

ORIGINAL

FILED

11/30/2021

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA  
Case No. AF 06-0209

IN THE SUPREME COURT OF THE STATE OF MONTANA

FILED

AF 06-0209

NOV 30 2021

Bowen  
Clerk of  
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IN RE THE MATTER OF THE JUDICIAL  
EDUCATION COMMITTEE

ORDER

Judicial Education is of primary importance to Judges and Justices in fulfilling their obligation to the public and to the litigants appearing in their courts. On December 10, 1984, and from time to time thereafter, this Court has entered orders establishing committees and boards for the purpose of assuring a program of continuing legal education is available to state level Judges and Justices of this Court.

On August 24, 2005, this Court established the Judicial Education Committee (Committee) when it abolished the Board of Continuing Judicial Education. The Order establishing the Committee provided that the Committee consist of eight members including one Montana Supreme Court Justice appointed by this Court, two Judges appointed by this Court, and two Judges elected by the Montana Judges Association. The remaining three members of the Committee include the President of the Montana Judges Association, the Dean of the University of Montana's law school, and the President of the State Bar of Montana. At the time this Court established the Committee, the establishing Order limited Judges to serving two consecutive three-year terms. The Montana Judges Association and the Committee, have requested elimination of the term limitation as it has not provided any particular benefit and has, at times, hindered the Association's ability to provide two judicial members to serve on the Committee. This term limitation has also been an unnecessary limitation on the appointment of a Justice from this Court to the Committee. We conclude it to be more appropriate for the appointing or electing entity, in its discretion, to determine if any limitation in the number of terms an individual may serve should be imposed, and if so, the number of terms an individual may consecutively serve.

Additionally, over time there has been inconsistent participation on the Committee by the law school's Dean likely due to the press of his/her job-related duties and similar inconsistency by the State Bar President likely due to the transitory nature of that one-year position. In light of such, we find it prudent to modify the make-up of the Committee<sup>1</sup> to include an attorney faculty representative of the law school appointed by the Dean and to include a member representative of the State Bar, rather than its President, selected by the Board of the State Bar of Montana. Each appointment made by the Board of the State Bar and the Law School shall be for a 3-year term.<sup>2</sup> Similarly, any limitation in the number of consecutive terms these member representatives may serve, shall be at the discretion of the appointing entity. Accordingly,

IT IS ORDERED that the number of terms a Judge or Justice may serve on the Committee is rescinded and any limitation in the number of terms an individual Judge, Justice, State Bar representative, or Law School representative may serve shall be left to the discretion of the appointing or electing entity.

IT IS FURTHER ORDERED that the composition of the Committee is modified and shall consist of one Supreme Court Justice appointed by this Court; two judges appointed by this Court; two judges elected by the Montana Judges Association; an attorney faculty representative of the Alexander Blewett III School of Law at the University of Montana appointed by the Dean; and a member representative of the State Bar selected by the Board of the State Bar of Montana. Each term of election or appointment shall be 3 years in duration commencing January 1 and ending December 31. The number of consecutive terms an individual may serve on the Committee shall be determined by the appointing or electing entity.

The Clerk is directed to provide immediate notice of this Order to Hon. Olivia Rieger, President of the Montana Judges Association; Mr. Brian Smith, President of the

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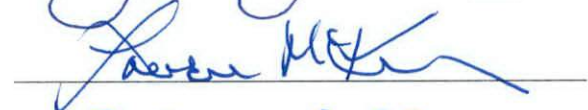
<sup>1</sup> In addition to the one Supreme Court Justice appointed by this Court, the two judges appointed by this Court, and the two judges elected by the Montana Judges Association.

State Bar of Montana; Ms. Cathay Y.N. Smith, Acting Dean of Academic Affairs at the Blewett School of Law at the University of Montana; Shauna Ryan, staff of the Supreme Court Administrator's Office serving as Committee Secretary, Justice Laurie McKinnon, Hon. Luke Berger, Hon. Matt Cuffe, Hon. Mary Jane Knisely, and Hon. Elizabeth Best.

DATED this 30<sup>th</sup> day of November, 2021.



Chief Justice



Justices