

10/24/2017

*Ed Smith*  
 CLERK OF THE SUPREME COURT  
 STATE OF MONTANA  
 Case Number: P 06-0422

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 06-0422

OCT 24 2017

IN THE MATTER OF JERRY O'NEIL

*Ed Smith*  
 CLERK OF THE SUPREME COURT  
 STATE OF MONTANA

PETITION RELATING TO THE MONTANA  
 BAR EXAMINATION.

ORDER

Jerry O'Neil has filed a Petition for Exception to Sit for Montana Bar Exam. In his petition, O'Neil requests the Court to grant "an exception to the existing rules concerning eligibility" to take the bar examination.

The petition sets forth Rule I.C.2<sup>1</sup> of the Rules of Admission to the State Bar of Montana, but does not specify whether a waiver is sought for all or part of the Rule. The Rule states:

C. Classification. The following applicants are eligible to apply for admission to the State Bar of Montana:

\* \* \*

2. an attorney applicant, who is an applicant with a Juris Doctor from a law school accredited by the American Bar Association at the time of graduation, and who is admitted to practice law in another state, district, or territory of the United States. An L.L.M. degree is not considered the equivalent of a Juris Doctor degree;<sup>2</sup>

The petition does not indicate that O'Neil has obtained "a Juris Doctor from a law school accredited by the American Bar Association at the time of graduation," so we

<sup>1</sup> The petition cites numerically to Rule I.C.3, but quotes from Rule I.C.2.

<sup>2</sup> In addition, Rule III.C. provides that applicant for admission by examination must be certified or conditionally certified by the Commission on Character and Fitness, sit for and pass all components of the Montana Uniform Bar Examination in a single examination administration, pass the Multistate Professional Responsibility Examination, and complete in-person attendance of the Montana Law Seminar.

assume he does not have such a decree and seeks a waiver of this requirement. O'Neil does not assert that he is an attorney admitted to practice law "in another state, district, or territory of the United States," although he indicates that he is "licensed to practice before the Blackfeet Tribal Courts." O'Neil offers no statement or argument that his licensure by the Blackfeet Tribal Court satisfies the requirement to be "an attorney" admitted to practice law in another "state, district, or territory of the United States," and thus we assume that he seeks waiver of these requirements as well.

The Court is constitutionally authorized to make rules for "admission to the bar and the conduct of its members." Art. VII, Sec. 2(3), Mont. Const. The Court is "the final authority as to whether an applicant may be admitted to practice law in Montana," and may waive any admission requirement if appropriate under the circumstances. Rule XI.A., Rules of Admission.

The Rules of Admission are carefully crafted to govern the admission process, promote the admission of qualified applicants, and protect the interests of the public. Rarely do we waive the rule requiring that bar examination applicants graduate from law schools approved by the American Bar Association at the time of their graduation. On recent occasions when this requirement was waived, the applicants were attorneys who had passed bar examinations in other states and successfully practiced law, but whose respective law schools were not accredited by the American Bar Association at the time of their graduation.

O'Neil is not an attorney. He has not passed a state bar exam or graduated from a law school accredited by the American Bar Association. Under these circumstances, we conclude the circumstances do not merit the waiver of the requirements of the Rules of Admission for O'Neil to sit for the bar examination. Therefore,

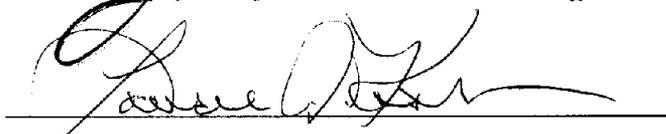
IT IS HEREBY ORDERED that the petition of Jerry O'Neil for waiver of Rule I.C.2 of the Rules of Admission to the State Bar of Montana is DENIED.

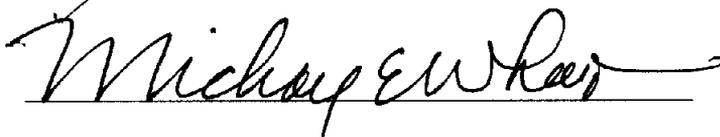
Copies of this order shall be provided to the petitioner and to the State Bar of Montana.

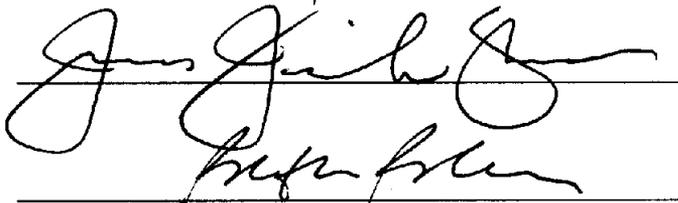
DATED this 24<sup>th</sup> day of October, 2017.

  
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Chief Justice

  
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Justices