

IN THE SUPREME COURT OF THE STATE OF MONTANA

IN RE RULES OF PROCEDURE OF THE)
COMMISSION ON CHARACTER AND FITNESS) ORDER
OF THE SUPREME COURT OF MONTANA)
)

On March 17, 2000, the Commission on Character and Fitness petitioned this Court to amend the Rules of Procedure of the Commission on Character and Fitness of the Supreme Court of Montana which were adopted by this Court and became effective November 17, 1998. This Court having considered the Petition,

IT IS HEREBY ORDERED that effective June 1, 2000, Sections 5(c)(6) and 5(d) of the Rules of Procedure of the Commission on Character and Fitness of the Supreme Court of Montana is amended and a new subsection, Section 5(e), is added as follows:

SECTION 5: INVESTIGATION, HEARING & CONDITIONAL CERTIFICATION PROCESS

FILED
MAR 23 2000

Ed Smith
CLERK OF SUPREME COURT
STATE OF MONTANA

(c) Hearing.

6. The Commission on Character and Fitness shall, when denying admission ~~or issuing conditional certifications~~, issue written findings of fact, conclusions of law, and decision concerning the applicant's character and fitness to practice law.

(d) Conditional Certification. The subcommittee or the full Commission may conditionally certify the applicant. The subcommittee and Commission may require specific probationary terms for admission, including, but not limited to, requiring alcohol or drug treatment, requiring medical care, requiring psychological or psychiatric care, requiring professional office practice or management counseling, requiring practice supervision and requiring professional audits or reports. The Commission may require persons to supervise the probation and may recommend that cooperation with such supervisors be a probationary term. ~~The Commission may require that violation of any probationary term be grounds for revocation of probation and immediate suspension from the practice of law.~~ The Commission may require a specific duration for such probationary terms.

(e) Failure to Comply with Stipulation. Upon failure to comply with the terms and conditions of the conditional certification stipulation, the Commission may:

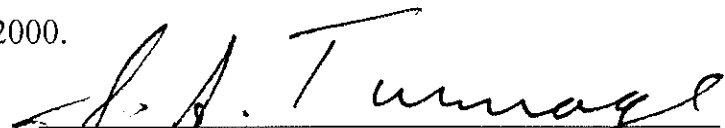
1. Reauest evidence of compliance with the stipulation be submitted to the Commission within ten (10) davs following. the date of the reauest.

2. In the event there is continued non-compliance with the stipulation. the Commission mav convene a show cause hearing at the request of the applicant applying the arovisions of Section 5(c) of these Rules. Violation of any probationary terms for admission mav be grounds for recommendation by the Commission to the Montana Supreme Court that applicant's certification to practice law be revoked and that the auulicant immediately be suspended from the practice of law.

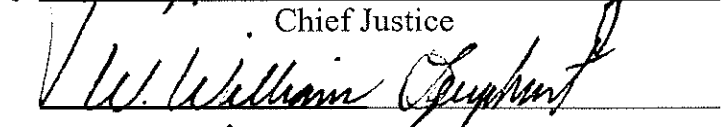
IT IS FURTHER ORDERED all persons with conditional stipulated admissions will be governed by said amendments,


The Clerk is directed to provide copies of this Order to the State Bar of Montana to the Administrator of the Board of Bar Examiners; to West Group; to the Code Commissioner and Director of Legal Services at the Montana Legislative Services Division; and to *The Montana Lawyer* magazine with the request that this Order be published in the next possible issue.

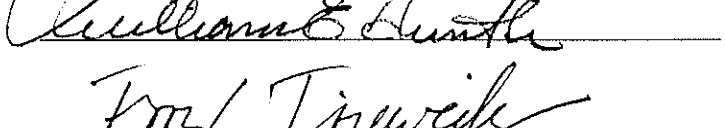
Dated this 29th day of March, 2000.

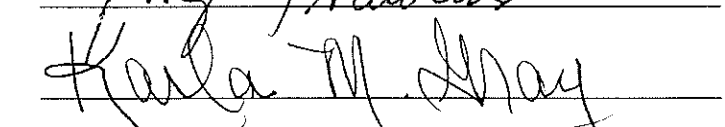


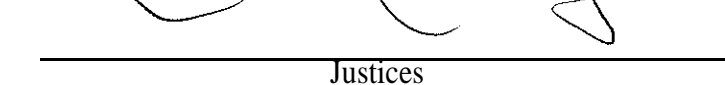
Chief Justice











Justices

March 23, 2000

CERTIFICATE OF SERVICE

I hereby certify that the attached document was sent by United States mail, prepaid, to the following named:

GREG PETESCH
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STATE BAR OF MONTANA
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- West Group
610 Opperman Dr.
PO Box 64526
St. Paul, MN 55164-0526

ED SMITH
CLERK OF THE SUPREME COURT

STATE OF MONTANA

BY: _____
Deputy

