



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

FILED

01/07/2022

Bowen Greenwood CLERK OF THE SUPREME COURT STATE OF MONTANA

Case Number: DA 20-0330

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

DA 20-0330

January 6, 2022

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BAR ADMISSIONS ASSISTANT

SEAN O'CONNOR P.O. Box 577 Helena, MT 59624 seconnor@montanabar.org

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

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.

Brett Max Kaufman American Civil Liberties Union (ACLU) 125 Broad Street, 18th Floor New York, NY 10004

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 15th 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,

Sean O'Connor Bar Admissions Assistant

Enclosure

cc: Brett Max Kaufman Alexander H. Rate

FILED

JAN 07 2022

Bowen Greenwood Clerk of Supreme Court State of Montana

Atty Status	Jurisdiction(s) NY ✓
Discipline	NONE
Appearance: Applicant	IST Firm ISTH
MT Attorney	SBM ✓ ODC ✓

(Boxes for State Bar use only.)

#P68628110

1-22	
Application Number 01/05/2022 SD	
Date Received \$509.85	Staff Initials OP/LINE
Fee Paid 01/06/2022	Check No.
Date Sent to Court or Agency	

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

FILED

JAN 07 2022

Bowen Greenwood
Clerk of Supreme Court
State of Montana

PRO HAC VICE APPLICATION

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

- | | | | |
|----|--------------------------|-----------------------|--------------------------|
| 1. | <u>Brett Max Kaufman</u> | <u>(917) 912-2827</u> | <u>bkaufman@aclu.org</u> |
| | Applicant's Name | Phone | E-Mail |
- | | |
|----|---|
| 2. | <u>American Civil Liberties Union Foundation</u> |
| | Firm Name (List all firm(s) with which you are associated.) |
- | | | | | |
|----|-------------------------------------|-----------------|-----------|--------------|
| 3. | <u>125 Broad Street, 18th Floor</u> | <u>New York</u> | <u>NY</u> | <u>10128</u> |
| | Office Address | City | State | Zip |
- | | | | | |
|----|--------------------------------|--------------------|-----------|--------------|
| 4. | <u>1309 N. Coronado Street</u> | <u>Los Angeles</u> | <u>CA</u> | <u>90026</u> |
| | 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.

<u>Alex Rate, American Civil Liberties Union of Montana</u>	<u>(406) 224-2447</u>
Attorney & Firm Name	Daytime Phone Number
<u>P.O. Box 1968</u>	<u>Missoula</u>
Address	City
	<u>MT</u>
	<u>59806</u>
	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: Supreme Court of New York, 3d Judicial Dept. (5/26/10)

B. Federal Courts: SCOTUS (11/28/16), Western District of New York (5/2/19), Southern District of New York (10/3/12), District of D.C. (7/15/20), 2d Cir. (4/15/13), 3d Cir. (4/26/17), 4th Cir. (4/24/20), 9th Cir. (6/12/19), Fed. Cir. (6/23/15)

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 X No
8. Are you subject to pending disciplinary proceedings in any jurisdiction? If so, attach a description of the nature and status of each pending disciplinary proceeding. ___ Yes X No
9. Do you maintain a residence in Montana? ___ Yes X No
10. Are you regularly employed in Montana? ___ Yes X No
11. Are you regularly engaged in the practice of law or in substantial business or professional activities in Montana? ___ Yes X No
12. Do you have an application for admission to the State Bar of Montana pending? ___ Yes X 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: Please refer to attachment.			

B. CURRENT Case: (please include County) <u>State v. Mefford, DA 20-0330 (Mont.)</u> <u>MONTANA</u>			
<u>SUPREME COURT</u>			

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 Virginia

County of Prince William

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.

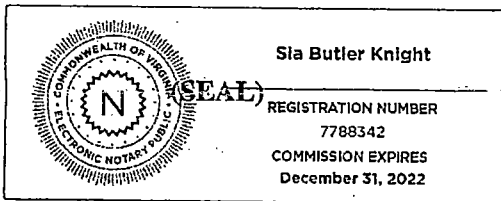
Brett Max Kaufman

01/03/2022

Signature of Applicant

Date

Subscribed and sworn to (or affirmed) before me this 3rd day of January, 2022.



Notary Signature: *Sia Butler Knight*

Printed Name of Notary: Sia Butler Knight

Notary Public for the State of: Virginia

Residing in: Woodbridge, VA

My commission expires: 01/03/2022

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

Notarized online using audio-video communication

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.

American Civil Liberties Union pro hac vice appearances in MT since 1998					
Date	Case #	Case Name	Attorney	Granted	Appearance
2/20/2002	CDV 2002-097	Snetsinger, et al. v. Montana University System, et al.	Tamara Lange	Yes	1
3/14/2002	CDV 2002-133	White, et al. v. Martz, et al.	Spencer Freedman Robin Dahlberg E. Vincent Warren Amrit Singh	Yes	2
4/3/2003	ADV 2003-072	Brown v. Montana Districting and Apportionment Commission	Laughlin McDonald	Yes	3
1/10/2010	BDV 2009-1163	Robert Doe v. State of Montana	Steven M. Watt	Yes	4
7/7/2010	DV 2010-702	Donaldson v. State of Montana	Elizabeth O. Gill	Yes	5
08/01/2017	OP 17-0449	ACLU of MT v. Fox*	Z. Gabriel Arkles	No	X
10/18/2017	CDV 17-0763	Hobaugh v. State of Montana	Z. Gabriel Arkles	Yes	6
11/1/2017	DA 17-0492	Espinoza v. MT Dept. of Revenue	Heather L. Weaver	Yes	7
3/5/2019	DV 2019-0212	Lopez v. Gootkin & Jarrett*	Cody Wofsy Spencer Amdur Daniel Antonio Galindo	No	X
6/14/2019		Maloney v. Yellowstone County	Joshua A. Block	Yes	8
3/13/2020 05/26/2020 05/26/2020	DV 20-0377	Western Native Voice v. Stapleton	Tiffany Alora Thomas Ihaab Syed Dale E. Ho	Yes	9
7/16/2020	1570-1572-2019	Maloney v. Yellowstone County	Malita Vencienzo Picasso	Yes	10
5/17/2021	DV 21 - 0560	Western Native Voice v. Jacobsen	Alora Thomas-Lundborg Theresa Lee Ihaab Syed Dale E. Ho	Yes	11
7/17/2021	DV 21-00873	Marquez et al. v. State et al	John Knight	Yes	12
8/13/2021	DV 21- 0398	Yellow Kidney v. MT OPI	Mark Carter Stephen L. Pevar	Yes	13
10/15/2021	OP 21-0395	L.B. v. U.S.A	Stephen L Pevar Linda Morris Sandra Park	Yes	14

*Do not count as appearances (fourteen total appearances).