



RAVALLI REPUBLIC

Montana Supreme Court rejects Myers petition

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A Hamilton attorney won't get another day in a Montana court in the disciplinary action that ended with his disbarment last month.

Robert Myers had petitioned the Montana Supreme Court on Jan. 16 for a rehearing, resurrecting his assertion that the court's decision interferes with his rights of free speech and due process under the First and Fourteenth amendments.

Previously, the Office of Disciplinary counsel found "clear and convincing evidence" that he violated numerous provisions of the Montana Code of Judicial Conduct during his 2016 judicial campaign, which led to his disbarment.

In its final ruling on the matter, the Montana Supreme Court justices noted that Myers "failed to file any objections with this court to the commission's findings, conclusions, and recommendations, despite requesting and being granted additional time to do so. He cannot argue that the court 'overlooked some question (he) presented ... that would have proven decisive to the case.'"

Myers told the Ravalli Republic after the disbarment decision that he is being made a scapegoat, that he plans on petitioning the U.S. Supreme Court to hear his case, and will contact the American Civil Liberties Union and the Cato Institute to see if they'll help him in what he says is a violation of his right to free speech. He also vowed to try to get the U.S. Department of Justice involved.

Montana's justices noted that they're not persuaded that their decision conflicts with controlling authority from the U.S. Supreme Court.

"The Supreme Court has not, as Myers suggests, given First Amendment carte blanche protection to false statements by and about judicial candidates and lawyers in the context of judicial elections," the justices wrote in the newest ruling. "The court's recent pronouncements make clear that states have a 'compelling interest in preserving public confidence in the integrity of the judiciary' and may restrict the speech of a judicial candidate 'if the restriction is narrowly tailored to serve a compelling interest.'"

Along with disbaring Myers, the court also suspended his license to practice law in Montana because he violated his ethical duties in handling post-trial motions in a marital dissolution case,

and made false and reckless statements during his judicial campaign against District Court Judge Jeffrey Langton.

Myers insists there is no evidence that his statements are false.

His disbarment goes into effect at the end of January.

A federal court case filed by Myers against Mike Cotter, the chief disciplinary counsel for Montana's Office of Disciplinary Counsel, is pending before the Ninth U.S. Circuit Court of Appeals. Myers claims the rules involving the disciplinary actions were unconstitutional because they violated his right to free speech. Myers was supposed to file his brief before the appellate court Jan. 22, but asked for an extension and it's now due Feb. 21.