

1 HOUSE BILL NO. 46
 2 INTRODUCED BY J. REAVIS
 3 BY REQUEST OF THE OFFICE OF PUBLIC DEFENDER
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CHANGE OF ATTORNEY LAWS; PROVIDING THAT
 6 THE REQUIREMENTS FOR CHANGING AN ATTORNEY DO NOT APPLY TO PUBLIC DEFENDERS
 7 APPOINTED UNDER THE MONTANA PUBLIC DEFENDER ACT; AND AMENDING SECTION 37-61-403,
 8 MCA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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12 **Section 1.** Section 37-61-403, MCA, is amended to read:

13 **"37-61-403. Change of attorney.** (1) The attorney in an action or special proceeding may be
 14 changed at any time before or after judgment or final determination, as follows:

15 (1)(a) ~~upon~~on consent of both client and attorney, filed with the clerk or entered ~~upon~~on the minutes;
 16 or

17 (2)(b) ~~upon~~on the order of the court, ~~upon~~on the application of either client or attorney, after notice
 18 from one to the other.

19 (2) The provisions of this section do not apply to assignments or reassignments of a public
 20 defender by the office of state public defender in which the office of state public defender is appointed pursuant
 21 to the Montana Public Defender Act, Title 47, chapter 1."

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