

State Bar of Montana

Paralegal Section Bylaws

ARTICLE I: NAME AND PURPOSE

1.1 – Name. The name of the Section shall be the Paralegal Section of the State Bar of Montana. References herein to “the Section” are to the Paralegal Section and references to the “State Bar” are to the State Bar of Montana. References herein to “Legal Assistant” are interchangeable with the term “Paralegal.”

1.2 – Purpose. The purpose of this Section shall be to encourage a high order of ethical and professional attainment; to further education among members of the Section; to support and carry out the programs, purposes, aims, and goals of the State Bar of Montana; and, to establish good fellowship among Section members, the State Bar of Montana, and the members of the legal community at large.

ARTICLE II: MEMBERSHIP AND VOTING ELIGIBILITY

2.1 – Membership. Membership in the Section shall be open to the following persons and no others.

2.1.1 Any member of the State Bar.

2.1.2 Any person who meets the definition of Paralegal as defined in Mont. Code Ann. § 25-10-305, et seq. (2009), effective October 1, 2009, as amended.

2.1.3 Any person who meets the following ABA definition of a paralegal: “A paralegal is a person, qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible.”

2.1.4 Any person who has completed and passed National Association of Legal Assistants' (NALA) Certified Paralegal Exam.

2.1.5 Any person who has graduated from an ABA-approved program of study for paralegals.

2.1.6 Any person who has received a baccalaureate or associate degree in paralegal studies from an educational institution approved by the Section Council.

2.1.7 A paralegal educator from an ABA approved program of study for paralegals, or from an educational institution approved by the Section Council.

2.1.8 Membership shall be granted to those eligible persons who have paid Section dues.

2.2 – Membership Qualifications

2.2.1 All Section members must work under the direct supervision of an attorney licensed to practice law in the State of Montana.

2.2.2 Section membership will exclude any non-attorney who provides any type of legal services directly to the public without the supervision of an attorney.

2.2.3 Section members shall conform to the Montana Rules of Professional Conduct adopted by the Montana Supreme Court. This shall not create any right or obligation to perform legal services as a lawyer.

2.3 – Requirements for Maintaining Section Membership

2.3.1 With the exception of lawyer and paralegal educator members, all Section members must submit evidence of completion of ten (10) credits of Continuing Legal Education (CLE) that includes one (1) credit hour of ethics education annually to maintain Section Membership. Ethics education shall include the categories of activities known as Professional Fitness and Integrity education as set forth in Rule 5 of the Montana Supreme Court’s Rules for Continuing Legal Education.

2.3.2 Approval of annual CLE requirements. Section members shall establish their compliance with the annual CLE requirements of Section 2.3.1 by affidavit in a form approved by the Council and submitted to the State Bar.

A. Interactive CLE credits earned in excess of the ten (10) credit yearly requirement may be carried forward for the next two (2) consecutive years up to a maximum of twenty (20) credits.

B. An member shall be exempt from the continuing legal education requirements and the reporting requirements of this rule during the balance of the year of admission if their admission date is on or after July 1st of the reporting year.

2.3.3 Audit. On an annual basis, the Council may randomly audit a minimum of 10% of the member affidavits to determine compliance. A member randomly audited will not be subject to random audit in the following year.

2.3.4 Deficiency. Any member subject to random audit who is found to be deficient in their annual CLE requirement shall have thirty (30) days to cure any deficiency or be removed from the Section as set forth in Section 2.5 of these Bylaws.

2.4 – Application Process

2.4.1 Lawyer members of the State Bar shall be granted Section membership upon payment of the Section dues.

2.4.2 Non-lawyer applicants shall submit their application on forms approved by the Council.

2.4.3 Non-lawyer applicants who meet the requirements of 2.1.3, 2.1.4, 2.1.5 , 2.1.6 or 2.1.7 shall submit a statement from a lawyer member of the State Bar certifying as follows:

“[Applicant] has served as a legal assistant or paralegal under my supervision for at least one (1) year and is known to me to be qualified by education, training or work experience to perform specifically delegated substantive legal work for which a lawyer is responsible.”

2.5 – Removal from Membership. The Council shall cancel the membership of any member by a majority vote of the Council upon determining that such member has (a) failed to meet annual CLE requirements after notice of deficiency and an opportunity to cure the same as set forth in

section 2.3.4. of these Bylaws ; (b) has been subjected to public discipline for violation of any portion of the Montana Rules of Professional Conduct and/or found to have engaged in the unauthorized practice of law; or (c) no longer meets membership qualifications as identified in Article II. The Council may provide notice to the Section membership of any removal under subsection (a) and (b) above through any available means, including publication in the Montana Lawyer.

2.6 – Voting Eligibility. All members of the Section shall have full voting rights within the Section.

2.7 – Section Dues

2.7.1 Dues shall be set each year by the Council in an amount sufficient to pay all expenses for the creation and maintenance of the Section. The State Bar shall not be responsible for payment of any expenses or obligations of the Section. The State Bar may deposit Section funds in State Bar accounts and issue payments from such accounts at the direction of the Section Council. The State Bar shall be reimbursed by the Section for all expenses the State Bar may incur on behalf of the Section.

2.7.2 The date for payment of Section dues shall be July 1 of each year.

2.7.3 The annual Section dues shall be paid to the State Bar office.

2.8 – Membership Term

2.8.1 The Membership year shall run from July 1 – June 30.

ARTICLE III: OFFICERS

3.1 – Officers. The Officers of the Section shall be the Chairperson, Vice-Chairperson, Secretary-Treasurer, Professional Development Officer and the State Bar Liaison.

3.2 – Duties of Officers

3.2.1 Chairperson. The Chairperson shall be the chief executive officer of the Section. They shall be a member of the Council of the Section and shall preside at all meetings of the Section and the Council. They shall prepare a report of the activities of the Section for the previous year for presentation at the annual meeting of the Section and for submission to the Board of Trustees of the State Bar. They shall certify to the State Bar such amounts as have been authorized by the Council to be paid out of the Section dues.

3.2.2 Vice-Chair. The Vice Chair shall perform the duties of the Chairperson at any time the Chairperson is unable to perform such duties. They shall be a member of the Council of the Section and shall perform other duties as may be as signed by the Chairperson.

3.2.3 Secretary-Treasurer. The Secretary Treasurer shall be a member of the Council of the Section. They shall be responsible for the proper keeping of minutes and records, including records of all expenditures out of the Section dues. The Secretary-Treasurer shall assist the Council in preparing the annual budget and in presenting it to the Board of Trustees of the State Bar. The Secretary-Treasurer shall maintain a roster of members of the Section.

3.2.4 State Bar Liaison. The State Bar Liaison shall be a member of the Council of the Section and shall act as a liaison between the Section and the State Bar.

3.2.5 Professional Development Officer. The Professional Development Officer shall be a member of the Council of the Section and shall promote educational and leadership programs to support the Purpose identified in these by-laws.

3.3 – Election and Terms of Office. The Officers shall be elected at the annual meeting of the Section held in conjunction with the Annual Meeting of the State Bar. At the annual meeting, a Chairperson, Vice-Chairperson, Secretary -Treasurer, Professional Development Officer, and State Bar Liaison shall be elected by the membership of the Section.

3.4 – Terms of Office. All officers shall serve a one-year term commencing with their election. Any vacancy in an office shall be filled by an interim appointment by a majority vote of the Council of the Section until the next meeting of the Section, at which time a new Officer shall be elected to serve for the balance of the term.

ARTICLE IV: COUNCIL

4.1 – Council. The Council shall be composed of two (2) Council members and the five (5) Officers of the Section. Of the two (2) Council members, at least one (1) shall be a current voting member of the Montana Association of Legal Assistants* Paralegals and the other shall be designated as Member-at-Large.

4.2 – Duties of the Council. The Council shall have general supervision and control of the affairs of the Section, subject to the provisions of the Constitution and By-laws of the State Bar. The Council shall direct all expenditures to be made out of the Section dues. The Council shall be responsible for membership eligibility, including but not limited to membership eligibility and screening Section applicants.

4.3 – Election. The two (2) Council members referenced in 4.1 shall be elected at the annual meeting of the Section held in conjunction with the Annual Meeting of the State Bar.

4.4 – Term of Office. The term of office of Council members shall be one (1) year.

4.5 – Meetings of the Council. The Council shall meet each year at the time and in the place of the Annual Meeting of the State Bar. There shall be other such meetings of the Council as are determined necessary by the Chairperson of the Section. Notice of the time and place of regular and special meetings shall be given to each member by the Secretary-Treasurer by mail or by telephone, or electronically at least five (5) days before the meeting. The Council may take action by mail, telephone or electronic vote, without a meeting. A majority of the Council shall constitute a quorum.

ARTICLE V: MEETINGS

5.1 – Annual Meeting. The annual meeting of the Section shall be held at the same time and in the same place, and in conjunction with, the Annual Meeting of the State Bar.

5.2 – Special Meetings. Special meetings may be called by the Chairperson of the Section or upon the request of five (5) members of the Section.

5.3 – Quorum. At all meetings, members of the Section present shall constitute a quorum for the transaction of business. The latest edition of Robert's Rules of Order shall govern the proceedings.

ARTICLE VI: COMMITTEES

6.1 – Committees. The Chairperson, with the approval of the Council, shall designate committees, define their duties, and appoint committee heads and members.

6.2 – Term of Committee. The term of all committees shall end at the expiration of the term of the Chairperson by whom they were designated.

ARTICLE VII: AMENDMENTS

7.1 – Amendments. These by-laws may be amended at any meeting of the Section by a majority vote of the members of the Section present and voting, provided that notice of the substance of the proposed amendments shall have been mailed to all members of the Section at least two (2) weeks before the meeting. Final approval of any change to these bylaws is subject to a vote of the Board of Trustees of the State Bar as required by Board Policy 1-110.

Original Bylaws approved by the Board of Trustees of the State Bar of Montana, December 11, 1998.

Bylaws amended at the Paralegal Section Annual Meeting, September 14, 2000, and approved by the State Bar Board of Trustees in April 2001.

Amended June 8, 2007.

Bylaws amended at the Paralegal Section Special Meeting, August 17, 2009, and approved by the State Bar Board of Trustees in September 2009.

Bylaws amended at the Paralegal Special Meeting, March 16, 2012, and approved by the State Bar Board of Trustees in April 2012.

Bylaws amended at the Paralegal Section Annual Meeting, September 11, 2015, and approved by the State Bar Board of Trustees, December 4, 2015.

Bylaws amended at the Paralegal Section Annual Meeting, September 8, 2021, and approved by the State Bar Board of Trustees, February 18, 2022.

Bylaws amended during a meeting of the Paralegal Section, November 30, 2023, and approved by the State Bar Board of Trustees, December 1, 2023.

Bylaws amended during a meeting of the Paralegal Section, June 18, 2025, and approved by the State Bar Board of Trustees, June 19, 2025.