

DA 21-0395

FILED

10/06/2021

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA
Case Number: OP 21-0395



COMMISSION ON CHARACTER AND FITNESS OF THE SUPREME COURT OF THE STATE OF MONTANA

33 South Last Chance Gulch, Suite 1B • P.O. BOX 577 • HELENA, MONTANA 59624
(406) 442-7660 Fax (406) 442-7763 Web Site: www.montanabar.org

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October 4, 2021

Clerk of the Montana Supreme Court
Bowen Greenwood
P.O. Box 202003
Helena, MT 59620-3003

FILED

OCT 06 2021

Bowen Greenwood
Clerk of Supreme Court
State of Montana

RE: Montana *Pro Hac Vice* Application

Dear Clerk:

Enclosed is a copy of an application to appear *pro hac vice* before your court or agency from the attorney listed below.

Steven S. Sparling
Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
New York, NY 10036

The attorney has complied with the rules governing a *pro hac vice* appearance and is currently in good standing with the other state or jurisdiction(s) in which they are admitted. Further, the Montana counsel listed in the application is in good standing with the State Bar of Montana.

This is the 1st appearance for the attorney and the 1st appearance for the firm. under the *pro hac vice* rules. Section VI(C) of the Rules for Admission to the State Bar of Montana states: *Except upon a showing of good cause, no attorney or firm may appear pro hac vice in more than two actions or proceedings in any state court or administrative agency in Montana.* Please provide my office with a copy of your decision to grant or deny this application. Please contact me at (406) 447-2204 if you have questions or need further information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sean O'Connor".
Sean O'Connor
Bar Admissions Assistant

Enclosure

cc: Steven S. Sparling
Alex Rate

| | |
|-----------------------|------------------------------|
| Atty Status | Jurisdiction(s) <u>NY CT</u> |
| Discipline | <u>NONE</u> |
| Appearance: Applicant | <u>BT</u> Firm <u>ST</u> |
| MT Attorney | <u>SBM</u> <u>ODC</u> |

(Boxes for State Bar use only.)

| |
|------------------------------|
| #88131746 |
| B2-21 |
| Application Number |
| 10/01/2021 |
| Date Received |
| \$495.00 |
| Fee Paid |
| 10/04/2021 |
| Date Sent to Court or Agency |
| Staff Initials |
| 236315 |
| Check No. |

STATE BAR OF MONTANA
P.O. Box 577, Helena, MT 59624
Street Address: 33 S. Last Chance Gulch, Suite 1B, Helena, MT 59601
Telephone: (406) 442-7660
Fax: (406) 442-7763

PRO HAC VICE APPLICATION

The original application must be submitted to the State Bar of Montana with a fee of \$495 for each *pro hac vice* appearance requested and a certificate of good standing from each state the attorney is a member of.

- | | | |
|--------------------|----------------|---------------------------|
| Steven S. Sparling | (212) 715-7736 | ssparling@kramerlevin.com |
| Applicant's Name | Phone | E-Mail |
- | |
|---|
| Kramer Levin Naftalis & Frankel LLP |
| Firm Name (List all firm(s) with which you are associated.) |
- | | | | |
|-----------------------------|----------|-------|-------|
| 1177 Avenue of the Americas | New York | NY | 10036 |
| Office Address | City | State | Zip |
- | | | | |
|-------------------------|----------|-------|--------|
| 250 Mercer Street, C219 | New York | NY | 100012 |
| Residence Address | City | State | Zip |
- List the name, address, and telephone number of the active member of the State Bar of Montana who is the attorney of record in the case for which this application is being made.

| | |
|---|----------------------|
| Alex Rate | (406) 224-1447 |
| Attorney & Firm Name | Daytime Phone Number |
| ACLU of Montana, P.O. Box 1968 Missoula | MT 59806 |
| Address | City |
| | State |
| | Zip |
- List all state and federal courts in which you have been admitted to practice and the dates of admission and provide certification of good standing for each State only. **Do not** include pro hac vice admissions.

A. State Courts: New York (1999) and Connecticut (1998)

B. Federal Courts: Supreme Court of the United States (2005); U.S.D.C. E.D.N.Y. (2002); U.S.D.C. S.D.N.Y. (2002)

7. Are you currently suspended, disbarred, or otherwise not licensed to practice in any of the above courts? If so, attach copies of all relevant court documents or disciplinary documents. ___ Yes ☒ No
8. Are you subject to pending disciplinary proceedings in any jurisdiction? ___ Yes ☒ No
If so, attach a description of the nature and status of each pending disciplinary proceeding.
9. Do you maintain a residence in Montana? ___ Yes ☒ No
10. Are you regularly employed in Montana? ___ Yes ☒ No
11. Are you regularly engaged in the practice of law or in substantial business or professional activities in Montana? ___ Yes ☒ No
12. Do you have an application for admission to the State Bar of Montana pending? ___ Yes ☒ No
13. List the title of each state court and cause in Montana in which you **OR YOUR FIRM** have filed an application to appear as counsel pro hac vice, the date of each application, and whether it was granted or denied. *(Do not list Federal court pro hac vice appearances.)*

List the current title, court, and cause number for which you are applying.

| | Title, Court, Cause # | County | Date | Granted: (Yes, No) |
|--|--|--------|------|--------------------|
| A. Previous Cases: | None | | | |
| | | | | |
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| | | | | |
| B. CURRENT Case: (please include County) | Supreme Court, L.B., etc. v. United States of America, et al., No. OP 21-0395 | | | |
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| | | | | |

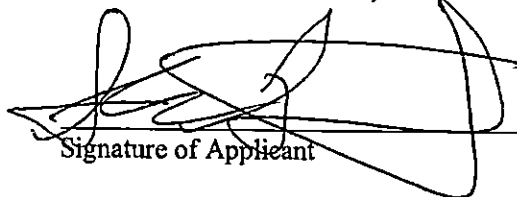
14. I agree to comply with the applicable statutes, laws, and procedural rules of the State of Montana. I further agree to be bound by the Montana Rules of Professional Conduct (except as to Rules 6.1-6.4) and will submit to the jurisdiction of the Montana courts, the Montana disciplinary process, and the State Bar of Montana with respect to acts and omissions occurring during admission under this application.
15. I understand that a lawyer not admitted to practice in Montana is subject to the disciplinary authority of Montana for conduct that constitutes a violation of the Montana Rules of Professional Conduct and that: a) involves the practice of law in Montana by that lawyer; or b) involves that lawyer holding himself or herself out as practicing law in Montana; or c) involves the practice of law in Montana by another lawyer over whom this lawyer has the obligation of supervision or control.
16. I state that payment has been made to the State Bar of Montana in accordance with the requirements of Section IV of the Rules for Admission and in accordance with the requirements of Rule 6 of the Rules for Lawyer Disciplinary Enforcement.
17. I understand I have an on-going obligation to advise the State Bar of Montana and court/administrative agency if my standing or status changes in any of the jurisdictions in which I am admitted during the term of my pro hac vice admission.

18. I agree to provide the State Bar of Montana with the court or administrative agency's order to grant or deny this application. (All applications will be counted as an appearance unless the State Bar of Montana is advised the application was denied by the Court.)
19. I agree to notify the State Bar of Montana of any appeals if the case is referred to a higher court. (If the above action proceeds to a court of higher jurisdiction, I understand the appealed case will not be counted as an additional appearance.)
20. I agree to provide current certificates of good standing from the jurisdiction(s) in which I am admitted.
21. I understand that the \$495 assessment is an annual assessment and agree to promptly pay the assessment as long as this proceeding is pending before a Montana administrative agency or any Montana court (except federal court).

State of New York

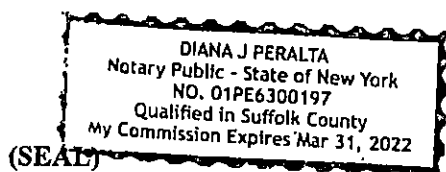
County of SUFFOLK

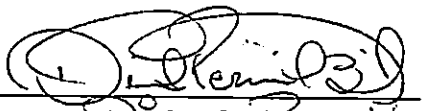
The above statements are true based upon applicant's knowledge and belief. Further, I agree to submit to the pro hac vice rules, the Montana Rules of Professional Conduct, and the Montana Rules for Lawyer Disciplinary Enforcement.


Signature of Applicant

9/16/21
Date

Subscribed and sworn to (or affirmed) before me this 16th day of September, 2021



Notary Signature: 
Printed Name of Notary: Diana Peralta

Notary Public for the State of: New York
Residing in: 81 Newtown Lane #165 Elmhurst
My commission expires: 03-31-2022 1193

ATTACH: Certificate(s) of Good Standing
\$495.00 Pro Hac Vice Fee

Rules and information about pro hac vice are available on the State Bar's website at www.montanabar.org. Please direct questions to Sean O'Connor: soconnor@montanabar.org or (406) 447-2204.