



W S B C

WESTERN STATES BAR CONFERENCE

WELCOME

Agenda

- **Welcome to the Conference**

- *Matt Thiel*, WSBC President 2025 - 2026
- *Joel England*, WSBC Secretary/Treasurer
- *Mark Murakami*, President, Hawai'i State Bar Assoc

- **ABA Update**

- *Michelle Behnke*, President, American Bar Assoc
- *Helen Hirschbiel*, Chief ED, Oregon State Bar

- **Session 1 – Navigating Uncharted Seas...**

John Mudd – ED/GC, State Bar of Montana

- **Session 2 – Uniformed State Laws...**

Libby Snyder – ULC Special Counsel

- **Roll Call of States:** *Texas, South Dakota, Oregon, Oklahoma*

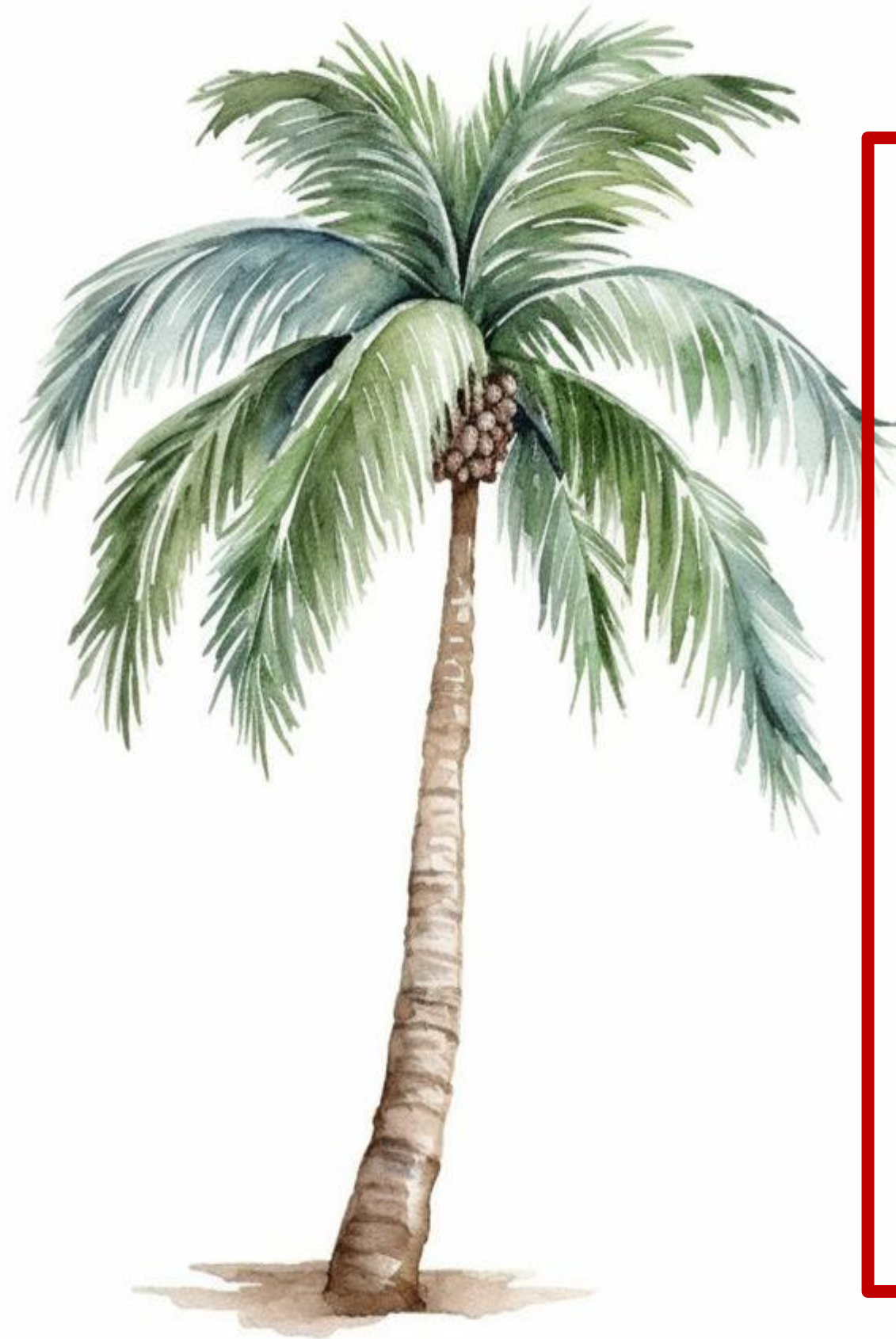
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2026 Bar Leadership

Ben Hofmeister
President



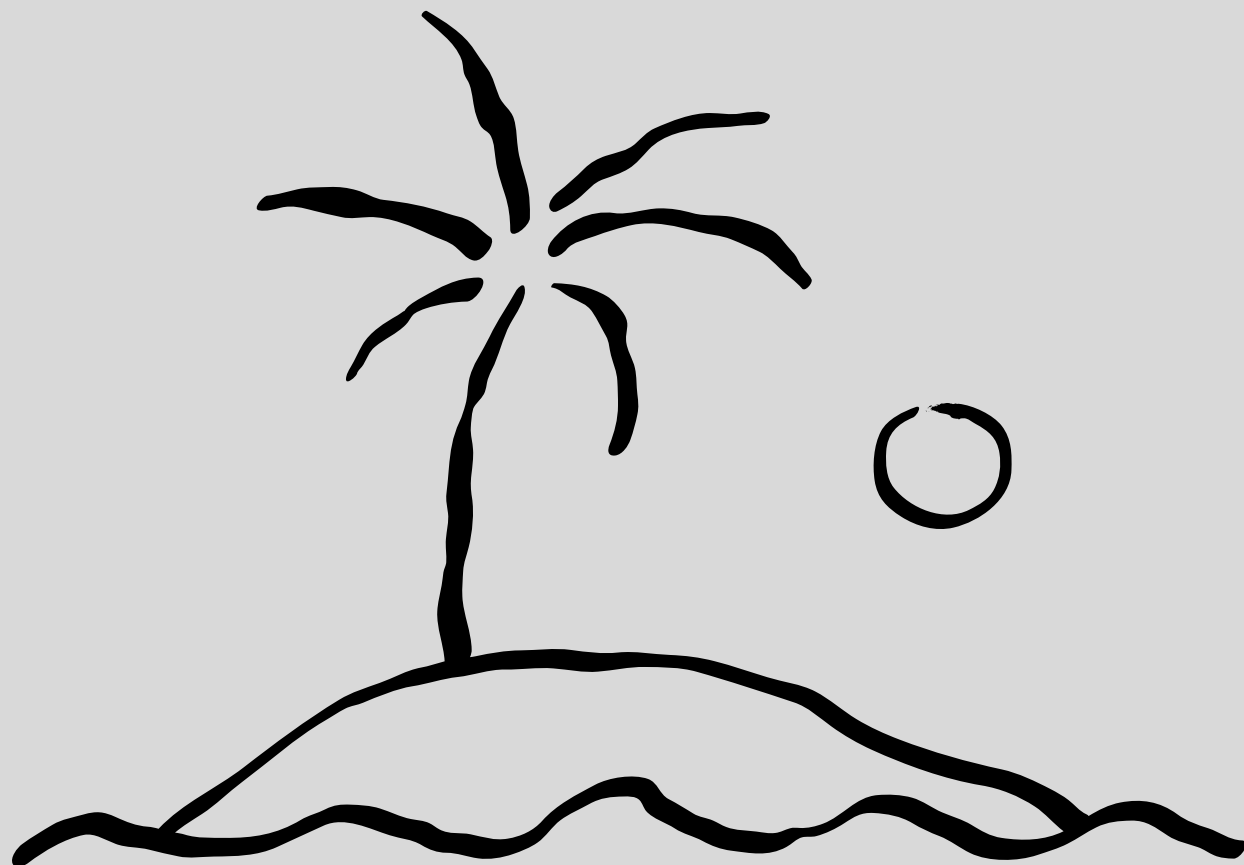
Joel England
Secretary/Treasure

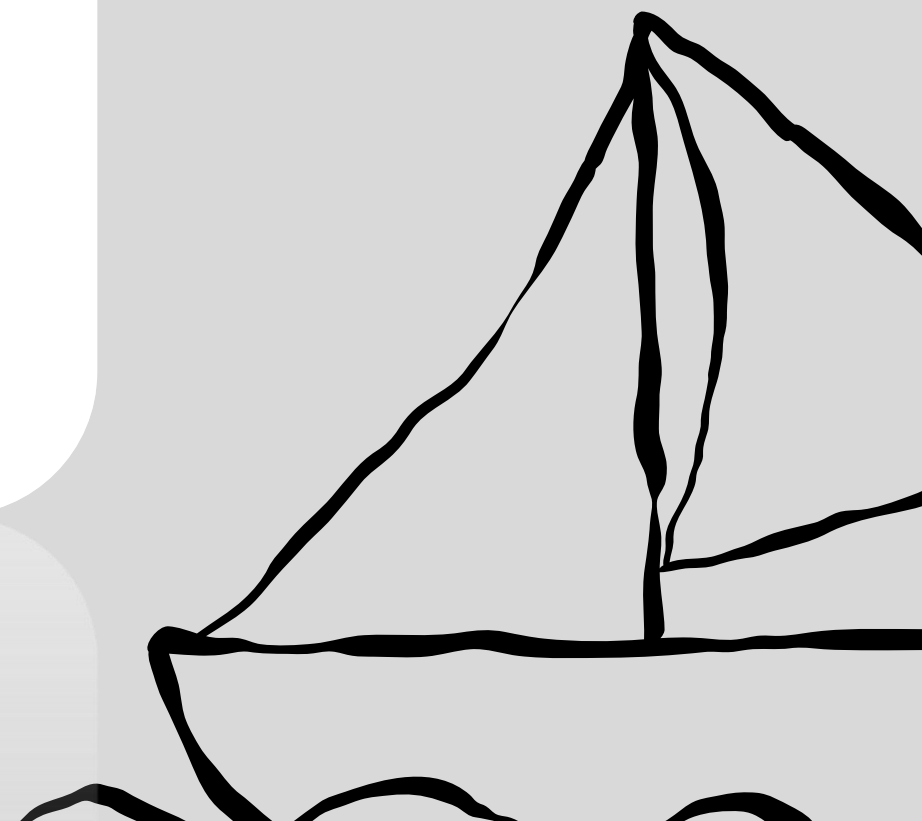
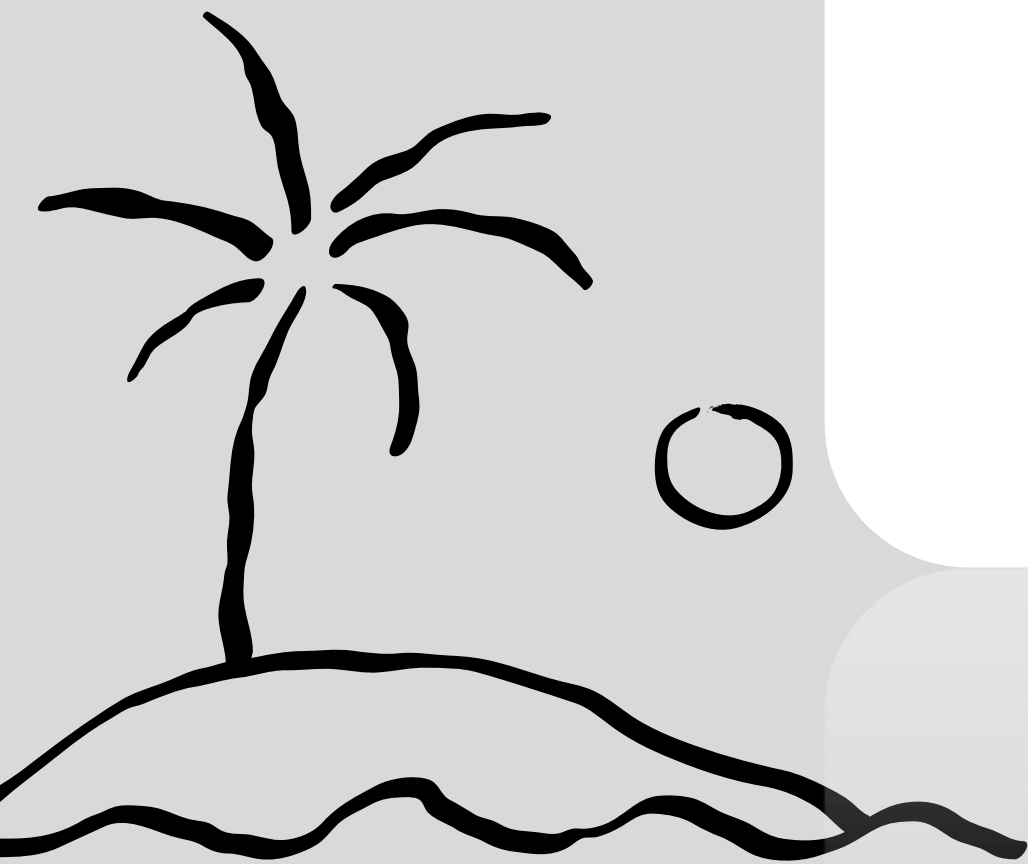


ABA UPDATE



Michelle Behnke
President





**“Navigating Uncharted Seas:
How our History and
Enduring Principles will Help
the Legal Profession Meet
Current Challenges and
Change.”**

John Mudd

Western States Bar Conference 2026
Waikoloa, Hawaii
April 9, 2026

Among the Purposes of the State Bar of Montana established in its Constitution is to foster and maintain high standards of learning and competence and to safeguard a forum for the discussion of subjects pertaining to the practice of law and provide for the continuing legal education of the members of the bar. The views expressed by John Mudd are his alone and are not those of the State Bar of Montana. Appearance by Mr. Mudd is not an endorsement by the State Bar of Montana of his statements of viewpoint on the law or any other matter.





“I learned that courage was not the absence of fear, but the triumph over it. The brave man is not he who does not feel afraid, but he who conquers that fear.”

– Nelson Mandela

Deep Traditions.

Traditions Based Upon:

Independence

Oath to Constitution(s)

Ethical Rules & Judgement

Current Challenges:

Polarized Society

Inaccessibility

Modern Technology



The BLOODY MASSACRE perpetrated in King-Street BOSTON on March 5th 1770 by a party of the 29th REG^t



Engrav'd Printed & Sold by PAUL REVERE BOSTON

<p>Unhappy BOSTON! see thy Sons deplore, Thy hallow'd Walks be near'd with guiltless Gore: While faithless P—n and his savage Bands, With murderous Rancour stretch their bloody Hands; Like fierce Barbarians grinning o'er their Prey, Approve the Carnage, and enjoy the Day.</p>	<p>If scalding drops from Rage from Anguill Wring, If speechless Sorrows jab ring for a Tongue, Or if a weeping World can ought appease The plaintive Ghosts of Victims such as these: The Patriot's copious Tears for each are shed, A glorious Tribute which embalms the Dead</p>	<p>But know, Fate summons to that awful Goal, Where Justice strips the Murderer of his Soul: Should venal C—ts the scandal of the Land, Snatch the relentless Villain from her Hand, Keen Execrations on this Plate inscrib'd, Shall reach a JUDGE who never can be brib'd.</p>
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The unhappy sufferers were Mess^{rs} SAM^l GRAY, SAM^l MAVERICK, JAM^s CALDWELL, CRISPUS ATTUCKS & PAT^l CARE
 Killed. Six wounded; two of them (CHRIST^l MONK & JOHN CLARK) Mortally
 Published in 1770 by Paul Revere Boston





*"He has obstructed the Administration of
Justice, by refusing his Assent to Laws for
establishing Judiciary powers."*

*“He has made Judges dependent on his Will
alone, for the tenure of their offices, and the
amount and payment of their salaries.”*

*“For depriving us in many cases, of the benefits
of Trial by Jury . . . ”*

“On one hand, the profession of an attorney is of great importance to an individual, and the prosperity of his whole life may depend on its exercise. The right to exercise it ought not to be lightly or capriciously taken from him. On the other, it is extremely desirable that the respectability of the bar should be maintained, and that its harmony with the bench should be preserved. For these objects, some controlling power, some discretion ought to reside in the Court. This discretion ought to be exercised with great moderation and judgment; but it must be exercised; and no other tribunal can decide, in a case of removal from the bar, with the same means of information as the Court itself.”

Ex parte Burr, 22 U.S. (9 Wheat.) 529, 530 (1824)

“The attorney and counsellor being, by the solemn judicial act of the court, clothed with his office, does not hold it as a matter of grace and favor. The right which it confers upon him to appear for suitors, and to argue causes, is something more than a mere indulgence, revocable at the pleasure of the court, or at the command of the legislature. **It is a right of which he can only be deprived by the judgment of the court, for moral or professional delinquency.”**

Ex parte Garland, 71 U.S. (4 Wall.) 333, 379 (1867)

“The authority of the court over its attorneys and counsellors is of the highest importance. They constitute a profession essential to society. Their aid is required not merely to represent suitors before the courts, but in the more difficult transactions of private life. The highest interests are placed in their hands and confided to their management. The confidence which they receive and the responsibilities which they are obliged to assume demand not only ability of a high order, but the strictest integrity. The authority which the courts hold over them, and the qualifications required for their admission, are intended to secure those qualities.”

Randall v. Brigham, 74 U.S. (7 Wall.) 523, 540 (1869)

“The court, by reason of the necessary and inherent power vested in it to control the conduct of its own affairs and to maintain its own dignity, has a summary jurisdiction to deal with the alleged misconduct of an attorney. A proceeding for disbarment is simply the exercise of jurisdiction over an officer, an inquiry into his conduct not for the purpose of granting redress to a client or other person for wrong done, but only for the maintenance of the purity and dignity of the court by removing an unfit officer.”

Bar Ass'n of Bos. v. Casey, 211 Mass. 187, 191-92, 97 N.E. 751, 754 (1912)

1908 - Canons of Professional Ethics

1969 - Model Code of Professional
Responsibility

1983 - Model Rules of Professional Conduct

Preamble - ABA Canons of Professional Ethics

In America, where the stability of Courts and of all departments of government rests upon the approval of the people, it is peculiarly essential that the system for establishing and dispensing justice be developed to a high point of efficiency and so maintained that the public shall have absolute confidence in the integrity and impartiality of its administration. The future of the republic, to a great extent, depends upon our maintenance of justice pure and unsullied. It cannot be so maintained unless the conduct and the motives of the members of our profession are such as to merit the approval of all just men.

Canon 1 - The Duty of the Lawyer to the Courts

It is the duty of the lawyer to maintain towards the Courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism and clamor. Whenever there is proper ground for serious complaint of a judicial officer, it is the right and duty of the lawyer to submit his grievances to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected.

Canon 6 - Adverse Influences and Conflicting Interests

The obligation to represent the client with undivided fidelity and not to divulge his secrets...

Canon 22 - Candor and Fairness

The conduct of the lawyer before the Court and with other lawyers should be characterized by candor and fairness. It is not candid or fair for, the lawyer knowingly to misquote the contents of a paper, the testimony of a witness, the language or the argument of opposing counsel, or the language of a decision or a text-book; or with knowledge of its invalidity, to cite as authority a decision that has been overruled, or a statute that has been repealed...

These and all kindred practices are unprofessional and unworthy of an officer of the law charged, as is the lawyer, with the duty of aiding in the administration of justice.

Canon 32 - The Lawyer's Duty in Its Last Analysis

No client, corporate or individual, however powerful, nor any cause, civil or political, however important, is entitled to receive, nor should any lawyer render, any service or advice involving disloyalty to the law whose ministers we are, or disrespect of the judicial office, which we are bound to uphold, or corruption of any person or persons exercising a public office or private trust, or deception or betrayal of the public. When rendering any such improper service or advice, the lawyer invites and merits stern and just condemnation.

Canon 32 - The Lawyer's Duty in Its Last Analysis

Correspondingly, he advances the honor of his profession and the best interests of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law, though until a statute shall have been construed and interpreted by competent adjudication, he is free and is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all a lawyer will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.

Preamble - Model Code of Professional Responsibility

The continued existence of a free and democratic society depends upon recognition of the concept that justice is based upon the rule of law grounded in respect for the dignity of the individual and his capacity through reason for enlightened self-government. Law so grounded makes justice possible, for only through such law does the dignity of the individual attain respect and protection. Without it, individual rights become subject to unrestrained power, respect for law is destroyed, and rational self-government is impossible.

Lawyers, as guardians of the law, play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship with and function in our legal system. A consequent obligation of lawyers is to maintain the highest standards of ethical conduct.

DR 4-101 - Preservation of Confidences and Secrets of a Client

(A) "Confidence" refers to information protected by the attorney-client privilege under applicable law, and "secret" refers to other information gained in the professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client.

(B) Except when permitted under DR 4-101(C), a lawyer shall not knowingly:

(1) Reveal a confidence or secret of his client...

DR 7-102 - Representing a Client Within the Bounds of the Law

(A) In his representation of a client, a lawyer shall not:

(1) File a suit, assert a position, conduct a defense, delay a trial, or take other action on behalf of his client when he knows or when it is obvious that such action would serve merely to harass or maliciously injure another.

(2) Knowingly advance a claim or defense that is unwarranted under existing law, except that he may advance such claim or defense if it can be supported by good faith argument for an extension, modification, or reversal of existing law.

(3) Conceal or knowingly fail to disclose that which he is required by law to reveal.

(4) Knowingly use perjured testimony or false evidence.

(5) Knowingly make a false statement of law or fact.

(6) Participate in the creation or preservation of evidence when he knows or it is obvious that the evidence is false.

DR 7-102 - Representing a Client Within the Bounds of the Law

(7) Counsel or assist his client in conduct that the lawyer knows to be illegal or fraudulent.

(8) Knowingly engage in other illegal conduct or conduct contrary to a Disciplinary Rule.

(B) A lawyer who receives information clearly establishing that:

(1) His client has, in the course of the representation, perpetrated a fraud upon a person or tribunal shall promptly call upon his client to rectify the same, and if his client refuses or is unable to do so, he shall reveal the fraud to the affected person or tribunal, except when the information is protected as a privileged communication.

(2) A person other than his client has perpetrated a fraud upon a tribunal shall promptly reveal the fraud to the tribunal.

DR 7-106 - Trial Conduct

(A) A lawyer shall not disregard or advise his client to disregard a standing rule of a tribunal or a ruling of a tribunal made in the course of a proceeding, but he may take appropriate steps in good faith to test the validity of such rule or ruling.

(B) In presenting a matter to a tribunal, a lawyer shall disclose:

(1) Legal authority in the controlling jurisdiction known to him to be directly adverse to the position of his client and which is not disclosed by opposing counsel.

DR 8-102 - Statements Concerning Judges and Other Adjudicatory Officers.

(A) A lawyer shall not knowingly make false statements of fact concerning the qualifications of a candidate for election or appointment to a judicial office.

(B) A lawyer shall not knowingly make false accusations against a judge or other adjudicatory officer.

Preamble - Model Rules of Professional Conduct

(9) A lawyer's responsibilities as a representative of clients, an officer of the legal system and a public citizen are harmonious

Preamble - Model Rules of Professional Conduct

(11) Self-regulation helps maintain the legal profession's independence from government domination. An independent legal profession is an important force in preserving government under law, for abuse of legal authority is more readily challenged by a profession whose members are not dependent on government for the right to practice.

Model Rule 1.2(b) - Scope of Representation & Allocation of Authority Between Client and Lawyer

(b) A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.

Model Rule 1.4 - Communications

(a) A lawyer shall:

- (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules;
- (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
- (3) keep the client reasonably informed about the status of the matter;
- (4) promptly comply with reasonable requests for information; and
- (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Model Rule 1.6 - Confidentiality of Information

(a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).

(c) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

Model Rule 3.3 - Candor Toward The Tribunal

(a) A lawyer shall not knowingly:

- (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;
- (2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or
- (3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

Model Rule 5.1 - Responsibilities of Partners, Managers, and Supervisory Lawyers

- (a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct.
- (b) A lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct.
- (c) A lawyer shall be responsible for another lawyer's violation of the Rules of Professional Conduct if:
 - (1) the lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or
 - (2) the lawyer is a partner or has comparable managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Model Rule 5.5 - Unauthorized Practice of Law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction or assist another in doing so.

Model Rule 5.3 - Responsibilities Regarding Nonlawyer Assistance

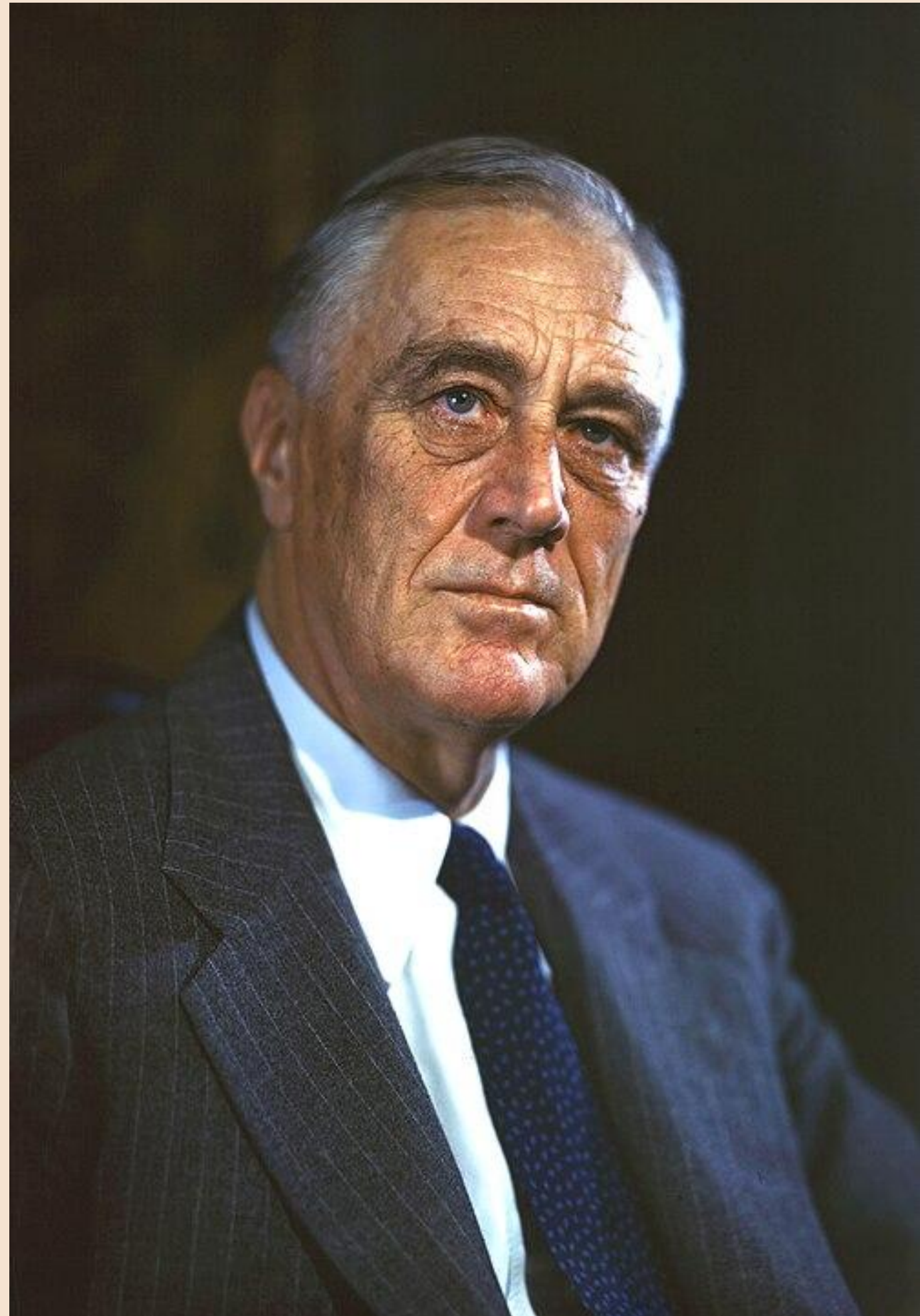
With respect to a nonlawyer employed or retained by or associated with a lawyer:

- (a) a partner, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;
- (b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and
- (c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:
 - (1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or
 - (2) the lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Why Does it Matter?

“The first thing we do,
let’s kill all the lawyers.”

William Shakespear, *Henry VI*



“[I]f by that phrase the charge is made that I would appoint and the Senate would confirm Justices worthy to sit beside present members of the Court who understand those modern conditions, that I will appoint Justices who will not undertake to override the judgment of the Congress on legislative policy, that I will appoint Justices who will act as Justices and not as legislators - if the appointment of such Justices can be called "packing the Courts," then I say that I and with me the vast majority of the American people favor doing just that thing- now.”

Franklin D. Roosevelt, “Fireside Chat 9.” March 9, 1937.

“During the past half century the balance of power between the three great branches of the Federal Government, has been tipped out of balance by the Courts in direct contradiction of the high purposes of the framers of the Constitution. It is my purpose to restore that balance. You who know me will accept my solemn assurance that in a world in which democracy is under attack, I seek to make American democracy succeed. You and I will do our part.”

Id.

"Here, too, we cannot afford, either individually or as a party, to postpone or **run away from that fight on advice of defeatist lawyers.** Let them try that advice on sweating men piling sandbags on the levees at Cairo.

The language of the decisions already rendered and the widespread refusal to obey law incited by the attitude of the courts, create doubts and difficulties for almost everything else for which we have promised to fight—help for the crippled, for the blind, for the mothers-insurance for the unemployed—security for the aged—protection of the consumer against monopoly and speculation—protection of the investor—the wiping out of slums—cheaper electricity for the homes and on the farms of America. You and I owe it to ourselves individually, as a party, and as a Nation to remove those doubts and difficulties.

Franklin D. Roosevelt, "Address at Democratic Victory Dinner," March 04, 1937.

"Certain persons unfriendly to the administration have propagated tales to the effect that the President might attempt to secure legislation muckraking the courts," Mr. Ashurst said today. "This rumor is ridiculous and should be scotched. "We have never had a President in my time who more thoroughly understood or more scrupulously observed the division of the duties, rights and powers of the executive, judicial and legislative branches of government than Franklin D. Roosevelt. Indeed, I could wish that some of the other Presidents were as learned in the law as is Franklin D. Roosevelt."

"Senators Doubt Judiciary Curbs," New York Times, Jan. 5, 1936, page 32.

SENATORS DOUBT JUDICIARY CURBS; Ashurst Denies Roosevelt Message Showed Intent to Bar Injunctions on New Laws. ASSAILS ENEMY 'TALES' Norris, Long Champion of Reforms, Says He Will Not Push Any Changes Now.

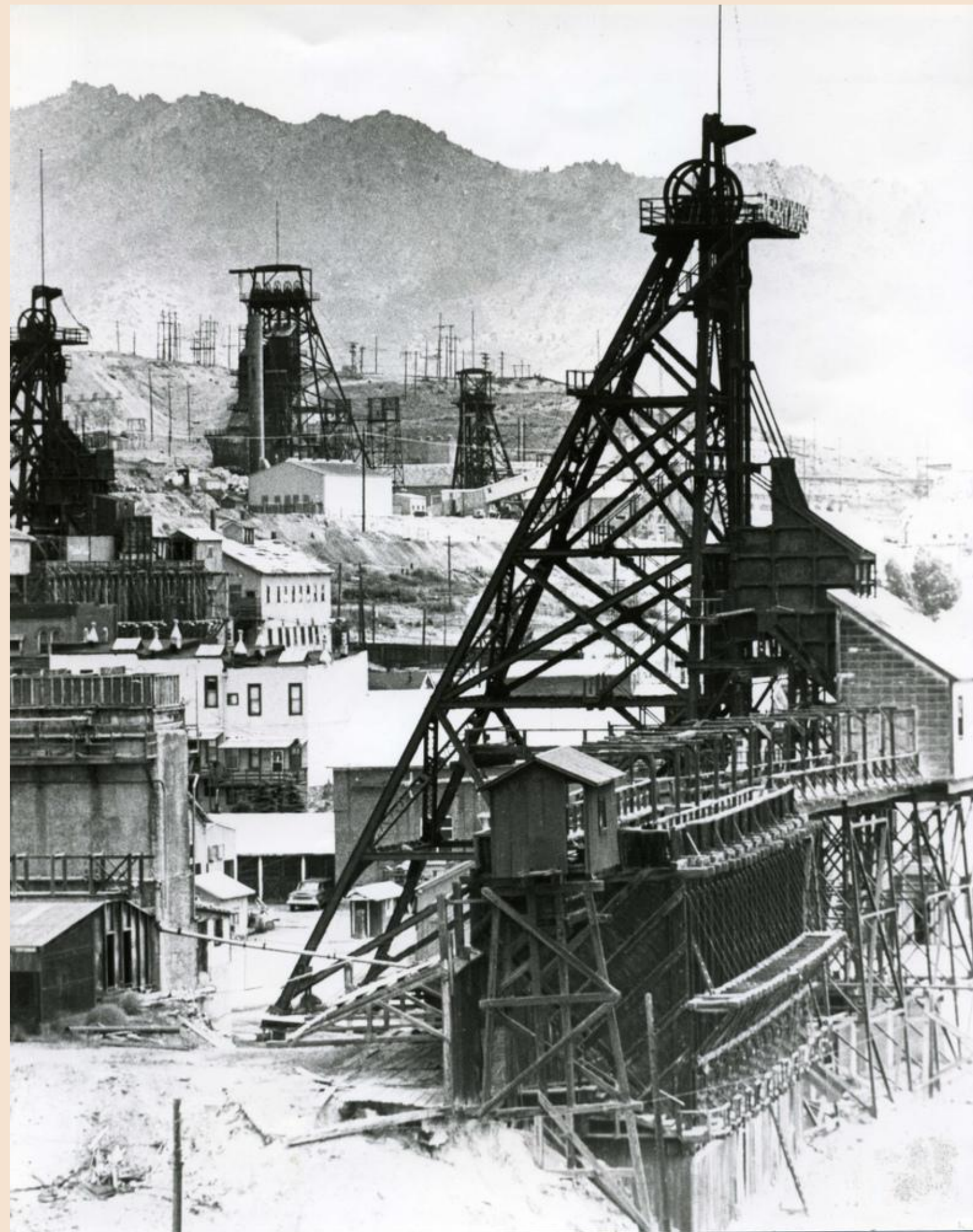




“What kind of judges could they be if they promised the President in advance that they would do his will? They may be sworn to support, maintain, and defend the Constitution, but if they are to carry out the President's wishes, or what seemed to be the needs of the time, they must owe to him an obligation superior to their oath.

In an analogy one must go back to the demand of James I upon Lord Chief Justice Coke that he decide cases in accordance with the King's dictates and for answer to Coke's historic words, ‘The King ought not to be under a man, but he ought to be under God and the law.’”

Burton K. Wheeler, U. S. Senator, Montana “Remarks to Chicago Forum” March 10, 1937.



Calendar No. 734

75TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 711

REORGANIZATION OF THE FEDERAL JUDICIARY

JUNE 7 (calendar day, JUNE 14), 1937.—Ordered to be printed

Mr. McCARRAN (for Mr. KING), from the Committee on the
Judiciary, submitted the following

ADVERSE REPORT

“Of the 55 men in the Constitutional Convention, nearly one-half had actually fought in the War for Independence. Eight of the men present had signed the Declaration of Independence, in which, giving their reasons for the act, they had said of their king: “he has made judges dependent upon his will alone for their tenure of office and the amount and payment of their salaries.” They sought to correct an abuse and to prevent its recurrence. When these men wrote the Constitution of their new Government, they still sought to avoid such an abuse as had led to such a bloody war as the one through which they had just passed.

So they created a judicial branch of government consisting of courts not conditionally but absolutely independent in the discharge of their functions, and they intended that entire and impartial independence should prevail. Interference with this independence was prohibited, not partially but totally. Behavior other than good was the sole and only cause for interference. This judicial system is the priceless heritage of every American.”

Id.

Biden's court commission appointees: We told you so on expanding the court

No one expects him to actually embrace the idea. They just want him to not stand against it.



Protesters gather outside the Supreme Court in Washington, Friday, June 24, 2022. | Jacquelyn Martin/AP Photo

By **EUGENE DANIELS**
07/07/2022 04:30 AM EDT



The Washington Post
Democracy Dies in Darkness

Sweeping bill to overhaul Supreme Court would add six justices

The legislation by Sen. Ron Wyden (D-Ore.) is one of the most ambitious efforts to date to remake the Supreme Court following controversies over rulings and ethics.



Drastic Liberal Schemes to Undermine the US Supreme Court Will Enable an Authoritarian Presidency

Despite some controversial rulings, conservative jurists held the line against illicit power grabs by their own side.

Trump-appointed judges warn of threats, criticize calls to impeach judges

By Nate Raymond

June 24, 2025 4:48 PM MDT · Updated June 24, 2025



Chief Justice Roberts rebukes Trump and GOP rhetoric about impeaching judges



By [John Fritze](#), CNN

🕒 6 min read · Updated 7:59 PM EDT, Tue March 18, 2025



An attack on the Constitution? Why Trump's moves to punish law firms are causing alarm



[Aysha Bagchi](#)

USA TODAY

Updated April 5, 2025, 2:23 p.m. ET

American Bar Association sues Trump administration over executive orders targeting law firms

It claims the executive orders pursued by the White House have cast a chill across the legal industry.

THE WHITE HOUSE
WASHINGTON

NEWS

GALLERY

LIVESTREAM

INVESTMENTS

SAVE AMERICA

WH WIRE

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← PRESIDENTIAL ACTIONS

Preventing Abuses of the Legal System and the Federal Court

Presidential Memoranda

March 22, 2025

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Addressing Risks from Perkins Coie LLP

The White House

March 6, 2025

“By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose. The dishonest and dangerous activity of the law firm Perkins Coie LLP (“Perkins Coie”) has affected this country for decades... Perkins Coie has worked with activist donors including George Soros to judicially overturn popular, necessary, and democratically enacted election laws, including those requiring voter identification. In one such case, a court was forced to sanction Perkins Coie attorneys for an unethical lack of candor before the court.

In addition to undermining democratic elections, the integrity of our courts, and honest law enforcement, Perkins Coie racially discriminates against its own attorneys and staff, and against applicants.”

Perkins Coie, LLP v. U.S Dep't of Justice

“There is no enumerated or inherent executive authority from the Constitution to regulate and to sanction lawyers for professional misconduct. That is not part of the President’s “core constitutional power[.]” *Trump v. United States*, 603 U.S. 593, 606 (2024). Nor is it one of his “incidental powers, belonging to the executive department, which are necessarily implied from the nature of the functions.” *Nixon v. Fitzgerald*, 457 U.S. 731, 749 (1982) (quoting 3 Joseph Story, *Commentaries on the Constitution of the United States* § 1563 (1st ed. 1833)).”

Complaint, ¶188, *Perkins Coie, LLP v. United States Department of Justice*, Case 1:25-cv-00716-BAH, 2025 WL 1276854 (D.D.C. May 2, 2025)

Perkins Coie, LLP v. U.S Dep't of Justice

“The First Amendment protects the right to petition the government for redress of grievances. Such petition includes seeking relief in courts of law and agencies of government. The Order violates that right by denying the ability of Perkins Coie lawyers to enter public buildings and, even short of entry, communicate and meet with government employees (two of whom have already refused to meet with Perkins Coie lawyers, as scheduled before issuance of the Order).”

Complaint, ¶133, Perkins Coie, LLP v. United States Department of Justice, Case 1:25-cv-00716-BAH, (D.D.C.)

Perkins Coie, LLP v. U.S Dep't of Justice

“No American President has ever before issued executive orders like the one at issue in this lawsuit targeting a prominent law firm with adverse actions to be executed by all Executive branch agencies but, in purpose and effect, this action draws from a playbook as old as Shakespeare, who penned the phrase: “The first thing we do, let’s kill all the lawyers.” WILLIAM SHAKESPEARE, HENRY VI, PART 2, act 4, sc. 2, l. 75.”

Memorandum Opinion, Perkins Coie, LLP v. United States Department of Justice, Case 1:25-cv-00716-BAH, 2025 WL 1276854, at 1 (D.D.C. May 2, 2025)

Perkins Coie, LLP v. U.S Dep't of Justice

“The importance of independent lawyers to ensuring the American judicial system’s fair and impartial administration of justice has been recognized in this country since its founding era. In 1770, John Adams made the singularly unpopular decision to represent eight British soldiers charged with murder for their roles in the Boston Massacre and “claimed later to have suffered the loss of more than half his practice.” DAVID MCCULLOUGH, JOHN ADAMS 68 (2001).”

Id.

Perkins Coie, LLP v. U.S Dep't of Justice

““I had no hesitation,” he explained, since “Council ought to be the very last thing that an accused Person should want in a free Country,” and “the Bar ought . . . to be independent and impartial at all Times And in every Circumstance.”³ DIARY AND AUTOBIOGRAPHY OF JOHN ADAMS 293 (L.H. Butterfield et al. eds., 1961).”

Id. at 2.

Perkins Coie, LLP v. U.S. Dep't of Justice

“The first, second, and fourth reasons reference the Firm’s representation of clients, namely: President Trump’s opponent in the 2016 presidential election, parties in election litigation, and parties challenging Trump Administration actions. Well-settled law establishes that “advocacy by . . . attorney[s] to the courts” falls within the category of “private . . . speech” protected by the First Amendment, *Legal Servs. Corp.*, 531 U.S. at 542-43; see also *NAACP v. Button*, 371 U.S. 415, 429 (1963) (“[T]he First Amendment . . . protects vigorous advocacy, certainly of lawful ends, against governmental intrusion,” including litigation, which “is thus a form of political expression.”), meaning that plaintiff’s representation of a political opponent of the current President and involvement in election litigation and lawsuits against the Trump Administration explicitly qualifies as core First Amendment speech.”

Id. at 55.

Perkins Coie, LLP v. U.S Dep't of Justice

“While the First Amendment’s free speech and association protections safeguard a client’s rights to hire and consult with an attorney, see supra Part III.B.2, separate constitutional problems are posed under the Fifth and Sixth Amendments when the government interferes with a client’s right to choose counsel. The government contracting compelled disclosure and termination instruction and government building and government official access bars in EO 14230’s Sections 3 and 5, respectively, would adversely impact both clients’ ability to choose plaintiff and plaintiff’s ability to provide representation to clients in criminal cases, and would adversely impact plaintiff’s representations of clients in civil matters involving the government. Plaintiff, therefore, is entitled to summary judgment on Count IX.”

American Bar Ass'n v. Executive Office of the President

“The Policy is also independently *ultra vires* and violates the separation of powers by usurping the judiciary’s inherent power to “discipline attorneys who appear before” federal courts by threatening and imposing sanctions on attorneys who take disfavored positions. *Chambers v. NASCO*, 501 U.S. 32, 43 (1991) (citing *Ex parte Burr*, 22 U.S. (9 Wheat.) 529, 531 (1824)). Article III grants courts “the ability to fashion an appropriate sanction” for attorney misconduct, which ensures that courts may prevent “abuse[]” of the “judicial process.” *Goodyear Tire & Rubber Co. v. Haeger*, 581 U.S. 101, 107 (2017) (citation omitted). Separation of powers principles do not permit the Policy’s intrusion on and interference with “the proper exercise of the judicial power.” *Velazquez*, 531 U.S. at 545; see *Stern v. Marshall*, 564 U.S. 462, 482-84 (2011).”

Complaint, ¶ 265, *American Bar Ass'n v. Executive Office of the President*, Case 1:25-cv-01888, (D.D.C.)

In re Knudsen

“Courts in the United States have long regulated attorneys, who “are officers of the court, admitted as such by its order, upon evidence of their possessing sufficient legal learning and fair private character.” *Ex parte Garland*, 71 U.S (4 Wall.) 333, 378, 18 L. Ed. 366 (1867). “The admission and regulation of attorneys in Montana is a matter peculiarly within the inherent power of this Court, subject, of course, to constitutional guaranties, which the Court has always zealously guarded.” *Goetz v. Harrison*, 153 Mont. 403, 404, 457 P.2d 911, 912 (1969); see also *In re Best*, 2010 MT 59, ¶ 15, 355 Mont. 365, 229 P.3d 1201.

In re Knudsen, 2025 MT 304, ¶ 44.

In re Knudsen

“The Constitution requires the Attorney General to be an attorney in good standing, which necessarily requires him to be subject to the regulation of the legal profession under the Court's authority. Mont. Const. art. VII, § 2(3); see generally *In re President of Mont. Bar Ass'n*, 163 Mont. 523, 518 P.2d 32 (1974) (per curiam) (establishing the Unified Bar of Montana); see also, e.g., *In re Bailey*, 30 Ariz. 407, 248 P. 29, 30 (Ariz. 1926). This is not an anomaly, it is a continuation of the well-established American tradition and practice of attorneys being subject to regulation by the Judiciary.”

Id. at ¶ 47.

Webster v. Comm'n for Law

“Denominating the judiciary's authority to regulate the practice of law as an “inherent power” is another way of stating that the original public meaning of the “judicial power” created by the Texas Constitution includes such authority. This aspect of the judicial power traces from “the days of the Inns of Court in common law English jurisprudence,” Eichelberger, 582 S.W.2d at 398-99, to the time the People adopted article V, § 1 into the Texas Constitution in 1876.”

Webster v. Comm'n for Law. Discipline, 704 S.W.3d 478, 490 (Tex. 2024)

Webster v. Comm'n for Law

“This Court, moreover, will remain the final check if courts improperly impose or, in egregious cases, refuse to impose discipline. See Jackson, 21 Tex. at 672-73. The worthy goal of the State Bar Act and its many revisions is to streamline and systematize the disciplinary system such that resort to the courts' inherent authority becomes less and less necessary. But the authority itself remains. The judicial branch, and this Court, remain fully capable of redressing whatever concerns may arise that would otherwise threaten the independence, integrity, or impartiality of the judiciary. Vindicating our power to "regulate the practice of law in Texas for the benefit and protection of the justice system and the people as a whole," Nolo Press, 991 S.W.2d at 769, does not depend on allowing the commission to bring lawsuits like the one it initiated here.”

In re Knudsen

“This Court’s independent review of the statements—in context of the record—shows each is a constitutionally protected opinion due to a sufficiently stated factual basis, which ODC failed to prove false. Since ODC failed to prove the statements false, we need not address whether Knudsen or his attorneys made the statements knowing they were false, or with reckless disregard for the truth or falsity thereof. Rule 8.2(a).”

In re Knudsen, 2025 MT 304, ¶ 92.

In re Knudsen

"[S]erious and troubling," "impropriety," "questionable," "unprecedented," and "inaccurate" have meanings that heavily depend on the perspective of the person evaluating the term. What is serious and troubling or questionable to one person can be trivial and inconsequential to another person. Similarly, what is improper or inaccurate to one can be perfectly acceptable to another. Relatedly, generally referencing judicial misconduct, judicial misbehavior, or inappropriate judicial behavior is hyperbole. Some may define those terms as any deviation from the highest ideals. Others may define those terms as significant departure from minimum standards. Reference to Maslow's hammer does not convey a factual assertion. The phrase cannot be taken literally. At most, the reference is a colorful paraphrase of the term single-minded which does not impugn integrity. None of these statements violate Rule 8.2(a).

Id. at ¶ 107.

In re Knudsen

“While we have dismissed this case with no further proceedings to occur, the extensive litigation with numerous hearings playing out in public for years, coupled with our Opinion and Order finding violations, is far worse and a more informative sanction than the originally contemplated private admonition would have been. Accordingly, this Opinion and Order suffices as the Court's public admonition regarding the rule violations. Moreover, we plainly warn all Montana attorneys, including Knudsen and his subordinates, to obey lawful orders of all courts.”

“Congress has thus created a framework for Department attorneys under which the State whose substantive ethics rules apply may differ from the State of licensure and enforcement, and Congress has left to the Attorney General the discretion on how to enforce substantive ethics rules. To date, the Attorney General has relied upon the State bar licensing authorities to enforce these substantive ethics standards. But the Attorney General retains the discretion to displace State bar enforcement and to create an entirely Federal enforcement mechanism, or to displace State bar enforcement in part when it is inconsistent with the Federal Government's determinations regarding the regulation of Federal attorneys.”

“Review of State Bar Complaints and Allegations Against Department of Justice Attorneys,” 91 Fed. Reg. 10780 (March 5, 2026).

(A) Before the bar disciplinary authorities of the States, the Territories, or the District of Columbia undertake any investigative steps that seek information or otherwise require participation from an attorney for the government in response to allegations that a current or former attorney for the government violated a rule of ethical conduct while engaging in that attorney's duties for the Department, the Attorney General shall have the right to review the allegations in the first instance. The Attorney General shall have this right whether the allegations are made in a complaint filed by a third party or the bar disciplinary authorities open an investigation into the allegations without a complaint.

Id.

The Attorney General or her designee shall notify the appropriate bar disciplinary authorities whether she intends to exercise her right to review the allegations and, if she does, she or her designee shall request that the bar disciplinary authorities suspend any parallel investigations or disciplinary proceedings until the completion of the review. If the Attorney General decides not to complete her review, she or her designee shall notify the appropriate bar disciplinary authorities so they may resume their investigations or disciplinary proceedings. The Attorney General or her designee shall inform the appropriate bar disciplinary authorities of the completion of her review. As appropriate, the Attorney General or her designee shall also inform the appropriate bar disciplinary authorities of the results of her review, including if the review finds that the attorney for the government did not violate any rule of ethical conduct while engaging in that attorney's duties.

Id.

(B) Should the relevant bar disciplinary authorities refuse the Attorney General's request, the Department shall take appropriate action to enforce this regulation or to prevent the bar disciplinary authorities from interfering with the Attorney General's review of the allegations.

Id.

Conference of Chief Justices

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March 24, 2026

The Honorable Pamela Bondi
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Submitted by: <https://www.regulations.gov>

Re: Department of Justice - Office of the Attorney General
Docket No. OAG199
Comment to Proposed Rulemaking
Review of State Bar Complaints and Allegations
Against Department of Justice Attorneys

Dear Attorney General Bondi:

CONFERENCE OF CHIEF JUSTICES

Resolution 1-2026

**Reaffirming the Authority of Jurisdictions' Highest Courts to Regulate the Professional
Conduct of All Attorneys Authorized to Practice in their Jurisdictions**

WHEREAS, each state, territory, and the District of Columbia (collectively “jurisdictions”), through its highest court, and in some jurisdictions through the state constitution, has the responsibility and authority to regulate the professional conduct of attorneys and other legal practitioners authorized to practice within its jurisdiction and to establish and enforce ethical standards and enforcement mechanisms governing the legal profession; and

WHEREAS, in Resolution XII, the Conference reinforced that “[a]s a matter of policy and ethics, as well as principles of federalism and separation of powers, the state supreme courts have the sole and exclusive responsibility to supervise the practice of law in each jurisdiction;” and

WHEREAS such a rule may interfere with the ability of jurisdictions' highest courts to exercise their long-established authority to regulate the professional conduct of attorneys authorized to practice in their jurisdiction, which authority is essential to public trust and confidence in the legal profession and, by extension, in the Rule of Law itself;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Conference of Chief Justices reaffirms that each jurisdiction's highest court regulates the professional conduct of attorneys and others authorized to practice in their jurisdictions by adopting ethical standards and disciplinary mechanisms;



U.S. INTERNATIONAL CANADA ESPAÑOL 中文

GIVE THE TIMES

Account ▾

Thursday, March 26, 2026

Today's Paper

The New York Times

Dow +0.66% ↑

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Trump Calls for Law Cracking Down on Crime and 'Rogue Judges'

Ahead of the midterms, President Trump told a Republican gathering that he wants to go after repeat offenders and “rogue judges that are criminals.”

“The time has also come for Republicans to pass a tough new crime bill that imposes harsh penalties for dangerous repeat offenders, cracks down on rogue judges. We got rogue judges that are criminals. They are criminals, what they do to our country.”

Who or “What” is an
Attorney?

A Time of Declining
Confidence and Growing
Economic Gaps.

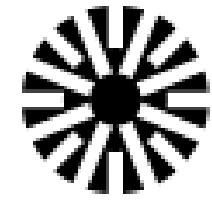
Americans Pass Judgment on Their Courts

Sharp decline in confidence in judiciary is among the largest Gallup has ever measured



BY **BENEDICT VIGERS** AND **LYDIA SAAD**

LONDON -- Americans' confidence in their nation's judicial system and courts dropped to a record-low 35% in 2024.



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SHORT READS | SEPTEMBER 3, 2025

Favorable views of Supreme Court remain near historic low



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BY JOSEPH COPELAND

The Justice Gap Has Become a Chasm

As appeared in the New York Law Journal June 16, 2025



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Access to Justice Remains Elusive, New Data Shows

December 5, 2023



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Gap In Access To Legal Assistance Remains Wide, ABA Finds

Considerations for expanding access to justice through Authorized Justice Practitioner programs

Report from the
CCJ/COSCA Civil Justice Committee

April 2025

CONFERENCE OF CHIEF JUSTICES

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 1-2025

In Support of Exploring Access to Justice Through Authorized Justice Practitioner Programs

NOW, THEREFORE, BE IT RESOLVED, that the Conference of Chief Justices and the Conference of State Court Administrators encourage their members to examine whether authorized justice practitioners could be beneficial to expand access to legal representation and to take appropriate steps to explore and discuss such possibilities, including periodically re-evaluating whether new and/or different authorized justice practitioner models may be appropriate to address current needs;

Alternative Models

- **2022 – Alaska Supreme Court** allows for creation of a Community Justice Worker program.
- **2023-24 - North Dakota Lawyer Licensing Task Force.** Allied legal professionals (ALP) program. Court navigator program.
- **2025 - Arizona Supreme Court** adopts Community-based Justice Work Service Delivery Models.
- **2026 – Montana Supreme Court** moves forward with Community Justice Worker Program.

Montana CJW Program

“Montana Legal Services Association (MLSA) petitions the Court, in the exercise of its constitutional authority to make rules governing conduct of its members of the State Bar and those admitted to practice, to adopt rules authorizing certified lay advocates to provide limited legal services in Justice Courts and City Courts. MLSA will train and mentor these non-lawyer lay advocates, or Community Justice Workers (CJWs), who will provide legal services in Order of Protection cases, and simple housing and consumer matters in Justice Courts and City Courts. MLSA has developed this project with support from the Montana Supreme Court Access to Justice Commission and in conjunction with the State Bar of Montana and the Office of the Supreme Court Administrator.”

Petition of Montana Legal Services Ass'n, AF 11-0765

Montana CJW Program

Montana Uniform Rules for Justice and City Courts

Rule 14. Representation.

(a) A party may represent oneself, or be represented by counsel **or by a non-lawyer Community Justice Worker, as provided in (b) below.**

(b) Except as provided in (c) below, no representation can be made on behalf of a party by another person except an attorney duly licensed by the State of Montana **or by a non-lawyer community justice worker who is authorized to provide limited legal assistance to clients in specified areas of law, under the jurisdiction of the Montana Supreme Court and the State Bar of Montana.** A nonresident attorney may be permitted to represent a party upon motion of a licensed resident attorney as allowed under Section IV, Pro Hac Vice, of the 1998 Rules for Admission to the Bar of Montana.

(c) Unless the articles of organization state otherwise, a member with a majority interest in a limited liability company may represent the limited liability company as an attorney in justice's court as provided in 25-31-601.

(d) Death or removal of an attorney shall be governed by Rule 10 of the Uniform District Court Rules.

Petition of Montana Legal Services Ass'n, AF 11-0765

Montana CJW Program

“MLSA further requests that the Court enter a special Order which sets out definitions; defines eligibility factors for CJWs; establishes an application process; provides that the State Bar of Montana may approve applications for CJWs; specifies the types of authorized legal assistance CJWs may provide; and, mandates regular reports to the Court and the State Bar.”

Petition of Montana Legal Services Ass'n, AF 11-0765

A Time of Non-Human,
Non-Lawyers?

Rapid Technological Change.

1806 - Carbon Paper
1843 - Fax Machine
1873 - Typewriter
1973 - First Cellular Telephone
1973 - LexisNexis Launched
1975 - Westlaw
1975 - Personal Computer

2020 - Global Pandemic

2022 - ChatGPT

2023 - vLex and Fastcase merge

2023 - Vincent AI by vLex

2023 - ChatGPT 4 passes the bar exam

2025 - Clio acquires vLex/Fastcase for \$1B

Many states have issued
ethics guidance on AI.

Florida Ethics Opinion 24-1

“Lawyers may use generative artificial intelligence (“AI”) in the practice of law but must protect the confidentiality of client information, provide accurate and competent services, avoid improper billing practices, and comply with applicable restrictions on lawyer advertising.”

New Mexico Formal Opinion 2024-004

The use of Generative AI in the representation of a client can offer the client certain benefits, but also poses unique risks, as discussed above. Whether a lawyer must discuss these risks and benefits with a client consistent with Rule 16-104 and a lawyer's duty to reasonably consult with a client about the means by which the client's objectives are to be accomplished, depends upon a number of factors. While it is not possible to identify or illustrate every situation requiring a lawyer to advise a client about the lawyer's use of Generative AI, lawyers should be cognizant of the fact that they may need to discuss their use of Generative AI with a client if:

New Mexico Formal Opinion 2024-004

(a) the use of Generative AI plays a significant role in producing final products for clients; (b) a client inquires about a lawyer's use of Generative AI; or (c) the use of Generative AI requires the lawyer to disclose confidential client data to obtain any resulting product. There may be other circumstances in which a lawyer must inform the client about the lawyer's use of Generative AI and a lawyer should evaluate each matter on a case-by-case basis to determine whether Rule 16- 104 is implicated by the lawyer's use of Generative AI.

Montana Courts

Brick v. Gallatin County, 2025 WL 1505066 (D. Mont. May 27, 2025).

“The Court grants Brick leave to amend her Complaint to state a claim for relief and to comply with Rule 8. The Court again reminds Brick that she must comply with all Local Rules as well as the Federal Rules of Civil Procedure. Brick’s filings frequently exceed page limits, disregard procedural requirements, and cite to non-existent cases to support Brick’s legal contentions. (See, e.g., Doc. 70 at 19 (“Curtis v. Trevino, 631 F.3d 880 (9th Cir. 2011)”); Doc. 70 at 24 (“Koch v. Schapiro, 699 F.3d 141, 145 (2d Cir. 2012)”); Doc. 70 at 37 (“Frenchko v. Trumbull County, 85 F.4th 279 (6th Cir. 2023)”); Doc. 70 at 50 (“Hayek v. Hayek, 2019 WL 2992049 (S.D.N.Y. 2019)”)). Failure to comply with these rules, including continued misrepresentations to the Court, will result in dismissal.”

TOP STORY

Defense attorney Monica Tranel caught violating AI rules in case filing

Sam Wilson Feb 26, 2026 0

FILED

02/17/2026

Amy McGhee
CLERK

Missoula County District Court
STATE OF MONTANA

By: Debbie Rickerton

DC-32-2024-0000575-IN

Larson, John W

40.00

1 JUSTIN EKWALL
2 Deputy County Attorney
3 MATT JENNINGS
4 Missoula County Attorney
5 Missoula County Courthouse
6 Missoula, Montana 59802
7 jekwall@missoulacounty.us
8 (406) 258-4737
9 ATTORNEYS FOR PLAINTIFF

10 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

11 STATE OF MONTANA,
12 Plaintiff,

13 -vs-

14 JUSTIN FLOYD STROUP,
Defendant.

Department No.
Cause No. DC-24-575

**MOTION TO STRIKE FOR
VIOLATION OF LOCAL RULE
3(G)**

Legal.io 

Mar 06, 2026

OpenAI Sued for Unauthorized Practice of Law via ChatGPT

Nippon Life's landmark lawsuit against OpenAI alleges ChatGPT acted as an unlicensed attorney.



Independence
Oath to Constitution(s)
Ethical Rules & Judgement





A serene sunset scene at a tropical beach. The sky transitions from a deep blue at the top to a warm orange and yellow near the horizon where the sun is setting. In the foreground, the dark silhouettes of numerous palm trees are scattered across the frame. Below the trees, the silhouettes of people are visible on the beach, some standing and others sitting on lounge chairs. The ocean is visible in the background, with a few small waves. The overall mood is peaceful and nostalgic.

Thank you.

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Uniform Law Commission

2026 Western States Bar Conference

April 8 - 11, 2026



Libby Snyder, Special Counsel

lsnyder@uniformlaws.org

What is the ULC?

The Uniform Law Commission is:



The oldest state governmental organization in existence.

Since 1892, it has fulfilled a primary role in the U.S. for the improvement of state law.



An organization of legal professionals and state officials devoted to improvement of statutory law.



"I have seen many deliberative bodies before and since, but in none were the discussions of such high quality."

William H. Rehnquist

Chief Justice of the United States
Supreme Court

(Uniform Law Commissioner from 1963-69)



Why it Exists

- **U.S. Constitution** enumerates limited powers for Congress (Article 1, Section 8) and reserves all other powers “to the states, respectively, or to the people.” (10th Amendment).
- **Two developments** in the late 1800s made uniform laws necessary:
 - Change from court-made common law to statutory law for consistency, and
 - Industrial revolution and railroads greatly increased personal mobility and interstate commerce.



Key Facts

Uniform Law Commission



Headquartered in

Chicago

Small staff of

18

Funded by state governments

(not industry or the federal government)

Annual budget of approx.

\$5 million

Benefits of Uniform Acts

Historically, uniform acts:



Facilitate the flow of commercial transactions across state lines



Fill emergent legal needs



Resolve conflict of laws problems



Modernize antiquated legal concepts



Provide reciprocity of rights and remedies between the states and their residents



Codify enhanced common law concepts



Why should lawyers care?

- The **ULC** is one arena in which businesses, consumers, and lawyers **intersect**
- Whether you are interested in litigation, transactional, or another **practice area** - many of these laws will affect your practice.

For example:

- If there is no applicable case law from your state, you might cite to another court interpreting the same statute in another state as persuasive authority
- If another state has adopted the same provision of a uniform law, you can advise your client on that other state's law (for example, if your client is a business looking to expand to another state)
- For litigators, subpoenas and discovery materials may be issued by courts in other states if both states have adopted the Uniform Interstate Depositions and Discovery Act (UIDDA).



Common ULC Subject Matter Areas

Commercial Law

Real Estate Transactions and Rules

Business Entity Formation

Interstate Enforcement of Judgments

Family or Domestic Relations Law

Alternate Dispute Resolution

Estates, Probate and Trusts

Administrative Procedure



The alphabet soup of the law!

- **UCC:** Uniform Commercial Code
- **UCCJEA:** Uniform Child Custody Jurisdiction and Enforcement Act
- **UAGA:** Uniform Anatomical Gift Act
- **UAA:** Uniform Arbitration Act
- **UCA:** Uniform Condominium Act
- **UETA:** Uniform Electronic Transactions Act
- **UPA:** Uniform Parentage Act
- **UIDDA:** Uniform Interstate Depositions and Discovery Act
- **ULPA:** Uniform Limited Partnership Act
- **UPC:** Uniform Probate Code
- **UIFSA:** Uniform Interstate Family Support Act
- **UTSA:** Uniform Trade Secrets Act
- **UTC:** Uniform Trust Code



WSBC states have adopted over **2,200 uniform laws:**

- **Alaska:** 107 enactments
- **Arizona:** 122 enactments
- **California:** 113 enactments
- **Hawaii:** 150 enactments
- **Idaho:** 141 enactments
- **Montana:** 158 enactments
- **Nevada:** 151 enactments
- **New Mexico:** 159 enactments

• **North Dakota:** 187 enactments

• **Oklahoma:** 148 enactments



ULC Membership

Each state determines the mode of appointment and the size of its delegation. The current membership consists of almost 400, who fall generally into five categories:

40%



Private Practitioners

14%



Governmental
Lawyers

10%



State Legislators

5%



State and Federal
Judges

14%



Law Professors



The Work of Commissioners

Commissioners represent their states, as volunteers, by:

- Serving on ULC study, drafting, and other committees
- Representing their appointing state at the ULC annual meeting each summer
- Carrying uniform and model acts back to assist their legislatures in their consideration



Value to the States

Each ULC drafting project is estimated to provide a minimum of

\$1,200,000

of donated legal expertise!



You will like how the **ULC sausage** is made!

Healthy ingredients!

The ULC process is **exceptional**. Unlike many other legislative drafting processes, the ULC drafting process is **open to the public** and combines input from legal **experts, advisors**, and **observers** representing the views of interested groups affected by the proposed laws.



ULC Act Life Cycle



Proposal

- Proposals are submitted to the ULC from members of the public, other organizations, commissioners, or governmental entities
 - **Joint Editorial Boards**, including those for Real Property, Family Law, and the Uniform Commercial Code, and **ULC Monitoring Committees** monitor developments in their areas and make recommendations for new acts or updates
- Proposals for uniform laws are referred to a scope committee, which determines whether further study is warranted
- Recent proposals have focused on technology, science, and other legal developments



Study Committee

- Next step: A study committee is created
 - Consists of commissioners, advisers & observers
 - Intensive investigation
- Study committee conducts at least one year of remote meetings to discuss viability of issue as a uniform law
- At conclusion of the year, committee will make a recommendation to ULC leadership
- **Current examples:**
 - Family Law Mediation
 - Acceptance of Cash for In Person Transactions
 - Harmonization of the Law Governing Restricted Charitable Gifts



Drafting Committee

- If the study committee recommends drafting and the ULC decides to move forward, ULC leadership appoints a drafting committee
- Committee meets at least twice per year for two years
 - Committee makeup: commissioners, ABA advisors, observers, reporter
- Observers for a committee may include:
 - Stakeholders from interest groups (e.g., state agencies, land title, realtors, bankers, AARP, trade associations)
 - Staff from non-profit organizations; attendance can be sponsored by a Uniform Law Foundation Grant aimed at gaining more broad, diverse perspectives
- Hybrid meetings further democratize the process



Drafting Committee cont'd

- An act's reporter will translate the committee's policy decisions into legislative text and will also draft its prefatory note and comments for each section
 - Comments explain policy decisions made during the drafting process and help courts and the public understand and interpret an act
- Reporters will also include legislative notes aimed at helping guide a bill drafter
 - For example, a legislative note will be included if the bill drafter must select among alternatives or include conforming amendments to other sections of state law
 - If a uniform act includes a bracketed option to indicate a choice to be made by the enacting state, a legislative note will explain the choice



Discussion and Approval at Annual Meeting

- Every draft act is discussed and considered **line-by-line** by the entire ULC at two annual meetings
- Commissioners debate the merits and make changes
- At the second annual meeting (generally), a vote by the states is taken on whether to promulgate the draft as a uniform act
- Promulgated acts are finalized and published on the ULC web site with enactment kit materials



Enactment Overview

- Once an act is promulgated, it is **ready to be introduced** to state legislatures
- Enactment efforts typically involve **ULC staff, commissioners, other legislators, state bar associations, stakeholders, and policy experts**
- Commissioners in each state meet with ULC staff to plan coming legislative session, then work to get uniform acts introduced and passed
- So far in 2026, the ULC has enacted **13 acts** in state legislatures
- The ULC enacted **65 acts** in state legislatures in 2025



Uniformity of Uniform Laws

- Verbatim enactment is the goal, but not always realistic
 - May or may not include “promote uniformity” clause
- Argues for the following procedure from courts interpreting uniform laws:
 - (a) If the provision is directly from a uniform law and the text includes the promote-uniformity clause, then comments are persuasive guides
 - (b) if provision was modified or promote-uniformity clause was not included, reliance on comments should depend on strength of similarities between modified and uniform provision
- Another “thorny” issue that is a large part of ULC’s work: determining how much deviation there can be for an act to still be considered “uniform”
 - Uniform enactments provide predictability for constituents
 - Uniform enactments also allow a state to rely upon precedent from other states that have enacted the uniform law
 - Some uniform acts include reciprocity provisions with other states that have enacted the uniform act (Uniform Athlete Agents Act, Uniform Child Custody Jurisdiction and Enforcement Act, etc.)



Current ULC Drafting Committees

- Child Digital Entertainers
- Commercial Financing Disclosure
- Conflict of Laws in Trusts and Estates
- Deed Fraud
- Occupational Licenses of Servicemembers and Military Spouses
- Ownership or Possession of Pets at Family Dissolution and in Domestic Violence Proceedings
- State Indian Child Welfare Act
- Trade Secrets Act
- Transfers to Minors Act
- Virtual Currency Customer Protection



Current ULC Study Committees

- Acceptance of Cash for In Person Transactions
- Child Support Orders for Parents of Children in Foster Care
- Children's Online Safety and Protection
- Commercial Law Framework for Voluntary Carbon Credits
- Family Law Mediation
- Genetic Information Privacy and Discrimination
- Harmonization of the Law Governing Restricted Charitable Gifts
- Installment Land Contracts
- International Litigation Procedures Committee
- Marketable Title
- Mental Privacy, Cognitive Biometrics, and Neural Data
- Model State Administrative Procedure

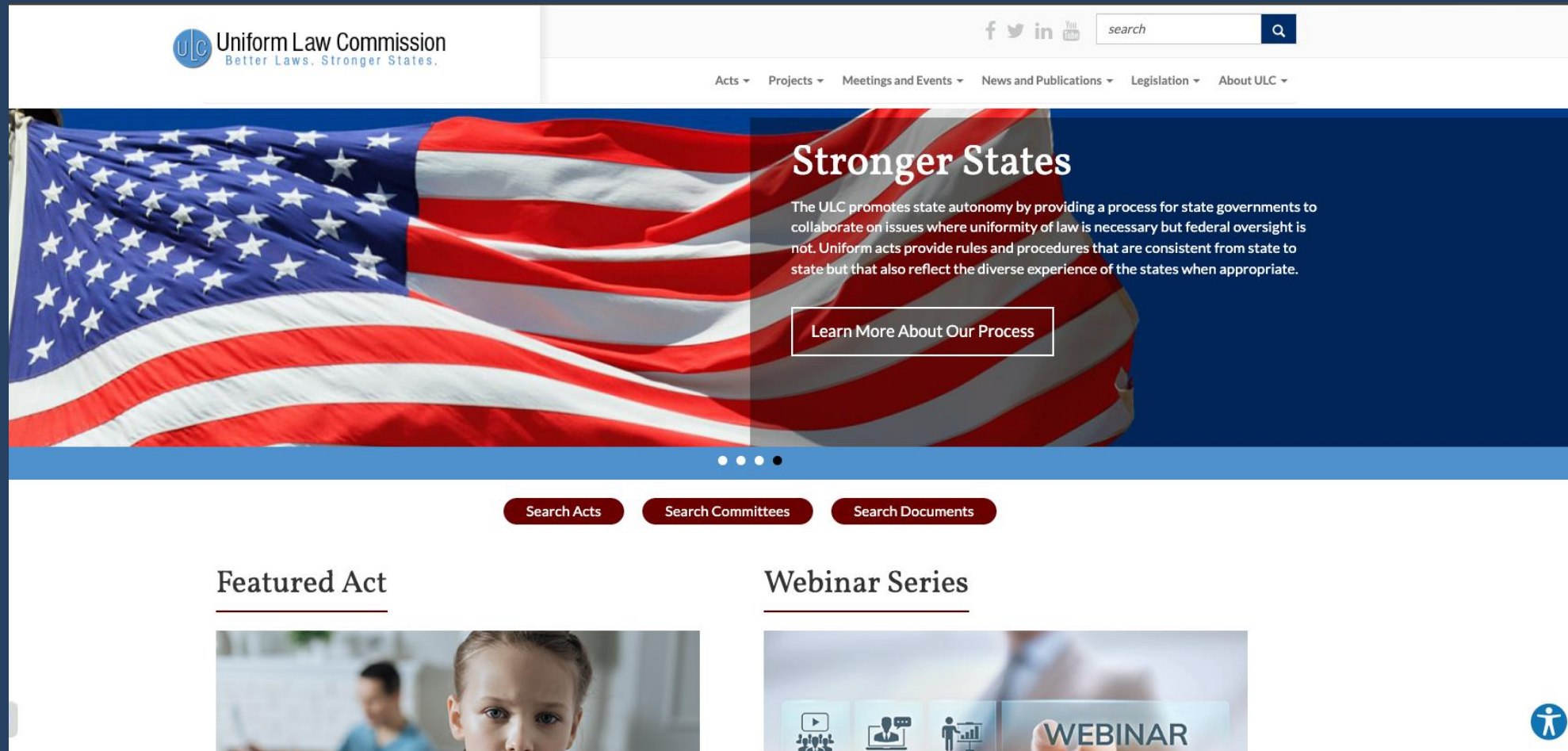


Current ULC Study Committees

- Ownership, Collection, Use, Retention, and Release of Data on Elementary and Secondary Students by Education Technology Companies, Similar Vendors, and Transferees Committee
- Post-Mortem Retrieval of Gametes, Safeguards for the Acquisition and Use of Anatomical Material by Non-Transplant Anatomical Organizations, and Protections for Unrepresented Donors
- Protection of Name, Image, and Likeness
- Regulation of Long-Term Care Facilities
- State Government Ethics Law
- Subscription Services and Comparable Practices for Motor Vehicles
- Uniform Commercial Code Articles 3, 4, and 4A
- Use of Artificial Intelligence by State Government



Learn more about the ULC ...

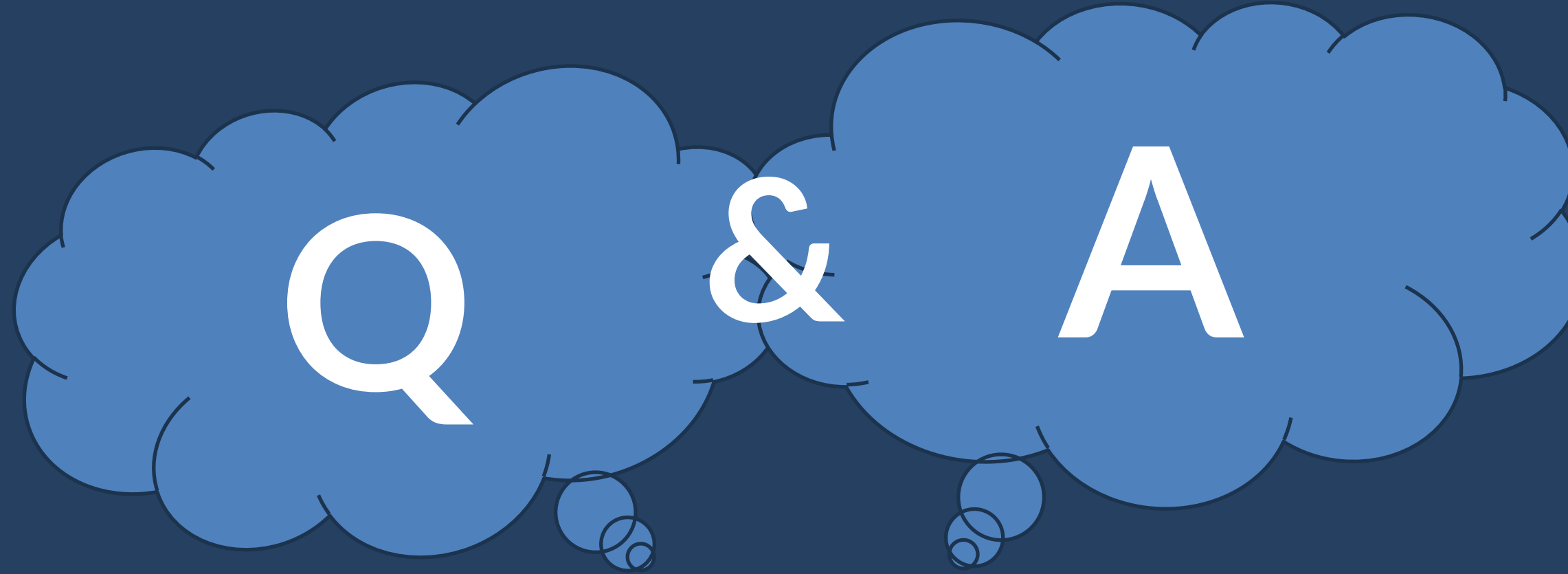


The ULC website contains:

- Organizational **information**
- Current drafting **committees**
- Legislative information and enactment **status of acts**, updated regularly
- Drafts from drafting committees in progress **and texts of final acts**, as well as summaries and other related information

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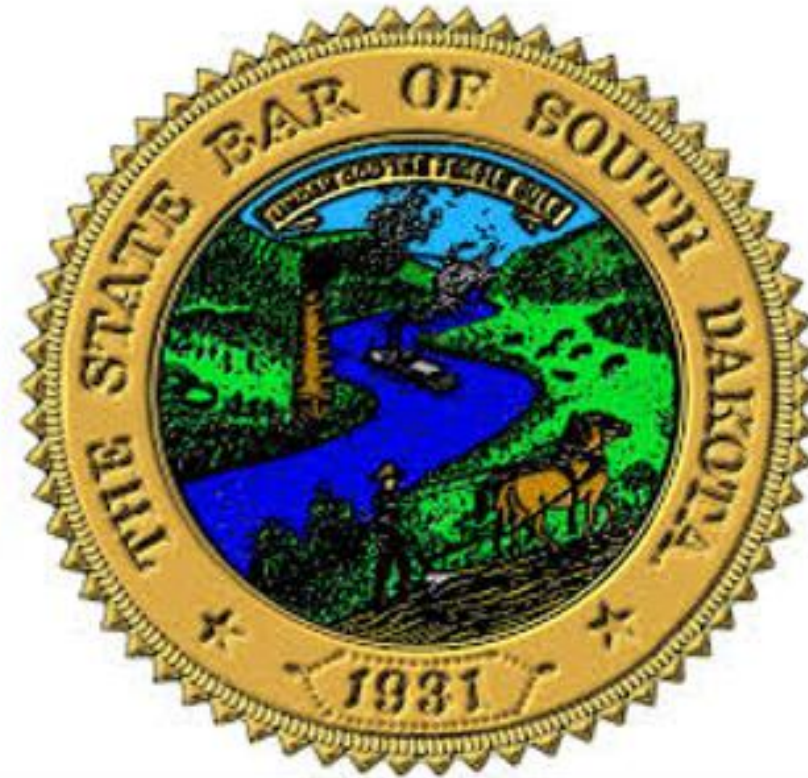
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