

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 21-0521

PLANNED PARENTHOOD OF MONTANA, and JOEY BANKS, M.D.,
On behalf of themselves and their parents,

Plaintiffs and Appellees,

v.

STATE OF MONTANA, by and through AUSTIN KNUDSEN, in his official
capacity as Attorney General,

Defendant and Appellant.

**AMICI CURIAE THE CENTER FOR REPRODUCTIVE RIGHTS AND
ACLU OF MONTANA UNOPPOSED
MOTION FOR PRO HAC VICE ADMISSION OF AMY MYRICK,
ALEXANDER WILSON, AND ASTRID ACKERMAN**

On Appeal from the Montana Thirteenth Judicial District Court,
Yellowstone County, the Honorable Michael G. Moses, Presiding.

APPEARANCES:

Alex Rate
Akilah Lane
ACLU of Montana Foundation, Inc.
P.O. Box 1968
Missoula, MT 59806
(406) 443-8590
ratea@aclumontana.org
lanea@aclumontana.org

Attorneys for Proposed Amici

**Pro hac vice application submitted*

Amy Myrick *
Alexander Wilson *
Astrid Ackerman *
Center for Reproductive Rights
199 Water Street
New York, NY 10038
(917) 637-3659
(917) 637-3783
(917) 637-3600
amyrick@reprorights.org
awilson@reprorights.org
aackerman@reprorights.org

Proposed Amici the Center for Reproductive Rights and ACLU of Montana respectfully move the Court to enter an order admitting Amy Myrick, Alexander Wilson, and Astrid Ackerman, of the Center for Reproductive Rights, to join Alex Rate and Akilah Lane, of the ACLU of Montana Foundation, as counsel submitting an amicus brief on behalf of their organizations in the above-entitled matter. The State takes no position on the motion, and Plaintiffs consent to the motion. Affidavits of Ms. Myrick, Mr. Wilson, and Ms. Ackerman in support of this motion are attached as Exhibits A–C.

Amici expect that the State of Montana Bar Admissions Administrator will review Ms. Myrick’s, Mr. Wilson’s, and Ms. Ackerman’s *pro hac vice* applications and confirm that each attorney is appearing before this Court for the first time. While the Bar Admissions Administrator may note this is the Center for Reproductive Rights’ third appearance before this Court, the Center for Reproductive Rights is a non-profit organization whose various advocacy activities include pro bono legal representation, not a law “firm.” Amici contend that the requirement for firms to show good cause upon a third (or subsequent) *pro hac vice* appearance does not apply to a non-profit organization such as the Center for Reproductive Rights.

In the alternative, good cause exists to grant the motion to appear *pro hac vice*. The Center for Reproductive Rights has extensive and specialized experience

litigating reproductive rights cases. Since its founding in 1992, the Center has been involved in nearly all major litigation in the U.S. concerning reproductive rights in state and federal courts, including state supreme courts and the U.S. Supreme Court. Among other cases, the Center represented the plaintiffs in *Armstrong v. State*, 1999 MT 261, 296 Mont. 361, 989 P.2d 364, the landmark ruling in which this Court held that the state constitution affords the most robust protections to the right to privacy, including the right to abortion.

Further, as specifically detailed in the accompanying affidavits, Ms. Myrick, Mr. Wilson, and Ms. Ackerman each specializes in reproductive rights advocacy and has relevant expertise on the issues presented in this matter. Ms. Myrick is a Senior Staff Attorney at the Center for Reproductive Rights, and author of numerous reports, briefs, and articles on reproductive rights and related issues. Mr. Wilson is a Staff Attorney at the Center for Reproductive Rights, where he researches and tracks national reproductive rights legal developments. Finally, Ms. Ackerman is a Litigation Fellow at the Center for Reproductive Rights, where she litigates reproductive rights cases around the country; she has also handled several reproductive rights matters as a litigation associate at a national law firm.

Ms. Myrick, Mr. Wilson, and Ms. Ackerman have complied with the rules

governing *pro hac vice* appearances and are currently in good standing in all jurisdictions in which they are admitted.

Contact information for Ms. Myrick, Mr. Wilson, and Ms. Ackerman is as follows:

Amy Myrick
Center for Reproductive Rights
199 Water Street
New York, NY 10038
amyrick@reprorights.org
(917) 637-3659

Alexander Wilson
Center for Reproductive Rights
199 Water Street
New York, NY 10038
awilson@reprorights.org
(917) 637-3783

Astrid Ackerman
Center for Reproductive Rights
199 Water Street
New York, NY 10038
aackerman@reprorights.org
(917) 637-3600

The undersigned represents that he is admitted to practice in Montana, is a resident of Montana, and is familiar with the 2009 Amended Rules for Admission to the Bar of Montana.

For the foregoing reasons, Amici the Center for Reproductive Rights and ACLU of Montana respectfully request that the Court GRANT the motion for *pro hac vice* admission of Amy Myrick, Alexander Wilson, and Astrid Ackerman in the above-entitled case.

A proposed order is attached.

Respectfully submitted this 22nd day of March, 2022

/s/ Alex Rate
Alex Rate
ACLU OF MONTANA
Attorney for Amicus ACLU of MT

CERTIFICATE OF SERVICE

I, Alex Rate, hereby certify that I have served a true and accurate copy the forgoing document to the following on March 22nd, 2022:

Raphael Graybill
Graybill Law Firm, PC
Representing: Plaintiffs/Appellees
Service Method: eService

Kimberly Parker
Nicole Rabner
Wilmer Cutler Pickering Hale & Dorr LLP
Representing: Plaintiffs/Appellees
Service Method: eService

Alan Schoenfeld
Michelle Nicole Diamond
Wilmer Cutler Pickering Hale & Dorr LLP
Representing: Plaintiffs/Appellees
Service Method: eService

Gene R. Jarussi
Representing: Plaintiffs/Appellees
Service Method: eService

Hana Bajramovic
Planned Parenthood Federation of America, Inc.
Representing: Plaintiffs/Appellees
Service Method: eService

Alice Clapman
Planned Parenthood Federation of America, Inc.
Representing: Plaintiffs/Appellees
Service Method: eService

Austin Knudsen
Montana Attorney General
Kristin Hansen
Lieutenant General
David M.S. Dewhirst
Solicitor General
Kathleen L. Smithgall
Brent Mead
Assistant Solicitors General
Representing: Defendant/Appellant
Service Method: eService

Kevin H. Therot (AZ Bar No. 030446)
Denise M. Harle (FL Bar No. 81977)
Alliance Defending Freedom
Representing: Defendant/Appellant
Service Method: eService

Electronically signed by Krystel Pickens on behalf of Alex Rate
Dated: March 22nd, 2022.

CERTIFICATE OF SERVICE

I, Akilah Lane, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 03-22-2022:

Austin Knudsen (Govt Attorney)
215 N. Sanders
Helena MT 59620
Representing: State of Montana
Service Method: eService

Kristin Hansen (Govt Attorney)
215 N. Sanders
Helena MT 59601
Representing: State of Montana
Service Method: eService

David Dewhirst (Govt Attorney)
215 N Sanders
Helena MT 59601
Representing: State of Montana
Service Method: eService

Kathleen Smithgall (Govt Attorney)
215 N. Sanders St.
Helena MT 59601
Representing: State of Montana
Service Method: eService

Brent Mead (Govt Attorney)
215 North Sanders
Helena MT 59601
Representing: State of Montana
Service Method: eService

Patrick Risken (Govt Attorney)
215 N. Sanders
Helena MT 59620-1401
Representing: State of Montana
Service Method: eService

Raphael Graybill (Attorney)
300 4th Street North
PO Box 3586
Great Falls MT 59403
Representing: Planned Parenthood of Montana, Joey Banks
Service Method: eService

Gene Jarussi (Attorney)
Bishop, Heenan & Davies
1631 Zimmerman Tr, No. 1
Billings MT 59102
Representing: Planned Parenthood of Montana, Joey Banks
Service Method: eService

Emily Cross (Attorney)
401 North 31st Street
Suite 1500
P.O. Box 639
Billings MT 59103-0639
Representing: Delegates
Service Method: eService

Kyle Gray (Attorney)
P.O. Box 639
Billings MT 59103
Representing: Delegates
Service Method: eService

Brianne McClafferty (Attorney)
401 North 31st Street, Suite 1500
P. O. Box 639
Billings MT 59103-0639
Representing: Delegates
Service Method: eService

Alexander Rate (Attorney)
713 Loch Leven Drive
Livingston MT 59047
Representing: ACLU of Montana Foundation, Inc., National Women's Law Center, Center for Reproductive Rights
Service Method: eService

Lindsay Beck (Attorney)
1946 Stadium Drive, Suite 1
Bozeman MT 59715
Representing: American College of Obstetricians and Gynecologists
Service Method: eService

Kimberly Parker (Attorney)

1875 Pennsylvania Avenue NW
Washington DC 20006
Representing: Planned Parenthood of Montana, Joey Banks
Service Method: E-mail Delivery

Hana Bajramovic (Attorney)
123 William St., Floor 9
New York NY 10038
Representing: Planned Parenthood of Montana, Joey Banks
Service Method: E-mail Delivery

Alice Clapman (Attorney)
1110 Vermont Ave, NW Ste 300
Washington DC 20005
Representing: Planned Parenthood of Montana, Joey Banks
Service Method: E-mail Delivery

Nicole Rabner (Attorney)
1875 Pennsylvania Avenue NW
Washington DC 20006
Representing: Planned Parenthood of Montana, Joey Banks
Service Method: E-mail Delivery

Alan Schoenfeld (Attorney)
7 World Trade Center, 250 Greenwich Street
New York NY 10007
Representing: Planned Parenthood of Montana, Joey Banks
Service Method: E-mail Delivery

Michelle Diamond (Attorney)
7 World Trade Center, 250 Greenwich Street
New York NY 10007
Representing: Planned Parenthood of Montana, Joey Banks
Service Method: E-mail Delivery

Electronically Signed By: Akilah Lane
Dated: 03-22-2022