

Thank you Mr. Vice Chairperson. I am making this statement today more as a member of the public, who happens to be a lawyer, and less as a volunteer citizen member of this committee. An item for consideration before the committee today is proposing legislation that would modify how the practice of law is regulated in the State of Montana.

This subject is near and dear to my heart because, since I was admitted to the State Bar of Montana in 2003, I have had seven bosses who are my bosses by force of law, rather than by voluntary association. Those seven bosses are the justices serving on the Montana Supreme Court from time to time.

Until recently, I resided in an area in Billings, Montana where my representatives and senators were almost always members of the Democratic party. After an article appeared in the Billings Gazette stating that lawmakers who were members of the Democratic Party would not take part in this committee, I then accepted an appointment to serve. Since first appearing on this committee, I have tried to represent what I believe to be the viewpoint of my clients and community, including advocating to this committee for more judges and more resources for judges.

I strongly encourage the committee to foster a discussion regarding revisions to the rules governing lawyers in Montana. There are approximately 30 states known as mandatory or unified state bars in which admission and membership in one state bar is required and, therefore, approximately 20 states in which another system is in place, often referred to as voluntary bar states.

As we all know, on July 13, 2024, an assassination attempt was made on the life of former President Trump. On July 22, 2024, one of my former bosses, retired Supreme Court Justice James Nelson, wrote an opinion piece celebrating the attempted assassination of a former president. Justice Nelson, Ret's, statements included: "my first thought was that Trump's chickens were finally coming home to roost," "the ex-President managed to turn his attempted assassination into a photo-op," and "sorry Mr. T, no thoughts and prayers from me." Amongst all of the other ways in which this is troubling, this opinion piece is basically the political violence version of "if the victim did not want to be sexually assaulted, she should not have dressed that way." I am not certain how one could do more to undermine the public's confidence in the court system than a statement like that.

As a member of the state bar, I am inclined to believe that Justice Nelson, Ret., served as a fair and impartial member of the bench who was radicalized in retirement. However, previously I noticed while researching the well-known *Held* case, that seven retired supreme courts justices, including Justice Nelson, Ret., filed an *amicus curie*, or friend of the court, brief. As near as I can tell, the retired supreme court justices are urging the current Montana Supreme Court to uphold the district decision in *Held* on separation of powers grounds. All of those retired supreme court justices, with the possible exception of one who ceased serving in the same year when I was admitted, were my former bosses. In fairness to the other six judges, the *amicus curie* brief in *Held* was filed before Justice Nelson, Ret's, comments. However, I am unaware of any of my former bosses or current bosses repudiating Justice Nelson, Ret.'s celebration of political violence.

I was driven to write this statement based upon an apparent second attempt on the life of former President Trump yesterday. I was watching a football game with my eleven and eight year old children when a breaking news story appeared. My thoughts turned to Justice Nelson, Ret. and my astonishment that my former boss celebrated the first attempt. While I have never voted for former President Trump, I would like to take this opportunity to say shame on my former boss.

Based upon the foregoing comments, I appreciate any well thought out reforms that further my constitutional right to free association. However, a proposal that simply removes the Montana Supreme Court from admitting and regulating lawyers is not sufficient. About five years ago, California attorneys, for example, engaged in thoughtful and sometimes heated debates that resulted in California becoming a voluntary bar state. In other words, the movement away from a mandatory or unified bar state cannot simply be achieved by editing one statute. If Montana moves forward in this process, it must be done by careful review of other voluntary bar states and a comprehensive review of the best system not only for Montana lawyers but also our clients.

Sincerely,

A handwritten signature in blue ink, appearing to read 'ATB', with a long horizontal flourish extending to the right.

Andrew T. Billstein