BRIEF SUMMARY OF CHRONOLOGY OF UPL COMMISSION v. O'NEIL v. STATE BAR of MONTANA

7/12/02	Petition for Finding of Civil Contempt and for Permanent Injunction filed by the UPL Commission against Jerry O'Neil. Summary of the allegations: o O'Neil is engaging in the unauthorized practice of law; o O'Neil is not licensed by the State of Montana to practice law; o O'Neil practices law by consulting with customers on legal issues & providing legal advice; advises customers as to their legal rights; drafts pleadings & other legal documents without identifying himself as the responsible party; attempts to represent his customers in courts; charges fees commensurate with area attorneys and not typing services; advertises in the "Attorney" section of the phone book yellow pages in a manner that implies he is a licensed attorney in the State of Montana; o UPL Commission repeatedly advised O'Neil that he was violating rules and ordered him to cease. O'Neil refused. o UPL Commission requested that O'Neil be found in civil contempt and that the Court issue a permanent injunction proscribing O'Neil from engaging in the unauthorized practice of law
8/2/02	Answer to Petition and Demand for Jury Trial filed by O'Neil: o O'Neil responded that he is a State Senator, a member of the Senate Judiciary Committee and a mediator and that he has a duty to inform and discuss the laws of this State with his constituency and others; o O'Neil further states that he is a licensed tribal attorney with the Blackfeet Tribal Court
11/19/02	Counter Claim filed by O'Neil against the UPL Commission and the State Bar of Montana. O'Neil Summary of Allegations: o That at all times he was acting as a paralegal, state senator, mediator and licensed tribal attorney; o That the State Bar of Montana is a trade association integrated with the Montana Supreme Court whose primary purpose is protecting its membership from competition; o People representing themselves have a right to use paralegals to perform all the functions they could for a licensed attorney; o O'Neil alleged Defamation Involving Profession; Tortious Interference with a Contract and Violation of Privacy
9/10/04	Motions for Summary Judgment filed by the UPL Commission and by Third Party Defendant, State Bar of Montana. The Motions claim that there were no issues of material fact supporting O'Neil's claims and the UPL Commission and the State Bar are entitled to summary judgment.
11/15/04	The Court issued its Order on the State Bar's Motion for Summary Judgment after hearing on October 28th. The Court dismissed O'Neil's third party complaint and found that the State Bar was entitled to summary judgment on all counts.
11/23/04	The Court issued its Order on the UPL Commission's Motion for Summary Judgment after hearing on October 28th. The Court dismissed O'Neil's third party complaint and counter claims. However, the Court found that there were sufficient questions as to O'Neil's practice of law and denied summary judgment on that count.
11/29/04	Trial was held in Kalispell before Judge Kim Christopher, who ruled that O'Neil was in contempt and was to be enjoined from practicing law.
12/18/04	O'Neil filed his Notice of Appeal and Notice of Constitutional Challenge to the Supreme Court

SENATE JUDICIARY
Exhibit No. 4
Date 1-7-05
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10/15/04	O'Neill files a Civil Rights Complaint in the US District Court alleging violation of his rights for denying him a jury trial in the District Court case. O'Neil asked the Court to enjoin the Court from trying the District court case without a jury trial; to issue a permanent restraining order; and to declare MCA § 37-61-201 unconstitutional.
11/15/04	The Court issues an Order denying an injunction or restraining order stating there is no right to a jury trial in civil matters before State district courts. The Court did order a briefing schedule on the constitutionality of MCA § 37-61-201.
12/20/04	O'Neil files a Petition for Writ of Mandamus in the Montana Supreme Court requesting: o That the Court order the State District Court to permit the filing of his counter claim; o Seeking a temporary restraining order to prevent the trial from proceeding until this court issues an order on his petition;
12/28/04	Court issues an order dismissing O'Neil's petition for Writ of Mandate
1/21/05	O'Neil files a Notice of Constitutional Challenge moving to declare MCA § 37-61-201 as unconstitutional.
1/27/05	O'Neil files a Notice of Appeal of the 11th Judicial District Court's Order.