



ORIGINAL

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08/05/2022

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 22-0218

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FILED

AUG 05 2022

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. DA 22-0218

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ELAINE HERMAN GIRDLER,

Appellant,

vs.

JEFFREY ALAN GIRDLER,

Appellee.

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**VERIFIED MOTION FOR  
SPECIAL ADMISSION TO  
APPEAR PRO HAC VICE**

Elaine Herman Girdler (hereinafter "Herman"), through undersigned counsel, and pursuant to Rule V of the Rules Governing Admission to the Bar of Montana, respectfully requests that Rachel N. Mech, of Offit Kurman, P.A., be admitted *pro hac vice* in the above-captioned case. In support of her Motion, states:

1. Ms. Mech lives in Lutherville, MD and maintains an office at:

Rachel N. Mech, Esq. (CPF#1512160113)  
Offit Kurman, P.A.  
300 E. Lombard Street, Suite 2010  
Baltimore, MD 21202  
410-209-6447; 410-209-6435 (Fax)  
rmech@offitkurman.com

2. Ms. Mech is a member of the following bars:

Maryland (Client Protection Fund No. 1512160113);

District of Columbia (Bar No. 1046800);

U.S. District Court for the District of Maryland (Bar No. 19479); and

U.S. Court of Appeals for the Fourth Circuit.

3. Ms. Mech is a member in good standing in every jurisdiction where he has been admitted to practice.

4. There are no disciplinary proceedings pending against Ms. Mech as a member of the Bar in any jurisdiction.

5. Ms. Mech has familiarized herself with the Local Rules of this Court, particularly including, but not limited to, the Montana Rules of Professional Conduct and the Montana Rules of Civil Procedure.

6. Ms. Mech has not previously appeared, or sought to appear, in any action in this Court and does not maintain a regular practice in the State of Montana. Hence, she has not abused the privilege to specially appear under the rules.

7. Herman and Ms. Mech designate and consent to the undersigned, Joseph Nevin, The Law Offices of Joseph Nevin, as the responsible attorney for the progress of the case. All notices and papers may be served upon Mr. Nevin. Mr. Nevin is a member in good standing of the Montana Bar and this Court, is a resident of Montana, and consents to act and accept the designation as local counsel for Herman.

8. Ms. Mech has submitted her Application for *Pro Hac Vice Appearance* to the Clerk of the Court along with the required fees to the Clerk and for the special admission.

9. In accordance with Rule 16 Motions the Montana Rules of Appellate Procedure, opposing counsel has been contacted concerning this motion and does not object to the motion.

### **MEMORANDUM OF LAW**

Rule V of the Rules Governing Admission to the Bar of Montana states, in pertinent part,

Admission to the State Bar of Montana is governed by the Montana Supreme Court Commission on Character and Fitness and the Montana Supreme Court Board of Bar Examiners

...

#### **B. Methods of Admission**

Admission to the State Bar of Montana may be accomplished by four methods:

1. examination as provided in Rule III;
2. transfer of Uniform Bar Examination score from

- another jurisdiction  
as provided in Rule IV;  
3. admission on motion as provided in Rule V; and  
**4. pro hac vice appearance as provided in Rule VI.**

Rule VI governs Pro Hac Vice admission:

A. Upon written application, an attorney who is not admitted to practice law in the state courts of Montana and who is at the time admitted and authorized to practice law in the highest court of another state may, with leave of the presiding court, appear *pro hac vice* in any action or proceeding, if an attorney admitted to practice in the courts of Montana is associated as attorney of record.

B. An attorney may not appear *pro hac vice* under this Rule if the attorney is a resident of Montana, is regularly employed in Montana, or is engaged in the practice of law or in substantial business or professional activities in Montana, unless the attorney has an application for admission pending with the Bar Admissions Administrator.

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E. The completed application, along with a fee equal to the annual amount paid by active members of the Montana Bar, must be filed with the Bar Admissions Administrator.

As reflected in the Motion itself, Ms. Mech's candidacy meets all of the prerequisites of this Rule VI. Accordingly, Herman asks the Court to enter an Order admitting Ms. Mech *pro hac vice*.

DATED this 1<sup>st</sup> day of August, 2022.

/s/ Joseph Nevin

Joseph Nevin  
Attorney for Appellant

**VERIFICATION**

I, Rachel N. Mech, Esquire, of OFFIT KURMAN, P.A., 300 E. Lombard St., Ste. 2010, Baltimore, MD 21202, hereby affirm and attest to the truth of the foregoing, and state that I have personal knowledge of the foregoing, and am competent to testify to the matters so stated.



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RACHEL N. MECH, ESQUIRE

## CERTIFICATE OF SERVICE

I, Joseph Nevin, state that I have served the above document by mailing a copy, postage prepaid, hand delivered, or by e-Service to counsel of record at the following address on this 1st day of August, 2022.

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*Maryland Counsel for Appellant*

/s/ Joseph Nevin