



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

FILED

02/17/2023

Bowen Greenwood CLERK OF THE SUPREME COURT STATE OF MONTANA

Case Number: DA 22-0586

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

February 14, 2023

RECEIVED

FEB 16 2023

Bowen Greenwood Clerk of Supreme Court State of Montana

FILED

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Bowen Greenwood Clerk of Supreme Court State of Montana

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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.

Cody S. Barnett Alliance Defending Freedom 44180 Riverside Parkway Lansdowne, VA 20176

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 4th 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: Cody S. Barnett Justin M. Oliveira

Atty Status	Jurisdiction(s) KY ✓ DC ✓
Discipline	NONE
Appearance: Applicant	1st Firm <u>ATL</u>
MT Attorney	SBM ✓ ODC ✓

(Boxes for State Bar use only.)

VERIFIED ONLINE

#PG8806815	
11-23	
Date Received	Application Number
02/13/2023	SD
Fee Paid	Staff Initials
\$575.00	GO888
Date Sent to Court or Agency	Check No.
02/14/2023	

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

PRO HAC VICE APPLICATION

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

- | | | | |
|----|------------------|--------------|-----------------------|
| 1. | Cody S. Barnett | 571-707-4655 | cbarnett@adflegal.org |
| | Applicant's Name | Phone | E-Mail |
- | | |
|----|---|
| 2. | Alliance Defending Freedom |
| | Firm Name (List all firm(s) with which you are associated.) |
- | | | | | |
|----|--|------|-------|-----|
| 3. | 44180 Riverside Parkway, Lansdowne, VA 20176 | | | |
| | Office Address | City | State | Zip |
- | | | | | |
|----|--|------|-------|-----|
| 4. | 807 Valemount Terrace NE, Leesburg, VA 20176 | | | |
| | Residence Address | City | State | Zip |
- | | | | | |
|----|---|----------------------|-------|-----|
| 5. | 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. | | | |
| | Justin M. Oliveira | (406) 201-6087 | | |
| | Attorney & Firm Name | Daytime Phone Number | | |
| | P.O. Box 80266, Billings, MT 59108 | | | |
| | Address | City | State | Zip |
- | | |
|----|--|
| 6. | 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: Kentucky Supreme Court - 10/23/2017; District of Columbia - 6/9/2020 |
| B. | Federal Courts: U.S. Court of Appeals for 2nd Circuit, U.S. Court of Appeals for 6th Circuit, U.S. Court of Appeals for 7th Circuit, U.S. Court of Appeals for 9th Circuit, U.S. Court of Appeals for 10th Circuit |

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? ___ Yes X No
If so, attach a description of the nature and status of each pending disciplinary proceeding.
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:	Planned Parenthood of Montana v. Montana; Thirteenth Judicial District Court; DV 21-0999; Yellowstone County; 9/15/2021; Yes		SD	<u>SEE ATTACHED</u>
B. CURRENT Case: (please include County)	Barrett v. Montana			
	Montana Supreme Court, Case No. DA 22-0586			

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).

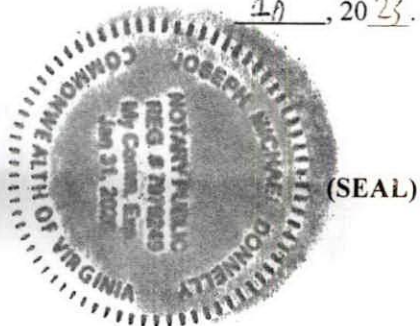
State of Virginia

County of Louisa

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.

Cody Bevers
Signature of Applicant
2/10/2023
Date

Subscribed and sworn to (or affirmed) before me this 10th day of February, 2023.



Notary Signature: Joseph M. Donnelly
Printed Name of Notary: Joseph Michael Donnelly
Notary Public for the State of: Virginia
Residing in: Leesburg, VA
My commission expires: January 31, 2026

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

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.

Alliance Defending Freedom & Alliance Defense Fund pro hac vice appearances in MT since 1998

App #	App Date	Case #	Case Name	Venue	Attorney	Granted	Appearance
58-03	7/15/2003	#03-238,	Snetsinger v. Montana University System	Yellowstone County	Glen Lavy	Yes	1
34-08	3/24/2008	DR-07-34	In re the Marriage of Michelle Kulstad and Barbara Maniaci/ In re Parenting of the Minor Children, LM and AM	Missoula County	Amy Smith	Yes	2
125-12 126-12	11/19/2012	Not Listed	Wilson v. Superintendent of Public Instruction	Office of Public Instruction	Jeremy Tedesco David A. Cortman	No	X*
78-21 103-21	9/21/2021 12/06/2021	DV 21-0999	Planned Parenthood of Montana v. State	Yellowstone County	Denise M. Harle Kevin Hayden Theriot	Yes	3

* Denied-does not count as an appearance.