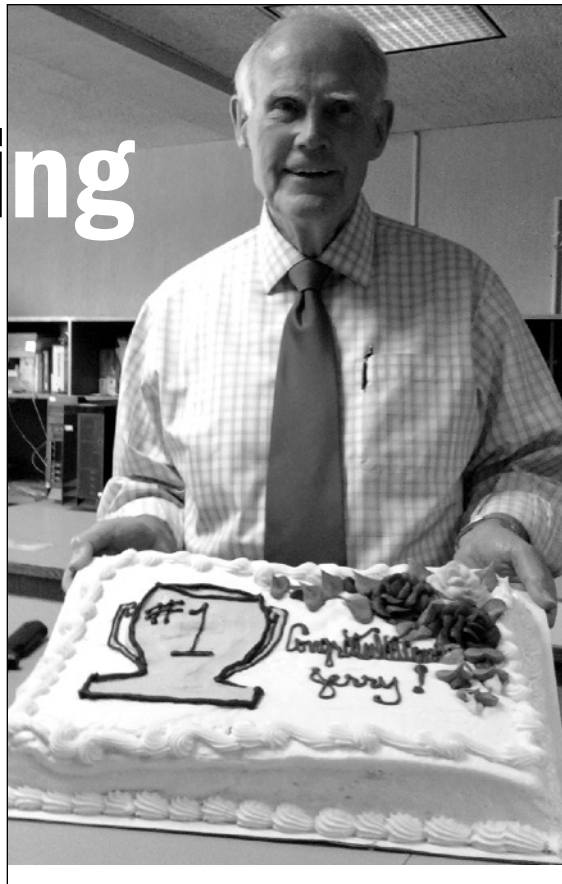


Lawyer

THE STATE BAR OF MONTANA

Celebrating our best members

*Meet all the
2009 State Bar
award winners
inside*



Jameson winner Jeremy Thane

**The Bar
gets new
leaders**

...

**UM Law
alumni
tell tales**

...

**IOLTA form
to soon be
online**

**Search on
for a new
Supreme
Court
justice**



The lawyer and the curious wolf

The strange incident in the Bob



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Unfinished business

Three major issues that will remain with the Bar

Chris Tweeten

Although I handed the president's gavel to Cindy Smith in mid-September, by tradition the outgoing president gets one last chance to fill this space with pithy observations. I want to use this last opportunity to speculate about what the future holds for our profession.

Avocats Sans Frontieres

(Lawyers Without Borders)

A few years ago we had a lengthy dialogue on the subject of multi-jurisdictional practice. As things stand now, other states view Montana as the North Korea of the legal profession. We have reciprocity with no one. We secure our borders better than the Department of Homeland Security. A Montanan who wants representation by an out-of-state lawyer had better find one (1) whose law firm has not burned its three strikes or (2) who wants to take the Montana Bar Exam.

Like Kim Jong Il, we are swimming against the trend in the rest of the world. A regional reciprocity arrangement exists among states in the Northeast, and discussions are going on among the Pacific Northwest states of Washington, Oregon, and Idaho about adoption of a rule that would allow a lawyer admitted in one state to practice in all three. Other states are loosening their pro hac vice rules to make it easier for out-of-state lawyers to practice. And, the National Conference of Bar Examiners is at work on a national bar exam that would ease interstate moves for lawyers in states that chose to adopt the interstate exam.

If you thought the multi-jurisdictional practice issue is settled in Montana, think again.

The old gray lawyer

You've seen discussion about the graying of the profession before in this column. There is a large Baby Boom Bubble that's about to burst on the legal profession. More lawyers are in their 50s than in their 30s. The number of lawyers in their 50s and 60s who are considering retirement exceeds the number of prospective lawyers entering our law schools, so soon more older lawyers will be exiting the profession than there will be new lawyers to take their place. As the population of Montana grows, the population of Montana lawyers available to meet their need for legal services will shrink. Where will the clients find representation?

See Avocats Sans Frontieres, supra.

If the pool of lawyers continues to shrink, the practice of law will change. Non-lawyers will be allowed to provide services that are now the exclusive province of lawyers, under regulations promulgated by the Court or, God forbid, the Legislature. The retirement of boomer lawyers will put strain on law partnership agreements. As the number of lawyers dwindles, bar association revenues will drop, making it more difficult for bars to fund programs mandated by their supreme courts. And, a shrinking pool of lawyers will place even more strain on access-to-justice programs.

Finding solutions to these problems will occupy a lot of the Bar's time over the coming years.

Making ends meet

This year the Court ordered a dues increase to meet the funding needs of an expanded lawyer assistance program and correct a structural imbalance in the State Bar's budget that was driven largely by the need to fund programs required by the Montana Supreme Court. Unfortunately, as costs rise and the Bar assumes responsibility for more programs, pressure on the Bar's budget can only continue to increase.

This year an ad hoc committee of the Board of Trustees conducted a line by line zero-base review of the Bar's budget that identified some cuts and areas where non-dues revenues might be increased. The Court has ordered a detailed report on the Bar's financial status every three years, and from now on the Trustees will conduct the same kind of detailed budget analysis every three years as part of the report process.

It is not realistic to think that this year's dues increase will be the last. But your Trustees are committed to making your Bar run as efficiently as possible.

It has been a privilege to serve as president of your Bar. I can selfishly say that I've certainly gotten far more than I've given over the last year, and filling this space every month has been fun. If you're looking for professional enrichment outside the day-to-day challenges of your practice, the Bar is always in need of volunteers to serve on committees and commissions or as members of the Board of Trustees. From my experience I highly recommend it. ○

Jeremy Thane earns the Jameson Award

‘Consummate lawyer, public citizen’

Long-time Missoula attorney Jeremy G. Thane was awarded the 2009 William J. Jameson Award at the State Bar Annual Meeting in Missoula Sept. 17. The award named after the late Montana federal judge William J. Jameson, is the Bar’s highest award. It goes annually to the attorney who has exemplified the highest values of the legal profession throughout his or her career.

The following is from the nomination letter sent to the State Bar’s Past President’s Committee who decides on which nominee has earned this year’s award. The letter was written by attorneys Ronald Bender and Molly Shepherd, who have shared the Worden Thane law offices with Mr. Thane:

Throughout his 58 years of practice, Jerry has been the consummate lawyer, public citizen, colleague and gentleman. What he is, and what he has done, make him worthy of the Jameson Award.

After serving in the U.S. Navy in the final months of World War II, Jerry Thane returned to Missoula [he is a third-generation Montanan] and enrolled at the University of Montana. He graduated from the School of Law and began working as a solo practitioner in Missoula in 1951. Gradually, he built a trial practice defending civil cases. While still engaged in private practice, he also worked as a deputy county attorney in 1953 and as Missoula city attorney in 1958-59. He was admitted to practice in the U. S. Supreme Court in 1965.

In 1962, Jerry Thane joined forces with the Worden firm, which had been established by Donovan Worden Sr. in 1924. The firm is now known as Worden Thane PC.

As Worden Thane grew, Jerry became one of the foremost and successful litigators in Montana. His quick wit, knowledge of the law, skill, and demeanor have long commanded respect from judges, juries, clients, and adversaries. His integrity and civility have engendered trust, lending dignity to proceedings in which he has a part. He knows where to strike the balance between zealous advocacy and service to the system of justice. In recognition of his stature as a litigator, Jerry was elected a Fellow of the American College of Trial Lawyers in 1989.

Furthermore, Jerry is one of the leading labor law practitioners in Montana. He became counsel to the Western Montana Employers’ Association early in his career and continues as president of the Association. He taught labor

law as well as trial practice at the University of Montana School of Law for 10 years. He has long been listed among the “Best Lawyers in America” in labor and employment law, health-care law, medical malpractice, personal injury litigation, and product liability litigation. In addition, he has been included in the listing in “Mountain States Super Lawyers” for several years.

In the time-honored tradition of our profession, Jerry Thane has been and remains a public citizen. He was chairman of the Montana Department of Public Welfare (now the Department of Public Health & Human Services) for eight years. He further served as the attorney member of the Montana Board of Health & Environmental Sciences for a four-year term. He has been president of the Western Montana Bar Association, the Missoula Area Chamber of Commerce, the Missoula Chamber Ambassadors, the Missoula Symphony Association, and the Missoula Kiwanis Club. He was district chairman of the Boy Scouts of

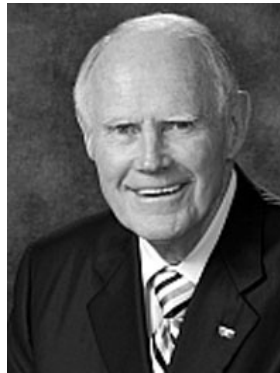
America for two terms.

Jerry also has served the public good in less visible ways, however. Beginning early in his practice and continuing today, he has taken on judicial assignments of difficult cases. And in recent years, he has volunteered as a pro bono attorney for Crime Victim Advocates, assisting indigent women to obtain orders of protection against mental and physical abuse. For his efforts, he was recognized by Crime Victim Advocates as Pro Bono Attorney of the Year in 2003 and 2005.

Finally, in addition to his practice and to his public and professional service, Jerry has been instrumental in building our law firm. At age 82, he remains an active and valued colleague. As he has for several generations, he mentors and assists younger lawyers not only in their cases but also in their public and professional lives. We look forward to the three or so days each week when Jerry’s office lights are on, an implicit invitation to consult about a pending legal issue or to reminisce about the past.

Jeremy Thane has remarked that Judge Jameson had a significant impact on him when he was a young lawyer. We believe that impact is reflected throughout Jerry’s long and distinguished career. His values, and his life in the law, exemplify what is good in our profession.

Mr. Thane is a member of the Association of Defense Trial Lawyers, the Montana Defense Trial Lawyers Association, the



Defense Research Institute, and the ABA. He has been a director of the Missoula Bank of Montana, the Helena Bank of Montana, and is a member of the advisory board of the Missoula Wells Fargo Bank.

MR. THANE ALSO RECEIVED nomination endorsements from Missoula's four district judges – Edward McLean, Robert L. Deschamps III, John W. Larson, and Douglas Harkin.

"I first became acquainted with Jerry Thane when he was teaching Courtroom & Trial Practice at the Law School in the early 1970s," said Judge McLean. "He impressed me with the 'presence' that he presented in a courtroom environment. He taught us as students that nothing could be more important than our word, whether it be given over the phone, in a conversation, or in a written letter. He taught us that once you represented to another that you would do a certain thing on behalf of a client, you were ethically bound to do so.

"Jerry Thane then impressed upon us the obligation that we had to our communities as members of the Bar," Judge McLean continued. "We were to be the leaders and workhorses of community organizations that benefited the communities and the less fortunate. He was concerned about how citizens of the community viewed us as members of the Bar. Jerry Thane has always been a contributor and a leader of the Missoula community."

Continuing his praise of Mr. Thane as a teacher, Judge McLean continued:

Jerry Thane spent a great deal of time teaching us students how to prepare and present estates to a Court, how to file a complaint and to prepare the case for trial. He taught us courtroom decorum and civility. He stressed that we were never to be condescending or arrogant, but rather, to be empathetic and understanding. He taught us to leave our biases at the courtroom door but not our civility and integrity. Jerry taught us that it was the quality of our representation that would leave the impression of the legal profession, and system of justice, with the client and the client's family and friends.

Jerry Thane is the embodiment of integrity and demeanor that we should all strive for.

"IT WAS NOT UNTIL I became a judge that I became truly impressed with Jerry's sense of service and commitment to the profession and society in general, and why I now am especially eager to support his nomination for the Jameson Award," wrote Judge Deschamps. "Shortly after I became a judge I was confronted with a complex dispute where difficult family members were fighting amongst themselves over the moderately sized estate and care of their elderly parents who were in an assisted living facility. Someone suggested that Jerry might accept an appointment as a conservator of the

estate on a pro bono or nominal fee basis. I was more than pleasantly surprised when Jerry readily accepted the appointment, waded right into the case, and miraculously got it peacefully and quickly resolved.

"I was frankly blown away by this," Judge Deschamps said. "Most lawyers of Jerry's professional stature and age could and would have found myriad legitimate excuses to avoid the appointment. Jerry readily accepted it and completed the task presented without missing a beat or making a complaint."

'He is the epitome of a gentle man. When the tempers in others would flair, he always was in control. Rash or threatening comments were never his style. Elegant decorum and an ability to listen were his hallmark.'

"IN 1980, AS A YOUNG CEO at St. Patrick Hospital, I came to know and rely on Mr. Thane for legal assistance," wrote Lawrence L. White Jr., professor and director for the Western Montana Area Health Education Center in Missoula. "Those years were formative not only for me and the hospital but also for health-care law in Montana. The Montana Medical Legal Panel had just come into existence two years before and medical providers were beginning to experience its processes and effects. To say there was frustration and

annoyance would put it mildly. As we would diligently prepare defense of cases whether meritorious or seemingly spurious, he developed in me a respect for the panel and its processes. Jerry Thane had the wisdom and patience to counsel me in the long-term benefits of the panel despite its several flaws. Now, 29 years later, the Montana Medical Legal Panel has proven its benefit to patients and to providers. Mr. Thane saw from its inception the public service and public good it could provide. His work with many providers before the panel helped to develop the integrity and value it has today.

"Foremost in my recollection of our work together," Mr. White continued, "is Jerry Thane's personal conduct. He is the epitome of a gentle man. When the tempers in others would flare, he always was in control. Rash or threatening comments were never his style. Elegant decorum and an ability to listen were his hallmark."

Other letters of endorsement included the following passages:

■ Thomas Boone, Boone Karlberg, Missoula:

In addition to being an outstanding lawyer, Mr. Thane has been a great ambassador for the legal community in the Missoula area. I have worked with Jeremy in connection with the Chamber of Commerce and its Ambassador's Committee and with the Missoula Symphony Association. He was instrumental in helping put the Missoula Symphony Association on a reasonably strong financial basis during his tenure on the board and as its president.

■ Maura Buck, Missoula County Crime Victim Advocate:

I have had the opportunity of working with Jeremy Thane when I was our program's pro bono attorney coordinator.

He made himself available to our clients several times a month representing victims of domestic violence and sexual assault at order-of-protection hearings. These were victims who otherwise would have gone without legal services. Mr. Thane was an invaluable asset to our clients and always went above and beyond to provide them with legal representation.

Due to his excellence in service, our program honored him with our Pro Bono Attorney of the Year Award in both 2003 and 2005. It is evident that Jeremy Thane is committed to social justice and helping those in need.

■ Robert J. Phillips, Phillips Law Firm, Missoula:

Being against Jerry in a courtroom, you know you have to be your best. You also know that you can rely on him to be honest with you and honest with the tribunal. He has that certain balance of effective advocacy and personal empathy that promotes professionalism in all the attorneys with whom he comes into contact.

■ Colleen M. Dowdall, Worden Thane, Missoula:

When I first worked with Jerry at Worden, Thane & Haines, from 1989-1993, I was the mother of two small children and expecting a third. During a particularly intense meeting of the attorneys, I announced before I spoke that I was very obviously pregnant and likely to cry while I expressed my opinion. I was good on my prediction. After the meeting, Jerry came to my office and shut the door. I admit I was shaking in my boots. Jerry sat down and asked me if I was okay. He told me that he was darned impressed when a young attorney cared enough about the place she worked and the work she did that she would cry while expressing herself. I was very touched, relieved, and comforted.

I returned to work at Worden Thane PC in 2006. Jerry was the first to greet me and welcome me back to the firm. A lot had changed at the law firm and Jerry had changed with it. I soon was receiving e-mails from Jerry checking for conflicts of interest for prospective pro bono clients, representing women in their application for orders of protection against abusive partners. An acquaintance from the Crime Victim Advocates' office summarized what Jerry meant to their program by describing him in the courtroom with his clients. She described these women, standing next to a white-haired, well dressed, distinguished gentleman who was obviously comfortable advocating for his client in the courtroom. She said he could just as likely have been standing next to a corporate executive. He added dignity to an experience that is difficult and often degrading to the client. I am so proud to be the colleague of someone that can be described in this way.

Also writing letters of support for Mr. Thane's Jameson nomination were Missoula attorneys Dexter Delaney, Matthew J. Cuffe, Jane E. Cowley, and Gail M. Haviland; and the Missoula Area Chamber of Commerce.

The George L. Bousliman Professionalism Award

Three Montana attorneys have been awarded the 2009 George L. Bousliman Professionalism Award. The attorneys are:

■ Cynthia Thiel,
Missoula

"When we were awarded our mini-grant for the Missoula Family Law Self-Help Center, we approached Cindy about being our supervising attorney," explained Charlotte Beatty, the judicial staff attorney for the Missoula District Court. "We had secured compensation for this position through the Child & Family Law Section of the Bar – however Cindy refused to be compensated, and has donated a great deal of her time to making the Center what it is today: a big success."

As the Center's supervising attorney, Ms. Thiel, who practices with the Boone Karlberg firm in Missoula, trained the Center's coordinators and spends several hours a month supervising the coordinator's work. "When she received the [supervising attorney] position, she waived all payment for her services," said Amy Rubin, a Missoula attorney. "She has provided assistance to the program far in excess of what was originally budgeted, all for free."

In addition to her work in the Center, Cindy generates a great deal of respect for the law and the legal profession, said Ms. Beatty. "Her reputation as a settlement master is unparalleled. Cindy has been a great mentor to me, taking me under her wing and teaching me how to remain fair, determined, yet gentle in guiding people in family law conflicts toward peaceful resolution. Cindy stands as a great role model for the Center's law student volunteers, always providing praise, guidance and encouragement."

In addition to her work for the 4th Judicial District Family Law Center, Ms. Thiel continues to volunteer her time in many other ways, Ms. Rubin said. "In the past year, I am personally aware of her agreeing to be a speaker at a guardian ad litem workshop in November, waiving her fee for settlement conference services to those who cannot afford to pay for her time, and doing on-the-spot pre-trial scheduling conference orientations for the Court for pro se litigants.."

Ms. Thiel has accepted and pursued pro bono referrals from the Western Montana Bar Association (WMBA) Pro Bono Program and has been a long-time volunteer at the ABA-recognized Family Law Advice Clinic (FLAC) of the Montana Legal Services Association. From 2000 to 2008, she served as an officer and board member of Families First, a Montana non-profit corporation committed to strengthening families by providing child-rearing information, guidance and support to



parents of all backgrounds and life circumstances. She serves on the WMBA Pro Bono Program Committee, and had a pivotal role in the development of that program. Prior to that, she served as an officer and director of the WMBA, serving as president from 2001-02.

"Through her exceptional work ethic, brilliant mind and kind heart, Cindy Thiel stands at the top of our profession and represents all that the Boulisman award seeks to honor," Ms. Beatty concluded.

Ms. Thiel also received letters of nomination from Missoula attorneys Susan Ridgeway, Shane Vannatta, and Ellen Larking, and from Brenda Desmond, standing master for the 4th Judicial District.

■ Randy Snyder, Bigfork

Bigfork attorney Randy Snyder has earned the Professionalism Award for the amount of time, effort, and talent he has contributed to establishing a pro bono program in the 11th Judicial District.

"Our district, the greater Flathead Valley, has struggled for years with access to justice and with being able to sustain an effective pro bono program," wrote Kalispell attorney Don Murray in a nomination letter. "As we all well know, the task of designing, implementing and then sustaining a lasting pro bono program is a major undertaking. . .," he said. "Randy has put this project on his capable shoulders and carried it forward to the point where it is today – fully designed and recently unveiled to the members of the Northwest Montana Bar Association at its May 4, 2009 meeting. Mr. Snyder assembled an experienced steering committee and drew on his State Bar connections – Mr. Snyder is a Bar trustee – and his knowledge of the resources available in the access to justice community across the State," Mr. Murray said. "Randy has involved the social services community in Kalispell; the Montana Legal Services Association; the Supreme Court Pro Bono Coordinator Patti Fain; the director of the self-help litigants program, Lonnie Browning; 11th Judicial District Court personnel; and the district and justices court judges of Flathead County. Through his efforts, Randy has built a strong coalition and laid the cornerstone for a successful program."

Mr. Murray, a member of the Northwest Montana Bar Association's pro bono steering committee, attests that Mr. Snyder "has done an outstanding job bringing us to the point where we now stand – poised to implement a community-based, voluntary, court-supported multi-faceted and, with a little luck and support from the Bar, the Court, and community, a lasting pro bono program."

"Obviously in undertaking this effort, Randy has subordinated his business concerns to his commitment to not only improve access to justice in Flathead County, but to improve the functioning of the justice system in the 11th Judicial District Court for all litigants and their counsel."



■ Evonne Smith Wells, Missoula

By Torian Donohoe & I Courtney Stone

Following the arrest and incarceration of a practicing attorney in our region, Evonne Smith Wells was appointed by the State Bar as the trustee of that lawyer's files. As trustee, Evonne worked tirelessly to ensure that the right of that lawyer's clients, and particularly their right to access to justice, were protected. She saw to it that clients' files were properly returned to them and even recopied entire correspondence and pleadings files so that clients' newly hired attorneys would have complete copies.



Evonne rented a storage unit, with her own funds, to ensure that clients' essential documents and other records were preserved and protected. This work necessitated substantial travel on Evonne's part, as the files (and the storage shed) were located in Lake, and not Missoula, County. On one memorable occasion, Evonne traveled to Lake County to meet with Betsy Brandborg of the State Bar to work on distributing and destroying the remaining files only to learn that she had misplaced the key to the shed. Nonplussed, Evonne simply hired a locksmith to cut open the lock on the storage unit and proceeded on with the task at hand.

In addition to protecting the interests of those clients, and thereby helping to bolster public confidence in our profession, Evonne's efforts as trustee extended far beyond her appointed role. Evonne was the epitome of a lawyer helping another lawyer, as she never lost sight of the fact that the disbarred attorney's own needs could not be brushed aside. Both before and during that attorney's incarceration, Evonne also helped to ensure that the attorney's questions regarding date of release and disbursement of funds upon release were answered by law enforcement by contacting the correctional facility directly and sending an associate to the jail to address the attorney's questions.

Evonne's diligence in this matter took up approximately 45 hours of her time. In addition to donating thousands of dollars worth of her time, Evonne also paid for all trustee's expenses from her own pocket, knowing she would not likely be reimbursed. To this day, she has not been.

Evonne's service as trustee speaks volumes about who Evonne Smith Wells is and about her overarching contributions to the practice of law in Montana. Evonne enjoys a thriving practice [Wells & McKittrick Law Firm], but despite her responsibilities in leading a firm of four other attorneys and numerous legal assistants and support staff, she has never lost sight of her responsibility to the larger community. In addition to her efforts for the State Bar, Evonne is a tireless advocate for the Missoula Crime Victim Advocate's office and has served on countless volunteer boards in the area, including the Community Dispute Resolution Center and the Community Health Care Network. Furthermore, Evonne has mentored

countless other women in the practice of law and has been recognized by the Missoula YWCA for economic empowerment of women. Evonne embodies the second sentence of the Preamble to the Montana Rules of Professional Conduct: "A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system, and a public citizen having special responsibility for the quality of justice."

Neil Haight Pro Bono Award

Three Montana attorneys have earned the 2009 Neil Haight Pro Bono Award for free work on behalf of low-income clients:

■ Shahid Haque-Hausrath, Helena

By **Katherine Haque-Hausrath**

Shahid Haque-Hausrath is the managing attorney of the Border Crossing Law Firm PC. He devoted a considerable amount of time last year to providing pro bono services to immigrants in Montana and nationwide. Immigrants are an underserved community here in Montana, because they often cannot afford to pay for legal services, but usually don't qualify for services from the Montana Legal Services Association. Mr. Haque-Hausrath has attempted to fulfill this need and provides pro bono legal services to immigrants who fall below the federal poverty line, are not receiving sufficient support from family or friends, and cannot afford to pay for legal services.

In his pro bono practice, Mr. Haque-Hausrath has won asylum for seven refugees who fled from their home countries to escape torture, persecution, and death on account of their political beliefs. He spent much of his time last year representing his eighth pro bono asylum client, who is in removal proceedings in Chicago. This client is from Eritrea – a country that is ruled by a brutal dictator who is responsible for mass killings of political opponents. The final hearing in this case will occur in April 2009.

Last year, Mr. Haque-Hausrath also assisted a married couple that was referred by the Montana Legal Services Association. They needed assistance with the husband's application for adjustment of status, but were facing several roadblocks from the Department of Homeland Security. In addition to applying for a green card, the husband needed to obtain work authorization in order to support their five children. They were trying to feed a family of seven on a single Wal-Mart salary. Mr. Haque-Hausrath has submitted part of their application and is continuing to work with them to resolve other issues in their case.

Mr. Haque-Hausrath also represented a homeless Cuban refugee who was referred by the Poverello Center. This client had fled from Cuba in the 90s and swam to U.S. soil. However, he never obtained a green card, and ended up home-



less for many years. Upon discovering that he had a valid claim to legal permanent resident status, Mr. Haque-Hausrath began work on his petition. The lengthy process is ongoing, but he is now close to obtaining his green card.

Mr. Haque-Hausrath is listed as a free legal service provider with the Department of Homeland Security. When individuals are arrested and placed in deportation proceedings, they are given his phone number to call. Mr. Haque-Hausrath provides free legal advice and assistance to these detainees without any compensation. He represents many of these individuals with bond requests and removal proceedings.

Mr. Haque-Hausrath has served on the Helena International Affairs Council since September 2008, which is tasked with promoting the city as an international gateway and embracing the cultures and traditions of our international residents and visitors. Mr. Haque-Hausrath has recently begun lobbying efforts to defeat anti-immigrant legislation that is being proposed by the Montana Legislature. There were more than 10 bills proposed this session that would have an adverse affect on immigrants in Montana. Mr. Haque-Hausrath testified at each and every one of these hearings, without receiving any compensation for doing so.

It is important to note that all of Mr. Haque-Hausrath's pro bono activities are purely volunteer efforts. He receives no grant money or other compensation for these services. He balances these free services along with his ordinary workload.

■ Keith Tokerud, Great Falls

By **Randy Gray**

I recently retired after practicing law in Montana for 30 years. My father and grandfather also practiced law here. Too often, the law has become a tool of economic power.



Occasionally, however, the glow of justice shines through the work of a rare lawyer. Keith Tokerud is such a lawyer. It is a privilege to nominate him to receive appropriate recognition from the State Bar of Montana as a champion of justice and model of unselfish contribution of pro bono work for the benefit of those in need.

Yuri Abramov is a Ukrainian dissident who was held in Soviet prisons for nine years. Through unusual circumstances, he was able to come to the United States in 1994 and sought asylum here.

All odds were stacked against Yuri in his quest for freedom. The U.S. Immigration Service was determined to send him back to the Soviet Union, where Yuri likely would have been returned to prison. After 14 years of litigation, Yuri was recently granted asylum. Keith Tokerud was Yuri's pro bono attorney that entire time.

INS did not anticipate Yuri's determination, the community support for him, and Keith Tokerud's resolve and legal ability. Though Keith did not keep track of his time in this case, his partners estimate he put at least 1,500 hours of time into it,

basically an entire year of billable time. (Perhaps they also should be recognized for their support of Keith's efforts.)

I know Keith expects nothing in return for his efforts other than Yuri's friendship and a great feeling for having done his best. But his efforts deserve recognition. A lawyer is granted a license for the right to practice law. Like all rights, this one also comes with responsibilities. Keith exemplifies for all lawyers the highest calling of the law – to do justice, one case at a time. He is a role model for all lawyers.

■ Randy Randolph, Havre



By Klaus Sitte

Havre native Randy Randolph has been practicing law for 10 years. Before opening his private practice in 2000, Randy was the court administrator for the Chippewa Cree tribal court in Rocky Boy.

With a big heart and a willing-to-help attitude, Randy carries several pro bono cases at a time, including

family law, debt collections and many others.

Randy's open-door policy encourages low-income people to call or drop by his office almost daily. Randy's big heart compels him to stop and offer help, when others would say they don't have enough time.

The Karla M. Gray Equal Justice Award

■ Hon. Russell Fagg, Billings

By Patty Fain

Billings District Judge Russell Fagg has been actively involved in the Yellowstone Area Bar Family Law Project since its inception more than a dozen years ago. Judge Fagg offers his continued endorsement of the program and encourages participation, more importantly he actively involves himself in the success of the program.

Judge Fagg has been a member of the Yellowstone County Self-Help Program Advisory Council, also since its inception. He brings practical solutions to nagging problems. Those who know him agree he has little tolerance for meetings that bear no fruit.

Judge Fagg leads by example. The judiciary sees daily the impact of the lack of meaningful access to justice. For a long while, Judge Fagg has not only expressed his concerns about those who cannot afford counsel and thus find it difficult to navigate and understand the court system – he continues to take a hands-on approach to addressing those concerns. Judge Fagg talks one-on-one with attorneys, lends his support.

Many, many times I have witnessed Judge Fagg in a courtroom with a self-represented litigant – perhaps a young mother

whose children have been removed from the state or a father who is being prevented from seeing his children for no apparent reason. The Code of Judicial Conduct provides that judges are to serve the public interest through the administration of speedy and careful justice. In Judge Fagg, I witness a neutral judge who clearly understands the judiciary ethical codes and employs them while doing his absolute best to ensure justice is served.

More importantly, while he sits judgment about the law and the outcome of a case, I have never seen him sit in judgment of a litigant's station in life or the challenges that others may have overcome. Lawyers become judges for many reasons, the most noble being the belief in public service. I believe this is the essence of what drew Judge Fagg to his place on the bench and continues to drive him to work toward real solutions to real access issues.

[Judge Fagg was also endorsed for the Gray Award by State Law Librarian Judy Meadows for his service as her co-chair of the Montana Supreme Court's Commission on Self-Represented Litigants. "His compassion for those who have legal needs but cannot afford an attorney is remarkable," she wrote.]

The Frank J. Haswell Award

■ David Kelley, Ennis

David Kelley, a Vermont attorney who has recently relocated to Ennis, Montana, has been given the State Bar's 2009 Haswell Award for his *Montana Lawyer* magazine article, "The hanging tree and the pillory."

The article, published in May 2009, contrasted the roots of legal systems in a small New England state and Montana, a larger, newer and more remote state. Vermont legal roots, from the 1500s to the 1700s, were based on religion, he wrote, whereas Montana's roots, in the mid-1800s and early 1900s, were based on the need for public safety.

The Haswell Award comes with a \$200 prize for the winner, endowed by the late Montana Supreme Court Chief Justice Frank Haswell as a way to attract quality writing to *The Montana Lawyer*. The State Bar's Past Presidents Committee chooses the winner.

Six other authors received Haswell Award honorable mentions for articles submitted in the past year:

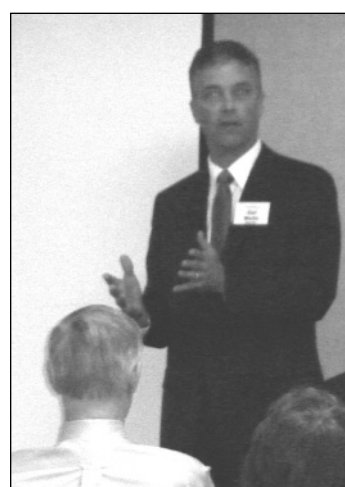
- Steven Johnson, an economist with Anderson ZurMeuhlen in Helena, for "Present value computations in a troubled economy."
- Billings attorneys James Patten and Craig Martinson, for "Avoiding traps for the divorce lawyer."
- Missoula attorney James Park Taylor, for a cover story and two columns about criminal defense in China and Asia.
- Great Falls attorney Meghan Lulf Sutton for "The cat who rules the courtroom."
- Helena attorney Micheal Lamb for "Ode to a dues increase."
- Merianne Stansbury, Billings attorney, for "Green firms can save greenbacks."

○

AT THE 2009 ANNUAL MEETING



Bar President Chris Tweeten, from a window inside the Missoula Art Museum, welcomes the Western Montana Bar reception attendees, some shown in top right photo.



Chief Justice Mike McGrath, above, and Gonzaga Law Earl Martin address the standing-room-only CLE audience.



Judge Russell Fagg with his Equal Justice trophy.



Bagpipers pipe in guests arriving at the Banquet. They were part of the 13-member Celtic Dragon Pipe Band that entertained the crowd at the Banquet's end.



This year's eight recipients of the awards for passing the 50-year mark as State Bar members pose after receiving pins and plaques at the Banquet. They are, left to right, G. Page Wellcome, Wayne Linnell, Raymond Tipp, William Jones, Judge Charles Lovell, Kenneth O'Brien, Bruce Crippen, and Charles Willey.

Alumni pull the tales of their UM Law School memories

Alumni of the University of Montana School of Law contributed anecdotes about their days as law students as part of the Sept. 17 State Bar Banquet in Missoula.

Before a filled-to-capacity banquet room at the Holiday Inn Downtown at the Park, these were among the stories told:

■ "It was a damned lie that we used quill pens when I was a student. We used *Parker* pens – one refill was enough to complete a Blue Book – although a few of us had those *experimental* ball-point pens. But our law education was suspect anyway, because we had no female students."

– *U.S. District Judge Charles Lovell*

■ "Of the 108 who started in my Law School class, only 16 graduated – which shows the attrition rate when law school was *really* hard. We called it 'The Class that the Stars Fell On.'"

– *Bill Jones, Missoula attorney*

Mr. Jones also told of a class "smoker" for which the students printed up a poster announcing "Silky Sullivan and his Stable of Stars," referring to Dean Robert Sullivan and the Law School faculty. The poster featured a line of horses' bodies with heads replaced by faculty faces. "Of course there was one member of the faculty we didn't like very much, so we had that horse facing in the opposite direction," Mr. Jones said.

■ "Dean Eck and his wife were famous for their Christmas parties, to which my wife and I were invited. Finally, after 30 years, we were able to get the Ecks to come over to *our* house



Outgoing Bar President Chris Tweeten congratulates new President Cindy Smith after passing the presidential gavel to her at the Annual Meeting.

for dinner. Later, Dean Eck admitted walking away with one of our spoons, and asked how in the world he could make good on it."

– *Klaus Sitte, executive director, Montana Legal Services*

Whereupon Mr. Sitte, after delivering his banquet story, walked over to Dean Eck, handed him a spoon, and said, "Return this one."

■ "One day Professor [X] was faced with a student who kept asking "Why?" – why, why, why? Finally, the professor turned to the student and said, 'Because God said so.'"

– *Professor Martin Burke*

■ Butte attorney Peggy Probasco said Professor Duke told some new lawyers, they were telling of on story professor

Sullivan is new president-elect

*Stahl elected secretary-treasurer;
Norlin & Bucy are new trustees*

Great Falls attorney Joe Sullivan was chosen by the State Bar membership in this summer's election to be the Bar's new president-elect.

Mr. Sullivan, a partner at the Deschenes & Sullivan law firm, has been the Bar's secretary-treasurer for the past year. That position will now be filled by Helena attorney K. Paul Stahl who won the election for the secretary-treasurer post. Mr. Stahl, who was a member of the Bar's Board of Trustees, is chief deputy county attorney for Lewis & Clark County.

The former past-president, Missoula attorney Cynthia Smith, stepped up as State Bar president in September and will serve as president for the coming year. Mr. Sullivan will become president in September 2010.

Two new Bar trustees were elected, and several

re-elected, in three State Bar areas this year.

In Area E, representing most of eastern Montana, Olivia Norlin of Glendive was elected as a new trustee. She replaces Peter Helland, who did not run for re-election. Re-elected as an Area E trustee was Ryan Rusche of Wolf Point.

In Area F, representing Lewis & Clark and Broadwater counties, Pamela Bucy of Helena was chosen to be a new trustee, replacing Mr. Stahl who is now a Bar officer. Re-elected in Area F were trustees Tom Keegan and Bruce Spencer, both of Helena.

In Area H, representing Yellowstone, Stillwater, Carbon, and Big Horn counties, the three trustees were re-elected to a new two-year terms. They are Billings attorneys Pamela J. Bailey, Vicki W. Dunaway, and Mark D. Parker.

In its September meeting, the State Bar Board of Trustees re-elected Missoula attorney Shane Vannatta to a second term as Board chair.



Joe Sullivan



K. Paul Stahl

Crowley made his students, of which she was one, frightened about showing up late to any of his classes. "But at a [more recent] party I attended with some new lawyers, they were repeating one story Professor Crowley had told them about a student who was so scared she ran all the way from home to make it to his class on time. Suddenly I was embarrassed to remember that that student was me." Ms. Probasco had partied too late the night before and overslept.

■ Another Duke Crowley story: "A student left a highly polished apple on Professor Crowley's desk. When the professor entered the classroom, he sat down, looked at the students, and without looking at the apple picked it up by the stem and dropped it into the wastebasket. 'Someone in this class thinks that they are a wit,' Professor Crowley announced, 'but they're only half right.'"

– *Janice Doggett, State Bar Equal Justice coordinator*

■ "I grew up in Detroit in a neighborhood surrounded by factories, so I thought I knew what air pollution was. But when I arrived in Missoula as a first-year law student in 1976, I couldn't believe the sickening brew that came from the [Hoerner-Waldorf] plant in the winter. One day, when the Law Library was first being remodeled, we found some mysterious metal stairs that had been exposed by the carpenters. At the bottom of those stairs was a tiny room filled with old dusty books. Every time you opened one of the volumes, out popped that Missoula smell."

– *Don Murray, Kalispell attorney*

■ "Everybody says how much they admired and respected Dean Sullivan, but I didn't. Heck, I was scared to death of him."

– *Missoula District Judge Douglas Harkin,
who moderated this banquet event*

IOLTA form, pro bono survey to be online

Two annual forms for State Bar members – the IOLTA compliance form and the Pro Bono Survey – will be made available to fill out online later this fall.

The IOLTA form is a mandatory form for members to complete; the Pro Bono Survey is not mandatory but helps the state Access to Justice Program determine the extent to which attorneys are providing pro bono services.

Both forms, formerly sent out by mail, will be available online perhaps as soon as this month. Postcards will be mailed to Bar members announcing their online availability.

The forms can be filled out on computers and submitted online. If you would rather not file online, you can print off a copy, complete it, and mail it back to the State Bar.



CHINESE LAWYERS TOUR MONTANA BAR – Five attorneys from China's Yunnan Province received a tour of the Montana legal system in late August, welcomed and guided by the State Bar of Montana. One of the Chinese attorneys is the head of the Yunnan bar association, another acted as interpreter. They were on a visit to Washington, D.C., Colorado and Montana to learn how bar associations and legal systems in the U.S. are organized. They visited the State Bar of Montana offices, met Montana attorneys, met Montana Attorney General Steve Bullock and Supreme Court Justice Jim Rice, and visited the State Law Library. They capped their Montana tour with a visit to Yellowstone Park. Shown above with the Chinese delegation from left are Helena attorney Steve Browning, Bar Executive Director Chris Manos, Bar President (now past-president) Chris Tweeten, Board of Trustees Chair Shane Vannatta, and Bar Trustee (now secretary-treasurer) Paul Stahl.

Resolutions, reports at Annual Business Meeting

Four resolutions were presented to the State Bar Resolutions Committee and Bar members to consider at the Bar's Annual Meeting in Missoula, but only two were approved.

Given a "do pass" recommendation and approved by the members attending the Annual Business Meeting were resolutions asking Congress to maintain strong funding for legal services and thanking the 4th, 20th and 21st Judicial District Bars for their work on the Annual Meeting. Both resolutions are approved periodically at the Bar; the legal services resolution passing for the 43rd straight year.

Two other resolutions, introduced by Butte attorney Robert Kelleher Sr., were rejected by the Resolutions Committee.

One, to repeal certain health care sections of the Montana Codes Annotated because they were "demeaning, belittling, and insulting to Montana young girls and women," was ruled out of order by the Resolutions Committee for not being consistent with the Bar's mission outlined in the State Bar constitution. That resolution did not come to the floor for a member vote.

However, Mr. Kelleher's other resolution, calling for stricter punishment for first-time drunk-driving offenders, was allowed to be put forth even though the Committee gave it a "do not pass" recommendation. Mr. Kelleher spoke in defense of the

resolution, arguing that a uniform, compulsory sentence – including incarceration and drivers' license suspension – be enacted statewide for first offenders because, Mr. Kelleher said there are too many drunk-driving fatalities and too many repeat offenders. The Bar members voted to reject the resolution after the Committee said that a legislative committee was working on such a drunk-driving measure.

The format for the Annual Business Meeting, held during the Bar's Annual Meeting, was changed this year to allow Bar officers to give reports to the membership. Secretary-Treasurer (now president-elect) Joe Sullivan explained the past year's dues-increase needs and process. Board of Trustees Chair Shane Vannatta reviewed the biggest actions taken in the past year by the Board, including:

- Calling for a petition to the Supreme Court to change the rules on attorney advertising.
- Petitioning the Court to all reciprocity with out-of-state attorneys following major disasters in line with ABA Model Rules following Katrina.
- Starting a process to cope with abandoned law practices.
- Setting forth informal values to which Montana lawyers should, but not be required, to adhere, except under the Professional Rules of Conduct. ○

Year's 2nd Rookie Camp & Road Show set for Helena Oct. 30

The State Bar of Montana will hold its second Rookie Camp and Road Show this year, this time in Helena on Oct. 30.

A Rookie Camp and Road Show were held in Billings on June 30.

The Rookie Camp is a morning program bringing together newer Montana attorneys in small groups with Montana judges and experienced lawyers to discuss the nuances and realities of practicing law.

The Rookie Camp, from 8 a.m. to noon at the Great Northern Hotel, will provide, for no charge, 4.0 CLE credits, including 4.0 Ethics credits, to new lawyers who attend.

THE ROAD SHOW, which begins 1 p.m., also at the Great Northern Hotel, is open to all attorneys, also for no charge. It provides 3.0 free CLE credits that include 3.0 Ethics credits (of which one is the 1.0 SAMI – Substance Abuse-Mental Impairment – credit required for

the present reporting period).

The Road Show CLE, which ends at 4 p.m., features real-life Montana conflicts, including confidentiality and fee issues. The CLE is presented by the State Bar's Professionalism Committee, and sponsored by ALPS.

Bar officers and staff are also at the Road Show for feedback discussions with Bar members who attend.

PLEASE NOTE: This Road Show should not be confused with the ABA TECH Road Shows which are being held in Bozeman and Billings on Oct. 22-23.



Time to verify your individual listing for the
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Don't be caught off guard! Check your current contact
information online at www.montanabar.org.
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Or send an email to jdiveley@montanabar.org.
All changes are due **October 30, 2009**

Attention all firms!

The law firm section* at the back of the Deskbook is by
request only, so if you would like to be included please
send the information to jdiveley@montanabar.org
by **October 30, 2009**.

Don't forget to include all affiliated attorneys and staff!
*2 or more attorneys only please

Upcoming CLE seminars for Montana lawyers

CLEs with Ethics & SAMI* credits

*Substance Abuse / Mental Impairment

5.0 Ethics credits required every 3 years – 1.0 of them must be a SAMI credit

October 9 – Great Falls

Mediation & Arbitration Challenges 6.50 CLE credits, including 1.0 Ethics (no SAMI) credit. Presented by the State Bar's CLE Institute and Dispute Resolution Committee, (406) 447-2206. Details and registration available at www.montanabar.org

October 15-16 Chico Hot Springs

Hot Topics for Women Lawyers 6.50 CLE credits, including 1.50 Ethics/SAMI credits. Presented by State Bar Women's Law Section and the Bar's CLE Institute. Details of program and registration at www.montanabar.org.

October 20-21 Billings – Rocky Mountain College

Comprehensive Negotiation Workshop 15.0 CLE credits, including 3.0 Ethics (no SAMI) credits. Presented by Montana Mediators, (406) 839-2223

October 27 Billings – Rocky Mountain College

The Parenting Plan A - Z 7.50 CLE credits, including 1.50 Ethics (no SAMI) credits. Presented by Montana Mediators, (406) 839-3323

October 27 Helena – Metcalf Building, Capitol Complex

Ethical Issues in Public Service 6.50 CLE credits, including 6.50 Ethics credits. Presented by the state Personnel Division, (406) 444-3985

October 30 Helena – Great Northern Hotel

State Bar Rookie Camp 4.0 CLE credits, including 4.0 Ethics (no SAMI) credits. Presented by the State Bar of Montana. See details of program and registration at www.montanabar.org.

October 30 Helena – Great Northern Hotel

State Bar Road Show 3.0 Ethics credits, including 1.0 SAMI credit. Presented by the State Bar of Montana, (406) 442-7660

December 18 Helena – Metcalf Building, Capitol Complex

State Ethics Law 3.0 CLE credits, including 3.0 Ethics (no SAMI) credits. Presented by the state Personnel Division, (406) 444-3985

All other CLEs

October 10 Missoula – UM Law School building

10 Tips for Better Briefs 2.0 CLE credits. Presented by the UM School of Law, (406) 243-4311.

Other web & phone CLEs for Montana credit are:

■ For the State Bar of Montana's approved online CLEs, go to www.montanabar.org and click CLE / Online CLE Courses

■ MTLA's SeminarWeb Live! Seminars at www.seminarweblive.com/mt/index.cfm?showfullpage=1&event=showAppPage&pg=semwebCatalog&panel=browseLive

■ Lorman Education Services' teleconferences at www.lorman.com/teleconferences/

■ The National Business Institute's live teleconferences at www.nbi-sems.com/Default.aspx/?NavigationDataSource1=N:304

October 13 Helena – Metcalf Building, Capitol Complex

Preventing Harassment 3.0 CLE credits. Presented by the state Personnel Division, (406) 444-3985

October 13 Missoula – Hilton Garden Inn

Montana's Land Use Law 3.0 CLE credits. Presented by New West Publishing, (406) 829-1725

October 14 Red Lodge – Rock Creek Resort

Montana Judges Association Conference 10.50 CLE credits. Presented by the Montana Supreme Court, (406) 841-2967

October 20 Teleconference

Directed Trusts – Understanding the Risks & Avoiding the Liability 1.50 CLE credits. Presented by Cannon, (706) 353-3346

October 21 Helena – Metcalf Building, Capitol Complex

Records & Information Management 3.0 CLE credits. Presented by the state Personnel Division, (406) 444-3985

October 22 Bozeman – Holiday Inn

ABA TechShow CLE Comes to Montana 6.75 CLE credits. Presented by the State Bar's Tech Committee, the Bar's CLE Institute, and the ABA. Details to be mailed to Bar members and available at www.montanabar.org.

October 22 Billings – Billings Hotel & Convention Center

ABA TechShow CLE Comes to Montana 6.75 CLE credits. Presented by the State Bar's Tech Committee, the Bar's CLE Institute, and the ABA. Details of program and registration at www.montanabar.org.

STATE BAR CALENDAR

October 8

State Bar Executive Committee meeting, 10 a.m., State Bar offices, Helena

October 9

Mediation & Arbitration CLE, Hilton Garden Inn, Great Falls

October 12

Columbus Day, State Bar offices closed

October 16

Hot Topics for Women Lawyers CLE, Chico Hot Springs

October 22

ABA TechShow, Holiday Inn, Bozeman

October 23

ABA TechShow, Billings Hotel & Convention Center, Billings

October 29-30

Bankruptcy Section CLE, Heritage Inn, Great Falls

October 30

State Bar Rookie Camp, 8 a.m. to 1 p.m., Great Northern Hotel, Helena

State Bar Road Show, 1 to 4 p.m., Great Northern Hotel, Helena

November 6

State Bar Executive Committee meeting, State Bar offices, Helena

CLE Institute fall planning meeting, 10 a.m., State Bar offices, Helena

November 11

Veterans Day, State Bar offices closed

November 13

New Lawyers Section CLE, DoubleTree Hotel, Missoula

November 26

Thanksgiving, State Bar offices closed

October 29 Great Falls – Giant Springs Park

Wrongful Discharge Act 3.0 CLE credits. Presented by the state Personnel Division, (406) 444-3985 Springs

October 29-30 – Great Falls

Bankruptcy Presented by the State Bar CLE Institute. Details to be mailed to Bar members and available at www.montanabar.org.

October 31 Missoula – UM Law School building

Employment Law Developments 2.0 CLE credits. Presented by the UM School of Law, (406) 243-4311

November 6 Billings – Hampton Inn

Medicare Secondary Payer Act: Pirates at the Settlement Conference 6.75 CLE credits. Presented by MSP Education-Compliance, (406) 465-7455

November 10 Great Falls – Hampton Inn

Medicare Secondary Payer Act: Pirates at the Settlement Conference 6.75 CLE credits. Presented by MSP Education-Compliance, (406) 465-7455

November 14 Missoula – UM Law School building

10 Tips for Effective Legal Research 2.0 CLE credits. Presented by the UM School of Law, (406) 243-4311

November 17 Teleconference

A Litigator's Perspective on Fiduciary Liability 1.50 CLE credits. Presented by Cannon, (706) 353-3346

November 20 Missoula – Grant Creek Inn

Medicare Secondary Payer Act: Pirates at the Settlement Conference 6.75 CLE credits. Presented by MSP Education-Compliance, (406) 465-7455

December 3 Helena – Metcalf Building, Capitol Complex

Privacy & the Right to Know 6.50 CLE credits. Presented by the state Personnel Division, (406) 444-3985

December 3 Missoula – DoubleTree Hotel

A Step-By-Step Guide to Understanding Easements 6.0 CLE credits. Presented by the National Business Institute, (800) 930-6182

December 8 Teleconference

Common Options for Small, Medium & Large Estates 1.50 CLE credits. Presented by Cannon, (706) 353-3346

December 10 Missoula – Ruby's Inn

Writing Administrative Rules of Montana 10.0 CLE credits. Presented by the state Personnel Division, (406) 444-3985

December 17 Helena – Location to be announced

Montana Real Estate & Development Law 6.0 CLE credits. Presented by HalfMoon LLC, (715) 835-5900

State Bar of Montana Bookstore

These Montana legal manuals and videos are for sale or rent via this mail-order catalog. Other Montana Bar-produced video seminars, are available for download to your computer on the Online CLE catalog at www.montanabar.org.

LEGAL PUBLICATIONS

2008 Guide to Montana's Local and County Community Foundations

2008, 54 pages
Print only, free

Montana Students' Guide to Turning 18

2008, 22 pages, CD \$10
Free download at www.montanabar.org

Montana Probate Forms

2006, 288 pages
Book plus CD \$150

Civil Jury Instructions

(MPI – MT Pattern Instructions)
1999 w/2003 Update, 400 pages
Book plus CD \$200

Criminal Jury Instructions

1999 w/2003 Update, 400 pages
Book plus CD \$105

Handbook for Guardians & Conservators

2005, 60 pages incl. 5 forms
Book plus CD \$150

2009 Lawyers' Deskbook & Directory

Reduced price: Book or Midyear update CD, \$20; set of both, \$30

MT Family Law Form Book

2005, 93 pages incl. 26 forms
Book and CD \$150

Public Discipline Under MT Rules of Professional Conduct

2006, 115 pages annotated
Book \$35

Public Information Flyers

tri-fold brochures, \$10/bundle of 100
Client Bill of Rights
Dispute Resolution
Divorce in Montana
How Lawyers Set Their Fees
Purchasing Your Home
Renting a House or Apartment
Small Claims Court
After an Auto Accident
When You Need a Lawyer
Wills & Probate

Statute of Limitations Manual

1998, 95 pages w/2001 Update
Book \$25

Step-parent Adoption Forms

2003, 5 forms
Book \$20

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- Engagement & Disengagement Letters
- Community Property in Another State: Effect on MT Dissolution
- Adult Felony Sentencing
1.0 CLE credit each topic
5 CDs, print materials included

2007 Landlord-Tenant CLE

3.0 CLE credits
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Print materials included

2007 Montana Ethics CLE, Butte

5.0 CLE credits, inc. 5.0 Ethics credits
Set of 4 DVDs, print materials included

2005 Chapter 13 Bankruptcy CLE

5.0 CLE credits
Set of 4 DVDs, print materials included

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2006 Early Childhood Development 'Implications for Court'

1.5 CLE credits

2006 Streamlining Treatment & Legal Requirements

1.5 CLE credits

2006 Building a Case for Permanence

2.75 CLE credits

2005 Adolescent Brain Development

1.0 CLE credit

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CLE materials from 2009

Bench-Bar Conference

Abuse of Process, Malicious Prosecution & the Seltzer Case; Court Performance Measures Program; New Federal Rules of Procedure; Settlement Conferences; Pro Se Litigants; Courtroom Technology

Bucking Horse CLE

New Privacy Rules; Unrepresented Opposing Parties; Americans With Disabilities; Business Law Update; Lawyer's Assistance Program; Legislative Update

Civil Litigation

Hardware, Software & Guidelines for Evidence & Argument in Court; Insurance; Safe Place to Work Claims; Litigation Dangers; Litigation Pitfalls

CLE & Ski

Land Use; Case Update; New Canons of Judicial Ethics; Technology; Employment Law; Business Law; Post Courtal Separation Anxieties; Ethics

Easements

Our Lady of the Rockies v. Peterson Oral Arguments & Decision; *Blazer v. Wall*; Ownership & Access Across Public Land & Waterways

Family Law

Prenuptial Agreements; Teachers' Retirement Accounts; State Retirement Accounts; Discovery; New Public Access Rules; Ethics in Working with Unrepresented Opposing Party

Law Office Management

Closing, Retaining & Destroying Client Files; Workers' Compensation; Intellectual Property; Privacy in Family Law; Attorney-Paralegal Ethics

Malpractice Prevention

Malpractice Traps; Electronic Ethics; Risk Evaluation, Lawyers' Assistance Program; Your Client Turns on You

Oil, Gas & Wind Leasing in Montana

Wind Leases & Options; Federal Oil & Gas Leasing & Operation; When You Find a New Natural Gas Field; CO2 Sequestration; Title Problems; Coal Bed Methane; Appearing Before the Oil & Gas Board

On the Water Front

Stream Setback; New Historical Consumptive Use Formula; Water Quality; Adjudication; Water Right Fundamentals; Ditch Easements; Water Commissioners & Enforcement

CLE materials from 2008

Administrative Law & Procedure

Judicial Review of Agency Cases; Contested Case Procedures Before Dept. of Labor & Industry; Social Security Administrative Procedures; Ethics; Federal Tort Claims; Administrative Tax Appeal

Annual Meeting CLEs

Professionalism; Technology; Federal Tax Update; Family Law Update; Stress & Depression; Law Practice Business; MTLA Update; Land Use; Judicial Conduct Rules; MDTLA Update;

Depositions; Rules of Appellate Procedure; Criminal Law Update; Federal Court Rules

Bankruptcy

Litigating Consumer Claims; Risk Management; Best Practices; Chapter 13 Update; Judges Panel; Means Testing; Case Update

Bench-Bar

Motions; Limited Representation & 'Unbundled' Legal Services; Stress

CLE & SKI

Effective Mediation Techniques; 2007 Supreme Court Update; Montana Stream Access; Complex Real Estate Cases; Structured Settlements

Construction Law

Life Cycle of a Project; Defect Claims & the Prompt Payment Act; Workers' Compensation; ADR; Pursuing Payment; Contracting for Energy Projects; Perspectives of Owners, Buildings and Design Professionals on Design-Build Projects

Family Law

Common Mistakes in Calculating Child Support; Why We Practice Family Law; Special Issue Parenting Plans; Ethics; Depositions & Evidentiary Issues; Military Benefits; New Public Access Rules

General Practice

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IOLTA Leadership Banks

By Amy Sings In The Timber
executive director
Montana Justice Foundation

*A beacon of hope
for civil legal aid
in troubled times*

During a time when interest rates have been reduced to their lowest levels in more than a decade, a small number of Montana banks continue to make a significant investment in programs that serve the most vulnerable and underserved in Montana.

The Interest on Lawyers Trust Account (IOLTA) program depends on a solid partnership between Montana financial institutions and their attorney and law-firm customers to provide funding for civil legal services to Montana's poor.

The Montana Justice Foundation (MJF) is the sole beneficiary of the Montana IOLTA program. The MJF distributes IOLTA dollars to qualified non-profit legal aid organizations and access to justice initiatives through a comprehensive grants program. IOLTA interest comprises more than 95 percent of the MJF's annual grantmaking revenue.

Banks play an important role in the IOLTA grant program. Many of the banks who participate in the program have agreed to waive service fees on IOLTA accounts and a select few continue to apply interest rates generally reserved for preferred accounts. These few outstanding financial institutions are recognized by the MJF as Leadership Banks.

ONE SUCH INSTITUTION is Mountain West Bank (MWB). MWB was a pioneer in the Leadership Bank movement in Montana. During the fiscal year prior to MWB's leadership initiative, the MJF earned approximately \$80,000 in IOLTA interest from all IOLTA accounts in Montana. IOLTA accounts in Montana collectively hold an average daily balance of roughly \$24 million, meaning that in 2004 banks were paying an average net interest rate (after fees and costs) of .33 percent on IOLTA accounts. At the same time, the Federal Funds rate was at 1.5 percent and climbing. In late 2004, Mountain West Bank acted to address this discrepancy by waiving fees and costs on its IOLTA accounts and tying the interest rate paid on all IOLTA accounts held at MWB to the 90-day federal treasury bill rate.

Over the past five years, Mountain West Bank continued to tie its IOLTA rates to the 90-day Federal Treasury bill rate. However, in December of 2008 the Federal Treasury slashed its benchmark rate to a staggering .0 percent to .25 percent in an effort to shore up the faltering economy – and the 90-day federal treasury bill rate went plummeting with it. In response, MWB has moved IOLTAs into a preferred account product which provides a 2.0 percent floor.

"We are pleased to offer this higher rate on IOLTAs and

proud to participate in this very worthy program" said Dick Morgan, senior vice president for Mountain West Bank.

While MWB is a standout among Montana financial institutions, it is not alone in bank commitment to the IOLTA program. Valley Bank of Helena, Community Bank-Missoula, Bitterroot

Valley Bank, Yellowstone Bank, and Missoula Federal Credit Union all continue to demonstrate a strong commitment to community-based banking and equal access to justice in Montana through their support of the MJF and the IOLTA program.

EVERY DOLLAR that the IOLTA program brings in is another dollar we have to help poor people attain access to the civil justice system in Montana. While the amount of interest IOLTAs earn may seem small to individual attorney and law firm account holders, they make a big difference in the lives of Montanans facing homelessness, abuse, and discrimination.

Over the next few months, the MJF will continue to work with attorney account holders to educate financial institutions about the importance of waiving fees and offering prime rates on IOLTAs. As attorneys you can help with this effort. Consider some of these simple actions you can take:

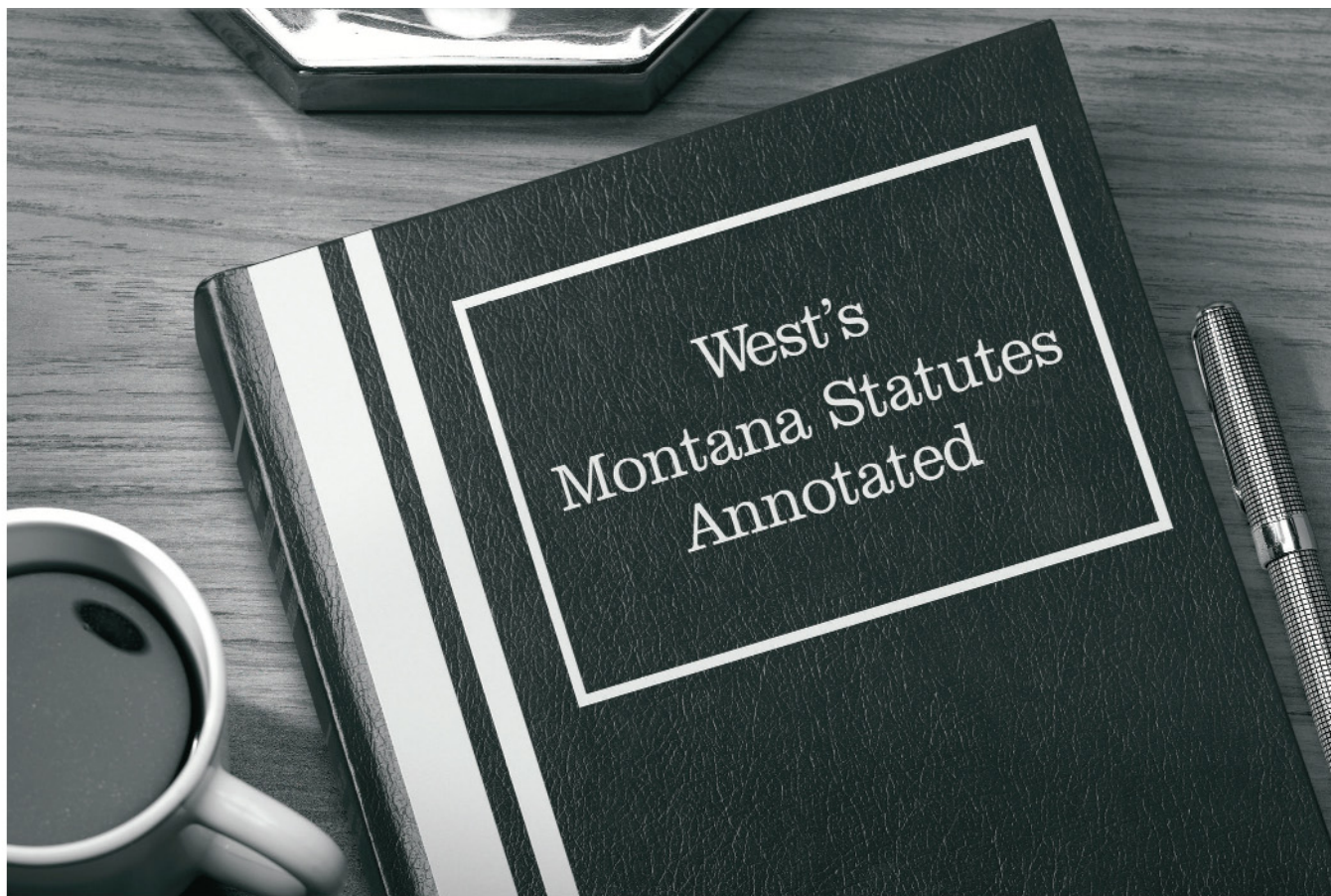
- Know what interest rate you or your firm's IOLTA account is earning from your bank.

- Compare your bank's rate to the rates that MJF's Leadership Banks are paying.

- If your bank's rate comes in low, contact your bank to request a more favorable rate.

- If your bank denies your request, consider switching your IOLTA account to a bank that demonstrates a commitment to community-based banking by supporting the IOLTA program.

THE MONTANA JUSTICE FOUNDATION can assist you with any or all of the above. For more information on how you can help, please contact the MJF at (406) 523-3920. For a complete list of participating IOLTA financial institutions, please visit: www.mtjustice.org



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Search to replace Justice Warner

Oct. 15 is Nomination Commission deadline

The Montana Supreme Court is searching for candidates for appointment to fill the Court seat held by Justice John Warner.

The Lee Newspaper State Bureau reported on Sept. 8 that Justice Warner sent a letter to Chief Justice Mike McGrath saying he will step down from the Supreme Court on Dec. 31.

Justice Warner, 66, told the Lee State Bureau that "I've had some health problems," and he said of his Court position, "It's a full-time, high-pressure job. I've got a big family, and I want to spend some time with them. It's the time to do that."

Chief Justice McGrath has notified the state's Judicial Nomination Commission to begin accepting applications for those who seek an appointment to Justice Warner's seat. The appointment will be made by Gov. Brian Schweitzer and the new justice's term would begin in January. The appointed justice would have to stand for election to the seat in November 2010 in order to serve for the remainder of the term, which expires Dec. 31, 2014.

The Judicial Nomination Commission set 5 p.m. Thursday, Oct. 15, as its deadline for accepting applications from any lawyer in good standing who has the qualifications set forth by law for hold-

ing the position of Supreme Court Justice. Applications are available from the Commission's webpage at http://courts.mt.gov/supreme/boards/jud_nomination/default.mcp or from the Commission's secretary, Andrew P. Suenram, at asuenram@swmtlaw.com, PO Box 1366, Dillon MT 59725; (406) 683-2391. Applications are available in Word or WordPerfect and must be submitted electronically as well as in hard copy.

First to announce his application was Helena attorney Ron Waterman, who lost the race for chief justice to McGrath last November.

The Nominating Commission will release a list of applicants after the Oct. 15 deadline and a public comment period will run between Oct. 19 and Nov. 18. The Commission will forward the names of three to five nominees to Gov. Schweitzer after reviewing all applications, investigating and interviewing the applicants, and receiving public comment. The selection must be confirmed by the state Senate.

The Judicial Nomination Commission has seven members: District Judge Ted Lympus of Kalispell; Shirley Ball of Nashua; Mona Charles of Kalispell; Monica Paoli of Missoula; Martha Sheehy of Billings; Andy

Justice
John
Warner
to step
down
Dec. 31



Suenram of Dillon; and Paul Tuss of Havre.

Justice Warner announced three years ago that he had non-Hodgkins lymphoma, a kind of cancer that targets the immune system. Warner told Lee Newspapers that his health is good, but maintaining it "takes some time out of my day sometimes."

Republican Gov. Judy Martz appointed Warner to the bench in 2003. He replaced Justice Terry Treiweiler, who resigned before the end of his term. Voters overwhelmingly opted to retain Warner in elections in 2004 and 2006.

Originally from Great Falls, Warner earning a degree at the University of Montana and graduating from law school there in 1967. He worked as Montana Supreme Court clerk for a year and then moved to Havre, where he was in private practice before winning election as Havre district judge in 1988. ○

State's public-defender system defends itself

By Alex Sakariassen
The Missoula Independent

Mike Sherwood likens the past three and a half years for Montana's Office of the State Public Defender (OPD) to a group of greenback smokejumpers dropped onto a remote wildfire. The lesser details of management and paperwork-now under critique by an independent review group-simply got lost in

the struggle for survival.

"None of us are management pros," says Sherwood, chairman of the Montana Public Defender Commission. "None of us have any experience in setting up what is in effect the largest law firm in the state of Montana."

That's the case Sherwood makes in response to a 66-page draft recommendation report from American University (AU) on how to improve the fledgling OPD, which is responsible for represent-

ing roughly 26,000 defendants a year. AU conducted the in-depth study over the past year, highlighting 32 specific areas for urgent improvement. Sherwood's 37-page response addresses each, and explains that the suggested overhauls to the system could cost the state millions annually.

"We're certainly not to where we'd like to be," Sherwood says. "But I think that the system itself, the creation of it, has improved representation for people

ANNOUNCEMENT FROM THE UNITED STATES DISTRICT COURT

BEGINNING DECEMBER 1, 2009:

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Effective December 1, 2009, time calculation under the Federal Rules will change. The Rules of Civil Procedure, Criminal Procedure, Appellate Procedure, Bankruptcy Procedure, and the Local Rules of Procedure are all affected.

Calculating deadlines is easier under the new system. The general rule is

DAYS ARE DAYS.

Count all weekend days and holidays.

Last day falls on Saturday, Sunday, or a holiday? Deadline is the next business day.

The filing deadline is

5:00 p.m. Mountain time on the due date.

When a deadline is triggered by filing and not service,
the three-day mailing rule does not apply.

Generally, time periods are set in multiples of seven days.

10-day periods become 14-day periods. 20-day periods become 21-day periods.

Periods of time of 30 days or more remain the same.

There are exceptions. There is no substitute for reading the rules.

The new federal rules are available at www.uscourts.gov/rules.

Click on "Rules Effective Dec. 1, 2009."

Proposed amendments to the Local Rules for the District of Montana are available at
www.mtd.uscourts.gov under "Documents."

Please send comments to mtd_Localrulescomments@mtd.uscourts.gov by
Tuesday, September 15, 2009.

There are other changes too, Federal and Local.

There is no substitute for reading the rules.

across the board in the state.”

AS RECENTLY AS 2005, Montana was one of the few states left in the country without an official public defender system. Public defenders existed, Sherwood says, but in a “hodge-podge” of county-based offices. Montana lacked any coordinated effort or central funding to protect the indigent in matters of justice.

State Sen. Dan McGee, R-Laurel, says problems with the old system – or complete lack thereof – came to a head in 2003. A bill revising the state’s approach to defense of the poor in felony cases bottomed out in the Legislature that year, and followed on the heels of a lawsuit filed against the state by the American Civil Liberties Union (ACLU) in February 2002. McGee says the ACLU and then-Attorney General Mike McGrath agreed to shelve the suit until legislators had a chance to address the situation.

“It’s not just about defending criminals,” says Scott Crichton, executive director of the ACLU. “It’s about

defending people accused of crimes...it’s about defending innocent people as well as providing good defense for guilty people, it’s about saving tax dollars by having shorter pre-trial incarceration.”

IN 2005, MCGEE and then-Rep. Mike Wheat of Bozeman sponsored the Montana Public Defender Act. The bill passed, establishing both the OPD and an 11-member commission to oversee operations.

The subsequent three-year period saw major improvements in defense for Montana’s poor, but the AU study rattles off a rash of criticisms, from mundane items like poor inter-office communications to more serious charges of lack of management.

The system continues to evolve, Sherwood argues, adding many of the problems AU identified have already been remedied.

“Was it better immediately?” Sherwood asks. “I hope so. Is it better now? I’m committed to the fact that it is. Should it be better? Yeah, we’re trying to make it better than it is now. But we’re learning.”

SOME OF THE AU study’s findings could result in considerable costs for Montana. According to the American Bar Association, start-up expenses for Montana’s OPD in 2005 totaled more than \$13 million. But with unexpected or uncalculated costs, Sherwood offers an estimate closer to \$20 million.

Annual costs haven’t dropped much since, Sherwood says, and implementing the review’s suggestions will likely drive the number up further.

Specifically, Sherwood takes issue with AU’s concerns over how much the state pays the roughly 200 contract lawyers it employs for felony, misdemeanor and civil defense cases. Those lawyers receive \$60 an hour at present, compared to the \$120 they typically net when contracted directly by clients. Sherwood and the commission have pushed both Gov. Brian Schweitzer and the Montana Legislature to up hourly pay to \$80, to no avail.

“Every \$10 increase is a million dollars,” Sherwood says. “If we get them to \$80, our budget has to go up \$2 million a year. If we get them up to \$110, our

The Public Defender commission has been pushing both Gov. Schweitzer and the Legislature to raise the hourly rate paid to OPD’s 200 contract lawyers it employs from the present \$60 an hour to a new rate of \$80 – but to no avail.

budget would have to go up \$5 million a year. They’d have to increase our budget by 25 percent.”

Sherwood admits the commission may have acted prematurely in requesting the review – a move strongly encouraged by the ACLU. But Caroline Cooper, assistant director for AU’s Criminal Courts Technical Assistance Project, commends former commission chairman Jim Taylor’s early push for an independent analysis. It gives the OPD time to make “mid-course corrections” and address the hiccups common to newly formed defense systems, Cooper says.

“I think that’s common with any justice system initiative,” Cooper says of the recommendations in the report. “Just having the idea and putting it into practice are two different things...the legislation in Montana has really established a great foundation for a very effective system.”

THE OPD FACES its biggest challenge in management, an area in which Sherwood says the commission has “acted poorly.” AU’s report says Montana’s new defender system is “adrift” regarding management, with no clear chain of command below Chief Public Defender Randi Hood. Sherwood doesn’t argue the point, and McGee says the problem isn’t entirely surprising.

“They’ve been attorneys,” McGee says of those in charge of managing OPD affairs. “They’ve been looking at things from the world of legal defense, not the world of business management.”

Hiring a separate management team would again drive up OPD expenses.

The final version of AU’s report is due out no later than next week. ○

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Not innocent enough

By **Dahlia Lithwick**
senior editor, Slate.com

The elusive search for the sufficiently innocent death-row victim

For years, death-penalty opponents and supporters have

been on what now looks to be an ethical snipe hunt. Everyone was looking for a moment at which everything would change: a case in which a clearly innocent defendant was wrongly put to death.

In a 2005 Supreme Court case that actually had nothing to do with the execution of innocents, Justices David Souter and Antonin Scalia locked horns over the possibility that such a creature could even exist. Souter fretted that “the period starting in 1989 has seen repeated exonerations of convicts under death sentences, in numbers never imagined before the development of DNA tests.” To which Scalia retorted: “[T]he dissent makes much of the new-found capacity of DNA testing to establish innocence. But in every case of an executed defendant of which I am aware, that technology has confirmed guilt.”

Scalia went on to blast “sanctimonious” death-penalty opponents, a 1987 study on innocent exonerations whose “obsolescence began at the moment of publication,” and concluded that there was not “a single case – not one – in which it is clear that a person was executed for a crime he did not commit.” This language suggested that if anyone found such a case, the Scalias of the world might rethink matters.

As of today, the Innocence Project, a national organization dedicated to exonerating the wrongfully convicted through DNA testing, claims there have been 241 post-conviction DNA exonerations, of which 17 were former death-row inmates who now have been spared the death penalty. The gap between their data and Justice Scalia’s widens every year. And for those who insist that not even one of those alleged innocents is indeed innocent, we now have a name: Cameron Todd Willingham, executed by the state of Texas in 2004 for allegedly setting a 1991 house fire that killed his three young daughters.

DAVID GRANN, WHO WROTE a remarkable piece about the case in the Aug. 24 *New Yorker*, sifted through the evidence against Willingham to reveal that the entire prosecution was a train wreck of eyewitness testimony that changed over time: a jailhouse snitch who was both mentally impaired and stood to benefit from testifying against Willingham, “expert” psychiatrists who never examined the accused but proclaimed him a “sociopath” based on his posters and tattoos, and local arson investigators whose conclusions were less rooted in science than a sort of spiritual performance art. And at every step in his appeals process, Willingham’s repeated claims of innocence were met with the response that he’d

already had more than enough due process for a baby-killer.

But you needn’t take Grann’s word for it. In 2004, Dr. Gerald Hurst, an

acclaimed scientist and fire investigator conducted an independent investigation of the evidence in the Willingham case and came away with little doubt that it was an accidental fire – likely caused by a space heater or bad wiring. Hurst found no evidence of arson and wrote a report to that effect to try to stay the execution. According to documents obtained by the Innocence Project, it appears nobody at the state Board of Pardons & Paroles or the Texas governor’s office even took note of Hurst’s conclusions. Willingham was executed by lethal injection, telling the Associated Press before his death, “[t]he most distressing thing is the state of Texas will kill an innocent man and doesn’t care they’re making a mistake.”

IN 2004 THE CHICAGO TRIBUNE asked three fire experts to evaluate the Willingham arson investigation. Their testing confirmed Hurst’s report. In 2006, the Innocence Project commissioned yet another independent review of the arson evidence in Willingham’s case. Their panel concluded that “each and every one” of the indicators of arson was “scientifically proven to be invalid.” Finally, in 2007 the state of Texas created the Forensic Science Commission to investigate alleged errors and misconduct and commissioned another renowned arson expert, Craig Beyler, to examine the Willingham evidence. Beyler’s report, issued in August ago, concluded that investigators had no scientific basis for claiming the fire was arson and that one of the arson investigator’s approaches seemed to deny “rational reasoning” and was more “characteristic of mystics or psychics.”

The state of Texas now has the opportunity to review Beyler’s findings and conclude that it has carried out the “execution of a legally and factually innocent person.”

ONE MIGHT THINK that all this would put a thumb on the scale for death-penalty opponents, who have long contended that conclusive proof of an innocent murdered by the state would fundamentally change the debate. But that was before the goalposts began to shift this summer. In June, by a 5-4 margin, the Supreme Court ruled that a prisoner did not have a constitutional right to demand DNA testing of evidence in police files, even at his own expense. “A criminal defendant proved guilty after a fair trial does not have the same liberty interests as a free man,” wrote Chief Justice John Roberts. And two months later, Justices Scalia and Thomas went even further than the chief justice following an extraordinary Supreme Court order instructing a federal court to hold a new hearing in Troy Davis’ murder case, after seven of nine eyewitnesses

recanted their testimony. Scalia, dissenting from that order, wrote for himself and Justice Clarence Thomas, “[t]his court has never held that the Constitution forbids the execution of a convicted defendant who has had a full and fair trial but is later able to convince a habeas court that he is ‘actually’ innocent.”

As a constitutional matter, Scalia is not wrong. The court has never found a constitutional right for the actually innocent to be free from execution. When the court flirted with the question in 1993, a majority ruled against the accused, but Chief Justice William Rehnquist left open the possibility that it

may be unconstitutional to execute someone with a “truly persuasive demonstration” of innocence.

Oddly enough, for at least some members of the current court that question is now seemingly irrelevant: In Scalia’s America, the Cameron Todd Willingham whose very existence was once in doubt is today constitutionally immaterial. Having waited decades for an innocent victim of capital punishment, the fact that we have finally found one won’t matter at all. In this new America we can execute a man for an accidental house fire, while the constitution stands silently by.

○

They passed the July ‘09 Bar Exam

A record 124 law examinees sat for Montana’s July Bar Exam, held in Missoula. The 111 who passed the Exam are:

Adkins, Thad	Herbert, Walter David	Peterson, Anne
Arthur, James	Hurley, Jennifer	Rate, Alex
Baffa, Johnna	Hibbs, Matthew	Renville, Roger
Beck, Lindsay	Johnson, Michelle	Rohlfing, Philip
Bennett, Kelly	Johnson, Wendy	Rubich, Colin
Blomgren, Cassidy	Jones, Daniel	Sampsel, Margaret
Bodman, Noah	Joos, Brian	Seyler, Saul
Bollinger, Brett	Judd, Emily	Siefert, Nicole
Boon, Joel	Kujawa, Nicholas	Simkins, Sarah
Bott, Philip	Lancaster, Mark	Sjue, Kirsten
Breitenbach, Joseph	Lockhart, David	Smith, Jeffrey
Brown, Jeremy	Lohrmeyer, Joel	Smith, Kallie
Bryan, L. Jason	Lord, Amy	Sparks, Katherine
Buckwalter, Mark	Lord, David	Stalpes, Justin
Byorth, Patrick	Lund, Elizabeth	Strong, Zachary
Cavallini, Angie	Madsen, Kirsten	Swandal, Rebecca
Cook, Joseph	Mann, Rebecca	Sweet, James
Cramblit, Miggie	McCarty, Garth	Swindler, Ann Marie
Cunningham, Seth	McGill, Tammy	Talley, Katherine
DeWolf, Anne	Melson, Earl Jerome	Tapper, Mary
Dietrich, Christian	Meszaros, Lindsey	Todd, Joel
Donovan, Karen	Morgan, Whitney	Treadway, Shannon
Dykstra, Alex	Morrow Jr., Edwin	Usleber, Michael
Elliott, Tara	Murray-Lohrmeyer,	Vap, Mitchell
Elverum, Peter	Kathleen	Von Jentzen, Emily
Evans, Alex	Murock, Tamara	Walker, Jameson
Felton, Anna	Myers, Jesse	Warhank, Hanna
Fischer, Luke	Nelson, Kyle	Wayne, Todd
Fluter, Nathan	Nisbet, Matthew	Weber, Morgan
Foley, Shannon	Norcott, Garrett	Weldon, Bekki
Forsyth, Jennifer	Norcott, Sarah	Weldon, Ryan
Frickle, Jared	Nowakowski, John	West, Brian
Goldin, Tal	O’Connell, Tyson	Whitney, Kelsie
Graham, Weston	Park, Kenneth	Whittaker, Bryan
Grewell, Bishop	Patten, Eli	Wolfe, Michael
Haseman, Jacob	Pavlish, Vincent	Womack, Douglas
Hayes, Elizabeth	Perkovic, Laura	
Helle, Sean	Peters, Bina	

Booklet summarizes right-to-know and privacy cases

The Professional Development Center in Helena has published a new edition of “Privacy and the Right to Know: Montana Cases and Considerations.”

The publication is available in print and on CD-ROM from the State Human Resources Division, Department of Administration, (406) 444-3871.

Written by John Moore, the Center’s director, the 149-page booklet summarizes 166 Montana Supreme Court decisions and 39 attorney general opinions. Each summary gives the legal citation for the opinion. The cases are arranged in separate sections for specific topics — open meetings, access to records, the courts, civil lawsuits, and criminal cases.

The cases focus on the constitutional right of privacy and right to know. Most of the court cases and all of the attorney general opinions decisions stem from these rights in the 1972 Constitution of Montana. Also in play are Montana laws concerning public records and open meetings.

The booklet costs \$28, either in print or on CD-ROM. The cost of both media together is \$40. Call (406) 444-3871 or e-mail pd01@mt.gov.

Indian Law in Montana to get its own web portal

By The Associated Press

The State Law Library of Montana plans to unveil what it claims will be the nation's first comprehensive Internet portal on statewide Indian law by next January.

State Law Librarian Judy Meadows said the website will include access and links to legal information from all American Indian reservations across the state.

Meadows told a June gathering at Montana State University that the site will allow people searching for information to gather it online, rather than traveling to one of the reservations spread out across Montana.

She said the portal should be of particular benefit to teachers, members of the legal profession, and tribes.

The information is expected to include tribal constitutions, charters, treaties, proclamations, articles of agreement, law and order codes, tribal council resolutions, trust records from the

Bureau of Indian Affairs, appellate judicial decisions, fishing and hunting regulations, tribal histories, water and gaming compacts and interactive maps.

"We hope this material will mean less prejudice and a better understanding of legal and cultural differences," Meadows said.

She also hopes Montana teachers will use it for curriculum development.

Plans for the Web site began about two years ago when Denise Juneau, who is now Montana's superintendent of public instruction, was the office's director of Indian education.

Juneau asked Meadows to look into starting a Web site on American Indian law.

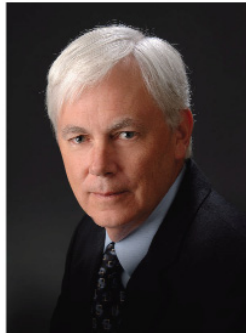
The project received about \$100,000 in funding from the Office of Public Instruction.

In addition to the State Law Library of Montana and OPI, other collaborators on the project included the Montana Historical Society, the University of Montana Law School, the governor's office, the state's Information Technology Services Division and the Helena-based Indian Law Resource Center.

The state law library will maintain the portal.

○

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A Billings lawyer's remarkable encounter with a wolf in the wild

By **Mark Henckel**
of the Billings Gazette

This is the tale of a wolf encounter. First, it's what happened. But, perhaps more interesting, it's speculation on what did not happen with a wolf on the Middle Fork of the Flathead River in August.

The principal characters are *Billings Gazette* chief photographer Larry Mayer, his friend [Billings attorney] Gary Connelley and, of course, a wolf.

Mayer, a veteran pilot, had flown Connelley in to Schafer Meadows, a backcountry landing strip in the Great Bear Wilderness of northwestern Montana, accessible only by the air or by a long hike or horse pack trip on wilderness trails.

While at Schafer Meadows, Connelley wanted to do some fly fishing on the Middle Fork.

"Because it was the middle of a sunny warm day, the water was fairly warm and shallow and the fish were holding in deeper holes," Connelley recalled. "I was moving quickly from hole to hole."

"I decided to just wade up the middle of the river since the banks were thick with brush and I didn't want to step on a sleeping grizzly bear," he added. "I was casting to the upper end of the hole and floating my fly all the way below me."

MAYER, FAR MORE photographer than fisherman, decided to shoot some photos of his friend as he fished.

"I was 250 yards away," Mayer said, "when a wolf appeared out of the woods on the left side of the picture, entered the river and was headed straight toward Gary. As we were in the middle of the Great Bear Wilderness and I was unsure of the wolf's intentions, I dropped my Nikon and drew my Glock (pistol)."

"I didn't know at first if Gary had seen the wolf as it was approaching from behind him," Mayer continued. "I figured I

could at least fire a couple of rounds in the air to get Gary's and the wolf's attention. I thought about yelling, but the river made too much noise to hear a yell at that distance."

The wolf moved closer and closer at a steady pace until it was chest deep in the river. He continued going straight toward Connelley.

"Gary finally turned, following his fly downstream, and saw



Photo by Larry Mayer, Billings Gazette

The wolf, at left, beats a retreat after it was finally spotted by Connelley, in middle of river at right.

the wolf before I pulled the trigger," Mayer said. "Gary pulled out his bear spray and faced the wolf in the water. When it got about 150 feet from him, the wolf turned and waded back to shore. That's when I shot the picture."

Connelley said, "When I saw him, I just assumed he was curious and didn't know what I was. Although I was wondering where the rest of the pack may be, I felt I was in a pretty defensible spot and I could see Larry down the river at the next bend. Apparently, the wind changed, and when it got my

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scent, it disappeared up the bank and into the brush with its tail literally between its legs."

The whole incident was over quite quickly.

Mayer said later that in talking to the wilderness ranger at Schafer Meadows, he learned that there was a pack of wolves that had denned near the airstrip. In fact, it would come out into the meadows until it heard the approach of an airplane, then blend back into the brush.

THE MORE INTERESTING part of the story took place when Mayer came back to Billings and began sharing his wolf tale with others. That's when the speculation began running wild.

"You're a professional photographer and you dropped your camera?" everyone would gasp.

"Well, the wolf was heading toward Gary," Mayer would reply.

"You could have had a Pulitzer Prize-winning photo series – wolf attacks fisherman. You'd have had the whole thing, beginning to end," they'd say.

"Well, Gary's a friend," Mayer would continue. "He's a Billings attorney ..."

"You didn't let the wolf eat an attorney?" they'd gasp again. "That's even better. You could have gotten a lot more awards for that."

Mayer would only laugh. It was a unique encounter in a spectacularly beautiful setting. And all participants were able

to walk away from it unscathed, but with something learned.

But for my part, I'd advise Mayer to spend a little time practicing at home with that camera and pistol of his. After all, God gave him two hands. ○

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Humanities Montana funds 'Guide to the Courts'

The Humanities Montana organization has awarded a \$2,700 grant to the State Bar of Montana to help fund "A Citizen's Guide to Montana Courts," a project of the Bar's Law-Related Education Center. The grant will make it possible for the Bar to publish and distribute the free guide to Montanans across the state.

The "Guide," written and edited by Montana judges and attorneys and produced by the Law-Related Education Center's staff and oversight committee, should be completed in October. The December *Montana Lawyer* will tell how to obtain the "Guide."

Law student awarded State Bar scholarship

Third-year law student Katherine "Katy" Furlong of Missoula is the recipient of the State Bar of Montana Scholarship for 2009-10 at the University of Montana School of Law.

Ms. Furlong earned a bachelor of science degree in Psychology from Rocky Mountain College and a master of science degree in Psychology from Montana State University-Billings. She is interested in juvenile law, child advocacy, and criminal law. She has been a member of the student chapter of the American Association for Justice, the *Montana Law Review* staff, and the Montana Public Interest Law Coalition. Ms. Furlong worked as an aide in the U.S. Attorney's Office in Billings, for Montana Legal Services in Missoula, and for the Missoula County Attorney's Office.

The School of Law will host its annual Scholarship Brunch Saturday morning, Oct. 3, 2009, at the DoubleTree Hotel in Missoula, where attendees can meet Ms. Furlong and other scholarship winners.

Group Benefits Trust seeks trustee candidates

The State Bar of Montana Group Benefits Trust was established in 2000 to provide cost-effective medical options to members, employees, and their beneficiaries at group rates. The Trust has experienced significant growth in participant numbers and premiums collected.

A seven-member Board of Trustees oversees the Trust. Board members' terms expire on a rotating basis at the end of each calendar year. Accordingly, elections are held each fall for members with expiring terms. This year, two trustees will be elected for a three-year term.

If you are interested in running for a trustee position, contact Chris Manos, executive director of the State Bar of Montana at (406) 447-2203 or cmanos@montanabar.org by Nov. 30. Ballots will be mailed to Trust participants in early December.

Magazine ranks UM Law School among best values

The National Jurist recently ranked The University of Montana School of Law as Number 6 among the "best valued law schools," UM Law Dean Irma Russell announced. "The article ranking our School indicates the ratings – the 'best bang for your buck' – are based on a strong academic program, great alumni and employer connections, and lower tuition," she said.

The article shows that the UM School of Law is 6th in rank among best valued law schools in the nation, with in-state tuition at \$10,273, a bar passage rate for UM Law graduates at 95 percent, and a 95.7 percent employment rate.

"*The National Jurist* runs rigorous comparisons of data to make its determinations," said Dean Russell. "If the *Jurist* analysts experienced our beautiful new building, set in the splendor of Montana's mountains, and the profound educational experience at the University of Montana School of Law today, I am confident they would rank UMLS No. 1 on this list," she said.

To read the full *Jurist* article, go to www.nxtbook.com/nxtbooks/cypress/nationaljurist0909/#/26



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Law Review's top focus for 2010 on the vote over Montana's Constitution

By **Randy Tanner & Brian Murphy**, co-editors in chief
The Montana Law Review

The *Montana Law Review* is looking forward to an exciting year ahead, and we want you to join us. In addition to publishing cutting-edge articles on law relevant to Montana practitioners, the work of the *Law Review* this year will have, as a special focus, constitutional issues and, in particular, issues related to the Montana Constitution and the November 2010 ballot issue regarding a constitutional convention call.

Watch for the Winter 2010 issue of the *Law Review* featuring in-depth analysis of several important topics, including, the delivery of government services to Montana's children, an economic analysis of products liability law, developments in agricultural law, and an assessment of federal tort claims in Indian country. As always, the *Law Review* will publish several "Legal Shorts," chronicling recent developments in Montana



LAW SCHOOL DEDICATION – With a sunny Mount Sentinel as backdrop, a crowd gathers for the Sept. 18 dedication of the new UM Law School building held in the building's shady courtyard.

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References and list of previous cases available

law. To make the Legal Shorts as timely as possible, they will be available on our website – www.montanalawreview.com – as soon as they are written and edited. They, of course, will also subsequently appear in the print edition of the *Law Review*.

As noted above, in the November 2010 election Montana voters will be asked whether another state constitutional convention should be called. In light of the November 2010 ballot issue, the *Review* will undertake a number of initiatives to better inform bench and bar as well as the general public about Montana's Constitution and the developments in the interpretation of our constitution.

First, in the Summer 2010 issue of the *Law Review*, we plan to publish a variety of articles, ranging from short to long pieces, on timely constitutional issues pertinent to the November 2010 vote. In that issue, the *Law Review's* editors and staff will also present an annotated index of all past articles from the *Law Review* discussing the Montana Constitution. This index will also appear on the *Law Review's* website – www.montanalawreview.com. We believe this issue and the annotated index will be a valuable resource to practitioners. Members of the Bar are encouraged to submit articles related to the Montana Constitution for possible publication by Dec. 15, 2008.

Second, in the weeks prior to the November 2010 election, the *Law Review* will host The Honorable James R. Browning Symposium on the Montana Constitution. The *Law Review* is now planning and organizing the Symposium, and will be announcing the exact dates in the near future. This will be the third state constitutional symposium the *Law Review* has hosted in the last twenty years and will again feature recognized

scholars and practitioners from throughout the state and nation.

Finally and keeping with the constitutional theme, the *Law Review* will host the annual James R. Browning Distinguished Lecture in Law which will be delivered by one of the nation's most prominent constitutional scholars, Erwin Chemerinsky, Dean of the new University of California-Irvine School of Law. Dean Chemerinsky's lecture is scheduled for March 8, 2010, at the Law School.

As the above synopsis suggests, the *Law Review* has an ambitious schedule for this coming year. Student enthusiasm for the *Law Review* has never been higher; a record number of

students applied last spring to serve on the staff of the *Review*. Fifteen new staff members are now hard at work on the *Law Review* projects noted previously. In addition, the *Law Review*'s Advisory Board comprised of outstanding judges and practitioners and State Bar leaders, continues to provide invaluable guidance to the *Law Review*'s Editorial Board. The staff and editors of the *Law Review* look forward to serving you throughout the coming year.

For more information regarding your *Montana Law Review*, please visit our website at www.montanalawreview.com or e-mail us at montanalawreview@gmail.com. ○

LETTERS

One diversity presentation inappropriate

I read with interest the Article "Board Gets Some Montana Lessons on Issue of Diversity" [July 2009 *Montana Lawyer*] regarding the presentation of Susan Ridgeway to the State Bar Board of Trustees.

Initially, I question the appropriateness of the Board of Trustees entertaining a presentation from one of the attorneys for a party in a case which is currently pending before the Montana Supreme Court. It is inappropriate for the Board of Trustees to present the appearance of bias by scheduling and receiving a presentation from only one of the parties to pending litigation.

According to your report Ms. Ridgeway stated that "... there are no domestic relationship laws for same-sex partners concerning division of assets, child custody and adoption, dissolution of marriage, and insurance and medical decision." Ms. Ridgeway or your reporter apparently fail to recognize that no such laws exist because Montana does not recognize same sex marriages pursuant to Article XIII, Section 7 of the Montana Constitution, MCA §40-1-103 and MCA §40-1-401(1)(d).

However, as an attorney in Montana who has represented same sex couples in adoptions and child custody issues, I can assure the Board of Trustees that, contrary to your report of Ms. Ridgeway's comments, Montana

law does allow for adoptions by same sex couples and for the handling of custody issues by same sex parents.

While not specifically referencing same sex couples, the Montana Adoption Act does provide a clear path to same sex couples adopting children in Montana. Likewise, Part 2 of Chapter 4 of Title 40 of the Montana Code Annotated governs those relationships. As an attorney who has represented same sex couples in estate planning issues involving medical decision making and insurance, my experience is that Montana law is adequate to address those issues for same sex couples.

I do not believe my experience in these areas representing same sex couples is unique in Montana. I also dispute that gay and lesbian couples are reluctant to use the legal system in Montana out of "fear." My experience is that same sex couples seek and receive legal advice in Montana at the same rate as other individuals. The impediment to legal representation for same sex couples is primarily financial as it is with the general population.

Our Board of Trustees demonstrated very poor judgement in allowing itself to be used to apparently take sides in pending litigation by entertaining this biased presentation.

— *Linda Osorio St. Peter*
Missoula attorney

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NEWS ABOUT MEMBERS

Mandi Gibbs has joined the Heenan Law Firm to found and manage the firm's Missoula office. Ms. Gibbs graduated with honors from Lewis & Clark College in Portland, Ore., in 1999 and received her JD from the University of Montana in 2004. She has worked as an associate attorney at Boone Karlberg since graduation. Ms. Gibbs joins John Heenan in prosecuting consumer interest cases including debt collection harassment, consumer class actions, credit reporting errors, foreclosure and repossession defense, and insurance company misconduct.

Christopher K. Oliveira has joined the Crowley Fleck law firm. Mr. Oliveira graduated from Carroll College in 2001 with a BA in Political Science and Sociology, and from the University of Montana School of Law in 2006. After graduating from UM, he clerked for Helena district judges Thomas C. Honzel and Kathy Seeley. Mr. Oliveira will practice in the Litigation Department in the Helena office.

After 18 years with Pepper Hamilton in Washington D.C., **Charles H. Carpenter** has come back to Montana and set up a solo practice in Missoula. Mr. Carpenter plans to continue to practice business litigation, including government contracts and subcontracts litigation, and is continuing with long-running habeas corpus petitions still pending in Washington D.C. He graduated from Montana State University in 1983, and

before heading east to attend law school, worked for several years with the Water Rights Bureau, Montana Department of Natural Resources & Conservation, on the water rights adjudication. He joined Pepper Hamilton, a Philadelphia-based firm of about 500 lawyers in 11 offices, directly after law school and was elected to the partnership of that firm in 2000. Mr. Carpenter was admitted to the State Bar of Montana in 1991, and thereafter to the bars of Maryland and the District of Columbia, as well as numerous federal courts. Carpenter Law Firm is sharing space with Randy Harrison and Tom Trigg in the Higgins Building, 210 North Higgins Ave., Suite 336; (406) 543-0511; carpenterc@carpenterlawfirmplc.com

James M. Ramlow, Karl K. Rudbach, and Kim T. Christopherson announce the formation of their new law firm, Ramlow, Rudbach & Christopherson, located at 6438 Highway 93 South in Whitefish. Mr. Ramlow practices in a variety of areas, including estate planning, trusts, wills, probates, business planning, adoptions, and tax matters. Mr. Rudbach's practice includes civil litigation, commercial, real property, contracts, and disputed probate matters. Ms. Christopherson will continue to practice in real estate litigation, including quiet title actions and easement and boundary disputes, real estate transactions, and employment law.

DEATHS

Robert Sullivan, dean of UM School of Law

Former University of Montana School of Law Dean Robert Edwin Sullivan died in Missoula on July 25 at age 91.

Born in Helena, he attended the St. Helena Parochial School and Mount St. Charles High School. In 1935, he attended Mount St. Charles College in Helena while serving with the Montana National Guard.

With the help of money left to him by his grandmother, Dean Sullivan entered Notre Dame in 1936, where he played right guard for the Fighting Irish, and was the junior class president. Upon graduation in 1940, he entered the Notre Dame Law School, where he was a grand knight for the Knights of Columbus and an assistant freshman football coach under the legendary Frank Leahy.

During World War II, after two years of law school, Dean Sullivan joined the Air Force and was assigned to the Troop Carrier Command as second lieutenant. During this time, he met Eleanor Marie Laux of Cleveland and they married in 1943. Dean Sullivan was promoted to executive officer of his squadron and sent to England. He served as a major, survived D-Day, and lived in France until the end of the war.

After the war, Dean Sullivan finished his law degree at Notre Dame in 1946. He practiced briefly in Ohio and Indiana before becoming an associate professor at the law school of Notre Dame. Over the next seven years, he developed a specialty in oil and gas law, and wrote a book on the subject.

In 1954, he was hired as assistant dean of the University of Montana School of Law and a professor of oil and gas law. In 1955, he was promoted to dean of the Law School, a position he held for the next 25 years.

Dean Sullivan served as a trustee of Carroll College, where he received the Borromeo Award and an honorary doctorate; was appointed commissioner and vice president of the Uniform Laws Conference; took a sabbatical with his wife to his ancestral home of Ireland; and lost his only son, David, in Vietnam in 1968. After leaving the University of Montana in 1978, Dean Sullivan was vice president and general counsel of the Montana Power Company in Butte.

Dean Sullivan was preceded in death by his wife, Ellie, and his only son, David. He is survived by seven daughters.

Memorials may be made in his name to University of Montana Foundation Lorica Catholic Studies Visiting Speakers Endowment, the UM Dean Robert E. Sullivan Law School Scholarship Fund, or the Loyola Sacred Heart High School Foundation David Patrick Sullivan Memorial Scholarship Endowment at 300 Edith, Missoula MT 59801.

Richard A. Shors, Cut Bank attorney

Former Cut Bank lawyer Richard Albert Shors, 66, died of cancer on July 15 at his home in Essex.

He was born in Pocahontas, Iowa, and graduated from Pocahontas Catholic School. He later attended the University

of Iowa School of Law, where he finished first in his class in 1966.

Mr. Shors worked for a prominent Minneapolis law firm until 1971, when he accepted a job as a legal services attorney in northern Montana. He later joined the Peterson, Peterson & Shors Law Firm in Cut Bank, and operated the Glacier County Title Company for more than 25 years.

An avid conservationist, Mr. Shors planted thousands of trees at his home, later earning recognition from the State of Montana for his efforts to restore and protect the environment.

Survivors include his wife, Ann; two sons and a daughter.

Vicky Santana, national Native advisor

Victoria Adele "Vicky" Santana, 64, who served the Blackfeet Indian Tribe as a tribal attorney, judge, and tribal government advisor, died of natural causes July 17 at her home in Browning.

Ms. Santana grew up on the Blackfeet Indian Reservation. She earned a sociology degree, juris doctorate, and master of library science law degrees. She was both an attorney and a policy analyst for the American Indian Law Center at the University of New Mexico, where she earned her law degree. She was part of a policy exchange between the National Congress of American Indians and the National Indian Brotherhood of Canada, advised First Nations on international policy and on the establishment of the World Council of Indigenous Peoples.

Ms. Santana directed the American Indian Law Center's review of federal policies under the American Indian Religious Freedom Act and was a contributing author of the President's Report to Congress on American Indian Religious Freedom (1979). She served as reference librarian for Native American Resources for the Oklahoma City University Law Library and taught Native legal research and other subjects at the OCU School of Law. She was a longtime member of the Board of Directors for Americans for Indian Opportunity.

Ms. Santana was policy advisor to the Morning Star Institute's 2004-2005 Native Languages Archives Repository

Project of the National Museum of the American Indian and the administration for Native Americans, whose report, "Native Language Preservation" was distributed to tribal leaders in 2007. Before returning to the Blackfeet Reservation, she lived in Washington, D.C., and worked at the National Museum of the American Indian on the Mall as the community services manager. One of the accomplishments that she was most proud of was her involvement with the repatriation work of Blackfeet Elder Buster Yellow Kidney, her obituary said.

Kermit Daniels, city and county attorney

Former Deer Lodge attorney Marvin Kermit Daniels died Aug. 5 at Lake View Care Center in Bigfork at age 93.

He was born in Deer Lodge and attended schools in Great Falls. He completed his undergraduate work at Montana State University and graduated from law school at the University of Montana. He served in the Navy in both World War II and the Korean conflict.

Mr. Daniels started a law practice with S.P. Wilson in Deer Lodge and was Powell County attorney, then city attorney for Deer Lodge for many years. He served in the Montana Legislature in the Senate and House of Representatives for four decades.

He was preceded in death by his wife Judy and son John, who died in his 60s only a few days after Mr. Daniels died. The elder Mr. Daniels is survived by a son and two daughters.

Other deaths

- **Isabelle Youpee**, 62, of Glasgow, who worked many years for Montana Legal Services in Wolf Point, died on Aug. 23.

- **Rosemarie Pechta**, a retired legal secretary in Great Falls, died Aug. 31 at age 72.

- **Connie Monroe**, 62, whose work as an "independent paralegal" in the Kalispell area drew reprimands from state and federal courts this year, died on Sept. 8 in a Kalispell hospital.

CLASSIFIEDS

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ATTORNEY POSITIONS

LITIGATION LAWYER: Ebeltoft Sickler Lawyers, a growing and progressive regional law firm located in Dickinson, ND, seeks to hire a litigation lawyer with 3 or more years of legal experience. A successful applicant must have courtroom trial experience and be licensed to practice, or eligible to become licensed to practice, in North Dakota. A successful applicant will receive a regionally competitive compensation package that will reward ben-

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LITIGATION ATTORNEY: Mackoff Kellogg Law Firm provides regional representation throughout North

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ATTORNEY: The Montana Legal Services Association has an opening for a staff attorney in its Butte office. This position will provide services to domestic violence victims in Butte and the surrounding counties. Requires travel within Montana. Experience working with low income clients preferred. MLSA is funded in part by the Montana Justice Foundation. Salary depends on experience. To apply, e-mail a letter of interest, resume, three references and a writing sample to hiring@mtlsa.org.

COUNTY ATTORNEY: Granite County is anticipating a vacancy on Jan. 1, 2010, in the office of county attorney. The Granite County Board of Commissioners will appoint a county attorney to fill a vacancy ending Dec. 31, 2010. Applications for this appointment should include a letter of interest, a resume and three references. This is a full-time position. To be considered, applicants should be a member in good standing of the State Bar of Montana Bar and an elector in the State of Montana. Applications will be in the Granite County Courthouse, 220 North Sansome Street, Philipsburg MT by no later than the close of business Oct. 9, 2009. Applications may be mailed to P. O. Box 925, Philipsburg MT 59858. Questions should be directed to Mike Kahoe, Administrative Assistant to the Granite County Board of

Commissioners, at 859-7023 or via e-mail at mike@co.granite.mt.us.

TWO ATTORNEYS, GREAT FALLS: Browning, Kaleczyc, Berry & Hoven PC, a 30-attorney law firm with offices in Helena, Missoula, Bozeman, and Great Falls, is seeking two attorneys for our Great Falls office. One position is for a candidate with 2-5 years of experience, and the second position is for a candidate with 10-plus years of experience. Strong oral and written skills necessary. Very competitive salary and benefits package. All applications are confidential. To apply, please submit your cover letter, resume and transcript to: Browning, Kaleczyc, Berry & Hoven PC, Attn: Chris Gittings, PO Box 1697, Helena MT 59624 or via e-mail to chrisg@bkbh.com. For additional company information, visit our website: www.bkbh.com

TAX/BUSINESS ATTORNEY: Thirty-attorney firm in Missoula, Montana, seeks tax/business attorney with at least five years experience, preferably with LL.M. degree in tax. Send resume, cover letter and references to Douglas Maves, Firm Administrator, PO Box 7909, Missoula MT 59807-7909; fax (406) 523-2595; or e-mail info@garlington.com.

COUNTY ATTORNEY: Garfield County, Montana, is accepting applications for the position of county attorney. Must be licensed to practice law in Montana. This is a 20 hour per week position, annual salary: \$46,571. Full benefit package included. Starting date would be approximately Dec. 1, 2009. Please submit resume and cover letter to Garfield County Commissioners, PO Box 7, Jordan MT 59337-0007 or call (406) 557-2760. Deadline for applications is Oct. 23, 2009 at 5 p.m.

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STAFF ATTORNEY: Crow Tribe of Indians, Office of Legal Counsel. Full-time in-house attorney, Crow Agency, Montana. Three-plus years experience preferred. Minimum qualifications include: license to practice law in State of Montana, strong research and writing skills, respect for and familiarity with Native American and Crow tribal law and history. General and flexible practice areas include land and environmental issues, contract review, and litigation. Salary depends on experience. Position open until filled. Crow Tribal and Native American preference may apply. Please submit cover letter, resume, writing sample, references to: Office of Legal Counsel, Crow Tribe, Attn: Heather Whitemanrunshim-Oleyte, PO Box 340, Crow Agency MT 59022. E-mail heatherw@crownations.net for more information. All applications held confidential.

LITIGATION ATTORNEY, BISMARCK: Crowley Fleck PLLP, a progressive and established 100 attorney law firm based in Billings with regional offices in Bismarck, Bozeman, Helena, Kalispell, Missoula, and Williston, seeks a litigation attorney with 3-plus years of experience to practice in our Bismarck, North Dakota, office. Successful applicants must be licensed to practice law in North Dakota, have a strong academic record, solid research and writing capabilities. Very competitive salary. All applications will be held in confidence. Please submit your cover letter, resume and transcript to: Crowley Fleck PLLP, Attn: Joe Kresslein, PO Box 2529, Billings MT 59103-2529 or via e-mail to jkresslein@crowleyfleck.com. See our website at www.crowleyfleck.com.

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WANTED: Recently relocated to Billings from Denver and seeking employment. I have 15 years of experience in law firm accounting, time and billing, human resources, and administration. Prefer full-time employment but available on a contract basis. QuickBooks Pro Advisor. Please contact Bonnie Veis at (406) 850-3438 or braelovato@msn.com

RESEARCHER / PARALEGAL:

Missoula-based office of an upscale, multijurisdictional law firm seeks researcher / paralegal with at least two years of experience, excellent writing skills, and readiness to work in multiple areas of law. Would prefer experience with Lexis. We offer a superior starting salary and excellent benefit package. Please send your resume, writing sample, and salary history to Researcher/Paralegal Position, PO Box 18309, Missoula MT 59808. Salary depends on experience.

FAMILY LAW SELF-HELP COORDI-

NATOR: The Missoula District Court, in partnership with the YWCA Missoula, is hiring a coordinator for the Family Law Self-Help Center. The program is sponsored by a grant through the Montana Supreme Court. The grant has recently been renewed for two more years. The goal of the grant is to assist parties who are representing themselves in family law matters before the district court. Many of these individuals do not qualify for free legal services. The Self-Help coordinator will staff a room in the Missoula Courthouse for 12 hours a week. Volunteer attorneys assist the coordinator. Current Center hours are Monday and Friday, 9 a.m. to 1 p.m., and Wednesday, noon to 4 p.m. Some flexibility with changing the hours may be possible. Compensation is \$15 per hour and the position is available immediately. The Self-Help coordinator's duties include assisting pro se litigants in person, by phone, and by e-mail with questions regarding completing dissolution and parenting plan forms, running child support calculations, and explaining the court process. The coordinator does not, however, offer legal advice. The coordinator also assists Mineral County residents in family law matters by phone, e-mail, and occasional travel to Superior. Practical experience with family law pleadings and working with the public are preferred and a desire to assist indigent parties is a must. Please submit cover letter and resume to: Charlotte Beatty, staff attorney for Judge Deschamps, Dept. 2, Missoula County Courthouse, 200 West Broadway, Missoula MT 59802. Or preferably via e-mail in Word to: cbeatty@mt.gov. Any questions, call 258-3836.

LEGAL RESEARCH & OTHER SERVICES

LEGAL RESEARCH AND WRITING:

Fast, accurate and thorough legal research. Effective legal writing—briefs, motions, pleadings, appeals. Document review. Licensed attorney with civil litigation experience. (JD, UCLA; admitted in California and New Mexico.) Very reasonable rates. References. HLWashburn@aol.com; (406) 442-1298

WRITER/CONSULTANT to create commanding legal presentations – openings, summations and appeals – with emphasis on audience analysis, language and structure for maximum impact. You do the legal work ... we'll help write the rest. Private consultations to develop powerful persuasive speaking skills for courtroom and other legal venues – with speech and acting coaches who bring decades of experience in the classroom, theatre and CLE. Learn from the pros! References available. Anna Marie Thatcher, JD, and Graham Thatcher, PhD, (605) 787-7099, ngthatcher@gmail.com.

501c3–NONPROFIT SERVICES: All 501c3 application documentation, plus corporate and incorporation docs. You keep your client. We do the work. We stay silent and out of the picture. Harvard lawyer – utilize my 27 years of experience with 700 applications to the IRS. All by e-mail. Charitable, educational, religious, scientific. Complete package. www.501c3-tax-exempt-status.com

PROCESS SERVER: Ace in the Hole Process Service for all your service needs in and around Gallatin County. We are licensed and bonded. We are accurate and efficient and in most cases can serve documents the same day that we receive the information. Boxes in Gallatin County justice and district courts. Please call 556-8100 for more information.

OFFICE SPACE / SHARE

MISSOULA: Space to rent in downtown Missoula law office for one attorney on one or more staff persons. Conference room, copier, fax machine, and reception services available. Please call Jasper Smith Olson Law Firm for more information - (406) 541-7177.

CONSULTANTS & EXPERTS

BANKING EXPERT: 34 years banking experience. Expert banking services including documentation review, workout negotiation assistance, settlement assistance, credit restructure, expert witness, preparation and/or evaluation of borrowers and lenders positions. Expert

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CONSUMER/DEBTOR RIGHTS LAWYER: Statewide representation of debtors including: debt collection harassment, debt collection lawsuit defense, automobile repossession, and credit reporting problems. Heenan Law Firm, (406) 839-9091, www.MontanaConsumer.com

EDISCOVERY, COMPUTER FORENSICS CONSULTING & DATA RECOVERY: Data retrieval, recovery, and analysis of electronically stored data on computer and other electronic devices. GIAC certified computer examiner. Expert testimony provided for depositions and trials for administrative, civil, and criminal matters. Contact Jon Hesse (jhesse@cfaed.com) or Anthony Cochenour (acochenour@cfaed.com), EDiscovery & Computer Forensics Consulting, 411 E. Callendar St., PO Box 423, Livingston MT 59047; (406) 222-2411. Resumes or CVs, analysis procedures, and rate structure will be provided upon request.

ESTATE / ART APPRAISER: Specializing in paintings, sculptures, and etchings of artists of the "American West," living and deceased. Appraisals for estates/insurance/art auctions. Open Range Art LLC, Gallery & Fine Art Consulting, Great Falls MT; (406) 452-

6771; jerryopenrange@yahoo.com. Member International Fine Art Appraisers.

CONSTRUCTION CLAIMS: 22-plus years of experience in the Northwest and Alaska. Expert construction services include preparation and/or evaluation of construction claims for owners and contractors. Experience on highway, building, utility, commercial and residential projects. Attorney references provided upon request. Construction Analysis, PO Box 4628, Whitefish MT 59937; (406) 250-2039; constanl@cyberport.net.

RETIRED MONTANA ATTORNEY with 40-plus years of courtroom experience in state district court, federal district court, and the Montana Supreme Court will do legal research, brief drafting, and consultation. Reasonable rate. Call (406) 488-3619.

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MEDICAL MALPRACTICE: We have thousands of physician expert witnesses. Fast, affordable, flat-rate referrals to board-certified, practicing doctors in all specialties. Your satisfaction guaranteed. Just need an analysis? Our veteran MD specialists can do that for you, quickly and easily, for a low flat fee. Med-Mal EXPERTS Inc.; www.medmalEXPERTS.com; (888) 521-3601.

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ences available upon request. Appraisal Services Inc., PO Box 791, Dillon MT 59725; (406) 683-6113. Ronald W. Johnson, Certified General Appraiser.

CERTIFIED LEGAL NURSE CONSULTANT: Professional, affordable assistance with medical lawsuits. Certified Legal Nurse Consultant, Registered Nurse, 20-plus years' experience. Specialties: screen cases for merit, assess causation/damages, interpret medical records, facilitate communication. Accept cases involving health, illness, injury, worker's compensation, general negligence, defendant or plaintiff. Marni Allen, RN, CLNC. (406) 690-4314; www.medicallegalprofession-al.com.

INTERPRETING & TRANSLATIONS SERVICE: English into Spanish or Spanish into English. Over 15 years of experience. Simultaneous, consecutive, interpreting and translations of documents, in the legal and medical fields, workers' comp or any miscellaneous documents. References upon request. Call: (406) 370-6049 or (406) 777-2802. See web site: www.spanishinterpretingservice.com.

FORENSIC DOCUMENT EXAMINER: Trained by the U.S. Secret Service and U.S. Postal Inspection Crime Lab. Retired from the Eugene, Ore., P.D. Qualified in state and federal courts. Certified by the American Board of forensic Document Examiners. Full-service laboratory for handwriting, ink and paper comparisons. Contact Jim Green, Eugene, Ore.; (888) 485-0832. Web site at www.documentexaminer.info.

BAD FAITH EXPERT WITNESS: David B. Huss, JD, CPCU & ARM. 30 years combined insurance claims and law experience. Former insurance adjuster and defense counsel. (425) 776-7386.

MEDIATION

ROBERT KOLESAR: Attorney for all types of mediation and ADR; all district and appellate courts. 25 years of legal practice, plus education and experience in engineering, forestry, trust administration, and business start-ups. Will

travel, or videoconferencing is available. Robert Kolesar, PO Box 594, Bozeman MT 59771; (406) 586-5192.

MONTANA DISPUTE RESOLUTION PLLC: Experienced certified mediator; David W. Woodgerd, certified mediator with 30 years legal experience has been meditating conflicts since 2004. Good listener and problem solver. Fee: \$100 per hour for mediation; reduced rates for travel; 113 Log Cabin Lane, Stevensville MT 59870. (406) 370-8582. mtdispute@gmail.com; website: mediationmtdr.com

SARAH H. SEILER, LCSW, LAC: Specializing in family dispute resolution, child-centered divorce mediation, guardian ad litem representation and custody investigations. Contact Resolution Consultants Inc., PO Box 604, Townsend MT 59644; (406) 980-1615 or 266-5475; e-mail: lovetwofish@yahoo.com.

STEVEN J. SHAPIRO: Mediator for individuals and organizations in conflict. Trial court and appellate court mediations. Attorney with 28 years experience in general practice of law. Public and private sector experience. Will travel. Steven J. Shapiro PC, 9 Friendship Lane, Suite 100, Montana City MT 59634. Phone (406) 449-1200. E-mail StevenShapiro@montanacitylaw.com.

MICHAEL H. KEEDY: As a former district court judge, I bring 12 years valuable experience to bear in settling your case. In addition, I have over 30 years' experience in a variety of other legal pursuits. Conference rooms are available at our Kalispell offices. Please call me at (406) 752-7122 or 888-865-8144.

INVESTIGATORS

INVESTIGATIONS & IMMIGRATION CONSULTING: 37 years investigative experience with the U.S. Immigration Service, INTERPOL, and as a private investigator. President of the Montana P.I. Association. Criminal, fraud, background, loss prevention, domestic, workers' compensation, discrimination and sexual harassment, asset location, real estate, surveillance, record searches, and immigration consulting. Donald

M. Whitney, Orion International Corp., PO Box 9658, Helena MT 59604. (406) 458-8796 / 7.

INVESTIGATIONS, SURVEILLANCE & LOCATES: Professional and affordable, private detective agency led by 27-year Great Falls Police Lieutenant Bryan Lockerby. FBI National Academy graduate. Surveillance, statements, and more. Database for locating witnesses. (No criminal defense work.) Lighthouse Investigations LLC, PO Box 3443, Great Falls MT 59403; (406) 899-8782; www.lighthouseinvestigations.net.

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EVICCTIONS LAWYER: We do hundreds of evictions statewide. Send your landlord clients to us. We'll respect your "ownership" of their other business. Call for price list. Hess-Homeier Law Firm, (406) 549-9611, thesshomeier@msn.com. See website at www.montanaevictions.com.

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