

# ORIGINAL

# FILED

May 19 2014



## THE BLACKFEET LEGAL DEPARTMENT

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May 16, 2014

Mr. Ed Smith, Clerk  
Montana Supreme Court  
Room 323, Justice Building  
215 North Sanders  
Helena, MT 59620-3003

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MAY 19 2014

Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Re: Attorney Comment – Proposed Changes to MCA 3-1-804

Dear Mr. Smith:

I am writing to object to the proposed rule change for MCA 3-1-804 Substitution of District Judges, as it is discriminatory and contrary to ensuring a fair and equitable tribunal for all parties appearing before it.

First, I am opposed to the \$400 increase in fees – for a total of \$500 – as it is completely unfair and discriminatory. Based on the exorbitant increase, many minority and impoverished clients will not be able to file a preemptory challenge. This is unfair and compromises the judicial system of Montana.

Second, I strongly oppose the 20-day decrease – for a total of 10 days to request a substitution – as it is a disadvantage and adversely impacts completing reasonable due diligence prior to requesting the court for such a substitution. The present rule of 30-days works well.

Finally, I am opposed to having a client have to sign such a challenge. It is up to the attorney to inform the client of such a legal decision.

Thank you for your attention to this matter. I am strongly against any of the proposed rule changes for MCA 3-1-804 Substitution of District Judges as they are discriminatory and bias and not in favor of a fair and equitable system.

Sincerely,

A handwritten signature in black ink, appearing to read "Derek E. Kline", with a long, sweeping horizontal line extending to the right.

Derek E. Kline  
Attorney-at-law  
Bar Number 12134