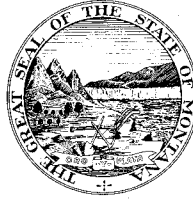


ATTORNEY GENERAL
STATE OF MONTANA

Steve Bullock
Attorney General



Department of Justice
215 North Sanders
PO Box 201401
Helena, MT 59620-1401

September 24, 2010

Ms. Susan Byorth Fox
Executive Director
Legislative Services Division
P.O. Box 201706
Helena, MT 59620-1706

RE: Schweitzer v. 61st Montana Legislative Assembly

Dear Susan:

I am writing in follow up to our phone conversation earlier this week and in response to Rob Stutz's letter of September 20th. Though it is unclear whether he was writing on behalf of your office or the Legislative Council, he had inquired regarding representation, costs, and service.

Regarding representation, options include (a) requesting my office's involvement, at which time we would determine whether our representation would be appropriate and in the best interests of the State; (b) having your staff represent the 61st Legislative Assembly; or (c) retaining outside counsel.

Regarding the costs of the legal defense of this case, I think it is appropriate for the Department to fund the Legislature's legal costs out of our major litigation budget, if you choose to retain outside counsel. If you do so, you may contact Chris Tweeten or Ali Bovingdon to arrange for payment of legal expenses.

The only remaining question from Mr. Stutz's letter was whether this office had formally been served. We were properly served the summons and complaint on September 16, 2010. We will accept service and notify you with the correspondence we typically use in such constitutional challenges.

Sincerely,

A handwritten signature in black ink, appearing to be "S Bullock", written over a horizontal line.

STEVE BULLOCK
Attorney General

sb/bjh

c: R. Stutz