AN ACT REVISING CHANGE OF ATTORNEY LAWS; PROVIDING THAT THE REQUIREMENTS FOR CHANGING AN ATTORNEY DO NOT APPLY TO PUBLIC DEFENDERS APPOINTED UNDER THE MONTANA PUBLIC DEFENDER ACT; AND AMENDING SECTION 37-61-403, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-61-403, MCA, is amended to read:

"**37-61-403. Change of attorney.** (1) The attorney in an action or special proceeding may be changed at any time before or after judgment or final determination, as follows:

~~(1)~~(a) ~~upon~~ on consent of both client and attorney, filed with the clerk or entered ~~upon~~ on the minutes; or

~~(2)~~(b) ~~upon~~ on the order of the court, ~~upon~~ on the application of either client or attorney, after notice from one to the other.

(2) The provisions of this section do not apply to assignments or reassignments of a public defender by the office of state public defender in which the office of state public defender is appointed pursuant to the Montana Public Defender Act, Title 47, chapter 1."

- END -

I hereby certify that the within bill,

HB 46, originated in the House.

_____

Chief Clerk of the House

_____

Speaker of the House

Signed this _____day

of_____, 2025.

_____

President of the Senate

Signed this _____day
of_____, 2025.

HOUSE BILL NO. 46

INTRODUCED BY J. REAVIS

BY REQUEST OF THE OFFICE OF PUBLIC DEFENDER

AN ACT REVISING CHANGE OF ATTORNEY LAWS; PROVIDING THAT THE REQUIREMENTS FOR CHANGING AN ATTORNEY DO NOT APPLY TO PUBLIC DEFENDERS APPOINTED UNDER THE MONTANA PUBLIC DEFENDER ACT; AND AMENDING SECTION 37-61-403, MCA.