

# MONTANA LAWYER

FEBRUARY 2019

## THE ATTORNEY WELL-BEING ISSUE

- 12 STEPS TO A HEALTHIER, HAPPIER LAW FIRM
- BEATING THE WINTER BLUES
- TRAIN YOUR BRAIN: RESILIENCE TOOLS FOR LAWYERS
- WHY EXERCISE FOR LAWYERS MATTERS

### ALSO IN THIS ISSUE:

TASK FORCE ON LAWYER WELL-BEING LAUNCHED

CANDIDATES SOUGHT FOR 2019 BAR ELECTIONS



# Advanced Trial Advocacy Program

**SAVE THE DATE: JUNE 3-7, 2019**



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The Advanced Trial Advocacy Program covers all aspects of the trial process from jury selection to closing arguments in both lecture and practice environments.



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District Judge

**Hon. Mike Menahan**  
Broadwater and  
Lewis & Clark County  
District Judge

**Tony Gallagher**  
Federal Defenders of  
Montana

**Hon. Mike Moses**  
Yellowstone County  
District Judge

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

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## United States Court of Appeals for Veterans Claims Coming to Montana

**CAVC Oral Argument: March 20, 2019 | 9:00 a.m.**

Please make your plans to visit Missoula, Montana, for an upcoming oral argument before the United States Court of Appeals for Veterans Claims (CAVC), taking place at the Blewett School of Law.

**Veterans Law CLE: March 20 - 21, 2019**

The Blewett School of Law is offering continuing legal education (CLE) programming in the afternoon following the oral argument, as well as the following day.

More details on all law school events are available at [umt.edu/law](http://umt.edu/law).

## UPCOMING LAW SCHOOL EVENTS:

- March 14-16..... On Campus Interviews
- March 20..... U.S. Court of Appeals for Veterans Claims Hearing
- April 3..... Browning Lecture in Law
- April 5..... Montana Supreme Court Hearing
- April 11..... IP Day in Montana
- April 15-19..... Indian Law Week
- May 11..... Law School Graduation
- June 3-7..... Advanced Trial Advocacy
- June 3 -
- August 2..... Summer American Indian & Indigenous Law Program
- August 15-16... Public Service Academy
- October 3-4..... Public Land Law Conference
- October 5..... UM Homecoming

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## ON THE COVER



**Bars across the U.S., including Montana's,** have long taken lawyer well-being seriously, but recent studies on substance abuse and mental health struggles in the profession have renewed focus on the issue. The State Bar of Montana recently launched a task force on lawyer well-being (**see page 6**). This issue also includes articles on how focusing on how lawyers can keep their bodies and minds sharp. .

## FEATURE ARTICLES



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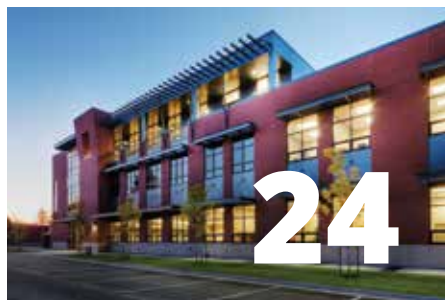
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### UM LAW SCHOOL TO HOST INTERNATIONAL COMPETITION

Selection comes after UM team's success under long-time coach Klaus Sitte



# Keep striving for fragile goal of equal justice

The numbers 3-7-77 are on the patch that Montana Highway Patrol troopers wear on their uniforms. While the exact meaning of the numbers is unclear, it is certainly related to the early days of justice in Montana when vigilantes were, for many, the only system of law and order. One of the most widely accepted theories of the number is that it represents the dimensions of a grave (three feet wide by seven feet deep by 77 inches long).<sup>1</sup>

While this period of Montana “justice” may be romanticized by some, it certainly had its drawbacks. Whether you were the suspect of a crime unjustly accused by the mob who wanted to lynch you, or the victim of a crime perpetrated by a well-connected “popular” criminal, vigilante justice had its problems. The only option to vigilante justice in many places was the so-called miners’ courts where justice could be very democratic because, in certain instances, virtually everyone in the camp got to vote on the guilt or innocence of the suspect (and maybe even multiple times). As one observer at the time put it:

Another powerful incentive to wrong-doing is the absolute nullity of the civil law in such cases. No matter what may be the proof, if the criminal is well liked in the community ‘Not Guilty’ is almost certain to be the verdict, despite the efforts of the judge and prosecutor.<sup>2</sup>

We like to think that we are a long way from those arcane days of justice, and that our current system needs no refinement. For those of limited means seeking access to justice, however, a differing opinion could be offered. When one does not have the means to an attorney, or the ability to understand the vagaries of the system, justice is an unrealized concept. “We the People” become just empty words and are understood to

mean “You the Powerful.”

Equal justice is a fragile concept, as anyone who has tried to balance a scale knows. Any minor change in weight on one side or other creates a dangerous imbalance. Put too much weight on one side and you get totalitarianism. Put too much weight on the other side and you get anarchy or mob rule. Between these two extremes our judicial system seeks to impart “equal justice” with the understanding that the scales weigh the strength of every case’s support and opposition.

Montana lawyers and judges strive in various ways to promote equal justice in our state. On a day-to-day basis, lawyers represent opposing parties who present their differing viewpoints and let the judge or jury decide who is right. Many attorneys offer their services pro bono to assist the indigent in letting their voices be heard. Judges patiently explain to pro se litigants the vagaries of the system and how to present their cases.

Seeking to create a broader impact, the Montana Justice Foundation provides grants and other assistance to programs that promote equal justice in our society. With the generous donations of Montana lawyers like you, the Montana Justice Foundation awarded \$649,100 this year to 20 outstanding nonprofit organizations committed to helping Montanans address their legal needs, including \$563,000 to Montana Legal Services Association – MJF’s largest grant cycle in nearly a decade. It also provides a Loan Repayment Assistance Program for law school graduates dedicated to providing legal aid to low-income individuals and families in Montana.

The Bar supports and commends all who work for equal justice in our society. As we go about our daily lives, let us keep our hearts and minds open to additional ways that we can serve this primary goal of our profession.



ERIC NORD

***Montana lawyers and judges strive in various ways to promote equal justice in our state. As we go about our daily lives, let us keep our hearts and minds open to additional ways that we can serve this primary goal of our profession.***

## Endnotes

1 For more history see <https://www.montanatrooper.com/3-7-77/> or <https://en.wikipedia.org/wiki/3-7-77>

2 Vigilantes of Montana, Thomas Dimsdale, 1865 quoted from [https://en.wikipedia.org/wiki/Montana\\_Vigilantes](https://en.wikipedia.org/wiki/Montana_Vigilantes)

# Focus shift: What can we learn from healthy, satisfied attorneys?

Pick up any bar journal in America and you will surely find an article on attorney wellness and well-being. The topic is, of necessity, a timely one.

In the years since the 2016 landmark study from the American Bar Association and the Hazelden Betty Ford Foundation concluded that overwhelming numbers of lawyers were suffering from depression, anxiety and substance abuse, the impetus to take action has gained renewed traction. In 2017, the American Bar Association National Task Force on Lawyer Well-Being released its own conclusions and recommendations stating: "to be a good lawyer, one has to be a healthy lawyer."

The reasons behind the stark number in the Hazelden study – between 21-36 percent of lawyers are problem drinkers, 28 percent suffer from depression, 19 percent anxiety and 23 percent stress – are varied, but most of lawyers can make an educated guess. The stress of daily practice, the uncertainty inherent in litigation, the 24-hour nature of modern American life, a general lack of control over one's schedule, business pressures, difficult opposing counsel, clients in conflict with unrealistic expectations, the list goes on. The demands on the modern lawyer run the gamut, and some of these challenges always have been inherent to the practice of law.

The evidence suggests that at least part of the problem begins in law school. Far from the profession simply attracting "type A" personalities predisposed to these challenges (or so the conventional wisdom claims) the reality is that most enter law school with a psychological profile similar to the general public, yet leave with 20 to 40 percent having psychological dysfunction. Stress among law students is reported at 96 percent in some studies, compared with 70 percent for medical students and 43 percent in graduate students.

But the alarming statistics alone do not explain the challenges practicing attorneys face. Why are so many attorneys unhappy? How do we fix a problem that the ABA concluded is reaching epidemic proportions and ultimately affects the quality of legal services delivered to clients? And how can we as a profession overcome some of our own biases about these issues, a factor clearly singled out as problematic in the ABA studies?

For some, attorney wellness topics such as resilience training, development of "grit," examination of secondary trauma issues (particularly for prosecutors and criminal defense attorneys,) awareness of addiction and mental health risk factors and warning signs, are a welcome addition to their practice toolkit. For others, the notions of "wellness" and



JOHN MUDD

"mindfulness" conjure up unwelcome and perhaps unwanted images of yoga sessions and suggest an absence of the "mental toughness" necessary to practice law.

This real debate is playing out in jurisdictions wrestling with certification of continuing legal education programs aimed at lawyer well-being and designed to tackle the crisis. In a profession predicated upon an understanding of the rules and regulations, we do tend to focus our efforts by studying past problems (the "case-method" in law school) and professional regulations.

However, in the area of wellness and lawyer success, I'd suggest that is a little like trying to learn how to become a winning NASCAR driver by reading speed limit statutes and auto-accident case law. Statutes and failures teach us what *not* to do, but they do little to teach us what *to* do.

**See FOCUS, page 21**

## MONTANA LAWYER

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The State Bar of Montana has announced the launch of a task force to address mental health and substance abuse problems among those working in the legal profession.

The Montana task force is modeled on the ABA's National Task Force on Lawyer Well-Being, whose 2017 report renewed focus on the problems of substance abuse and mental health disorders among lawyers. The ABA task force was in response to a 2016 study, which found that between 21 and 36 percent of practicing lawyers are problem drinkers, while lawyers suffer from depression, anxiety and stress at rates of 28 percent, 19 percent and 23 percent, respectively.

The comprehensive ABA task force included recommendations for all

The State Bar of Montana has started a new program to allow members of the legal profession in Montana to support each other in times of dire need or personal disaster.

The State Bar is looking for volunteers to help launch the program in Montana. If you have questions or are interested in

The first SOLACE program was developed in 2002 by the Louisiana State Bar Association. The ABA Journal reports that there are now formal programs in about 25 states. State bars with programs include Colorado, Minnesota, Nebraska, South Dakota and Wyoming.

**See SOLACE, page 13**

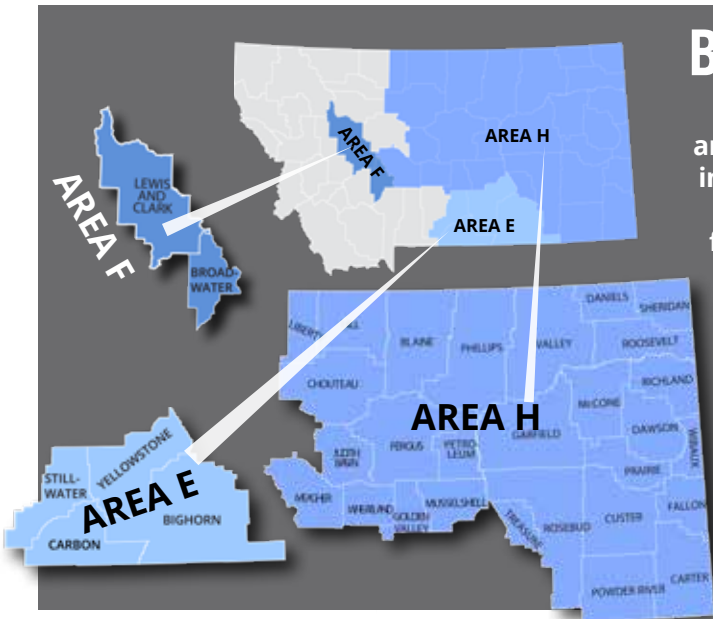
Building on suggestions of a 2018 working group, invited members of the Montana task force are Montana Supreme Court Justice James Jeremiah Shea, task force chair; retired Justice Patricia Cotter; the Honorable Leslie Halligan, State Bar of Montana immediate past president;

Julie Pierce, State Bar of Montana president-elect; Chief Disciplinary Counsel Mike Cotter; Mike Larson, Lawyers Assistance Program coordinator; Dean Paul Kirgis of the Blewett School of Law; Chris Newbold, executive vice president of ALPS and a member of the ABA's National Task Force on Lawyer Well-Being; Annie Goodwin, Commission on Character and Fitness chair, and Hannah Cail, chair of the state bar's New Lawyers' Section.

**The State Bar of Montana election season is under way, and the bar is now accepting Nominating Petitions from interested candidates for positions up for election.**

The Nominating Petition can be found on page 29, and an electronic version is available at [www.montanabar.org](http://www.montanabar.org). The deadline to return nominating petitions with the required signatures is April 8.

**The bar will conduct voting electronically for the first time this year. Members will receive voting instructions prior to balloting in May.**





## CAREER MOVES



Shaules



Ball



Tunning

## Moulton Bellingham announces new associate, 2 new shareholders

Moulton Bellingham PC is pleased to announce that Keturah Shaules has joined the firm as an associate attorney, and Afton Ball and Adam Tunning have become shareholders in the firm.

Shaules practices in the areas of commercial and business transactions, bankruptcy, civil litigation, estate planning and administration, as well as real estate. She is a member of the State Bar of Montana, and is licensed to practice in both Montana state and federal courts.

Shaules was born in Billings and grew up on her family's ranch north of Roundup. She later moved to Absarokee, where she graduated as co-valedictorian. She earned her undergraduate degree in psychology at Rocky Mountain College in 2015, and she subsequently earned her Juris Doctorate degree at the University of Montana in May of 2018.

Ball primarily practices in civil litigation with an emphasis in employment law, discrimination claims, Title IX compliance, business defense, and farm and ranch disputes. She also advises and assists clients with employment questions, agricultural related issues, and other real property disputes including conflicts related to homeowners' associations and covenants. She has drafted and/or reviewed employee handbooks, termination and severance agreements, agriculture leases, and other documents related to her practice areas.

Tunning primarily practices in employment law, insurance defense, commercial litigation, and general transactions. He has represented a diverse group of organizations in litigation, including oil and gas companies, banks, governmental entities, and insurers, in both contract and tort actions. He is also experienced defending employers from discrimination and wrongful discharge claims. He negotiates and mediates disputes on behalf of his clients and has tried cases in both Montana state and federal courts.

## Milanovich opens new constitutional litigation, election law firm in Butte

Anita Y. Milanovich is pleased to announce the opening of Milanovich Law, PLLC, in Butte. The firm is a national practice of constitutional litigation and election law compliance, serving both Montanans and others across the country protecting

constitutional freedoms.

Milanovich has litigated constitutional issues for nearly 15 years in over 20 states nationwide, including judicial candidate speech regulations, political committee requirements, campaign finance restrictions, religious liberty, false speech, compelled speech, privacy, and due process infringement. She is admitted to the Montana and Indiana state bars and their respective federal district courts, nearly all federal appellate circuit courts, and the U.S. Supreme Court. She has authored or co-authored numerous law review articles on First Amendment and other constitutional issues.

She is a first generation American and great-granddaughter of recipients of The Righteous Among the Nations award for their courageous aid to Jews during World War II. She is a graduate of Calvin College and Valparaiso University School of Law. She has lived in Montana since 2012.

Milanovich Law can be reached at 406-589-6856, [aymilanovich@milanovichlaw.com](mailto:aymilanovich@milanovichlaw.com), and [www.milanovichlaw.com](http://www.milanovichlaw.com).



Milanovich



Roberts



Duerk



Burns

## Knight Nicastro welcomes Roberts, Duerk and Burns to firm's Missoula office

Knight Nicastro has welcomed three new attorneys to the firm's Missoula office, including a former senior general attorney for BNSF Railway and a former assistant United States attorney. James Roberts joins the firm as a member, Adam Duerk joins as a senior attorney and Benjamin Burns joins as an associate.

Roberts brings extensive experience in civil litigation, primarily railroad litigation and insurance defense, and substantial jury trial experience. He joins the firm from BNSF Railway Company where he served as Senior General Attorney and General Director, Claims, where he was responsible for the investigation, management and resolution of casualty events. Additionally, he oversaw BNSF's casualty litigation, including FELA, grade crossing and third-party claims. Roberts has served as the National Association of Railroad Trial Counsel's regional vice president and as a member of NARTC's Executive Committee and Trial College.

He received his Juris Doctor from the University of Montana School of Law and an undergraduate degree from Montana State University.

Duerk is a practiced trial lawyer, having tried cases to verdict before juries in state and federal courts, for both plaintiffs

# CROWLEY | FLECK PLLP ATTORNEYS

Is pleased to announce the following Partners in the firm:



**Partner - Brett P. Clark -** Brett practices in the firm's Helena, MT office. His practice focuses on commercial litigation and professional liability defense. Brett received his J.D. in 2006 and joined Crowley Fleck in 2014 after practicing in Minnesota.



**Partner - Samuel J. Frederick** Sam practices in the firm's Bozeman, MT office. His practice focuses on technology and intellectual property. Sam received his J.D. in 2002 and joined Crowley Fleck in 2016 after practicing in Michigan.



**Partner - Jeffrey M. Roth -** Jeff practices in the firm's Missoula, MT office. His practice focuses on commercial litigation as well as healthcare, employment, and construction litigation. Jeff received his J.D. in 2005 and joined Crowley Fleck in 2017 after working in private practice in Montana.



**Partner - Gregory G. Schultz -** Greg practices in the firm's Missoula, MT office. His practice focuses on real property, with an emphasis in land titles, and real property secured lending. Greg received his J.D. in 1984 and joined Crowley Fleck in 2017 after practicing in Arizona, Kansas, and Montana.



**Partner - Dave Whisenand -** Dave practices in the firm's Bozeman, MT office. His practice focuses on defending healthcare providers against claims of medical negligence. Dave received his J.D. and joined Crowley Fleck in 2012.

The firm also welcomes the following Associates:



**Associate - Jennie L. Boulерice -** Jennie practices in the firm's Bozeman, MT office. Her practice focuses on commercial transactions, tax, trusts, and estates. Jennie received her J.D. and joined Crowley Fleck in 2018.



**Associate - Dylan Crouse -** Dylan practices in the firm's Billings, MT office. His practice focuses on creditors' rights and bankruptcy. Dylan received his J.D. and joined Crowley Fleck in 2018.



**Associate - Andrew J. Cziok -** Drew practices in the firm's Helena, MT office. His practice focuses on tort litigation and immigration law. Drew received his J.D. in 2014 and joined Crowley Fleck in 2018 after working for the U.S. Department of Homeland Security.



**Associate - Jacob M. Dillon -** Jacob practices in the firm's Billings, MT office. His practice focuses on energy and mineral projects transactions, water law, and natural resources litigation. Jacob received his J.D. and joined Crowley Fleck in 2018.



**Associate - Shelby Ryann Dolezal -** Shelby practices in the firm's Billings, MT office. Her practice focuses on labor and employment law. Shelby received her J.D. in 2017 and joined Crowley Fleck in 2018.



**Associate - Meaghan A. Geraghty -** Meaghan practices in the firm's Bozeman, MT office. Her practice focuses on defending medical negligence claims. Prior to her legal career, Meaghan was a registered nurse. She received her J.D. and joined Crowley Fleck in 2018.



**Associate - Caleb K. Kaywood -** Caleb practices in the firm's Billings, MT office. His practice focuses on federal tax, estate planning, and commercial transactions. Prior to his legal career, Caleb served in the U.S. Army. He received his J.D. and joined Crowley Fleck in 2018.



**Associate - Tom Harrington -** Tom practices in the firm's Missoula, MT office. His practice focuses on employment and labor, with an emphasis on workers' compensation. Tom received his J.D. in 2000 and joined Crowley Fleck in 2018 after working in private practice and a non-legal position in the medical device industry.

The firm also welcomes the following additional new Partner, Senior Counsel and Associates:

**Partner—**Lisa Six (Williston, ND)

**Senior Counsel—**Nick Healey (Cheyenne, WY), Dallas Lain (Cheyenne, WY), Gregory Tschider (Bismarck, ND) and Timothy Woznick (Cheyenne, WY)

**Associates—**Zachary Eiken (Bismarck, ND), Casey Terrell (Sheridan, WY)

[www.crowleyfleck.com](http://www.crowleyfleck.com)



## MEMBER NEWS

and defendants. Prior to joining Knight Nicastro, he served as an assistant United States attorney, a special assistant United States attorney, and a special attorney to the U.S. attorney general. During these appointments he prosecuted complex environmental and criminal fraud cases, as well as defending civil actions brought against the U.S. under the Federal Tort Claims Act.

He received his Juris Doctor from the University of Montana School of Law, and his Bachelor of Arts from Earlham College in Indiana.

Burns' practice focuses on civil and commercial litigation, transportation law, torts, construction law, insurance defense and insurance coverage litigation. He has clients in a wide variety of complex legal matters and has tried multiple jury trials and bench trials to verdict. He received his Juris Doctor from the University of Miami School of Law and his Bachelor of Science from Montana State University.

### Terrazas Henkel welcomes Delans to firm

Kathryn Delans has joined the team of attorneys at Terrazas Henkel, P.C. in Missoula.



#### Delans

Delans' practice consists of Domestic Relations and Family Law, Personal Injury, Criminal Defense, Insurance, Probate, Real Estate and Real Property, and Employment with 75 percent of her practice devoted to litigation. Delans graduated from the University of Montana School of Law in 2017 following her Bachelor of Science Degree in Criminal Justice from the University of Central Florida in Orlando, Florida. Prior to her legal career, Delans worked with the critical care unit as a child protective investigator for Lee County in Florida, where she investigated extreme cases of domestic violence, drug abuse/manufacturing, homicides, and severe child abuse. She volunteers for Soft Landing in Missoula and has given her time and expertise to the clients at the Missoula Self-Help Law Center.

Contact Delans at Terrazas Henkel, P.C., 406-541-2550.

### Meredith joins Doney Crowley in Helena

Doney Crowley P.C. is pleased to announce that Rachel Kinkie Meredith has joined the firm at its Helena office.



#### Meredith

Meredith's practice serves clients across the state in all aspects of water rights adjudication and permitting, real property, natural resource, and agriculture law. She was born and raised on a cattle ranch in Paradise Valley, Montana, and has been practicing law since 2010. She holds a Bachelor of Science in Forest and Range Resource Management from the University of Montana, Missoula, and graduated from the University of Montana School of Law.

In her spare time, Meredith serves on the board for the Montana Outfitters and Guides Association Education Institute, volunteers with Big Hearts under the Big Sky, and

### HAVE NEWS TO SHARE?

The Montana Lawyer welcomes news about Montana legal professionals including new jobs, honors, publications, and other accomplishments.

Please send member news and photo submissions to [editor@montanabar.org](mailto:editor@montanabar.org). Email or call 406-447-2200 with questions.

sits on the council for the Water Law Section of the State Bar of Montana. You can contact her at 406-443-2211 or [rmeredith@doneylaw.com](mailto:rmeredith@doneylaw.com).

### Stacey & Funyak welcomes Alex J. Stacey



#### Stacey

The Law Firm of Stacey & Funyak in Billings is pleased to announce that Alex J. Stacey has joined the firm as an associate attorney.

Alex Stacey grew up in Billings and graduated as a valedictorian from Billings West High School in 2011. He earned his Bachelor of Arts in political science with highest honors in 2015 from the University of San Diego and went on to earn a Juris Doctorate degree from the University of Notre Dame Law School in South Bend, Indiana, in May of 2018. While at Notre Dame, he participated on the Journal of Legislation, earned a Dean's Award for excellence in Intensive

## MEDIATION – It's a lifelong study and a specialty all its own.

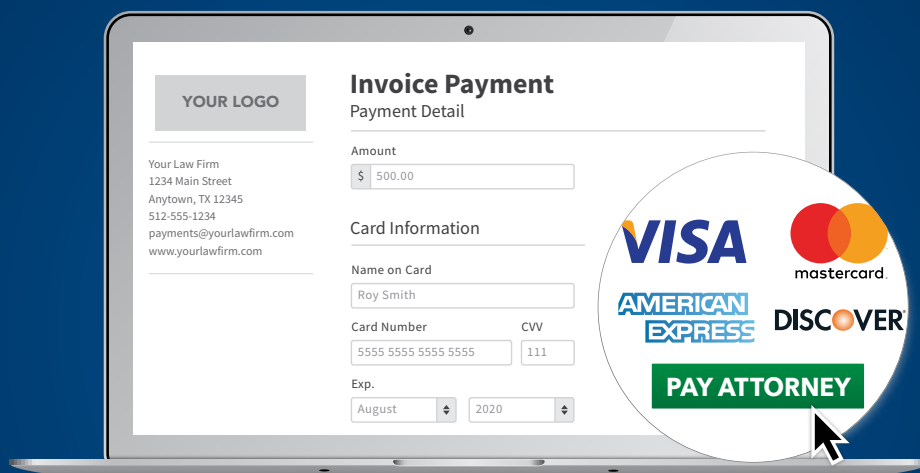
### Dominic (Dee) Carestia Attorney/Mediator/Arbitrator



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## MEMBER NEWS

Trial Advocacy and made the Dean's List for his spring 2018 semester.

Prior to joining Stacey & Funyak, he interned prior to the start of law school with Justice Michael Wheat of the Montana Supreme Court as well as with the Honorable Susan P. Watters of the United States District Court, Billings Division after his first year of law school. He is admitted to practice law in all Montana state courts and before the U.S. District Courts for the District of Montana after successfully passing the July 2018 Montana Bar exam.

Stacey will be involved in the firm's general civil litigation practice including plaintiff's and defense litigation. He can be contacted at [astacey@staceyfunyak.com](mailto:astacey@staceyfunyak.com) or 406-259-4545.

### Carl joins Guza & Associates as associate attorney

E.J. Guza & Associates has announced that Lance Carl has joined the firm as an associate attorney.

Carl grew up in Missoula. He first attended the University of Washington where he participated in the decathlon for



Carl

the UW track and field team. During his junior year, he transferred to The University of Montana where he played two seasons with the Montana Grizzlies football team and graduated with degrees in

economics and political science. Also as an undergraduate, Carl interned with the Missoula law firm Datsopoulos, MacDonald & Lind where his passion for law began, ultimately leading him to attend the University of Oregon School of Law.

During law school, Carl was a member of the Moot Court Board and was the senior staff editor for the Journal of Environmental Law & Litigation. He also

worked as a teacher's assistant for the Legal Research and Writing Program.

Upon graduating law school in 2016, he returned to the Missoula Valley where he worked as an associate attorney at Datsopoulos, MacDonald & Lind and at Cotner Law. In January of 2019, Lance joined E.J. Guza & Associates where his practice focuses on general civil litigation, business law, commercial and business transactions, entity formation, construction law, and family law. As the son of a small business owner, he enjoys serving and protecting the interests of local businesses.

Carl is admitted to practice in Montana District Courts, the Montana Supreme Court and the U.S. District Court, District of Montana.

When he is not serving his clients, you can find him spending time with family on Flathead Lake, skiing powder at Big Sky, or enjoying a beer with friends in downtown Bozeman.



Heenan



Cook

### Heenan and Cook open new firm in Billings

John Heenan and Joe Cook are proud to announce the formation of HEENAN & COOK PLLC.

Heenan is a 2003 graduate of the University of Montana and clerked for the Honorable Richard Cebull following graduation. He was previously a partner at Bishop, Heenan & Davies. Heenan practices consumer law and has served as lead counsel or co-lead counsel on several successful consumer class actions, recovering over \$50 million on behalf of

consumers in Montana and throughout the United States. He ran for Congress in 2018.

Cook is a 2009 graduate of the University of Montana and clerked for the Honorable Sam Haddon following graduation. He was previously a partner at Ragain & Cook PC. Cook helps people who have been physically, emotionally and financially injured stand up to wrongdoers, insurance companies and corporations to level the playing field. He has recovered millions of dollars for Montanans against corporations and insurance companies.

Randy Bishop and Gene Jarussi are Of Counsel to the firm and lend their collective experience in trial practice.

They can be reached at HEENAN & COOK, 1631 Zimmerman Trail, Billings, MT 59102; 406-839-9091; [www.lawmontana.com](http://www.lawmontana.com).

## HONORS

### ABOTA gives national recognition to Bishop

L. Randall Bishop is a co-recipient of the ABOTA Foundation's Professional Education Award. This national recognition is given to an individual who



Bishop

has demonstrated commitment to the Professional Education programs of the ABOTA Foundation by making a major contribution to a special program through planning,

participation or special effort. The 2018 award was in recognition of work undertaken by Bishop and Randy J. Cox in connection with ABOTA's Masters in Trial program.

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## Governor appoints Shane Vannatta as 4th Judicial District Court judge

Missoula attorney Shane Vannatta has been appointed to a newly created 4th Judicial District judge position.

Gov. Steve Bullock appointed Vannatta to the position on Feb. 12.

Vannatta becomes the fifth judge in the district, which encompasses Missoula and Mineral counties. The position was one of three created by the 2017 Montana Legislature, along with two positions in the 3rd Judicial District (Yellowstone County), to address high caseloads.

The appointment concludes a process that saw nine people apply with the Judicial Nomination Commission in October. After accepting public comment, the commission interviewed applicants, and forwarded the nominations of Vannatta and four others to the governor.

Vannatta is a shareholder attorney with Worden Thane P.C. in Missoula, where he has worked since graduating law school in 1993. He served as State Bar of Montana president in 2011-2012 and has served as chair of the bar's New Lawyers' Section (1995-1996), Professionalism Committee, Board of Trustees (2008-2010) and Past Presidents Committee (2013-2014).



**Shane Vannatta**

He has been the ABA delegate for the State Bar of Montana since December 2012 and continues to serve on the Professionalism Committee.

Vannatta was among nine people who applied for the position with the Judicial Nomination Commission.

He is a graduate of Bainville Public High School and received his Bachelor of Arts with High Honors in political science and Juris Doctorate with Honors from the University of Montana School of Law.

## 21st Judicial District judge applicants sought

The Judicial Nomination Commission is accepting applications for a 21st Judicial District judge opening. The 21st Judicial District covers Ravalli County.

The Hon. Jeffrey H. Langton announced in November that he is retiring on April 30 after 25 years on the bench. Langton, 65, is currently the longest serving district judge in Montana.

The deadline for submitting applications is 5 p.m. on Monday, March 11. The commission will announce the names of the applicants thereafter. The commission will accept applications from any lawyer in good standing who has the qualifications set forth by law for holding the position of district court judge.

There will be a public

comment period on the applicants from Wednesday, March 13, through Monday, April 15.

The commission will forward the names of three to five nominees to Gov. Steve Bullock for appointment after reviewing the applications, receiving public comment, and interviewing the applicants if necessary. The position is subject to election in 2020, and the successful candidate will serve for the remainder of Judge Langton's term, which expires in January 2023. The annual salary for the position is \$132,567.

The application form is available at [courts.mt.gov/courts/supreme/boards/jud\\_nom](https://courts.mt.gov/courts/supreme/boards/jud_nom). Applications must be submitted electronically and in hard copy.

## Supreme Court to hear ex-lawyer's appeal of conviction for wife's murder

**Argument set for Bozeman on May 1; court also schedules April 5 argument in Missoula**

The Montana Supreme Court has announced that it will hear oral argument in Bozeman in a former Montana lawyer's appeal of his conviction for the 1999 killing of his wife.

Brian Laird, now 50, was convicted in 2016 and is serving a 100-year sentence for the killing of Kathryn Laird. Bryan and Kathryn had been married for five months when Kathryn's body was found floating in the Bighorn River. The case was featured on NBC's "Dateline" program.

Brian Laird says the district court was wrong to conclude that he was not prejudiced by the 15-year gap between the death and filing of charges. He claims the state took advantage of weaknesses to the defense caused by the deaths of critical witnesses and lost evidence. Laird also claims the state did not present sufficient evidence to convict and that the state was wrong to admit statements by the deceased pathologist and to allow what the defense called a misleading autopsy photo to be presented to the jury.

The argument is scheduled for Wednesday, May 1, in conjunction with the 18th Judicial District's Law Day activities. It will be held in the Strand Union Building, Ballroom A, on the Montana State University campus. There will be an introduction at 9:30 a.m., with the argument starting at 10 a.m.

The court will also hear an argument in Missoula on Friday, April 5, in conjunction with the

**See ARGUMENT, page 13**

## 11th Judicial District implements e-filing effective March 15

### All lawyers have until May 1 to become registered users of e-filing system

The 11th Judicial District Court will be implementing an electronic filing system effective March 15 for all case types capable of being electronically filed. The district covers Flathead County.

The court issued an order on Feb. 8 implementing e-filing. Cases that are generally capable of being electronically filed include, but are not necessarily

limited to, DC, ON, DJ, DR, DV and DI cases. The Montana Supreme Court has adopted rules governing access to and use of the electronic filing system. See In Re Temporary Electronic Filing Rules, AF 14-0745, filed Oct. 3, 2017.

Consistent with Temporary Electronic Filing Rule 2(b), use of the electronic filing system for all lawyers admitted to practice in Montana, or those appearing pro hac vice, is mandatory in all DC, DN, DJ, DR, DV and DI cases, subject to Temporary Electronic Filing Rule 6(a).

All lawyers admitted to practice in Montana, or those appearing pro hac vice, have until May 1, to become registered users of the electronic filing system and begin using the electronic filing system. Upon application to the District Court Administrator, waivers for use of the system may be granted for compelling and extenuating circumstances.

Instructions on becoming a registered user and accessing the electronic filing system are available at <https://courts.mt.gov/courts/efile>.

### ARGUMENT from page 12

Blewett School of Law's Law Day activities.

The Missoula argument, in *Kalispell v. Salsgiver*, will be at the University of Montana's Dennison Theater, with an introduction at 9 a.m. and the argument at 9:30 a.m.

Thomas Salsgiver appeals his conviction for partner or family member assault, claiming that the municipal court's and district court's orders waiving his right to a jury trial violate Sixth and 14th Amendment protections. Salsgiver also argues that certain provisions in the sentencing agreement to pay fines are unsupported by statutory authority.

### SOLACE from page 6

through a volunteer email network, and members may help with contributions of clothing, housing, transportation, medical community contacts, and myriad of other possible solutions depending on the situation.

Stories of those in other states who have been helped are numerous and inspiring. Here are a few:

- A Georgia lawyer who was dealing with a serious illness and recovering from brain surgery faced foreclosure on her home. Several bar members negotiated with

the mortgage company and avoided the pending foreclosure.

- A young paralegal single mother diagnosed with terminal cancer wanted to take her two small children to Disney World before she died. Several attorneys made it happen by donating frequent flyer miles, use of a condo, and gift cards.
- A lawyer needed a liver transplant but couldn't survive the long drive to the hospital. Another lawyer with a pilot's license provided free air transportation.

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## to a Healthier, Happier Law Firm



**By Amy L. Greywitt**

It is no secret that lawyers have a reputation for unhealthy lifestyles. This includes being sedentary, staring at a screen all day, exhibiting high stress levels, over-caffeinating, eating unhealthy foods, and, in some cases, even abusing alcohol or drugs to unwind.

## Forward-thinking law firms

are working to change the culture of the legal practice into one that is healthier and happier. There are myriad benefits to focusing on promoting health and wellness in a law firm environment. Studies show that a workplace wellness program leads to fewer absences, increased productivity, improved

employee satisfaction and retention, as well as reduced health insurance costs. There almost certainly is room for improvement in the health, wellness, and mindfulness at your law firm or workplace.

Here is a list of 12 ideas that you—yes, *you*—can initiate in your workplace.



## 1. Form a



## Committee

If your law firm does not have a health and wellness committee, start one. Employees need to have an outlet to express concerns and ideas related to improving their health and wellness, and this is where everything starts. Ask your firm's management committee for a budget. Take a survey of the changes that you and your employees would like to see in your firm's culture and benefits. You may have to start small, but over time, change is possible.



## 2. Smart Snacks

Take a look at the nutrition available to employees during the workday. Food is what fuels the body and mind to do its best work. Make sure quality fuel is available to yourself and your colleagues. If your law firm provides food, snacks, or beverages, take a look at the options and see what can be made healthier. For example, swap out the cookies, chips, or candy in the kitchen cabinet for nuts, protein bars, and, if possible, fresh fruit or yogurt in the fridge. If your firm offers donuts or pastries in the morning, see if the options can be varied to include fruit, oatmeal, fresh squeezed juices, or smoothies.

## 3. Sack the Soda

Bring in beneficial beverages. If your law firm provides beverages or has vending machines, swap out some or all of the soda options for sparkling water and unsweetened iced tea. Ensure that non-dairy options such as almond or soy milk are available for employees with lactose sensitivity, or for those who simply prefer to eat a plant-based diet.



## 4. Mind your posture

Evaluate the ergonomic options to employees. Find out if your firm can subsidize standing desks, or, at the very least, provide information to employees to streamline the process to obtain a standing desk. The ability to



switch between sitting and standing throughout the day improves circulation and posture and thwarts back pain often associated with being sedentary and slumping over a keyboard. Line up a specialist on an annual or more frequent basis to conduct ergonomic assessments with employees to ensure proper positioning of the keyboard and mouse, desk height, and chair settings to avoid carpal tunnel syndrome, back pain, and a host of other problems stemming from poor ergonomics.

## 5. Walk & Work

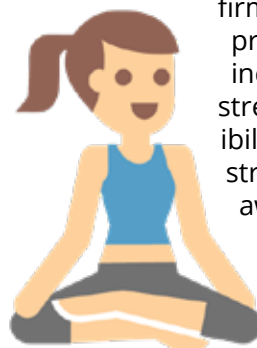
Share a treadmill desk. Although law firms may not be on board to pay for treadmill desks for employees, it is a much easier sell to convince a firm to implement one or two shared treadmill desks in a visitor office or cubicle where attorneys or staff can go to dock their computers and work while walking. For logistical purposes, it helps to include the treadmill desk in the firm's room reservation system so that employees can reserve it in advance, e.g., to walk during long conference calls or tedious document reviews.



## 6. Strike a Pose

Start a weekly or monthly yoga program. Many firms are now offering yoga classes during the workday. Several companies, such as Office Yoga, specialize in workplace yoga classes. Book a trial class, reserve a conference room, clear the tables, and gauge interest. If people like it (which they most likely will), lobby for the

firm to fund the program. Yoga increases strength and flexibility, reduces stress, and is an awesome way to unwind after a stressful day.



## 7. Step it up, firm-wide

Implement a firm-wide walking challenge. One of the best ways to get people moving and active is to create a friendly competition. There are several vendors that provide platforms for employees within an organization to track steps, form teams, and compete with one another to log the most steps. Most of these platforms now automatically sync with all kinds of step-tracking devices and watches, including apps that employees can download for free on a smartphone, so the cost to the firm need not necessarily include purchasing pedometers. Run the program for six to eight weeks and give out incentives for those logging the highest number of steps or demonstrating the most improvement.



## 10. Run/Walk Events



Register a firm team for a walking or running event for a good cause. Pick something accessible with various options for distance and intensity so that your colleagues newer to fitness feel welcome to participate. The added benefit of choosing an event for a cause that you or one of your colleagues is passionate about will help incentivize participation.

## 8. Make it a group effort

Enjoy exercise with colleagues. Rather than hitting happy hour to consume alcohol and unhealthy food, gather your colleagues for a run, or join a class at a group fitness studio.



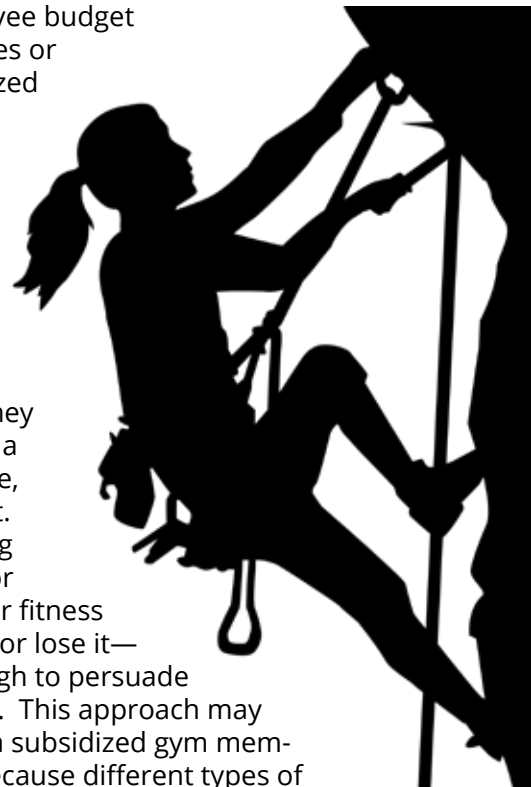
## 9. Find your zen

Focus on mindfulness with a meditation program. Starting a monthly meditation program is a great first step to improving mindfulness in the workplace. Bring folks in your firm together once a month for a short meditation session. Taking time to quiet the mind and focus on one's breathing over time helps attorneys and staff to respond to stressful workplace situations with equanimity. You can simply gather and follow guided meditation videos available for free online, or you can check out Unplug Meditation or YogaGlo for a very affordable monthly subscription to guided meditation videos.

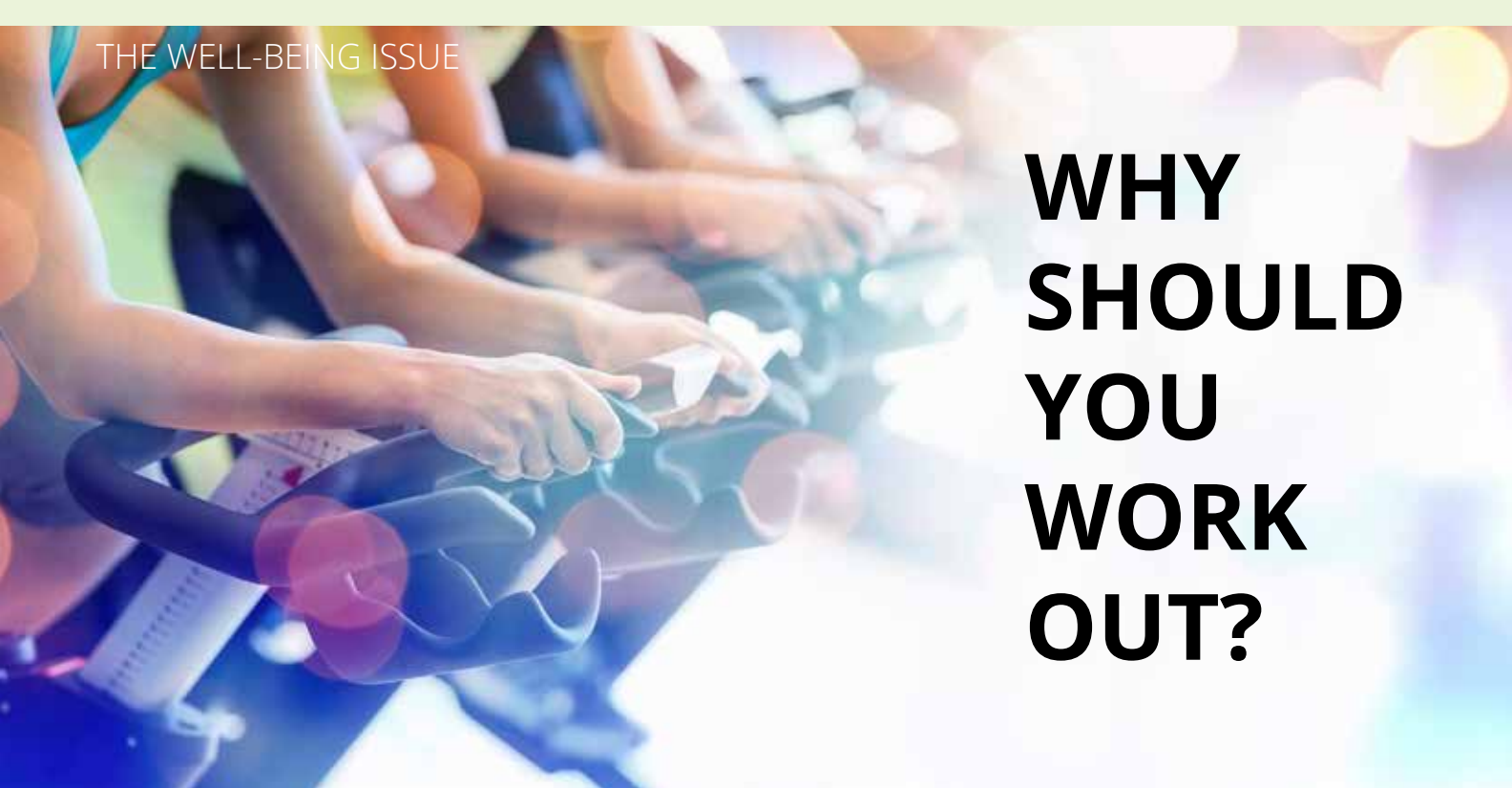


## 11. Budget for health

Ask for an employee budget for fitness activities or negotiate subsidized membership options with local gyms for members of your organization. Even if it is a small amount of savings, humans are hardwired to take and use money given to them for a particular purpose, rather than lose it. The idea of getting a small monthly or annual subsidy for fitness expenses—use it or lose it—may be just enough to persuade folks to get active. This approach may be preferable to a subsidized gym membership simply because different types of fitness activities (e.g., yoga, rock climbing) resonate with everyone.



**More FIRM Page 22**



# WHY SHOULD YOU WORK OUT?

## Exercise can be especially helpful for lawyers by preventing burnout and improving cognition

By Brent Kupfer

We intuitively know that we should exercise, yet few of us can articulate the reasons why. Certainly, there are many benefits, but this article focuses on two that are particularly relevant to the legal profession: (1) Exercise staves off burnout; and (2) exercise improves cognitive functions. Bonus: for those who are struggling to get moving, see the motivational tips included at the end of this article.

### Burnout

It's no surprise that lawyers suffer from chronic pressure. The stakes are high, the deadlines are imminent, and the work is never-ending. These extrinsic factors can manifest as stress, depression, and anxiety; they can culminate in burnout — this is true even for the most hardened among us. Making matters worse, some only exacerbate the problem with ever larger doses of alcohol. The good news is there's a healthy alternative: Exercise, a proven relaxant that helps to regulate your mood.

In a recent study, the American Bar Association and Hazelden recently examined these problems (stress, depression, anxiety, and overconsumption of alcohol). The results were, to put it mildly, not good: 28 percent of the test subjects experienced symptoms of depression; 23 percent experienced stress; and 19 percent experienced anxiety. As for alcohol consumption, 20.6 percent of the test subjects “screen[ed] positive for hazardous, harmful, and potentially alcohol-dependent drinking.” The latter finding is especially troublesome because, as this study concludes, “[m]ental health concerns often co-occur with alcohol use disorders ..., and [this] study reveal[ed] significantly higher levels of depression, anxiety, and stress among those screening positive for problematic alcohol use.”

But there is hope. Exercise is a formidable counter to the stresses of law. When you exercise, your body produces potent neurochemicals that regulate your mood and make you feel good. Two examples include gamma-aminobutyric acid (colloquially known

as “GABA”) and serotonin. The former relaxes you, and the latter makes you happy. Together, they combat stress, anxiety, and depression. And the effect of exercise on depression is especially profound. According to Mark Hyman, M.D., “exercise beats or equals Prozac or psychotherapy as an antidepressant in head-to-head studies.”

This does not mean that exercise is the sole cure to the above ailments. Each case is unique, and you should exhaust all healthy alternatives that you and your doctor see fit. But it is a great start and can have a tremendous impact on your longevity in this field.

### Cognitive Functions

The practice of law is a battle of wits. To compete, you need to maximize your brain's potential. Exercise will help you do this.

In addition to the neurochemicals listed above, exercise releases dopamine and acetylcholine. Dopamine, a pleasure chemical, increases focus and attention.

**More WORKOUT Page 22**



# Train Your Brain: Resilience Tools for Lawyers



Lawyers can benefit from training used by American soldiers

**By Fairuz Abdullah and Annabrooke Temple**

**D**o you remember the movie *Groundhog Day*? Bill Murray's character wakes up each morning to his alarm clock playing "I Got You Babe" and he realizes, with dread, that he is about to re-live Feb. 2, again. Have you ever had that feeling—when you know what's about to happen: you know you shouldn't respond with anger, or sarcasm, or by withdrawing from the situation (insert your go-to response to stress here), but you feel powerless to stop yourself?

You're only human. It happens to all of us. Your typical response is your brain's well-worn path of least resistance. Unless you have the insight and tools with which to change your default response, you will likely keep doing the same thing, whether it's losing patience with your child for being slow in the

morning, or getting anxious when your boss is short with you.

There is hope! You can make new pathways in your brain, resulting in different, more positive and productive responses. To do so, you have to be aware of your emotions and your triggers first.

Is self-awareness not your strong suit? Try noting your emotions in your calendar (emojis are fine) Irritated during a meeting? Elated after a presentation? Write it all down. This will help you identify tricky situations. Then you'll be ready to employ some tools to break the *Groundhog Day* cycle and start creating some new, and healthier, patterns.

Drs. Karen Reivich and Martin Seligman, leaders in positive psychology at the University of Pennsylvania, have designed day-saving interventions called Real-Time Resilience. These interventions are actions that you can take every time you notice yourself about to be

triggered by a situation, and allow you to respond thoughtfully, with control. Real-Time Resilience (RTR) trainings have been adopted and employed by the U.S. Army as part of its Comprehensive Soldier Fitness program since 2009.

What works for soldiers and their families, works for lawyers and law students too. The three RTR interventions we use most with the law students and attorneys we counsel, with our private coaching clients, and with our families, are the ABCs, Thinking Traps, and Detecting Icebergs. A fourth technique, not part of RTR but also effective, is the mantra.

## **Know Your ABCs**

A stands for *Action*. B stands for your *Belief* about the action. C stands for the *Consequence*—and here's the key: C results from your beliefs about the action, not the action itself.

Let's say your colleague fails to

say “Good morning” to you (A). You believe your colleague is ignoring you on purpose (B). The consequence is that you think your colleague is upset with you, and you assume it has to do with the draft you turned in last night (C). You could go down a rabbit hole of assumptions, irritation, and stress, right? But if you’re equipped with RTR, you would identify your *Beliefs* and thoughts about the *Action*, and spare yourself the *Consequence*. You don’t know why your colleague didn’t say “Good morning.” Your beliefs would cause the resulting emotions (irritation and stress, in this example), not the action itself. Next time you are in a stress-causing situation, take a moment to identify the action, and your belief about the action. Analyze that belief. It probably won’t survive close inspection, and you may spare yourself the consequential stress.

## Thinking Traps

Thinking traps are counter-productive thinking patterns. Learning how to avoid them is another useful RTR technique.

Each of us is prone to some thinking traps more than others. Again, self-awareness is key. When you know which thinking patterns are most likely to trap you, you can use mental cues and critical questions to snap out of the trap.

Here are some common traps and their related RTR interventions:

**Thinking trap: jumping to conclusions** (in the above example, assuming your colleague’s mad at you for something you did.) RTR: Slow down! Ask yourself: what’s the evidence for your conclusion?

**Thinking trap: mind reading** (in the above example, assuming you know why your colleague didn’t say good morning.) RTR: Speak up and ask for information.

**Thinking trap: Me, Me, Me** (“It’s all my fault.”) RTR: Stop navel-gazing and look outwards. How did others and/or circumstances contribute to this situation?

**Thinking trap: Them, Them, Them** (“It’s all their fault.”) RTR: Look inward. How did you contribute to the situation?

**Thinking trap: Always, Always, Always** (“This always happens to me.”)

Self-awareness is key. When you know which **thinking patterns** are most likely to trap you, you can use **mental cues** and **critical questions** to snap out of the trap.

RTR: What’s changeable? What can you control?

You will likely be tempted by a thinking trap today. Catch yourself, and employ one of these RTR interventions.

## Detect Icebergs

Have you ever blown up at someone over something that struck others as minor? Given that you are otherwise mentally fit, you were likely triggered by what Dr. Reivich calls an iceberg. An iceberg is made up of core beliefs about how the world operates, and how you operate in it, that fuel out-of-proportion emotions and reactions. Common icebergs include “only weak people ask for help” and “I should succeed at everything I try.” Exploring the iceberg is the best way to lessen its power over you.

Next time you feel yourself getting overly worked up about something, try to identify the iceberg.

Ask yourself: What does that mean to me? What is the worst part of that for me? Assuming that is true, what about that is upsetting to me?

Once you have identified your iceberg, think about whether you still believe in it. Maybe you no longer hold those beliefs, and your reactions are just habitual. If you do still believe in it, is the iceberg causing you to be overly rigid in some situations? Is your iceberg harming you sometimes? What can you do to change your reactions to make these trigger situations go better for yourself and others?

## The Mantra

Have you ever been told that you couldn’t do something because you were lacking in some way? Did you push those negative messages out of your mind? Did you replace those messages with thoughts that helped you reach

your goal? If so, you have employed controlled use of attention.

Negative thoughts and emotions tend to settle in our mind, coloring how we look at the world, and holding us back. Shifting our attention to a positive thought pattern moves us forward.

One way to employ controlled use of attention is through the use of a mantra. You may already have one. Do you have a phrase that motivates you, that you find yourself repeating? If you have one that works, great. If not, here are some mantras to help you get started:

Don’t play small (your opinions and views count, don’t be afraid to share them).

- There is no such thing as perfection (take the first step, waiting for perfect won’t move you forward).
- Carve your own path (find a way that is yours, not what others have defined).
- Go for It! (if you don’t someone else will. Might as well take the risk).
- It’s never too late (the past is the past, you create your own future).

Incorporating RTR and a mantra can combat the conflict, stress and uncertainty of daily life. By disrupting counterproductive thought patterns, you will re-frame how you view everyday encounters and interactions. Give it a try. You may be surprised and relieved to realize you can break out of old, painful patterns. Goodbye, Groundhog Day!

**Fairuz Abdullah is the Director of Public Service Programs and Annabrooke Temple is the Director of Professional Development at UC Hastings College of the Law. They are co-founders of Outlaw Coaching, [www.outlawcoaching.com](http://www.outlawcoaching.com).**

**This article originally appeared in the San Francisco Attorney magazine,**

# BEATING THE WINTER BLUES

## Seasonal depression hits many Montanans, including lawyers, each year

The long Montana winter continues to drag on. It's a time when seasonal depression can present itself for many people, including lawyers. Anne Chambers, director of the Missouri Lawyers' Assistance Program, offers some insight into the condition and how lawyers can seek support in dealing with it.

### How would you describe seasonal depression?

Seasonal depression is sometimes referred to as seasonal affective disorder (SAD) or the winter blues. Symptoms tend to arrive and recede around the same time each year, with mood lowering as days grow darker and lifting in the spring or summer. Seasonal depression is more than the post-holiday blues. People with this pattern of depression typically experience normal mental health the rest of the year. Many people report feeling depressed during the cold months, when there is less daylight.

Common signs of seasonal depression are sadness, loss of energy, tiredness, sleeping excessively, and changes in eating habits, such as craving carbohydrates, overeating and weight gain. Some experience anxiety or irritability and feelings of hopelessness. Sadness and tiredness can make it more difficult to concentrate, focus, get out of bed and

off to work in the morning, accomplish day-to-day activities, and enjoy your daily life.

### When should someone see a professional about seasonal depression?

Depression is treatable. Most people who seek assistance for depression start to feel better in a matter of weeks. It's important to speak with your doctor or another professional any time you think you are experiencing depression. Get help if you are feeling overwhelmed; your quality of work or life is impacted; you feel miserable; or if feelings of helplessness, hopelessness or worthlessness creep in. Many people obtain help for seasonal depression. Professional treatments include counseling and medication. Reaching out for help is an act of hope. Treatment can be game changing, and sometimes lifesaving.

### What are some additional treatments?

In addition to counseling and medication, treatments include light therapy, exercise and increased outdoor activity. Here are some strategies to cope with seasonal depression:

- Brighten your day. Get an extra boost of sunshine by opening the blinds, sitting near a window or

### CONTACT MONTANA LAWYERS' ASSISTANCE PROGRAM

For confidential screening, please contact the Montana Lawyers' Assistance Program at 406-660-1181.

- venturing outside.
- Boost mood with exercise. Some people take up winter sports or exercise in a well-lit area.
- Spend time outdoors. While this can be tough in the winter, doing so can boost your spirits.
- Lighten your mood with upbeat music.
- Serve. The satisfaction of losing yourself in service to others can lift your mood and offer a shift in perspective.
- Start planning your next vacation now. Doing so boosts happiness. Some try a mid-winter vacation in a warm, sunny location for a brief reprieve.

Depression is treatable. For confidential screening, please contact the Montana Lawyers' Assistance Program at 406-660-1181. You deserve to feel good about yourself and the work you do.



## FOCUS from page 5

Thus, just as it is important to understand the factors creating the crises and how these unhappy statistics collide with professional conduct regulations, leaders in the profession must examine the other side of the statistics to move forward and better train lawyers. What makes some attorneys successful and, if we dare say it, even happy to be a lawyer? If we understand that point along with the risks of the profession, we can begin to build a better bar and lessen the suffering too many of our colleagues live with every day.

Fortunately, there is another dimension to this harsh landscape. While the statistics are alarming, not every attorney is depressed. Not every attorney suffers from crippling anxiety. And most importantly, not every attorney is unhappy in their career and wouldn't recommend it to someone starting out.

So, who are these satisfied lawyers and what can we learn from them?

We all likely know some, and you may even be one. Their success doesn't come from some fad exercise routine or a special daily planner. They may practice yoga or meditation, but most probably do not. They may seek recognition, or they may quietly go about their work.

For nearly a decade, I've had the opportunity to work with attorneys, but largely outside of the opposing counsel mindset that marked my previous decade in private and government practice. I have worked closely with lawyers as they celebrated career achievements and milestones, contemplated financial contributions to future generations and engaged in building a better legal education system. I now have the great privilege to work with them as they volunteer their time and talent to bar activities and the regulation and improvement of the profession.

From my observation, the success of these attorneys, and perhaps the antidote to our broader challenges as a profession, come from five distinguishing factors.

First, these successful attorneys are **grounded** not only in their substantive knowledge of the law, but importantly

in their knowledge of *who* they are personally and professionally. Second, they are **steady** in the way they approach their practice and life. Third, they are **continual learners**, both personally and professionally. Fourth, outside of the practice of law, they have **something that gives them joy**. And finally, they have a fifth practice, almost universally: **They give back** to their communities and to their profession.

Does that description match the satisfied and successful attorneys you know? And let me suggest the opposite: Does that description match the attorneys you know who are struggling mightily? While there are always exceptions, and certainly addiction and depression come in many disguises, I am hypothesizing it does not.

Forgetting lawyers for a moment, does that description match the successful non-attorneys you interact with? I'd venture to guess, yes. In reality, we can find these distinguishing characteristics in individuals from all walks of life who are living life in a way that most of us aspire to.

So, let's ask a few questions. Can one successfully navigate modern law practice without knowing the fundamentals, let alone having a good personal grounding? Likely not well.

Can a lawyer be "steady" without practicing mediation? Yes, though certainly meditation might be a way of staying grounded or steady. So too might be walking, or playing bridge, or fly-fishing. But can one be steady by burning the candle at both ends, never taking care of the physical body and binging after every trial or brief filing? Science, let alone common sense, would tell us that the answer is no.

Can one be a highly peer-rated attorney without having something outside of law that gives "joy," or without being a "continual learner?" Maybe, but I'm not sure I've met any. Have you?

What about giving back – do you have to "give back?" Well, you don't have to, but some of the happiest moments I've experienced as an attorney were working with other lawyers to give back, whether that's financially, or more commonly, through judging a speech meet, participating in a bar activity, or

serving on a local nonprofit board.

Why do attorneys who live and work this way, who appear to embody these five characteristics, seem to be the most satisfied and successful in navigating the pressures of practice? Surely something must be at work.

One answer can be found, in part, in what science is telling us about the brain. Recent studies at the University of California, Berkley, demonstrated that chronic stress actually rewires brain circuitry potentially making an individual predisposed to more stress and placing the brain in a constant state of fight or flight. (Does that sound like any lawyers you know?)

That research lends credence to the statistics revealing that what begins with the stress of law school has manifested itself in significant mental health issues by early career for many attorneys. And the cumulative effects of stress make real biological changes leading one to be more susceptible to major depression.

The antidote is in the behaviors that counteract stress-related hormones and enhance positive neurotransmitters and feelings of well-being. That's not "new-age" thinking, but what hard science tells us about the chemical composition of our brains and what is necessary to counteract these changes without pharmacological intervention.

Not surprisingly, being grounded, steady and a continual learner all correlate to positive health. Any number of studies have reached that conclusion, which author John Coleman succinctly noted in a 2017 Harvard Business Review column: "The reasons to continue learning are many, and the weight of the evidence would indicate that lifelong learning isn't simply an economic imperative but a social, emotional, and physical one as well."

As I've said in past columns, recent studies also confirm the positive correlation between things like joy and gratitude in developing positive mental well-being. These studies show that giving and altruism stimulate the reward areas in the brain.

Thus, while the five factors described above were deduced through

**See FOCUS, next page**



# HOW DO YOU BALANCE YOUR WORK & LIFE?

Do you have a strategy for maintaining a healthy balance between your professional life and your personal life that works for you? Does your firm have innovative ways to encourage its lawyers to stay healthy and energized?

We'd love to hear about them, and any other insights you have on lawyer health and wellness so we can help the rest of our members learn from your great ideas. Please send an email to [editor@montanabar.org](mailto:editor@montanabar.org).

## FIRM from page 16



## 12. Listen up!

12. Bring in speakers on health and wellness topics of interest. If your firm has lunches with speakers on occasion, see if you can book a registered dietitian for a cooking demonstration or a mindfulness speaker to discuss the benefits of breath and meditation. This will change things up and increase employee awareness and stimulate further conversation about health and wellness.

It can be a challenge to change institutional norms and you may face adversity. But you may also be surprised that your law firm is just as eager as you are to improve the health and wellness of lawyers and staff and is ready to support efforts to make your law firm healthier and happier.

**Amy L. Greywitt co-founded the health and wellness committee at her former law firm, Munger Tolles & Olson, and is now a yogini and fitness enthusiast in Marin County, California.**

***This article originally appeared in the San Francisco Attorney magazine.***

## WORKOUT from page 17

Acetylcholine enhances your thinking process, memory, motivation, and concentration. Exercise also increases neural plasticity and neurogenesis. The former is the process by which your brain develops new neural connections and improves the existing ones. The latter is the growth of new brain cells.

In effect, exercise enhances cognitive functions. In fact, it is integral to optimal performance. So if you exercise, you'll have an edge on those who don't.

### How to Get Motivated

There are a lot of great ways to motivate yourself to exercise. You must find what works best for you. But to get started, here are three tips:

- do something you like;
- workout early in the morning; and
- find workout partners.

If you do something you like, you'll be far more inclined to keep at it.

Conversely, if you dread the exercise, it will be hard to stick with it. So if you don't like running, don't run. If you like dancing, then by all means, dance. As to the second tip, research shows that your willpower diminishes throughout the day. Thus, you are less likely to exercise in the afternoon or evening. So get it out of the way first thing in the morning. It's a good way to start the day, and you'll feel good going into work. Finally, find workout partners. They keep you accountable and make the exercise more enjoyable. Plus, group work can encourage competition, which can be a powerful motivator indeed.

***Brent Kupfer (bjk@kupferlegal.com) is an attorney at law in Hartford, Conn..***

***This article originally appeared in the San Diego County Bar Association's For the Record publication for new lawyers,***

## FOCUS from previous page

observation and experience, each finds support in modern neuroscience. Are these lawyers happy because they have always practiced these five factors, or are they not unhappy because these ways of living mitigate the inherent stresses of the profession?

Whether predictive or prescriptive, we know that these satisfied and successful lawyers are on the right side

of the statistical ledger when we think about well-being. It seems that these five characteristics can tell us something about why that is.

Perhaps we should take a step back to study the lawyers who are successful in navigating the pressures of this profession, not just the statistics. As we move forward with this important national discussion, that may give us a better map to our own enjoyment, satisfaction and success.

# Need help keeping your briefs brief?

## Follow these 5 tips on wordy writing



Abbie  
Nordhagen  
Cziok

***Follow Joseph M. Williams' rules for diagnosing and revising a wordy sentence will help make you a pro with prose.***

**D**on't you hate it when you read someone else's work, and it goes on and on, and you start to suspect that the author of the work is using commas as conjunctions rather than actual conjunctions, and then you start to wonder about what you are going to eat for dinner and now you've completely lost your place in a sentence? Me too. So let's talk about concision. Today's lesson is brought to you by Joseph M. Williams's book "Style: Lessons in Clarity and Grace."

Williams has five rules for diagnosing and revising a wordy sentence. I won't fully discuss each in depth because five points is too many for a concise, 500-word article, but I will address each. First delete meaningless, throat-clearing terms: actually, really, kind of, virtually, clearly. The word "certain" has become such a term for me: "There are certain words I should cut from my vocabulary." The only thing I am truly certain of is that word is unnecessary.

Second, delete doubled words. Williams gives background on this one. Early in the history of English, writers got into the habit of pairing an English word with a French or Latin one to sound more learned. This unfortunate habit stuck. Some of these are more obvious, like "full and complete," "each and every," and "first and foremost." Others are more deeply ingrained. The "or not" in "whether or not" is redundant, as is the term "contrast" in "compare and contrast."

Third, remove what readers can infer. One such category is redundant modifiers. As Williams points out, a writer does not need to add the detail that a meteorologist will predict

"future" weather; the word "future" can be inferred by the context. In addition, why would someone would need to clarify that a gift is a "free gift" unless she is working at a Clinique counter (where we know no gifts are truly free)? Another category of words that can be inferred are redundant categories. These are sometimes obvious because of an attached preposition: period *of time*, red *in color*, tall *in appearance*. The initial adjective was explanatory without the need for another categorical word.

Fourth, replace phrases with words. This tip involves a bit more creativity, time, and wit. "For the reason that" becomes, "because." "I am in a position to" becomes, "I can." "The lady doth protest too much, methinks" becomes, "Liar." (I'm not trying to indicate that Shakespeare's language can be improved. He's just not around to object to my jokes).

Last, change negatives to affirmatives. Many verbs, prepositions, and conjunctions are inherently negative like "preclude," "against," and "unless." As Williams explains, when these are combined with "not," sentences become unreadable. This is when the "antonym" feature on the Merriam Webster website is handy. With this rule, "not allow" becomes "prevent," "not often" becomes "rarely."

So if you are past that pesky word limit on a filing, go through these five steps to tighten the language. I'm sure the Court will also appreciate your efforts.

***Abbie Nordhagen Cziok is an associate with Browning, Kalczyk, Berry & Hoven in the Helena office. She likes rock climbing, skiing, and one space after a period.***

# Blewett School of Law to host prestigious International Negotiation Competition

## Selection for 2020 follows UM team's success under longtime coach Klaus Sitte

"It's official," the International Negotiation Competition Committee Chair said, "Missoula in 2020." Klaus Sitte received the announcement while attending the International Negotiation Competition in Cardiff, Wales. As the former coach of the Alexander Blewett III School of Law's Negotiation Team, Sitte had been invited to judge the 2018 competition event. While the pronouncement was not unanticipated, "it was still a thrill and an incredible honor to receive such great news," Sitte said.

The Executive Committee had asked the Blewett Law School to consider hosting, following the appearance of the UM Team at the 2017 competition in Oslo, Norway. Negotiation Team members Kirsi Luther (2019) and Frans Andersson (2017) garnered third place in the world at the Oslo competition, following their second place finish at the ABA Nationals in Chicago.

The International Negotiation Competition began in 1998, holding the first competition in Sydney, Australia. Since then, the competition site has moved around the globe to locations such as Calgary, San Diego, Oslo, Cardiff, and this year in Tokyo. The competition, conducted in English, involves teams of two law students representing clients negotiating an international transaction or dispute with an opposing team of two law students. Starting in Oslo, the competition added a multiparty negotiation between four teams of two law students, each representing clients from different parts of the world.

Designating Missoula as the host site



is quite remarkable: In the history of competition, no law school the size of the Blewett Law School has ever served as host site, and no city smaller than 1.2 million been selected. The competition brings together law student teams, national representatives and families from 30 plus countries, from Korea to Singapore, Wales to Qatar, Russia to Brazil. An integral part of this event is a Masters Class for law students, mediators, lawyers and judges, featuring world renowned negotiators.

The UM law school's long history of successful competition and competent hosting, particularly with its Negotiation Team, was a factor in Missoula's selection as an international competition site. Under Sitte's guidance, 16 Law School Negotiation Teams advanced to the quarterfinal round at Regional competitions, and nine teams advanced to the National Competition. Three of Sitte's teams placed at the National

Competition: The 1997 team ranked third and the 2002 team placed second in the nation. Andersson and Luther's performance in Oslo marked the overall best showing of any team.


The team is now coached by Malin Stearns Johnson. Johnson (2004), and her team partner, Todd Denison (2003), were the first UM Negotiation Team to compete in internationals, following their 2nd place finish at the ABA Nationals in 2002. With Johnson now coaching, the Team of Haley Ford (2019) and Sean McQuillan (2019) finished as co-champions, the new ABA designation, at Regional Competition in Missoula last month.

More information about the international competition will be coming next year. "Now the hard part begins, all the organizing, planning and fundraising," Sitte said. "We'll be reaching out to the entire State Bar to make this an event everyone will remember."

“ Now the hard part begins, all the organizing, planning and fundraising. We'll be reaching out to the entire State Bar to make this an event everyone will remember ”

STATE BAR OF MONTANA

# LAWYER ASSISTANCE PROGRAM

A silhouette of two people on a mountain peak. One person is standing and leaning forward, while the other is sitting or crouching, and they are holding hands. The background shows a vast mountain range under a blue sky with some clouds.

Stress? Anxiety? Depression?  
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[WWW.MONTANABAR.ORG/PAGE/LAP](http://WWW.MONTANABAR.ORG/PAGE/LAP)



## Court warns of email phishing scam

An email scam purporting to be from the Montana Supreme Court has been targeting Montana lawyers, the Office of the Clerk of the Montana Supreme Court warns.

The email claims to contain a link to an invoice from the court. Instead it contains a link to a site that has been classified as containing malware or ransomware. Do not click the link!

The Supreme Court does not produce invoices and will not contact members by email regarding billing matters. If you have any doubts regarding the legitimacy of an email claiming to be from the court, please call (406) 444-3858

The State Bar of Montana does send out emails regarding billing. Should you ever have any suspicions regarding the legitimacy of an email you received from us, please contact us at [mailbox@montanabar.org](mailto:mailbox@montanabar.org) to verify before taking action.

Measures you can take to protect yourself include:

- Do not open links or documents until verifying with the sender by phone or email. Do not use contact information contained in the email to verify.
- Hover over any links to see if they go to a reputable website. Verify with the sender if you have doubts.
- Speak with your IT provider about spam filtering rules and/or blocking email attachments that contain executable files (such as .EXE, .APP files), macro-enabled files (such as .DOCM, .XLSM), or other malicious file types.

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For more information or to register for State Bar CLE events, visit [www.montanabar.org](http://www.montanabar.org). Click in the Calendar on the bottom right portion of the home page to find links to registration for CLE events.

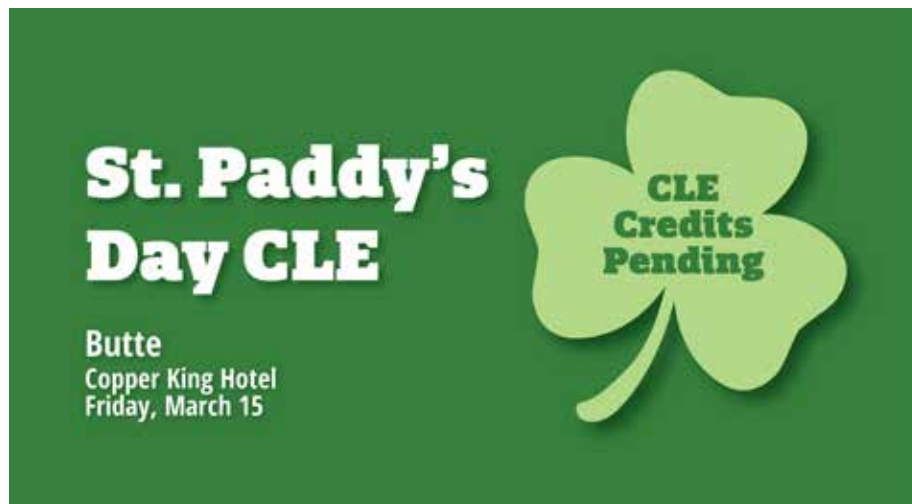
## Bench Bar CLE, Trends in Environmental Law CLE, St. Paddy's Day CLE highlight slate of spring seminars

The State Bar of Montana has a packed lineup of continuing legal education seminars planned for this spring.

- **St. Paddy's Day CLE**, Copper King Hotel, Butte, Friday, March 15: This year's seminar will feature a panel discussion, "Civility in the Law -- Does it Still Exist," with Montana Supreme Court Justice Beth Baker joined by respected attorneys L. Randall Bishop and Michael Viscomi. Other topics covered will be an important discussion on cyber insurance and data breach responses by Butte attorney David Vicevich; an update on the Rules of Professional Conduct as they relate to advising clients on the business of marijuana; and a discussion on the ethics of listening.

- **Trends in Environmental Law CLE**, Delta Colonial Hotel, Helena, Thursday, March 21. The today has many ramifications for attorneys practicing environmental and natural resources law. This 4th annual CLE will help put the rapidly changing environmental regulation landscape into context. Topics include the Waters of the United States Act; Conservation Easements vs. Land Acquisitions; and in-depth discussions on the current regulatory climate and a review of litigation related to regulation rollback.

- **Bench Bar CLE**, Hilton Garden Inn, Bozeman, Thursday, May 2: This popular annual seminar will give Montana practitioners a unique opportunity to learn best courtroom practices on an array of topics from the judges themselves — nine state district court judges, two Montana Supreme Court justices and a U.S. district court judge. Topics covered include wisdom on expert witnesses, jury selection, social media evidence, and the state's new Asbestos Claims Court. Attendees will also hear Montana Supreme Court case law updates from the justices and get advice from some of the state's most experienced law clerks.



## Russell Ayles LaVigne Jr.

Russell Ayles LaVigne Jr. died last November after a long hard-fought battle with illness. He was a kind, loving, and poetic man who spent his entire life in the pursuit of equal rights, justice, and peace.

Russ received a BA in political science from the University of Kansas, earned his Juris Doctorate



LaVigne

from Washburn University in 1970, and served in the US Army JAG Corps from 1970 to 1974 in Carlisle, Pennsylvania. After moving with his family to Montana, he worked for Montana Legal Services for over

20 years and during this time had legal successes at the Montana Supreme Court that involved establishing significant welfare rights, gaining rights for children in special education, enforcing paternal rights in adoption cases, and establishing Native American rights in tax cases. Russ and his wife of almost 54 years, Glee Ann Boylan, embarked on many adventures later in life after their four children had left home, moving to St. Croix in the U.S. Virgin Islands, Washington state, and three locations in Alaska: Bethel, Juneau, and Kotzebue (30 miles above the Arctic Circle). Throughout this time, he continued to fight for the rights of the underrepresented through his work.

Russ worked for Legal Services of the Virgin Islands in 1992 then returned to Montana and worked in the Butte office of MLSA. He and Vivian Marie founded of People's Law Center in 1996 when Montana Legal Services suffered extensive funding cuts, developing a very successful legal nonprofit working in Social Security disability. Russ left PLC in 2000 to work for Alaska Legal Services for several years. He ended his career with a private practice in Thompson Falls, doing a variety of work including representing individuals in Social Security disability cases in federal court. Even when he knew his days were

numbered, he worked hard to provide for his clients after his death.

When he wasn't diligently reading and practicing law, Russ lived life to the fullest enjoying bicycling, cross country skiing, playing pool, camping, touring with Glee on their motorcycles, frisbee golfing, scuba diving, watching his beloved St. Louis Cardinals, and spending cherished time with his family, including four grandchildren. When asked about his bucket list, he quietly noted: "My wife and I feel like we have pretty much done it all."

He was preceded in death by his beloved wife, Glee. Memorial donations can be made to the Neil Haight Memorial/People's Law Center Scholarship at the Alexander Blewett III School of Law.

## Melody Kathleen Brown

Melody Kathleen Brown was born and raised in Black Eagle, Montana. As a young girl, she owned two dresses which were rotated every other day for school. When the other girls made fun of her she stood up for herself at the behest of her father and told them to go



Brown

blow smoke. From that day forward, Melody never stopped fighting the good fight, even in her final days. Melody departed this world peacefully on Dec. 19, 2018, leaving a legacy of good will and hard-fought battles on behalf of Montana's citizens most in need. She proudly told her colleagues: "I would never represent a rich person."

Melody was the first in her family to complete college. Then she did the unthinkable — she went to law school. Marge Brown was instrumental in helping her through the admission process, and Melody never forgot Marge's kindness and generosity. She also adored Duke Crowley but hated his tests (requiring rote memorization) since she wanted to get on with the real business of lawyering: pursuit of justice.

This was the one piece of fatherly advice she ignored. He told her that the world just isn't a fair place and sometimes you can't change that. Melody did not let that stop her.

She graduated in 1988 and went to work for Justice John C. "Skeff" Sheehy. After clerking, she worked for the State of Montana, the Confederated Salish and Kootenai Tribes, on her own in private practice, and finally, landed in her dream job as a Montana public defender. She was not disillusioned by her role. She made sure her clients got a fair trial and told them firmly her job wasn't to "get them off." When convicted sex offenders tried to tell her the victim "asked for it," she told them they might expect the same fate at Montana State Prison. She was the first lawyer in Montana to get an acquittal under a new law allowing lethal force in defense of the home, even though she despised guns. When her brother-in-law was killed by a convicted felon, her response was: "We just need to love each other more." Melody lived three years longer than her doctor predicted after her initial diagnosis of cancer. She attributed this to substituting chemotherapy with cannabis oil, which she made herself. She was a warrior and a visionary, ready and willing to say and do things most lawyers would not dream of.

## W. Gene Theroux

W. Gene Theroux died on Jan. 19, 2019, at his home in Grand Forks, N.D., at age 93. He was born June 24, 1925.

Gene received a Bachelor of Science in accounting from the University of North Dakota in 1951. He was a 1965 graduate of the University of Montana School of Law.

## Memorial submissions

The Montana Lawyer will publish memorials of State Bar of Montana members at no charge.

Please email submissions to [jmenden@montanabar.org](mailto:jmenden@montanabar.org) using the subject line "In Memoriam." Memorial submissions are subject to editing.

# STATE BAR OF MONTANA

# 2019 Nomination Petition

## State Bar Officer and Trustee Election

I, \_\_\_\_\_, residing at \_\_\_\_\_, am a candidate for the office of  
( ) President-Elect; ( ) Secretary/Treasurer; ( ) Area E Trustee; ( ) Area F Trustee; ( ) Area H Trustee at the election to be held on  
June 7, 2019. I am a resident of Montana and an active member of the State Bar of Montana. I request my name be placed on the  
ballot. The term of office of the President-Elect is one year. The term of office of the Secretary/Treasurer and of the Trustee is two  
years. *Signature* \_\_\_\_\_

The following are signatures of active members of the State Bar of Montana supporting my candidacy. Trustee candidates include  
the area of residence. No fewer than 10 signatures must be provided for a Trustee; and no fewer than 25 signatures for President-  
Elect or Secretary/Treasurer candidates.

NAME

ADDRESS

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**Return this petition to State Bar of Montana, P.O. Box 577, Helena MT 59624, postmarked no later than April 1<sup>st</sup>.**

Members must vote no later than May 20, 2019 using the necessary ballot as provided by the State Bar.



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## ATTORNEYS

### ASSOCIATE ATTORNEY:

Griffith & Cummings, PLLC seeks an associate attorney to join its Big Sky, MT practice. G&C is a general practice firm focusing on community association, real estate, construction and contract law including litigation. Candidates must have two or more years of legal experience, a sense of humor and an ability to get along with and manage a diverse section of humanity. Must be licensed in Montana. Salary DOE. Please send cover letter, resume, writing sample and reference to [mindy@bigskymtlaw.com](mailto:mindy@bigskymtlaw.com)

### ASSOCIATE ATTORNEY

**- GREAT FALLS:** Montana Elder Law, Inc. ([www.mtellderlaw.com](http://www.mtellderlaw.com)) is seeking an attorney with 2+ years of experience for new office in Great Falls. Legal services will vary depending on a family's needs but can range from estate planning to conservatorship/guardianship cases. Excellent training program in place. Health ins. included, salary DOE. Please respond with cover letter, resume, and references to [chelsea@mtellderlaw.com](mailto:chelsea@mtellderlaw.com). All inquiries confidential.

### ATTORNEY FOR CRIME VICTIMS:

Montana Legal Services Association is looking for a Staff Attorney to be based in either our Billings or Helena office to represent rural victims of crime. The pay range we're offering is \$50,000 and up, depending on experience. Email a cover letter, resume, writing sample, and three professional references to [hiring@mtlsa.org](mailto:hiring@mtlsa.org). Screening of applicants is ongoing and the position will remain open until filled.

### ATTORNEY - HAVEN SHELTER:

Montana Legal Services Association is looking for a Staff Attorney to be based in the offices of the Haven

domestic violence organization in Bozeman. Pay range is \$50,000 and up, DOE. Email a cover letter, resume, writing sample, and three professional references to [hiring@mtlsa.org](mailto:hiring@mtlsa.org). Screening of applicants is ongoing and the position will remain open until filled.

**BUSINESS/REAL ESTATE:** Established AV-rated Missoula law firm is seeking an articulate and ambitious associate as a long-term addition to our business transactional, real estate, bankruptcy and commercial litigation team. Must have 1-5 years in business formation/planning, real estate transactions, contract drafting and review, commercial litigation, and/or bankruptcy. Send resume with cover letter, references, and writing sample to [amurray@boonekarlberg.com](mailto:amurray@boonekarlberg.com).

### DEPUTY COUNTY ATTORNEY:

Flathead County seeks a Deputy County Attorney to perform a variety of legal duties involved in providing a full range of legal services related to county government operation such as misdemeanor and felony criminal prosecution, delinquent youth cases, mental health commitments, various civil proceeding. The main focus for this position will be dependent neglect cases. A complete job description and application are available at [https://flathead.mt.gov/human\\_resources/apply/](https://flathead.mt.gov/human_resources/apply/). (Departments; Human Resources; Jobs).

### ESTATE PLANNING ASSOCIATE:

A person with passion, a law degree and preferably a LL.M. 5 years (preferred, but not required) practicing in estate planning, probate, business law, transactions, and real estate. Litigation experience in the areas listed above (preferred, but not required). You must be a team player and client oriented. Submit a cover let-

ter, resume, references (the usual suspects) and a writing sample.

**LEGAL INTERN:** Dynamic intellectual property law practice in Billings, Montana, seeks highly intelligent, quick learner with an interest in the law for a one-year legal intern position. Small office, great downtown location. Undergraduate degree with a GPA of 3.8 or higher preferred. Full-time position commencing August 2018 (could start sooner on a part-time basis this summer). \$25-\$45/hr. DOE. Benefits include two week of PTO. Submit cover letter and resume to [toni@teaselaw.com](mailto:toni@teaselaw.com).

### OIL & GAS ASSOCIATE:

Lathrop Gage LLP is actively seeking a full-time Oil & Gas Associate with 3-5 years of experience to join its growing Energy Group in Denver. The ideal candidate should be a highly motivated self-starter who does well working on their own and in a team environment. Significant experience drafting title opinions in the DJ Basin is preferred, as is a license to practice in Colorado. Landman experience is a plus. Excellent academic qualifications and communication skills required. This is an excellent opportunity for significant involvement in thriving partner practices. The position offers continued professional development, mentor support, and support of personal practice growth through client development initiatives, all in a supportive team culture with work life balance.

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## PARALEGALS

**LEGAL ASSISTANT:** Well-established, busy Missoula law firm, Garlington, Lohn & Robinson, PLLP, seeks legal assistant. Professional, fast-paced, collaborative, hardworking atmosphere. Wide, diverse practice, including defense litigation and business transactions. Ideal candidate will have some law office experience. Requirements: High school graduate, excellent communication skills, social skills, and work ethic. Salary D.O.E. Position available immediately. Submit cover letter and resume to Garlington, Lohn & Robinson, PLLC, Attn: Cyan Sportsman email [crsportsman@garlington.com](mailto:crsportsman@garlington.com)

## ATTORNEY SUPPORT/RESEARCH/WRITING

**ENHANCE YOUR PRACTICE** with help from an AV-rated attorney with more than 37 years of broad-based experience. I can research, write and/or edit your trial or appellate briefs, analyze legal issues or otherwise assist with litigation. Please visit my website at [www.denevilegal.com](http://www.denevilegal.com) to learn more. [mdenevi81@gmail.com](mailto:mdenevi81@gmail.com), 406-210-1133.

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

## OFFICE SPACE/SHARE

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**HELENA:** Shared Law Office Space in Helena. Share 830 sq. ft. for only \$400-\$600 per month. One private office, plus shared common space. Law Library, Lexis, and Administrative Support available. Price depends on

optional services. Good location. Call 431-5755 for more information.

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**BANKING EXPERT:** 34 years banking experience. Expert banking services including documentation review, workout negotiation assistance, settlement assistance, credit restructure, expert witness, preparation and/or evaluation of borrowers' and lenders' positions. Expert testimony provided for depositions and trials. Attorney references provided upon request. Michael F. Richards,

Bozeman MT 406-581-8797; [mike@mrichardsconsulting.com](mailto:mike@mrichardsconsulting.com).

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

**FORENSIC DOCUMENT EXAMINER:** Trained by the U.S. Secret Service and U.S. Postal Inspection Crime Lab. Retired from the Eugene, Ore., P.D. Qualified in state and federal courts. Certified by the American Board of forensic Document Examiners. Full-service laboratory for handwriting, ink and paper comparisons. Contact Jim Green, Eugene, Ore.; 888-485-0832. Website at [www.documentexaminer.info](http://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](mailto:pjd@dcpcmt.com). [www.dcpcmt.com](http://www.dcpcmt.com). 406-899-0522.

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