

ORIGINAL

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Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: AF 06-0628

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 06-0628

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AUG 04 2021

Bowen Greenwood
Clerk of Supreme Court
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ORDER

IN RE THE PROPOSED AMENDMENTS
TO THE MONTANA RULES FOR
LAWYER DISCIPLINARY ENFORCEMENT

The Court is considering revisions to Rule 26(A) of the Rules for Lawyer Disciplinary Enforcement to clarify the point at which a tendered admission is no longer confidential and to correct a cross-reference.

The proposed amendments to the Rules are as follows. Language proposed to be stricken from the Rules is interlineated, and language proposed to be added is underlined.

RULE 26 - Discipline by Consent

A. Adjudicatory Panel Approval of Tendered Admission.

(3) When a tendered conditional admission is submitted to an Adjudicatory Panel, the tendered conditional admission shall remain confidential until:

(a) the tendered conditional admission shall remain confidential until the Supreme Court issues an order approving or modifying an the Adjudicatory Panel's recommendation, as provided in subsection (A)(4)(a) of this Rule; or

(b) the Commission enters an order imposing public discipline, as provided in subsection (D) of this Rule.

(4) The Adjudicatory Panel may either approve or reject the tendered admission. The Adjudicatory Panel may hold a private hearing for the purpose of obtaining information to aid the Adjudicatory Panel in determining whether to approve or reject the tendered admission.

(a) If the tendered admission is approved by the Adjudicatory Panel, such approval shall be final if the stated form of discipline is a letter of

caution, a public admonition, probation imposed by an Adjudicatory Panel as provided in Rule 9C 9(A)(4)(a) of these Rules, or any combination of these forms of discipline, with or without imposition of costs of the proceeding; but, in all other instances, the tendered admission shall be subject to approval or rejection by the Supreme Court.

(b) If the tendered admission is rejected by either the Adjudicatory Panel or the Supreme Court, the admission shall be deemed withdrawn and cannot be used against the lawyer in any subsequent proceedings.

IT IS THEREFORE ORDERED that all members of the bench and bar of Montana and any other interested persons are granted 30 days from the date of this Order in which to file with the Clerk of this Court appropriate comments and/or suggestions to these Proposed Revisions to the Montana Rules for Lawyer Disciplinary Enforcement.

IT IS FURTHER ORDERED that the Proposed Revisions to the Montana Rules for Lawyer Disciplinary Enforcement shall be posted on the websites of the Montana State Law Library and the State Bar of Montana. The State Bar of Montana is further requested to give notice of this Order and of its website posting of the Proposed Revisions in the next available issue of *The Montana Lawyer*.

IT IS FURTHER ORDERED that the Clerk of this Court shall post this Order with on the Court's website and shall provide copies of such to the State Bar of Montana, and shall provide to each District Court Judge and each Clerk of the District Court a copy of this Order with a request that each Clerk of the District Court make the Order available for public review in the Office of the Clerk of the District Court.

DATED this 7th day of August, 2021.

For the Court,


Chief Justice