

MONTANA LAWYER

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FEATURE ARTICLES

ANNUAL MEETING

WRAPUP: The State Bar of Montana's 2022 Annual Meeting honored the best in our profession, provided 11 hours of CLE programming and left attendees with many inspirational moments.

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HABIT FORMING: Have a bad habit you want to get rid of? Meri Althaus suggests you might have more success by creating a new good habit instead in her Practicing Well column.

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POTENTIAL THREATS LURKING AT MANY LAW FIRMS

Unstructured data is a problem that has been lurking for a long time for many law firms. Sensei Enterprises tells you what it is and what you should do to avoid it.

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CORRECTION CHAMBERS ID'D INCORRECTLY

An article in the August/September issue introducing Alissa Chambers as the new Executive Director of the Montana Justice Foundation incorrectly identified her previous position. Chambers was a partner at Crowley Fleck, where she was a commercial attorney focusing on merger and acquisition transactions and private securities.

ALSO IN THIS ISSUE

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Our nation's rule of law depends on each of us

As I sit contemplating this first President's Message, I am humbled. I am humbled because the office has been home to Presidents of the past, many of whom remain mentors. I am humbled by the trust you have placed in me to continue leading what is the best Bar Association in the country. I am humbled by the responsibility of helping to ensure the State Bar of Montana remains relevant to you, its members, and to the citizens of Montana.

As we move forward into this next year, I would begin by reflecting upon the purposes of our State Bar. The Montana Supreme Court's Unification Order of 1973, our own State Bar of Montana Constitution, and the Preamble to the State Bar of Montana Bylaws, are instructive. According to Article III of our constitution, the purposes are:

[T]o aid the courts in maintaining and improving the administration of justice; to foster and maintain on the part of those engaged in the practice of law high standards of integrity, learning, competence, public service, and conduct; to safeguard proper professional interests of members of the Bar; to encourage the formation, maintenance, and activities of local bar associations, to provide a forum for the discussion of and effective action concerning subjects pertaining to the practice of law, the science of jurisprudence and law reform, and relations of the Bar to the public; and to insure that the responsibilities of the legal profession to the public are more effectively discharged.

Over the last few years, it has become apparent that the Rule of Law and the institutions which have guided and supported our free society since our country's founding, are now unstable.

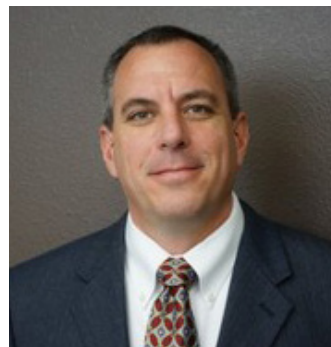
There are those who would challenge, in particular, our co-equal third branch of government, the Judiciary. The Montana Constitution states unequivocally that attorneys are governed by the Judicial Branch. Mont. Const. art. VII, § 2. We all swore an oath to protect and defend the Constitution.

Recognizing this most serious challenge to our sacred institutions, to our profession, and to our Courts, the Trustees for the State Bar of Montana crafted a two-year strategic plan (as they do every two years) to support the Rule of Law and the Judiciary. The 2021-2023 Strategic Plan directs the Officers, Trustees and State Bar Staff to implement this goal:

As a voice for lawyers and the profession, in furtherance of its own Constitution, expand the State Bar of Montana's role in aiding the public in understanding the rule of law as a crucial underpinning of a free society, the role of the Constitution, separation of powers principles and the importance of a fair and independent judiciary.

Over the next year, I will work hard to continue the exemplary work of past Presidents and other Bar leaders, and to continue to pursue and implement the worthy purposes stated in our own Constitution and Bylaws, and to further the goals of our Strategic Plan. I will need your help. I would ask that you work with me to help fulfill these ideals. Please reach out and let me know your ideas, suggestions and what you would like to see from your State Bar. I will be reaching out to you.

I feel blessed to have been elected by you to lead such an historic, relevant, and worthwhile organization. I will do my very best to earn your respect as President of the State Bar of Montana. It is truly a great honor.



DAVID STEELE

Dave Steele is Managing Partner at Geisler Steele PC. He assists clients in a wide variety of legal matters. His practice includes advising clients about business and commercial transactions and litigation, real estate and property transactions, construction contracts and disputes, wills, trusts and estates, and other civil litigation matters. He is a Past President of the Western Montana Bar Association. He has also served as Justice of the Peace Pro Tem for Missoula County.

“

I will work hard to continue the exemplary work of past Presidents and other Bar leaders ... I will need your help. I would ask that you work with me to help fulfill these ideals.

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- Land use
- Nuisances
- Partner/Shareholder/Member disputes
- Personal injury
- Probate and will disputes
- Professional negligence (architects, engineers, attorneys, etc.)
- Real estate disputes
- Soil and structural engineering
- Union contracts
- Water disputes

OUR REFERENCES

“ I strongly recommend that Cory Gangle be considered as your mediator. Over the last few years, I served as a mediator for Cory in a series of complex litigated matters. I found Cory to always be extremely prepared. By working with Cory, I found that he has many of the attributes and skills necessary to be an effective mediator. These include his knowledge, experience, intelligence, patience, neutrality, optimism, respectfulness and professionalism. I know Cory will do great work”.



– **Michael A. Viscomi, Esq.**

“ Over the past several years, I have had the opportunity to mediate many cases in which Cory Gangle was involved. Cory has evolved into an outstanding litigant in both his approach to resolution and demeanor. I believe Cory would be a very good mediator, studious, and balancing arguments to effect an acceptable resolution. I recommend Cory as a choice for your mediation”.



– **Dennis E. Lind, Esq.**

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CAREER MOVES

Murphy joins Moore, Cockrell, Goicoechea & Johnson, P.C.

Moore, Cockrell, Goicoechea & Johnson, P.C., is pleased to announce that Braden S. Murphy has joined the firm in Kalispell as an associate attorney.

Murphy attended Montana State University, where he received a degree in chemical engineering. Murphy earned his law degree from Notre Dame Law School. While there, he served as Editor-in-Chief of the Notre Dame Law Review and was a Dean's

**Murphy**

Circle Fellow.

After law school, Murphy returned to Montana and practiced in Bozeman for two years before relocating to the Flathead Valley. He has represented clients in a variety of civil matters, including property and easement disputes, insurance coverage and bad faith, and business and contract disputes.

5 attorneys join Garlington, Lohn & Robinson

Garlington, Lohn & Robinson is happy to announce the addition of five attorneys to our team.

Michael D. Bybee, Britton J. Fraser, Holly A. Seymour, Molly P. Davis and Ryan W. Frank have joined the firm in 2022.

Bybee is admitted to practice in Montana and Idaho state courts and has been practicing law in Missoula for approximately 10 years. His practice comprises both litigation and transactional work. He has experience advising clients prospectively on issues such as estate planning, land use, and contract drafting and review. He also has diverse experience in litigation matters including full jury and bench trials and appellate briefing.

Fraser brings experience to the position that he gained working as clerk at the Montana Supreme Court for two years.

**Bybee****Frank****Seymour**

of Montana. His practice areas include civil litigation and insurance defense.

Seymour was born and raised in Livingston. She attended the University of Montana and graduated with degrees in political science and Spanish. After undergraduate school, she worked for an environmental nonprofit in Montana for a few years before returning to the University of Montana to earn a Master of Science in environmental studies alongside her J.D. As a law student, she fostered a passion for public interest law while she interned with Montana Trout Unlimited and Cottonwood Environmental Law Center. She also served as an editor of the Public Lands and Resources Law Review. Her practice areas include civil litigation, insurance defense, environmental and water law.

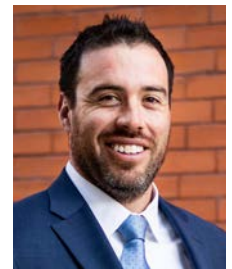
Davis was raised in Santa Rosa Beach, Florida. She attended the University of Florida and graduated magna cum laude

**Davis****Fraser**

He earned his undergraduate degree in political science at Marquette University in Milwaukee. After college, he moved to Montana to obtain his Juris Doctor from the Alexander Blewett III School of Law at the University

with a bachelor's degree in sustainable design. Upon graduation, she made her way out west to the great state of Montana, where she attended law school at the University of Montana School of Law. While in law school, she served as the President of the Women's Law Caucus. She also worked as a legal intern at Garlington, Lohn & Robinson and as a research assistant. Garlington is thrilled to welcome her back to join the firm as an associate attorney.

Frank was born and raised in Billings. He graduated with a degree in economics from Montana State University and received a law degree from the University of Montana School of Law. Prior to law school, he worked a variety of jobs which included home construction, ski guiding, washing dishes, and digital marketing. During law school, he completed internships with the Montana Department of Environmental Quality, Cottonwood Environmental Law Center, and a well-respected Missoula law firm. He also served as Editor-in-Chief of the Public Land and Resources Law Review and completed his clinical externship with the Montana Department of Natural Resources and Conservation. He is admitted to practice in Montana state courts and the United States District Court for the District of Montana.

**Hansen****Pitcher****Spoon Law welcomes Hansen, Pitcher as associates**

Spoon Law is pleased to announce that Megan Hansen and Karl Pitcher have joined the firm as associate attorneys.

Pitcher is an Anaconda native who attended the University of Montana, where he received a degree in finance. Pitcher

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NEWS

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earned his law degree from the University of Denver College of Law in 2013. After law school, he worked for Oracle Corporation as a contract negotiator.

Pitcher returned to Missoula in 2018 to practice law with the Office of the Public Defender. He has represented indigent clients charged with both misdemeanor and felony offenses and served as lead counsel in numerous jury and judge trials. He now specializes in insurance defense and personal injury law.

Hansen, a 2017 graduate of the University of Montana Law School, is the newest associate to join the Spoon Law Firm family. She comes to the firm with a background in both civil and criminal law, making her a well-rounded addition to their already solid team. Megan is jumping in and taking on a variety of new cases in the practice areas of insurance defense as well as personal injury. She wholeheartedly believes that understanding how to navigate the process on both sides of an issue will put her in the strongest position to obtain a favorable resolution for her clients – including taking a case to trial.

Hansen is a fourth-generation Montanan. She and her husband both grew up in the Missoula area where they now raise their daughter and two German shepherds. When she isn't working, you can find her hanging out with her family, doing home improvement projects, or relaxing at the family cabin in Trout Creek.

Farmer joins as associate with Judnich Law Office in Bozeman

The Judnich Law Office has announced the expansion of a Bozeman, Montana office in addition to their



Farmer

Billings areas. Farmer attended Montana State University and has over 13 years

Missoula office and are pleased to announce that attorney Marta Farmer has joined the firm as an associate attorney in the Bozeman office.

Farmer's practice will focus on family law and family law mediation in the Bozeman and

of experience in family and criminal law as both a former prosecutor as well as defense attorney.

Zupanic joins as staff attorney at Upper Seven Law

Upper Seven Law is pleased to announce that Niki Zupanic has joined its team as a Staff Attorney.

Zupanic moved to Montana in 2008 to become Public Policy Director for the American Civil Liberties Union of Montana. In that role, she successfully contributed to civil rights victories for Montanans, advancing LGBTQ-inclusive laws and policies, criminal justice reform,

and voting rights. Zupanic most recently served as Executive Director of the Montana Justice Foundation, where she oversaw Montana's IOLTA program and worked to improve access to justice. Zupanic earned her J.D. from McGeorge



Zupanic

Worden Thane P.C. welcomes Noah Hill to the team.



NOAH HILL
INTELLECTUAL PROPERTY,
BUSINESS, EMPLOYMENT,
AND ESTATE MATTERS

While attending law school at UM, Noah worked as a legal intern at Worden Thane P.C. He also served as the Online Editor of the Montana Law Review and completed clinical work in the UM's Office of Technology Transfer, where he worked primarily on the University's patent and trademark portfolio.

Noah particularly enjoys advising clients who need assistance with intellectual property, business, employment, and estate planning matters. He values strong and trusting relationships with his clients where lines of communication are always open. Noah prides himself on his commitment to serving each client's needs with great care and integrity.

In his free time, Noah enjoys spending time with his family hiking, rafting, fly-fishing, and cross-country skiing.

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School of Law in 2007 with distinction.

Upper Seven Law, Montana's generalist nonprofit firm, is dedicated to holding the powerful accountable. U7L takes smart risks and invests the time necessary to build foundations for long-term accountability work, based on its belief that creativity and innovation in law are essential to advancing social justice and public interest objectives. To advance its mission, U7L engages in litigation and education, often partnering with other firms and organizations.

HONORS

Lund speaks at property rights conference at William & Mary



Lund

Late in September, Bozeman attorney Hertha Lund traveled to William & Mary Law School in Williamsburg, Virginia upon invitation to give a talk at the Brigham-Kanner Property Rights Conference.

The conference provides a forum for scholarly debate on property rights issues and for bringing legal practitioners and law professors together.

Lund spoke on a panel regarding water rights and how these rights are maintained during times of scarcity. She explained, "Our Montana legislature had a tremendous foresight to pass the 1972 Water Rights Act, which led to our state adjudicating water rights claims." Another panelist talked about water rights in California and it became very apparent how much better Montana is in implementing the prior appropriation doctrine, Lund explained.

Law education began at William and Mary in 1779 at the urging of Thomas Jefferson, and it is the oldest law school in the United States. The evening before the conference the participants gathered in the Wren Building, which was originally constructed in 1695. Lund said it gave her shivers to experience sitting in the room where early presidents of the country studied law.

Lund was invited to speak at the Conference based on her 27-year experience, scholarly writing, and speaking about the property interests in western water rights.

SUBMITTING MEMBER NEWS ANNOUNCEMENTS TO THE MONTANA LAWYER

The Montana Lawyer welcomes news from members including announcements of new positions, advancements, honors, appointments and publications. There is no charge for Member News submissions.

If you have news you would like to submit to the Member News section, you can email it to editor@montanabar.org. Please send questions to the same address.

We will include firm name, location, the change that is being announced, attorney's name, law school, practice areas, and a high-resolution photo, if provided.

Worden Thane P.C. welcomes Emily Bruner to the team.



EMILY BRUNER
INTELLECTUAL PROPERTY,
LITIGATION, BUSINESS AND
COMMERCIAL LAW,
ESTATE MATTERS

During law school at UM, Emily interned at Worden Thane, where she worked in a wide variety of practice areas, including litigation, business and commercial law, estate planning, and intellectual property. Emily also completed clinical work at the Rocky Mountain Elk Foundation, assisting in complex property transactions and taxation matters.

Emily utilizes her educational and work experience in her practice as an attorney. She understands the importance of active listening and effectively communicates complex information. Emily is passionate about helping clients solve difficult problems.

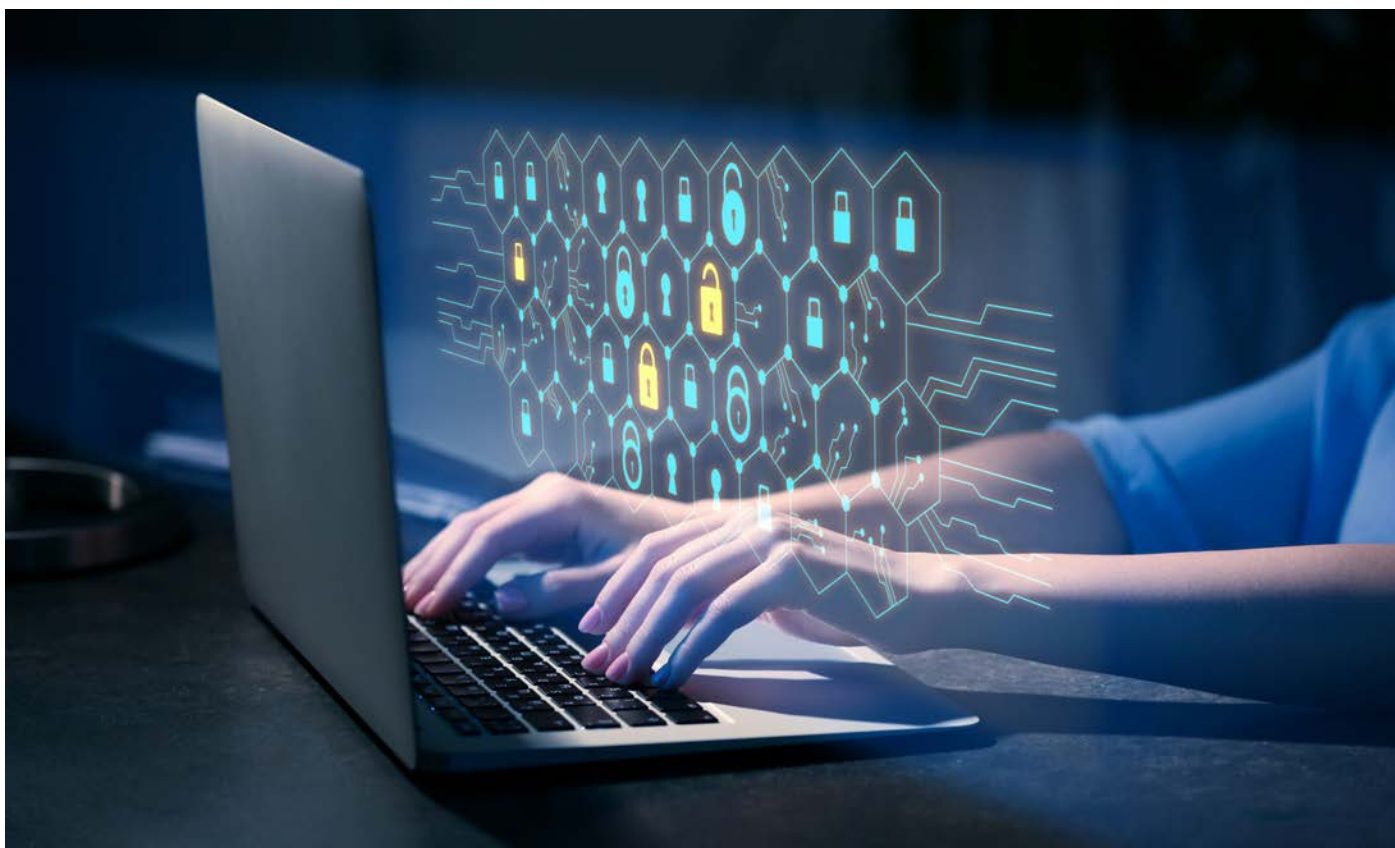
Emily enjoys hiking, fly fishing, skiing, and running with her husband, Eric, and their spirited Goldendoodle, Sadie.

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Unstructured data: A big threat to law firms that's been lurking around for a long time

By Sharon D. Nelson, Esq., John W. Simek and Michael C. Maschke
Sensei Enterprises, Inc.

Recently, authors Simek and Nelson had the opportunity to talk to guest Peter Baumann on their Legal Talk Network Digital Detectives podcast. Baumann is the CEO and founder of ActiveNav, a leading data privacy and governance software provider.

As far back as 2008, Baumann was observing the exponential growth of data and specifically unstructured data, the data that sits outside of databases. He noted that today, “the best technology, the best doors and locks and alarm systems won’t stop the bad actors getting into your network. I think people understand that now.”

Data protection, data privacy, policies and regulations are crucial to

employ so that, if your network is compromised, you are prepared by having the data correctly labeled, categorized, and locked down to reduce your threat attack surface.

The truth is you can’t protect the data you don’t know you have.

How is unstructured data different from structured data?

If it’s structured, it means that it’s kind of already gone through some sort of filtering, triage and parsing system and it typically sits in some kind of managed structured environment such as a database. Think SQL, think Oracle.

Baumann told us, “If it’s unstructured, I like to call it the wild west, it could be in potentially hundreds, maybe even thousands of different types of repositories from those that we’re very familiar with, like our general office

documents in the Microsoft or the Google stacks, through to a multitude of different tools that different organizations will use.” Simply, what’s not in the database is unstructured.

What are the most common examples of unstructured data?

Common unstructured data often consists of text, in many forms including text files and documents, Word documents, email messages (generally considered semi-structured data), text messages, PowerPoint presentations, survey responses, chats, transcripts of call center interactions and posts from blogs and social media.

Other forms of unstructured or semi-structured data types include images, video files, audio files, sensor data, server, website and application logs. Machine data is growing quickly – log

files from websites, servers, networks and apps – particularly mobile ones. And have you thought to include data from IoT connected devices?

The percentage of unstructured data has been estimated at 80%. At a recent RSA conference, a renowned analyst said that they had done some recent work which found the percentage was even higher than that.

Just think about the numbers. In a world where data breaches are proliferating at an extraordinary rate, most organizations have 80% plus of their data in an unstructured environment and most of them have no idea what's in there.

Why is unstructured data a big threat to law firms?

As we've established previously, it's a risk to everyone but it may be more of a risk to law firms because of the nature of the data they are holding, including very sensitive and confidential information. Many times they also hold monies or access to monies.

The bad guys will sniff things out. When you've got an arbitrary collection of unstructured data sitting in an email account, or on a file server or chat stream for example, you've got no signals or tools to identify and manage that data. You're at risk. If hackers were to infiltrate the organization's network, potentially via an unstructured data source, there's nothing stopping them from getting hold of highly confidential client data files, court filings, contracts, deposition files, etc.

If a breach leads to a significant loss of confidentiality, that's huge. Trust and data protection is fundamental to the legal industry. Failure to keep data safe might be seen as unethical depending on the security measures taken. There

are all sorts of compliance issues, with all the states and territories having data breach notification laws – and there are more and more privacy laws in place. The ultimate horror show is significant reputational damage, which could be devastating.

Why do law firms often avoid dealing with unstructured data?

Bauman said his flippant answer is that "it's just too hard." He added a slightly more nuanced answer, indicating they may not really understand the implications of what might happen and what's in the unstructured data. Dealing with unstructured data feels daunting. It can be a time-consuming and expensive process to deal with. Because most law firms are generally unaware of the magnitude of the risk, they procrastinate, perhaps not thinking of how expensive and time consuming a data breach would be.

They struggle with whether to do it now or push it off. They worry that they are not in control even of their structured assets. Some are only just realizing that perimeter protection is not sufficient and they are moving to a Zero Trust Architecture. But if firms ignore unstructured data, you may end up with thousands of potential entry points that attackers can exploit.

The return on investment for successfully dealing with your unstructured data is significant. In the early days, it was all about storage savings. Today, it's all about risk. Firms are always willing to deal with this post breach. But there may be something else that motivates them to act sooner. Perhaps they are doing a data migration project and they are migrating data to a new cloud. That's often a good time to look at the data, clean it, label it, etc.

What tools should law firms use to control unstructured data?

Baumann says too many people have had a bad experience with trying to control unstructured data. Maybe they used the wrong tool. Maybe they didn't even understand that there are tools to help. The key thing is you need tools that are built to do the job, not secondary or tertiary players in the market. You want to use tools that are built for unstructured data that have been built to have no knowledge of the content and build holistically ground up.

You don't want to pass the burden of making decisions about the data to the busy managing partners. Historically, a lot of organizations think that just carrying out a manual survey asking people about their data will suffice. It is an important part of the process, but it doesn't suffice. Once that survey is complete, it's out of date the next day. The other problem with surveys is your reliance on human recollection, which is ever and always faulty. So, you must combine those surveys with actual data.

For a listing of the top 15 Data Analysis Tools in 2022, check out this link: <https://hevodata.com/learn/data-analysis-tools/>.

How do you get buy-in from firms to enact new restrictive policies

You show them their own data. Then you show them the risks they have within their firm. You run the out-of-the-box algorithms rules which will very quickly show information that shouldn't be there, personally identifiable information, non-compliant data, data that violates privacy law. You also show them the data against their

MORE DATA, NEXT PAGE



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DATA

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existing in-house policies. For instance, Baumann recently talked to a law firm which never had a retention policy on their emails. So, they have an extremely high risk, having 20 years of emails.

If you have a policy that covers five years of emails, you've removed an enormous amount of risk by not having to deal with 20 years' worth of emails.

What steps can firms take today to govern their unstructured data?

The first thing is you need a plan. Make sure you've got the right executive sponsorship, in other words, the managing partners. Then you get into the nuts and bolts. Do that survey of your people. That's a very helpful process to go through and most law firms, at least the larger ones, have probably already done it on their structured data, so leverage the same process across your unstructured data.

You need an up-to-date inventory of

all your data assets. Once you have those in place, you can leverage the knowledge and experience and methodologies you've used already to your structured data and carry those across into the unstructured space.

You will need to bring the right tools in to support this process. That's going to vary depending on the size of the firm. You need tools to provide an up-to-date inventory of all your unstructured data assets. The inventory must be kept current. Align the inventory with your policies, procedures, and your other methodologies.

You essentially need to start an ongoing process of data remediation, management, and classification as appropriate for your law firm.

If your head is spinning, that is the appropriate response. Perhaps the first step is to get expert help and guidance!

Sharon D. Nelson is a practicing

attorney and the president of Sensei Enterprises, Inc. She is a past president of the Virginia State Bar, the Fairfax Bar Association and the Fairfax Law Foundation. She is a co-author of 18 books published by the ABA. snelson@senseient.com

John W. Simek is vice president of Sensei Enterprises, Inc. He is a Certified Information Systems Security Professional (CISSP), Certified Ethical Hacker (CEH) and a nationally known expert in the area of digital forensics. He and Sharon provide legal technology, cybersecurity and digital forensics services from their Fairfax, Virginia firm. jsimek@senseient.com.

Michael C. Maschke is the CEO/ Director of Cybersecurity of Sensei Enterprises, Inc. He is an EnCase Certified Examiner, a Certified Computer Examiner (CCE #744) a Certified Ethical Hacker and an AccessData Certified Examiner. He is also a Certified Information Systems Security Professional. mmaschke@senseient.com.



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Parsons Behle & Latimer Missoula Office Grows Again

Located in the newly-renovated Radio Central Building, Parsons Behle & Latimer is pleased to announce that it has once again expanded its Missoula office with the addition of attorneys Jesse C. Kodadek and Leah Trahan. Parsons continues its pattern of strategic growth in the Intermountain West to better serve our Montana clients. To learn more about our Missoula office, visit parsonsbhle.com/locations/missoula.

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An inspiring evening



Dorothy Bradley speaks after receiving the 2022 William J. Jameson Award during this year's Annual Meeting in Helena. Below, Bradley shares a moment with Alanah Griffith, who nominated her for this year's Jameson Award.

Awards Banquet honorees lift spirits at Annual Meeting ceremony

The State Bar of Montana honored numerous legal professionals for careers working to better the legal system and access to justice in Montana at an Awards Banquet ceremony that left many feeling uplifted, and even drew a few tears.

Among those honored were:

- Dorothy Bradley (William J. Jameson Award), who followed up a groundbreaking political career with a second career as a lawyer working on a variety of environmental issues and helping transform the legal system in Gallatin

County ;

- Chief Judge Stacie FourStar of the Fort Peck Tribal Court (Karla M. Gray Equal Justice Award);

- Judy Williams (George L. Bousliman Professionalism Award), who has spent much of her career serving children involved in the state's abuse and neglect system;

- Former Montana Legal Services Association Executive Director Klaus Sitte (Neil Haight Pro Bono Award), who has continued to be a pro bono workhorse and strong advocate





The Honorable Stacie FourStar speaks after being introduced by Justice Beth Baker, shown below, as the 2022 winner of the Karla M. Gray Equal Justice Award.

for pro bono work long after retiring as executive director at MLSA;

- and MLSA tribal law attorney Kathryn Seaton (Frank I. Haswell Award for best contribution to the Montana Lawyer), whose ongoing series of articles on Indian Law has helped shed light on one of the least understood areas of law in Montana.

According to outgoing secretary-treasurer of the Board of Trustees Alanah Griffith, who nominated Bradley for the Jameson, Bradley's impact on Montana's government and legal system became very apparent to her when she attended this year's 50th anniversary celebration of the Montana Constitutional Convention.

"Every single person who talked – all the former delegates, all the inspirational speakers, pretty much anyone who held a microphone – referred to Dorothy as instrumental in bringing Montana to where we are today" Griffith said. "She drove that by bringing people who thought they would never get to the table together, together, and found that common ground."

For her part, Bradley encouraged those in attendance to continue to work to build bridges, even though things may seem especially divisive at the moment.

"For those I hear saying the time of that kind of productive partnerships are long past, my response is, it's up to us," Bradley said. "The question of the day is whether we, with all of our differences but with our boundless love for the state of Montana, will step up. You are the ones who understand the value of our system of laws, and your voices have never been more needed and more important. The repercussions of squandering this little window of opportunity are too grim to even imagine. This is our moment; this is our time to champion the Jameson standard.

Montana Supreme Court Justice Beth Baker, who introduced Judge FourStar for the Equal Justice Award, said she was inspired when she read the slate of award winners this year. "It's such a great group and a wide variety of backgrounds and legal careers. I think it shows that there's not one mold that you have to fit as a lawyer to be doing good for your community and your state and the people at large."

Justice Baker said there couldn't be a more fitting recipient of the award, saying that in addition to the myriad improvements to access to justice she has overseen in the Fort Peck Tribal



“ I don't know about you, but I was completely inspired when I read the slate of award winners this year. ”

Montana Supreme Court Justice Beth Baker

MORE INSPIRING, PAGE 16



Dave Steele, above, took the gavel as State Bar of Montana President during the Annual Meeting. Outgoing Chair of the Board Stuart Segrest, below, became President-Elect.

INSPIRING: 'IT'S UP TO US, NEW BAR PRESIDENT DAVE STEELE SAYS



FROM PAGE 15

Court system, Judge FourStar has been a tremendous partner in developing a Tribal Way Advocacy Program that she said is already proving itself as a fabulous program for parties in civil cases.

In accepting the Haswell Award, Seaton said her series has been a group effort from the beginning, from the expertise of the tribal law practitioners and judges featured in her Q&A format articles to the support and help of her colleagues – adding that she played perhaps the smallest part in the project. She also managed to put in a plug for lawyers to help with tribal law work.

“If it piqued your interest, or if any of your other lawyer friends are interested, we are always looking for pro bono volunteers at MLSA, so feel free to reach out,” she told the audience with a smile.

Outgoing State Bar President Brian

C. Smith, who ended the evening by introducing new President David Steele, noted the uplifting spirit of the evening.

“If you don’t feel better about the practice of law after tonight, you probably don’t have a heartbeat,” Smith said.

Steele echoed Bradley’s remarks in his address, noting how vital lawyers are to ensuring that the rule of law survives.

The State Bar has an important role to play right now,” Steele said. “The institutions that we have relied upon for hundreds of years, it looks like they’re in peril. In our country, like in many, it’s most often been that the lawyers are the leaders. In our greatest moment of peril, when we may well have divided in two, it was a lawyer who kept it together. We are privileged to have that special knowledge and special training. We need to put that to use now. Now is the time. It’s up to us.”



LEFT: Kathryn Seaton accepts the Haswell Award from State Bar of Montana President Brian C. Smith during the Awards Banquet at the 2022 Annual Meeting.

BELOW: Smith presents Judy Williams with the George L. Bousliman Professionalism Award .





Klaus Sitte accepts the 2022 Neil Haight Pro Bono Award from Brian C. Smith during the Awards Banquet at the State Bar of Montana's 2022 Annual Meeting on Sept. 22. Sitte, a longtime staffer at Montana Legal Services Association and former executive director of MLSA, also was honored as a 50-year member of the bar earlier that evening. Below, guests enjoy the President's Reception before the Awards Banquet.



50-year members honored



The State Bar of Montana honored 14 attorneys as 50-year members of the bar during the 2022 Annual Meeting. Those on hand to receive 50-year pins were (from left): Vicky Dunaway, Terry Hanson, John Scully, Gale Gustafson, William Leaphart, Fritz Gillespie, Bruce Flynn, Terry Cosgrove, Bruce Loble, Julio Morales, Mark Clark, John Dudis, Klaus Sitte, and Chuck Johnson. Congratulations to all for 50 years of service to the legal profession. We also would like to thank the Honorable Leslie Halligan, who for the last several years has provided corsages for 50-year members.

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Items included in this year's Art for Justice silent auction benefitting the Montana Justice Foundation are shown during the President's Reception at the 2022 Annual Meeting in Helena.

Silent auction raises over \$2,500 for Montana Justice Foundation

The annual Art for Justice silent auction raised a total of \$2,695 for the Montana Justice Foundation at the 2022 Annual Meeting.

Several of the items in the auction were original pieces of art donated by the Montana attorneys who created them.

MJF would like to thank the following people who donated art and other items for the auction:

- Cindy Thiel — Alaskan Whale bone sculpture of an Otter, 9 inches tall
- Steve Fletcher — Photo on gallery wrap canvas "Mission Mountain Monarch"
- John Patterson — "Mount Sentinel" photograph
- The Honorable Leslie Halligan and Mike Halligan — four-night stay at a condo in Whitefish
- The Honorable Robert L. Deschamps — four-night stay at condo in Flathead
- Justice Pat Cotter "Doors of

Dublin" print

- Six framed original paintings by various artists, donated by Robert and Bonnie Minto
- Original "Ladies of Justice" wall hangings by artist Lauren Salerno and framed print "Rainbow Cowboy" both donated by Alissa Chambers, executive director of Montana Justice Foundation.
- Three landscape watercolors donated by Missoula artist Martin Kidston.

MJF gives a special thank you to lawyer and artist Matt Thiel, who had the original idea for this annual event and who facilitated donations on short notice on top of getting married the same week.

MJF is also grateful to the team from the State Bar of Montana — including Executive Director John Mudd, Jill Diveley and Jeannie Etchart — for helping to facilitate the event.

LOAN REPAYMENT ASSISTANCE

Montana Justice Foundation recently opened the funding cycle for its Loan Repayment Assistance Program for law school graduates employed in nonprofit organizations dedicated to serving low-income individuals and families in Montana. Applications need to be submitted prior to Dec. 8, 2022. Funds will be disbursed in January. Benefits are non-taxable under federal law and structured as a one-year loan forgiven annually provided the recipient remains employed full time with a qualifying employer. A maximum of \$2,500 per year is available to approved applicants and funds are disbursed twice per year in six month increments. Nonprofits interested in applying to become a qualified employer (for purposes of eligibility for staff attorneys) can contact Alissa Chambers, achambers@mtjustice.org. Applicants can learn more and apply directly at www.mtjustice.org/our-work. MJF thanks all of the attorneys working to provide access to justice for all Montanans.

The background of the entire page is a photograph of two people silhouetted against a bright, cloudy sky. They are standing on a dark, rocky mountain peak. One person is standing and leaning forward, while the other is sitting or crouching, and they appear to be holding hands or reaching towards each other. The overall tone is inspirational and supportive.

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Want to get rid of a bad habit?

Try creating a good one instead

A Twitter user once told me (actually, the entire internet):

“All my plans for the future involve me waking up tomorrow with a sudden sense of discipline and adherence to routine that I have never displayed even once in my life.” -@sometwitteruserontheinternetidk

Anyone relate? Now that we’ve given 30 (I don’t know actually how many) tips on stress management over the past year, how do we actually follow through?! This brings us to my favorite topic, creating habits.

First things first: willpower and discipline alone do not work. Whoever told us all about those things lied! This is because when we’re trying to adopt a new habit or get rid of an unhelpful habit, we start off believing we are NOT the type of person who can accomplish that goal. For example, if I want to stop smoking, I already believe with all of my heart that I am a smoker. Or conversely, I’m already a failure at being a non-smoker. So the action of skipping a cigarette is not only difficult in its own right, the action goes against the grain of who I believe I am. I simply don’t have enough evidence to believe I can be a non-smoker until I’ve skipped many, many cigarettes. If we’re keeping score, I have years of tallies on the board where I smoked, and only one or two tallies on the side showing I don’t

smoke. So, do we just use discipline and willpower until there are enough tallies on the “non-smoking” side that we believe it’s true?

Probably not successfully!

It’s too much to ask to force ourselves to make it to that finish line. But there are many tools to help form a new habit that will help you see the evidence faster and get points up on that board more quickly. Here are my favorite tips.

1) Focus on a VITAL behavior, rather than the big picture goal. This is an upstream behavior that either prevents you from, or ensures you can, complete your goal. If my goal is to go to the gym, the vital behavior I actually need to focus on is clearing my calendar in the 30 minutes before I want to leave so I don’t get hijacked.

2) Make a bad habit harder by creating friction between you and the thing you don’t want to do. For example, if I want to drink less, maybe I keep my drinks warm in the garage so I have to wait for one to cool before I can drink it. Don’t have things you don’t want to eat in the house or hide them from yourself. (Which leads to a great bonus: finding hidden candy that you forgot about!!)

3) Make good habits easier by stacking them together with things you already do. For example, if you’d never skip brushing your teeth, add the habit



MERI ALTHAUSER

Meri Althaus is an attorney of over 10 years practicing family law and mediation in Missoula. Her practice focuses on collaboration and solution-finding for her clients and their families. She also offers consulting services in workplace wellness, with a certification as a Workplace Wellness Specialist through the National Wellness Institute and as a Resilience and Thriving Facilitator through Organizational Wellness and Learning Systems.

“ It’s too much to ask to force ourselves to (break a bad habit). But there are many tools to help *form a new habit* that will help you see the evidence faster and get points up on that board more quickly. ”

you're trying to form when you brush your teeth. Whenever I brush my teeth, I also [write in my gratitude journal, send a thank you note, etc.].

4) One of my favorites: just start. Did you know you don't have to get an A plus? Throw out the old advice that you shouldn't do something if you're not going to do it well. You will survive if you do it badly, so just start! The benefits of starting are two-fold. First, if you just start in on something you don't want to do (e.g. I don't want to do the dishes. I'll just start them though...) it's likely you'll just bite the bullet and finish. Second, you'll start to realize that small starts and stops are OK and that you haven't failed. When I was a trainer, I heard all the time that "I missed all of last week, so I've already failed, I won't

be back." But as it turns out, if you screw up this week, you can totally just try again next week!! You can keep adding tallies to the new habit scorecard even if you skip a week, just start up again.

5) Don't go it alone. Align at least four things in your environment to help you stick with it. When we work with folks in need of substance abuse treatment, we tell them that if they go back to the same friends, environment, things, and cues they were subject to before getting sober, they are setting themselves up for failure. All of these environmental cues can be used for good! These cues include physical reminders: calendar reminders, alarms, physically putting your gym clothes next to your bed so you step on them, etc. They include rewards: I'll reward myself with a massage, night out,

or a little shopping. And punishments: pull out a \$100 bill and put it on your dresser. If you skip your work out, rip it up, it works! And last, accountability and solidarity from your friends. When you tell your friend your goal and have them check on you, that's accountability. When your friend joins you in your goal (and their own \$100 bill to rip up) that's solidarity. Pick at least four of these environmental supports and you'll be well on your way to success!

If you take the time to focus on some of these strategies, you'll start to put up points on your scorecard faster and more easily, and you'll be focused on the process instead giving yourself a pass/fail on your goal.



Guiding juror emotion is as important in deliberation room as strong arguments

It is so important for litigators to understand jury decision-making in a practical and useful way. One of the ways we have tried to shift this understanding is by encouraging litigators to think about their case as a conversation, a series of ongoing interactions among human beings. So much attention is placed on the question of whether a key argument is persuasive, and which of the most persuasive arguments can lead to the winning result. At first glance, this makes a lot of sense. Making strong arguments seems like the key to success in the courtroom. While it is difficult to imagine anything more important, this difficulty is born from an incredibly narrow view of jury decision-making that can blind litigators to other critical factors.

Persuasive arguments are only part of courtroom persuasion. Persuasive arguments alone are typically not enough to win. For one, the content of a persuasive appeal is only about message characteristics — the message substance, structure, sequence, emphasis, and more. These are the choices you make for how to develop your strongest appeals. How your jury reacts to your messages and whether your persuasion has its intended effect is much more dependent on the more important half of the persuasion dyad — the resulting effect of your message on the audience.

Even with powerful, clear arguments jurors rarely agree on everything (or even most things) at the start — or even at the end — of their deliberations. They have varying reactions to your messages and differing ways of thinking and talking about their resulting perceptions and opinions. They have to talk it through and through that *conversation* they reach their verdict. This makes the framework of a conversation -- as part of a persuasive interaction -- key to thinking about persuasion in the



By Thomas O'Toole, Ph.D.
&
Kevin Bouilly, Ph.D



courtroom. It is not enough to focus on whether an argument is persuasive. It is not enough to focus on whether you can persuade individual jurors. You must consider how your messages will influence the behaviors of a small group of people who disagree on many aspects of the case and must reconcile their views through conversation, debate, negotiation, and compromise.

We often argue the most important debate at trial is not the rhetorical battle between skilled attorneys (as is so often glamorized in Hollywood). The litigator is the debate coach and he or she has many tools at their disposal for coaching jurors how to influence the conversation in deliberations. You want to approach your advocacy in the role of empowering the true persuaders - your most influential jurors. We could write an entire book about strategies for influencing the conversation between jurors in deliberations, but in this column, we want to talk about how themes and arguments can impact jurors' emotional states, and how those emotional states translate to deliberation conversations.

Attorneys have long capitalized on rousing anger towards the actions of an egregious opponent or telling the story of an incredibly sympathetic party.

These are not the kind of emotions we talk about in this column. These are emotional appeals that fall solely in trial attorneys' control. Instead, we want to focus on how jurors' emotions affect the interpersonal dynamics in deliberations, which can have a significant impact on a juror's motivation to be assertive, attempt to lead the discussion, or contribute to the process at all. Here are three important ways arguments and themes impact jurors' emotional states and the jury's interpersonal dynamic.

Arguments affect juror confidence and competence. Participating in a conversation in deliberations with a group of strangers can be intimidating and requires confidence to counterbalance fear of embarrassment. There are two relevant kinds of confidence. First, there is public speaking confidence. Most jurors have this confidence or will gain it as they relax over the course of the conversation. Some certainly have more than others, impacted by education, experience, occupation, and leadership experience. These are juror characteristics you can identify and consider in jury selection.

The second is jurors' confidence in their ability to debate the substance. This requires they understand the argument to a sufficient degree and feel comfortable adopting and re-articulating it in deliberations. It also requires they have faith in the party or attorney sponsoring the argument. No one wants to look like a fool or be embarrassed by advancing a losing argument by an untrustworthy source. This emotional risk is offset when jurors feel they have the tools to effectively argue. Litigators must focus on presenting the case so jurors can effectively tie the winning arguments together in a few, uncomplicated steps. A strong way to do this is to reduce the argument to its most fundamental logical structure to produce an

"A + B = C" simple structure that can be presented, repeated, then adopted and argued by jurors in deliberations. The key adjustment here is in moving past your confidence in the message and considering how to empower jurors to use it in conversation.

Arguments affect juror comfort through familiarity. Research in psychology has long shown how unfamiliar settings and information wreak havoc on our brains and emotional states. Familiarity gives people comfort and the sense that everything is okay and manageable. At trial, jurors are asked to change everything about their lives for days, weeks, or months and then get blasted with an unmanageable amount of complex and confusing information. It is akin to someone dumping a thousand puzzle pieces on the table and then

throwing away the picture on the front of the box. To reduce their uncertainty, jurors rely heavily on the familiar. If two arguments are at odds and one feels closer to jurors' experience, that familiarity creates comfort and impacts persuasiveness. Jurors are more likely to advocate for comfortable positions, familiar analogies, and central experiences that ring true in their lives. The key adjustment here is moving past your default view of the persuasive story and considering how a more comfortable juror can better leverage a familiar idea or theme in deliberations.

Arguments offer satisfaction when advocated and defended. Research shows our human tendency to favor positions and ideas consistent with our social identity and oppose those at odds with it. We respond emotionally to belonging

to a group and protecting that group. Call it tribalism, identity, in-group, or otherwise, but we are talking the motivation and the satisfaction from making and defending decisions that protect our values and those of our tribe. Triggering this state is more emotional and social than logical or rational. "Green" jurors are satisfied by advancing and defending pro-environment ideas. "Authoritarian" jurors are satisfied by advancing and defending positions of authority and individual leadership. Framing your arguments in values that appeal to your target audience is a key opportunity as you consider jurors' emotional states and guide them in deliberations.

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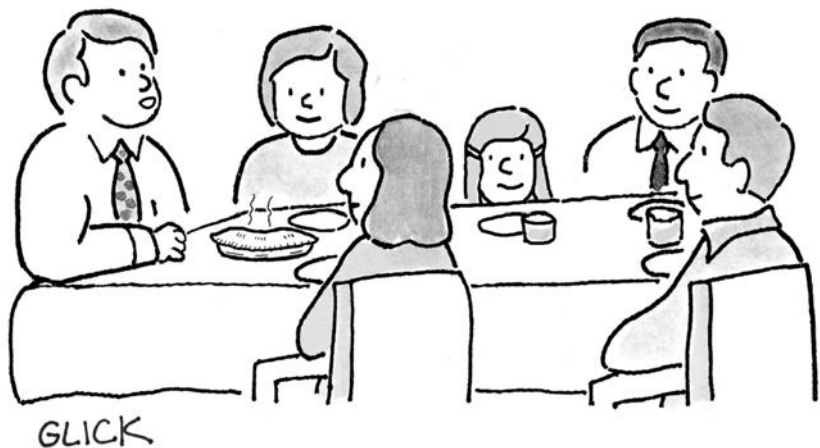
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BY ARNIE GLICK

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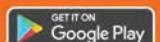


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Avoiding counterfeit trust account check scam will save you headaches

Counterfeit checks are more of a problem than most realize. Scam artists create millions of these checks each year and while there are a wide variety of ways such checks are put to use; the focus of this post is on one where the scam artist uses counterfeit law firm trust account checks.

Why would a scam artist target a law firm trust account?

Because these accounts often hold substantial funds, making them an attractive target. Scammers also hope that a theft of funds from this type of account will go unnoticed long enough that the scammer will have sufficient time to get their hands on the money and run.

How does the scam work?

Here's the gist of it. A scam artist will either clone an actual trust account check or — using accurate trust account banking information, — create a counterfeit check. Either way, the end result is the creation of a fake trust account check that is very difficult to distinguish from the real thing because advanced design and printing technologies were used to create it. The scammer will then deposit the fake check and withdraw the funds once the funds are made available.

Why should I worry about this type of scam?

If you are thinking, but wait, if my bank honors a counterfeit check, wouldn't the responsibility for restoring the stolen funds fall on the bank? You would be correct; however, that doesn't mean there's no impact on your firm. Before the bank takes that step, an internal investigation will need to be completed. In the interim, your firm is left having to deal with the fact that there is a shortfall in the trust account.

Your firm will need to replenish the trust account to cover any outstanding checks that may otherwise bounce. Depending upon the amount of the loss, your firm may need to come up with a significant amount of money. This begs the question. Should this ever happen, will your firm have the financial wherewithal to do so?

Is there anything I can do to prevent this from happening?

There is. Start by doing what you can to keep your trust account banking information as private as possible. For example, ask clients to refrain from posting copies of settlement checks on social media.

Second, don't make it easy. One of the ways scammers try to get a hold of original checks is by stealing mail out of mailboxes. This is why it's important to take all mail that contains a trust account check directly to the post office or to only deposit it in trusted U.S. mail drop boxes. If any mail recipient doesn't have a secure mailbox at their location, consider an alternative method of delivery.

Make sure your trust account checks have built in security features. Think water mark, safety hologram, invisible fluorescent fibers, and the like. Also monitor your trust account activity daily or weekly, depending upon how active this account is. The sooner any account discrepancy can be identified, the better.

Finally, consider enrolling in your bank's positive pay program. By giving your bank the specific details of every trust account check you write, your bank can then verify that the information you provided matches the information on any trust account check presented to the bank for processing. That's good stuff if you ask me



Mark
Bassingthwaight

Since 1998, Mark Bassingthwaight, Esq. has been a Risk Manager with ALPS, an attorney's professional liability insurance carrier. In his tenure with the company, Mr. Bassingthwaight has conducted over 1,200 law firm risk management assessment visits, presented over 400 continuing legal education seminars throughout the United States, and written extensively on risk management, ethics, and technology. He is a member of the State Bar of Montana as well as the American Bar Association where he currently sits on the ABA Center for Professional Responsibility's Conference Planning Committee. He received his J.D. from Drake University Law School



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Robert John Brooks

Robert John Brooks passed away Monday, Aug. 2, 2022 after a brief illness.



Brooks

He was born in Lewistown Jan. 3, 1936. After graduating from Fergus County High School, he attended Montana State College (later renamed Montana State University), where he participated in ROTC and graduated from the University of Montana in 1958 with a degree in history and political science.

He earned his law degree from the University of Montana School of Law in 1962.

Bob began his legal career as the Powder River County Attorney in 1963. While in Broadus, in addition to raising children, Bob was a member of the volunteer fire department, served as mayor, was an active member of Powder River Masonic Lodge 135, worked countless volunteer hours for the Powder River County Library while being active in the Montana County Attorney Association, the Board of Crime, started the first State of Montana Drug task force and served the State Bar in many capacities. In 1984, Bob was appointed to the U.S Attorney's Office by Pete Dunbar, serving as an Assistant

U.S. Attorney, retiring in 1998. The wealth of matters in which he was involved remains amazing. While in Butte, Bob served Butte Public Housing Authority, the Butte Exchange Club, the Montana Association of the Blind, the Butte Ronald McDonald House, and St. John's Episcopal Church. Many will know and miss Bob as a regular at Gamer's with a quick wit, always a joke and an avid interest in current events and history.

He is survived by his wife of 63 years, Blanche Brooks of Butte, and three children, including Susan Swimley, a lawyer in Bozeman.

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ASSOCIATE ATTORNEY: Bryan Law Firm seeks to add a full-time Associate Attorney to practice estate planning. The Associate Attorney will focus on the design and implementation of estate plans for the firm's existing and future clients whose estates are taxable and non-taxable with varying types of assets.

The Associate Attorney should also be knowledgeable about probate and trust administrations. An Associate Attorney who is passionate about estate planning, enjoys client-facing work, is an exceptional written and verbal communicator, is highly analytical, is comfortable delegating, and is courteous to clients and fellow employees will be successful in this position. To apply, email legalassistant@bryanlawpc.com.

ASSOCIATE ATTORNEY: Doney Crowley P.C. seeks an attorney to join our team. Established by Ted Doney in 1987, the Doney Law Firm focuses on environmental/natural resource law, water law, and civil litigation, as well as administrative law before a variety of agencies. In addition, attorneys in the firm also provide client representation in the areas of real estate, insurance coverage, and business law. The firm strives to maintain a family-friendly environment, and provides excellent opportunities for the right candidate to gain experience and mentorship in practice areas of particular interest to the candidate. Salary estimate \$80,000+ DOE, with generous benefit package including health insurance, 401K, paid parking, and more. Interested individuals should send a cover letter, resume, writing sample, and references to scarpenter@doneylaw.com.

ASSOCIATE ATTORNEY: MurphyMyers PLLC seeks an associate attorney to join its Billings, Montana office. MurphyMyers offers a professional, fast-paced, and collaborative atmosphere in a small firm environment. We are committed to providing our clients with the highest level of legal service. We promote an innovative and creative approach to the practice of law. Our practice is diverse, and includes insurance defense, medical malpractice defense, products liability, coverage and bad faith litigation. The ideal candidate will have 1-4 years' experience practicing law but recent graduates and candidates with more experience are encouraged to apply. Compensation is merit and experience based. Interested candidates should submit cover letter, references, and resume by e-mail to: brooke@murphymyers.com.

ASSOCIATE ATTORNEY: The Law Office of Emma S. Buescher is looking for a full-time family and criminal law associate attorney to ensure smooth running of the office by providing legal support and effective case management. While the specific activities of an associate attorney will often depend on the needs of the firm or the clients we represent, day-to-day responsibilities include: Managing independent case load; Scheduling and conducting initial consultations; Preparing legal documents; conducting legal

research; and Providing general attorney support. Pay is \$60,000-\$90,000, depending on experience. If interested, please email a cover letter and resume to Emma S. Buescher at emma@eblawoffice.com.

CRIMINAL PROSECUTION: Missoula County seeks an attorney to perform legal duties for the County Attorney in the criminal division. After two years relevant experience, at the discretion of the County Attorney, employee may be advanced to Attorney II status based on demonstrated competencies. After four years relevant experience, at the discretion of the County Attorney, employee may be advanced to Attorney III status based on demonstrated competencies. After a minimum of 8 years relevant experience, at the discretion of the County Attorney, employee may be advanced to Attorney IV status based on demonstrated competencies. For more information and to apply, visit <https://www.governmentjobs.com/careers/missoulacounty/>.

TAX ASSOCIATE: Crowley Fleck PLLP seeks a full-time associate to join our Tax, Trusts & Estates Practice Group in our Billings, MT office. Successful applicant must have a J.D., strong academic record, and license or willingness to become licensed in Montana. Strong background in accounting, finance, business and/or LLM in Tax preferred, but not required. Competitive salary and benefits for region. All applications will be held in confidence. Please send resume, cover letter, law school transcripts, and writing sample to Tiffani Mowry at tmowry@crowleyfleck.com.

BUSINESS & LITIGATION: Davis, Hatley, Haffeman & Tighe, P.C., is a business and litigation firm in Great Falls, Montana, with offices in the historic Milwaukee Station. This firm provides a highly professional collaborative atmosphere servicing a wide range of practice areas. DHHT is currently accepting applications for multiple positions. If you want an opportunity to get courtroom experience and actually go to trial, consider submitting a cover letter, resume, and writing sample. If you would like to do transactional work and business formation, you should also consider applying. Those considering a lateral move as well as those relatively new to the practice of law should apply. The individual must be self-initiating, team oriented, and capable of handling a wide range of work. Travel is required, as the firm's practice is state-wide. To apply, email joe@dhhtlaw.com.

CITY ATTORNEY: The City of Great Falls seeks a City Attorney. Managerial responsibility for providing comprehensive legal services to and serving as the

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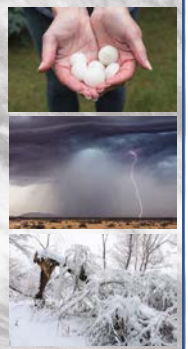
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chief legal representative for the City government. Work responsibilities extend to providing contracted legal services to other public organizations. This position reports directly to the City Manager. For a full job listing and to apply, visit www.governmentjobs.com/careers/greatfallsmt

DEPUTY COUNTY ATTORNEY: Hill County Attorney's Office has two deputy county attorney positions available. Primarily prosecutes criminal matters in Justice Court, District Court and Youth Court, and represents the Department of Public Health and Human Services in abuse and neglect cases. Advises the school districts in civil matters. Performs all duties of the County Attorney in the County Attorney's absence, or at the direction of the County Attorney including representing the county or state in civil matters in various courts of law, and advising county officials and the public on legal matters of concern to the county or the various county departments. To apply, email pfeiferb@hillcounty.us.

DEPUTY COUNTY ATTORNEY: This is a full-time position with the Madison County Attorney's Office performing a wide variety of routine to complex criminal prosecution and/or litigation duties in the State and Federal court systems including misdemeanor and felony criminal violations, Youth Court, and HB640 matters reported by Law Enforcement and DPHHS and does related duties as required. Responsible for prosecuting felony and misdemeanor offenses within Madison County; prosecutes juvenile offenses in Youth Court; represents agencies of the State of Montana, including DPHHS in matters related to HB640 reports; handles involuntary commitment hearings and other matters. Applications must be submitted online at madisoncountymt.gov under the Deputy County Attorney job posting. Please include Resume, Letter of Interest, and a Writing Sample. Please also provide a list of three employment-related references with valid contact information. With questions, please contact the Madison County Attorney's Office at (406) 843-4233.

DEPUTY COUNTY ATTORNEY - CRIMINAL: Cascade County seeks a Deputy County Attorney (Criminal) to prosecute adult criminal offenders through final disposition in Justice and District Courts. Position may also prosecute child abuse and neglect cases, bring involuntary mental health commitments, prosecute child support enforcement, initiate guardianship/conservatorship proceedings, prosecute youth offenders in Youth Court and attend Drug Treatment Court, and others. Applications available at the Cascade County Human Resources Dept., www.cascadecountymt.gov or Job Service.

ESTATE PLANNING/ESTATE SETTLEMENT

ATTORNEY: Great Falls firm looking for a motivated, people-oriented attorney to join our estate planning and estate settlement firm. Our practice is built on long-term relationships with our clients and their other advisors. We follow a fresh approach to the practice of law that emphasizes a realistic work-life balance. This is a great opportunity for a recent law graduate, or lawyer desiring a lateral move, with excellent communication skills who enjoys being part of a collaborative work environment. Please send cover letter, resume and references to Scott, Tokerud & McCarty, P.C., Attn: Jon S. McCarty, Eight 3rd Street North, Suite 507, Great Falls, MT 59401, or email at JonM@MontanaEstateLawyer.com

FAMILY LAW: Expanding family law firm seeking an attorney with 3 - 5 years experience in family law that is capable of hitting the ground running. Spanish speaking is preferable, but not required. The position would include representation from beginning to end of the family law case. The position would not require any marketing or consultations. We offer a competitive compensation package including a base salary,

opportunities for bonuses, full health benefits, and a firm matching 401k plan. If you are interested, please send a cover letter, resume, writing sample, and list of references in PDF format to joe@joebricklaw.com.

FAMILY VIOLENCE SURVIVORS ATTORNEY, MISSOULA: MLSA IS looking for a Staff Attorney to be based in MLSA's Missoula office. The pay is \$55,000 and up, depending on experience. Successful candidate will represent domestic and sexual violence victims statewide with a focus on rural populations and American Indian Reservations in Western Montana. See full description and apply online at www.mtlsa.org/employment-opportunities/

FAMILY VIOLENCE SURVIVORS ATTORNEY, HELENA: MLSA IS looking for a Staff Attorney to be based in MLSA's Helena office. Successful candidate will represent survivors of family violence in Lewis & Clark County and the surrounding counties. The pay is \$55,000 and up, depending on experience. See full description and apply online at www.mtlsa.org/employment-opportunities/

FAMILY VIOLENCE SURVIVORS ATTORNEY, RED LODGE: MLSA IS looking for a Staff Attorney to be based in beautiful Red Lodge, Montana. The Attorney will work in partnership with Domestic and Sexual Violence Services of Red Lodge, Montana, and ASPEN in Livingston, Montana. The pay is \$55,000 and up, depending on experience. See full description and apply online at www.mtlsa.org/employment-opportunities/

LAW CLERK I: The Montana Judicial Branch seeks to fill Law Clerk I positions in Great Falls, Billings, and Bozeman. Law Clerks perform professional legal work and related administrative/clerical work for District Court Judges, including legal research and preparation of memoranda, opinions, or orders. Work is performed under general supervision of a judge and is reviewed through conferences and written reports. The length of appointment is negotiable, and Law Clerks serving more than two years may be moved to Senior Law Clerk status. Our Law Clerk openings update frequently. Please visit <https://courts.mt.gov/Employment>.

NON-ATTORNEY POSITIONS

PROBATE AND ESTATES PARALEGAL: Worden Thane is seeking an experienced paralegal to support our fast-paced estate planning and elder law department. Ideally, a candidate should have at least 5 years' experience in the areas of estate planning, trust administration, probate, and guardianships; is invested in working as a team with attorneys and staff; and can provide exemplary customer service. This is an in-office position which is being considered for candidates interested in full time or part time work, and is located in Missoula. This firm offers a competitive compensation and benefits package upon hire. For consideration please send cover letter, resume, and reference materials to ddonham@wordenthane.com

LEGAL ASSISTANT: Assist busy attorneys at Missoula firm specializing in civil litigation, personal injury, real estate and business, probate, criminal defense, and appeals. The successful candidate must provide superb case management, prepare and file legal documents promptly, provide excellent customer service, calendar and schedule meticulously, and assist attorneys with day-to-day functions. Must have strong computer skills. Candidates should be comfortable working independently and be able to manage a wide variety of tasks. HOURS: Full-time, 8:00 a.m. to 5:00 p.m., Monday through Friday; occasional overtime. SALARY: \$34,000 to \$48,000, DOE, plus profit-sharing, generous benefits and performance-based bonuses.

Apply by email to aimee@montanalawyer.com

PARALEGAL: Great Falls firm seeks full time Paralegal to join well established workers' compensation and personal injury practice. FairClaim Attorneys have an excellent reputation, with over 80 years of combined experience achieving outstanding results for our clients. Join our hard-working team and find a great work-life balance, excellent benefits, competitive salary, and bonus opportunities. Starting salary, with bonus opportunities, is commensurate with qualifications, experience and results. 37.5 hours per week. Benefit package includes paid time off, fully paid health insurance, retirement plan & 401k. To apply, email tturner@fairclaimlaw.com.

CONSULTANTS & EXPERTS

BANKING EXPERT: 34 years banking experience. Expert banking services including documentation review, workout negotiation assistance, settlement assistance, credit restructure, expert witness, preparation and/or evaluation of borrowers' and lenders' positions. Expert testimony provided for depositions and trials. Attorney references provided upon request. Michael F. Richards, Bozeman MT 406-581-8797; mike@mrichardsconsulting.com.

CONDEMNATION EXPERT: 21 years Condemnation litigation for state agency. 40+ years active litigation. Services include case analysis, evaluation of appraisals, negotiation assistance and strategy. Expert testimony on recoverable attorney fees and costs. Opportunity for lead and co-counsel on select cases. Email inquiries to ed@mtjustcomp.com.

FORENSIC DOCUMENT EXAMINER: Trained by U.S. Secret Service and U.S. Postal Inspection Crime Lab. Retired from the Eugene, Oregon, 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 damage, fitness to proceed, criminal responsibility, sentencing mitigation, parental capacity, post mortem testamentary capacity, etc. Patrick Davis, Ph.D. pjd@dcpmt.com - www.dcpmt.com - 406-899-0522.

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EVICTIONS LAWYER: We do hundreds of evictions statewide. Send your landlord clients to us. We'll respect your "ownership" of their other business. Call for prices. 406-549-9611, trevor@montanaevictions.com. See website at www.montanaevictions.com.

MEDIATION

MEDIATION/SETTLEMENT MASTER: Guy Rogers of the Brown Law Firm (Billings and Missoula) announces that he has wrapped up his 35-year litigation practice and now works solely as a mediator/ settlement master. Guy handles mediations throughout Montana and works in his Bigfork/Missoula office during the summer months. Guy is a member of the National Academy of Distinguished Neutrals (NADN), and mediations can be scheduled through its website. Guy can also be reached at grogers@brownfirm.com (Legal Assistant Sylvia Basnett / sbasnett@brownfirm.com). Phone: (406) 248-2611.

MONTANA LAWYER

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