

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 11-0244

IN RE THE RULES FOR ADMISSION
TO THE BAR OF MONTANAO R D E R

The State Bar of Montana has submitted proposed revisions to the Rules for Admission to the State Bar of Montana to add two new provisions to the rule governing pro hac vice admission. After consideration of the proposed revisions, the Court has determined that the bench and bar of the State of Montana should be provided an opportunity to comment on the proposed revisions.

IT IS THEREFORE ORDERED that all members of the bench and bar of Montana and any other interested persons are granted 30 days from the date of this Order in which to file with the Clerk of this Court appropriate comments and/or suggestions to the following proposed additions to the Rules for Admission to the State Bar of Montana:

VI. *PRO HAC VICE*

. . . .

L. An applicant is not required to associate with local counsel as described in Section VI.A. of this Rule or pay the fee established by Section VIE. if the applicant establishes to the satisfaction of the State Bar of Montana Admissions Administrator that:

1. The applicant seeks to appear in a Montana court for the limited purpose of participating in a child custody proceeding as defined by 25 U.S.C. § 1903 pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. § 1901 et. seq; or participating in a child custody proceeding as defined by Montana Code Annotated § 41-3-1303(3), pursuant to the Montana Indian Child Welfare Act, Montana Code annotated § 41-3-1301 et seq.

2. The applicant represents an Indian tribe, parent, or Indian custodian, as defined by 25 U.S.C. § 1903; or Montana Code Annotated § 41-3-1303; and

3. One of the following:

a. if the applicant represents an Indian tribe, the Indian child's tribe has executed an affidavit asserting the tribe's intent to intervene and participate in the state court proceeding and affirming the child's membership or eligibility of membership under tribal law; or

b. if the applicant represents a parent or Indian custodian, the tribe has affirmed the child's membership or eligibility of membership under tribal law.

M. A new applicant seeking pro hac vice status to practice before the Montana Water Court (not previously granted such status), is not required to associate with local counsel as described in Section VI.A. of this Rule or pay the fee established by Section VI.E. and VI.K. if the applicant is: (1) an employee of the federal government; and (2) is not a resident of the state of Montana. Any such applicant shall bring a motion before the Water Court requesting pro hac vice admission and file a Water Court Pro Hac Vice Form available from the State Bar of Montana.

IT IS FURTHER ORDERED that this Order shall be posted on the websites of the Montana Judicial Branch and the State Bar of Montana. The State Bar of Montana is further requested to give notice of this Order and of its website posting of the proposed revisions in the next available issue of The Montana Lawyer.

IT IS FURTHER ORDERED that the Clerk of this Court shall provide copies of this Order to the State Bar of Montana, to the Montana Water Court and the Montana Water Court Clerk of Court, and to each District Court Judge and each Clerk of the District Court with a request that each Clerk of the District Court make the Order available for public review in the Office of the Clerk of the District Court.

Dated this 2nd day of October, 2024.

For the Court,

/S/ MIKE McGRATH