

State Bar of Montana
Resolution /

WHEREAS Montana is one of nine states and two territories of the United States Court of Appeals for the Ninth Circuit; and

WHEREAS, the United States Court of Appeals for the Ninth Circuit has provided significant guidance to all circuit courts regarding issues of collegiality, maintaining precedent and effectively accomplishing and administrating the business of the circuit courts; and

WHEREAS, the United States Court of appeals for the Ninth Circuit has been a leader in implementing gender equity and recognizing the need to address racial and ethnicity concerns to improve the involvement of all citizens in the administration of justice; and

WHEREAS, the United States Court of Appeals for the Ninth Circuit has provided innovative leadership in the involvement of lawyers in all functions and committees of the circuit; and

WHEREAS, the United States Court of Appeals for the Ninth Circuit has instituted long range planning to project the needs of the circuit; and

WHEREAS, Montana has reaped significant benefit from being a part of the Ninth Circuit; and

WHEREAS, the Congress has once again undertaken consideration of bills to divide the Circuit; and

WHEREAS, a divided circuit would remove the numerous benefits which Montana enjoys as a part of the United States Court of Appeals for the Ninth Circuit with very little, if any, gain; and

WHEREAS, a divided circuit would result in additional one time construction and division costs and increased annual administrative expenses thereby straining the already inadequate budget of the judiciary, resulting in fewer funds for the direct administration of justice and other essential components of the administration of justice; and

WHEREAS, a division of the Ninth Circuit would not address or resolve the principal problem of circuits that serve rapidly growing regions, that is, the crisis of volumes of filings with inadequate judicial resources to resolve them; and

NOW, THEREFORE, BE IT RESOLVED that the State bar of Montana opposes the passage of any bill directed at splitting the Ninth Circuit.

Dated this 16th day of September 2005.