

EXHIBIT C

FILED

04/12/2021

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 21-0173

EXHIBIT C



April 12, 2021

Dear Acting Chief Justice Rice,

The Department of Justice, acting through the Lieutenant General, undersigned, has been retained by legislative leadership, acting through the Speaker of the House, Wylie Galt, and Senate President, Mark Blasdel, to represent the interests of the Montana State Legislature to resolution of the ex parte Motion of Beth McLaughlin filed in the Montana Supreme Court on Saturday, April 10, 2021, outside of business hours and without opportunity for response.

We have reviewed the Court's Order, issued Sunday, April 11, 2021, presuming to temporarily quash the Legislature's duly authorized subpoena to the Director of the Department of Administration (DOA), and simultaneously, attempting to cure the multiple procedural irregularities presented in the filing through the mechanism of giving the Court Administrator a briefing schedule. As the Court recognizes in its Order, none of the Legislature, DOA, and the Court Administrator, are parties to this action. Further, the Court correctly notes that the Legislature's subpoena has no relation to the pending proceeding in OP 21-0125 and is not properly filed in that suit. In fact, the Court's discomfort with the procedural posture of this Motion is well taken. The subpoena at issue is wholly unrelated to the pending matter and concerns the ethical conduct of the Court Administrator and members of the Montana State Judiciary. This Court cannot assume the Motion is properly filed in OP 21-0125 because it is not.

Article III, Section 1 of the Montana Constitution, states, in full, as follows:

Separation of Powers. The power of the government of this state is divided into three distinct branches -legislative, executive, and judicial. No person or persons charged with the exercise of power properly belonging to one branch shall exercise any power properly belonging to either of the others, except as in this constitution expressly directed or permitted.

The Legislative power is broad. In fulfilling its constitutional role, the Legislature's subpoena power is similarly broad. The questions the Legislature seeks to be informed on through the instant subpoena directly address whether members of the Judiciary and the Court Administrator have deleted public records and information in violation of state law and policy; whether the Court Administrator has performed tasks for the Montana Judges Association during taxpayer funded worktime in violation of state law and policy; and whether current policies and processes of the Judicial Standards Commission are sufficient to address the serious nature of polling

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members of the Judiciary to prejudge legislation and issues which have come and will come before courts for decision.

Every employee of the State of Montana is responsible to protect the constitutional privacy interests of individuals as required by law. Nothing authorizes the public release of confidential information under any circumstance. It is a flailing argument by the Court Administrator to suggest the Legislature, when reviewing documents produced in response to subpoena, would not understand and act on its duty to redact personal or private information, and there is no suggestion that would ever have happened in this matter.

The Legislature does not recognize this Court's Order as binding and will not abide it. The Legislature will not entertain the Court's interference in the Legislature's investigation of the serious and troubling conduct of members of the Judiciary. The subpoena is valid and will be enforced. All sensitive or protected information will be redacted in accordance with law. To the extent there is concern, upon production, the Legislature will discuss redaction and dissemination procedures with the Court Administrator.

Sincerely,

Kristin Hansen

Lieutenant General

Montana Department of Justice

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