

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. AF 06-0090

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

O R D E R

FEB 16 2010

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

Rule 2 of the Rules for Lawyer Disciplinary Enforcement 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 highest number of votes in an election by the Area-resident members of the State Bar. Rule 2 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 E, Gary Davis, is due to expire on April 1, 2010. Gary Davis does not wish to be reappointed.

Area E is comprised of the First, Sixth and Eighteenth Judicial Districts (Lewis & Clark, Broadwater, Park, Sweet Grass and Gallatin Counties).

THEREFORE,

IT IS NOW ORDERED:

1. Elections shall be had in Area E for nomination of three resident bar members whose 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 E shall be the responsibility of District Judge Dorothy McCarter.

3. The elections shall be conducted in the following manner:

(a) At the discretion of Judge McCarter, 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 E

Lewis & Clark, Broadwater, Park, Sweet Grass  
and Gallatin Counties (1<sup>st</sup>, 6<sup>th</sup> and 18<sup>th</sup> Judicial Districts)

(Vote for Three)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

The election will close March 19, 2010. Your ballot must be returned so as to reach its destination on or before that date.

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(b) If the election is by e-mail, an e-mail shall be sent to each licensed and practicing attorney in Area E with an ascertainable e-mail address, informing the attorney of the election, and a ballot (in the form of an attachment) included.

(c) If a licensed and practicing attorney in Area E 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 below:

Hon. Dorothy McCarter  
Att: Ballot  
228 Broadway  
Helena, MT 59601

(d) Judge McCarter shall prepare and distribute the ballots on or before March 8, 2010.

(e) Voted ballots must be returned to Judge McCarter on or before March 19, 2010.

(f) After March 19, 2010, the ballots are to be opened and counted by Judge McCarter. Judge McCarter shall then certify to this Court by no later than March 26, 2010, the names of the three attorneys in Area E receiving the highest number of votes.

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

DATED this 15<sup>th</sup> day of February, 2010.

For the Court,

By 

Chief Justice