



# American College of Trial Lawyers

FOR IMMEDIATE RELEASE

## **MONTANA STATE COMMITTEE OF THE AMERICAN COLLEGE OF TRIAL LAWYERS OPPOSES REQUEST FOR A SPECIAL LEGISLATIVE SESSION**

HELENA, MONTANA (May 11, 2024) - On May 6, 2024, Montana's Secretary of State was asked by a small group of legislators to poll all members of the Legislature to determine whether to convene a special session. This request stated that such action was warranted by the upcoming election in November 2024 to fill two vacant seats on the Montana Supreme Court. The purpose for this special legislative session was identified as "to consider bills that would allow judicial candidates to have their party affiliations appear on ballots."

The Montana State Committee of the American College of Trial Lawyers (ACTL) – whose members include the most experienced courtroom lawyers in Montana – strongly opposes this request for a special legislative session to consider bills intended to make partisan political bias a part of our judicial elections.

For as long as Montana has been a state, our constitution has guaranteed each of us an independent, fair and impartial judiciary, a right that we learned long ago can only be preserved and protected by a system of electing judges on a non-partisan ballot.

This proposal prompts us to recall that, in response to the corrupt influences of the "Copper Kings," Montana's legislature recognized as early as 1909 that partisan politics has no legitimate place in judicial elections. Although legislation making judicial elections non-partisan was enacted in 1912, it was at first blocked – by judges elected under party label. Finally, in 1935, our legislature succeeded in giving our state non-partisan judicial elections. This has been the rule in Montana ever since. Similar efforts to make judicial elections partisan were proposed, fully debated, and carefully considered during the regular legislative sessions in both 2021 and 2023. Both efforts failed.

Those who best understand the perils of partisan elections are our elected judges, each of whom is governed by the Montana Code of Judicial Conduct. This Code prohibits judicial campaigning based on political party affiliation precisely because "public confidence in the independence and impartiality of the judiciary is eroded if judges or judicial candidates are perceived to be subject to political influence."

If the present legislative proposal contemplates amendments to the Montana Code of Judicial Conduct, the consequence is even worse. Both logic and history teach beyond doubt that public confidence in our judiciary will suffer if judges or judicial candidates appear ready to decide cases based upon partisan political affiliation, rather than the facts and the law.



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Our legislature is partisan by design. Our courts are not. Montana learned the hard way, long ago, that partisan judicial elections threaten the independent judiciary upon which our democracy depends. This is not the time to forget that lesson.

## **Montana State Committee of the American College of Trial Lawyers:**

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## **About The American College of Trial Lawyers**

The American College of Trial Lawyers comprises the best of the trial bar from the United States, Canada and Puerto Rico and is widely considered to be the premier professional trial organization in North America. Founded in 1950, the College is an invitation only fellowship. The College thoroughly investigates each nominee for admission and selects only those who have demonstrated the very highest standards of trial advocacy, ethical conduct, integrity, professionalism and collegiality. The College maintains and seeks to improve the standards of trial practice, professionalism, ethics, and the administration of justice through education and public statements on important legal issues relating to its mission. The College strongly supports the independence of the judiciary, trial by jury, respect for the rule of law, access to justice, and fair and just representation of all parties to legal proceedings.

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