

ORIGINAL

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Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: AF 19-0073

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 19-0073

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JAN 30 2019

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

IN THE MATTER OF THE
UNIFORM RULES FOR THE
JUSTICE AND CITY COURTS

In 2017 the Legislature amended § 25-31-601, MCA, to allow a member with a majority interest in a limited liability company to act as attorney for the limited liability company in justice's court except as provided by § 35-8-102, MCA. The Court is considering revising the representation rule in the Montana Uniform Rules for the Justice and City Courts to make the rule consistent with the current version of § 25-31-601, MCA.

The Court proposes to revise M. U. R. J. C. C. 14 as follows. Language proposed to be stricken from the rule is interlineated, and language proposed to be added is underlined.

Rule 14. Representation.

(a) A party may represent oneself, or be represented by counsel.

(b) Except as provided in (c) below, No representation can be made on behalf of a party by another person except an attorney duly licensed by the State of Montana. A nonresident attorney may be permitted to represent a party upon motion of a licensed resident attorney as allowed under Section IV, Pro Hac Vice, of the 1998 Rules for Admission to the Bar of Montana.

(c) Unless the articles of organization state otherwise, a member with a majority interest in a limited liability company may represent the limited liability company as an attorney in justice's court as provided in 25-31-601.

(e) (d) Death or removal of an attorney shall be governed by Rule 10 of the Uniform District Court Rules.

IT IS ORDERED that the Court will accept written comments on the above proposed changes to the Montana Uniform Rules for the Justice and City Courts for a period of 90 days following the date of this Order. All comments shall be filed with the Clerk of this Court.

This Order shall be posted on the Court's website. In addition, the State Bar of Montana is asked to post a link to this Order on its website, and the Clerk is directed to provide a copy of this Order to the State Bar of Montana.

DATED this 30th day of January, 2019.

For the Court,

By  Justice