Judicial Independence, Public Confidence, and Political Polarization: What is Going On and What Can We Do? (*ethics*)

Hon. Stephen Bullock
Former Governor of Montana
Helena, MT

Hon. Dana Christensen
U.S. District Court, District of Montana
Missoula, MT

Hon. Patricia Cotter
Former Associate Justice
Montana Supreme Court
Helena, MT

Hon. Marc Racicot
Former Governor of Montana
Helena, MT

MODERATOR:

John Morrison
Morrison, Sherwood, Wilson & Deola
Helena, MT

MTLA Annual Convention
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August 6 & 7, 2026
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JUDICIAL INDEPENDENCE, PUBLIC CONFIDENCE, AND POLITICAL POLARIZATION

Montana Trial Lawyers Association Annual CLE
Discussion Outline

August 6, 2026 | Grouse Mountain Lodge, Whitefish, Montana

Panelists: Gov./A.G. Marc Racicot, Gov./A.G. Steve Bullock, Judge Dana Christensen, and Justice Patricia Cotter
Moderator: John Morrison, President, Montana Chapter of ABOTA

"The complete independence of the courts of justice is peculiarly essential in a limited Constitution."
— Alexander Hamilton, Federalist No. 78

I. Why Judicial Independence Matters

An independent judiciary is a cornerstone of constitutional government. Courts exist to decide disputes according to the law and the facts—not according to political influence, public opinion, or the popularity of the parties.

Judicial Independence is not a privilege afforded to judges. It is a constitutional protection afforded to every citizen who enters a courtroom. Every litigant is entitled to have his or her case decided by a judge who is free to apply the law without fear of political retaliation, intimidation, or personal harm.

- Respect for the Separation of Powers
- Public Confidence in the courts
- Respect for the Rule of Law
- Meaningful protection for the safety and security of judges and their families
- A legal culture that values civility, respectful disagreement, and constitutional institutions

II. Why This Discussion Matters

Recent years have witnessed increasing challenges to Judicial Independence across the country, including legislative proposals affecting the judiciary, increasingly personal attacks on judges because of particular decisions, declining public confidence in courts, threats and violence directed at judges and their families, and growing political polarization surrounding judicial decisions.

Montana became part of this national conversation during the last few legislative sessions and especially the 2025 session, when an unprecedented number of proposals affecting the judicial branch received national attention and prompted substantial discussion concerning the proper constitutional relationship among the three branches of government.

III. 2025 Montana Legislative Proposals Affecting Judicial Independence

State courts have assumed a more visible role in disputes involving elections, reproductive rights, environmental protections, administrative power, and state constitutional rights. As a result, state legislatures have increasingly considered measures affecting judicial selection, discipline, jurisdiction, remedies, venue, and administration.

The Brennan Center for Justice reported that state legislatures considered at least 117 bills in 2025 that it classified as attacking the independence or powers of courts, and that 15 were enacted in six states. The report organizes those measures into recurring categories: politicizing judicial selection; politicizing judicial discipline; limiting judicial authority or enforcement powers; interfering with judicial decision-making; directing cases to preferred judges or venues; and increasing legislative control over judicial administration.

Montana received particular attention because of the number and breadth of proposals arising from the Senate Select Committee on Judicial Oversight and Reform. The proposals described in the materials included partisan judicial elections, changes to the judicial nomination process, a special court for constitutional cases, venue rules for constitutional challenges, changes to judicial ethics and performance review, legislative audits or control over judicial functions, changes to standards for injunctions, access to judicial deliberations, limits on contempt or mandamus authority, and proposals questioning the binding force of judicial review.

Many of the most far-reaching measures failed. Others became law. The Brennan Center report identifies Montana enactments involving political-party contributions to judicial candidates, judicial performance evaluation, publication of judicial ethics complaints, venue for constitutional challenges, and standards governing preliminary injunctions. The New York Times article, published while the session was still underway, described more than thirty proposals and emphasized the connection between the legislative debate and recent court decisions invalidating or blocking laws on abortion, gender-affirming care, and environmental rights.

These developments raise a recurring constitutional question: whether a measure is a neutral reform of judicial structure or procedure, or a response designed to influence results in politically significant litigation. The answer may depend on the measure's text, timing, stated purpose, practical effect, and relationship to specific judicial decisions.
The Montana Constitution provides multiple mechanisms through which judges are held accountable, including elections, appellate review, judicial ethics, and constitutional amendment.

The principal constitutional question raised by many of the 2025 proposals was not whether judges should be accountable—they already are—but whether one branch of government may constitutionally assume responsibilities committed to another. The legislature attacked the courts on multiple fronts simultaneously, guided by national organizations aiming the

same weapons at the courts of many states. So-called "reforms" included, inter alia:

- Judicial Selection: partisan judicial elections; direct political party contributions to judicial campaigns; separately appointed constitutional court.
- Judicial Decision-Making: venue restrictions for constitutional challenges; changes to preliminary injunction standards; recording and disclosure of Supreme Court conference deliberations.
- Judicial Administration: legislative performance evaluations; expanded legislative involvement in judicial discipline and administration; public disclosure of ethics complaints before investigation.

IV. Politicization of the Courts

Judges have always differed in interpretive philosophy, institutional outlook, and approach to precedent. Lawyers have long recognized patterns in the decisions of individual judges and courts. What may be different today is the speed and intensity with which judicial decisions are classified as partisan victories or defeats.

Several forces contribute to that perception. Courts are deciding highly contested issues that political institutions have been unable or unwilling to resolve. Advocacy organizations strategically bring litigation to obtain nationwide or statewide rulings. Judicial selection and confirmation have become increasingly organized and expensive. Twenty-four-hour media, social media, and partisan commentary encourage immediate evaluation of decisions in political rather than legal terms.

Judicial opinions themselves are also part of the debate. Separate opinions may use sharper language than in earlier eras, and individual judges may become public figures. Critics may view strong rhetoric as evidence that judges are acting politically; defenders may view it as candid explanation of legal disagreement. The panel will consider whether modern judicial writing

and public commentary are causes of polarization, consequences of polarization, or both.

The method of judicial selection may affect public perception. Federal judges are appointed for life, while most Montana judges are elected in nonpartisan elections. Appointment may protect judges from direct electoral pressure but can move partisan conflict into nomination and confirmation. Elections may create democratic legitimacy but also expose judges to campaign spending, interest-group influence, and pressure to signal positions on issues likely to come before them.

V. Public Confidence, Jury Trials, and the Rule of Law

Courts depend heavily on public acceptance. Unlike the political branches, courts generally lack direct control over public funds or enforcement institutions. Their authority rests on legal obligation, institutional legitimacy, and the willingness of public officials and citizens to comply with judgments.

Respectful criticism of judicial decisions is an essential part of democratic government. Personal attacks on judges though erode confidence in the courts, discourage qualified individuals from judicial service, and contribute to an environment in which judges and their families become targets of harassment or violence.

The same environment may also affect jurors. Jurors are asked to decide difficult and often controversial disputes and to apply the law as instructed by the court. Repeated public assertions that courts are corrupt, politically motivated, or fundamentally illegitimate may influence jurors before they ever enter the courtroom. Increasingly, some prospective jurors express a willingness to disregard the court's instructions on the law if they believe a different result is justified. Such attitudes are fundamentally inconsistent with the Rule of Law and threaten the integrity of the jury system itself.

Public confidence depends upon confidence in both judges and juries and upon acceptance that legal disputes are resolved through constitutional processes rather than political power.

VI. Judicial Security

Political rhetoric may also affect judicial security. Personal attacks, public identification of judges and family members, and claims that judges are enemies or traitors can contribute to harassment and threats. Even when a speaker does not intend violence, repeated portrayals of judges as corrupt or illegitimate may increase the risk that others will view intimidation as justified. It is no coincidence that threats directed toward judges have increased significantly in recent years.

In 2019, the U.S. Marshals Service, which provides security for federal judges, recorded 373 threats that rose to the level of triggering an investigation. By 2025, when the agency investigated 807 threats against federal judges, the number more than doubled.

Judicial security is more than a personal concern. It is an institutional necessity. Judges cannot discharge their constitutional responsibilities if they or their families reasonably fear retaliation because of decisions rendered in court.

Protecting the safety and security of judges is an essential component of preserving Judicial Independence and the Rule of Law.

VII. Responsibility

A. Elected Officials

- Explain disagreement with judicial decisions accurately and specifically.
- Use lawful avenues of review, legislation, and constitutional amendment.
- Avoid personal attacks, threats, or suggestions that court orders may be disregarded merely because they are unpopular.

- Distinguish proposals intended to improve administration from those intended to change outcomes in particular classes of cases.

B. Judges

- Write decisions that clearly identify the governing law, facts, and limits of the ruling.
- Maintain appropriate restraint while recognizing the need for public understanding of the judicial role.
- Support reasonable transparency without compromising deliberative independence.
- Address security concerns while preserving public access to courts.

C. Lawyers and Bar Organizations

- Defend the ability of courts to decide cases independently while preserving the right to criticize judicial decisions.
- Correct material misstatements about court rulings and procedures.
- Prepare jurors to distinguish evidence and law from political narratives.
- Promote civic understanding of judicial review, separation of powers, and the jury system.
- Respond when attacks on judges threaten the administration of justice.

D. Media and Citizens

- Report accurately on the procedural posture and actual holdings of judicial decisions.
- Distinguish legal disagreement from unsupported accusations of corruption or bias.
- Recognize that judicial independence protects all political groups, including those presently out of power.
- Participate in judicial elections and public debate with attention to qualifications, fairness, and institutional consequences.

VIII. Discussion Topics Will Include:

- What distinguishes legitimate criticism of judicial decisions from attacks that undermine Judicial Independence?
- What are the constitutional limits imposed by the Separation of Powers?
- How can Public Confidence in courts and jury trials be strengthened?
- What role should lawyers, judges, elected officials, and the media play?
- What additional measures may be appropriate to improve judicial security?

IX. Principal Sources Provided with the Program

- David W. Chen, "'Buckle Up': In Montana, Republican Lawmakers Target the Judiciary," The New York Times, March 24, 2025.
- Constance Van Kley, "The Montana Legislature's Partisan Attack on Judicial Independence," State Court Report, March 10, 2025, updated April 9, 2025.
- Michael Milov-Cordoba, "Legislative Assaults on State Courts in 2025," Brennan Center for Justice, January 26, 2026.
- Moderator's outline

CONCLUSION

An independent judiciary exists to protect the constitutional rights of every person who comes before the courts. That independence depends upon respect for the Separation of Powers, confidence in the Rule of Law, civil public discourse, meaningful protection for the safety and security of judges and their families, and continued public confidence in the jury system.

Courts cannot fulfill their constitutional role if judges are subjected to institutional encroachment, political retaliation, intimidation, or violence because of the decisions they render. Nor can the Rule of Law flourish if citizens lose confidence in the courts or in the obligation of juries to faithfully apply the law as instructed.

Preserving Judicial Independence is a shared responsibility of lawyers, elected officials, the media, educators, and every citizen. The Rule of Law ultimately depends not upon the strength of any one institution, but upon the willingness of all of us to defend it.

In the Trump administration maps up its assaults on the judiciary, conservative judges are treating it as a friendly place.

'Buckle Up': In Montana, Republican Lawmakers Target the Judiciary

Republicans in Montana and other states complain that liberal judges are tossing out the laws they pass. Now, conservative legislators are trying to change the rules, and the judges.

By Jacob G. Lewis · Photographs by Will Wessels
Reporting for Video and Sources: Nick
March 24, 2026

Even before the Supreme Court overturned Roe v. Wade in 2022, Montana lawmakers were determined to outlaw abortion, passing a "trigger" ban that would take effect if the Supreme Court ever changed course and the state were unconstitutional.

In April 2023, Montana lawmakers banned gender-affirming care for minors, only to have the law blocked by a Missoula County district judge. Around the same time, another judge, this time in Lewis and Clark County, blocked the state's ban on the use of the fetal industry had obtained the public's right to a clean environment under the state's 1972 new state charter, was upheld in late 2024 by the Montana Supreme Court.

Outraged Republican lawmakers vowed to take action.

"After today, our message to the judiciary is simply this: Buckle up," Senator Matt Regier, the incoming Senate President, and Representative Brandon Lee, the incoming House Speaker, announced in December.

Now they have come up with a remedy, as the Montana Legislature is weighing an avalanche of bills to reshape the judiciary and influence who gets to sit on the courts.

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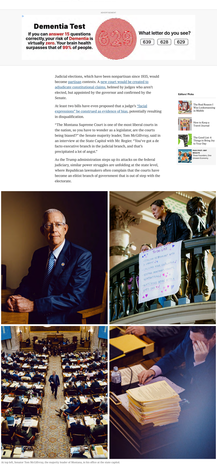
Judicial elections, which have been nonpartisan since 1935, could become partisan contests. A new court would be created to adjudicate constitutional claims, subject to judges who aren't elected, but appointed by the governor and confirmed by the Senate.

At least two bills have even proposed that a judge's Facial constitutionality assessed as evidence of bias, potentially resulting in disqualification.

"The Montana Supreme Court is one of the most liberal courts in the nation, so you have to wonder as a legislator, are the courts being biased?" the Senate majority leader, Tom McGillvray, said in an interview at the State Capitol with Mr. Regier. "You've got a de facto executive branch in the judicial branch, and that's unacceptable to the people."

As the Trump administration steps up its attacks on the federal judiciary, similar power struggles are unfolding at the state level, where Republican lawmakers often complain that the courts have become an ethics branch of government that is out of step with the electorate.



Mr. Regier, left, and Rep. Brandon Lee, the incoming House Speaker, at the Montana State Capitol.

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Top 100 Companies by Value
Top 100 Companies by Value, Consumer Goods
Top 100 Companies by Value, Financial Services
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"It's just that down dangerous, in my view," Mary Bascue, a former Republican governor and attorney general, said over breakfast at a restaurant in Helena. "If you don't have a healthy respect for the rule of law, you're going to end up constantly questioning everything that happens. They want to take over control of the last institution, the judiciary, of our system, the selection of judges — they want to refuse politics."

A mile in support of the Montana Constitution at the state capitol in Helena.

A former chair of the Republican National Committee who has lately run ahead of the state Republican Party, Mr. Bacious called state leaders "very shortsighted and very immature" in failing to contemplate what might happen under a weakened judiciary if the conservative majority crumbled.

"You end up with the law of the jungle replacing what has taken us twenty-five hundred years to perfect," he said.

Because nearly all judges in Montana are elected, was appointed — and are not required to state a party affiliation — it is difficult to measure any political leanings. Democratic lawmakers who have defended the courts contend that judges have often leaned into the middle of the road, and Republicans have said that Montana lawmakers complain about judicial decisions they consider overly liberal.

Nonetheless begun building in 2021, when Greg Gianforte became the first Republican governor in 16 years, giving the party control of the governor's office and both legislative chambers.

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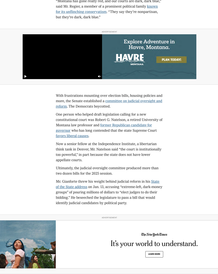
With an accordant violence right making remarks, the new lawmakers challenged nation on voting rights, higher education, vaccines, gun rights and more.

Some laws — particularly those related to abortion and transgender issues — were nullified after court challenges. Others, including a law that would have made the elections commission proposed a bitter squabble involving all three branches of government, which is still ongoing, in which judicial emails were seized, disciplinary charges were lodged against the attorney general and accusations of judicial bias abounded.

Republicans also took exception to new electoral maps drawn up by Montana's redistricting commission, whose last four chairs, including the current one, have been appointed by Democratic governors. These maps eventually helped Democrats flip enough seats in the legislature to break the Republicans' supermajority.



Former Governor Mary Bascue, at right, against a protest decision for judges, in Helena's Lewis Around Mark Regier, the Senate President, supported it.

"Montana has gone really red, and our courts are dark, dark blue," said Mr. Regier, a member of a prominent political family known for its unflinching conservatism. "They say they're nonpartisan, but they're dark, dark blue."

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With Frustrations mounting over election bills, housing policies and the state's aggressive prosecutions on judicial overreach and rulings, The Democrats boycotted.

One person who helped draft legislation calling for a new constitutional court was Robert G. Hanlons, a retired University of Montana law professor and former Republican candidate for governor who has long contended that the state Supreme Court leans liberal.

Mr. Hanlons, a member of the Independents Institute, a libertarian think tank in Havre, Mt. Hanlons said "the court is institutionally too powerful," in part because the state does not have lower appellate courts.

Ultimately, the judicial oversight committee produced more than two dozen bills for the 2025 session.

Mr. Gianforte threw his weight behind judicial reform in his State of the State address on Jan. 15, accusing "activists in the left-wing group" of pouring millions of dollars to "what judges to do their bidding." Mr. Gianforte proposed creating a bill that would severely judicial candidates by political parties.

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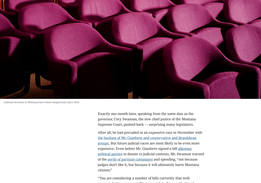
"Montanans have a right to know the values and principles of the judges they select," he said. "Let's bring light to this darkness."



Judicial elections in Montana have been nonpartisan since 1935.

Exactly one month later, speaking from the same dais as the governor, Senate President Mr. Regier, who helped draft legislation, Supreme Court, pushed back — surprising many legislators.

After all, he had prevailed in an expansive race in November with the backing of the Chamber and conservative and Republican groups. But brazen judicial racers are more likely to be even more conservative than the average Republican, and Mr. Regier's judicial racers in dessert in judicial control, Mr. Hanlons warned of the perils of partisan campaigns and spending, "not because judges don't like it, but because it will ultimately harm Montana citizens."

"We are considering a number of bills currently that will-

respected attorneys are telling you to follow the constitutional separation of powers," he said. "I urge you to listen to those arguments."

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Jurists around the country have had similar concerns.

In recent years, Texas, North Carolina, Kentucky and Mississippi have created new courts, or changed the rules governing the judicial system, in large part because of legislators' frustration with judges, said Michael Máiz-Cardona, counsel in the judiciary program at the Brennan Center for Justice, who prepares an annual report called "Legislative Assaults on State Courts."

In Montana, some of the measures have been rejected by lawmakers of both parties. One proposed House resolution, for instance, challenged the bedrock principle of judicial review established in the landmark Marbury v. Madison decision from 1803, asserting that "the belief that the court has exclusive authority to interpret the constitution and that its decisions are binding on the other two branches is a myth." It failed, 45-55.

In the Senate, Democrats have sometimes teamed up with nine Republicans viewed as more moderate to block some bills, including one that would have inferred bias from judges' "facial expressions." Senator Cora Neumann, a Democrat from Bozeman who sits on the judiciary committee, said many of the bills felt like "vendettas."

"Basically, the legislature is saying, our interpretation of the Constitution is valid, and courts can't tell us what's constitutional and what's not," she said.

Montana's Constitution, which was updated in 1972, has long been regarded as a progressive document which prioritizes privacy and individual rights. More than 191 people, including Mr. Rarisot and several retired judges, even rallied in the State Capitol's majestic rotunda in February to support the state constitution — and to criticize the judicial bills.

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At top left, Taryn Van Steeland, left, and Lyla Brown, organizers for Forward Montana, a nonprofit that trains and mobilizes young Montanans. At bottom right, Quinn Leighton, director of external affairs for Planned Parenthood Advocates of Montana, and Raph Graybill, a constitutional law attorney.

"The message is, 'If you're not going to win, let's change the judges,'" said Raph Graybill, a constitutional law lawyer in Helena who has run as a Democrat for attorney general and lieutenant governor, and has litigated numerous abortion-related cases before the Montana Supreme Court.

One of those at the rally was Taryn Van Steeland, an organizer for Forward Montana, which mobilizes young Montanans on issues such as the environment, reproductive rights and housing. During a recent hike up an icy trail in Bozeman with Lyla Brown, a senior organizer with the nonprofit, Ms. Van Steeland said there was growing concern among young people over the bills targeting the judiciary, given recent decisions that involved young activists, as well as the successful ballot initiative to enshrine abortion in the state's Constitution.

"To see younger folks showing up for that and be like, 'We love our Constitution!' — that is really cool," Ms. Van Steeland said. "I think that comes from understanding what our Constitution has that makes it special, and what's at stake when we are changing it."

It is too early to predict how many more bills will pass by the time the legislature adjourns on May 3. Speaking to reporters in his capitol office recently, Representative Steve Fitzpatrick, the Republican majority leader, said there was "an appetite here for some type of partisan judges."

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Mr. Regier, the Senate president, also expressed confidence.

"The whole focus of shining the light here on — 'What does our judicial branch need to look like?' — has brought some really good things, that, to me, shouldn't be partisan," he said. "Just the best way of doing it."

Montana's Constitution has long been regarded as a progressive document that prioritizes privacy and individual rights.

David M. Chen reports on state legislatures, state level policymaking and the political forces behind them.

A version of this article appears in print on March 20, 2025, Section A, Page 13 of the New York edition with the headline: Bucks in Montana's Court Lawmakers Target Judiciary. Order Reprints | Today's Paper | Subscribe

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Protective Investigations with Judges Identified as Targets

The U.S. Marshals Service (USMS) identifies, assesses through investigation and analysis, mitigates, and manages all threats and activities of concern. **Threats and activities of concern include communications, contacts, and behaviors that pose a potential danger to USMS-protected persons and facilities.**

Total Investigations - All protective investigations entered and worked during a Fiscal Year (FY). Multiple individuals may be named as threatened on one investigation.

Total Threats to Judges - The total number of non-unique threats to federal judges recorded during a particular FY's protective investigations. One judge may be noted as a threatened person multiple times on distinct investigations.

Unique Judges - The distinct count of judges who were identified as threatened on protective investigations during the FY in question. For example, in FY 2026, 286

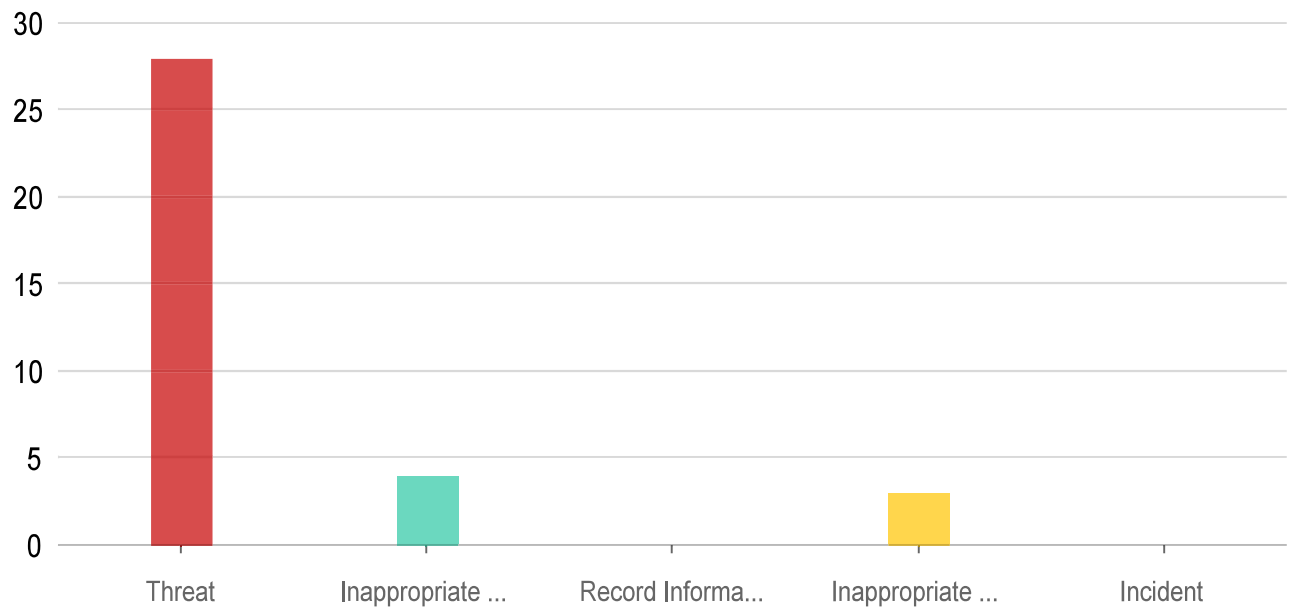
different judges out of approximately 2,600 active judges have been named as threatened on a protective investigation.

Protective Investigations, Federal Judges Threatened FY 2022 - FY 2026*			
FY	**Total Investigations**	**Total Threats to Judges**	**Unique Judges**
2022	1,362	403	302
2023	1,060	630	455
2024	822	509	379
2025	807	564	396
2026*	534	383	286

**Data through 07/15/2026*

Montana Judicial Branch Judicial Safety

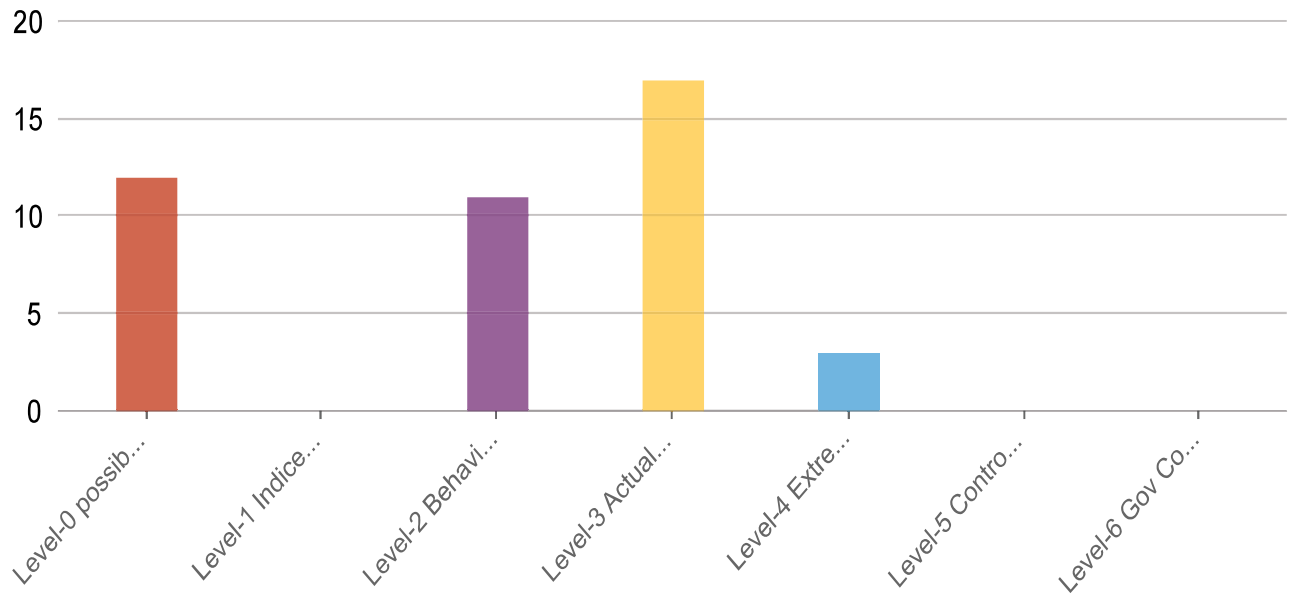
Report Type



Answers	Count	Percentage
Threat	28	82.35%
Inappropriate contact	4	11.76%
Record Information Update	0	0%
Inappropriate Communication	3	8.82%
Incident	0	0%

Answered: 34 Skipped: 0

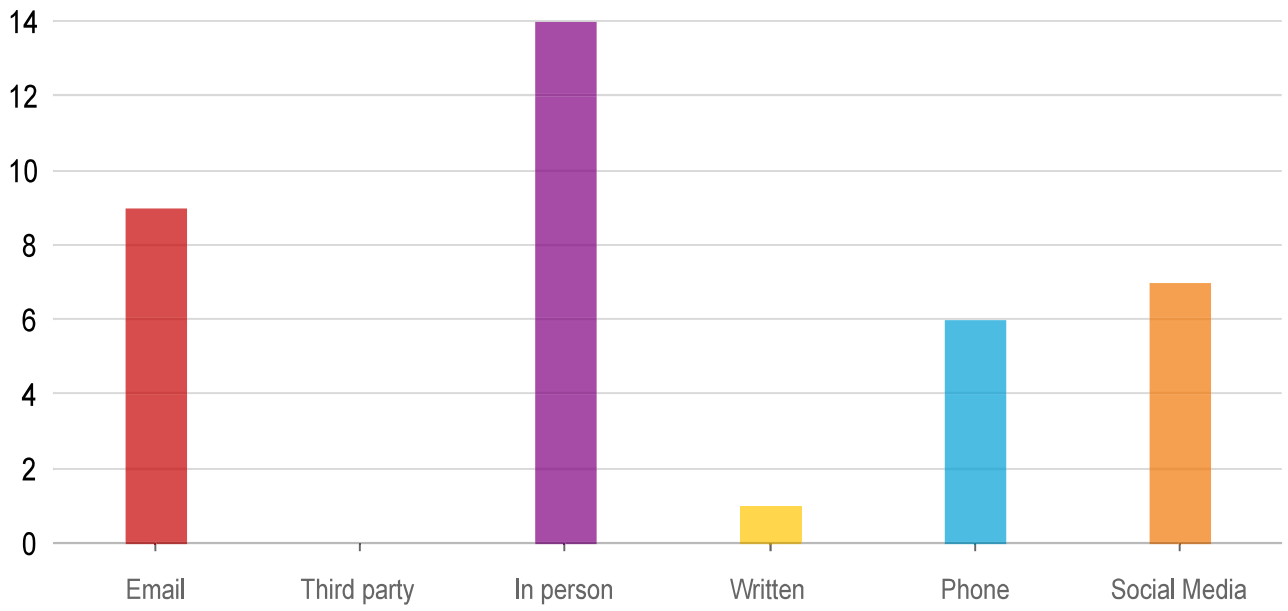
Threat Class



Answers	Count	Percentage
Level-0 possible risk	12	35.29%
Level-1 Indices	0	0%
Level-2 Behavioral	11	32.35%
Level-3 Actual Threat	17	50%
Level-4 Extremist	3	8.82%
Level-5 Control	0	0%
Level-6 Gov Control	0	0%

Answered: 34 Skipped: 0

Threat Conveyance



Answers	Count	Percentage
Email	9	26.47%
Third party	0	0%
In person	14	41.18%
Written	1	2.94%
Phone	6	17.65%
Social Media	7	20.59%

Answered: 34 Skipped: 0

Subject Status

Bills Introduced In Past Two Montana Legislative Sessions
2025 – 55 Bills | 2023 – 31 Bills

2025 – Bills That Passed (14)

Judiciary	HB 39	Repeal law disallowing parties from contributing to judicial candidates – *Repeals 13-35-231. Unlawful for political party to contribute to judicial candidate.*
Judiciary	HB 431	Revise laws related to the judicial standards commission
Judiciary	HB 693	Generally revise laws applicable to district courts - *In multijudge districts of greater than five judges, the judges of the district may make rules implementing specialized dockets among the departments*
Judiciary	HB 710	Generally revise laws related to the judiciary – *applies to subpoena for the sexual exploitation of a minor*
Judiciary	HB 913	Authorize transfers and other necessary measures to implement HB2 Section D – *adds 2 judges to 13th district*
Judiciary	SB 286	Clarify value of caselaw interpreting a statute after subsequent legislative action - *"The precedential value of a court decision interpreting a statute yields to subsequent legislative action on the interpreted statutory provisions."*
Judiciary	SB 30	Revise laws related to Judiciary and rule of necessity – *reaction to McLaughlin case*
Judiciary	SB 38	Generally revise laws relating to attorney fees and prevailing parties for veto overrides – *limited to actions for writ of mandamus to compel a legislative veto override poll*
Judiciary	SB 39	Generally revise attorney fee awards – *criteria that applies to ALL attorney fees awarded by a court. We got it amended to apply only to cases challenging a state statute or administrative rule,* ***BUT amended on floor to remove that limitation. Pay attention in any cases that involve some statutory or doctrinal provision for defendant payment of attorney fees.***
Judiciary	SB 40	Revise supreme court public records laws by opening deliberations and files to the public
Judiciary	SB 41	Requiring substitution of district court judges by random selection - *When calling in subsequent district judges, a judge who has been substituted, disqualified for cause, or recused shall follow the procedure for the random selection of subsequent district judges as established by the office of the court administrator.*
Judiciary	SB 45	Create a judicial performance evaluation commission and system – *sets up a judicial performance evaluation commission, sets criteria for evaluations,* ***worst provision that required including evaluation report in voter information pamphlet was amended out.***
Judiciary	SB 48	Generally revise laws relating to Judicial Standards Commission complaints
Judiciary	SB 97	Revise venue laws for cases challenging constitutionality of recent laws – *Venue for challenges to a statute or session law is in a county that is wholly or partially within the legislative district of the primary sponsor of the bill*

2025 – Bills That Died (41)

Judiciary	HB 169	Revise judicial conduct laws
Judiciary	HB 295	Revise laws related to judicial transparency and elections

Judiciary	HB 30	Requiring the Supreme Court to apply a burden of proof for challenge to constitutionality of legislative act
Judiciary	HB 322	Reduce the number of associate judges on the Supreme Court
Judiciary	HB 35	Allocating judicial standards commission to the department of justice
Judiciary	HB 36	Disallowing judge to serve as chair of judicial standards commission
Judiciary	HB 52	Generally revising administrative procedure laws relating to agency deference
Judiciary	HB 65	Audit State Bar of Montana
Judiciary	HB 751	Partisan election of supreme court candidates
Judiciary	HB 788	Require disclosure of certain election contributions by attorneys of record
Judiciary	HB 838	Allow supreme court justices to use partisan affiliation
Judiciary	HB 840	Create judicial branch independence investigation committee
Judiciary	HJ 14	Resolution on Marbury v. Madison
Judiciary	HJ 64	Study election and evaluation of judges
Judiciary	HR 4	Resolution to censure Bozeman Municipal Judges J. Colleen Herrington and Karolina Tierney
Judiciary	SB 13	Remove Supreme Court original jurisdiction for ballot review
Judiciary	SB 14	Audit Office of Disciplinary Council
Judiciary	SB 15	Revising grounds for impeachment
Judiciary	SB 158	Require judicial standards committee to send investigation referral to House of Representatives
Judiciary	SB 16	Allowing legislative committees to find contempt for violation of legislative subpoena
Judiciary	SB 20	Prohibit retired judges from hearing constitutional cases
Judiciary	SB 21	Allowing legislative and executive leadership to vacate a writ of mandamus
Judiciary	SB 284	Revise district court laws
Judiciary	SB 31	IOLTA Bill providing Interest back to client
Judiciary	SB 374	Generally revise contempt of court laws
Judiciary	SB 385	Create a general claims court
Judiciary	SB 395	Revise legal requirement of standing to maintain a lawsuit
Judiciary	SB 42	Provide for the partisan election of judges and justices
Judiciary	SB 43	Generally revise injunctive powers of the judiciary
Judiciary	SB 44	Generally revise laws regarding the separation of powers doctrine
Judiciary	SB 450	Provide friend of the court authorization for legislative officers
Judiciary	SB 47	Enhance committee review of statewide ballot issues
Judiciary	SB 476	Defining separation of powers
Judiciary	SB 49	Exempt lawyers serving in certain public offices from professional disciplinary measure and proceedings for actions taken while in office
Judiciary	SB 52	Create Montana Court of Chancery
Judiciary	SB 543	Revise judiciary laws
Judiciary	SB 66	Generally revise definitions relating to the judiciary
Judiciary	SB 92	Generally revise eligibility requirements to practice law in Montana
Judiciary	SJ 2	Resolution disapproving of montana supreme court rules
Judiciary Amend Constitution	HB 460	Amending the constitution to provide for electors of a county to call a grand jury

Judiciary Amend Constitution	HB 506	Constitutional amendment revising selection of supreme court justices
Judiciary; Amend Constitution	HB 646	Elect supreme court by districts

2023 – Bills That Passed (7)

Judiciary	HB 169	Clarify confirmation requirements for interim judicial appointees
Judiciary	HB 326	Revise laws relating to the appointment of the judicial standards commission
Judiciary	HB 412	Generally revise code of ethics for public officials and government employees
Judiciary	SB 201	Revise judicial recusal laws when parties made campaign contributions
Judiciary	SB 252	Expand state ethics laws to include the judicial branch and judges
Judiciary	SB 313	Revise judiciary laws
Judiciary	SJ 31	Study of attorney regulation and the state bar

2023 – Bills That Died (24)

Judiciary	HB 405	Constitutional amendment related to grand juries
Judiciary	HB 436	Revise laws regarding the substitution of judges
Judiciary	HB 464	Establish Judicial Transparency Act
Judiciary	HB 595	Generally revise judicial election laws
Judiciary	HB 654	Revise laws related to court recordings
Judiciary	HB 772	Revising laws related to judicial disqualification and recusal
Judiciary	HB 788	Revise laws related to constitutional petition and expression rights
Judiciary	HB 915	Constitutional amendment to change process to select supreme court justices
Judiciary	HB 929	Study bill on the impeachment process
Judiciary	HB 933	Adopt the original 13th amendment
Judiciary	HB 965	Constitutional amendment to remove supreme court rulemaking authority
Judiciary	SB 44	Revise laws pertaining to court administration of certain civil cases
Judiciary	SB 200	Revise use of party affiliation for nonpartisan races
Judiciary	SB 230	Provide that office of court administrator is under clerk of the supreme court
Judiciary	SB 257	Generally revise laws regarding the judiciary
Judiciary	SB 302	Require partisan general elections for judges
Judiciary	SB 311	Reduce the number of associate judges on the Supreme Court
Judiciary	SB 355	Require disqualification of certain judges receiving political contributions
Judiciary	SB 372	Constitutional amendment to revise selection of certain judges and justices
Judiciary	SB 395	Allow judicial candidates to announce endorsements
Judiciary	SB 431	Revise laws related to judicial vacancy appointments
Judiciary	SB 440	Revise laws relating to IOLTA accounts
Judiciary	SB 562	Constitutional amendment regarding term limits for other public officials/judges
Judiciary	SJ 11	Joint resolution defining law
Judiciary	SJ 15	Resolution on Marbury v. Madison