

MONTANA LAWYER

State Bar
— of —
Montana

May 2018 | Vol. 44, No. 8

What is a Paralegal?

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The official magazine of the State Bar of Montana published every month except January and July by the State Bar of Montana, 33 S. Last Chance Gulch, Suite , P.O. Box 577, Helena MT 59624. 406-442-7660; Fax 406-442-7763. Email: editor@montanabar.org

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Subscriptions are a benefit of State Bar membership.

Advertising rates are available upon request. Statements and expressions of opinion appearing herein are those of the advertisers or authors and do not necessarily reflect the views of the State Bar of Montana.

Postmaster: Send address changes to Montana Lawyer, P.O. Box 577, Helena MT 59624.

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Bar has key role in restoring public's trust in legal system

If men were angels, no government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

— James Madison, Federalist Paper No. 51 (1788)

In this quote, James Madison reflects that even a government of laws is ultimately “administered by men over men.” To address this inherent weakness, the framers of the U.S. Constitution developed an institutional framework, the separation of powers, to ensure that no one person can gain absolute power and stand above the law. Our system of checks and balances is designed to withstand various assaults on our government.

However, a confluence of factors is threatening the public's trust and eroding the framework created by the U.S. Constitution. Increasing declines in public confidence in government and institutions are difficult to battle. Edelman, a global communications marketing firm engaged in surveying the public trust for the past 18 years, recently identified major declines in

four key societal institutions – business, government, NGOs, and media. “The public's confidence in the traditional structures of American leadership is now fully undermined and has been replaced with a strong sense of fear, uncertainty and disillusionment.” Edelman reports that fewer than one in three individuals believe that government officials are credible. In this crisis, “the biggest victim has been confidence in truth.” According to the research:

Persistent references to fake news, linked to headlines around foreign government election manipulation have, unsurprisingly, had a cumulative, deep effect on the public. The inability to stem the perceived surge in disinformation has proven toxic: 63 percent of the U.S. general population finds it difficult to distinguish between what is real news and what is fake. The public is fearful, and trust is disturbingly low.

The public's declining trust in civil institutions threatens the foundations of our society as well as the rule of law, and ultimately our profession. A democratic republic is built on the consent of the governed. What happens if the governed withdraw their consent?

The State Bar Board of Trustees



The Honorable Leslie Halligan of Missoula is a 4th Judicial District judge. She previously served as a standing master in the 4th Judicial District and as a deputy county attorney in Missoula County.

recognizes the critical role that lawyers can and must play in restoring public trust in our justice system and the rule of law. At its recent strategic planning session, the Trustees identified as a primary goal for the 2018-2020 strategic plan “to strengthen the State Bar of Montana's role as a voice for lawyers and the profession through programs and resources developed to aid the public in understanding the judicial system and the rule of law, building confidence in public institutions, and facilitating access to legal services.” To this end, the State Bar is committed to expanding law-related education initiatives, engaging the public in civil discourse on legal topics, and communicating the important protections provided to all of us by the rule of law.

We are interested in receiving your comments regarding this strategic goal. Our two-year strategic plan will be presented for approval at the September Annual Meeting, to be held in Kalispell on Sept. 20-21. We invite you to participate in efforts to refine the plan, and to join with us as we implement it. With your assistance, we will endeavor to improve the public trust, advance the legal profession, and ensure that our system of justice works on behalf of all Americans.

The State Bar is committed to expanding law-related education initiatives, engaging the public in civil discourse on legal topics, and communicating the important protections provided to all of us by the rule of law.

Leading the legal profession while serving the public interest



John Mudd, a member of the State Bar of Montana since 2001, became the bar's executive director in January. He is a long-standing member of the Bar's Professionalism Committee.

Some would suggest, perhaps correctly, that we are in the midst of a Fourth Industrial Revolution. How will these changes affect the workplace, particularly knowledge workers in professions such as our own?

After a long winter, spring has finally arrived across Montana. Longer days and new beginnings remind us that there is a season for everything. A bountiful fall harvest requires thoughtful work in the spring.

As Bar President the Honorable Leslie Halligan notes in her monthly column, over the past several months, your elected State Bar of Montana leadership and professional staff have embarked upon a strategic planning effort to chart a course for the next two years and plan for the future of the organization.

How do we lead the profession and serve the public, as our mission reads? Are we delivering excellent knowledge, learning opportunities and value to our members? Have we made enough progress improving the administration of justice and guaranteeing access to the same?

These are the types of important questions raised during our conversations. They are framed against a backdrop of accelerating technological and societal changes sure to affect the profession.

Lawyers are not alone in wrestling with these questions. At a recent gathering of national professional association thought leaders, the topic on the minds of chief executives, from the largest international associations to small bar organizations, were the coming effects from disruptions like artificial or augmented intelligence, blockchain and the changing digital economy. Some would suggest, perhaps correctly, that we are in the midst of a Fourth Industrial Revolution.

How will these changes affect the

workplace, particularly knowledge workers in professions such as our own? What are the challenges that these changes will bring, as well as new opportunities they may unleash?

Lawyers have adapted before: From the founding of the republic, to the dawn of America's industrial society, to the rise and fall of the dot-com bubble, the profession has provided necessary advice and counsel to clients and public leadership in support of the rule of law.

As an integral part of a self-regulating profession, bar associations, including the State Bar of Montana, will play a vital role in continuing to adapt to a changing world.

Our strategic planning process seeks to put the State Bar of Montana on the best possible footing for the next two years by, among other things, continuing to improve our relations with the public, including through educational activities, improving our communications with members, and ensuring that we continue to strengthen our operations.

As we approach the 2018 Annual Meeting in Kalispell where the plan will be presented to the Board of Trustees for final approval, look for continued improvements from your bar. And, if you have your own thoughts and ideas about how we can continue to improve and plan for the future, be sure to use the email address feedback@montana.bar.org, to send us your good ideas.

All the best,
John

CAREER MOVES

Von Jentzen joins Kaufman Vidal Hileman

Kaufman Vidal Hileman Ellingson has announced that Emily von Jentzen has joined the firm as an associate attorney.

Von Jentzen obtained a bachelor's degree in criminal justice and a bachelor's degree in sociology from Central Washington University before earning her Juris Doctor from University of



von Jentzen

Montana School of Law in 2009. Von Jentzen has accumulated a vast amount of trial experience while serving as a prosecutor for the past eight years with the Flathead County Attorney's Office, the Montana

Attorney General's Office and the Kalispell City Attorney's Office. She has extensive experience and knowledge in the areas of child advocacy and dependency law.

In her spare time, in 2013 von Jentzen co-founded The Enduring Waves Foundation, a Montana 501(c)(3) non-profit which raises money for children with special medical expenses through long-distance swimming events.

Von Jentzen joined Kaufman Vidal Hileman Ellingson in March. Von Jentzen's practice areas will include general civil litigation, nonprofit formation/representation and child advocacy.

Montana Lawyer welcomes news about members, firms

The Montana Lawyer welcomes the submission of news about bar members, law firms, local bar association happenings, and topics of interest to attorneys in Montana.

Notices are printed free of charge. Photos must be at least 300 ppi at 2 inches wide. News items are subject to editing. Items are printed as space is available. For more information, please contact Joe Menden, 406-447-2200 or jmenden@montanabar.org.

She can be reached at 406-755-5700 or Emily@kvhlaw.com.

Sullivan joins Datsopoulos MacDonald & Lind

Zane Sullivan has joined Datsopoulos MacDonald & Lind in an Of Counsel capacity at their Missoula office.



Sullivan

Sullivan is admitted to practice in Montana and the U.S. District Court, Ninth Circuit and the U.S. Supreme Court. His practice areas include real estate transactions, boundary and title disputes, easements, homeowner associations, real estate

lending law; business law and business formation.

Sullivan is extremely active and well known in the real estate community. He is a designated instructor for the National Association of Realtors, for the Montana Association of Realtors, and the Graduate Realtor Institute. He has been a guest lecturer at the University of Montana School of Law, the State Bar of Montana and the Montana Land Title Association. In addition to being an attorney, he is a Realtor and holds real estate licenses in California and Montana. He can be contacted at zsullivan@DMLlaw.com 406-728-0810.

ACHIEVEMENTS

Moseman earns paralegal certification

Tarlow Stonecipher Weamer & Kelly, PLLC is pleased to announce Jenna Moseman has earned her professional paralegal certification through NALS, the association for legal professionals.

This certification requires a formal examination to confirm extensive legal knowledge and skills in numerous areas including research, terminology, investigation, communications, ethics, and judgment, and requires a clear understanding of local, state, and federal procedural rules and substantive law.

Moseman, a Belgrade native, received her Bachelor of Science degree in sociology with a concentration in criminology from Montana State University. She has been with Tarlow Stonecipher Weamer & Kelly, PLLC for over two years.

Alexander Blewett III
SCHOOL OF LAW
UNIVERSITY OF MONTANA

Advanced Trial Advocacy Program

May 21 - 25, 2018

This program is recommended for any lawyer wishing to improve skills with witnesses and courtroom argument whether in trial, deposition or hearing.

Tuition: \$1950

CLE: Approximately 30 credits (pending approval)

Registration: umt.edu/law-ata



Dedicated Instructors

An outstanding group of highly-accomplished Montana trial lawyers will demonstrate skills and critique your performance throughout the program.

76% pass February bar exam in Montana

More than three-quarters of those who took the February 2018 bar exam in Montana passed.

A total of 34 people took the February exam, with 26 passing – a pass rate of 76.4 percent.

The following 22 people passed the bar and met all requirements for admission to practice law in Montana, according to the Board of Bar Examiners:

Larissa Kay Anderson; Matthew Scott Beckers; Robert William Berleth; Erin Luthien Burke, Andrew Rhett Butler, Ashley Ngoc Carroll, Kathryn Elizabeth Delans, Melinda Ann Driscoll, Samuel Eugene Freudenburg, Jayme Jean Hill, Christine Anne Lewanski, Phoebe Penelope Marcinek, Katherine Elizabeth Merck, Nicole Florine Morton, David Michael Murray, Kai Nielsen Puhmann, Erik Patrick Rathie, Vincent Axil Tellini Salminen, Lyndon John Scheveck, Morgan MacKenzie Stacey, Megan

Reaelene Timm, and Hannah Marie Wilson.

Another four passed the bar exam but still needed to attain a qualifying MPRE score and/or attend the Montana Law Seminar to qualify for admission to the State Bar of Montana:

Four new members appointed to Commission on Practice

The Montana Supreme Court appointed four new members to the court's Commission on Practice in April.

Area A: Randall S. Ogle, Ogle Worm and Travis, Kalispell

Area B: W. Carl Mendenhall, Worden Thane, Missoula

Area F: Michael G. Black, attorney at law, Helena

Area G: Wm. Nels Swandal, Swandal Law, Livingston.

Ogle, Mendenhall, Black and Swandal

were appointed to four-year terms that expire on April 1, 2022. The Supreme Court chose them from a list of the top three candidates in elections held in each area on April 6.

Grmoljez appointed to Equal Pay for Equal Work Task Force

Gov. Steve Bullock has appointed Helena attorney Aimee Grmoljez to the Equal Pay for Equal Work Task Force.

Gov. Bullock established the task force in 2013 to provide recommendations on policies and actions to ensure that Montana workers earn equal pay for equal work, regardless of gender.

Grmoljez is a partner with Crowley Fleck in its Helena office. Pam Haxby-Cote, Montana Department of Commerce director, and Galen Hollenbaugh, commissioner of the Department of Labor and Industry, are co-chairs of the task force.

Worden Thane P.C. welcomes Brand Boyar to the team.



BRAND BOYAR
ESTATE PLANNING,
PROBATE, COMMERCIAL
TRANSACTIONS, TAX EXEMPT
ORGANIZATIONS AND ESTATE
AND TRUST LITIGATION

Worden Thane P.C. is excited to welcome Brand Boyar to the team. Brand will be serving both the Missoula and Helena communities in the areas of Estate Planning, Probate, Commercial Transactions, Estate and Trust Litigation, and Tax Exempt Organization Law.

Brand has been recognized as an "AV" (or Preeminent) attorney by Martindale Hubbell, is a past chair of the Helena Estate Planning Council, and currently serves as chair of the Business, Estates, Trusts, Tax and Real Property Section of the State Bar of Montana.

At Worden Thane P.C., Brand will continue to blend his focused transactional practice with a complementary litigation caseload and looks forward to serving clients on both sides of the Divide.

PROVIDING STATEWIDE
LEGAL REPRESENTATION WITH
CLIENT-DRIVEN RESULTS.



**WORDEN
THANE P.C.**
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Move On? Or keep on keepin' on?

I just received my copy of the April 2018 Montana Lawyer, and I read the article entitled "Is it time to move on?" by Jay Lansing. I'd like to follow that up. His practice was predominantly criminal defense; mine was predominantly family law – both areas of high stress. I participated in at least 2,000 divorce, custody, child support and adoption cases from 1985 until my move to Texas.

Since that time, I have taught law at three universities (two face-to-face and one online, and I have been the San Marcos Teen Court Judge for 3 ½ years.) Now, after 33 years of being a member of the Montana bar, I am "fixin'" to take the Texas bar exam in July; I have a stack of books approximately 3 feet tall, and I'm reviewing them daily (and the rule v. perpetuities still sucks ☺).

While there were many "ugly" cases with which I had to deal, and while there were many "difficult" attorneys with whom I had to deal, I am very glad to

have had my family law practice, and I look forward to assisting more persons here, dealing with issues in their marriage. The pros outweigh the cons.

It is certainly necessary to not let the stress of the profession take over, and there is no rule that we must continue to practice law for the rest of our working life. I have entered the ministry, and I will devote the great majority of my time to that. There is no inherent conflict between God's law and man's law. Should I pass the Texas bar exam, I will resume family law, but I will not "live in the courthouse" as I did in my first 33 years. My Montana law license is very precious to me and I will never give it up. I'm confident I will feel that way about a Texas license as well. I wonder if practicing in Texas will be as rewarding as practicing in Montana? Time will tell.

*Jim Elshoff
San Marcos, Texas*

Submitting a letter to the editor to the Montana Lawyer

The Montana Lawyer will make every effort to print all letters to the editor submitted by members of the State Bar of Montana.

Letters should be limited to 250 words. Letters longer than 250 words require prior approval of the editor.

Letters can be sent by mail to Montana Lawyer, P.O. Box 577, Helena, MT 59624; by email to editor@montanabar.org; or by filling out the form at the Montana Lawyer web page: [montanabar.org /page/MTLawyer](http://montanabar.org/page/MTLawyer).

If you have questions, email editor@montanabar.org or call editor Joe Menden at 406-447-2200.

Lawyer Referral & Information Service

When your clients are looking for **you** ... They call **us**

How does the LRIS work? When a call comes into the LRIS line, the caller is asked about the nature of the problem or issue. If an attorney is required, the caller is referred to an attorney based on location and practice area. The caller then contacts the attorney to schedule an initial consultation.

It's inexpensive: The yearly cost to join the LRIS is minimal: free to attorneys their first year in practice, \$125 for attorneys in practice under five years, and \$200 for those in practice over five years. Unlike most referral programs, Montana LRIS doesn't require you to share a percentage of fees generated from referrals!

You don't have to take the case: If you are unable, or not interested in taking a case, just let the prospective client know. The LRIS can refer the client to another attorney.

It's easy to join: Membership of the LRIS is open to any active member of the State Bar of Montana in good standing who maintains a lawyers' professional liability insurance policy. To join the service simply fill out the Membership Application at www.montanabar.org -> Need Legal Help-> Lawyer Referral and forward to the State Bar office. You pay the registration fee and the LRIS will handle the rest. **If you have questions or would like more information, call 406-442-7660 or email mailbox@montanabar.org.**

Ravalli Co. Judge Haynes to retire July 31

Ravalli County District Court Judge James Haynes has announced his retirement after more than 15 years on the bench.

Haynes announced his retirement, effective July 31, in a letter to Montana Supreme Court Justice Mike McGrath dated April 13. A new judge will be selected through the judicial nomination process.

Judge Haynes noted in his letter that the permitted season for the Selway River ends when his retirement begins, and he plans a "50-mile retirement party."

Haynes was first elected in 2002 to a newly created second department in the 21st Judicial District. He was re-elected in 2008 and 2014.

A 1982 graduate of the University of Montana School of Law, Haynes practiced in Hamilton for 20 years before joining the bench.

"It has been propitious – my great good fortune – to have had the first-hand opportunity to work for Montana's Judicial Branch," Judge Haynes wrote in his resignation letter. "The consistently stellar judges and staff have been the finest colleagues. This means much. My only



The Honorable James A. Haynes

other similar camaraderie experience was as a wildland firefighter/smokejumper. Bonds formed in adverse conditions. The parallels with judicial service are remarkably similar."

Applicants sought for 21st Judicial District judge

The Judicial Nomination Commission is now accepting applications for a 21st Judicial District judge to replace the retiring Judge James A. Haynes of Hamilton.

The commission is accepting applications from any lawyer in good standing who has the qualifications for holding the position of district court judge. The application form is available electronically at the commission website. Applications must be submitted electronically as well as in hard copy. The deadline for applications is 5 p.m., Monday, June 11.

A public comment period will run from Tuesday, June 12, through Thursday, July 12.

The commission will forward the names of three to five nominees to Gov. Steve Bullock for appointment. The appointee is subject to Senate confirmation during the 2019 session and must run for election to a six-year term in 2020. The annual salary for the position is \$132,567.

Recent Montana Supreme Court Opinions

Delay in arraignment leads to overturned drug conviction

The court in April overturned a Miles City man's guilty verdict for drug possession due to an unnecessary delay in his arraignment.

Philip Gribble was arrested on Dec. 21, 2015, after officers found marijuana, methamphetamine and other illegal substances in his car. Gribble was assigned counsel on Jan. 6, 2016, and arraigned nine days later. The state argued that the delay was due to the Christmas and New Year's holidays and because a homicide that month consumed most of the Custer County Attorney's resources.

The Supreme Court, however, ruled that those factors did not justify holding Gribble "incommunicado, unrepresented, and without the proceedings required by

law," and that the District Court erred when it ruled that Gribble needed to show actual prejudice to satisfy the unnecessary delay standard.

Court: Public duty doctrine does not shield officer for injury

The Supreme Court in May ruled that a bystander can sue a Montana police officer personally for an injury the person claims was caused directly by the officer's negligent actions.

The 7-0 ruling was in answer to a certified question from the U.S. Court of Appeals for the Ninth Circuit in the case of a Billings man injured when a police officer tackled him while pursuing a suspect who entered the man's yard.

Officer Paul Lamantia argued that the public-duty doctrine shields him from

liability. The homeowner, Robert Bassett, argued that because he was directly injured by Lamantia's actions, Lamantia owed him a duty of care. The decision was limited to whether Lamantia owed the homeowner a legal duty under state law.

The court held that the public-duty doctrine recognizes that an officer owes a duty to protect and preserve the peace to the public generally.

Accordingly, the public-duty doctrine only applies to an officer's duty to protect the public and does not apply to exclude a legal duty an officer may owe to a person injured directly by the officer's actions. The court concluded that, under general principles of negligence, Lamantia owed a legal duty to exercise the same care that a reasonable officer with similar skill, training, and experience would under the same or similar circumstances.



Plotting out the State Bar of Montana's future

Chris Newbold, executive vice president of ALPS Corporation in Missoula, joined the State Bar of Montana's trustees, staff and other stakeholders to facilitate the bar's long-range planning meeting in Red Lodge in early May. At right is State Bar Executive Director John Mudd. Participants developed a number of strategies to advance the bar's three strategic goals of improving organizational efficiency, enhancing the bar's engagement with membership and being a more effective voice on behalf of

the legal profession. See State Bar of Montana President Leslie Halligan's message on page 3 to learn more.

Newbold, a 2001 graduate of the University of Montana School of Law who has facilitated similar exercises with state and local bar groups across the country, said he is excited for the future of the Montana bar, which he feels is on an upward trajectory.

(Montana Lawyer photo)

Montana Lawyer seeks articles for upcoming criminal law issue

The Montana Lawyer is soliciting for articles for a planned upcoming issue of the magazine focusing on criminal law.

Bar members who would like to contribute an article for the issue or who have an idea for an article should contact editor Joe Menden at 406-447-2200 or jmenden@montanabar.org.

All articles included in the issue must be peer reviewed by the State Bar's Criminal Law Section.

CLE by the Sea offers chance to learn, explore in Honolulu

State Bar of Montana members in February 2019 will have an opportunity to combine continuing legal education with a vacation in paradise.

CLE by the Sea, presented by the State Bar of Alaska, will be held Feb. 11-15. The seminar, which is approved for 12.0 Montana CLE credits, including 6.0 Ethics.

There will also be a variety of optional events, including a Hanauma Bay snorkeling tour and a sunset cocktail sail.

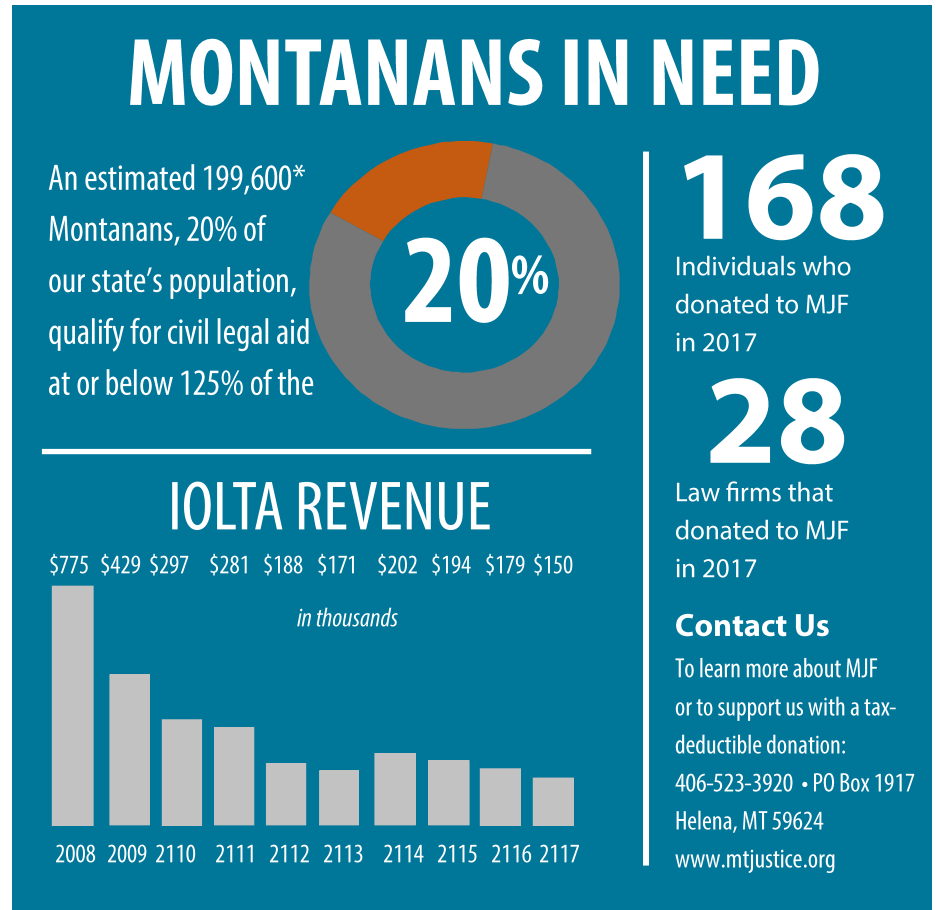
For more information, including a full schedule of events and presenter bios, visit www.alaskabar.org/2019CLEByTheSea.

Attorneys' IOLTA compliance helps sustain Montanans' livelihoods, health and families

The Montana Justice Foundation and the State Bar of Montana recently conducted the 2017 IOLTA (Interest on Lawyers Trust Accounts) compliance reporting process. While completing the annual certification process is mandatory, reporting is much more than simply fulfilling a professional obligation. Certifying IOLTA accounts is a valuable way Montana attorneys support civil legal aid programs and ensure greater access to justice for Montana's most vulnerable communities. Attorneys' diligence in maintaining trust accounts and reporting every year leads to big impacts in our civil justice system.

With the funds generated through IOLTA, cy pres awards, and donations from the legal community, the Montana Justice Foundation works to achieve equal access to justice for all Montanans through effective grant funding, promoting pro bono services, and developing more resources for Montanans in need of legal assistance. Our grant programs serve ordinary Montanans, particularly children, low-income families, Native Americans, survivors of domestic violence and sexual abuse, elderly Montanans, and veterans. We support projects that help people stay in housing, receive medical care, escape abusive and violent environments, and rebuild their lives, and many of our current grant projects address the connection between legal problems and other challenges affecting Montanans' health and safety.

A new program from Montana Legal Services Association – one of Montana Justice Foundation's longstanding grantees – demonstrates an especially strategic and collaborative approach. MLSA joined with the Montana Primary Care Association to create the Montana Health Justice Partnership, a program that provides legal assistance to patients at several community health centers across the state. MLSA's Health Justice Partnership attorney works as part of a clinical team to address issues such as



* from the 2012-2016 American Community Survey 5 Year Estimates

housing in disrepair, medical debt, family violence, denial of senior benefits, employment problems, health care access, and other issues than can impact patient health. The program recognizes that the populations most affected by barriers in accessing legal assistance to justice are also more likely to experience accompanying health problems – and that each type of problem can exacerbate the other. Through a single screening for multiple issues administered at the health center, the Partnership extends legal services to rural, migrant, and other hard-to-reach communities while spreading the cost and effort among a pool of partners.

Through the Health Justice Partnership, MLSA has had great success

working with the health care community and serving more clients. But, more importantly, it has also made a tangible difference in helping Montanans live healthier, more stable lives. For example, community health center staff identified a client in need of legal services after her abusive former spouse claimed he was not required to return their child after a visitation. The stress of the situation had exacerbated the client's mental health challenges, and she feared for the health and safety of her child if she were to lose primary custody. As a result of the screening at the health center, the client was referred to the MLSA attorney working for the partnership. The attorney successfully negotiated a settlement

agreement that maintained the client's primary custody of the child, kept the Permanent Order of Protection in place, established a visitation agreement and safeguards for the child, and secured child support dating back almost a year. MLSA's work through the partnership afforded this client improved physical and mental health, long-term safety, financial stability, and the security of her child's well-being.

All told, Montana Justice Foundation distributed nearly \$400,000 in grant awards to 17 organizations across the state in 2017. Like MLSA, many of our grantee organizations provide direct legal representation. However, the range of civil legal aid services provided by our grantees is much broader, including mediation services, law-related training and education, and Court Appointed Special Advocate programs that recruit and train volunteers to serve as advocates for abused and neglected children in the court system.

While IOLTA revenue provides a critical base of support for these grant

programs – since 1986, Montana Justice Foundation has granted more than \$6 million in IOLTA funds – Montana's IOLTA program is still recovering from the severe drop in interest rates during the last decade, and IOLTA revenue has dwindled to a fraction of what it once was. In 2008, revenue from Montana IOLTA accounts totaled nearly \$775,000; in 2017, these revenues were less than \$200,000. Attorney compliance is more important than ever before in accomplishing the IOLTA program's goal of achieving justice for all, and the Montana Justice Foundation is immensely grateful to Montana attorneys for certifying and maintaining their IOLTA accounts.

Yet, with all the good work that IOLTA funding has accomplished, Montanans still face significant barriers to justice. With an ever-increasing recognition among our community that access to high-quality legal aid helps ensure the overall health, well-being, and security of low-income Montanans, we can continue to expand our work to increase access to justice for all Montanans. To

“

All told, Montana Justice Foundation distributed nearly \$400,000 in grant awards to 17 organizations across the state in 2017.

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make a tax-deductible contribution in support of legal aid as a critical component of vibrant, healthy, and successful communities, please visit www.mtjustice.org.

Alexander Blewett III
SCHOOL OF LAW
UNIVERSITY OF MONTANA

NINE WEEK-LONG COURSES WITH CLE OPTIONS

SUMMER INDIAN LAW PROGRAM

June 4 - August 3, 2018

Spend the summer in beautiful Missoula studying Indian Law! The Blewett School of Law invites you to participate in the 11th annual Summer American Indian and Indigenous Law Program:

- Indian Law Research** | June 4 - 8
- Mastering American Indian Law** | June 11 - 15
- American Indian Children and the Law** | June 18 - 22
- Designing Effective Governmental Regulations** | June 25 - 29
- Alaska Native Law and Policy** | July 2 - 6
- Native Hawaiian Law** | July 9 - 13
- Water Law in Indian Country** | July 16 - 20
- Indigenous Peoples in International Law** | July 23 - 27
- Public Policy and the Tribes** | July 30 - August 3

All courses run from 9:00 a.m. - 12:00 p.m. with the exception of Alaska Native Law and Policy, which will meet July 2, 3, 5 and 6 from 9:00 a.m. - 12:40 p.m. CLE credit for each course can be viewed on the program webpage. CLE registration fees are \$650 for all courses.

View descriptions and registration info online at umt.edu/indianlaw



AN EXPERIENCE IN India



Lecturing at law school in Punjab state was the opportunity of a lifetime for Billings lawyer

I was invited by the Rajiv Gandhi National University Law School in India, to lecture on American law in February. It was a once in a lifetime experience. The arrangements were made through the Senior Lawyers Program of the Center for International Legal Studies of Salzburg, Austria.

The RGNUL is a new law school in Patiala, about 150 miles north of Delhi in the state of Punjab. It has only been in existence for 10 years and is largely supported by the state of Punjab. There are currently 850 students; by the time the new buildings are complete, they expect to have 1,000 students. All of them are law students. The curriculum includes general studies for the first two years; it is a five-year course and students come in from high school and graduate ready to take the bar exam so they can become a lawyer authorized to practice anywhere in India.

I taught one class for 1½ hours each day for two weeks. It was a voluntary, non-credit class with about 20 students who merely received a certificate of completion at the end. In addition, I was invited to give one lecture to all of the approximately 170 students first-year students and another to most of the second-year students. Then I had two more large lectures when some of the other faculty wanted their classes to attend after learning of my discussion of the politics

of *Marbury v. Madison* and some other important cases in American law.

In addition to several lectures on the development of American jurisprudence, the American court system, and the importance of the Bill of Rights, I lectured on class actions, and I picked out probate and human rights enforcement in Montana as examples of how specific issues are handled in the United States.

Actually, I probably learned more than my students did. I had assumed that since India was a British colony just as the United States was before the Indian Constitution was adopted, the legal systems would be very similar. I was wrong. In fact, I was quite surprised at the many differences.

My first surprise was the length of the constitution India adopted in 1947 when it became independent. The vice chancellor of the university gave me a copy; it is 451 pages long. Part III containing The Fundamental Rights runs 16 pages.

In 1947, the drafters of the Indian Constitution contacted then-U.S. Supreme Court Felix Frankfurter to help them draft some portions of it, including the Fundamental Rights. I think that was a mistake — he encouraged them to list all of the exceptions to the fundamental rights immediately following the fundamental rights. For example, freedom of speech has eight exceptions. The right to assemble must be peaceable and without arms and pursuant to laws passed to protect the public order.

The most interesting change is the way Frankfurter convinced them to draft the due process of law clause. It reads, “No person shall be deprived of his life or personal liberty except according to procedure established by law.” Frankfurter thought this would prevent too many lawsuits interpreting the meaning of “due process of law.” Of course, that eliminates the protection against bad laws. In fact the faculty informed me that the India Supreme Court has, in effect, rewritten that section to take care of bad laws just as if due process had been used in the beginning.

On the other hand, another fundamental right not found in either our federal or Montana Constitutions is the right to a free and compulsory education for every child between ages 6 and 14. In some ways this is the key to modern India. Not only is education genuinely provided to all, but there is a real focus on the importance of education at all levels. Many go on to college and there even seems to be a real effort to obtain post-graduate education. India is becoming a highly educated country.

The biggest difference in India’s Constitution, is the concept of federalism. The federal government is much stronger and has many more powers than the federal government in the United States. While there are 19 separate states, they far less sovereignty and power than our states do. One of the reasons their Constitution is so long is that the state

Facing page , clockwise from bottom:

The Rajiv Gandhi National University Law School in Punjab state of India was built 10 years ago and is home to 850 students.

Billings lawyer Tom Towe is shown riding a camel during his visit.

A statue in the law library depicts Saraswati, the Hindu goddess of knowledge.

(Photos provided)

The Indian Constitution is much longer than the US Constitution — 451 pages long. Part III alone, containing The Fundamental Rights, runs 16 pages.

constitutions are essentially written into it. The governor is a political appointee appointed by the president and serves at the pleasure of the president. In effect, his job is to do the bidding of the party of the prime minister. The “chief minister,” elected by the people in each State, has some authority but not much compared to our elected chief executive.

As Professor Anand Pawar told me, “You had only 13 colonies and each one was very concerned about protecting its own sovereignty; they did not want to give up any more power to the central government than absolutely necessary to run the federal government. In India, we had 550 kingdoms, some of whom would not join voluntarily. We had to have a stronger federal government to preserve order.”

Another thing that is much different in the Indian Constitution is the selection of the Supreme Court. Although the Supreme Court judges are appointed by the president it is only after consulting with the other judges of the Supreme Court and the state high courts. Instead of appointment upon the advice and consent of the Senate as our Supreme Court justices are selected, in India they are appointed upon the advice of the remaining judges of the Supreme Court. The result is that the executive or the legislative branches have very little input in the selection of the Supreme Court judges. The president of India also appoints the judges of the high court of each state. He also must consult with the chief judge of India as well as the governor of that state and the chief judge of the high court of that state. They, also, are not political appointments.

One more thing. The judges of the Supreme Court and all other High Court judges are not appointed for life but until they reach age 65 for the Supreme Court and 62 for the High Court of each state. I question why that is not discrimination on the basis of age; but the ages are written into the Constitution.

Vice Chancellor Paramjit Jaswal (CEO of the law school—the chancellor is a ceremonial position held by the chief judge of the Punjab State High Court) told me he believes the Indian Constitution is the best constitution in the world. In fact, the people of India do not celebrate an independence day as we do; instead each year



Towe and his wife, Ruth, are shown at a party for him on his last day at the Rajiv Gandhi National University Law School with Professor Amand Pawar, left, and law student Aayush Bedi, right. (Photo provided)

they celebrate Indian Constitution Day, the day the Constitution was adopted.

When I got into probate laws, it was even more interesting. First a little background. India has 1.3 billion people — about four times the number of people in the United States living in a third of the area. We are told 79 percent of the people are Hindu, 14.5 percent are Muslim, 4.6 percent are Christian and the rest are Sikhs, Jans, or other. Religion is very important to virtually all Indians. The marriage ceremony is clearly the most important event in every Indian’s life. But about 75 percent of the married people in India are the product of an arranged marriage. Even the highly educated people with post-graduate degrees leave it to their parents to arrange their marriages. Although, it is probably true that most people nowadays believe they have a right to veto their parents’ choice, it is generally accepted that selection of a marriage partner is the function of the parents. If you don’t believe it, just look at the classified ads in any local newspaper.

In the little country villages, marriages are arranged when the children are as young as 8 or 9 years of age. Before we arrived at the law school we visited a rural school about 60 miles southeast of Jaipur with about 300 students in grades

1 through 10. We asked the principal how many of these 5- to 16-year-old students were married, and she said about one half of them were. They do live with their parents until they finish school. The question, of course, is whether they are happy. The divorce rate is very low, less than 5 percent. But some will admit they do not have a happy marriage.

Next, however, the question is what happens when one spouse dies. In both Hindu and Muslim tradition, the wife joins the husband’s family at marriage and the dower acts as the wife’s inheritance. The new wife joins the husband’s family and has no further claim to her natural parents’ inheritance. Once the husband dies, particularly if he dies young, the widow is really in a bad way. She no longer has any means of support from her old family and if she has not established herself she may have no support from her husband’s family. Some go to a home for widows in the cities and shave their heads and become beggars on the streets. In an attempt to break this system, dower is strictly prohibited by law, but a “wedding gift” is still legal. Widows are now better cared for than they used to be.



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By Shanni K. Barry

What is a paralegal? Knowing the facts can help maintain the integrity of the profession

As Chair of the Paralegal Section of the State Bar of Montana, I receive many questions related to paralegals. The questions come from current paralegals, aspiring paralegals, attorneys and law office administrators and all relate to the same topic — paralegals. What is a paralegal? How do you become a paralegal? What credentials should a paralegal possess? What duties does a paralegal perform? How much should a paralegal make? What should the billable hour requirement be? How much should we bill for a paralegal? While I am always willing to answer any questions you may have, this article may answer some of the most common questions.

Paralegals are not licensed in the State of Montana. Because of that, non-credentialed individuals may refer to themselves as a paralegal. This leads to confusion as to what a paralegal is.

What is a Paralegal?

This is how the American Bar Association defines a paralegal:

A legal assistant or paralegal is a person, qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible¹.

There are two very important distinctions in this definition: *legal assistant* and *substantive*.

1. A legal assistant is a paralegal.

In this era of political correctness, some have replaced the word “secretary” with “assistant.” But, a legal assistant is a paralegal. Because of that, referring to a legal



assistant can be very confusing. For clarity, stick to paralegal and legal secretary.

2. Substantive legal work. Substantive legal work is, well, substantive. Merriam Webster defines substantive as, “having substance: involving matters of major or practical importance to all concerned.” Basically, substantive legal work means in the absence of a paralegal, the work would be performed by an attorney.

In the 2009 Montana Legislature the Paralegal Section of the State Bar of Montana initiated legislation that resulted in the addition of paralegal language to the law regarding costs, including Mont. Code Ann. Sections 25-10-302 and -304, which allows a law office to include reasonable fees of a paralegal in the attorney fees awarded to the prevailing party. Mont. Code Ann Section 25-10-305 defines the word “paralegal” in that context:

25-10-305. Paralegal defined -- use of title. (1) As used in 25-10-304 and this section, “paralegal” means a person qualified through education, training,

or work experience who is employed or retained to perform, under supervision by a licensed attorney, substantive legal work that:

- (a) requires a substantial knowledge of legal concepts; and
 - (b) in the absence of the paralegal, would be performed by an attorney.
- (2) An individual may use the title “paralegal” if the individual:
- (a) has received an associate’s degree in paralegal studies from an accredited institution or a baccalaureate degree in paralegal studies from an accredited college or university;
 - (b) has received a baccalaureate degree in any discipline from an accredited college or university and has completed not less than 18 semester credits of course work offered by a qualified paralegal studies program;
 - (c) has received certification by the national association of legal assistants or the national federation of paralegal associations;

¹ https://www.americanbar.org/groups/paralegals/resources/current_aba_definition_of_legal_assistant_paralegal.html

(d) has received a high school diploma or its equivalent, has performed not less than 4,800 hours of substantive legal work under the supervision of a licensed attorney documented by the certification of the attorney or attorneys under whom the work was done, and has completed at least 5 hours of approved continuing legal education in the area of legal ethics and professional responsibility; or (e) has graduated from an accredited law school and has not been disbarred or suspended from the practice of law by any jurisdiction.

(3) A person may not practice as a paralegal except under the supervision of a licensed attorney and is prohibited from engaging in the unauthorized practice of law.

The costs associated with a case can become a crucial part of a law office's consideration of its ability to represent clients. The fact that attorney fees can be considered costs in civil cases, awarded by law, is not a small component of our system. A law office that employs a paralegal that meets the definition outlined in this statute can automatically include their costs with that of attorneys.

Paralegal certification through National Association of Legal Assistants (NALA)

NALA provides national standards, training, and certification of paralegals, all of which provide a basis for people seeking to truly join the profession and perform substantive legal work. To take the six-hour exam (often compared to the bar exam), a person must meet NALA's specific criteria, including the following:

1. Graduation from a paralegal program that is any of the following: approved by the ABA; an associate degree program; a post-baccalaureate certificate program in paralegal studies; a bachelor's degree program in paralegal studies; or a paralegal program consisting of a minimum of 60 semester hours (900 clock hours or 90 quarter hours) of which at least 15 semester hours (225 clock hours or 22.5 quarter hours) are substantive legal courses.

2 A bachelor's degree in any field plus one year's experience as a paralegal. Successful completion of at least 15 semester hours (or 22.5 quarter hours

or 225 clock hours or equivalent CEU hours) of substantive paralegal courses will be considered equivalent to one year's experience as a paralegal.

3. A high school diploma or equivalent plus seven years' experience as a paralegal under the supervision of a member of the Bar, plus evidence of a minimum of 20 hours of continuing legal education credit to have been completed within a two-year period prior to the examination date².

The NALA exam includes two parts: the knowledge exam and the skills exam. The knowledge exam must be successfully completed to sit for the skills exam. The knowledge exam consists of:

■ United States Legal System:

Sources of Law; Judicial System; Remedies; Administrative Law

■ **Civil Litigation:** Jurisdiction; Federal Rules of Civil Procedure

■ **Contracts:** Formation, Rights, and Duties; Enforcement and Defenses

■ **Corporate/Commercial Law:** Business Organizations; Rights and Responsibilities; Transactions

■ **Criminal Law and Procedure:** Criminal Law; Criminal Procedure

■ **Estate Planning and Probate:** Estates and Trusts; Wills

■ **Real Estate and Property:** Property Rights and Ownership; Transactions

■ **Torts:** Intentional Torts; Negligence; Strict Liability

■ **Professional and Ethical Responsibility:** American Bar Association (ABA) Model Rules of Prof. Conduct; Unauthorized Practice of Law
The Skills Exam consists of:

■ **Writing:** Grammar, Spelling, and Punctuation; Clarity of Expression

■ **Critical Thinking:** Reading and Comprehension; Analysis of Information; Decision Making³

NALA offers study materials as well as practice test for preparing for the examination. The Montana Association of Legal Assistants, is the local chapter of NALA. MALA offers a 1.5-day certified paralegal review course every fall as well as scholarships for the exam. The certified paralegal exam is \$275. NALA membership dues are \$140 annually and MALA

membership dues are \$25 annually.

State Bar of Montana— Paralegal Section

Another way to demonstrate to your employer and your employer's clients that you are qualified to call yourself a paralegal in Montana is to join the Paralegal Section of the State Bar of Montana. Membership dues are \$85 annually. Just like sitting for the certified paralegal exam, there are stringent requirements to be a member. If you don't currently meet the requirements, work toward fulfilling them. Once you have attained this goal, you will have another credential and you can assist our profession in many ways.

Help us all maintain the integrity of the paralegal profession

As a law office administrator, you want educated and skilled paralegals and you want to retain them. A competitive salary/compensation and benefits package will help ensure that. NALA conducts a National Compensation and Utilization Survey Report (Survey)⁴ every two years. The 2016 Survey found that the average compensation (salary, bonuses & overtime) for paralegals in 2016 was \$61,671. The average compensation for paralegals in 2016 in the Rocky Mountain region was \$60,212. The average salary for a paralegal in 2016 was \$57,668 per year or \$27.73 per hour. The average salary for a paralegal in the Rocky Mountain region in 2016 was \$56,257 or \$27.05 per hour. (Upon my certification in 2007, my salary was \$52,000 annually and I also received bonuses.)

Law office administrators need to understand and implement how a paralegal position differs from a legal secretary position. Obviously, given the descriptions set out above of the training and duties of a paralegal, there are substantial differences. Recognize that while a legal secretary should be able to handle all incoming communication (in person, on the telephone, or through written communication), file management,

Paralegal, page 27

² <https://nala.org/certification/exam-application-and-qualifications>

³ <https://nala.org/certification/preparing-exam-format-specifications>

⁴ <https://www.nala.org/sites/default/files/files/banner/2016%20NALA%20Utilization%20Compensation%20Survey%20Report.pdf>

3 lies lawyers should stop telling themselves



By Jeena Cho

I used to be highly anxious and chronically stressed. I didn't know it at the time, but it's a "thing" with lawyers. Studies indicate we're highly anxious, depressed, and stressed. In hindsight, much of the stress and anxiety I felt were a result of cognitive distortions — lies our mind tells us that we falsely believe.

Once I started practicing mindfulness, I was able to see the cognitive distortions or "thinking errors." The interesting thing is, once I started to share these cognitive distortions with other lawyers, I realized — these thoughts aren't unique to me, and in fact, are quite common.

Each of us is responsible for creating our own happiness, and similarly, our own misery. In fact, I wrote a book for the American Bar Association on this idea titled "The Anxious Lawyer."

Lie #1: Not Enough

Do you ever find yourself feeling as though you're never enough? You're never good enough, smart enough, and are constantly failing? Does it feel as though everyone else has their life perfectly organized and structured and you're the only one that's struggling? This phenomenon is so common that there is a term for it: the "inner critic."

The other form of not enough is external things such as money, resources, power, sex, friends, etc. I often work with lawyers who will say things like, "I'm not making enough money as it is, so I can never leave this job even though I absolutely hate it."

Pause for a moment and consider that even billionaires (who by all measures have "enough") still strive for more

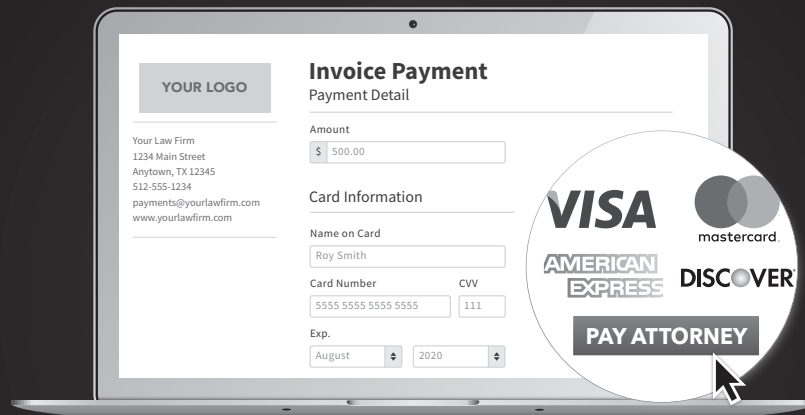
money. Why? Because they believe they don't have "enough."

Being enough and having enough are matters of perspective. When I was an assistant state attorney, I earned \$45,000. I remember thinking, "If I could just break the six-figure mark, I'll have enough." A few years later, I quit and moved to a firm. Not unsurprisingly, the six-figure salary didn't feel enough either.

Lie #2: More is always better

This certainly isn't limited to lawyers, but we generally want more of everything good, pleasant, pleasurable, and enjoyable. In fact, Americans have so much stuff that we have 2.3 billion square space of storage unit space.

Lies, page 26



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Montana lawyers answer the call, help keep Self-Help Law Centers running for the year

Earlier this year, the Montana Judicial Branch's Court Self-Help Law Centers faced a dire predicament. The Self-Help Law Centers rely heavily on AmeriCorps service members to provide legal guidance to self-represented litigants at six locations across the state. The centers' users are oftentimes low-income Montanans who are unable to afford an attorney. But due to unexpected cost-of-living and other program cost increases, combined with the worsening budget constraints of our state government, the Montana Supreme Court and its partner Montana Legal Services Association were unable to meet the financial requirements necessary to maintain the current staffing level of AmeriCorps service members for the coming year.

This would not be a big deal to those of us lucky enough to have made our house payment and been able to buy groceries this month. But, it would be a huge setback for the thousands of Montanans who, but for these centers, would have little access to legal guidance, which is to say their legal rights would exist only in theory, and not in fact.

As incredible as it seems, Montana Legal Services Association's Justice for Montanans AmeriCorps program provides the Court Self-Help Law Centers with seven AmeriCorps service members and related program coordination for just \$69,000 a year! And since the Court Self-Help Law Centers' inception in 2011, they have assisted Montanans with their



**THANK
YOU**

legal needs more than 85,000 times!

The current crisis for the Court Self-Help Law Centers was averted when it was brought to the attention of the Montana Justice Foundation via a call for assistance by our Montana Supreme Court. As the request fell outside the established MJF grant cycle, and a decision as to whether funds could be made available was immediately required, a handful of lawyers undertook an email campaign to try to meet the need. We did this by taking advantage of professional and personal relationships each of us enjoy because we are privileged to practice in the Last Best Place. Together, we raised the funds needed, avoided the threatened loss of staffing, and returned peace to the

valley – at least for the moment.

Those who were unlucky enough to be solicited and generous enough to respond are listed here:

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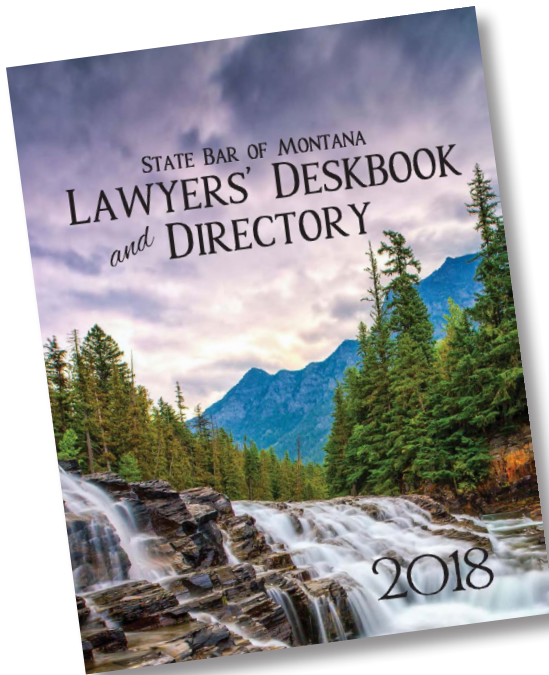
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Self help., page 27

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Criminal jury instructions focus of May 30 webinar

If you are interested in writing more effective criminal jury instructions, you won't want to miss the Criminal Law Section's webinar CLE on May 30.

Presenters Jordan Kilby and Colin Stephens will discuss issues with relying solely on the model jury instructions and offer tips on writing instructions in preparation for criminal trials.

Kilby worked as a public defender in Missoula and in private criminal defense for a year before taking her current job as a Missoula County deputy county attorney, where she has handled cases ranging from traffic misdemeanors to homicides.

Stephens is an attorney practicing exclusively criminal defense. He tries cases and has repeatedly argued with and

before the Montana Supreme Court and the Ninth Circuit Court of Appeals. He presently works for Smith & Stephens P.C. in Missoula.

Register for the CLE online by going to the events calendar at www.montanabar.org. Cost is \$55, or \$35 for section members.

Four webinar CLE replays are scheduled for the month of June

Four webinar Ethics CLE rebroadcasts are scheduled for June.

Each of the webinars is pending approval for 1.0 Ethics credit. Though the webinars are recorded, the presenters will be available to answer questions, so they are considered live events.

The Ethics of Delegation

Tuesday, June 19, 11 a.m.; presented by Cynthia Sharp. Register: linkon.in/MT061918

Many lawyers have not mastered effective delegation techniques probably because nobody ever taught them the basic skills. This program addresses delegation techniques compliant with MRPC 5.1 and 5.3's supervisory requirements.

Bad Review? Bad Response? Bad Idea! - Ethically Managing Your Online Reputation

Wednesday, June 20, 11 a.m.; presented by Jennifer Ellis and Daniel J. Siegel.

Register: linkon.in/MT062018

Whether you choose to be online or not your clients will write reviews of you. Unfortunately, angry clients are much more likely to write about you than happy clients. This webinar will explore the ethical and practical issues surrounding getting good reviews and discuss how you should respond when someone bashes you online. Lawyers have been disciplined for their responses to online reviews. Learn from their mistakes!

Deal or No Deal: Ethics on Trial

Wednesday, June 27, 11 a.m.; presented by Joel Oster (The Comedian of Law). Register: linkon.in/MT062718

This presentation is your chance to refresh your own knowledge of the rules of professional conduct and to match wits with disciplinary authorities. Oster humorously lays out the facts surrounding the ethical predicaments of a number

of real attorneys who played fast and loose with the ethics rules. Then, you must decide if you will take the disciplinary "deal" that Oster offers or take your chances at trial to see what penalty the disciplinary authorities actually levied.

Social Media as Investigative Research and Evidence

Thursday, June 28, 11 a.m.; presented by Carole Levitt & Mark Rosch. Register: linkon.in/MT062818

The seminar is partially based on the presenters' 55-page Social Media chapter from their book, "The Cybersleuth's Guide to the Internet." You will discover how other attorneys are using social media sites for discovery, trial preparation, direct examination, cross-examination, background checks, and locating missing persons, and learn how to authenticate profiles and get them admitted into evidence.

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Zellmer, Cowie hired as professors at Blewett School of Law

The Alexander Blewett III School of Law at the University of Montana has announced that it has hired Sandra Zellmer and Craig Cowie as professors.

Zellmer, who was a Distinguished Visiting Professor for the 2017-2018 academic year, will stay as a full-time professor, teaching in the Natural Resources and Environmental Law Clinic and related courses. Cowie will join the faculty for the 2018 fall semester as an assistant professor and the inaugural director of the law school's new Blewett Consumer Law and Protection Program.

"These outstanding individuals will play key roles for UM in the years to come," School of Law Dean Paul Kirgis said. "With her national profile, Professor Zellmer will help cement our existing strength in Natural Resources and Environmental Law, while Professor Cowie has the experience and energy to build a world-class program in the increasingly important field of Consumer Law. We are thrilled to have them."

Zellmer previously was at the University of Nebraska College of Law,

where she was a Robert B. Daugherty Professor of Law. As a visiting professor, she supervised the Blewett School of Law's Land Use and Natural Resources Clinic and taught Public Lands. She is a co-author and principal editor of the casebook "Natural Resources Law" and "Water Law in a Nutshell." Zellmer has also published dozens of book chapters and articles. Her piece on "Missouri River Mud: Clean Water and Endangered Species," which she presented at the American Bar Association's Annual Water Law Conference in 2011, was awarded "Best Paper" by the ABA.

Previously, Zellmer was a trial attorney in the Environment and Natural Resources Division of the U.S. Department of Justice, litigating public lands and wildlife issues for various federal agencies, including the U.S. Forest Service, National Park Service, and U.S. Fish and Wildlife Service. She received her J.D. as a Sterling Honor Graduate from the University of South Dakota School of Law and her LL.M. in environmental law with highest honors

from The George Washington University National Law Center. After clerking for the Honorable William W. Justice, U.S. District Court, Eastern District of Texas, she practiced law at Faegre & Benson in Minneapolis, Minnesota.

Cowie will develop and support consumer law and protection and access to justice through clinical study, research, scholarship, symposia, and student internships. He has worked at the U.S. Consumer Financial Protection Bureau for the past six years, the last three years as assistant litigation deputy.

Cowie received his J.D. from the University of California at Berkeley School of Law, where he was elected to the Order of the Coif. He received an M.A. in anthropology from the University of Michigan. After law school, he clerked for the Honorable Sidney R. Thomas on the U.S. Court of Appeals for the Ninth Circuit. He was a litigation fellow for the National Prison Project of the ACLU Foundation in Washington, D.C., before joining the litigation department at Jenner & Block in Washington, DC.

Blewett School of Law's Alvernaz named 2017 Ms. JD Fellow

Alexander Blewett III School of Law student is among 12 third-year law students to become a 2017 Ms. JD Fellow.



Alvernaz

Lillian Alvernaz was selected out of hundreds of applicants to be part of the Ms. JD's mentorship program. Ms. JDs are paired with ABA Commission on Women in the Profession leaders and ABA Margaret Brent Award

recipients.

It was the third straight year a student at the Blewett School of Law was selected

as a Ms. JD fellow. Anne Sherwood was a 2016 fellow, and Paige Griffith was a 2015 fellow.

Alvernaz, Assiniboine/Sisseton-Wahpeton, from northeast Montana, graduated with honors from University of Montana in 2013 in social work and Native American studies, and is currently pursuing her master's degree in public administration as well as a Juris Doctor degree with a certificate in American Indian law. She received the 2016-17 Margery Hunter Brown Assistantship. She was a Udall Native American Congressional Internship recipient and interned for the U.S. Department of Justice, Office on Violence Against Women, Tribal Division.

Alvernaz recently interned for U.S. District Court Judge Brian Morris in Great Falls. She is a student ambassador for the law school, past president and current vice president of the Native American Law Students Association and former competitor in the NALSA Moot Court team. She writes on Indian law issues and is Conference Editor of the Public Land and Resources Law Review.

Alvernaz is committed to combating violence against Native American women and children and dedicates her efforts to her grandmother.

Ms. JD is a nonprofit, nonpartisan organization dedicated to the success of women in law school and the legal profession.



Would you like to boost your income while serving low- and moderate-income Montanans?

We invite you to participate in the Modest Means program {which the State Bar sponsors}.

If you aren't familiar with Modest Means, it's a reduced-fee civil representation program. When Montana Legal Services is unable to serve a client due to a conflict of interest, a lack of available assistance, or if client income is slightly above Montana Legal Services Association guidelines, they refer that person to the State Bar. We will then refer them to attorneys like you.

What are the benefits of joining Modest Means?

While you are not required to accept a particular case, there are certainly benefits!

You are covered by the Montana Legal Services malpractice insurance, when you spend 50 hours on Modest Means and / or Pro Bono work (you'll need to track your time and let us know), you will receive a free CLE certificate to attend any State Bar sponsored CLE. State Bar Bookstore Law Manuals are available to you at a discount and attorney mentors can be provided. If you're unfamiliar with a particular type of case, Modest Means can provide you with an experienced attorney mentor to help you expand your knowledge.

Questions?

Please email: ModestMeans@montanabar.org

You can also call us at 442-7660.



Are You Interested in Joining The Modest Means Program?

To get started, please fill in your contact info and mail to: *Modest Means, State Bar of Montana, PO Box 577, Helena, MT 59624.*

You can also email your contact info to ModestMeans@montanabar.org

Name: _____

Address: _____

City, State: _____

Email: _____

India, from page 14

Inheritance is governed by religious law. So if the family is Hindu, the widow will receive half of the family property. However, if the family is Muslim, sharia law will apply and the widow will receive nothing. All others are considered “secular” and under the law, the widow receives one half.

As I said earlier, the people of India are generally well educated. Unfortunately, however, there are a lot of well-educated people who cannot find a good job. And, furthermore, a good job does not pay very well. When I asked my students how much they would earn once they graduate and pass the bar, they indicated they would be very happy to receive a steady job that would pay 45,000 rupees a month. At 64 rupees per dollar, that is approximately \$700 a month. No wonder Westlaw hires most of their researchers from India. In the United States, \$700 per month or \$8,400 per year, is well below the poverty level. Granted the cost of living is less than in the United States, but it

is not that much less.

We noticed an article in the local newspaper that reported a survey of 1,562 street vendors in a nearby city. Typically each street vendor has a wagon or stall that is parked along the street for selling fruits, vegetables or other foods. Some sell clothing, pots, or handicrafts. Of the 1,562 street vendors surveyed, 58 were college graduates and four had post-graduate degrees. If the people of India are generally well educated, a very large number are not employed to their full capacity.

India is still struggling with the caste system. Although the Indian Constitution guarantees equal protection of the laws as the first fundamental right in the constitution and makes discrimination against untouchables, it is hard to abolish a practice that has been around for thousands of years. The “children of God” as Mahatma Gandhi called them, make up over one-third of the population. The law is enforced extremely well as it relates to any discrimination by the government, but enforcement against private

individuals or companies is not well enforced. Your parents, for example, would never arrange a marriage for you with someone below your class. Nevertheless, remarkable progress has been made in this area in the last 71 years.

I also learned that the Court system is hopelessly over-burdened. There are just too many people and not enough judges and courts. One of the reasons there aren’t many divorces is because it takes too long if there is a dispute that must be resolved by a court.

With an educated population, many of whom are employed far below their potential, India itself has huge potential. Its economy is just now coming of age. It has the third largest army in the world and it is a nuclear power. That alone makes it very important as a world power. However, its real power is in its educated populace which makes it truly a force to be reckoned with.

Tom Towe is a partner with the Billings firm Towe, Ball, Mackey, Sommerfeld & Turner

Lies, from page 18

For the last year, inspired by the “Zen Habits” blog and the book “The Life-Changing Magic of Tidying Up” by Marie Kondo, I’ve been making a conscious effort to consume less, buy less stuff, and instead, spend money on experiences. Studies indicate that buying experiences and buying time greatly increase our sense of happiness, whereas buying more stuff gives you ... well, just more stuff.

Decluttering and owning less stuff has made me think more carefully about what I purchase, and what I have in my physical surroundings. I reduced my wardrobe in half and now, each time I walk in my closet, I feel clarity instead of overwhelmed with clutter.

Lie #3: I must sacrifice myself and my well-being for others

I’m shocked by the number of attorneys who practice what I’ll call “martyrdom law.” That you should sacrifice everything, including time with your family,

Self-care and being a good attorney are NEVER in conflict with each other.

friends, your health, and your well-being, for the good of your clients.

I’d like to call bull. First, no client is worth that level of sacrifice. Period. Why? Because we all want to live another day to serve the next client, and the client after that. Second, self-care and being a good attorney are NEVER in conflict with each other. In fact, just the opposite.

Do you really think it’s possible that you can completely neglect your own needs — not exercise, not eat right, neglect your mental, emotional, and spiritual well-being — and still be an excellent

lawyer? Let’s say you were hiring a doctor. Do you want the obese, chronically stressed, tired doctor, coming off of 48-hour shift, or do you want the doctor who’s well adjusted and has a healthy work/life balance?

I’m stating the obvious, but we all need time to work, time to rest, time to play, time to be playful, time to spend time with loved ones, and time to just be.

If you seriously think you can devote every single minute of your 1,440 minutes per day to your client, remember, humans can only live for three days without water and three weeks without food. You do not owe anyone — this includes your clients and your job — the following: your health, your family, your sanity, your identity, or your integrity.

Finally, remember: “Secure your own oxygen mask before helping others.”

Jeena Cho is a San Francisco-based attorney, author, blogger and podcaster. This article was originally published on JeenaCho.com. <http://jeenacho.com/2017/10/04/3-lies-lawyers-stop-telling/>

Self help, from page 20

Randy Cox
Crist, Krogh & Nord
Cromwell Law PLLC
Crowley Fleck
Lonnie Dale
Datsopolous, MacDonald & Lind
Edmiston & Colton
Falcon, Lester & Schaff, P.C.
Holly Franz
Gallatin County Bar Association
Gallik & Bremer
Grubbs Law Office
Paul Haffeman
Hartelius, Durocher & Winter
Hoyt & Blewett
Katherine Se June Kim Huso
Natasha Prinzing Jones
Joyce & MacDonald
Stuart Kellner
Lamb & Carey
Luinstra Law Office
Donald MacIntyre
Carey Matovich
Robert & Bonnie Minto
Murphy Law Firm
Bob Phillips

Reep, Bell, Laird & Jasper
Kim Schulke
Scott, Tokerud & McCarthy P.C.
Sheehy Law Firm
Scott M. Stearns
Steve Harman Law
Ward “Mick” Taleff
Tarlow, Stonecipher, Weamer & Kelly
P.C.

Tom Towe
Mike Viscomi
Worden Thane
The campaign was very limited in scope, ad hoc, and ended when the shortfall was met. If no one contacted you to give, do not feel left out; your opportunity to make a difference is coming. The Montana Justice Foundation works year-round to strengthen legal aid as a critical component of vibrant, healthy, and successful communities through the generous donations of the legal community. Its annual campaign starting this summer will again provide all of us – as individuals, firms, agencies, and companies – with the opportunity to play our part in keeping our civil justice system working.

The consequences of the current

reality are just beginning to be felt and we will all be called on to provide sustainable support going forward. Providing that support is an obligation held by those of us privileged to hold a law license and enjoy the benefits of our profession's monopoly. We have a unique and singular responsibility to provide access to justice for all Montanans – not just those who can afford it. The Montana legal community's heart is huge when it comes to meeting the needs of those who can't afford legal representation. Together we must, can, and will meet that responsibility.

We are humbled and gratified by the immediate response to this need by our brothers and sisters in the Bar. On behalf of everyone involved – but most importantly those Montanans who will benefit directly from access to necessary help navigating the legal system (which hopefully someday will be available to all our friends and neighbors here in Montana) – THANK YOU! As Justice Bill Hunt said not so many years ago, “the best people I know are lawyers!”

Paralegal, from page 17

scheduling, and document completion, a paralegal does substantive legal work. While the goals of efficiency and professionalism apply to both, the use of these two positions should be vastly different.

Failure to recognize these distinctions in hiring practices will only create confusion and waste time. That is, the law office administrator will waste a lot of time with hiring procedures – none of which will facilitate the law office's goals – if there is not a clear picture of the duties that must be fulfilled. The applicants will waste time applying for positions that are not accurately described. Don't advertise a paralegal position when you have no intention of having the person provide substantive legal work.

Consider the benefits of hiring a capable certified paralegal. Like attorneys, paralegals are hired often with an annual billable hour requirement in a contractual arrangement. (Make sure the work will flow from the attorneys.) In my experience, 1,500 hours per year was both reasonable and achievable. Consider the allowable cost of \$125 per hour times

1,500 hours of paralegal work (\$187,500) and the commensurate margin of profit.

Also, encourage the certification of your current employees. Hard-working employees seeking additional education and credentials is a sign of dedication, open-mindedness, and initiative in the workplace. And, remember the benefit to the law office and the individual of the law office paying for both the certification exam and membership dues.

Additional benefits to a law office hiring certified paralegals include the requirement that they are bound by the NALA Code of Ethics and Professional Responsibility⁵. Violation of this Code may result in suspension of the certification credentials. Members of the Paralegal Section of the State Bar of Montana are bound by the Rules of Professional Conduct⁶.

Also, NALA requires 50 CLE hours per five years (5 must relate to ethics), MALA requires 10 CLE hours per year (3 within three years must relate to ethics)

⁵ <https://nala.org/about-paralegals/professional-standards>

⁶ <https://www.montanabar.org/store/ViewProduct.aspx?ID=2102697>

and members of the Paralegal Section requires 10 CLE hours per year (1 must relate to ethics). These requirements overlap.

As of July 16, 2017, there were less than 100 certified paralegals in the State of Montana⁷. As credentialed paralegals, we can educate regarding those credentials, then negotiate a salary that is commensurate with our worth. Remember that you will never get what you don't ask for. Negotiate a contract establishing a billable hour requirement (with a bonus for hours exceeded), salary, payment by the law office of CLE's, paralegal section and association dues, and benefits.

Together we can maintain the integrity of the paralegal profession in Montana.

Shanni K. Barry has an associate of science degree in paralegal studies, was certified as a paralegal by NALA in 2007, and has worked in the legal profession for over 15 years. She is a member of MALA and is the Chair of the Paralegal Section of the State Bar of Montana.

⁷ https://www.nala.org/sites/default/files/files/banner/CP_Statistics.pdf

Russell McDonough, former Montana Supreme Court justice, dies at age 93

The Honorable Russell C. "Swede" McDonough of Glendive, a Montana Supreme Court justice, delegate to the 1972 Montana Constitutional Convention and a decorated World War II veteran, died from natural causes on April 3. He was 93.

McDonough, who served as a Supreme Court justice from 1987 to 1993, was born Dec. 7, 1924, in Glendive into a railroad family and attended Glendive schools.



McDonough

In December of 1942 he enlisted in the Army Air Force and was called to active duty in March of 1943. In 1944 he flew a combat tour of 35 missions in a B-17

Flying Fortress Bomber over Europe as a Bombardier with the 96th Bomb Group of the 8th Air Force. He was awarded the Air Medal with 4 oak leaf clusters and the Distinguish Flying Cross.

Upon returning from service, McDonough attended Montana State University and George Washington University in Washington, D.C., and received a Juris Doctor degree in 1949 from George Washington.

Returning to Glendive he practiced law for over 30 years as an associate of Raymond Hildebrand, as a sole practitioner, and as a member of the law firm McDonough, Cox and Simonton. During that time he was also Glendive City Attorney and Dawson County Attorney.

In 1972 he was elected and served as a delegate to the Montana Constitutional Convention and was later appointed and served on the Governor's Blue Ribbon Commission on Post Secondary Education. In 1982 he was elected District Judge of the Seventh Judicial District. In April of 1987 he was appointed to the Montana Supreme Court by Gov. Ted Schwinden. He was elected to a full term

in 1988 and retired from the court in 1993.

In retirement he and Dora lived in Montana and Arizona. His hobbies were traveling to Europe, reading, politics, tennis, and jet boating and hunting agates on the lower Yellowstone River. Aside from his professional accomplishments he often said his greatest achievement was marrying Dora and raising six kids.

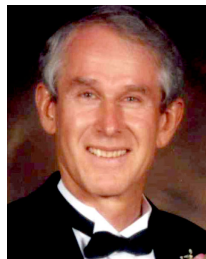
In lieu of flowers, memorials in his name may be given to Dawson Community College or Grandview Retirement Center.

Gregory Morgan

Greg Morgan died on April 29 at age 77 with his wife and daughters by his side after a courageous battle with cancer.

A Bozeman native, Morgan was born July 8, 1940. After high school, he joined the U.S. Marine Corps and was stationed in Quantico, Virginia, where he met his wife, Joyce, on a blind date through a fellow Marine.

Morgan graduated from George Washington



Morgan

University in 1967, and he received his Juris Doctorate with honors from the GW National Law Center in 1971. During college and law school, he worked in the Senate Democratic Cloak Room and

was law clerk to Judge Edward Beard, Superior Court of D.C.

Greg and Joyce moved to Butte, in 1971, and Greg became law clerk to the Honorable W.D. Murray, federal district judge. In January 1973, the family moved to Bozeman where Greg was staff attorney with Montana Legal Services. Over the years, he had several law partners, but ultimately built and formed his own firm. His practice covered a wide range of civil

disputes. Career highlights included assisting the group that wrote the Montana Constitution as well as arguing before the Montana Supreme Court.

In 1983, Greg and Joyce traveled on a People to People trip with other Montana lawyers and judges to Russia, China, and Japan. In Moscow, the group attended the trial of a man who had stolen a fur hat and participated in a Counterpart Meeting with Russian attorneys. In Peking, the group presented U.S. law books to the Peking University library. In Japan, the group was received at the U.S. Embassy by Ambassador Mike Mansfield, whom Morgan worked for in D.C.

A celebration of life will be held Saturday, July 14, at 5 p.m. at the Lindley Center in Bozeman.

Howard Clive Greenwood

Howard Clive Greenwood passed away at his home July 15, 2017, in Layton, Utah, at age 81.

A Denver native, he earned a law degree from the University of Colorado. He was a member of the State Bars of Montana and Texas.

As a corporate attorney, he represented both



Greenwood

Exxon and Gulf Oil companies, living in Miami; Quito, Ecuador; and Caracas, Venezuela. In 1987, he left corporate law to open a private law practice in Hamilton, which he continued until

retirement in 2012.

Montana was a wonderful place for Howard to pursue his love of the outdoors, hunting, fishing and shooting. He also loved collecting cars and piloting private airplanes.

Condolences may be sent to www.myers-mortuary.com.

Job Postings and Classified Advertisements

CLASSIFIEDS Contact | To see more job listings, or to advertise a job on the State Bar of Montana's online Career Center, visit jobs.montanabar.org. All postings on the Career Center include one classified ad in the Montana Lawyer (limit 60 words for free classified ad). For all other Montana Lawyer classified inquiries, email editor@montanabar.org or call 406-447-2200.

ATTORNEYS

ASSOCIATE ATTORNEY: Tolliver Law Firm, P.C. in Billings, Montana is seeking an associate attorney. Applicants of every level of experience will be considered. Successful applicant will be willing to engage in a diversified litigation and transactional practice. Compensation will be determined based on experience. Please send a cover letter, resume, references and a writing sample by email to: tdugger@tolliverlaw.com. All applications will be kept confidential.

ASSOCIATE ATTORNEY: Guthals, Hunnes & Reuss, P.C. in Billings, Montana is seeking an associate attorney with 3+ years of experience. Litigation, transactional, and/or debtor/creditor experience preferred. We offer a competitive salary and benefit package including medical benefits and 401(k). Please send a cover letter, resume, references and writing sample by e-mail to: legalassistant@ghrlawfirm.com, or by mail to: Guthals, Hunnes & Reuss, P.C. P.O. Box 1977, Billings, MT 59103. All applications will be kept confidential.

CITY OF MISSOULA ATTORNEY'S OFFICE: Deputy City Attorney (Prosecution), \$30.6198/hr to \$32.9163/hr. Performs a variety of professional duties involved in providing a full range of legal services related to municipal government prosecution operations; represents the City in criminal proceedings as assigned before courts, investigates, prepares, and prosecutes misdemeanor criminal cases in courts; and advises City departments and staff with respect to criminal legal issues including ordinance issues. For a complete job description and to apply: www.ci.missoula.mt.us/jobs_EEO/AA/ADA/Vet_Pref_Employer

DEPUTY COUNTY ATTORNEY: Immediate vacancy. Full-time permanent Deputy County Attorney position with the Custer County Attorney's Office, Miles City. Juris Doctor degree from accredited law school, licensed to practice in Montana. Salary up to \$73,086.12 based on 40-hour work week, dependent on experience. Experience preferred. Excellent benefits. For job description and application form please contact Cindy Erickson at Job Service in Miles City, Montana at 406-232-8349. Applications accepted until position filled. Request accommodation from Custer

County Attorney Office, 1010 Main St., 406-874-3310 or fax 406-874-3450.

DOMESTIC VIOLENCE STAFF ATTORNEY: This Montana Legal Services Association Staff Attorney position, based in Billings, will provide poverty law services to domestic violence victims throughout the state of Montana. Grant funding at present concentrates services on the Northern Cheyenne and Fort Peck Indian Reservations. Salary: \$48,000 and up, DOE. MLSA offers an attractive benefits package, including health, dental, vision, and life insurance, retirement and educational loan repayment assistance. See full listing at jobs.montanabar.org.

LITIGATION ATTORNEY: Hall & Evans, LLC, a well-established and respected law firm headquartered in Denver, is seeking a full-time Litigation Associate to join their litigation branch office in Billings. Qualified candidates must be currently licensed to practice in Montana with 5-8 years of litigation experience preferred, minimum of 3 years required. You must be proficient in Microsoft Office, particularly Outlook and MS Word. Interested candidates should apply online to <http://www.hallellans.com/careers/current-openings/>. Please include your resume, cover letter, writing sample and references. EOE.

LITIGATION ATTORNEY: Crowley Fleck PLLP seeks a litigation attorney for our Williston, ND office. The attorney should have at least 6 years of experience. The experience must include preparation of civil cases for trial and trials to the bench and jury trials. Successful applicants must be licensed or willing to license in North Dakota and Montana. Competitive salary and benefits. All applications will be held in confidence. Visit www.crowleyfleck.com for more information about our firm. Please submit your cover letter, resume, transcript, and writing sample to: Tiffani Swenson, Recruiting Coordinator, at tswenson@crowleyfleck.com.

PART-TIME FAMILY LAW ATTORNEY: Missoula law office with a very close and friendly staff atmosphere is looking to hire an experienced part time family law attorney to assist with divorce, parenting plans, contested hearings, etc. Support staff and paralegal will be available to assist this position. Hours will be flexible depending upon the work interest of the right candidate. Ap-

plicant must have several years experience in family law cases and be able to handle all aspects of such cases. See full listing at jobs.montanabar.org. judnich@gmail.com

SENIOR FAMILY LAW or ASSOCIATE ATTORNEY: Gravis Law, PLLC is growing! We're looking to add to our team of family law attorneys with an experienced team player who appreciates technology and loves what they do. A successful candidate must be licensed to practice law in Montana and possess excellent academic credentials, excellent writing skills, a minimum 3-7 years of experience litigating, comfort in a high tech environment, and a passion for practicing family law. We're looking for applicants who already have an established practice or an associate that can start handling cases from day one, so only candidates currently practicing family law will be considered. Apply by email to chad@gravislaw.com.

STAFF ATTORNEY: SAFE Harbor, a nonprofit domestic and sexual violence prevention and intervention agency located in Polson seeks a full-time staff attorney to provide holistic civil legal services to victims of domestic violence, sexual assault, and stalking in Lake County and on the Flathead Reservation. Will handle all aspects of legal representation, including client contact, drafting pleadings, and courtroom appearances. Applicants must be admitted to practice in Montana or be sitting for the Montana state bar exam to be held in July 2018. Please send cover letter, resume, at least two professional references, and a writing sample to deeann@safeharbormt.org. Applications accepted until June 15, 2018.

PRACTICE FOR SALE

BILLINGS: Going Concern Law Practice for sale. Established 20 years in same location. Owner wishes to retire. Buyer may assume lease at \$1,000 per month for 1800 square foot location (with basement for storage) 4 blocks from Courthouses with electric paid and convenient parking available. Price includes all furnishings and office machines (in excellent condition with support) as well as practice name if desired. Client files are a mix of family law, criminal law, personal injury and other litigation and go with owner

More Classifieds, next page

unless desired by buyer, and owner might transition with buyer if needed. Reasonable price. Please contact Jeff, 406-248-7000.

PARALEGALS/ LEGAL SECRETARIES

EXECUTIVE ASSISTANT/ADMINISTRATOR: Candidate must be dependable, self-starter, organized, proficient multi-tasker, able to work well independently while supporting 6 to 8 staff, including: lawyers, an investigator, and paralegals. Duties will include reception and public contact, office management, IT support, case management oversight, with emphasis on litigation. Minimum of 3 years legal experience with working knowledge of legal operations, practices, methods and techniques. Salary \$35,000 - \$38,000 DOE with excellent benefits. Send cover letter and resume to: Office of Disciplinary Counsel, Attn: Personnel, P.O. Box 1099, Helena, MT 59624-1099. Closes 6/4/18.

EXPERIENCED PARALEGAL: Kalkstein & Dye, a small Missoula litigation firm, seeks a full-time, long-term paralegal to assist with legal document production, document review, and litigation support. This position requires advanced computer proficiency. Duties include communication with parties; clients and witnesses; scheduling document preparation; file management; records review/organization; trial assistance; and general paralegal duties. Position requires strong organizational, multi-tasking, and people skills. Attention to detail and the ability to work as part of an existing team are a must. Experience with medical malpractice cases is preferred. Knowledge of Clio is a bonus. Competitive salary dependent upon experience. Benefits include paid health insurance, retirement with employer match, and paid time off. Please send cover letter, resume, and references to: travis@kalksteinlaw.com

PARALEGAL: Speare Law Firm, P.C. seeking a full time legal assistant/paralegal for its small civil defense practice in Billings. Seeking motivated and intelligent individual willing to learn and apply themselves to varied job tasks. Experience not required. Includes competitive compensation and benefits package. Some flexibility in hours available, if desired. Apply in writing to Speare Law Firm, P.C., 3936 Avenue B, Suite D, Billings, MT 59102 or via email to dnedrow@spearelaw.com.

LEGAL ASSISTANT/PARALEGAL: Ritchie Manning LLP, a litigation firm located in Billings, Montana, is looking for an experienced legal assistant/paralegal to assist with a busy civil litigation practice. Responsibilities include assisting with the entire litigation cycle from client intake to appeal. Specific duties

include client intake, scheduling, drafting of legal documents and correspondence, witness interviews and preparation, review and production of documents, discovery, trial preparation, trial attendance, and file management. We are looking for a driven professional with civil litigation experience. We offer competitive salary and benefits based on an applicant's experience. Please submit a letter of interest, resume and references. All applications will be kept confidential.

LEGAL SECRETARY: Established, high-level plaintiffs' practice looking for a Legal Secretary to join our team. Knowledge of MS Office (Word, Excel) are essential in this position, as are the ability to multitask, meet deadlines and operate well in a fast-paced environment. Some law office administrative experience is preferred. We offer a great atmosphere and excellent benefits.

LEGAL SECRETARY/RECEPTIONIST: Matovich, Keller & Murphy, P.C., is accepting applications for a full-time Legal Secretary/Receptionist position. Prior experience required. Salary DOE. Qualified applicants may submit a letter of application, resume and list of references to: mkmfirm@mkmfirm.com, or P.O. Box 1098, Billings, MT 59103-1098, Attn: Personnel.

PARALEGAL: Law Office of Christopher J. Gillette is an exceptional and growing family law office which represent clients throughout Gallatin County. We are looking for an experienced and hard-working paralegal or attorney to integrate into our existing team. Family law experience is preferred, but not required if you have other valuable qualifications or experience. See full listing at jobs.montanabar.org.

ATTORNEY SUPPORT/ RESEARCH/WRITING

BUSY PRACTICE? I can help. Former MSC law clerk and UM Law honors graduate available for all types of contract work, including legal/factual research, brief writing, court/depo appearances, pre/post trial jury investigations, and document review. For more information, visit www.meguirelaw.com; email robin@meguirelaw.com; or call 406-442-8317.

COMPLICATED CASE? I can help you sort through issues, design a strategy, and write excellent briefs, at either the trial or appellate level. 17+ years' experience in state and federal courts, including 5 years teaching at UM Law School and 1 year clerking for Hon. D.W. Molloy. Let me help you help your clients. Beth Brennan, Brennan Law & Mediation, 406-240-0145, babrennan@gmail.com.

ENHANCE YOUR PRACTICE with help from an AV-rated attorney with 33 years of broad-based experience. I can research, write and/or edit your trial or appellate briefs, analyze legal issues or otherwise assist with litigation. Please visit my website at www.denevillegal.com to learn more. mdenevi81@gmail.com, 406-210-1133.

OFFICE SPACE/SHARE

PREMIUM PROFESSIONAL OFFICE SPACE FOR RENT: Helena, Aspen Court Building, 33 S. Last Chance Gulch, Suite 1A. On the walking mall. One office available, approximately 16 ft. x 11 ft. with large window. Located in a small law firm suite. \$700 per month. Lease includes use of secretarial space, copy room, break area, common areas, kitchen, scheduled access to conference rooms, and also includes utilities and janitorial services. Office furniture available for use. Tenant to pay for own phone, parking, and internet service. Public parking lot immediately adjoining. Up to a three-year lease available. Please call Teri at 442-8560 ext. 2.

OFFICE SHARING OPPORTUNITY: Looking for attorney to share fully furnished office and legal assistant in Great Falls, MT. Reasonable terms. Great view. For more information email: ageiger@strainbld.com; 406-727-4041.

CONSULTANTS & EXPERTS

APPRAISALS: DIL Appraisals, provides personal property appraisals to International Society of Appraisers (ISA) standards and according to the Uniform Standards of Professional Appraisal Practice (USPAP) for Fine Art, Antiques and Residential Contents for Estate Tax and Donation; Equitable Distribution for Estate Planning, Dissolution of Marriage; Insurance, Damage Claims, Bankruptcy and Expert Witness. Contact Dorothy Long, ISA AM, dorothy@dilappraisals.com, www.dilappraisals.com, 954-336-5458 in Billings, MT.

ARCHITECTURAL EXPERT, FORENSIC INVESTIGATION & ANALYSIS: 43 years architectural experience. Specializing in Contract Administration; Specifications; and Architect / Owner / Contractor relationships. Extensive knowledge of building systems, materials, construction methods; Accessibility Regulations and Standard of Care; and forensic architectural investigation. Provides consulting and expert witnessing services. Attorney references upon request. Frank John di Stefano, PO Box 1478, Marion, MT, 59925, Phone: 406-212-7943.

BANKING EXPERT: 34 years banking experience. Expert banking services including

documentation review, workout negotiation assistance, settlement assistance, credit re-structure, 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; mike@mrichardsconsulting.com.

EXPERIENCED BANKING EXPERT/CONSULTANT – 40+ years of banking experience 30 years of which were in executive management positions in banks ranging in size from community banks to multi-billion dollar, multi-state banking organizations. Executive responsibility for all phases of lending, lending disciplines and credit assessment. Special expertise in determining borrower creditworthiness and the appropriateness of lender behavior. Outstanding legal references upon request. Please contact Leon Royer by telephone at 406-932-4255 or by email at backcastranch@gmail.com.

CONSTRUCTION EXPERT: Over 25 years residential and commercial construction experience. Expert services include bid or project document reviews, onsite inspections for specification compliance or deficiencies,

written reports, consultations, and in-person testimony. Work history includes extensive construction and legal experience - large firm construction management, small firm business ownership, and legal firm paralegal work and practice administration. For CV, fee schedule, references or other information call David Nedrow at 406-855-1823 or email 406.cbms.llc@gmail.com.

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

PSYCHOLOGICAL EXAMINATION & EXPERT TESTIMONY: Montana licensed (#236) psychologist with 20+ years of experience in clinical, health, and forensic (civil & criminal) psychology. Services I can provide include case analysis to assess for malingering and pre-existing conditions, rebuttal testimony, independent psychological examination (IME), examination of: psychological dam-

age, fitness to proceed, criminal responsibility, sentencing mitigation, parental capacity, post mortem testamentary capacity, etc. Patrick Davis, Ph.D. pjd@dcpcmt.com. www.dcpcomt.com. 406-899-0522.

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ITEMS FOR SALE

"LA LAW DESK": This maple and maple veneer desk has a large working surface (37" x 66") (30.5" high). It has three long (36") drawers, and two long (36") pull-out shelves. You may see it in Room 109 of the Blewett School of Law. Photos are on Craigslist ("LA Law Desk"). \$500.

MONTANA REPORTS: Montana Reports for sale, years 1961 - 2018, volumes 139 - 389. Best offer at 406-721-7210. In Missoula.



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