

Lawyer

THE STATE BAR OF MONTANA

Meet the new leaders of the State Bar

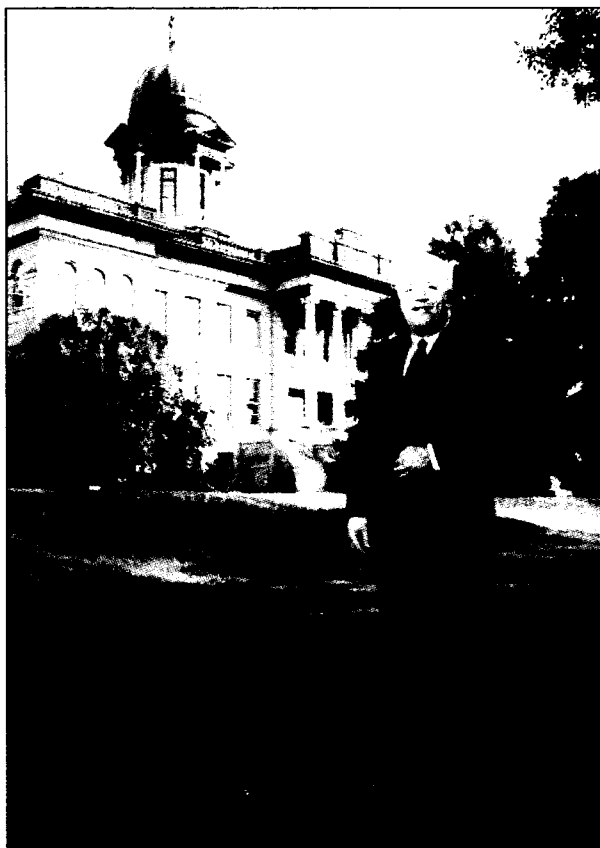


Photo by John Godwin

President Joe Sullivan & the others you elected

ELECTIONS

**Winding
down
the
Supreme
Court
campaigns**



Will voters
throw out
the Montana
Constitution
in November?

— See Page 17

**Bar
member
survey
coming**



**There's nothing like
a Bolivian prison**

*A Montanan's descent into
a legal-system Weirldsville*



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State Bar of Montana



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Joe Sullivan

PRESIDENT'S MESSAGE

What have you done for me lately?

Don't remain silent — you are needed by your Bar

As a segue from my last message:

Attorney: *And where was the location of the accident?*

Witness: *Approximately milepost 499.*

Attorney: *And where is milepost 499?*

Witness: *Probably between milepost 498 and 500.*

Attorney: *Doctor, did you say he was shot in the woods?*

Witness: *No — I said he was shot in the lumbar region.*

Attorney: *Doctor, how many autopsies have you performed on dead people?*

Witness: *All my autopsies are performed on dead people.*

I hope you took me up on my challenge. I hope you made yourself laugh. I hope you made others laugh. I hope it helped you find at least a little perspective.

Some 28 years ago I had a first-year legal writing class. When I was preparing to write my President's Messages, I went back to my legal writing class teacher for advice. He said make them laugh — like Brent Cromley was so good at doing — and do not be afraid to crack a few eggs. If this approach to my messages works, I share the credit with my former teacher, Tom Singer.

I hope I have made you laugh. Now it is time to crack a few eggs.

I PROMISED IN MY first message to continue to challenge you. I intend to do so this time by raising some questions.

Who and what is the State Bar of Montana? Yes, it is an organization created by a Montana Supreme Court order in 1974. However, that is just the framework. The order does not define what powers the framework into motion.

In truth, the Bar is *us*. The Bar is the members of our profession. We need to stop referring to the State Bar of Montana as some third-party entity. *You* are the Bar. As such, you need to take ownership of the Bar. We each need to be accountable and take action to achieve the goals of the Bar.

Why does the Bar exist? The only reason the Bar exists is to serve its members. While created for all the stated reasons in the 1974 order, its realized purpose is much more.

If the Bar did everything possible to assist you in practicing law to the best of your ability — scholarly, ethically, and financially — all the reasons given for the creation of the Bar would be achieved. The ultimate result would be a profession that serves the public one client at a time with affordable-quality access to our judicial system.

We each need to serve the fellow members of our Bar. We each need to assist our fellow members in practicing law to the best of their ability.

What have you done for me lately? This is not a question intended for you to ask of the Bar. Rather, it is a question being asked of you. It is a question each of us needs to ask of our fellow attorneys and of ourselves. It is each of us being asked to be accountable for our profession. It is each of us being asked to be accountable to the public as a whole and our clients individually.

Stop being silent. If you see a problem that needs fixing, step forward. If you disagree with the direction of certain policies, speak up. Do not whine that someone else is not doing enough, do something about it. More importantly, even if you are totally comfortable with everything that is happening within the Bar, get involved.

Your talents may be just what is needed to assist another attorney who is struggling with his or her practice. It may be your ideas that are needed to ensure our profession provides the public with quality, affordable legal services. It may be your efforts that help an individual who otherwise does not have a voice in our legal system. Nothing positive arises from good people remaining silent. You are needed.

MY CHALLENGE TO YOU is to get involved. Get involved with the State Bar of Montana, its committees, its sections, its leadership. Get involved with the quality specialty bars in our state like the Montana Trial Lawyers Association, the Montana Defense Trial Lawyers, and the Montana Association of Criminal Defense Lawyers. Get involved with your local pro bono project. Make a difference.

If a legal system is measured by how it deals with the weakest in its society, then a legal profession is measured by the actions it takes to ensure all, including the weakest, have quality access to that legal system.

What have you done lately?

Candidates campaign on their reputations

By Mike Dennison
Lee Newspapers State Bureau

The contest to fill an open seat on Montana's Supreme Court may be the most competitive statewide race on Montana's election ballot this fall — but don't expect a knock-down, drag-out affair, the candidates say.

Beth Baker, a long-time Helena attorney and former deputy attorney general, and Nels Swandal, a state district judge from Wilsall, say they plan to campaign on their reputations, telling voters why their experience and temperament are best for the court.

"I don't expect a real intense campaign," Swandal said. "I'm just trying to get out there ... and talk about my experience, my roots in Montana and what I bring to the court."

Yet the campaign is not without a political edge, as Swandal frames himself as a conservative who will protect property and individual rights, while Baker said her strictly nonpartisan stance is what people want on the state's highest court.

"The judiciary's function is to protect your legal rights," she said. "That is not dependent on a judge's personal views or political ideology."

Swandal's campaign has been endorsed by several business and ag groups, including the Montana Chamber of Commerce, while Baker has been endorsed by labor and conservation groups — and the Chamber of Commerce, which had a dual endorsement.

The Baker-Swandal race also may get more attention than the usual Supreme Court contest, as few other statewide offices are even up for election. [The salary for an associate justice on the Montana Supreme Court is \$113,964.]

SWANDAL, 57, AND BAKER, 48, are running for the seat of retiring Justice William Leaphart, who's stepping down after 16 years on the court.

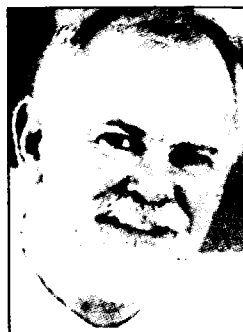
No matter who wins the eight-year term, it won't immediately change the political makeup of the seven-member court. Leaphart is considered part of a liberal-to-moderate majority that controls the court, which has only one justice, Jim Rice, viewed as solidly in the conservative camp.

Nonetheless, conservatives have rallied behind Swandal. Many prominent Republicans have donated to his campaign and his campaign advisers and managers are former staffers for U.S. Rep. Denny Rehberg, R-Mont.

Swandal said being a conservative means he's a strong supporter of individual, privacy, and property rights, and that Montana's constitution staunchly protects all three.

"I believe in limited government," he said. "That's what a constitution is there to protect."

Yet he also said his conservative views won't dictate his opinions, one way or the other.



Billings Gazette photos

Nels Swandal



Beth Baker

"I treat everybody fairly and impartially," Swandal said. "Look at my record. (I rule based) on the law and the facts. You don't cite anything on your personal opinions or preferences."

Swandal has been the district judge serving Park and Sweet Grass counties since 1995 and was Park County attorney for 12 years before that. He comes from a family of lawyers and farmer-ranchers and lives on the family ranch near Wilsall, north of Livingston.

Swandal notes that no one on the current Supreme Court served previously as a district judge and said that perspective is needed. A former judge can explain why certain things happened at the trial-court level, he said, perhaps preventing needless reversals by the Supreme Court.

BAKER, WHO GREW UP in Spokane, Wash., has been a lawyer in Helena since 1985. Her family often vacationed in Western Montana, and she got her law degree from the University of Montana.

After clerking for U.S. District Judge Charles Lovell, she joined the state Justice Department, working under attorneys general Marc Racicot, a Republican, and Joe Mazurek, a Democrat. She was chief deputy attorney general when she left state government in 2000 to take a job with a Helena law firm, where she works now.

She has specialized in defending individuals, government employees, and businesses in civil cases and has done volunteer work representing those who can't afford lawyers, including domestic-violence victims.

Baker said she's not advertising her political views because she has no political agenda and doesn't think they should influence what one does as a judge.

"There is plenty of opportunity for individuals to bring their personal policy ideas, and what they think is best for public policy, in the other two branches of government," she said. "But it doesn't have any place on the court."

Baker points to the support she is getting from many former state legislators, both Democrat and Republican, who worked

More on CANDIDATES, Page 22

The fantasy world of a Bolivian prison

By Stan Parker

Perhaps the most difficult part in writing about San Pedro

Prison in La Paz, Bolivia, is deciding where to begin.

Is it with the story of Thomas McFadden, the

British cocaine trafficker whose tale of incarceration there led to the prison's worldwide acclaim?

Or is it with the mention that inmates are not confined to their cells, but free to roam the prison?

Or that although San Pedro is strictly a men's prison, many of their wives and children live in the prison with them and are free to come and go as they please?

Or that the guards rarely leave their post at the prison gates to actually patrol the prison's wards?

Or that prisoners are expected to pay an entrance fee, buy, or rent their cell via the complex real estate system that governs such, find a source of income, and provide for their own food, buying it from one of the many markets or eateries inside?

Or that tourists like myself have been regularly allowed admittance for prison tours?

Or maybe that San Pedro prison refines and exports some of the world's finest cocaine? (Well, we know for sure it used to, but the other tourists in my group didn't buy our tour guide's assurances that this practice was something in the past.)

Nevertheless, the story must be told. And nothing can mask that this prison is the product of a ruthless system, beyond poor, beyond corrupt, where uniforms and titles of authority are no indication of a person's likeliness to follow a just moral or legal code.

BUT I WANT US TO BE more sophisticated than simply ignoring any wisdom that may come from this reprehensible

The convicts rule themselves, and their families live there, too

The inmates have to battle a complex real estate system to buy or rent a cell from another prisoner. These 'cells' are fully furnished residences bearing the full personalities of their occupants.

everything you know and expect of penal systems. Your preconceptions will only confuse you.

Such was my experience as I neared La Paz on my travels through South America in January 2009 — the three-week trek marking the midway point of my year studying abroad in Buenos Aires, Argentina.

From as far away as Peru, tales of San Pedro began to

reach my ears from fellow backpackers in buses and hostels — hotspots for travelers to spread stories, advice, and anecdotes to other adventurers along Latin America's gringo trail.

"When you get to La Paz, you have to see the prison," several adventurers told me as I got closer to the highest capital city in the world. The buzz was thickening, my curiosity swelling. What could be so appealing about visiting a prison? I imagined it would be like an Alcatraz experience — a tour through an empty

ruin of a prison.

But I was wrong. I would be inside an active prison. Not only that, but my tour guide and bodyguards would also be prisoners. Oh, right — and we wouldn't be separated from the prisoners, but walking in and among them.

APPREHENSIVE, I sought advice for my future visit. "Bring cigarettes for the guards and candy for the kids," a nice Irish bloke told me in a Peruvian hostel.

"What?" I said, puzzled. "There are kids in there?"

"Oh, yeah," he explained. "It's really the only way they can keep their families together."

About six days passed, and I found myself facing the prison from the open, green plaza that it sits in front of. The prison's tall, stone walls rose like a fortress, taking up its own side of the plaza and stretching back into the blocks behind it. A white South African lady in dreadlocks in her thirties



ABOUT THE AUTHOR: Stan Parker, of Billings, is a senior at Pepperdine University in Malibu, Calif., studying in Spanish and Journalism. He spent his sophomore year studying in Buenos Aires, Argentina, and is now the editor in chief of Pepperdine's weekly newspaper, the *Graphic*. He graduated from Billings Senior High in 2007. He is the son of Billings attorney Mark Parker

approached me and offered the tour.

The price was 240 Bolivianos (or “Bs,” as they call them), at the time about \$35 USD. I didn’t complain about the price, but for Bolivia, this is an insane amount of money. A taxi fare anywhere in the city shouldn’t cost more than 8 Bs, and my luxurious-as-far-as-hostels-go accommodations were only \$7 USD per night. Of those 240 Bs, only 70 actually made it into the prison — the rest went to the guards and outside organizers.

Despite the fact that that Lonely Planet — authors of the quintessential travel guides to South America — has dubbed San Pedro “the world’s most bizarre tourist attraction,” officially, there are no tours of San Pedro prison. In fact, I was held outside in the plaza for several minutes before I was allowed to enter because a bigwig in the police force was hanging around the front gate. It wasn’t that everyone else didn’t want him to see me go in; it was that he didn’t want to see me go in. He didn’t care because he was probably getting a cut of the money, but his underlings had enough respect for him to give him plausible deniability.

Corruption is not crime in Bolivia — it’s a way of life.

WHEN SHE GOT the all-clear, I was led up to the gates where a group of guards in green uniforms let me slide past and into an office. There she had me sign a visitor’s book, intended for legitimate visitors, leaving the field for “who I was visiting” blank. The guards put me in the charge of a prisoner who led me through the prison so that I could catch up with a tour that was already in progress. And those were the last guards I saw for the duration of the tour — it’s self-rule for the prison’s inmates.

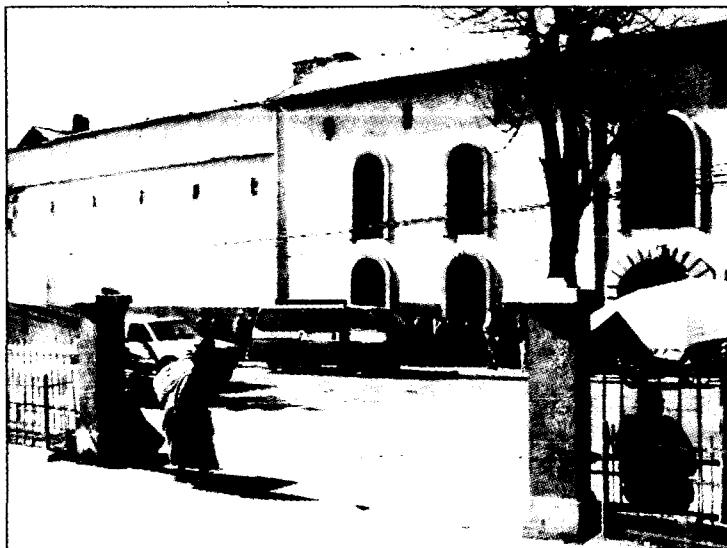
I passed into fantasy world — not a prison but a walled city with a fountain and open courtyards with the bustle of daily activity. Imagine a two-story motel with a sky-blue face and a rusty tin roof circling a courtyard in a triangle shape. Inside there were children laughing, playing on foosball tables, or kicking a soccer ball around with the smells of cooking foods wafting, and people milling or sitting about casually.

I had only seconds to absorb my environment as the prisoner led me up a rickety spiral staircase to the upper balcony, and then turned us down a hallway where we met the rest of the tour group. There were about eight other people, a few of whom I recognized from my hostel.

MOST OF THE OTHER tourists had calmed my apprehensions about being among the prisoners. They explained to me very simply: the tourists are 100 percent safe in San Pedro, because without them, the money stops. And money is perhaps the most coveted commodity in San Pedro.

For those with no money to speak of, life at San Pedro may mean fighting the cold and base addicts (or additions) in the grimy, cheerless parts of the prison. Men cram four or five to a room, and life is always dangerous and uncomfortable.

Prisoners need money for food, for rent, and for all creature comforts.



Photos by Stan Parker

A long line of people wait outside the La Paz prison. Who were they? New prisoners? Tour guides? Family? Cocaine customers?

With money comes life in San Pedro. On the other side of the economic spectrum, those wealthy, prominent criminals enjoy a life of luxury. They have satellite TV, private bathrooms, and a penthouse-suite quality of life. One second-story prisoner decided his cell was too small, so he added on — upwards, and created a whole additional floor to his apartment.

It is not the law of the warden that rules San Pedro, but the law of Economics. After paying the entrance fee to the guards, the inmates have to battle the complex real estate system to buy or rent a cell from another prisoner. The prices of cells follow the rules of supply and demand, so timing and pre-

dicting the markets is a valuable skill.

At the time of my visit, a basic prison cell in one of the nicer wards cost somewhere in the neighborhood of \$600 USD. A nicer one can go for \$1,500. And that didn’t include the fees paid to those prisoners who fancied themselves as real estate agents, messengers, witnesses, and legal counsel.

To call those habitations “cells” seemed unbecoming. These fully furnished residences bore the full personalities of their occupants: decorations on the walls, bedspreads, beaded door curtains, artwork, books and kitchenettes. I saw evidence of the handicrafts the prisoners worked on to sell to the tourists and other prisoners.

WE WOUND OUR way through the tight prison passages — one of which was said to be haunted due to the frequent mysterious deaths — and we emerged into one of the prison’s courtyards, where some prisoners were playing soccer.

Our guide told us prisoners show their pride for their ward through the soccer tournaments. The different sections of the

More BOLIVIAN PRISON, Page 25

Our new president brings the association a wide set of skills

From the Ironman to the Space Shuttle

Joe Sullivan, the Great Falls attorney who took the State Bar of Montana's presidential gavel at the Annual Meeting last month, is one of the rare people carting around three hard-earned professions – as a mathematician, psychologist, and lawyer. While his grandfather was a yardmaster for a railroad in North Dakota, the grandson brought new dimensions to his family by working on Space Shuttle launches.

Now, he has an opportunity over the next year to make his mark on the State Bar of Montana.

Joseph Michael Sullivan, 51, was raised as one of four siblings in Portland, Ore. His father, who died a year ago, was a sales representative for Gerber Baby Products for 30 years. His mother, still living, was a homemaker and secretary, the latter for employers such as Shell Oil and Safco Insurance.

In his early years, Mr. Sullivan attended Catholic schools in Portland. When his father was transferred to Seattle he attended and graduated as an honors student from Lake Washington High School in Kirkland, Wash.

Mr. Sullivan went to college at Gonzaga University in Spokane, where he double majored in Mathematics and Psychology. He graduated with honors from the University's honors program doing his senior honors thesis on artificial intelligence. While attending Gonzaga he helped coach a women's intramural flag-football team. In so doing, he met one Parker Emmons, a Broadcast/Communications major. Ms. Emmons, now going by the last name Sullivan, married Mr. Sullivan 28 years ago in Great Falls.

Upon graduation, Mr. Sullivan took a position as a systems analyst with the aerospace contractor Martin Marietta (now Lockheed/Martin) on a joint Department of Defense/NASA contract to construct a second launch site for the Space

Transportation System (more commonly known as the Space Shuttle) at Vandenberg Air Force Base in central California. A little over a year later, he applied for and was accepted to Gonzaga University School of Law.

In 1982, he married Ms. Emmons and two weeks later began law school. The two lived in Spokane for the next 3-1/2 years where Parker Sullivan worked for KHQ-TV as a promo-

tion and production assistant while Mr. Sullivan attended law school. During this time the Sullivans were blessed with two daughters – Loran and Kelly.

During law school, Mr. Sullivan participated as a member of the school's National Moot Court team. Also, "as an attempt to maintain some form of equilibrium," he said, he trained for and participated in five triathlons including a half ironman.

Upon graduation from law school, Mr. Sullivan accepted an associate position at the 13-member law firm of O'Donnell, Ramis, Elliott & Crew in Portland, in the firm's litigation department. During this time he took the bar exams for and was admitted to the state bars of Oregon and Washington.

In 1987, the Sullivans decided to move to Great Falls, Montana. Mr. Sullivan took a

associate position with former District Court Judge William Coder and Mr. Sullivan's father-in-law, Robert Emmons. Mr. Sullivan successfully passed the Montana Bar exam and was admitted to practice before the Montana Supreme Court. Ms. Sullivan, in the meantime, took a position as promotion and production director of KFBB-TV in Great Falls. During this time, they had a third daughter, Jocelyn.

Mr. Sullivan has been a partner with Gary Deschenes in the Great Falls law firm of Deschenes & Sullivan since 2003. He maintains a general trial and appellate practice with emphasis on personal injury cases, contract law, insurance law,



Photo by John Godwin

and mediation.

In 1987, Mr. Sullivan attended his first Annual Meeting of the State Bar of Montana. There he attended a meeting where the Young Lawyers Section (now New Lawyers Section) was successfully rejuvenated and at which Mr. Sullivan was elected section vice-president. In 1988, Mr. Sullivan went on to lead the Young Lawyers Section which sparked his interest in committee and leadership roles within the State Bar.

Mr. Sullivan has served on and chaired several State Bar committees including the Law-Related Education Committee and the Bar's Technology Committee. In 1994, he became a State Bar trustee representing the 8th and 9th Judicial Districts. He served in that position until he was elected secretary-treasurer of the State Bar in 2007. Subsequently, in 2009, Mr. Sullivan was elected president-elect.

Mr. Sullivan served on several community based committees including several United Way Campaigns in Cascade County. However, the greatest amount of his spare time since 1999, he said, has been spent as the head of a committee to restart Great Falls Central Catholic High School and for the next 10 years as president of the school's board.

With one daughter, a graduate of Gonzaga University in Marketing, working and living in Seattle; a second daughter, a graduate of the University of Portland, teaching third grade in El Paso, Texas; and a third daughter attending Saint Benedict's College in Saint Joseph, Minn.; the Sullivans find themselves as empty nesters for the first time. No longer being consumed by school-related events, they are able to begin to focus on some outside interests. Some of Mr. Sullivan's other interests include playing guitar, cycling and swimming (nowhere near the triathlon-era lengths in excess of 100 and 5 miles respectively a week), and following Gonzaga basketball.

The Montana Lawyer asked Mr. Sullivan several questions relating to his Bar presidency; his answers follow:

■ **What are your top goals for the State Bar of Montana in the following year?**

"The goal this year is to get back to basics. We, as the Bar, need to serve our fellow members. We each need to assist our fellow members to practice law to the best of their ability. If we do that – scholarly, ethically, and financially – the reasons given for the creation of the Bar in the Supreme Court's Order of 1974 would be met. As a result, we will be able to best serve the public one client at a time with affordable quality access to our judicial system."

■ **The State Bar budget is getting a close examination by a Bar committee. Do you foresee any major changes in the State Bar's operations?**

"I foresee continual improvement in the efficiency of the State Bar's operations. We will work to do things both better and more cost-effectively. While this may mean some changes, I do not foresee anything that would be considered a major

More JOE SULLIVAN, Page 18



New Bar president-elect: Shane Vannatta. Mr. Vannatta's practice focuses principally in business law with the Worden Thane law firm in Missoula. He graduated (with honors) from the University of Montana School of Law in 1993. He served as president of the Missoula New Lawyers Association, chair of the State Bar New Lawyers Section, president of the Western

Montana Bar Association and chair of its Pro Bono Program, chair of the State Bar Board of Trustees, and is chair of the State Bar's Professionalism Committee.



New chair, Bar Board of Trustees: Randall A. Snyder.

Mr. Snyder obtained his BA (honors) in Speech Communication from UM in 1977, and JD from UM Law School in 1980. He spent three years in the Cascade County Attorney's Office in Great Falls, then opened his practice in Bigfork. Mr. Snyder has served on the CLE Institute and has taught real estate classes. He

has served as the Area A trustee since 2006.



New Bar trustee: Ellen Donohue.

Ms. Donohue has been the deputy county attorney for Anaconda-Deer Lodge County since September, 2009. With a master's in Social Work from Temple University, she has won many awards for her volunteerism and her work in the fields of domestic violence and community health. She was a hospice social worker, facilitated a battered

women's support group, directed a federal violence prevention grant, and was executive director of Safe Space Inc., Graduating from the UM School of Law in 2007, she has been staff attorney with Montana Legal Services. She is chair of the Butte Community Health Center Board.



New Bar trustee: Leslie Halligan.

Ms. Halligan earned her JD from the UM School of Law in 1986; a BA in Political Science at UM in 1983; and was awarded a Truman Scholarship in 1981. Since 1991, she has been a Missoula deputy county attorney, and recently has been teaching Child Advocacy Law at UM. She is a member of the Women's Law Section, past-pres-

ident of the Western Montana Bar Association. She received the State Bar's Pro Bono Award in 1992, and WMBA's 1999 Public Service Award. She is on the Missoula Federal Credit Union board, and is involved in Big Brothers Big Sisters and Boy Scouts.

AT THE 2010 ANNUAL MEETING



Above: Zadak, the Mysterious Visitor from the East (aka Great Falls attorney Gary Zadick), ponders a riddle inside an envelope during banquet entertainment.



Top right: Bar members – surrounded by food, drink, and vendor tables – gather in the Holiday Inn atrium lobby for the President's Reception.

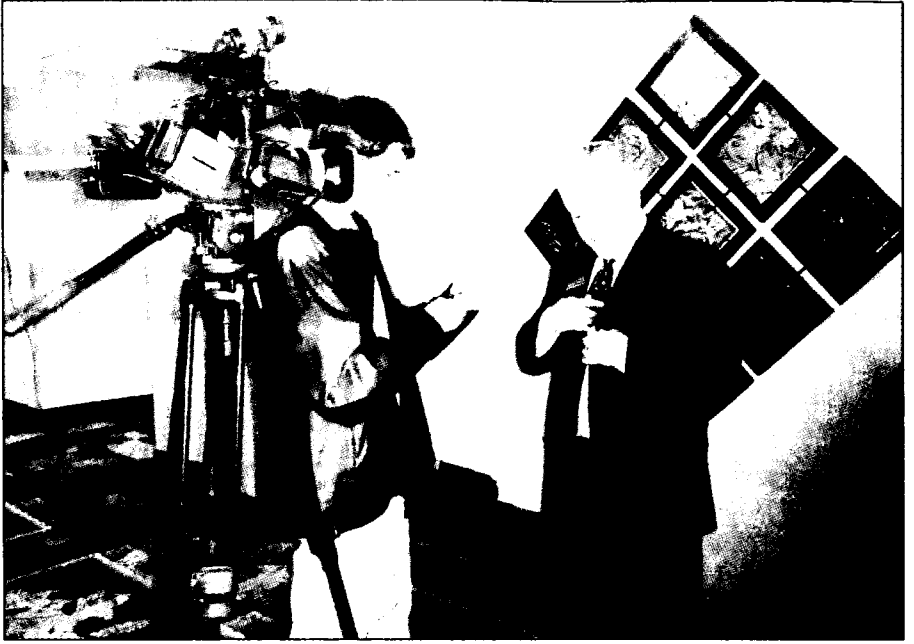
Bottom right: Enjoying the reception were attorneys Katie Ranta, Helena, left, Mary Beth Sampsel, Kalispell, center, and Rebekah French, Great Falls.



Montana Supreme Court candidates Nels Swandal and Beth Baker at the early-morning candidate forum.

Far left: District Judge Swandal chats with Billings attorney Tom Singer.

Near left: Helena attorney Baker makes her campaign pitch.



Above right: Bozeman attorney Alanah Griffith during her CLE presentation. **Above left:** A Great Falls TV reporter preps new Bar President Joe Sullivan for an interview.



Photos by Brendan Kelley,
AmeriCorps Vista member
on State Bar staff



Above: Fifty-year pin winners, from left, Judge Maurice Colberg, William Conklin, Robert Cummins, E.F. Gianotti, and John Quinn.



Above: Discussion at the joint Equal Justice meeting.

Left: At the President's Reception appetizer table.

Right: Bar member checks out a vendor's exhibit.



Bar membership survey heading your way

The State Bar of Montana will conduct a survey of its members in October and November to hear about the challenges they face and the ways the State Bar can improve its services to them.

Asking questions about lawyer demographics – including compensation – law-practice issues, and Bar services, the survey will be the second comprehensive membership survey since the first one in

2005. Although names of survey-takers will be kept confidential, the information will provide an accurate overall portrait of the Montana Bar and its members. Much of the data will be compared to the 2005 data, telling us how much the Bar and the practice of law has changed in the past five years. Some of the questions will be new, covering topics not on the radar in 2005.

The survey will be conducted for the State Bar by the ABA Division for Bar Services and will take from 15 to 20 minutes to fill out. Although printed survey forms will be made available to those Bar members who request them, the easiest way to take the survey is online. You will receive simple instructions and navigation prompts on the online form, and you can exit the survey before completing it and return at any time.

You will be notified this month by mail and by the State Bar website (www.montanabar.org) when the survey forms are available. The deadline for your survey responses will be about one month later, in November.

Your responses to the survey will be compiled and analyzed by the ABA Division for Bar Services. Results will be available to members in early 2011.

As a token of the State Bar's appreciation for completing the survey, you will be entered into a drawing to win one of three gift cards, for \$100, \$75, and \$50. In order to do so, you must provide your name and email address in the demographic section at the beginning of the survey. Doing so will not compromise the confidentiality of your responses.

New Lawyers' Workshop, Road Show scheduled for Missoula on Nov. 5

The New Lawyers' Workshop and the State Bar Road Show will be presented for a second time this year – this time in Missoula on Friday, Nov. 5.

The Workshop – formerly known as the Rookie Camp – brings together newly admitted Montana lawyers (even those practicing for years in other jurisdictions) with experienced practitioners and judges in small groups to discuss the practical aspects of the practice of law.

The Road Show brings State Bar officers and staff out to meet with all Bar

members for a discussion on Bar and legal-practice topics.

Both events provide free CLE credits to attendees – 3.0 Ethics credits, including 1.0 SAMI credit, for each event.

The New Lawyers' Workshop will include a luncheon, with a keynote address, for attendees and will run from 8 a.m. to 1:15 p.m. at the Hilton Garden Inn in Missoula. It will be followed at 1:30 p.m. by the Road Show, also at the Hilton Garden Inn. The Road Show will end at 4:30 p.m.

STATE BAR CALENDAR

October 14

Employee Benefits (VEBA) Trustee meeting, 9 a.m., Mountain West Benefits conference room, 3390 Colton Str., Suite A, Helena

October 15

Discrete Task Representation CLE, presented by the Commission on Self Represented Litigants, Crowne Plaza Hotel, Billings

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

October 18

Swearing-in ceremony for new Montana lawyers, 10 a.m., House Chambers in State Capitol, Helena

October 21-22

Bankruptcy Section CLE, Hilton Garden Inn, Missoula

November 5

New Lawyers' Workshop, 8 a.m., Hilton Garden Inn, Missoula

State Bar Road Show, 1:30 a.m., Hilton Garden Inn, Missoula

December 3

State Bar Board of Trustees meeting, Montana Club, Helena

January 14-16

Annual CLE & Ski, Big Sky



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FIGURED THEY
COULD GIVE ME
MORE WORK NOW.
TURNS OUT
THEY'RE RIGHT."**

BRENT KIMBALL, ASSOCIATE
GREENSPOON MARDER, P.A.
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LEGAL PUBLICATIONS

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Montana Citizens' Guide to the Courts

2010, 20 pages, print copy \$10

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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

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Criminal Jury Instructions

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2005, 60 pages incl. 5 forms

Book plus CD \$150

2010 Lawyers' Deskbook & Directory

Book, \$40

Mid-year update CD \$20

See order form on Page 15

MT Family Law Form Book

2005, 93 pages incl. 26 forms

Book and CD \$150

Public Discipline Under MT Rules of Professional Conduct

2009, 115 pages annotated

Book \$35

Public Information Flyers

tri-fold brochures, \$10/bundle of 100

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Mtn. States Transmission Intertie, 2nd Amendment Law, Pitfalls into Windfalls, Real Estate, Ethics Tips, Malpractice & Impaired Lawyers

Bench-Bar Conference

Attorney-Client Privilege, Limited Representation, Civility, Bankruptcy Bomb, Oral Argument Tips

CLE & SKI

Ethics Opinions & Notary Opinion, Changes in Rules of Civil Procedure, Litigating in Economic Red Zone, Liability While Serving on Boards, Property Law

Elder Law

Mental Impairment Among Lawyers, Powers of Attorney, Conservatorship & Guardianship, MontGuides, Medicare 101

Eminent Domain

Its Legal Foundation, Constitution & Representing Landowners, Negotiating with DOT, Land Use Interaction, Recent Game Farm Cases

Energy Update

Wind development, NW Energy's Role, Federal Energy Regulatory Commission, Surface Access Rights, Oil & Gas Drainage, NEPA

Foreclosure Update

Conflict Check, Title Policy, Choosing Type of Foreclosure, Bankruptcy, Summary Judgment

General Practice (Glasgow CLE)

Public Roads, Rights of Way, Substance Abuse & Mental Impairment, Ethics, Federal Lands Planning, Family Law, Wind Power & Cell Towers, Mental Competency

State and Federal Planning Rules

FOIA & Sunshine Laws; DNRC, Forest Service & BLM Planning; MEPA, State Lands & Trust Obligations

CLE materials from 2009

ABA Tech Road Show

Practice-Management Software, Affordable IT Support for Small Practices, Hidden Windows & Office Tricks, 30 Websites, Getting to Paperless, PDF-ing for Lawyers, Conquering the E-mail Storm

Annual Meeting

Collections, Indian Law, Ethics, Substantive Abuse & Mental Impairment, Criminal Law, Energy Law, IP Audits, Business Law, Employment Discrimination, Family Law, Insurance Law, Real Property

Bankruptcy

Chapter 13; Schedules, Statements of Financial Affairs, Means Tests, Fee Applications; Stay Relief & Adequate Protection

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

Construction

Global ADR, LEED, MT Case Law & Legislation, Project Manual, Subcontracting, Settlement Conferences

Criminal Law Ethics

Your Client's Perjury, Fairness in Disciplinary Proceedings, Innocence Projects, Loyalty Apocalypse, Attorney Misconduct, Ethics Dilemmas

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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

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To request CLE materials from 2008 or earlier, contact Gino Dunfee at 447-2206

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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. See www.montanabar.org for SAMI updates.

October 15 Billings – Crowne Plaza Hotel

Discrete Task Representation 3.50 CLE credits, including 1.0 Ethics (no SAMI) credits. Presented by the Commission on Self Represented Litigants, (406) 444-3660.

October 24 (and 90-minute sessions for next 5 weeks)

Jewish Medical & Legal Ethics 9.0 CLE credits, including 4.50 Ethics credits. Presented at the Jewish Learning Institute, 8755 Huffman Lane, Bozeman, (406) 585-8770

October 29 Missoula – DoubleTree Hotel

MTLA Fall Seminar: Auto Collisions – Effective Litigation is No Accident 6.0 CLE credits, including 1.0 Ethics (no SAMI) credits. Presented by the Montana Trial Lawyers Association, (406) 443-3124.

November 18 Missoula – Wingate Inn

Hydropower in Montana 8.50 CLE credits, including 2.0 Ethics credits. Presented by The Seminar Group, (800) 574-4852.

February 23, 2011 Great Falls – Location to be announced

Annual Red Mass Ethics CLE Presenter: Hon. Justice John Warner.

All other CLEs

October 13 Missoula – DoubleTree Hotel

What Does Wall Street Reform Mean for Main Street Montana? 3.75 CLE credits. Present by the state Attorney General's Office, (406) 444-2026.

October 14 Helena – Great Northern Hotel

Exempt Wells & Related Issues in Montana 8.50 CLE credits. Presented by the Water Systems Council, (202) 625-4387.

October 19 Teleconference

Retirement Benefit Planning 1.50 CLE credits. Presented by Cannon, (800) 775-7654.

October 21-22

Annual Bankruptcy CLE 10.0 CLE credits. Presented by the State Bar's Bankruptcy Section and CLE Institute, (406) 447-2206. Details will appear at www.montanabar.org.

October 26 Missoula – Missoula County Courthouse

Conducting a Pro Bono Family Law Settlement Conference 1.0 CLE credit. Presented by the 4th Judicial District Court, (406) 258-3461.

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=brokseLive

■ 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

November 13 Missoula – UM School of Law

UM Football CLE: Injunction Practice in Montana 2.0 CLE credits. Presented by the University of Montana School of Law, (406) 243-4311.

November 16 Helena – Red Lion Colonial Hotel

Selecting Montana's Judges: Protecting Impartiality, Ensuring Accountability & Preserving Public Trust 3.0 CLE credits. Co-sponsors: Hon. Karla Gray (ret.), Helena Education Foundation, Montana Chamber of Commerce, and the American Judicature Society, (406) 449-6929. See story on Page 25.

November 16 Teleconference

The Rocky Road Ahead for Charitable Giving 1.50 CLE credits. Presented by Cannon, (800) 775-7654.

November 18 Glendive – Guesthouse Inn

Privacy & the Right To Know 6.5 CLE credits. Presented by the state Personnel Division, (406) 444-3985.

November 19 Glendive – Guesthouse Inn

State Ethics Law 3.0 Ethics credits. Presented by the state Personnel Division. (406) 444-3985.

November 20 – Missoula, UM School of Law

UM Football CLE: Strategy & Tactics in Mediation Advocacy 2.0 CLE credits. Presented by the University of Montana School of Law, (406) 243-4311.

November ballot offers Montanans a chance to toss out the '72 state constitution

by Jessica Mayerer
of the Missoula Independent

When Montanans voted in favor of scrapping the state's

Constitution 40 years ago, Mae Nan Ellingson was eyeing a master's degree in political science at the University of Montana. Two years later, at age 24, she found herself one of the 100 delegates from across the state elected to serve at the Montana Constitutional Convention. Her task: to help hash out a new bill of rights and government mandates, all of which would become the law of the land for years to come.

"It was pretty amazing," says Ellingson, now 63, of being the youngest delegate to serve at the convention. "I felt pretty lucky."

Ellingson took her work seriously. Prior to arriving in Helena, she says she devoted huge chunks of time studying state issues. When she and the other delegates finally arrived at the Capitol, Ellingson engaged in fierce debates, including talk of greater environmental protections and equal rights for women.

The result of those debates, Montana's current constitution, still stands.

But that could change this November when voters decide whether they want to toss out the 1972 document and draft a new one. If a majority of citizens cast their ballot in favor of initiative CC-2 on Nov. 2, the state will hold another Constitutional Convention. Voters would then elect another 100 delegates to rewrite the document from which all of our laws and rights stem.

Ellingson, a Missoula attorney who supports leaving the constitution intact.

The document Ellingson helped create is a product of its era. The Montana Constitution was crafted during a time of incredible social and political flux, with the Vietnam War in full swing and voters growing increasingly mistrustful of gov-

ernment. At the same time, women were lobbying to achieve equal rights, and the environment was just beginning to enter political debate.

"There was this burgeoning environmental movement nationwide through the Sierra Club, and so on, where people were recognizing, 'Can anyone sue on behalf of the environment?'"

Ellingson recalls. "That was sort of a big, big issue of the day, and it's one we tried to address ... There was this whole shift: How can the environment be

protected? Were the traditional laws on the books adequate?"

A MAJORITY of delegates agreed the laws were not adequate. In response, they penned a new provision calling for the inalienable right to a clean and healthful environment. The passage remains a cornerstone of environmental law today.

Authors of the 1972 constitution also addressed other predominant issues of the time. For instance, they mandated increased government transparency, crafted far-reaching anti-

"IT WILL BE interesting to see if the voters think that an argument has been made, or can be made, that the constitution is so broken that it doesn't work, that it needs to have a full-scale rewrite," says



Missoula Independent photo by Chad Harder

Mae Nan Ellingson, the Missoula attorney who was an "outrageously feisty" young delegate at the 1972 Convention.

discrimination laws, and established a strong right to privacy.

Even today, the document has many admirers, including Fritz Snyder, a UM professor, director of the UM law library, and author of "The Montana State Constitution: A Reference Guide." He says the state's 1972 constitution remains among the nation's most progressive.

"[It's] widely considered to be one of the most forward-looking state constitutions in the country," says Snyder, who also opposes CC-2.

BUT NOT EVERYONE SHARES Snyder's admiration. Critics call the constitution flawed, specifically because it's full of vague and ambiguous language that invites confusion and, in turn, litigation. CC-2's proponents maintain citizens would be best served by a more clearly worded guiding document.

"It's a question of having language that everybody understands," says state Sen. Joe Balyeat, R-Bozeman, who supports CC-2. Balyeat maintains several existing constitutional provisions provide evidence of ambiguous language. Perhaps the most prominent example, he says, comes in the same section others laud – the right to a clean and healthful environment.

"I don't necessarily see anything wrong with having environmental protections," Balyeat says. "What we are saying is that the rights are written in such a way that they invite everything going to court, where the judge decides."

Balyeat contends that citizens and their elected representatives are better equipped to make those decisions, and too much judicial discretion results in legal uncertainty. It also discourages companies from setting up shop in Montana, and hurts the economy.

"It's like putting up a 'unwelcome mat' for business," he says.

Yet scholars like Snyder say if voters approve a constitutional rewrite, Montanans risk the loss of significant protections. He also worries about the expense of holding another convention. Based on 1972 rewrite costs, Snyder estimates crafting a new constitution today would cost taxpayers more than \$3.3 million.

"You can't just have a bunch of folks show up and spout ideas," he says, adding that any rewrite would be subject to another vote.

AS THE DEBATE continued to play out before the November election, the *Montana Law Review* dedicated its annual Honorable James R. Browning Symposium Oct. 7 and 8 to examine the existing constitution in light of contemporary issues [the September *Montana Lawyer* magazine presented the symposium's agenda].

Ellingson was asked to speak during the symposium, and as part of her preparation she pored over transcripts of the 40-year-old debates. She was more than a little amused at what she found.

"I had sort of forgotten," she says. "I really was pretty outrageously feisty." ○

JOE SULLIVAN, from Page 9

change.

"The Board of Trustees has scrutinized the budget annually for as long as I have been involved with the Bar. Two years ago, under the leadership of Chris Tweeten, I was asked to head an ad hoc committee to find ways to reduce expenses as well as increase revenues aside from increasing any dues. The Bar's staff worked hard to identify anything possible that could be cut and Executive Director Chris Manos worked hard to achieve savings. The result of that work is reflected in this last year's budget where a projected shortfall did not occur despite increased costs in necessary budget line items and a decrease in our investment revenues."

■ **Some State Bar members say they have neither the time nor inclination to do pro bono or community service work. How do you reply to them?**

"This may not be what some people want to hear, but I would tell these members that currently no one is forcing them to do so. However, I would prefer they saw this as a 'want to' as opposed to a 'have to.'

"Rule 6.1 of the Rules of Professional Conduct merely states that an attorney has a responsibility to perform legal services for those unable to pay. It separately states an attorney 'should' perform at least 50 hours of pro bono publico service per year. I note this separation in the language because while many assume the term 'pro bono' means 'for free' it does not. The full proper term is 'pro bono publico' and translates to 'for the public good.' Only in recent history has the term been used in a more narrow spectrum in which monetary concepts were added. True pro bono publico is any use of your talents to help the public as opposed to merely using those skills for personal gain. So we do not continue this misnomer, let's address the true nature of the beast – we are talking specifically about providing legal services to those with little or no income which is a type of service which falls under the broader term of pro bono publico.

"Further, I believe that to actually require such service, as is the case in Mississippi, is nothing short of forced volunteerism and taxation. Forced volunteerism is an oxymoron and results in unnecessary negative reactions of refusal, defiance, and rejection. As to taxation (i.e. requiring 50 hours a year for a person who normally charges \$150 per hour is requiring the attorney to give \$7,500 per year), it too would create negative reactions (two words – tea party).

"I am well aware of the arguments that the license to practice law is a privilege and with that privilege comes responsibilities. I do not disagree with that. However, I also believe you can achieve a lot more good with a positive than with a negative. To make the situation a positive, the person asked to perform the work must (1) feel comfortable doing the work asked of him or her, and (2) feel some satisfaction in performing the work.

"We need to ensure attorneys know of opportunities to provide services they feel comfortable providing. A tax lawyer

may not feel comfortable litigating a contested divorce. Yet, there are plenty of low-income elderly who need help with their taxes. On the flip side, I know very few trial attorneys who are equally skilled at tax. If we fit the opportunity to the skill we reduce the stress and increase the potential for satisfaction. I believe this reduces the resistance to help in that given area of need.

"Another approach is to provide Continuing Legal Education classes on the subject areas where low-income legal needs are the greatest. Also, like with the Cascade County Law Clinic, programs need to optimize the use of a volunteer attorney's time and assist in preparation of the client's needs. This in turn relieves a great deal of the stress, both in terms of time and work, and results in a high level of satisfaction. This too increases the willingness of attorneys to assist.

"There are two undeniable truths: (1) the need for legal services for those with little or no income is staggering, and (2) we, as attorneys, are the only individuals qualified to help service this need. While I believe the responsibility to meet this need belongs to everyone, not just attorneys, the reality is we are the front line. So while the attorneys reluctant to perform work for those with low or little income are not required to do so, I would implore them to give of their time while trying to provide them methods which decrease the burden caused and, hopefully, creating the greatest possible satisfaction. Not everyone will agree to provide services, but potentially more will."

■ What is the most important lesson you have learned as a lawyer that they didn't teach you in law school?

"To really listen.

"I best serve my clients when I listen to what they are really saying. I cannot use cookie-cutter methods of dealing with cases. I must address each case knowing I need to customize my work to their needs, within their budget, and to achieve the best goal for them.

"I do best in court when I listen to the question a judge or justice poses. If they have read the briefs, they know my arguments. I need not regurgitate those points. I need to hear where the court's interests and concerns lie in order to address those issues and best serve my client and the court.

"As a mediator, I need to listen to both sides and hear where the problem lies. Sometimes this is beyond the mere facts and law. Often there is an emotional aspect that overrides the case and is the barrier to resolution. By really listening to the parties a solution often presents itself.

"As a husband and a father, I need to listen to the needs of my family. There is a balance that is needed. While we may think that endless hours and making lots of money will allow us to give our families everything they need, that may not be what they are asking of us. I know for myself that while my dad was on the road a lot, I could guarantee if I searched the stands at a football game, a basketball game, or a track meet I could find my dad watching. That meant more to me than anything he could provide monetarily. I do not remember actually telling him I wanted him to come, but he was able to listen to my needs anyway.

■ What motivated you to become involved in State Bar leadership? What would be your pitch to get more members involved?

"I moved to Montana in 1987. One of the first things I noticed was the great network that existed between the graduates of the University of Montana's School of Law. I saw the Young Lawyers Section (now New Lawyers Section) of the State Bar as a great way to make the same type of connections (and indirectly tap into the existing UM network). Working in the Young Lawyers Section exposed me to the work of the State Bar's Board of Trustees and the Bar committees. I saw the value of work these people were doing and felt compelled to participate.

"The more involved I became the better I understood that collectively we could accomplish so much more than we could individually. This especially holds true with the most difficult of problems. Being from Great Falls, I have lost far too many friends and fellow attorneys to suicide. One struggles asking what can I do? Even the Cascade County Bar has found it difficult to get any traction on the problem. However, realizing this was not just a Great Falls issue and working collectively and statewide we, as a Bar, have begun to chip away at the problem through education, counseling, and emphasis on reducing the pressures in our practices that may lead to these problems.

"The opportunity to work on solving a multitude of issues in our practice has kept me involved and instilled in me the desire to take on greater leadership roles over time. I believe that letting others know the positive and fulfilling experience I have had in my different leadership roles in the Bar will encourage them to consider doing the same. I know it is a cliché, but I have gotten much more out of this experience than I have put into it. I can say from experience, it is well worth the effort."

■ What have you enjoyed the most during your years working with the State Bar?

"The people. I have been able to travel around the state and meet attorneys from Glendive to Libby. I have been astounded by the diversity of backgrounds of individuals both prior to becoming attorneys and as to their areas of practice once they became attorneys. I am in awe of our members' wealth of expertise in varied areas of law. Also, I am pleasantly surprised by the unique choices of lifestyles that would be hard to achieve in areas others than Montana. We are an eclectic bunch, to say the least.

"While my practice is diverse and enables me to travel across the state, I never would have met as many members of our Bar without participating in Bar leadership roles. This Bar is made up of a lot of good people who take what they do for their clients seriously, and see the rule of law not merely as a theory but as something that needs to be applied and protected on a daily basis. I am extremely proud to be a member of this Bar and am humbled in being allowed to serve each member as president for the next year." ○

Ed Smith, clerk of the Montana Supreme Court, has announced that all daily orders issued by the Court are now viewable online at the Judicial Branch website. This new feature is in addition to the Supreme Court Docket that attorneys and the public can access.

To view the Supreme Court daily orders go to the Judicial Branch website, www.courts.mt.gov, and choose the Orders/Rules tab and click "Daily Orders" – <http://courts.mt.gov/orders/orders.asp> – and it will provide

Supreme Court's daily orders now online

Mr. Smith said he was pleased to be making further progress in providing additional public access to court records and information.

the user a listing of daily orders issued in a given day, with a brief summary. If the user wishes to view the full order or the entire Montana Supreme Court case record, that option is also available.

These orders are retained on this site for two weeks.

Number of Montana specialty courts grows with Billings, Butte additions

A new drug court has been announced for Billings and a new DUI court has begun in Butte, according to Montana newspapers.

But while the numbers of such specialty courts is increasing in Montana, the state Public Defenders Office said that its defenders cannot participate in them.

In Billings

Billings District Judge Ingrid Gustafson is planning to have a new adult drug court up and running in Billings by the first of the year, the *Billings Gazette* reported in September.

The judge was notified last month that the Bureau of Justice Assistance in the federal Department of Justice has approved a three-year, \$350,000 grant to fund the new court, the *Gazette* said.

District Judge Susan Watters has been presiding over a Billings family drug treatment court since 2001, and in Billings Municipal Court, which deals only with misdemeanor offenses, three treatment courts are run on the drug-court model, for DUI offenders, drug users and people in need of mental-health services, the *Gazette* said.

Judge Gustafson's new program will be the first in Yellowstone County aimed specifically at individuals charged with felony crimes related to drug addiction but not necessarily involving children. Under the drug-court model, offenders

are not simply punished but actively encouraged to deal with the addiction that is at their heart of their problems.

Each offender chosen for the program will work closely with a treatment team that includes the judge, a sheriff's deputy, a prosecutor, a public defender, a probation officer, a counselor from the Rimrock Foundation, and a sociology professor from Montana State University Billings. The treatment team is already in place, and a coordinator will be hired soon, the *Gazette* reported.

The grant application for the new court was written by Jeffrey Kushner, who coordinates state drug courts for the Montana Supreme Court's Office of the Court Administrator. He told the *Gazette* that Montana now has 25 drug courts, including some in misdemeanor courts and some aimed at juveniles. The federal grant will be used for hiring

Mr. Kushner said Judge Gustafson's court will be the first in the state to make use of recovery management checkups, developed by Chestnut Health Systems of Illinois, which Kushner learned of when he was the drug court administrator in St. Louis, Mo. The checkups will follow alumni for up to two years after they graduate from the drug court.

Mr. Kushner applied for the grant last February, the *Gazette* said. In April, to prove their commitment to establishing a

drug court in Montana, Judge Gustafson and the entire treatment team attended a weeklong training conference in Kansas City, Mo., their travel paid for by a separate grant from the Department Justice.

In Butte

A new specialty court designed to intervene with repeat drunken driving offenders will begin in Butte Oct. 1 with the help of a \$308,198 federal grant, the *Butte Montana Standard* reported in September.

Butte Justice of the Peace Bob Lee said at a news conference that the court will help multiple DUI offenders become "sober, productive, law-abiding members of our community."

The Department of Justice grant will keep the DUI court operating over the next three years, according to Justice Debra Williams. Justices Lee and Williams will preside.

The DUI court is designed for people convicted of two or three misdemeanor DUIs and who are at high risk to re-offend, the *Standard* said. The court may also select young drivers with one DUI, but who had a high blood-alcohol level. The court will only deal with misdemeanor offenders. Under Montana law, people are not charged with a felony until their fourth drunk driving offense.

Assistant Deputy County Attorney Michael Clague, who will act as prosecutor, said the four-phase program may last 12 to 18 months for individuals. The court will include judicially monitored treatment programs and supervision.

Tim Conley, a University of Montana

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|-----------------|--|--------------|--|
| 8:00–8:15 am | Registration | 2:30–3:45 pm | Current Issues in Bad Faith
Dale R. Cockrell, Esq., Bradley J. Luck, Esq.,
Guy W. Rogers, Esq., Leonard H. Smith, Esq.,
Mark S. Williams, Esq., Gary M. Zadick, Esq. |
| 8:15 am–12 noon | What NASCAR, Jay-Z and the Jersey Shore Teach about Attorney Ethics and the Ethical Dangers of Social Networking
Stuart I. Teicher, Esq. | 3:45–5:00 pm | Views from the Bench
Justice Michael E. Wheat, Montana Supreme Court; The Hon. Wm. Nels Swandal, Judge, 6th Judicial District; The Hon. Ted O. Lympus, Judge, 11th Judicial District |
| 12 noon–1:00 pm | MDTL Meeting and Lunch (on your own) | | |
| 1:00–2:15 pm | Defending the Causation Issues
Paul R. Haffeman, Esq.,
Steven W. Reida, Esq. | | |

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professor who has been studying drug courts, will evaluate Butte's new drug court and participants' progress, the *Standard* article said.

The *Standard* said the goal is to get 15 offenders into the program in the first year. However, he said they will soon be able to handle as many as 50 people as the court gains momentum.

No public defenders

Public defenders won't be a part of specialty courts where they don't have a defensive role for their clients, the Montana Public Defender Commission has decided.

Richard "Fritz" Gillespie, of the

Commission, told the Butte *Montana Standard* that the Commission believes DUI and other specialty courts are a good thing, but the Office of the State Public Defender can only perform duties that are outlined under state law.

"It isn't that we don't want to play," he said. "We would be willing to participate (in DUI courts)."

However, Gillespie said, state law requires public defenders to only represent those who financially qualify for a public defender. Not all people who go through the DUI court will qualify for legal assistance.

Gillespie, a Helena attorney, also told the *Standard* that there are "gray areas"

and doubts about what the public defenders' role would be in the court. The Commission worries a conflict of interest could be created for public defenders if they were required to work for the DUI court "team," and not for the benefit of the defendant. For example, if a public defender discovered his client violated one of the DUI court's policies – such as drinking alcohol while on probation – Gillespie wonders if the defender would be obligated to tell the court – it could be a conflict of interest for a defender to "rat out" a client.

Butte's DUI court will have to hire private attorneys to represent the clients going through the program. ○

CANDIDATES, from Page 5

with her while she was in the state Justice Department.

"Those people know my strength of character, know my integrity and know that my overriding interest is in the faithful application of the law, fairly and impartially," she said. "That says more about who I am and who I will be as a justice than any kind of personal (political) philosophy."



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While Baker has no experience as a judge, she said she's tried dozens of cases before the Supreme Court and knows its role in the judiciary: "It doesn't exist to project the district judge; it exists to protect the rights of the parties."

Additional biographical data for the candidates:

Nels Swandal

Birthplace: Livingston.

Home: Wilsall.

Occupation: State district judge in Livingston.

Family: Wife Debra, one daughter, two sons (who are deceased).

Education: Wilsall High School graduate, 1971; bachelor's degree in government, Montana State University, 1975; law degree from University of Montana, 1978.

Past employment: 1995-present, state district judge for 6th Judicial District (Sweet Grass and Park counties); 1983-1994, Park County attorney; 1983-1994, attorney in private practice in Livingston.

Military: U.S. Army, 1978-1981; U.S. Army Reserves, 1981-1987; 1988-2008, Montana Army National Guard. Retired at rank of colonel.

Political experience: Park County attorney, 1983-1994; state district judge, 1995-present.

Beth Baker

Birthplace: Spokane, Wash.

Home: Helena.

Occupation: Attorney in private practice.

Family: Husband Tim.

Education: Graduate of Lewis and Clark High School, Spokane, Wash., 1979; bachelor's degree in speech communications, University of Washington, 1982; law degree from University of Montana, 1985.

Past employment: 2000-present, attorney with law firm Hughes, Kellner, Sullivan and Alke in Helena; 1989-2000, attorney at Montana Department of Justice, including four years as chief deputy attorney general; 1985-1989, law clerk for U.S. District Judge Charles Lovell of Helena.

Military: None.

Political experience: None. ○

Helena attorney disbarred after admitting theft from Motorcycle Association

The Montana Supreme Court has disbarred Helena attorney Dal Smilie, following his conviction in Ohio for grand theft for stealing about \$100,000 from the American Motorcycle Association.

Smilie, former chief legal counsel for the Montana Department of Administration, pleaded guilty on Feb. 22 in Lancaster, Ohio, to grand theft, a third-degree felony, and receiving stolen property, a fifth-degree felony, the Lancaster, Ohio, *Eagle-Gazette* reported.

Smilie, 62, had inflated travel expenses and unlawfully collected thousands of dollars over a period of about two years.

A motorcycle enthusiast, Mr. Smilie was serving on the AMA's board of directors. He had served on the board for 25 years, including a term as chair, before resigning in November 2007.

SMILIE SAID HE LOGGED 2.5 million miles traveling for the AMA and spent about 45 weeks a year traveling for the association. The AMA Motorcycle Hall of Fame in Pickerington, Ohio, handled his expenses.

"Where I went wrong was the last two years," Smilie told the Ohio court. "I overstated travel claims. I finagled those."

The judge sentenced Smilie to three years in prison on the first count, but suspended those in lieu of two years of probation. However, Smilie was to serve eight months in prison on the second count. The Ohio judge also ordered Smilie pay a \$1,000 fine.

Smilie repaid stolen funds to the AMA before being charged with any crimes, said Fairfield County Assistant Prosecutor Gregg Marx.

"It was his commitment and dedication and obsession with

the AMA and its promotion that these travel expenses were utilized," Hensley said. "This is not an excuse in any way because he certainly exceeded what he was permitted to do within the AMA."

GREG JACKSON, Smilie's attorney in Montana, said in a statement that Smilie likely wouldn't serve all eight months in prison, the *Helena Independent Record* reported.

He said it appears that all of the funds in question were used to further the AMA's mission, and based on figures provided by the association, it appears that Smilie overpaid the amounts and the settlement was amicable.

He argued that the charges against Smilie were nearly double the contested amount, but that his client decided to plead guilty "due to a complex and unfortunate series of events" and to get the matter concluded.

"A trial would be very expensive and the result more risky than a plea agreement," Jackson said in the statement. "Smilie ... will likely serve around 31 days in an evaluation unit in Ohio, followed by two years of probation."

"(DAL) SOLD NEARLY 14,000 memberships, raised museum funds and was one of the earliest and largest contributors to the AMA's museum," Jackson said. He currently has over \$100,000 of ephemera on loan to it. He worked extensively for them concerning motorcyclists' rights."

Smilie testified at a May 20 hearing before the Montana Commission on Practice. He admitted to the complaint that he had committed the two felonies and filed no objection when the Commission recommended disbarment, the Montana Supreme Court's Aug. 24 order said.

Bozeman lawyer censured

Bozeman attorney Karl P. Seel was publicly censured by the Montana Supreme Court on Sept. 15 following Seel's conditional admission to breaching his ethical duties.

The Court accepted Seel's tendered admission under Rule 26 of the Rules of Lawyer Disciplinary Enforcement, which keeps the details of the ethical violation confidential.

In addition to attending the censure in the Supreme Court chambers in Helea, Seel had to pay the costs of the disciplinary proceedings.

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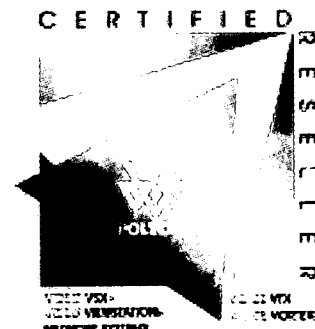
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Forum to examine fundraising in judicial campaigns

A free community forum investigating the problems in judicial elections and campaign fundraising will be held Nov. 16 at the Colonial Hotel in Helena.

The event – titled “Selecting Montana’s Judges: Protecting Impartiality, Ensuring Accountability & Preserving Public Trust” – is a “bring an open mind” forum that “will focus on concerns about judicial elections, both nationally and in Montana,” said one of the co-sponsors, retired Montana Supreme Court Chief Justice Karla Gray. “It also will present potential alternatives which are already working well in some of our sister states,” she said.

Other co-sponsors of the forum are the Helena Education Foundation, the Montana Chamber of Commerce, and the American Judicature Society.

The forum will be from 1:30-4:45 p.m.; the Red Lion Colonial Hotel is at 2301 Colonial Drive in Helena. There will be no admission charge, and the forum is approved for 3.0 CLE credits for Montana attorneys.

For more information on the program contact Karla Gray (406) 449-6929

BOLIVIAN PRISON, from P. 7

prison constitute little communities in the larger walled city of San Pedro, and when they face off against each other on the soccer pitch, many spectators will show up to cheer their ward on.

In lieu of any official guards, some prisoners act as an enforcing presence, sitting calmly with police clubs, supposedly keeping some degree of order, but mostly they just looked bored. Every time we’d pass one, our tour guide would indicate that someone should give him a cigarette.

Around every corner was another surprise. We ascended to the roof, where we could see the sprawling, colorful mountain city across the tin roof of the prison. As we took in the view, a man appeared from a doorway to water his marijuana plant at the nearby tap. He smiled as our tour group took a surprised interest in his plant. Anything goes in San Pedro.

IN ONE COURTYARD, we passed the prison’s swimming pool. The other tourists more familiar with the prison’s history ogled with interest the random circular hole in the prison’s floor, perhaps 10 to 12 feet in diameter and of sufficient depth.

I soon found that this was where two new inmates, rapists, had been brutally murdered by

other prisoners upon entry. They do not tolerate sex offenders in the place where their wives and children reside.

And children were everywhere. I made some friends by handing out sweets, and engendered contempt when I ran out. The children seemed blissfully unaware that they were living in a prison. They were doing things that kids normally do, playing with toys, not wanting to share, foosball, tag, some were watching TV.

And the prison’s women looked like they were just living their daily lives – working one of the markets, doing laundry at the public sinks or just being social.

These family members of prisoners

are able to enter and exit freely. Many kids attend schools on the outside, and wives can bring messages or smuggled goods in or out of the prison’s walls.

IN FACT, LIFE in the prison didn’t seem that much different than life on the outside. The laws of the marketplace governed their occupations. But on top of the shopkeepers, doctors, and photographers, accountants and painters, there are those who keep their criminal activity alive during their period of supposed penitence – manufacturing cocaine in their cells in the dead of night, their wives smuggling it out during the day. More on cocaine in a bit.

And, needless to mention, there are

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tour guides.

The reason I could go on this tour, the reason tours exist at all, is because of the prison's first tour guide, Thomas McFadden.

The British cocaine trafficker landed himself in San Pedro after being thwarted by threats of American DEA activity, betrayed by a friend of a friend, ignored by the judicial system, and then agonized by cold, hunger, and infection in a holding cell awaiting the trial that would never come.

Upon the verge of death, he chose to forego his trial and go straight to San Pedro prison – anything to escape the torture by neglect he was suffering. Even though the bulk of McFadden's cargo had been confiscated, he had a contingency plan: a handful of cocaine-filled capsules he had ingested beforehand. He thought for sure that these drugs must be worth something in prison – enough to buy him food, comfort, or maybe freedom.

Not trusting anyone, he would secretly re-swallow the capsules every time he would pass them. When he finally made a friend at San Pedro – somebody he could trust with the knowledge of his only valuables – he was laughed at. Little did McFadden know he had walked into a gold depository trying to sell his tooth fillings.

The following comes from, "Marching Powder," a 2003 book by Australian writer Rusty Young, who lived with Thomas McFadden for several months inside San Pedro in order to tell McFadden's story.

"They say that prisons don't actually help to reform prisoners; that, in fact, they make them worse because all the time they are mixing with other convicted felons, which allows them to make new contacts and share knowledge and skill that help them to commit bigger and better crimes once they get out. Well, if prisons are now more than schools for further criminality, then San Pedro prison was the International University of Cocaine, where you could study under some of South America's leading professors: laboratory chemists, expert accountants, and worldly businessmen.

"And at this particular university, students didn't even have to wait until they graduated and got back out into the wide world in order to start practicing their careers. We had all the necessary conditions to work right there on the inside, including investment capital, factories, a captive labour force, transport couriers, telephones and faxes, as well as a

friendly police who got their cut for looking the other way."

AS OUR VISIT CAME to a close, our tour guide filed us into what looked like a classroom. A chalkboard covered the front wall and about 15 student desks arced in a wide semi-circle facing it. We sat.

Our tour guide passed around a hat, soliciting tips for himself, our bodyguards and a small tax for taking photos. Then, he asked us who would like to buy some cocaine.

I had been told that tourists could buy cocaine inside, but in my head it was random prisoners whispering from their cells, "Pssst! Hey! Cocaina!"

But no, this was our tour guide, in all of his professionalism, offering us 96 percent pure cocaine for 100 Bolivianos per gram.

I scanned the group to see the reactions. A few looked like they'd been expecting it. One shaven-headed Australian that I recognized from my hostel raised his hand, indicating he'd like to purchase some.

Others, the more tame-looking vacationers had been caught as off-guard as I had been. Surprise and discomfort painted their faces as the Australian prepared a line for himself, tested the product, and seemed satisfied enough that he bought another unit.

And that concluded our tour.

On exiting, my shock at the society I had just witnessed left my mind reeling. But despite the corruption, the criminal activity, the prison violence, and the drug use, I was caught up in a sense of overall approval for at least one aspect of the San Pedro paradigm: take the criminals out of society, but don't take the society out of the criminals.

Let the laws of economics reign sovereign in the prison. Let their wives and children cohabitate — they can do a better job of keeping criminals sociable than strict prison society can. Why spend tax money to feed and house prisoners



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when they can manage it themselves?

MY HEAD WAS in the clouds, riding this wide-eyed, naïve approval of their system. Eager to learn more, I ordered “Marching Powder” immediately. I powered through the stranger-than-fiction page-turner, only to be brought back to earth with a thud.

The book solidified the endless corruption, perpetual violence, and organized crime that saturate the prison culture. I realized that the system they had created was surely not brought on by any enlightened source of wisdom, but the product of corruption.

In the United States we are afforded the luxurious mentality that our justice system can accurately separate the Good Guys from the Bad Guys. When corruption stains our social fabric, it's easy to

spot-clean and the faith is restored in the system.

But the corruption that plagues Bolivia is endemic. The judges and the prosecutors and the guards do not see their positions as opportunities to uphold justice, but as muscle to leverage their next bribe. And in the country where there is no system trusted to define the Good Guys and the Bad Guys, no mentality separating them exists.

They do not kid themselves that they are doing justice when they lock offenders up. It is simply one group of criminals locking up another — surely a sad proposition, but it might reveal a certain bared truth that our finely tuned justice machine masks: that any attempt to quarantine Evil will to some degree remain flawed.

SAN PEDRO, like Bolivia, remains as unpredictable as it is lawless. Two parties of friends have attempted entry to San Pedro since I related my story to them: once in June 2009 and again in June of this year in an attempt to obtain photos for this article. Both were turned away at its gates.

Despite the fame garnered since the 2003 release of “Marching Powder,” San Pedro still shows no signs of changing its ways. The prison authorities still stand by their official statements of the prison's normalcy despite the book and wealth of travel blogs serving as witnesses. Oddly enough, “the world's most bizarre tourist attraction” denies both allegations: being bizarre and being a tourist attraction. But knowing Bolivia, it seems almost fitting. ○

NEWS ABOUT MEMBERS

University of Montana Law Professor **Greg Munro** has received the Law Student Wellness Award from the ABA Commission on Lawyer Assistance Programs (CoLAP). The award goes to any law school, student, staff, or faculty member which has made a significant contribution to law student assistance. Professor Munro is a volunteer for the State Bar of Montana's Lawyer Assistance Program at the University of Montana School of Law. Professor Munro has incorporated outside Alcoholics Anonymous speakers into his classes to speak to all incoming law students, and helped create a support group for law students and local attorneys.

Five attorneys have recently become associated with the law firm of Crowley Fleck. They are:

■ **Joshua Cook.** Mr. Cook received his BS from Brigham Young University in 2007 with a major in Business Management and emphasis in Finance. He has a background in the real estate and mining industries, and he recently graduated cum laude from Gonzaga University School of Law. During law school, Mr. Cook competed on the National Trial Moot Court Team and worked for the Washington State Court of Appeals. He was an intern with the Crowley firm in 2009 and will practice in its Natural Resources Department in Billings.

■ **Kristin Bjella How.** Ms. How graduated magna cum laude from Concordia College in 2005 with a BA in Biology and Psychology. She graduated with honors from the University of Iowa College of Law in 2009. She will practice in the Natural Resources Department in Crowley's Bismarck office.

■ **Brad McCamy.** Mr. McCamy graduated with distinction from the University of North Dakota School of Law in 2010.

While in law school, he served as an associate editor for the law review and as an extern with the U.S. Attorney's Office for North Dakota. In 2007, he graduated summa cum laude from North Dakota State University with a BS in Zoology. He will practice in the Natural Resources Department in Crowley's Williston office.

■ **Amy Oster.** Ms. Oster graduated magna cum laude from North Dakota State University in 2006, with a BS in Mass Communication. She graduated with distinction from the University of North Dakota School of Law in 2009, where she was an editor of the *North Dakota Law Review*, a member of Order of the Coif, and active in the Law Women's Caucus. Prior to joining the firm, Ms. Oster completed a one-year clerkship for Justice Dale V. Sandstrom of the North Dakota Supreme Court. She will practice in the Litigation Department in Crowley's Bismarck office.

■ **Eric Peterson.** Mr. Peterson graduated from Montana State University in 2006 with a BA in Political Science and a BS in Sociology, and in 2010 he graduated from the University of Iowa College of Law with high distinction. He will practice in the Litigation Department in Crowley's Billings office.

■ **Dante E. Tomassoni.** Mr. Tomassoni, originally from Minnesota's “Iron Range,” recently joined Crowley's Natural Resources Department in the Bismarck office. He graduated law school from the University of North Dakota in 2008. At the University of North Dakota, he clerked for a local Grand Forks law firm, was a Westlaw student representative and a graduate assistant coach for the hockey program. He obtained his undergraduate degree from the College of St. Scholastica in Duluth, Minn., in 2005 with a BA in Economics.

DEATHS

Lance Tonn, Miles City attorney

Miles City attorney Andrew Lance Tonn, 58, died on Sept. 3 at the Holy Rosary Healthcare Center in Miles City.

Mr. Tonn was born in Miles City and attended country school near there. He graduated from Custer County High School in 1970, and in 1974 he graduated from Pacific Lutheran University in Tacoma, Wash. He then attended law school at Gonzaga University in Spokane, and graduated in 1977.

Mr. Tonn worked for one year at the Montana Supreme Court and in 1978 he moved back home to Miles City and began the practice of law at Lucas & Monaghan, later to become Lucas & Tonn, of which he became the sole owner in 2009. He continued the practice of law until his death.

"Attorneys thought Lance was a rancher with a law degree, ranchers thought Lance was an attorney with a ranch," his obituary said. "But those who knew him best knew his passion was the ranch where the roots of his legacy began."

Mr. Tonn is survived by his wife and a son.

Daniel Sweeney, Billings attorney

Retired Billings and Laurel attorney Daniel Hugh Sweeney, 89, died Sept. 2 in Billings.

He was born and raised in Billings. He attended the University of Montana and was a member of the Sigma Chi fraternity. He worked at Lucy's furniture store to help pay for his education. He served in the Army Air Corps during World War II, where he learned to fly B-29s.

After the Montana attorney general spoke to his sixth-grade class, Mr.

Sweeney knew he wanted to be a lawyer. He graduated from the University of Montana School of Law in 1946. He and his wife, Mary, and their first son John moved to Laurel in 1946, where Mr. Sweeney was Laurel city attorney.

The family moved to Billings in 1964 where Mr. Sweeney practiced law. He was a 50-year member of the State Bar of Montana, and served on many boards for his community and church.

Mr. Sweeney is survived by his six children.

Donald Marble, Chester attorney

Former Chester attorney Donald Marble, 72, died of pancreatic cancer Aug. 22 in Tucson, Ariz.

Mr. Marble was born in Kalamazoo, Mich. He received a master's degree in aeronautical engineering in 1963 from the University of Michigan. During his university years, he was a summer employee of the U.S. Forest Service in Idaho and Montana, primarily working as a smokejumper. After college, he was employed as an engineer for NASA in Mountain View, Calif.

Mr. Marble moved to Montana, where he attended law school at the University of Montana, graduating in 1967.

Mr. Marble's legal career began in Havre with the Legal Services program, through which he provided legal aid to people in Liberty, Blaine, and Hill counties, including the Rocky Boy's and Fort Belknap reservations. In 1970, he joined the law firm of Paul Bunn in Chester. He practiced law in Chester until 2002, when he closed his private practice after being elected to the Liberty County Commission, on which he served for six years.

Mr. Marble served on the Montana Committee for the Humanities, the Supreme Court's Commission on Practice, and the Montana Board of Environmental Review. He was a long-time member of the Montana Wilderness Association, for which he served a term as vice president. He also was actively engaged with environmental groups, including the Sweetgrass Hills Protective Association, Montana Environmental Information Center, Glacier-Two Medicine Alliance, Montana Audubon, and Friends of the Missouri Breaks Monument.

Mr. Marble is survived by his wife, Harriet, and two sons.

Robert O'Leary, U.S. attorney

Former U.S. attorney Robert T. "Bob" O'Leary of Butte died Sept. 10 in Helena.

Born and raised in Butte, Mr. O'Leary attended the University of Notre Dame and received his law degree from Creighton University School of Law.

Mr. O'Leary was a deputy county attorney in Anaconda-Deer Lodge County, assistant U. S. attorney in Montana during the Kennedy administration, and spent eight years in private practice. He was appointed by President Jimmy Carter to be U.S. attorney for Montana. He was later a litigator for the Montana Power Co. from which he retired.

Mr. O'Leary was a member of the State Bar of Montana for 50 years, and served 10 years on the Montana Parole Board, with several years as chair. He also was selected for the Butte Sports Hall of Fame. He is survived by his wife, a daughter and a son.

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ATTORNEY POSITIONS

TENURE-TRACK PROFESSOR: The University of Montana School of Law anticipates hiring a full-time, tenure-track professor for the 2011 academic year to teach contracts and related courses. We are committed to integrating theory with practice, making substantial practical experience in the areas to be taught particularly valuable. We encourage applications from women, people with disabilities, veterans, minorities and other individuals historically underrepresented in the legal profession. For the full job description and application instructions, please visit: www.umt.edu/law.

U-SYSTEM STAFF ATTORNEY: Montana University System. Office of the Commissioner of Higher Education. Join the legal team in a challenging and rewarding entry-level position. Health insurance, retirement plan, generous vacation and sick leave, employee and dependent tuition waivers in accordance with policy. View more information and application requirements at: <http://mus.edu/che/ochejobs.asp>.

DOMESTIC VIOLENCE ATTORNEY: The Montana Legal Services Association has an opening in Butte for a staff attorney. This position will provide poverty law services to domestic violence victims in Butte and the surrounding region. Areas of law include family law, consumer law, housing law, employment law, public benefits, probate and other civil matters. Services provided will range from brief counsel and advice, to more extended represen-

tation on core legal issues affecting MLSA clients. Requires travel within Montana. Contact Montana Legal Services Association, 616 Helena Ave., Suite 100, Helena MT 59601; (406) 442-9830, ext. 34.

ATTORNEY: Established law firm in Billings seeks attorney with two or more years of experience. Please send letter of application, references, resume, transcript, and writing sample to Hendrickson Law Firm, PO Box 2502, Billings MT 59103-2502.

DEPUTY COUNTY ATTORNEY: The Beaverhead County Attorney's Office is seeking a deputy county attorney. Position is open until filled. Applicants must be licensed to practice law in Montana. Recent graduates are encouraged to apply. Salary to be determined, based on experience and qualification. To apply, submit a letter of introduction, a resume, three references, and an unofficial transcript to the Dillon Job Service, 730 N. Montana, CL #4, Dillon MT 59725. Contact the Job Service at (406) 683-4259 for further information.

ATTORNEY POSITIONS SOUGHT

LOBBYING / ASSOCIATION REPRESENTATION: Montana native, attorney, and long-time congressional aide with experience lobbying at state and federal levels. Looking to expand lobbying/association representation practice. Providing full-service representation for association/organization clients: from advancing interests before government agencies and Legislature, to litigation services of interest to association members. For more information, visit www.doney-law.com or contact Jim Brown at (406) 443-2211.

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PROBATE PARALEGAL: Billings law firm seeks full-time probate paralegal with benefits. Paralegal certificate and experience in probate, trusts, and accounting preferred. Salary based on qualifications and experience. Send resume to: attention Audrey, Moulton Bellingham PC, PO Box 2559, Billings MT 59103.

DIRECTOR OF LAW LIBRARY & TECHNOLOGY SERVICES: The University of Montana School of Law seeks applications for the tenure-track position of director of Law Library and Technology Services, who will oversee all aspects of library operations. Demonstrated potential for scholarship, active involvement in professional organizations, and past practice experience are valued. We encourage applications from women, people with disabilities, veterans, minorities and other individuals historically underrepresented in the legal profession. For the full job description and application instructions, please visit: www.umt.edu/law.

LEGAL ASSISTANT / PARALEGAL:

Legal experience preferred. Good organizational and writing skills required. Competitive salary, depending on experience; 401k, health, dental. Resume and writing sample to Halverson & Gilbert PC, PO Box 80470, Billings MT 59108-0470.

LEGAL SECRETARY: Helena litigation

firm seeks full time legal secretary to provide support services to attorneys. Legal experience and good organizational skills required. Salary and benefits depend on experience. Send letter of interest and resume to: Lamb & Carey Law, 2601 Broadway, Helena MT 59601.

PARALEGAL: The Montana Legal

Services Association has an opening for a paralegal in its Billings office. The paralegal will be part of MLSA's Domestic Violence Unit and responsible for providing support to the DV Unit attorney and pro se assistance to clients in Billings and the surrounding region. Paralegal will assist clients on and conduct outreach to the Crow and Northern Cheyenne Indian Reservations. Applicants must demonstrate excellent practice skills, strong people skills and flexibility. Contact Montana Legal Services Association, 616 Helena Ave., Suite 100, Helena MT 59601; (406) 442-9830, ext. 34.

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TOO BUSY TO BREATHE? UM law graduate and former PLRLR editor available for all types of contract work, including research, brief writing, transcription, document review, and litigation support. Six years experience research and writing, especially environmental, land use, tort, product liability, property, workers comp, and insurance law; prior paralegal experience; MT license. Contact Merianne Stansbury at (406) 697-0060 or meriannest@ymail.com.

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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 testimony provided for depositions and trials. Attorney references provided upon request. Michael F. Richards, Bozeman MT (406) 581-8797; mrichards_59730@yahoo.com.

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Retrieval and examination of computer and electronically stored evidence by an internationally recognized computer forensics practitioner. Certified by the International Association of Computer Investigative Specialists (IACIS) as a Certified Forensic Computer Examiner. More than 15 years of experience. Qualified as an expert in Montana and United States District Courts. Practice limited to civil and administrative matters. Preliminary review, general advice, and technical questions are complimentary. Jimmy Weg, CFCE, Weg Computer Forensics LLC, 512 S. Roberts, Helena MT 59601; (406) 449-0565 (evenings); jimmyweg@yahoo.com; www.wegcomputerforensics.com

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English into Spanish or Spanish into English. Over 15 years of experience. Simultaneous, consecutive, interpreting and translations of documents, in the legal and

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