

FILED

12/07/2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: AF 09-0688

ORIGINAL

12/6/16

Ms Linda Fisher

Re: Professional Rules
of Conduct Rule 8.4(G)

Honorable Members of the Court

You have called for public
comment of the proposed new
Rule 8.4(G) of the Professional
Rules of Conduct for Montana
Lawyers/Attorneys. As a concerned
citizen, I hereby submit my
request that you reject this rule
because of government
over reach, freedom
of speech and

Bringing the hope of Jesus
to light at Christmas

Sver

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DEC 07 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

religious freedom. Thank
you for hearing my comment

Sincerely

Linda Fisher

ORIGINAL

December 4, 2016

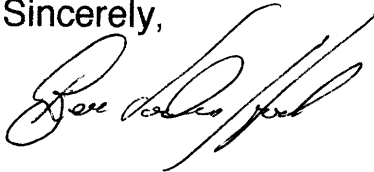
Dear Honorable Members of the Court,

This letter is in regards to your call for public comment of the proposed new Rule 8.4(g) of the Professional Rules of Conduct for Montana Attorneys. As a young professional and recent graduate of MSU, I am concerned for the future wellbeing of our citizens. I hereby submit my request that you reject this rule. This new rule undermines both the freedom of speech and religious freedom amongst state attorneys.

My concern is on the basis that state attorneys will be directly effected by a rule that is outside of government reach. Not only will these attorneys be impacted, but all citizens protected by these attorneys will see the direct impact as well. In an effort to limit discrimination, the religious freedom of many attorneys and whom they represent may be undermined. As a highly motivated entrepreneur and proclaimer of Jesus Christ as my Savior, I must have the ability to have representation from an attorney who can state what I believe when it comes to gender identity and marital status.

Once again, please reject Rule 8.4(g) of the Professional Rules of Conduct for Montana Attorneys.

Sincerely,



Ben VanderHoek

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Ed Smith

CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

December 4, 2016

Dear Honorable Members of the Court,

This letter is in regards to your call for public comment of the proposed new Rule 8.4(g) of the Professional Rules of Conduct for Montana Attorneys. As a worried public school educator, I hereby submit my request that you reject this rule. This new rule undermines both the freedom of speech and religious freedom amongst state attorneys.

My worry is on the basis that state attorneys will be directly effected by a rule that is a complete government overreach. In an effort to limit discrimination, the religious freedom of many attorneys and whom they represent may be undermined. As a public school educator and proclaimer of Jesus Christ as my Savior, I must have the ability to have representation from an attorney who can state what I believe when it comes to gender identity and marital status.

Once again, please reject Rule 8.4(g) of the Professional Rules of Conduct for Montana Attorneys.

Sincerely,

Natalie VanderHoek



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Ed Smith

CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

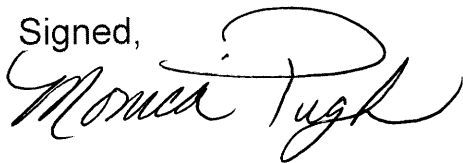
Re: Professional Rules of Conduct, Rule 8.4(g)

Honorable Members of the Court,

You have called for public comment of the proposed new Rule 8.4(g) of the Professional Rules of Conduct for Montana Attorneys. As a concerned citizen, I hereby submit my request that you **reject** this rule for the following reasons.

This is a violation of our freedom of speech, especially for Montana Attorneys and theirs, as well as our, religious freedoms. Again, this is the governments overreach in the lives of American people and their freedoms that they hold dear.

Signed,



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Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

December 5, 2016

Dear Clerk of the Montana Supreme Court,

Re: Professional Rules of Conduct

Rule 8.4(g)

Honorable Members of the Court,

You have called for public comment

of the proposed new Rule 8.4(g) of

the Professional Rules of Conduct for

Montana Attorneys. As a concerned

citizen, I hereby submit my

request that you reject this rule for

the following reason.

This Rule would take away an

Attorney's right to practice as he

or she believes in. How is this

fair?

If someone needs legal help,

he or she can find Attorneys

from the very large "Attorney" section

in the Yellow Pages that could

help them with their legal

d.

concerns.

Sincerely,

Mary Bratton

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DEC 07 2016

Ed Smith

CLERK OF THE SUPREME COURT
STATE OF MONTANA

Professional Rules of Conduct- Rule 8.4

Steve -

Fri 12/2/2016 3:38 AM

To: clerkofsupremecourt@mt.gov <clerkofsupremecourt@mt.gov>;

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Ed Smith

CLERK OF THE SUPREME COURT
STATE OF MONTANA

Honorable Members of the Court,

In your order of October 26, 2016 regarding case number AF 09-0688 you have called for public comment on the proposed new Rule 8.4(g) of the Professional Rules of Conduct for Montana Attorneys.

I hereby submit my request that you decline the adoption of this rule for the following five reasons.

1. A Threat to Freedom of Speech.

By the adoption of this rule Montana Lawyers will find their "verbal conduct"^[i] severely limited, even in social activities "in connection with the practice of law."^[ii] This limitation on free speech is a dangerous precedent. No one expects free speech to be abolished in one fell swoop. It may happen as small groups of citizens, particularly those with less access to public appeal, have their rights limited. This incremental erosion is of great concern. Who will be next? A threat to the freedom of speech for one class is a threat to the freedom of speech for all.

Most importantly, from my perspective, this rule does not allow for sincerely held religious beliefs. Such beliefs may lead a lawyer to speak against certain behaviors associated with a sexual orientation, gender identity or marital status, without acting in a discriminatory manner. Lawyers with such religious beliefs may, by those beliefs, voluntarily limit their clientele. The adoption of this rule, threatens their very livelihood on the basis of their speech. If they speak their beliefs they may be disciplined.

2. A Threat to Religious Freedom.

Montana lawyers may find themselves under the threat of discipline by associating themselves with religious organizations that hold certain behaviors, connected to a sexual orientation, gender identity or marital status, to be contrary to their belief system. This appears to be an overt threat to the religious freedom of Montana attorneys. In addition, this may bring about a chilling effect on access to legal advice if lawyers are reluctant to grant pro-bono work, or to sit on the governing boards of congregations or not-for-profit companies. The lack of access to such legal advice may create a serious threat to religious freedom in Montana.

3. A Threat to the Purpose of the Court.

The ABA Committee on Ethics' Memorandum of December 22, 2015, explaining the purpose of the proposed rule change favorably quotes the sentiment that there is "a need for a cultural shift in understanding the inherent integrity of people..." In other words, the rule change was not proposed for the sake of protecting clients, for protecting attorneys, or for protecting the court. It was proposed because the American Bar Association felt the need to promote a cultural shift. This type of social engineering is clearly outside the auspices of the court. Such an expansion of the purpose of the court threatens the very fiber of the judicial estate. Once the court determines that it is to be the arbiter of cultural values, instead of interpreting the law, it crosses a bridge that ends in the crumbling of the rule of law.

4. A Threat of Class Warfare.

Comment 4 to Rule 8.4(g) says that "Lawyers may engage in conduct undertaken to promote diversity and inclusion without violating this Rule by, for example, implementing initiatives aimed at recruiting, hiring,

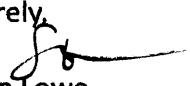
retaining and advancing diverse employees..." If so interpreted, this rule will provide the foundation for exacerbating class warfare. The favored classes will enjoy the support of Montana attorneys. The disfavored classes will suffer. A lawyer would face discipline if he were to say, "I will hire you because you are a white male." A lawyer would be free to say, "I will hire you because you are a lesbian."

5. A Threat to Common Sense.

The final sentence of the proposed rule states, "This paragraph does not preclude legitimate advice or advocacy consistent with these rules." Since Rule 8.4(g) is included in "these rules," the effect of this sentence is, "Rule 8.4 does not preclude legitimate advice consistent with rule 8.4." Rules for the professional conduct of attorneys ought not to contain circular reasoning. What protection could that sentence possibly give to a Montana lawyer?

On the basis of the above reasoning I urge the court not to adopt the proposed change to Rule 8.4 of the Professional Rules of Conduct.

Sincerely,


Steven Lowe
Billings, MT

ii From Comment [3] Whether the Montana Court adopts the comments attendant to Rule 8.4(g) is inconsequential. Montana Lawyers, seeking to interpret the rule will, as a matter of course, reference the comments of the ABA model rules.

iii From Comment [4]

ORIGINAL

With a deadline of December 9 and snail mail the only option, if you choose to act, it must be quickly. The address for comments is:

Clerk of the Montana Supreme Court, P.O. Box 203003, Helena, MT 59620-3003. NOTE: IF you have access to a fax machine, fax is also acceptable. Fax: 406-444-5705

If enough Montanans speak out, we have hope of defending the religious freedom of everyone in the legal profession. Your comments could stop this rule. We urge you to act at once.

Here's a suggestion to get you started on your letter:

Re: Professional Rules of Conduct, Rule 8.4(g)

Honorable Members of the Court,

You have called for public comment of the proposed new Rule 8.4(g) of the Professional Rules of Conduct for Montana Attorneys. As a [concerned citizen] [pastor] [business owner] [Attorney], I hereby submit my request that you reject this rule for the following reasons.

[insert your statement here. Consider religious freedom, government overreach, freedom of speech or other points for your comments.]

Signed, *Rae J. Truitt*

[Your Name]

Remember: We only have until December 9 for a postal mail comment to reach the Supreme Court. Immediate action makes a real difference.

*I don't believe in same sex marriage.
It's an abomination to the Lord.*

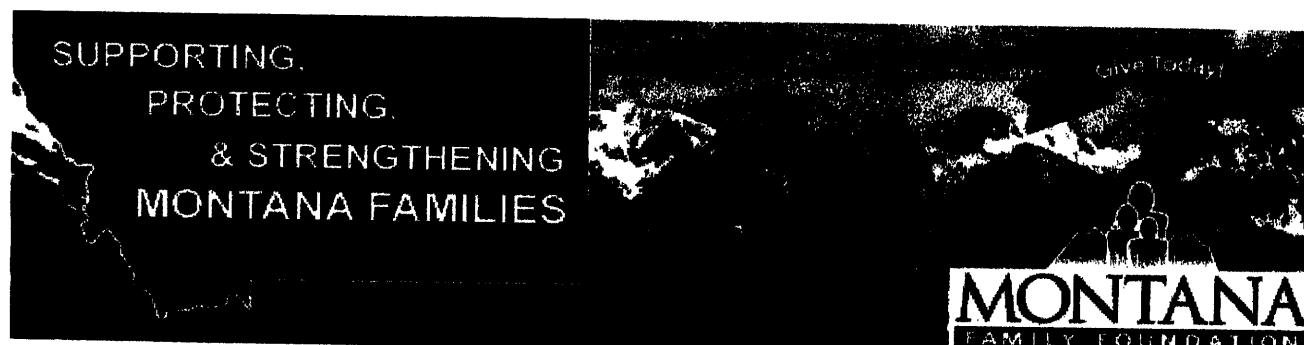
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R. Smith
CLERK OF THE SUPREME COURT
MONTANA

From: "Montana Family Foundation" <communications@montanafamily.org>
To: "John Klier" <jakblgs@bresnan.net>
Cc:
Date: Friday December 2 2016 2:20:41PM

URGENT Call to Action: Deadline Monday



The legal profession could be CLOSED to Christians

Montana's Supreme Court is considering changing the rules for Christian lawyers. Under the proposed new rule, **a lawyer could lose his job for publicly saying, "Marriage is between one man and one woman."**

You read that right. The court is considering adopting a change to their "Rules of Professional Conduct," known as "Rule 8.4(g)," saying, if a lawyer says anything that might be deemed "discriminatory" on the basis of "sexual orientation" or "gender identity," that lawyer could be disbarred -- lose his license to practice law.

[Click here to read the full rule.](#)

The Montana Supreme Court will decide on whether or not this rule is adopted. They are accepting public comments on this proposed rule change through December 9. That means there's no time to waste!

Sadly, the Clerk of the Supreme Court will not accept comments via e-mail. Your comments must be sent via regular mail and must be signed.

P.S. - To all you non-believers, you will need "Jesus" to come to your aid one day... will keep you in my prayers -

ORIGINAL

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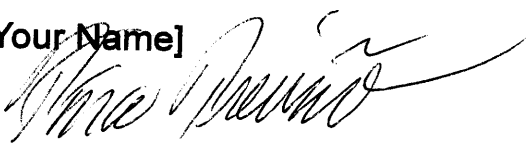
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[insert your statement here. Consider religious freedom, government overreach, freedom of speech or other points for your comments.]

Signed,

[Your Name]



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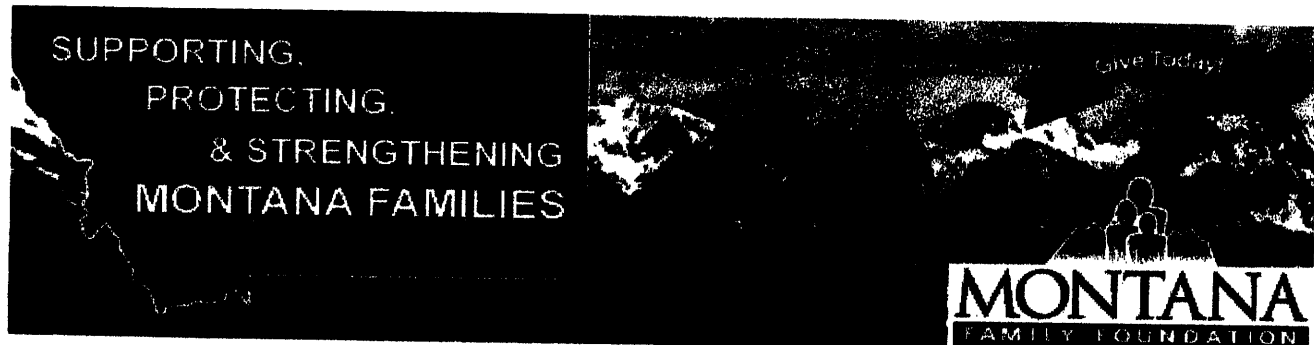
Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Remember: We only have until December 9 for a postal mail comment to reach the Supreme Court. Immediate action makes a real difference.

UNLESS they changed the Constitution, WE'RE allowed "freedom of speech & religious freedom." THERE'S tons of other Religious groups in the U. S. A. & are allowed all freedoms, & they aren't EVEN U. S. CITIZENS!!! I'M proud to BE a "CHRISTIAN" & U. S. CITIZEN. I'M BLESSED TO BE A CHILD OF GOD - THE ONE TRUE GOD. JESUS CHRIST

From: "Montana Family Foundation" <communications@montanafamily.org>
To: "John Klier" <jakblgs@bresnan.net>
Cc:
Date: Friday December 2 2016 2:20:41PM

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Signed,

[Your Name]

Pascual C. Treviño

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Id Smith

CLERK OF THE SUPREME COURT
STATE OF MONTANA

Remember: We only have until December 9 for a postal mail comment to reach the Supreme Court. Immediate action makes a real difference.

my comment:

this is all due to same(SICK)sex marriage. A total abomination to our precious Lord Jesus Christ.

Amen

P.S. Will Be praying for you poor people in congress!

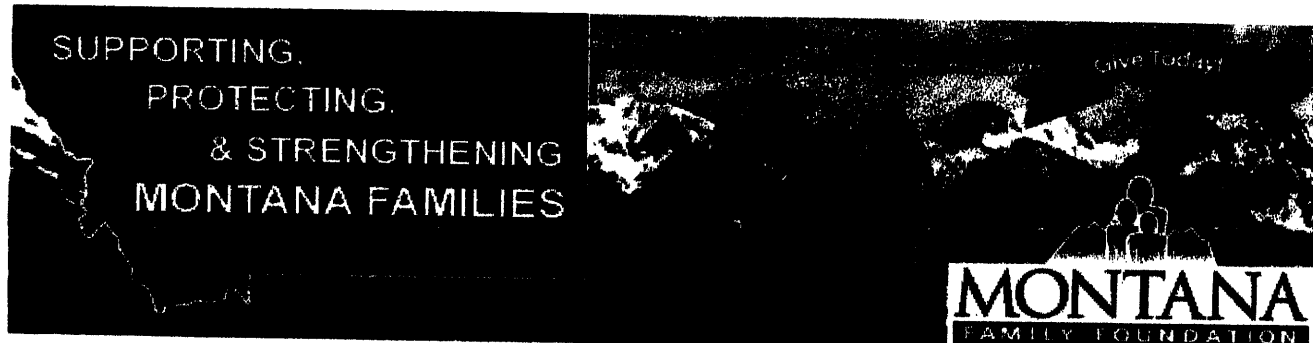
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ORIGINAL

December 2, 2016

RE: Professional Rules of Conduct, Rule 8.4(g)

Honorable Members of the Court,

You called for public comment of the proposed new Rule 8.4(g) of the Professional Rules of Conduct for Montana Attorneys. As a concerned citizen, I hereby submit my request that you reject this rule for the following reasons.

- Religious freedom is at stake here. An attorney has religious freedom just the same as any citizen. Whether I or you agree with the statement, does not take that freedom away from that attorney.
- This is government overreach. We each get to decide what marriage is to us. Again you may not agree with what I think or I may not agree with what you think but, it is none of the government's business. It would seem to me as a taxpayer that you would have something better to do than this!
- This is also a matter of freedom of speech. Again we may not all agree but, nonetheless we all have the freedom of speech because of where we live.

Thank you so much for your time. I do appreciate it.

Sincerely,

Nancy Watson
Nancy Watson

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Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA