

FILED

June 17 2015

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: AF 09-0688

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 09-0688

FILED

ORDER JUN 16 2015

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN RE PETITION FOR ADOPTION OF RULE  
5.5(d)(1) OF THE MODEL RULES OF  
PROFESSIONAL CONDUCT

The Montana Petroleum Association asked the Court to revise the Montana Rules of Professional Conduct by adding a provision to address multijurisdictional practice by attorneys who provide legal services exclusively to one client as an employer. The Court accepted public comments on the proposal. At a public meeting on June 9, 2015, the Court voted to modify Rule 5.5 to accomplish the proposed revision as to lawyers licensed in another United States jurisdiction, and to further revise the rule to address lawyers licensed in foreign jurisdictions, to reflect portions of Rule 5.5 of the American Bar Association's 2013 Model Rules of Professional Conduct.

IT IS ORDERED that Rule 5.5 of the Montana Rules of Professional Conduct is modified to read as follows:

**RULE 5.5: UNAUTHORIZED PRACTICE OF LAW**

(a) A lawyer shall not:

- (1) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or
- (2) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.

(b) A lawyer admitted in another jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this state to the lawyer's employer or its organizational affiliates provided that those legal services are not services for which Montana requires pro hac vice admission and, when provided by a foreign lawyer and requiring advice on the law of this or another jurisdiction of the United States, such advice shall be based upon the advice of a lawyer who is duly licensed and authorized by the jurisdiction to provide such advice.

For purposes of this subsection, the foreign lawyer must be a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law

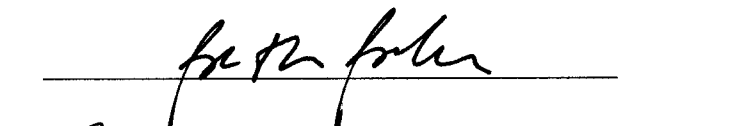
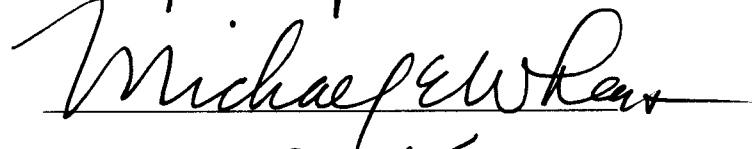
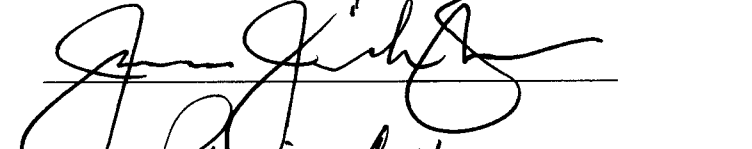

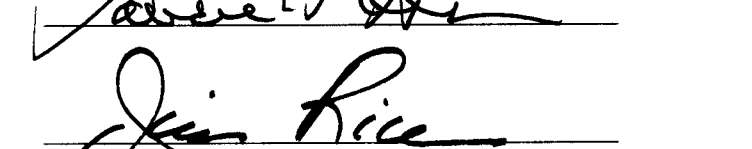
or the equivalent, and are subject to effective regulation and discipline by a duly constituted professional body or a public authority.

This Order will be published on the Montana Supreme Court website, and the State Bar of Montana is asked to post notice of this Order on its website and in the next available issue of the *Montana Lawyer*.

The Clerk is directed to provide copies of this order to counsel for the Montana Petroleum Association, NorthWestern Corporation, the Office of Disciplinary Counsel, and to the State Bar of Montana.

DATED this 16<sup>th</sup> day of June, 2015.

  
Chief Justice

  
  
  
Patricia Lotter  
  
  
Justices