



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF ATTORNEY REGULATION IN MONTANA AND THE ROLE AND STRUCTURE OF THE STATE BAR; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 69TH LEGISLATURE.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study attorney regulation in the state and the role of the State Bar of Montana.

BE IT FURTHER RESOLVED, that the study review:

(1) the functions of the State Bar of Montana, including any programs for the public;

(2) the history, structure, and rationale for the unified bar in the United States and the State Bar of Montana and the independent regulation of the legal profession under the Montana Constitution and the Montana Supreme Court, including but not limited to:

(a) the legal authorization of the bar association, such as statute, order, or rule;

(b) the oversight of the bar association and its funding; and

(c) any state or federal case law related to the role, structure, and operation of bar associations and the regulation of attorneys;

(3) the role of attorneys as officers of the court;

(4) the Montana Rules of Professional Conduct, the attorney admissions process, and the discipline process for attorneys;

(5) national trends and best practices in legal regulation and how other states regulate attorneys,

including but not limited to the "next-gen" bar examination, the role of the uniform bar examination and its effectiveness, alternative pathways to bar admission, including reading the law and apprenticeship bar admission, and limited licensure options;

(6) the regulation, oversight, and scrutiny of the State Bar of Montana of the conduct, speech, activities, and association of attorneys licensed to practice in the state; and

(7) the purpose and operation of Interest on Lawyers' Trust Accounts.

BE IT FURTHER RESOLVED, that the study involve relevant stakeholders identified by the committee.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2024.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 69th Legislature.

- END -

I hereby certify that the within bill,
SJ 31, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2023.

Speaker of the House

Signed this _____ day
of _____, 2023.

SENATE JOINT RESOLUTION NO. 31

INTRODUCED BY B. USHER

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