

**FILED**

MAY 24 2017

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA

Clerk, U.S. District Court  
District Of Montana  
Missoula

In re: The Selection of and Duties of  
Lawyer Representatives to the Judicial  
Conference of the Ninth Circuit

STANDING ORDER No. DLC-35

IT IS HEREBY ORDERED that the following rules, drafted in accordance with the provisions of the Ninth Circuit Judicial Council's Order (the "Council's Order") establishing the Judicial Conference of the Ninth Circuit (the "Conference"), shall govern the selection and appointment of the District of Montana's lawyer representatives to the Conference.

**1. Criteria**

Lawyer representatives shall be selected from among individuals who are:

- a. admitted to practice in this court and actively involved in federal practice;
- b. interested in the purposes and work of the Conference;
- c. willing and able to contribute actively to the purposes and work of the Conference;
- d. willing to assist in implementing Conference programs with the local bar; and

e. part of a fair cross section of practitioners before the federal court in the District of Montana, when taken together with the other lawyer representatives. The selection process should include consideration of the gender, ethnic, racial, and religious diversity and the diverse geographic and practice backgrounds of those who practice before the federal court in the District of Montana. Given the size of the District of Montana, geographic diversity is of particular importance, and shall be achieved by selecting lawyer representatives such that at all times, at least three of the five divisions of the District of Montana have a resident lawyer representative. To ensure representation of practitioners before the United States Bankruptcy Court, there shall at all time be one lawyer representative who is appointed by the chief United States bankruptcy judge.

**2. Number, Term, and Timing of Appointment**

a. The District of Montana shall at all times be served by four lawyer representatives, three at-large representatives and one bankruptcy representative. The representatives shall serve three-year terms. The terms shall be staggered such that in each year the term of one at-large representative will expire, and every third year, the term of the bankruptcy representative will expire. A representative's term shall expire upon the

appointment of a successor in accordance with the schedule set forth herein.

b. After expiration of his or her term, a lawyer representative shall continue to serve as an ex-officio member of the district's lawyer representatives delegation for a period of two years. Ex-officio members shall have the right and duty to participate in all respects in meetings among the representatives and judges, except that they may not attend the annual meeting of the Conference unless designated as an alternate for a lawyer representative who is unable to attend.

c. Lawyer representatives shall be appointed within 90 days of the conclusion of the Ninth Circuit Judicial Conference annual meeting. In a year in which no annual meeting is held, appointment shall occur within 90 days of the anniversary of the conclusion of the most recently held annual meeting.

### **3. Selection and Appointment**

a. At-Large Lawyer Representatives

i. The selection process shall begin with the nomination of potential candidates by a committee of judges of the district (the "selection committee"). The selection committee shall be comprised of the three active district judges in the District of Montana. If at any

time there are fewer than three district judges in active service, the selection committee shall be comprised of the active district judges and such number of senior district judges, designated by the chief judge of the district, as are necessary to constitute a selection committee of three judges.

ii. Following the conclusion of the annual meeting or, if no annual meeting is to be held that year, following the anniversary of the conclusion of the annual meeting last held, the clerk of court shall notify the selection committee of the upcoming vacancy of one or more lawyer representative positions.

iii. The selection committee shall, no more than 30 days after the date of the clerk of court's notice of vacancy, nominate in writing a number of proposed lawyer representatives three times larger than the number to be appointed. The chief judge of the district shall promptly give notice of the nominees to the president of the Montana Chapter of the Federal Bar Association.

iv. The Montana Chapter of the Federal Bar Association shall then select the next lawyer representative(s) from among those nominated, and shall communicate that selection in writing to the chief judge of

the district no more than 30 days after the date of the chief judge's notice of the list of nominees. A nominee's membership status in the Montana Chapter of the Federal Bar Association may not be considered in selecting from the list of nominees supplied by the court.

v. Upon receipt of the Montana Chapter of the Federal Bar Association's written notice of selection, the chief judge shall appoint the new lawyer representative(s) by written order. The order of appointment shall be forwarded to the circuit executive.

b. Bankruptcy Lawyer Representative

i. The selection process shall begin with the nomination of potential candidates by the chief bankruptcy judge.

ii. Following the conclusion of every third annual meeting or, if no annual meeting is to be held that year, upon the third anniversary of the appointment of the current bankruptcy lawyer representative, the clerk of court shall notify the chief bankruptcy judge of the upcoming vacancy of the bankruptcy lawyer representative position.

iii. The chief bankruptcy judge shall, no more than 30 days after the date of the clerk of court's notice of vacancy, nominate in writing

a number of proposed lawyer representatives three times larger than the number to be appointed. The chief bankruptcy judge shall promptly give notice of the nominees to the chairperson of the Bankruptcy Practice Section of the Montana State Bar.

iv. The Bankruptcy Practice Section of the Montana State Bar shall then select the next bankruptcy lawyer representative from among those nominated, and shall communicate that selection in writing to the chief bankruptcy judge no more than 30 days after the date of the chief bankruptcy judge's notice of the list of nominees. A nominee's membership status in the Bankruptcy Practice Section of the Montana State Bar may not be considered in selecting from the list of nominees supplied by the court.

v. Upon receipt of the Bankruptcy Practice Section of the Montana State Bar's written notice of selection, the chief bankruptcy judge shall appoint the new lawyer representative by written order.

The order of appointment shall be forwarded to the circuit executive.

#### **4. Duties of a Lawyer Representative**

The District of Montana's lawyer representatives to the Conference shall perform the following duties:

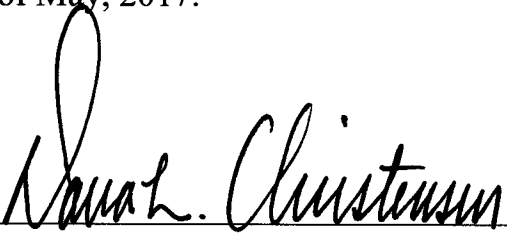
- a. Attend and participate in lawyer representative meetings in the district (the Council's Order requires two or more such meetings each year).
- b. Attend and participate in all joint meetings of lawyers and judges in the district, including any district conferences, to include, in the case of the senior lawyer representative(s), presenting to the judges of the district a report on the activities of the lawyer representatives.
- c. Attend and participate in the annual meeting of the Conference.
- d. Vote in lawyer representative elections and in balloting for Conference resolutions.
- e. Participate actively in the Conference resolution process, including proposing, drafting, and debating resolutions.
- f. Educate members of the bar generally about the Conference and solicit their reviews.
- g. Participate at district meetings and at the annual meeting of the Conference to assure that the views of lawyers are heard.
- h. Participate in the District of Montana's educational public outreach program, the Montana Judicial Institute, to include attending all planning meetings, attending and participating at the annual three-day Institute, and,

in the case of the senior lawyer representative(s), serving as host and master of ceremonies at the Institute.

IT IS FURTHER ORDERED that Standing Order No. DLC-17, which has previously governed the selection and appointment of lawyer representatives in the District of Montana, is withdrawn.

The clerk of court is directed to notify all judicial officers of the entry of this order.

DATED this 24<sup>th</sup> day of May, 2017.

  
Dana L. Christensen, Chief Judge  
United States District Court