



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

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

FILED

05/09/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 24-0039

May 6, 2024

C&F COMMISSION:

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PO Box 1131
Helena, MT 59624

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Missoula, MT 59803

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klynch@montanabar.org

BAR ADMISSIONS
COORDINATOR

LAURA FROVARP
P.O. Box 577
Helena, MT 59624
lfrovarp@montanabar.org

Mr. Bowen Greenwood,
Clerk Montana Supreme Court
P.O. Box 203003
Helena, MT 59620

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:

Ari S. Bargil
Institute for Justice
2 South Biscayne Blvd., Suite 3180
Miami, FL 33131

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 3rd 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) 447-2217 if you have questions or need further information.

Sincerely,

Laura Frovarp
Bar Admissions Coordinator

Enclosure

Cc: David F. Knobel
Ari S. Bargil

FILED

MAY - 7 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

Atty Status	Jurisdiction(s) FL ✓
Discipline	
Appearance: Applicant	1st Firm 3rd
MT Attorney	SBM ✓ ODC ✓

(Boxes for State Bar use only.)

P68806977

51-24	
5-6-24	Application Number LF
Date Received \$515	Staff Initials 003779
Fee Paid 5-6-24	Check No.
Date Sent to Court or Agency	

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 \$515.00 for each *pro hac vice* appearance requested and a certificate of good standing from each state the attorney is a member of.

- | | | |
|------------------|----------------|----------------|
| Ari S. Bargil | (305) 721-1600 | abargil@ij.org |
| Applicant's Name | Phone | E-Mail |
- | |
|-------------------------------------------------------------|
| Institute for Justice |
| Firm Name (List all firm(s) with which you are associated.) |
- | | | | |
|----------------------------------|-------|-------|-------|
| 2 South Biscayne Blvd., Ste 3180 | Miami | FL | 33131 |
| Office Address | City | State | Zip |
- | | | | |
|-------------------|-----------------|-------|-------|
| 1930 SW 23rd Ave. | Fort Lauderdale | FL | 33312 |
| Residence Address | City | State | Zip |
- 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.

David F. Knobel, CROWLEY FLECK PLLP	(406) 255-7343
Attorney & Firm Name	Daytime Phone Number
490 N 31st St.	Billings
Address	City
	MT 59101
	State Zip
- 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: Florida State Bar (10/2/2009), U.S. District Court for the Southern District of Florida (6/6/2011), U.S. District Court for the Northern District of Florida (6/10/2015), and U.S. District Court for the Middle District of Florida (6/21/2019).

B. Federal Courts: U.S. Supreme Court (8/7/2017), U.S. Court of Appeals DC Circuit (4/15/2013), U.S. Court of Appeals 11th Circuit (6/8/2015), and U.S. Court of Appeals 5th Circuit (2/22/2024).

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 ☒ No
8. Are you subject to pending disciplinary proceedings in any jurisdiction? If so, attach a description of the nature and status of each pending disciplinary proceeding. ☐ Yes ☒ No
9. Do you maintain a residence in Montana? ☐ Yes ☒ No
10. Are you regularly employed in Montana? ☐ Yes ☒ No
11. Are you regularly engaged in the practice of law or in substantial business or professional activities in Montana? ☐ Yes ☒ No
12. Do you have an application for admission to the State Bar of Montana pending? ☐ Yes ☒ 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:	Kendra Espinoza, et al. v. Montana Dept. of Revenue, et al., Montana Eleventh Judicial District, Cause No. DV 15-1152A.	Flathead County	12/18/2015	Yes
	Bridges, et al. v. Montana Board of Medical Examiners et al., Montana Fourth Judicial District, Cause No. DV-32-2020-0000647-DK.	Missoula County	6/15/2020	Yes
B. CURRENT Case: (please include County)	M.A.I.D., LLC. v. State of Montana, Supreme Court of the State of Montana, Cause No. DA 24-0039.	Gallatin County	4/29/2024	Pending

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 \$515.00 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 FLORIDA
County of MIAMI - DADE

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.

Signature of Applicant

4/23/24

Date

Subscribed and sworn to (or affirmed) before me this 23rd day of APRIL, 2024



(SEAL)

REBEKAH S.H. RAMIREZ
Commission # HH 476541
Expires January 24, 2028

Notary Signature:

Printed Name of Notary: REBEKAH S.H. RAMIREZ

Notary Public for the State of: FLORIDA

Residing in: MIAMI - DADE

My commission expires: JAN. 24, 2028

ATTACH: Certificate(s) of Good Standing
\$515.00 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 Kathie Lynch: klynch@montanabar.org or (406) 447-2210.



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

State of Florida)

County of Leon)

In Re: 0071454
Ari Simon Bargil
Institute for Justice
2 S Biscayne Blvd Ste 3180
Miami, FL 33131-1803

I CERTIFY THE FOLLOWING:

I am the custodian of membership records of The Florida Bar.

Membership records of The Florida Bar indicate that The Florida Bar member listed above was admitted to practice law in the state of Florida on **October 2, 2009**.

The Florida Bar member above is an active member in good standing of The Florida Bar who is eligible to practice law in the state of Florida.

Dated this 9th day of **April, 2024**.

Cynthia B. Jackson, CFO
Administration Division
The Florida Bar

PG:R10
CTM-278237



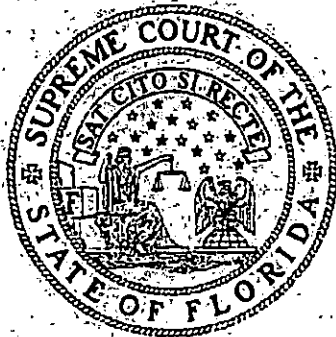
Supreme Court of Florida

Certificate of Good Standing

I, JOHN A. TOMASINO, Clerk of the Supreme Court of the State of Florida, do hereby certify that

ARI SIMON BARGIL

was admitted as an attorney and counselor entitled to practice law in all the Courts of the State of Florida on OCTOBER 2, 2009, is presently in good standing, and that the private and professional character of the attorney appears to be good.



*WITNESS my hand and the Seal of the
Supreme Court of Florida at Tallahassee,
the Capital, this JANUARY 10, 2024.*

[Signature]
Clerk of the Supreme Court of Florida

IN THE SUPREME COURT OF THE STATE OF MONTANA
Cause No. DA 24-0039

MONTANANS AGAINST IRRESPONSIBLE DENSIFICATION, LLC,

Plaintiff and Appellee,

v.

STATE OF MONTANA,

Defendant and Appellant.

On Appeal from the Montana Eighteenth Judicial District Court,
Gallatin County, DV-16-2023-1248,
Hon. Michael Salvagni, Presiding Judge

**AFFIDAVIT OF ARI S. BARGIL IN SUPPORT OF APPLICATION FOR
ADMISSION TO APPEAR *PRO HAC VICE***

I, ARI S. BARGIL, declare under penalty of perjury that the following is true:

1. I, Ari S. Bargil, by and through Montana counsel, respectfully apply to this Court to appear *pro hac vice* in the above-captioned matter on behalf of *amicus curiae* the Institute for Justice.

2. I am an attorney with the Institute for Justice. Before filing for *pro hac vice* admission in this case, I had not previously sought *pro hac vice* admission in the State of Montana. Although I have not previously received *pro hac vice* admission in the courts of Montana, attorneys affiliated with the Institute for Justice have appeared *pro hac vice* in two proceedings before Montana state courts since

November 17, 1998. Pursuant to Rule VI(C) of the Rules of Admission to the Bar of Montana, I hereby make the following submission of good cause for my admission *pro hac vice* in this matter.

3. Good cause for my admission *pro hac vice* exists because of my subject-matter expertise with issues presented in this matter and because of my relationship with *amicus*.

4. *Amicus* Institute for Justice (IJ) is a national civil liberties law firm that seeks to secure constitutional rights that everyday people use to pursue their dreams. It pursues its mission by, among other things, filing lawsuits in state and federal courts across the country seeking to vindicate its clients' constitutional rights. Those cases often include claims under the federal and state due process and equal protection clauses, including several challenges to irrational zoning and land-use laws. As an attorney at IJ working on these issues, I have developed subject-matter expertise on the constitutionality of zoning laws under due process and equal protection clauses. That expertise is implicated by this lawsuit's due process and equal protection challenges to state legislation that regulates how local governments exercise zoning powers.

5. IJ also pursues its mission through public advocacy and by filing amicus briefs in cases that raise important constitutional issues. As a nonprofit, public-interest organization, IJ has a distinct and constitutionally protected interest

in pursuing and expressing its advocacy through its own attorneys, who are intimately familiar with its mission and who associate with IJ for the purpose of advancing that mission.

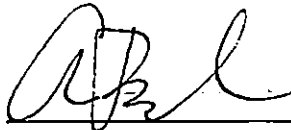
6. I have been an attorney with IJ since September 2012. In that role, I am responsible for working on litigation and public outreach relating to constitutional rights, including on subjects relating to zoning and property rights. In fulfilling these responsibilities, I have become intimately familiar with IJ's public advocacy, litigation, and public-interest goals relating to, among other things, zoning, procedural and substantive due process protections, equal protection guarantees, and property rights.

7. This expertise in the subject matter and experience working on behalf of *amicus* are not commonly available among the membership of the State Bar of Montana. See, e.g., Application to Appear *Pro Hac Vice*, *Planned Parenthood of Montana v. State*, DA 23-0272 (Mont. Mar. 8, 2024) (stating good cause based on four-year relationship with *amici* associations and experience with similar cases); Order, *Planned Parenthood of Montana v. State*, DA 23-0272 (Mont. Mar. 12, 2024) (finding good cause and granting application); Application to Appear *Pro Hac Vice*, *Planned Parenthood of Montana v. State*, DA 23-0272 (Mont. Sept. 11, 2023) (application by attorney employed by nonprofit organization that was representing a local affiliate, with no separate discussion of good cause); Order, *Planned*

Parenthood of Montana v. State, DA 23-0272 (Mont. Sept. 12, 2023) (finding good cause and granting application).

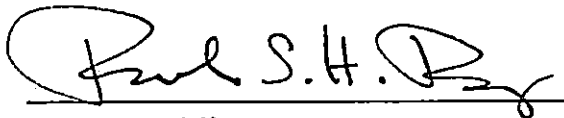
8. For these reasons, I respectfully request that the Court find good cause for my admission *pro hac vice* in this matter.

Dated this 23 day of April, 2024.



Ari S. Bargil

Subscribed and sworn to before me
This 23rd day of April, 2024.



Notary Public



REBEKAH S.H. RAMIREZ
Commission # HH 476541
Expires January 24, 2028