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FILED

05/12/2022

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: PR 06-0422

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 06-0422

IN RE:
MICHAEL D. RUSSELL,

Petitioner.

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)
) PETITION TO WAIVE MPRE
) REQUIREMENT AND
) TEMPORARY AUTHORITY TO
) PRACTICE LAW
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MAY 12 2022

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Clerk of Supreme Court
State of Montana

Petitioner Michael D. Russell (New Mexico State Bar No. 145804) respectfully petitions this Honorable Court for the following relief:

1. To waive the three-year Multistate Professional Responsibility Examination (“MPRE”) test requirement for admission to the State Bar of Montana; and
2. To provisionally and temporarily admit him to the practice of law in Montana for four months, during review of his application to the Montana Bar by admission on motion.

“The Montana Supreme Court is the final authority as to whether an applicant may be admitted to practice law in Montana ... [and] may, under circumstances it deems sufficient, waive any requirement under

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these Rules.” Rules for Admission to the State Bar of Montana (“Admission Rules”) § XI(A). Petitioner proffers that sufficient circumstances exist and requests that the Court grant the requested relief.

Waiver of the Three-Year MPRE Score Requirement

Petitioner asks this Court to waive the three-year Multistate Professional Responsibility Examination (“MPRE”) test requirement for admission into the State Bar of Montana.

Pending approval of his character and fitness report by the Montana State Bar and the National Council of Board Examiners and attendance at Montana Law Seminar, Petitioner will satisfy all the admission requirements except for submitting a qualifying MPRE score obtained within the past three years. Petitioner earned a score higher than 80 on the MPRE in November 2012. Petitioner has remained an active attorney in good standing in New Mexico since 2013, and at no time has Petitioner faced any disciplinary or ethical issues.

This Court has previously granted similar relief. *See, e.g., In re Taylor*, PR 06-0422 (Mont. Sept. 15, 2020); *In re Flowers*, PR 06-0422 (Mont. Aug. 18, 2020); *In re Wigginton*, PR 06-0422 (Mont. Aug. 12, 2020);

In re Bradbury, PR 06-0422 (Mont. Aug. 4, 2020). Accordingly, Petitioner requests this Court to waive the three-year test requirement for the MPRE for purposes of his application for admission to the State Bar of Montana.

Temporarily Admit Petitioner to Practice of Law

Petitioner asks this Honorable Court to provisionally and temporarily admit him to the practice of law in Montana, pending approval of his application to the Montana Bar by admission on motion. Petitioner's application is pending with the Montana Bar, and his character and fitness application is being processed by the National Council of Bar Examiners. Petitioner has been hired as an Assistant Attorney General in the Agency Legal Services Bureau ("ALSB") of the Montana Department of Justice. Until provisionally admitted, Petitioner will perform the duties of a law clerk to the ALSB in the Office of the Attorney General.

Petitioner sat for the New Mexico bar exam in July 2013 and obtained licensure in the State Bar of New Mexico on September 23, 2013. At no time has Petitioner faced any disciplinary or ethical issues. A Certificate of Good Standing from the New Mexico Supreme Court is

attached to this Petition. (See Exhibit A).

Petitioner further will remain employed at the Attorney General's Office continuously during the pendency of any temporary admission and will work under the direct supervision of Patrick Risken, the ALSB Bureau Chief. Should Petitioner's employment status change, Petitioner will immediately notify this Court.

Given his existing qualifications, Petitioner respectfully requests that this Court provisionally admit him to the practice of law in Montana pending the approval of his application to the Montana Bar by admission on motion. Petitioner's temporary admission will greatly assist the Attorney General in conducting the state's legal business. See Exhibit B.

This Court previously has granted similar relief. See, e.g., *In re Temporary Admission to Practice of Dale Schowengerdt*, PR 07-0303 (Mont. Oct. 29, 2014) ("*In re Schowengerdt*"). Thus, Petitioner asks this Court to temporarily admit him to the practice law for a period of four months, while his application by UBE transfer is pending.

Requested Relief

Petitioner respectfully requests that this Court (1) waive the three-

year MPRE requirement; and (2) temporarily admit him to the practice of law in Montana for a period of four months, while his application by admission on motion is pending.

Dated: May 12, 2022

Respectfully submitted,



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EXHIBIT A

EXHIBIT B

3. ALSB is currently staffed by eight full-time attorneys and one part-time attorney. One additional attorney will begin work at ALSB on May 23, 2022, while another will leave the Bureau that week.

4. Applicant Michael Russell accepted employment with the ALSB on March 8, 2022, moved to Helena from Albuquerque, New Mexico on April 16, 2022 and began work as a law clerk at the ALSB on April 25, 2022. ALSB hired Mr. Russell to fill one of its open attorney positions, pending his admission to the Montana Bar.

5. ALSB provides a variety of legal services to departments, agencies and boards throughout the Montana state government system, including direct representation in litigation, hearing examiner services, board or committee representation and general advice.

6. In recent months the work referrals from the various ALSB clients have increased substantially. While that is a good problem to have it has resulted in individual attorney workloads reaching full capacity. An additional practicing attorney would relieve strain on ALSB attorney resources and provide better service to clients.

7. ALSB presently has a particularly heavy litigation case load. Mr. Russell has experience from his practice in New Mexico that would

help level the overload of litigation cases and his ability to represent clients in court at this time would be of great benefit to the Bureau.

8. Mr. Russell has demonstrated superior competence and ethics while working as a law clerk for ALSB. I have full confidence that he will continue to do so while serving ALSB clients as counsel.

9. Mr. Russell will work under my direct supervision until he is admitted to the Montana Bar.

10. I hereby declare under penalty of perjury under the laws of the State of Montana that the foregoing is true and correct to the best of my knowledge.

DATED this 12th day of May, 2022.



PATRICK M. RISKEN