

August 7 2020

Clerk, U.S. District Court
District of Montana
Missoula Division

IN THE UNITED STATES COURTS
FOR THE DISTRICT OF MONTANA

In re: Attorneys Provisionally
Admitted to Practice in the State Bar
of Montana

ADMINISTRATIVE ORDER No. 20-31

On June 17, 2020, the Montana Supreme Court authorized candidates for admission to the State Bar of Montana to be admitted to practice on a provisional basis in response to the COVID-19 global pandemic. *See* Order and Temporary Rules, AF 11-0244 (Mont. June 17, 2020). Recognizing that sitting in person for Montana’s Uniform Bar Examination may pose a risk to candidates who meet other criteria and have applied for admission, the Montana Supreme Court authorizes provisional admission of candidates who wish to postpone the bar examination for health reasons. Among other things, these candidates may practice only under the supervision of an active member in good standing of the Montana State Bar.

This Court generally admits members of the Montana State Bar to its own Bar. But it has an established procedure for recent law school graduates who have not yet taken a bar examination. *See* D. Mont. L.R. 83.7(c)(1)(B). The student

participation rule imposes slightly more stringent supervision requirements but does not preclude a recent graduate's meaningful participation in federal court proceedings. The bar examination is a significant test of a candidate's qualification to practice law and the Court believes its existing rules remain appropriate to the current situation.

Accordingly, IT IS ORDERED:

1. Provisional admission to the State Bar of Montana will not support admission to the Bar of this Court under D. Mont. L.R. 83.1(b)(1).

2. Provisional admittees who are not admitted to practice in another jurisdiction may participate in proceedings in this Court under the terms of the student practice rule, D. Mont. L.R. 83.7. Proof of provisional admission to the State Bar of Montana will substitute for filing of the personal certification (Form K) and dean's certification (Form L). The supervising attorney must be counsel of record and must file the client's certification (Form J) and his or her own certification (Form M).

3. Provisional admittees who are admitted to practice in another jurisdiction may seek admission *pro hac vice*. The presiding judge will take into account proof of provisional admission to the State Bar of Montana when deciding whether the non-member attorney should be granted *pro hac vice* admission despite residing and being regularly employed in Montana. *See* D. Mont. L.R. 83.1(d)(1).

4. Any provisional admittee to the State Bar of Montana who is participating or appearing in a matter before this Court is subject to the Court's disciplinary jurisdiction and must promptly notify the clerk of any change in his or her standing or membership in the State Bar of Montana.

DATED this 7th day of August, 2020.

A handwritten signature in blue ink that reads "Brian Morris".

Brian Morris, Chief Judge
United States District Court

A handwritten signature in blue ink that reads "Benjamin P. Hursh".

Benjamin P. Hursh, Chief Judge
United States Bankruptcy Court