

MONTANA LAWYER

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Montana's Rural Incubator Project for Lawyers named one of the most innovative rural justice programs in the nation. **Page 12**

FEATURE ARTICLE



MEET 2021 JAMESON WINNER MARK PARKER

Billings lawyer calls State Bar of Montana award the highest honor of his illustrious career.

JEST IS FOR ALL

BY ARNIE GLICK



"With Thanksgiving around the corner, I thought this would be a good time to review my estate plan."

Re-evaluating 'how it's always been'

Several years ago, I started practicing in other counties around Montana. As a public defender, for much of my legal career, I had spent a significant amount of time in one or two judicial districts. I was initially excited at the opportunity to see other courthouses, practice in front of other judges and work with other prosecutors. While the excitement hasn't totally dissipated the excitement is now tempered with confusion. Tempered by the fact that in some places the practice of law can be dramatically different. So different that you wonder if you are still in the same state. Why? How did we get to that point? How can the practice of law differ 45 miles to the south? Shouldn't an attorney be able to drop into an unfamiliar jurisdiction and practice without all the pitfalls. Shouldn't there be an agreed-upon procedure or set of expectations. It's like we have reached a point that you need local counsel for an out-of-town attorney.

Don't get me wrong, I understand the importance of having local counsel for out-of-state practitioners. An attorney coming from Minnesota or California needs guidance and counsel on the local practice and Montana law. But how far do we take the idea of local practice? Is the local practice just the county? Is it just the city? Or is it the state? An attorney admitted to practice in Montana should have an expectation that their practice will be similar in each

judicial district they appear. Instead, the "local practice" can be so different that electronic filing exists to the south and no electronic filing, fax, email, or otherwise, is allowed to the north. It is 2021 and in some jurisdictions our options are snail mail or in-person filing.

Not long ago, attorneys supported differences as a way of keeping out-of-state attorneys, or out-of-jurisdiction attorneys, out of their sandbox, eliminating the competition. On a state level there was a fear that relaxing our regulatory scheme would lead to a flood of out-of-state attorneys practicing in Montana or unwanted changes in our culture. The protectionism on a state level has been largely relaxed, and the fears of an "out of state attorney flood" never materialized. It appears we have moved past protectionism on a state level, maybe it is time to move past it on the local level. Local protectionism should be the next barrier to fall.

On a fundamental level, we should be asking if the interests of the client are served by these differences? I would propose they are not. Such significant differences discourage out-of-jurisdiction lawyering and stagnate the progression of the practice locally. This is also a significant issue where rural jurisdictions are experiencing a decline in their attorney population, which at times results in a single attorney being available. Shouldn't the answer be uniformity of practice



BRIAN SMITH

and support of remote or tele-representation? We exist in a time where one of the benefits of technology is the ability to practice remotely. COVID forced progress by necessity, but that progress hasn't been permanent. With a lack of statewide guidance and uniformity, I have already seen progress be erased. Several jurisdictions are rolling back practices that saved attorneys and clients expense and time and created more efficiency in the court system. Frankly some local practices even increase costs.

In many jurisdictions the redundancy in procedure results in a significant burden and increased costs. This practice can be seen in something as simple as some jurisdictions send out minute entries as a matter of course, some do not. Some jurisdictions require everything to be in writing even when something is done in open court, some do not. Often the reason is the response "that is just the way we do it." Initially it would

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MONTANA LAWYER

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STATE BAR OF MONTANA

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CAREER MOVES



Johnson

Palakovich

Johnson, Palakovich join Tarlow Stonecipher & Weamer

Tarlow Stonecipher Weamer & Kelly, PLLC is pleased to welcome two new attorneys to its practice, Mariah N. Johnson, and Sarah M. Palakovich.

Johnson graduated from the University of Montana School of Law in 2021, where she also received her Bachelor of Arts in English Literature and Creative Writing, graduating summa cum laude with University Honors in 2017, and completed her Bachelor of Arts in Russian in 2018. While in law school, she was the Janet Steiger Fellow at the Montana Department of Justice Office of

Consumer Protection. Johnson was on the Editorial Board of the Montana Law Review, where she co-led training sessions on writing skills for new staff.

Palakovich graduated with honors and pro bono honors from the University of Montana School of Law in 2021. A Bozeman native, she earned her undergraduate degree from Montana State University, where she graduated with high honors. During law school, she was selected and served as a teaching assistant in the school's Law Firm Program. There she assisted first-year students in their Legal Research, Writing and Analysis courses. Sarah was placed with the Office of the State Public Defender for her clinical requirement, and she also completed a summer internship with a Missoula District Court Judge.

Johnson and Palakovich will both be engaged generally in the firm's practice, with an emphasis on civil litigation.

APPOINTMENTS & HONORS

Montana Trial Lawyers Board Elections & Officers

MTLA Board election results were announced at its Annual Membership

Luncheon and meeting held in Missoula in August. Elected to three-year terms on the MTLA Board were: Anders Blewett, Great Falls; Tanis Holm, Billings; Justin Stalpes, Bozeman; Justin Starin, Missoula; and, Stacy Tempel-St. John, Great Falls. Confirmed at the membership meeting as MTLA Board members and representatives to the American Association for Justice were Jory Ruggiero of Bozeman as AAJ Governor and Paul Odegaard of Billings as AAJ State Delegate.

MTLA officers elected for 2021-2022 are President Justin Stalpes of Bozeman, President-Elect Pat Fox of Helena, Vice President Stacy Tempel-St. John of Great Falls, and John Heenan of Billings, Secretary/Treasurer.

Montana Trial Lawyers Awards

Recipients: The 2021 recipients of MTLA's annual awards were honored at MTLA's Annual Convention in Missoula in August. The award recipients are: Joe Cook, Billings, Trial Lawyer of The Year; Monte Beck, Bozeman, Career Achievement; Rob Farris-Olsen, Helena, Appellate Advocacy; Tommy Murphy, Great Falls, Outstanding New Lawyer Award; Raph Graybill, Helena, Al Smith Public Service Award.

Worden Thane P.C. welcomes Erika Colstad to the team.



ERIKA COLSTAD
ESTATE PLANNING,
BUSINESS TRANSACTIONS,
AND LITIGATION

Erika loves working with clients and wholeheartedly believes her position as an attorney is a position of service. She is passionate about helping her clients maintain agency over their legal matters while ensuring they understand their legal options. Before law school, Erika worked as an advocate for survivors of domestic violence. While in law school, she worked at a Missoula family law firm and regularly volunteered at Missoula's Self Help Law Center and family law clinics. After graduating, Erika clerked for the Honorable Justice Laurie McKinnon. She currently serves as a pro bono attorney for Montana Legal Services Association in family and domestic violence matters.

Erika enjoys spending time with her friends and family, playing volleyball, hiking, and traveling.

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Laird Cowley, PLLC, would like to welcome

Lindsay A. Mullineaux



Lindsay A. Mullineaux was born and raised in Boulder, Colorado, and attended the University of Colorado - Boulder for her undergraduate degree. There, she graduated magna cum laude with a triple Bachelor of Arts degree in Anthropology, Economics, and English. During this time, she pursued her interest in law through her honors thesis, *The Case for DNA: Early DNA Profiling in the Courtroom*, in which she examined the controversial emergence of DNA in the legal sector and the ensuing battles over allowing DNA as admissible evidence. After undergrad, Lindsay spent five years working as a technical editor in Denver, Colorado.

In 2017, Lindsay moved to Missoula, Montana, where she began attending the Alexander Blewett III School of Law in 2018. During law school, Lindsay interned at Laird Cowley, PLLC, assisted with The Office of the State Public Defender student clinic, and worked as a staff member and an executive editor for the Montana Law Review. She graduated with honors in 2021. Lindsay is admitted to practice law in Montana state courts and practices in the areas of commercial litigation, construction litigation, employment law and business matters, personal injury litigation, and professional negligence litigation.

Practice Areas

ADA Disputes
Commercial Litigation
Employment Law and
Business Matters

Construction Litigation
Personal Injury Litigation
Professional Negligence

Education

Juris Doctorate (J.D.), Alexander Blewett III School of Law (2021)
Bachelor of Arts (B.A.), University of Colorado - Boulder (2013)

Bar Admission

Montana

lmullineaux@lairdcowley.com | (406) 541-7400

Tyler C. Smith



Tyler C. Smith was born and raised in Missoula and graduated from Sentinel High School in 2007. After attending the University of Washington for two years, Tyler transferred to the University of Montana and graduated in 2011 with honors. Tyler then moved to Houston where he investigated damaged utility claims for a utility contracting company.

After his time in Houston, Tyler attended the Gonzaga University School of Law, and received his Juris Doctorate in December 2015. He is admitted to practice law in Montana state courts, the U.S. District Court for the District of Montana, and the United States Court of Appeals for the Ninth Circuit. Tyler works in a variety of practice areas including complex litigation, construction litigation, business law, personal injury, professional negligence, real estate transactions, and several other areas of law. Tyler currently serves on the board of directors for the Montana Defense Trial Lawyers.

In his free time Tyler enjoys spending time with his wife, their two sons, and their two dogs. He also enjoys fly-fishing, snowboarding, playing sports and cheering on his favorite sports teams.

Practice Areas

Complex Litigation
Construction Litigation
Business Law
Personal Injury

Subrogation
Professional Negligence
Real Estate Transactions

Education

Juris Doctorate (J.D.), Gonzaga University School of Law (2015)
Bachelor of Arts (B.A.), University of Montana (2011)

Bar Admission

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Call for Mock Trial volunteers, coaches

The third annual Montana High School Mock Trial competition will be held in Helena on March 4-5, 2022.

The deadline for team registration is Jan. 14, 2022. Each school that fields a team must have at least one lawyer coach and one faculty coach.

Montana attorneys who are interested in coaching a high school mock trial team can email mocktrial@montanabar.org for more information.

This year's problem is expected to be released in November.

In addition to volunteer lawyer coaches, volunteers will be needed to judge the state competition as well as preliminary rounds before the state event. Lawyers and judges who would like to volunteer as judges can also email mocktrial@montanabar.org.

The winning team from the state competition will advance to the National Mock Trial Championship, which will be held this year in Kalamazoo, Michigan, May 5-7, 2022.



**2022 STATE COMPETITION
WILL BE HELD MARCH 4-5**

Lawyer Assistance Program Support group meetings

The bar's Lawyer Assistance Program offers three support groups that meet weekly via Zoom. The meeting schedule is:

- **Women's Group Meeting:** Mondays at noon. Email agoldes@montanabar.org for information on joining.
- **Recovery from Addiction Support Group:** Tuesdays at noon. Email mlarson@montanabar.org for

information on joining.

- **Mental Health and Well Being Support Group:** Wednesdays at noon. Email mlarson@montanabar.org for information on joining.

STATE BAR OF MONTANA LAWYER ASSISTANCE PROGRAM NEW WOMEN'S GROUP MEETING



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CLE & SKI

BACK ON THE SLOPES IN 2022

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10.0 CLE CREDITS PLANNED

Law school acting deans discuss transition

Dear Colleagues,

We, the new Acting Deans of the Alexander Blewett III School of Law at the University of Montana, appreciate this opportunity to connect with you. As we move forward through our transitional and collaborative leadership over the next few months, we are eager to work with you to ensure we build a solid foundation for the future of our institution.

Over the past few years, we have faced myriad challenges as a nation, as a state, and as a university. Yet, challenges present opportunities for continued learning and growth together. We heard from our friends, families, alumni, constituents, donors, and others, all of whom expressed concern over the impact of recent events at the law. In the ongoing wake of these challenges, we have stepped forward to continue the day-to-day work of our institution while also keeping an eye toward the bright future that we believe lies ahead.

First and foremost, we remain firmly committed to our important mission of preparing our students for the people-oriented practice of law, public administration, and policy, by integrating theory and practice in a competency-based curriculum. We will continue to fulfil our role as the academic legal center in Montana by contributing to the development of national, state, and tribal law and legal institutions through teaching, scholarship, and public service. That is the work that has defined us and will continue to ensure that we can effectively serve the bench, bar, and legal community.

To do that, we aim to take a collaborative approach to leadership and will be relying on you, our community, for additional support and guidance as we move through this time of transition. Our collective goal is to provide stability for the remainder of this academic year, while also taking various opportunities to engage

our internal and external constituencies in charting a productive course forward.

For example, we will soon begin a national search for a new dean, with the goal of bringing on new leadership to start the 2022-2023 academic year. Through that process, our search committee will seek input and feedback, and we look forward to partnering with you in this endeavor. In addition, we plan to commence a review of the climate and culture within the law school. This effort, which will build upon the prior work of the school's climate and culture advisory group of faculty, students, and staff, is focused on identifying the ways in which we can support a more diverse, equitable, and inclusive environment to find common ground as a community.

Finally, we would like to reiterate our gratitude for your ongoing interest in and support for our school, our work, and, most importantly, our students. We also thank Paul Kirgis for his years of dedication, service, and leadership as dean to the law school, and welcome his return to the faculty as a full-time professor of law. The school remains a unique institution and is truly Montana's law school. Delivering upon our mission remains the focus of our deeply dedicated faculty and staff. As we work to lead us through this time of transition, we take seriously the responsibilities demanded by the support and commitment of those entrusting us with the future of our legal community. We hope we can continue to count on your assistance as we do so.

Respectfully,

Prof. Monte Mills, Acting Dean, Student Success

Dr. Sara Rinfret, Acting Dean, Public Administration & Policy

Prof. Cathay Y. N. Smith, Acting Dean, Academic Affairs



Professor Monte Mills



Dr. Sara Rinfret



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Montana's Rural Incubator Project for Lawyers has been named one of nine Rural Innovation Sites as among the most innovative rural justice programs in the nation. (Stock photo)

Montana program chosen among best in US

A national rural justice council has named a Montana program that trains and mentors attorneys to serve rural communities' among the nation's top rural justice programs.

The Rural Justice Collaborative Advisory Council has selected Montana's Rural Incubator Project for Lawyers as one of nine Rural Innovation Sites, which it says are the country's most innovative rural justice programs and that will serve as models for other communities. The RJC initiative will provide resources to enable other communities to replicate these Innovation Sites' successes.

RIPL is a joint effort of Montana Legal Services Association, the University of Montana's Alexander

Blewett III School of Law, the Montana Justice Foundation, the State Bar of Montana, and the Montana Supreme Court's Access to Justice Commission. The 24-month program is designed to train and support attorneys as they develop and launch new solo and small firm law practices to serve rural Montana areas. According to MLSA, the program trained 10 new solo lawyers in its first two years.

According to Alison Paul, executive director of MLSA, all of the program's stakeholders deserve credit for its success.

"We are thrilled that the RIPL program is being honored as an innovative program to increase access to justice in rural areas," Paul said. "It has truly

made a difference in the lives of many low-income Montanans who previously did not have access to the advice of an attorney due to a lack of resources in this state."

Tara Kunkel, executive director of Rulo Strategies, which organized the RJC in partnership with the National Center for State Courts, said the RJC will be a big help for many communities in developing their own programs like RIPL.

"Rural community leaders often don't have the resources to develop programs from scratch but we know that many rural justice leaders, like those from RIPL, have found innovative solutions to their complex problems. Before this, there has been no nationally

concerted effort for justice leaders and their collaborators in other sectors to share what they know. The Innovation Sites provide a framework that others can build from,” Kunkel said.

Lawyers chosen as RIPL fellows agree to provide substantial pro bono and modest means services to low- and-moderate-income Montanans and tribal members, participate in RIPL programming including CLE presentations and mentorship meetings, and form an independent solo or small-firm law practice operating directly in a rural area or offering remote rural services. In exchange, they receive benefits including help with student loan repayment, mentorship, practice resources and office space, client referral services, and more.

Over the next three years, the RJC will work with RIPL to create educational materials that it will feature in an online resource center. Thanks to funding from SJI, the program will also offer

Applications for RIPL program accepted on rolling basis

Applications for fellowship in the Rural Incubator Project for Lawyers are accepted on a rolling basis. The annual Business Boot Camp will be scheduled for April or May 2022 in Helena. The boot camp is an intensive three-day program providing training on rural practice in Montana, law practice management,

legal services, business planning, marketing, technology, and other subjects. For more information, please download the information and application packet.

To find out more about the program and its benefits visit www.mtlsa.org/rural-incubator-project-for-lawyers/.

visits to leaders from other communities and participate in regional conferences. “The RJC will provide a vast knowledge pool filled with actionable content which individual communities may not have the resources to compile on their own,” said Kristina Bryant of NCSC who helps coordinate the RJC.

In addition to eliminating barriers to

access to justice, the RJC’s focus areas include increasing access to behavioral health treatment, reducing victimization, facilitating employment and educational opportunities for individuals with justice-system involvement, reducing incarceration, and facilitating re-entry.

BETTR SECTION MENTORSHIP PROGRAM



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- Partner/Shareholder/Member disputes
- Personal injury
- Probate and will disputes
- Professional negligence (architects, engineers, attorneys, etc.)
- Real estate disputes
- Soil and structural engineering
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– 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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New guardianship law requires showing that less restrictive options are insufficient

A new law took effect in October bringing significant change to guardianship laws in Montana.

The law, created by Senate Bill 31 in the 2021 Montana Legislature, amends statutes regarding guardianships for persons under disability. SB 31 passed through both the House and Senate without a single dissenting vote and was signed by Gov. Greg Gianforte. The law took effect Oct. 1.

According to the Honorable Dan Wilson, 11th Judicial District judge and presiding officer of the Montana Supreme Court's Working Interdisciplinary Network on Guardians (WINGS), the change brought by the new law is fundamental. According to Judge Wilson, the bill requires the petitioning party to allege and to show that any less restrictive alternative to guardianship will be "insufficient

to meet the alleged incapacitated person's needs."

"For years, Montana law has required that all guardianship arrangements encourage maximum self-reliance and independence in persons subject to guardianship," Judge Wilson said. "But until the enactment of SB 31, this statutory policy may have remained largely aspirational. Beginning Oct. 1, however, no guardianship for a person under disability may be established without an affirmative showing that no less restrictive alternative to guardianship – including supported decision-making – will suit the person's needs."

Since its establishment by the Legislature, WINGS has been instrumental in supporting guardians and persons subject to guardianship. For example, WINGS has developed forms to make the

administration of guardianships more accessible to both represented and self-represented litigants and has made substantial contributions to a reference handbook for guardians. The guardianship forms are available on the Supreme Court's website. Forms for supported decision-making and other tools can be found at courts.mt.gov/wings/resources.

In other news on the WINGS network, Kalispell lawyer Erika Johnson was recently appointed to a new two-year term on WINGS. The group also includes representatives of Montana DPHHS Adult Protective Services, senior citizen advocates, developmental disability advocates, and a health care provider who has worked with patients in need of guardianship. Helena lawyer Erin MacLean recently completed a two-year term on WINGS.

Recent orders from the Montana Supreme Court

Changes to Montana Rules of Disciplinary Enforcement

The Montana Supreme Court in October ordered a revision to the Montana Rules of Disciplinary Enforcement.

According to the order in case No. AF 06-0628, the revisions clarify the point at which a tendered admission is no longer confidential and to correct a cross-reference.

The order changes Rule 26A(3) to read:

(3) When a tendered conditional admission is submitted to an Adjudicatory Panel, the tendered conditional admission shall remain confidential until:

(a) the Supreme Court issues an order approving or modifying the Adjudicatory Panel's recommendation, as provided in subsection (A)(4)(a) of this Rule; or
(b) The Commission enters an order imposing public discipline, as provided in subsection (D) of this Rule.

The changes were made following a 30-day public comment period.

Changes to Rules of Civil Procedure, Appellate Procedure

The Montana Supreme Court in October ordered changes to the Montana Rules of Civil Procedure and Montana Rules of Appellate Procedure.

According to the orders in cases AF 07-0157 and AF 07-0016, the changes remove from the Rules of Civil Procedure direction to the Montana Supreme Court that is more appropriately located in the Rules of Appellate Procedure; eliminate the administrative difficulties that M. R. Civ. P. 58(e) currently poses by placing premature appeals in a suspended status; and more clearly advise litigating parties as to the disposition of appeals that are prematurely filed.

The moved language is now located at Montana Rules of Appellate Procedure Rule 4(5)(a)(iii). It reads:

A notice of appeal filed prior to the district court's ruling on any necessary determination of the amount of costs and attorney fees awarded, or sanctions imposed, may be dismissed sua sponte and shall be dismissed upon the motion

of any party. The district court is not deprived of jurisdiction to enter its order on a timely motion for attorney fees, costs, or sanctions by the premature filing of a notice of appeal, in accordance with Rule 58(e), M. R. Civ. P.

The changes were made following a 30-day public comment period.

APPOINTMENTS

New members on Access to Justice Commission

The Montana Supreme Court in September appointed two new members to the court's Access to Justice Commission for three-year terms ending Sept. 30, 2024. They are:

Olivia Ruitta, outreach, engagement and population health manager with the Montana Primary Care Association, as a representative of an entity that works with low-income individuals; and

Mark Mattioli of the Office of Consumer Protection as a representative of the Montana Attorney General's Office.

'I declare very little left undone'

**Mark Parker reflects on
2021 Jameson Award,
a distinguished career**

By Joe Menden

Public displays of emotion aren't a common occurrence for Billings attorney Mark Parker. So it caught Parker a little by surprise when he got choked up during his acceptance speech for the State Bar of Montana's William J. Jameson Award at the bar's Annual Meeting in Missoula in September.

It's also a little hard for him to put his finger on what brought on that emotion. It probably wasn't his reverence for the judge whose name the bar's highest award bears. Parker admits that even though Judge Jameson's wife, Mildred, was related to his family, it never dawned on him how highly regarded the former chief U.S. District Judge for the District of Montana was until he heard former Helena District Court Judge Gordon Bennett speak about him in glowing, reverential terms in his acceptance of the 2007 Jameson Award.



Billings
lawyer Mark
Parker is the
2021 winner
of the State
Bar of Mon-
tana's William
J. Jameson
Award.

**Photo by Stan
Parker**



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It's more likely, he said, because of the people who nominated and selected him for the award, which include some of the highest regarded members of the Montana bench and bar. They are people who don't need favors from him. They include people on opposite ends of the political spectrum. For those reasons, he said, there is sincerity in the words they wrote about him and in their choice to honor him.

"I don't get very emotional. It's rare and it creeps up on me," Parker said in a telephone interview after receiving the award. "(The Jameson Award) is an honor. It's not the Nobel Prize, but they only give one. The people who make the choice, you respect. There's a certain amount of honesty. There's nothing I could do for them, so they must have believed it.

"There's no doubt that my world view is not shared 100% by the people who made up the committee to vote for me," Parker continued, noting that he has had disagreements with some of them as fellow board members over the years. "I don't think this is a recognition that Mark Parker was right. It's a recognition that we can disagree and not be disagreeable, and honor each other for your work."

A frequent contributor to the Montana Lawyer over the years, he is also one of only two people who have won Haswell Award for outstanding contribution to the magazine more than once – winning in 1995 for "Lawyers Are People Too – Representing a Fellow Attorney" and in 2013 for "Gideon Schmideon – What About My Needs?"

Billings attorney Greg Murphy, himself the 2018 Jameson winner, nominated Parker. Murphy's admiration for Parker was evident in his own emotional speech introducing him as this year's winner, calling him "the lawyer I wish I was."

Murphy spoke glowingly of Parker's keen intellect, his dry wit, and his knack for finding the key element of a case to achieve a positive result.

"No other lawyer I know possesses as broad and as deep a knowledge of the law," Murphy said. "It is unlikely that any other Montana lawyer or judge possesses to the same degree his uncanny



A young Mark Parker chats with the Honorable William J. Jameson in this undated photo. (Photo courtesy of Mark Parker.)

ability to call instantly to mind specific statutes, Montana Supreme Court decisions, or U.S. Supreme Court opinions precisely on point. This facility allows him to look at problems from multiple legal perspectives and to conceive creative and often surprising resolutions."

Parker has also represented numerous fellow attorneys over the years – in business matters, as well as defended them in malpractice and professional disciplinary cases. Murphy pointed this out as evidence of his esteem in the profession.

"Mark's ability to go to straight to the heart of a difficult issue, his never-boring writing style, his intelligence, and his wisdom make him an insightful and powerful advocate," Murphy said. "Ask lawyers around the state to whom they would turn in case of trouble, and you will hear the name of Mark Parker. This is an excellent barometer of his reputation. He is a lawyer's lawyer, and he has compassion for lawyers."

Montana Supreme Court Chief Justice Mike McGrath and Justice Jim Rice wrote letters supporting Murphy's nomination of Parker, as did a long list of respected attorneys from around the state.

Chief Justice McGrath noted that

Past winners of the William J. Jameson Award

- 1989: Robert A. Poore, Butte
- 1990: Rockwood Brown, Billings
- 1991: Leonard Schulz, Dillon
- 1992: Jack Dietrich, Billings
- 1993: Sherman V. Lohn, Missoula
- 1994: William H. Coldiron, Helena
- 1995: Alex Blewett Jr., Great Falls
- 1996: William Bellingham, Billings
- 1997: Neil Haight, Helena
- 1998: Ward Shanahan, Helena
- 1999: Carl M. Davis, Dillon
- 2000: Thomas P. Koch, Hamilton
- 2001: Judge James R. Browning, San Francisco
- 2002: George L. Dalthorp, Billings
- 2003: Hon. John L. Peterson, Butte
- 2004: Molly Shepherd, Missoula
- 2005: Hon. John C. "Skeff" Sheehy, Helena
- 2006: Perry "Jim" Moore, Bozeman
- 2007: Hon. Gordon R. Bennett
- 2008: John Connor, Helena
- 2009: Jeremy Thane, Missoula
- 2010: William "Duke" Crowley, Missoula
- 2011: Sherry Scheel Matteucci, Billings
- 2012: J. Martin Burke, Missoula
- 2013: Klaus Sitte, Missoula
- 2014: D. Patrick McKittrick, Great Falls
- 2015: Damon Gannett, Billings
- 2016: Robert Carlson, Butte
- 2017: Robert Minto, Missoula
- 2018: Greg Murphy, Billings
- 2019: Dan McLean, Helena
- 2020: Greg Munro, Missoula



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“ I have never said I’m a self-made man. It took a huge team. ”

during his term as bar president and president-elect, Parker spent countless hours advocating for the judiciary before the legislature. And following the 2017 legislative session, when a reorganization of the state public defender system was deemed necessary, he asked Parker to serve as chair of the Montana Public Defenders Commission to get that job done.

“His commitment and service to the State Bar is well known,” Chief Justice McGrath said. “However, I expect most attorneys are not aware of the service he has provided to the courts and public at large.”

In his letter, Justice Rice noted one of the higher profile cases Parker has worked on, representing a defendant accused in the Montana Freeman standoff of the late 1990s.

“Mark has looked beyond himself and practiced out of concern for others, and with the highest ethics,” Justice Rice

said. “It was not for sympathy for cause or a desire for the limelight that led him to appointment as defense counsel in the Freeman cases, but rather a passion that justice should be available for all and be done in satisfaction of all constitutional requirements. That representation was marked by many difficulties and required intense effort and perseverance. Despite that, Mark’s professionalism was unflinching, as it is in every circumstance, evident in his respectful treatment of clients, opposing counsel and parties, and the judiciary and its personnel, as well as his mentorship of many young lawyers who have worked with or around him.”

Parker called the Jameson Award the biggest honor of his career – and it is a career that includes many highlights. The president of the State Bar of Montana in 2014-15, he has a long list of service, both to the profession and to his community. He is a member of what he calls the “rarefied air” of the American College of Trial Lawyers and is an American Board of Trial Advocates fellow. He has the highest rating of AV from Martindale Hubbell. He has volunteered for and served on the boards of organizations as varied as the Family Service Inc., Friends of Yellowstone Public Radio, Mountain States Legal Foundation, the Billings Wrestling Club, and the Yellowstone County and Montana Republican Party central committees.

He said the only honor in his life that exceeds the Jameson Award was when Carlene Taubert accepted his proposal to marry him. They have been married 36 years and raised two children, Monica and Stan. He said the sacrifices Carlene made to support him was crucial to his professional success.

“I’m not saying there are people who can’t have successful careers without supportive spouses,” he said. “Mark Parker couldn’t have. She was at my side ready to make those sacrifices.”

He also said the public service he has done in recent years that led to his selection for the Jameson Award would

not have been possible without his law partners, Shawn Cosgrove and Casey Heitz, who he said ran the firm while he was “galivanting around doing good works.”

“I have never said I’m a self-made man,” he said. “It took a huge team.”

Parker said he regrets that the collegiality of the bar – and of society as a whole – seems to have declined in recent years. But he is a history lover, and he recently has been reading about ancient Greece. He said the problems the world faced 2,500 years ago – supply chain issues, political divisions, war – are functionally the same as what we face now, and that heartens him.

“Old farts like me (in ancient Greece) lamented that the younger generation was going to ruin everything,” he said. “We always got through it. We’ve marched on.”

“We largely live in the best of times. We read about supply chain issues. I go to Costco and see piles of stuff.”

Asked about the things he is most proud of, he points to his first ever district court trial as a young attorney, which he said was the best job he ever did. He was scared to death. He made careful that he proved every fact he had to, didn’t try to prove anything he couldn’t, and stuck to the elements of the cause of action he wanted the jury to believe. It’s all you really need, he said, and he wishes he had approached more of his cases that way.

Beyond that, he says he is proud of what he calls odd things, like the fact that both his son and his daughter can walk into a field with nothing but a Browning rifle and “can take you to a nice venison dinner with nothing but their hands touching it.” He is proud of things he won’t talk about publicly, but he knows he did them and his family knows he did them. Those things are more important than the honors and “dust collectors” he has accumulated over the years.

“It sounds self-serving, but if I slumped over my chair dead today, I declare very little left undone,” he said.

MARYBETH SAMPSEL
PARTNER

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A tale of two calls – insuring past and future exposures

Two calls that came in almost back-to-back really surprised me. The first came from an attorney who was retiring in another month or so. He had a few general malpractice insurance questions. The second was from an associate attorney with a small firm that was on the verge of dissolving. This associate was quite concerned about some decisions the partners were making regarding the firm's malpractice coverage. What struck me was the attorney decisionmakers at both firms really didn't understand what the terms "tail" and "prior acts" actually mean.

Even if you have no plans to retire anytime soon and your firm continues to rock it, you still need to understand what a tail is and what prior acts coverage does. I'll explain why shortly; but first let's start with the call from the associate. Here's the short version of the story. Two firm partners apparently had quite the falling out. As a result, one was going to call it quits and the other was going off on his own hoping to take as many of the firm's client's as he could. While I have my suspicions as to why, these two partners decided to forgo the purchase of a tail policy, which would leave their two associates and the partner going off on his own without coverage for all prior acts. From a liability perspective, the decision makes no sense.

The attorney who was in the process of winding down his own practice also caught me off guard when I asked if he was planning to obtain a tail. His reply was it really wasn't a necessary expense. His reasoning was he felt confident in his belief that no claims would ever arise in retirement because he was a competent attorney. I just shook my head at that one because he had actually reported another, and

yes, I said another, claim just a few months back. Making matters worse, he seemed a bit confused about how malpractice policies work. I eventually realized that he didn't see a need to purchase a tail because in his mind a tail is a new policy; and since he would no longer be in practice, buying a new policy would be pointless.

These two calls are not as unusual as you might expect. More than a few attorneys in practice have some confusion over what a tail is and how prior acts coverage works. Here's the gist of it. A tail does not provide any additional coverage. It simply extends the time in which a claim may be reported. That's it. Consider the retiring attorney situation discussed above. If a claim happened to arise 15 months after he retired, there would be no available coverage because his final policy would have expired when he stopped practicing. Had he purchased a tail, an extended reporting endorsement would have been added to his final policy that extended the time he could report a claim in accordance with the policy provisions of the final policy that was in force. Problem solved.

In contrast, prior acts coverage is really about making sure you have retroactive coverage for any missteps that occurred in prior policy years. Think about it this way. Malpractice policies are claims made and reported policies, which at a most basic level means they provide coverage for claims that arise and are reported during the policy year. However, there's a problem, is there not? Malpractice claims often don't arise in the same year the actual alleged misstep occurred. Prior acts coverage solves this

MORE RISK, PAGE 25



MARK
BASSINGTHWAIGHTE

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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Tips for surviving and thriving over the holiday season

I don't know about other practices, but in family law the work tends to be seasonal. Like a delightful, yearlong emotional roller coaster ride on which we're privileged to ride along! We can usually count on relishing in the quiet cold of January and February. Then, as March comes along and tax refunds get issued, our clients often have the wise idea to spend those refunds on court! Chaos ensues over the summer, double chaos at back-to-school, all crescendoing through the holidays, finally resting with potential peace and quiet between Thanksgiving and Christmas when the food coma and desire to stay indoors sets in, and battles are dropped in favor of the keeping the joy.

As if surviving the holidays wasn't enough already, we carry the weight of trying to help keep our clients and employees on the tracks through the same roller coaster ride. In the problem-solving business, there's no such thing as going to work and keeping your nose down to be able to enjoy the holidays, we're all in it! Here are my favorite holiday-survival tips, from client management to personal physical health:



1. Plan out your Christmas arguments! Really. Send a note to all clients NOW asking whether they anticipate any hiccups with their holiday schedules. Let them know you will be unavailable

on your own holidays. See what arguments can be handled early, and what arguments can be dropped when your clients realize you have plans too.

2. Holiday Candy Dish. We look forward to it, we love it, we hate it. If you must have the dish (full disclosure, I



absolutely MUST), put a lid on it that takes some work to get off (like a screw top jar or the vacuum sealed coffee lid). Then, you'll have to decide it's really worth all that struggling to get the lid off to break into the delicious (delicious) Twix stash. If you decided it was worth it, then it was! Allow yourself the joy of the holiday candy dish, when it's required. The universal takeaway: make bad habits harder! Create friction and barriers between you and the thing you want to limit.

3. Drink more water. Fight off afternoon doldrums with water. Divide your body weight in half, and try to drink that many ounces of water (for example, 150 pounds = 75 ounces of water). Use tip No. 2 in reverse: Make the water easy to get to, ideally with a straw. That way you don't even have to look away from what you're doing while you make your water drinking habit easy. The takeaway: make good habits easier! When there is no friction between you and the good thing, it is more likely to happen.



MERI ALTHAUSER

Meri Althaus is an attorney of 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.

CHRONIC STRESS PILOT PROJECT

Meri Althaus is developing a pilot project aimed at curing the legal profession in Montana of chronic stress and is seeking input from Montana attorneys. Please contact her at meri@forwardlegal406.com or 406-325-7100 to participate in an interview or focus group, or to hold a workshop on resiliency for your law firm.

4. Take more walks. As chaos reigns down on you it feels more and more like you couldn't possibly step away from your computer or phone because in every minute away, the to-dos and problems accumulate. Sound familiar? But is it true? You can better handle the tasks on your desk when you've had a break and a few problems might solve themselves if you set the boundary that you aren't ever-present. Rather than venting in your neighbor's office, hitting the snack pile, or angrily responding to emails, take a five-minute walk. Listen to music and clear your mind. If your brain is too busy, count your steps (full disclosure here: I'm tricking you into meditating!).



5. Leave work at work. First, notice how much work is seeping in at home. Are you checking emails? Texts? Do you complete actual work at night? Do you spend significant time stressing? Once you've identified what exactly is

creeping in, make a plan to stop it so another email doesn't ruin your vacation.

Start with the basics by turning off email notifications or putting your phone on do not disturb after 5 p.m. Resist the urge to check email anyways and put your phone in a lockbox if you must, or tell a colleague about your goal to stop checking email and phone a friend when you need support. (Here is that tip again: create friction between you and your phone!) Plan an activity that will divert your attention from your email, like a hobby or an adventure. Reward yourself for not checking for a whole evening or a whole week, then tally what actually went wrong when you didn't check email. It was probably nothing!

Create a ritual that helps button up work at the end of the day. Tidy your desk, leave a note for yourself for tomorrow (or even better, a nice note for your assistant), or physically cross the day off a calendar to psychologically close out the day. A ritual like this helps you to free yourself mentally to enjoy your rest time.

If worrying is your downfall, try grounding and meditation. Grounding is reminding yourself that worrying is unhelpful, and that you always find a solution. ("Self! You're not solving any problems right now, and you've survived every hearing you've ever conducted. You know how to do this and you'll be fine!") Mediation practice calms the "monkey-mind." This is the

mind that swings around between the past and future, worrying, dreading, replaying, and aimlessly thinking and re-thinking. Tame the monkey-mind with 6 minutes each day of meditation practice.



6. Practice Gratitude. During the holidays we tend to focus on gratitude, at least in the greeting card sense of the word. Have you ever tried to get down to the nitty-gritty with meaningful gratitude? At a class on happiness at Yale University, Professor Laurie Santos has her students learn about the positive effects of gratitude by sending them to thank, in-person, someone they've never truly thanked. Students thought it would be awkward at first, but Santos discovered that students were infused with happiness from their attempts at gratitude and were still on cloud nine one month later from their joyful interaction. So instead of that quick thank-you note, get real with your gratitude and see how it helps your holiday season!

RISK FROM PAGE 22

problem by establishing a retroactive coverage date that defines how far the back coverage goes under your current policy. Here's a really simple way to look at this. In essence, tails extend coverage for a defined period into the future and prior acts extends coverage for a defined period into the past, which brings me to my final story.

Sometime ago, I had a conversation with an attorney who proudly proclaimed that he had figured out the game insurers play and was saving tons

of premium dollars as a result. His approach was to buy a new policy every year from whatever carrier offered the lowest premium for his desired limits. The cheapest policy also always came without prior acts coverage; and crazy as it sounds, in his mind that wasn't a problem. It wasn't too much further into the conversation that I understood his reasoning. Having never read the policy language of any of his policies, he incorrectly assumed his malpractice policy works like his homeowners and auto policy do. Of course, because a malpractice policy isn't an occurrence-based policy, it doesn't; but that's a conversation for

another day.

For me, there are two takeaways here. First, one should always have prior acts coverage in place, which means a malpractice policy that includes coverage for prior acts will need to be purchased year after year in order to maintain a retroactive coverage date that goes all the way back to the inception date of the first policy you had coverage under. And second, if and when a transition of any type appears on your horizon and you find that coverage for your prior acts may not be available on a going-forward basis, it's time to think about getting a tail.

Don't argue with your health: How a rare brain illness put an end to my legal career

By Jackie M. Stebbins ¹

Lawyers are busy. We have intense jobs, and the stressors are endless. Emotional clients ask us to work magic, we're continuously in adversarial positions and our days require flawless focus. The cycle of work, bill, prepare and work more, can be vicious.

Thankfully, lawyers have strong-willed personalities. We are logical, thorough and we're impeccably organized. We help people prepare for life's worst-case scenarios through contracts and estate plans. We always have answers.

We attend CLE classes where we're reminded to keep our stressful jobs in balance with our driven personalities. We're told to take breaks and be mindful of our mental health and substance abuse. I listened to the advice, but thought: That's not me, that's for other people. I don't miss deadlines and I won't get sick.

But then it happened to me. I fell deathly ill while going into my ninth year of private practice. It was unexpected, there was no action plan tailored accordingly, and it was worse than I ever could have imagined.

On Nov. 5, 2017, I woke up at 4 a.m., like an alarm was set in my head. The early wake-up call routinely and painfully continued for months. Then insomnia set in, and life became terrifying.

By that time in my career, I believe I was living with chronic stress from constant demands, long hours and emotionally and mentally taxing work. But I stubbornly ignored the warning signs that told me to slow down, including

a flared GI tract and my mother's warning that my work life may lead to depression. I thought stress gave me my edge, but in hindsight, I felt exhausted, irritable, overworked and like I had lost my sense of self. I felt buried under the weight of it all. I was burned out. Yet on the outside, it all looked perfect. I was living my dream of being a successful trial lawyer and had a beautiful family. I conquered my professional goals and believed I was thriving.

I mostly suffered alone, because I didn't want to admit to mental health problems, and I didn't want medication. But when I faced the effects of insomnia over a two-day trial, I knew I couldn't go on as I was, fearing my work would be affected. I finally opened up to my family and a few close friends. I was an insomniac and was starting to feel very anxious. We all agreed upon a reasonable and easy conclusion: I suffered from work-induced depression and anxiety. And I begrudgingly believed I was another statistic among depressed lawyers.

In April 2018, I sought prescribed antidepressants to sleep, but they didn't work. I continued to plow through work, as tremors took over my hands and white noise blared in my ears. I was then prescribed various other antidepressants, which exacerbated the feelings of sickness deep inside of me.

Facing my protracted deterioration, I eventually admitted my problems to my law partner, Micheal, and left work on a Tuesday in early May to take "one week off." Earlier that day I had what I now know was a serious panic attack at my desk. I knew I couldn't stay at the firm any longer, and I nearly collapsed on my way out the door.

Upon leaving work, I swiftly



JACKIE M. STEBBINS

Jackie M. Stebbins focused her practice on family law, criminal defense, and civil litigation. She was recognized by local and national organizations for her achievements in the law and her community under the age of 40. She is the founder of JM Stebbins, LLC, where she spreads awareness and hope as a writer and motivational speaker. Her blog and Brain Fever podcast enjoy a worldwide following, and she hopes to see her memoir, "Requiem for Me," out soon. She lives in Bismarck, North Dakota, with her husband and three young children, and is a member of the State Bar Association of North Dakota.

¹ This article was originally published by the ABA Journal in Your Voice

declined. I wasn't very communicative, didn't sleep, mostly stared and had little physical energy. I became paranoid and confused, and I hallucinated. I believed a man from a divorce case I tried lurked in my bedroom and shot me in the face.

I pleaded with my family to hospitalize me in the psychiatric ward. Six days after I left my firm, my husband, Sean, and a close friend, Ashley, helped voluntarily commit me there. The night of my admission, Micheal, Ashley, and another close colleague, Betsy, sat at my kitchen table to devise a plan for my absence. And for the next few months, as my health twisted and turned, these three lawyers and Sean oversaw my professional and personal life. I was oblivious to everything.

During my 48-hour commitment, I struggled to tell time, know the date, and to read and write. I didn't feel like I belonged there, but I was certain of one thing: My severe illness was all my fault. I was convinced that my workaholic ways had made me sick. The providers told me I had shorted myself out at work, yet they assured me I would get better with time.

Upon my release, Sean cared for me like I had dementia, and questioned whether I was possessed. Six days later at a follow-up appointment, he shared the signs of my cognitive impairment and strange behavior with a nurse practitioner. When she witnessed my confusion, tremors, inability to walk on my own, and dystonia, she recognized a neurological condition and expedited

my referral to a neurologist – her swift action saved my life.

During the next three days, I failed a neurological examination, underwent MRI imaging of my brain to rule out a brain tumor, and endured a painful spinal tap. Just 20 days prior, I had successfully defended an order to show cause hearing, but now couldn't draw the face of a clock in a cognitive exam. My neurologist believed I had autoimmune encephalitis, a rare and potentially fatal brain disease wherein the body's immune system mistakenly attacks healthy brain cells.

After the spinal tap, I had a grand mal seizure that broke and dislocated my shoulder and broke my back. I was hospitalized for five days, and once stable, began intravenous steroids to treat the encephalitis, and my brain miraculously rallied. I went to the Mayo Clinic for further treatment of my rare condition.

At the Mayo Clinic, I learned that I didn't do anything to cause the illness and that my work stress was not to blame. Yet I didn't feel an immediate absolution of my guilt. My reflection upon my work habits created a deep wound. It's still hard not to think, what if?

My recovery process was slow and arduous. I ingested medication, struggled to survive and was mostly confined to my home for a year. The superhuman efforts required to repair my mind, body and spirit were overwhelming, and there is no recovery handbook to

follow. With love and support from those around me, and my fierce determination to recover for the sake of my children, I rose to the challenge.

I never returned to practice after that fateful day when autoimmune encephalitis ushered me out the door. On July 31, 2019, 10 years to the date from when I began my legal career, I retired from practice. And amidst the trauma, I have rebuilt and accepted a new life.

I can't go back and save my job and wellness, but I can offer my humble advice to other practitioners. If your health is in jeopardy, don't argue, but immediately seek help. Medication, counseling, and self-help practices can change or even save your life. Seek out lawyer assistance programs and employee assistance programs through your local bar or insurance policies, where you may be eligible for free counseling and mentoring. Even simple tasks like deep breathing and stretching at your desk can help calm your mind and body.

You may not control everything in your life, but you must take charge of your wellness, career and happiness. Only you have the power to be the lawyer and person you want to be.

There can be no health without good mental health. Don't be stubborn, and don't allow stigma to prevent you from seeking help. I no longer hide in shame, nor do I fear showing weakness. I feel empowered when I open up about my health after a devastating illness, and I hope it's inspirational to others.

MESSAGE FROM PAGE 4

seem that training could be the answer. However, training is often focused on ideas or areas of the law instead of how to do it and the practical application. We need more "how to do it" guidance. An agreement on how to do it and an expectation that it is done that way would be huge. It would be helpful to litigants and attorneys. But as we all know it is sometimes hard to convince elected officials to overcome their reluctance to tell other elected officials what to do.

It is time to sit down and evaluate "the way we do it" and answer the why question. We should be honest about whether we are doing it for the client or for ourselves and make a commitment to change and drag others along in the process. Let's establish some rules for Zoom appearance. Let's make information more readily available online whether it is calendars or court files. Let's refocus our efforts on electronic filing. Let's make it easier, not harder. And as we do this continue to improve. Continue to challenge the process. Offer solutions and encourage innovation. The future

isn't in the past and remaining there only complicates the practice of law. In the end we should be making it easier for the clients and easier for the attorneys representing the clients, not harder because that is the way we do things. There is no better time to have this conversation than now, as we are coming out of COVID and when what we have learned, from the necessity of remote representation, is fresh in our mind.

Brian Smith is a longtime Montana criminal defense attorney who currently is the Division Administrator of the Office of the State Public Defender.

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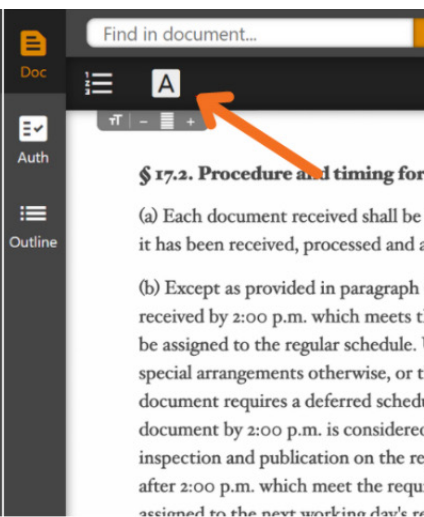
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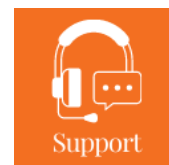


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ATTORNEY POSITIONS

ASSOCIATE ATTORNEY: Busy small Whitefish law firm. Practice focused on family law, estate planning, wills, trust, probate and general business. Send resume to Barb@whitefishlegal.com.

ASSOCIATE ATTORNEY: Hi-Line Law, PLLC, a growing Havre, Montana law firm, is seeking an associate attorney. Applicant must have strong writing and reviewing skills, and be detail oriented. The firm's practice areas include: business & corporate law, land and business transactions, business formation, estate planning and civil matters. Applicants with interest or experience in these areas or experience in other areas will be considered. Hi-Line Law, PLLC offers opportunities for advancement, and competitive salary and benefits. Applicants should send a cover letter, resume, and writing sample to jennifer@hilinelaw.com. Position will remain open until filled.

ASSOCIATE ATTORNEY: Silverman Law Office is changing the way law is practiced, and we're looking for the right attorney to join our team. As our Helena office continues to grow, we're seeking an attorney with a passion to assist clients with estate planning, guardianship/conservatorship, trust and estate administration and business matters. Two plus years' experience would be preferable for our ideal candidate. Our extraordinary team — from secretaries to paralegals to fellow attorneys — provides support and a positive atmosphere. You will get the opportunity to work with our fantastic team and immediately connect with clients in a meaningful way — all while living in the fantastic community of Helena, Montana. Our compensation and benefits are at the top of our industry, and we provide bonuses based upon individual and team performance. Applicants must be admitted to practice in Montana or in the process of obtaining admission to practice here. Find out more about our firm at www.mttaxlaw.com. To apply, send your cover letter, resume, references, and writing sample to Julie@mttaxlaw.com.

ATTORNEY: Rimel & Associates, LLC is currently seeking an experienced attorney to join our established Firm. The position entails answering legal questions and offering legal advice over the telephone. Our main office is in Billings, MT., but work can be done from your home or office. We are looking for an attorney to offer legal advice to individuals over the telephone. No case load and no billable hours! Must be admitted to the Montana Bar and be

in good standing. Retirees are welcome! The perfect candidate will have substantial experience in the practice of estate planning, corporation formation, family law, elder law and employment law. Apply by email to melanie@rmlawmontana.com

LITIGATION ATTORNEY: Knight Nicastro MacKay, LLC, is seeking an attorney with 3 to 7 years litigation experience to join its growing practice in Billings, MT. We are looking for an experienced litigator interested in civil defense. KNM offers competitive compensation and the opportunity to advance within the firm. Comprehensive benefits package includes health, dental, vision, life insurance, short and long-term disability, and matching 401(k). Interested candidates should submit a cover letter, resume, and writing sample to route@knightnicastro.com.

DEPUTY CITY ATTORNEY: Under the direction of the Helena City Attorney and the Assistant City Attorney, employs knowledge of federal, state, and local laws to provide a variety of professional legal services essential to the effective operation of municipal government. Application Materials: City of Helena Application; Resume and Cover Letter; Writing Sample of no more than 10 pages; Copy of Montana State Bar License. Apply online at helenamt.gov.

CRIMINAL PROSECUTION: The Missoula County Attorney's Office seeks a prosecuting attorney for the criminal division. Applicants must have a minimum of two years of progressively responsible experience in criminal law. Applicants must be admitted to Montana State Bar and admitted to practice before the U.S. Federal District Courts of Montana. Applications must include Law School Transcripts (unofficial are accepted), a Letter of Interest, a Resume, and a Professional Writing Sample. Apply online at <https://www.governmentjobs.com/careers/missoulacounty>

DEPUTY COUNTY ATTORNEY: Lincoln County is seeking a deputy county attorney to join our team. Responsibilities include prosecuting criminal offenses in justice court and district court, providing legal advice to various county departments, and appearing in civil matters including involuntary commitments and youth in need of care cases. We are a small but fast-paced office with professional and knowledgeable support staff, an excellent work environment, competitive salary, and a great benefit package that includes health insurance provided by the county. Applicant must submit a current resume or CV, as well as a writing sample and two letters of reference. A

complete job description may be obtained by emailing mboris@libby.org.

DEPUTY COUNTY ATTORNEY: Under the general direction of the Lewis and Clark County Attorney, this position primarily prosecutes criminal offenses, but may also represent county government in legal proceedings, and advise county officials on civil matters. For additional information or to apply, visit our career portal website at <https://www.lccountymt.gov/hr/jobs.html> by the closing date of November 28, 2021. A resume and cover letter are required with the application.

DEPUTY COUNTY ATTORNEY: Primarily assigned to criminal prosecution duties and to provide legal services to Flathead County governmental agencies. Familiarity and experience with prosecution of both felony, misdemeanor, juvenile crimes and dependent neglect cases is desired. See full description at Flathead.mt.gov under the Human Resource Department. Must apply through the website.

FAMILY DEFENSE ATTORNEY: The Tribal Defenders provide public defender services to indigent tribal members in tribal court. In addition to representation of adults in criminal court, youth in youth court, parents in child protection proceedings, and respondents in adult protection and mental health matters, the Tribal Defenders provide services that address the issues that bring their clients into the justice system and those collateral consequences to criminal charges and convictions. Utilizing a client-centered and interdisciplinary approach, the Tribal Defenders offer psychological services, case management, civil and pro se assistance, driver's license restoration, cultural mentoring, the Flathead Reservation Reentry Program and permanent supportive housing at the Morning Star. For a detailed job description go to csktribes.org.

TRIBAL CHILD SUPPORT: The Confederated Salish and Kootenai Tribes – Pablo, MT are seeking a full-time Attorney to represent the Tribes in Tribal Child Support matters in Tribal Court. Applicants must be an attorney admitted to practice Law in the State of Montana, if not admitted must become admitted within six (6) months of hire to maintain employment. All applicants are required to submit a Tribal application, copies of relevant transcripts and/or certificates, writing sample, resume and a cover letter to the Tribal Personnel Department, TSCEP Attorney Position, 406.675.2700 ext. 1041 or visit the csktribes.org website for the application and full vacancy announcement. The position is

open until filled, and the salary is negotiable. The successful applicant, if not already employed with the Tribes, must pass a pre-hire drug test and serve a six-month probationary period.

EXECUTIVE DIRECTOR: The Federal Defenders of Montana, Inc., the community defender organization serving the District of Montana, is soliciting applications for the position of Executive Director of the corporation (also referred to as Federal Defender for the District of Montana). Applicants must complete and submit the application form approved by the Directors of the corporation. The form and instructions may be obtained online at <https://mt.fd.org/employment>. The completed application must be submitted to mtx_employment@fd.org in a single Adobe PDF file using the subject line "EXEC_DIR" and must be received no later than 5:00 p.m. Mountain Time on Friday, Dec. 17, 2021

UTILITY LAW: The Montana Consumer Counsel, a legislative agency in Helena that represents the interests of utility consumers before the Public Service Commission, federal agencies and courts, is seeking a Montana attorney able to conduct legal research, write and communicate clearly regarding complex issues, prioritize work within deadlines, and work effectively with professional staff, elected officials and the public. Starting salary is \$83,500 to \$97,500. Apply online at statecareers.mt.gov or contact ssnow@mt.gov for information.

CLAIMS ATTORNEY: ALPS, the nation's largest direct writer of lawyers' malpractice insurance, is seeking a new Claims Attorney to join our team. A claims attorney has an overall responsibility for the prompt intake, investigation, analysis, evaluation, monitoring and resolution of lawyer's professional liability claims made against the company's insureds. A Juris Doctor from an accredited law school and five (5) years' experience in the practice of law or as a claims attorney in the lawyers professional liability field required. Apply online at <https://www.alpsinsurance.com/about/careers>

LEGAL ASSISTANTS/PARALEGALS

TRADEMARK PARALEGAL: Holland & Hart is seeking an experienced Trademark Paralegal to join our practice. You can choose to work out of any of the firm's offices nationally. Please apply directly online and be prepared to submit a resume and cover letter. You may address your cover letter and/or direct application questions to Leslie Beard, Recruiting & Onboarding Coordinator LNBeard@hollandhart.com. No phone calls or unsolicited resumes from search firms, please. www.hollandhart.com/

paralegals-overview

LITIGATION ASSISTANT: Moulton Bellingham PC in Billings is seeking a litigation assistant and a transactional assistant to assist attorneys with their litigation and transactional practices. The transactional practices include real estate, estate planning, business planning, and tax. The Firm is Looking for motivated, detail-orientated people interested in building long-term relationships with our clients. College degree, accounting/bookkeeping certificate, or prior experience preferred, but not required. Salary DOE. The Firm provides generous benefits including: health, life, long-term disability, dental and vision insurance; 401K matching; 12 weeks paid maternity leave; and paid holidays, two weeks paid vacation, and longevity bonuses. Please email cover letter, resume and references to Jeanne Wilson at jeanne.wilson@moultonbellingham.com

PARALEGAL: Tappan Law Firm, PLLC seeks a full time paralegal with strong communication, organizational and word-processing skills. Knowledge of district court, water court, and supreme court rules desirable. Experience preferred but not required. Apply via email to rctappan@tappanlawfirm.com.

OFFICE SPACE

LAW OFFICES FOR RENT IN MISSOULA.

Offices and staff areas available for rent on the second and third floors of a beautiful downtown Missoula historical building. Included in the rent is access to wi-fi, a copy/scanning machine (for a small per copy charge), and a very nice 324 square foot ground floor shared conference room large enough for depositions. Square footage of the offices varies, as the rents will reflect, and are as follows: 300, 240, 190, 174, 69. There are also two staff areas available, one is set up as a reception area and is 308 square feet, and the other is set up with two desks in an area 132 square feet. Choose one office or multiple spaces to meet your needs. Rent is very reasonable in this professional, well-maintained building. The owners of the building are requiring masks in all common areas at this time. Please contact Michelle at michelle@rossbachlaw.com for details if interested.

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.

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 backastranch@gmail.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.

DR. LEE KING is providing Forensic & Clinical Evaluations. Contact us at 575-518-4011. lee@drleeking.com; <https://www.drleeking.com/>

FORENSIC DOCUMENT EXAMINER:

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

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