

# THE STATE BAR OF MONTANA

## ROLE & STRUCTURE

### WHAT IS THE STATE BAR OF MONTANA?

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[Article VII, Part VII, Section 2 of the Constitution of the State of Montana](#) tasks the Supreme Court with governing “admission to the bar and the conduct of its members.” The unified State Bar of Montana that exists today was created by [order](#) of the Supreme Court in 1974, and it assists the Court in the administration of its constitutional authority. The purposes of the State Bar are outlined in [Article III of its Constitution](#):

... **to aid the courts in** maintaining and improving the administration of justice;  
**to foster, maintain and require** on the part of attorneys high standards of integrity, learning, competence, public service and conduct;  
**to safeguard** proper professional interests of the local bar associations;  
**to provide a forum for** discussion of and effective action concerning subjects pertaining to the practice of law, the science of jurisprudence and law reform, and relations of the Bar to the public;  
**to provide for** continuing legal education of members of the Bar and **to ensure** that the responsibilities of the legal profession to the public are more effectively discharged.

### WHY A “UNIFIED” BAR?

Montana’s is a unified, or mandatory, bar which means an individual must be a member in good standing to practice law in the state. Prior to 1974, the bar existed as the voluntary Montana Bar Association (MBA). Upon petition from MBA, the Montana Supreme Court ordered the unification of the bar to better protect the public from unethical practitioners and promote high standards and education.

Montana joined 30+ other states (including its border states) in establishing a unified bar.

### HOW IS THE BAR FUNDED?

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The State Bar is a tax-exempt organization that is primarily funded by revenue from annual membership dues, continuing education tuition, and various legal publications and services. Dues are established under the authority of the Montana Supreme Court and must be reported to and reviewed by the Supreme Court every three years. <sup>i</sup> The State Bar maintains its own private bank accounts, investment reserve accounts, and is independently audited.

### HOW IS THE BAR STRUCTURED?

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#### TRUSTEES

The State Bar is governed by sixteen [trustees](#) elected from various districts around the state, as well as four officers: president elect, president, past-president, and secretary treasurer. Trustees are elected by State Bar members.

## STAFF

The State Bar employs [staff](#) to carry out day to day duties and provide administrative assistance to the other boards and commissions established by the Supreme Court and involved in the administration of justice. <sup>ii</sup>

## MEMBERS

According to the State Bar<sup>iii</sup>, there were 4,076 total active members (3,154 in state) and 7,796 total members (including those resigned and suspended) as of June 2023. To be a member in good standing, active members are required to pay [annual dues and assessments](#), abide by the [Montana Rules of Professional Conduct](#), and complete at least 15 hours of continuing legal education annually as required under the [Rules for Mandatory Continuing Legal Education](#).

Resident-active members and active military members are eligible to vote in elections for State Bar leadership, and this includes members of the paralegal section and judicial members. The members of the Montana Supreme Court are not eligible to vote in State Bar elections.

There are several classes of voluntary membership, including inactive, senior, emeritus, and judicial members. Lawyers practicing in other states can apply to become [pro hac vice members](#), meaning they are seeking admission to the Bar solely for purposes of a particular case. Failure to meet these requirements may result in suspension or switch to inactive status. Inactive members must petition the Montana Supreme Court to regain their active status.

## COMMITTEES

Members can be appointed by the president to serve on State Bar [committees](#), which function like working groups to accomplish certain duties. Examples include the Ethics Committee, which may review and propose revisions to the Rules of Professional Conduct, and the Continuing Legal Education (CLE) Institute which produces educational opportunities for lawyers.

Within the State Bar, there are approximately 37 different **committees and sections** that exist to address specific duties or topics of legal practice.

## SECTIONS

Members can choose to join [sections](#), or groups that focus on specific areas of law such as criminal, family, or property law. Sections may offer subject- specific support and continuing education opportunities to lawyers practicing in those areas.

## LOCAL BAR ASSOCIATIONS

Lawyers in Montana may join [local bar associations](#), which exist in certain geographic regions across the state. These are independent of the State Bar, but the State Bar may provide continuing education opportunities and other support as needed.

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<sup>i</sup> See the [2023 Report to the Montana Supreme Court](#).

<sup>ii</sup> See [Attorney Regulation: Players in Admission, Education, and Discipline](#)

<sup>iii</sup> [Memo to Legislative Services Division](#) – J. Mudd & B. Spencer, Oct. 2023