

The International Task Force is an international leader in the debate over

assisted suicide and euthanasia. It has extensively analyzed Oregon's experience with assisted suicide as well as the legal, economic and public policy implications of transforming assisted suicide into a medical treatment. It works to protect the rights of the terminally ill, the chronically ill, the elderly and persons with disabilities.

Herbert Hendin, MD, Professor of Clinical Psychiatry at New York Medical College, is an internationally and nationally recognized authority on suicide and assisted suicide. He has researched and written extensively on the topics, most recently with a focus on the lack of transparency in the implementation of Oregon's assisted-suicide law.

Yale Kamisar, Professor of Law at the University of San Diego and Professor Emeritus of Law at the University of Michigan, is nationally recognized for his expertise on euthanasia, physician-assisted suicide and constitutional-criminal procedure. He has written numerous books and articles on those topics, ranging from a 1957 landmark article in the *Minnesota Law Review* to his present day articles and scholarly treatises.

Amici's particular expertise will assist this Court in refuting the claim that Oregon has been a laboratory in which legalized assisted suicide has been tested and its results scrutinized. They will demonstrate that guidelines, such as those in Oregon's law, give a false impression of patient protection. They will show that

the economic impact of legalized assisted suicide leads to the denial of treatment. Furthermore, they will provide an analysis of the increased potential for domestic and elder abuse within the context of legalized assisted suicide.

Amici believe that their perspective and arguments will not be adequately presented by others.

With assistance to the Court and protection of vulnerable Montana citizens in mind, *Amici* Applicants move to file an *amicus curiae* brief supporting the State of Montana.


BRIEFING SCHEDULE

Amici Applicants will file their *amicus curiae* brief by April 30, 2009.

RELIEF SOUGHT

For these reasons, *Amici* Applicants request that this Court grant their Motion for Leave to File an *Amicus Curiae* Brief in support of the State of Montana and reversal of the First Judicial District Court of Lewis and Clark County.

Respectfully Submitted,



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