

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. AF 07-0031

IN THE MATTER OF THE PETITION FOR )  
AMENDMENT OF THE MONTANA RULES ) ORDER  
OF EVIDENCE )

At a public meeting held on March 20, 2007, at 1:30 p.m., this Court considered a number of items on the posted agenda. One of those items was “Revisions to Rules of Evidence,” proposals for which had been sent to the Court by its Commission on Rules of Evidence (Commission). The Minutes of that meeting establish that we discussed each of the Commission’s proposals, and heard from Chad Wright, representing the Montana Association of Criminal Defense Lawyers, who opposed one of the proposed revisions. No one else appeared in support of or opposition to the proposed rule amendments, but the Court took note of the letters and comments submitted by the Commission in support of and opposition to the proposed changes. Ultimately, the Court voted unanimously to adopt three of the proposed amendments, and voted 5 to 1, with one member abstaining, to decline at present to adopt the proposed amendment to Rule 804(b)(6). On April 17, 2007, at another public meeting on which the topic appeared on the agenda, the Court signed—and thereafter the Clerk of this Court filed—an Order to that effect.

Toward the end of April, it came to the Court’s attention that we had inadvertently failed to timely post notice of the public meeting held on March 20, 2007. As we were preparing to take appropriate steps, Margaret A. Tonon (Tonon), the Chair of the Commission, petitioned on May 1, 2007, for an order re-noticing the matter on a timely posted agenda for a public meeting. That petition must, of course, be granted.

The Court has looked carefully at the other matters on the late-posted agenda for the March 20, 2007 public meeting, and at the current status of those matters. We conclude that none of the other items must be re-noticed for a public hearing.

THEREFORE,

IT IS ORDERED that our Order filed April 17, 2007, in this cause number is hereby VACATED; and

IT IS FURTHER ORDERED that the Court will timely post notice of a future public meeting including the Proposed Revisions to Rules of Evidence. While we cannot establish the date of that public meeting at this time, it is anticipated that it will be before the end of June, 2007.

The Clerk is directed to provide a copy of this Order by electronic transmission to the Executive Director of the State Bar of Montana; the editor of *The Montana Lawyer*; the State Law Librarian; the Code Commissioner; all Clerks of the District Courts; and all District Court Judges, together with instructions that the April 17, 2007, Order be removed from the websites of the State Bar of Montana and the State of Montana Law Library, and not published in *The Montana Lawyer*.

The Clerk also is directed to serve a copy of this Order by mail to Margaret A. Tonon, and to the Presidents of the Montana Judges' Association and of the Montana Magistrates' Association.

DATED this 3<sup>rd</sup> day of May, 2007.

For the Court,

/S/ KARLA M. GRAY