

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 11-0244

IN RE PETITION TO AMEND MONTANA
SUPREME COURT BOARD OF BAR
EXAMINERS' RULE 104

O R D E R

On February 9 of this year, we denied a petition from a bar examination applicant who sought an accommodation for breastfeeding her child during the February 2017 Montana Bar Examination, noting the imminent administration of that examination. We asked the Board of Bar Examiners (Board), after review, to “submit a report to the Court addressing all aspects for accommodating examinees who are breastfeeding, with recommendations for any policy or rule revisions that would be necessary to implement the accommodation.” We also asked that the Board conduct its review “with a view toward implementing the accommodation, if possible, for the July 2017 administration of the bar exam.”

The Board has completed its review and has submitted a petition seeking amendment to Rule 104, Montana Board of Examiners' Rules, to permit the Board to entertain breastfeeding accommodation requests. The petition indicates that the Board is prepared to implement the rule amendment for the July 2017 exam administration.

Over the past several months, the Court received several petitions seeking rule revisions on this issue. While we want to make the accommodation available for the July 2017 administration, we would also like to receive public comment before adopting a new rule permanently. Thus, we have determined to adopt the proposed amendment submitted by the Board as an interim rule, while also inviting public comment that would be received prior to adoption of a permanent rule. Therefore,

FILED

JUL 06 2017

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IT IS ORDERED that the amended Rule 104, Montana Board of Bar Examiners' Rules, which is attached to the Board's petition as Exhibit A, and is likewise attached to this order, is ADOPTED as an interim rule, effective immediately.

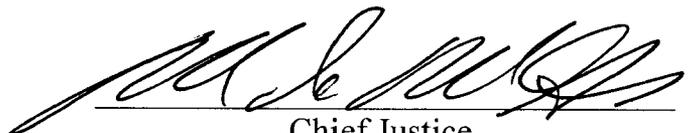
IT IS FURTHER ORDERED that the Court will accept public comment on the attached rule for a period through and including September 5, 2017. All comments shall be made in writing and filed with the Clerk of this Court. The Court will schedule this matter for a public hearing after the close of the period for public comment.

A copy of this Order and the attached rule shall be posted on the Court's website. In addition, the Clerk is directed to provide copies of this Order and attachment to the Executive Director of the State Bar of Montana with the request that they be posted on the State Bar's website; to the Chair of the Board of Bar Examiners, and to Dean Paul Kirgis of the Alexander Blewett II School of Law.

The Clerk shall provide a copy of this order to the Petitioner and to the Administrator of the Board of Bar Examiners at the State Bar of Montana.

The Court wishes to thank the Board of Bar Examiners for its work on this issue.

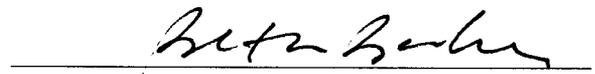
DATED this 6th day of July, 2017.



Chief Justice









John M. Sullivan
Justices
