

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 22-0207

HELEN WEEMS and JANE DOE,

Plaintiffs and Appellees,

v.

STATE OF MONTANA, by and through AUSTIN KNUDSEN, in his official capacity as Attorney General, and TRAVIS R. AHNER, in his official capacity as County Attorney for Flathead County,

Defendants and Appellants.

**MOTION FOR LEAVE OF LEGAL VOICE AND WOMEN'S LAW
PROJECT TO APPEAR AS AMICI CURIAE**

On appeal from the First Judicial District Court, Lewis and Clark County,
Cause No. ADV-2018-73, The Hon. Mike Menahan, Presiding

APPEARANCES:

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Attorneys for *Amici Curiae*

The above-listed organizations respectfully request leave to submit a brief as *amici curiae* in support of Plaintiffs-Appellees Helen Weems and Jane Doe, pursuant to Montana Rule of Appellate Procedure 12(7).

STATEMENTS OF INTEREST

Amici are regional and state-based organizations from around the country who work to advance gender justice, including through advocacy, in the areas of reproductive rights and intimate partner violence (“IPV”).

Legal Voice, founded in 1978 as the Northwest Women’s Law Center, is a nonprofit public interest organization based in Seattle that works in the Northwest states (Washington, Montana, Idaho, Oregon, and Alaska) to protect and advance reproductive rights for women and LGBTQ+ people, as well as to improve protections for survivors of IPV. Legal Voice has appeared frequently as counsel of record and as *amicus curiae* in cases in the Northwest and throughout the country. Among other matters, Legal Voice (then known as the Northwest Women’s Law Center) served as counsel for the plaintiffs in *Gryczan v. State*, 283 Mont. 433, 942 P.2d 112 (1997), the case in which this Court held that the state’s ban on same-gender sexual contact violated the right to privacy under the Montana Constitution.

Women’s Law Project (WLP) is a Pennsylvania-based nonprofit legal advocacy organization devoted to eradicating sex discrimination and promoting gender justice and equality. For decades, WLP has represented Pennsylvania’s freestanding abortion facilities. This experience has given WLP insight into the harm that overly restrictive abortion regulations inflict on medical providers and patients. In particular, laws that restrict the provision of abortion care to only licensed physicians have the effect of making abortion less accessible, which in turn threatens patients’ health and interferes with their ability to effectuate their reproductive decisions. For survivors of IPV, obstructing access to confidential and timely

abortion care can be life-threatening. Because such restrictions interfere with the exercise of a fundamental right, the strictest judicial scrutiny is warranted.

REASONS WHY THE *AMICI* BRIEF IS DESIRABLE

Amici have a strong interest in this case and can assist the Court in the resolution of the significant issues of public importance that it raises. In particular, *amici* can provide the Court with expertise on the appropriate level of judicial scrutiny that must be applied to the challenged statute, as well as the importance of this case to an often overlooked but critically impacted group of individuals—survivors of IPV. *Amici*'s extensive experience working with survivors from groups who are particularly impacted by IPV, such as Communities of Color, indigenous groups, individuals with disabilities, and the LGBTQ+ community, can assist the Court in considering the impact on all people.

IDENTITY OF THE PARTY WHOSE POSITION THE *AMICI* SUPPORTS

Amici support the position of Plaintiffs-Appellees Helen Weems and Jane Doe.

THE PROPOSED DATE FOR FILING THE *AMICI* BRIEF

Amici have submitted a proposed brief of *amici curiae* concurrently with this motion and respectfully request that the Court grant leave to file the proposed brief.

CONTACT WITH DEFENDANT-APPELLANT

Counsel for Defendants-Appellants have been contacted and take no position on this motion.

DATED this 23rd day of September, 2022.

Respectfully submitted,

/s/ Matthew Gordon

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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 16(3) of the Montana Rules of Appellate Procedure, I certify this Motion to Appear as Amici is printed with a proportionately spaced Times New Roman typeface in 14 point font, is double spaced, and the word count calculated by the word processing software does not exceed 533 words, excluding the cover page, tables, and certificates.

/s/ Matthew Gordon

Matthew Gordon

Attorney for Amici Curiae

CERTIFICATE OF SERVICE

I, Matthew Prairie Gordon, hereby certify that I have served true and accurate copies of the foregoing Motion - Amicus to the following on 09-23-2022:

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Dated: 09-23-2022