

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. 05-291

IN THE MATTER OF ATTORNEYS SEEKING)
REINSTATEMENT TO ACTIVE STATUS IN) ORDER
THE STATE OF MONTANA)

At the request of this Court the following persons met with the Court in public session on May 10, 2005, at 1:30 pm: Chris Manos, Executive Director, State Bar of Montana; Annie Goodwin, Chairperson, Commission on Character and Fitness; Paul Stahl, Member, Commission of Continuing Legal Education; and Jan Weber, State Bar Admissions Administrator. The purpose of this meeting was to agree upon and establish protocols and procedures with respect to attorneys seeking admission to active status with the State Bar of Montana from inactive, emeritus or senior status.

State Bar Admissions Administrator, Jan Weber, prepared for the Court and those present, a position paper with attachments on the matter under discussion. This position paper represents the consensus of the State Bar, the Commission on Character and Fitness and the Commission of Continuing Legal Education. The Court expresses its appreciation to the Bar and to the Chairs and Members of these Commissions for their recommendations and to Ms. Weber for preparing the position paper and attachments. A copy of the position paper and attachments will be filed with the original copy of this Order in the Office of the Clerk of the Supreme Court.

On consideration of the position paper and attachments and after discussing this matter with those present, we conclude that “Option 1” as described in the position paper should be adopted.

Specifically,

IT IS ORDERED that:

(1) those attorneys seeking admission to active status with the State Bar of Montana from inactive, emeritus or senior status shall petition this Court using the form attached hereto as Exhibit “A”. Copies of this form shall be available in the Office of the State Bar of Montana; in the Office of the Clerk of the Supreme Court of Montana; and, on-line, at the websites of the State Bar of Montana and State of Montana Law Library

(2) the original and two copies of the petition shall be filed in the Office of the Supreme Court Clerk;

(3) upon review of the petition by the Supreme Court, the Court, in its discretion, may either grant the petition or refer the petition for investigation by the Commission on Character and Fitness. Upon concluding its investigation, the Commission on Character and Fitness may make written recommendations to the Court or may certify the petitioner for admission to active status without further action of the Court.

(4) the admission of any attorney to active status from inactive, emeritus or senior status is conditioned upon the payment of all dues, fees, and taxes prescribed by the State Bar of Montana or by law and upon compliance with the Continuing Legal Education requirements prescribed by this Court.

IT IS FURTHER ORDERED that is Order is effective on the date hereof.

IT IS FURTHER ORDERED that the Clerk of this Court give notice of this Order by mailing a copy of this Order and the Exhibit “A” (but excluding the position paper and attachments) to: the Executive Director of the State Bar of Montana, with the request that this Order be published on the State Bar of Montana’s website; the Chairpersons of the Commission on Character and Fitness and the Commission of Continuing Legal Education; and the Librarian of State Law Library with the request that this Order be published on the State Law Library website.

Dated this 18th day of May, 2005.

/S/ JAMES C. NELSON

/S/ W. WILLIAM LEAPHART
/S/ PATRICIA O. COTTER
/S/ JIM RICE
/S/ JOHN WARNER
/S/ BRIAN MORRIS

EXHIBIT A

Petitioner Name
Address
City, State, Zip
Telephone
Fax

SUPREME COURT OF THE STATE OF MONTANA

No. _____

IN RE PETITION OF _____(name)
FOR REINSTATEMENT TO ACTIVE STATUS
IN THE STATE BAR OF MONTANA

P E T I T I O N

COMES NOW _____(name) and respectfully
petitions this Court for reinstatement to active status pursuant to Section 3 of the By-Laws of the
State Bar of Montana.

Petitioner was admitted to the State Bar of Montana on _____(date)

Petitioner (check one):

- Voluntarily chose inactive status on _____(date).
- Voluntarily chose emeritus status on _____(date).
- Voluntarily chose senior status on _____(date).
- Was placed on inactive status by the State Bar of Montana pursuant to Rules 3B2, 5, and 12,
of the Rules for Continuing Legal Education on _____(date) as a result
of noncompliance with CLE requirements.
- Was suspended for noncompliance with CLE requirements on _____(date).

- Has been suspended for three or more consecutive years for nonpayment of dues. Petitioner was suspended on _____ (date).

Petitioner is willing and able to pay active dues, fees, and the state license tax to the State Bar of Montana and comply with any continuing education requirements this Court may impose.

Petitioner is is not currently suspended, disbarred, or otherwise ineligible to practice law in another jurisdiction. (If so, provide the pertinent details.)

Petitioner is is not currently subject to disciplinary proceedings or pending disciplinary proceedings in another jurisdiction. (If so, provide the pertinent details.)

Petitioner has has not been charged with a criminal offense while not on active status. (If so, provide the pertinent details.)

Petitioner has has not accrued delinquent debt or filed for bankruptcy while not on active status. (If so, provide the pertinent details.)

Petitioner has has not failed to fulfill the obligations of a public office or professional license (other than as an attorney) while not on active status. (If so, provide the pertinent details.)

Finally, petitioner has has not committed any acts or omissions while not on active status which would be sanctionable under the Montana Rules of Professional Conduct. (If so, provide the pertinent details.)

WHEREFORE, petitioner requests reinstatement as an active member of the State Bar of Montana.

The above statements are true based upon petitioner's knowledge and belief.

DATED this _____ day of _____, 20____.

BY: _____
Petitioner

SUBSCRIBED AND SWORN TO before me this _____ day of _____,
20____ by _____ (petitioner's name).

(Notarial Seal)

Notary Signature _____
Printed Name of Notary _____
Residing at _____
Notary Public for the State of _____
My Commission Expires _____