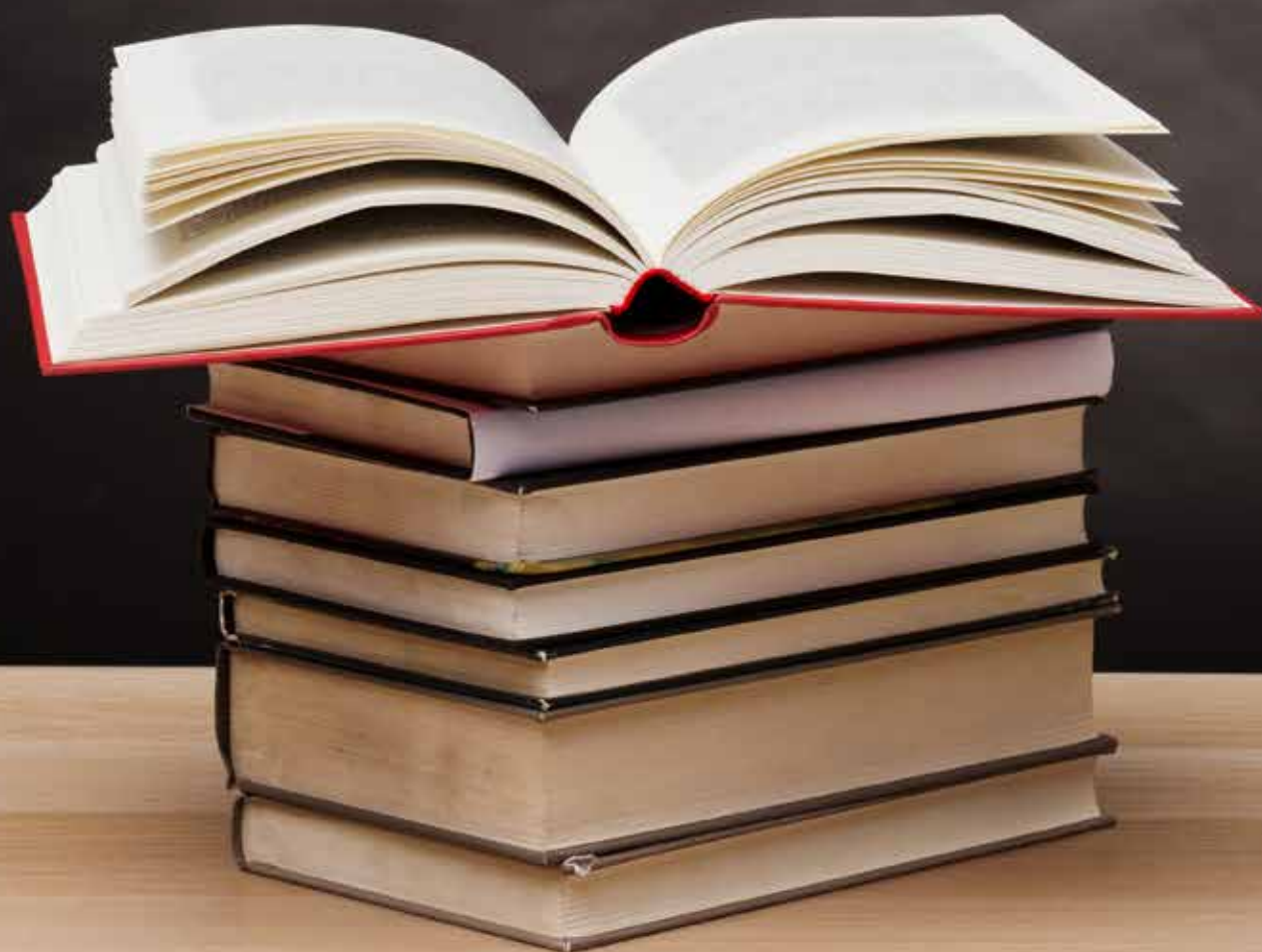


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## FEATURE ARTICLES



### BANKRUPTCY JUDGE PAYS IT FORWARD

Judge Hursh provides UM law students practical courtroom experience as a way to give back to lawyers of the future.

**PAGE 12**

### 8TH JUDICIAL DISTRICT JUDGE APPOINTED

Grubich is first person appointed since Judicial Nomination Commission was eliminated.



**PAGE 9**

### TRUST ACCOUNT BASICS

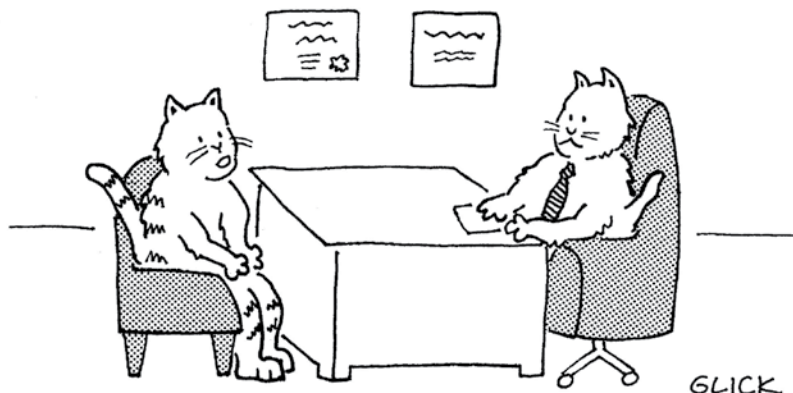
What commingling is, how to avoid it, and the potential consequences for running afoul of the rules.

**PAGE 18**

## IN THIS ISSUE

- 4 OPINION
- 6 MEMBER NEWS
- 9 COURT NEWS
- 16 CLE FOR MT
- 21 PRACTICING WELL
- 23 RISK MANAGEMENT
- 25 FASTCASE BYTES
- 28 IN MEMORIAM
- 29 JOBS/CLASSIFIEDS

## JEST IS FOR ALL BY ARNIE GLICK



*"I won't sign a contract to purchase the real estate until after the pest inspection has been completed. I want to make sure that the house has mice."*



# Emeritus status lets attorneys keep working for good in retirement years

Dear Colleague:

If you've been wondering how to navigate retirement yet still use your legal skills part-time to help persons in your community, please consider applying for Emeritus status with the State Bar of Montana. You can join a growing network of retired attorneys who are sharing their legal experience with low-income Montanans who are facing housing, employment and other challenges as a result of COVID-19 or who may need help with family law or other civil legal issues. While Montana Legal Services Association (MLSA) can offer you a robust amount of pro bono outlets to share your skills, you need only complete 25 hours of pro bono volunteering time a year to achieve emeritus standing and be freed of the obligation to pay Bar dues.

MLSA will work with you on a flexible framework to meet your preferences – whether it be an offer of occasional telephone advice, involvement with in-person advice clinics (pending safe gathering protocol), or an interest in taking on cases in your chosen field for full or limited scope representation. MLSA's pro bono staff will provide malpractice insurance, administrative support on case work as needed, and CLE training in the types of cases MLSA

## LETTERS TO THE EDITOR

The Montana Lawyer welcomes letters to the editor from members. Editorial staff may limit letters published on a single topic, choosing ones with differing perspectives. Email to [editor@montanabar.org](mailto:editor@montanabar.org).

most frequently encounters. In addition, MLSA offers substantive CLEs steeped in trauma-centered lawyering. MLSA is always adding new CLE curricula to suit the needs of clients and the interests of pro bono attorneys and is currently developing a Security Deposit Return CLE series as well as a CLE series on debt defense to address the debt issues now facing many low-income Montanans. These CLEs and many others on a variety of topics will be available to you if you would like to sharpen your skills or branch out into a new legal area with your volunteering.

By becoming an emeritus attorney, you can make a big difference in the lives of struggling Montanans. Should you have any questions about the application process or volunteering with MLSA, please reach out to Angie Wagenhals at [awagenha@mtlsa.org](mailto:awagenha@mtlsa.org) or 442-9830 ext. 148, or Hope Citron at [hcitron@mtlsa.org](mailto:hcitron@mtlsa.org) or 442-9830 ext. 153.

As the demand for legal aid grows, there are many ways to help ensure fairness for all in our justice system. In addition to relying upon Emeritus Volunteers, MLSA receives grants from the Montana Justice Foundation to support legal aid in every county in Montana. If volunteering as an emeritus attorney does not fit into your schedule but you'd still like to assist low-income Montanans with their legal needs, please call Niki Zupanic at 406-523-3920 or visit [www.mtjustice.org](http://www.mtjustice.org) to find out how to donate to the Montana Justice Foundation

Be well, stay safe, and please consider emeritus status. It is more rewarding than you can imagine.

Sincerely,

*Emeritus Pro Bono Advisory Committee, Montana Legal Services Association*

*The Honorable Patricia Cotter, Retired Associate Justice, Supreme Court of Montana*

*The Honorable Jeffrey Sherlock, Retired Judge, Montana 1st District Court*

*Gary Connelley, Pro Bono Counsel, Crowley Fleck PLLP*

*and Patricia Fain, Statewide Pro Bono Coordinator, Supreme Court of the State of Montana*

## MONTANA LAWYER

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We look forward to seeing many of you in person again after a long year of pandemic-related isolation. There will also be a live-streaming option for Continuing Legal Education programming available for members who are who are unable to attend in person or who are uncomfortable with in-person gatherings.

We are working on putting together a timely and informative CLE program for the meeting. CLE information will be coming soon.

### **Pricing information:**

**In-person programming: \$175 • Live-streaming option: \$125**

**Thursday Night Awards Banquet** (separate ticket required): \$50

Note: A limited number of rooms at the Holiday Inn Downtown **are blocked through Aug. 17** at a discounted rate for Annual Meeting attendees.

## CAREER MOVES

## Henry joins Missoula's Goodrich &amp; Reely law firm

Dr. Joel Henry has joined Goodrich & Reely in Missoula.

Henry's practice includes intellectual property, corporate and transactional work, private placement securities, and all things technology law. He also serves as an expert witness on litigation matters involving technology challenges, electronic discovery, and digital forensics.



Henry

He enjoys the complexity at the intersection of law, business, and technology, given he earned two computer science degrees from Montana State University, a Ph.D. in computer science from Virginia Tech, a J.D. at the University of Montana, and started his own software company.

## Anderson joins Missoula office of Brown Law Firm

Brown Law Firm, P.C., with offices in Billings and Missoula, has announced that Erik M. Anderson has joined the firm in Missoula.



Anderson

Anderson is a fourth-generation Montanan and was born and raised in Missoula before graduating from the University of Montana in 2011 with a Bachelor of Arts in political science. After earning his undergraduate degree, he worked for his family's business and in information technology before attending the University of Montana School of Law where he earned his Juris Doctorate in May of 2018. While in law school, Erik served as co-Editor-in-Chief of the Montana Law Review, receiving the Justin Miller Award for outstanding leadership.

Anderson completed his clinical work with the U.S. Attorney's Office. Following

law school, he clerk for the Honorable Sam E. Haddon, United States District Court for the District of Montana.

He is an avid traveler and student of history and spends his free time at Flathead Lake.

## Hamilton Law Firm rebrands as Embaby Fertility Law, PLLC

Bozeman attorney Katharine E. Hamilton proudly announces that she has refocused her firm to specialize exclusively in assisted reproductive technology ("ART") law, also known as "fertility law." Hamilton represents those pursuing surrogacy, embryo and egg donation in Montana by drafting contracts and representing her clients in legal proceedings to establish parentage. Hamilton is one of Montana's leading fertility law experts, having assisted with over 50 fertility law matters.



Hamilton

Her decision to rebrand as "Embaby Fertility Law, PLLC" stems from the idea that the majority of ART law consists of "embabies," which is a term of endearment combining the words "embryo" and "baby." The term reflects the investment of those who have undergone IVF and cherish their remaining embryos as potential future children. Hamilton's mission is to make parents' dreams come true, one embaby at a time.

Embaby Fertility Law, PLLC, aspires to provide peace of mind during the legal process, allowing everyone involved the ability to focus on what matters most: creating and growing families. Her new website can be found at [embabylaw.com](http://embabylaw.com).

## HONORS

## Wilson to research EU privacy issues as a Chancellor Fellow

Montana lawyer Hannah Wilson will spend the next year in Germany researching European Union data privacy laws as a German Chancellor Fellow, supported by the Humboldt Foundation. The Foundation selects up to 10 prospective leaders from the United States each year to pursue socially relevant research

projects anywhere in Germany.

A 2017 graduate of the Alexander Blewett III School of Law, Wilson previously worked as a judicial law clerk to Justice Dirk Sandefur of the Montana Supreme Court before traveling to Serbia on a Fulbright teaching grant at the University of Niš. Now her research interests lie in investigating privacy issues under the landmark EU privacy legislation: the General Data Protection Regulation (GDPR).

Wilson sees data privacy as one of the most important social issues facing her generation. During her grant, she will examine the balance between the free speech rights of artists and privacy rights of individuals in the context of portraiture in street and documentary photography in Germany. She hopes her work can help inform the development of privacy legislation in the United States.

Wilson became interested in working abroad during law school while serving as an intern at what is now the International Residual Mechanism for Criminal Tribunals in The Hague, Netherlands. Her work there piqued her interest in the Balkan region and ultimately inspired her to apply for the Fulbright award to Serbia. She studied the Serbian language and led workshops at the local judicial academy and embassy-funded American Corner. During that time she photographed the streets of her host city, Niš, and discovered that even though Serbia is not a member of the EU, the GDPR affected many aspects of photography in the country. This raised many questions about consent and the reach of EU



Wilson

privacy laws, which ultimately set her on the path to the German Chancellor Fellowship looking for answers.

Wilson's grant includes a three-month intensive German language course followed by a one-year period to conduct research.

Based in Berlin, her research host is Mr. Maurice Weiss, a documentary photographer at the renowned Ostkreuz Photography Agency.

"This grant is a crucial step in my career towards working as a public servant to solve issues I care about. Data privacy



is a bipartisan issue and I want to learn as much as I can about it to help develop balanced and well-researched laws to protect and serve all of us in the digital age. I am grateful to the Humboldt Foundation and my recommenders for this huge opportunity.”

## Missoula County Attorney's Office gets national award for diversion program

The National Association of Counties has recognized the Missoula County Attorney's Office with an Achievement Award for a new pretrial diversion program.



**Pabst**

The award honors innovative, effective county government programs that enhance services for residents.

The program, Calibrate — Missoula's Prosecution-led Pretrial Diversion, was recognized in the category of Criminal Justice and Public Safety as an innovative new program

worthy of sharing with other counties.

The Missoula County Attorney's Office created and implemented the groundbreaking program as part of its Smart on Crime commitment to meaningful criminal justice reforms.

“We are deeply honored that NACo recognized the value of Calibrate to divert first time, non-dangerous offenders off of the criminal justice track,” said Missoula County Attorney, Kirsten Pabst. “The program has been hugely successful and has resulted in cross-systems costs savings.”

Calibrate Coordinator Ray Reiser said, “Our program provides some individuals facing criminal charges with the opportunity to address the root causes of why they are in trouble. When a diversion participant completes an individualized treatment plan, the collateral consequences of a conviction are avoided, and fewer people are put into our corrections and criminal court systems. It's a win-win-win.”

This was the third time in five years that NACo has recognized the Missoula County Attorney's Office. In 2017, the Missoula County Attorney's Office received two national awards for its innovative work in addressing Secondary

Trauma and Organizational Resilience in prosecution.

Started in 1970, NACo's annual Achievement Awards program is designed to recognize county government innovations. The county attorney's office will receive the recognition at NACo's 2021 Annual Conference and Exposition July 11.

## HAVE NEWS TO SHARE?

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

There are no word count limits for submissions, but submissions should be limited to information about professional and educational background, practice areas and other relevant professional information.

Head-and-shoulder photos should be at least 200 ppi by 2 inches wide for shots. Email [editor@montanabar.org](mailto:editor@montanabar.org) with submissions or questions.

## Worden Thane P.C. congratulates Ron Bender on 50 years of service.



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# Chief Justice receives Gonzaga Law Medal

Montana Supreme Court Chief Justice Mike McGrath was awarded the Gonzaga Law Medal at Gonzaga University School of Law's 2021 graduation ceremony. The Law Medal is the school's highest honor.

Chief Justice McGrath is the first Montanan to receive the award since the Honorable William J. Jameson in 1970.

A Butte native, McGrath graduated from the University of Montana in 1970. After serving in the U.S. Air Force from 1970 to 1972, he graduated from Gonzaga Law School in 1975. After law school, he worked for the Montana Attorney General's Office from 1977 to 1982, served as Lewis and Clark County Attorney from 1983-2000 and served two terms as Montana Attorney General from 2000 to 2008.

He was first elected Montana Supreme Court chief justice in 2008 and was re-elected in 2016.

He and his wife, Joy, have two sons and five grandchildren.

The Gonzaga Law Medal was created in 1962. Its first recipient was Archibald Cox, then United States Solicitor General. Other past winners have



**Montana Supreme Court Chief Justice Mike McGrath receives the Gonzaga Law Medal from Gonzaga Law School Dean Jacob Rooksby. (Photo provided.)**

included eight Washington Supreme Court justices, six federal judges, two Gonzaga Law School deans and a

University of Washington Law School dean.

The Gonzaga Law Medal is the highest honor given by the Gonzaga University School of Law. Chief Justice McGrath is the first Montanan to receive the award since the Honorable William J. Jameson in 1970.



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# Grubich appointed 8th Judicial District judge

David Grubich has been appointed to fill an Eighth Judicial District judge vacancy, Montana Gov. Greg Gianforte has announced.

Grubich is Montana's first judicial appointment since the 2021 Legislature eliminated the Judicial Nomination Commission, which previously reviewed applicants to fill court vacancies and made recommendations to the governor.

Grubich has been a standing master in the district, which covers Cascade County, since 2018. He previously worked for Ugrin Alexander Zadick law firm in Great Falls. He is a 2010 graduate of the University of Montana School



**David Grubich**

of Law.

Grubich fills the seat vacated when

the Legislature refused to confirm former Gov. Steve Bullock's 2020 appointment of Michelle Reinhart Levine. An advisory council assembled by the governor reviewed five new applicants for the position, forwarding its recommendations of Grubich and Levine to the governor after deliberating on June 30. The advisory council was made up of Cascade County lawyers, law enforcement and youth advocates.

Grubich is subject to election in 2022.

The Montana Free Press reports that Levine plans to run for the position in 2022.

## SUPREME COURT APPOINTMENTS

### Judge Cuffe appointed to Drug Treatment Advisory Committee

The Montana Supreme Court has appointed the Honorable Matthew J. Cuffe to a position on the Drug Treatment Advisory Committee.

Judge Cuffe replaces the Honorable Gregory G. Pinski, who resigned as a District Court judge in 2020. He will serve the remainder of Judge Pinski's

term, which runs through May 30, 2022. The council consists of seven District Court judges.

### Gerdrum reappointed to Judicial Standards Commission

The Supreme Court reappointed Missoula attorney Jill Gerdrum to a four-year term on the Judicial Standards Commission. Her term will expire on

June 30, 2025.

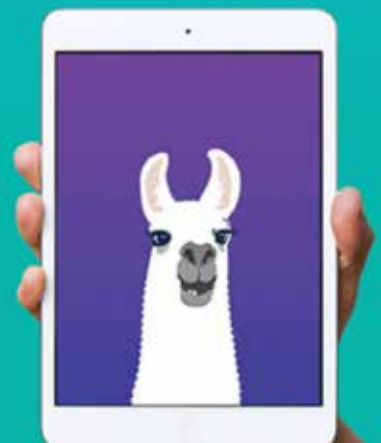
### Smith reappointed to District Court Council

The Supreme Court has reappointed Phyllis Smith to a three-year term on the District Court Council. Smith's term will end June 30, 2024.

## Meet Vera.

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## Challenges put 2021 Montana legislation in holding pattern

Two pieces of legislation related to the Montana courts are currently on hold as legal challenges to them work their way through the system.

A First Judicial District judge in June informed attorneys that he would temporarily block a provision of a bill that would prohibit judges from presiding over a case if they had received campaign contributions of \$91 or more from a party who appears before them, including lawyers and their clients.

House Bill 319 was to have taken effect July 1.

A challenge to House Bill 325, which would create seven Montana Supreme Court voting districts each electing one justice, is currently pending in the Second Judicial District.

A challenge to a third bill, Senate Bill 140, which eliminated the Judicial Nomination Commission and granted broader judicial appointment powers to the governor, was upheld by the Montana Supreme Court. Justice Jim Shea wrote the opinion in the 6-1 decision, with Justice Laurie McKinnon dissenting.

## Call for member resolutions at Annual Meeting

Members of the State Bar of Montana may propose resolutions to be voted on by members at the bar's Annual Meeting, held this year from Sept. 9-11.

Under the Bylaws of the State Bar of Montana, member resolutions must be reviewed by the Past Presidents Committee before they can be presented to members. Except for good cause shown to the Past Presidents Committee, resolutions shall be submitted to the Executive Director at least 45 days in advance of the Annual Meeting, which is July 26, 2021.

Proposed resolutions may be sent by email to [jmudd@montanabar.org](mailto:jmudd@montanabar.org), or by mail to State Bar of Montana, c/o Executive Director, P.O. Box 577, Helena MT 59601.

## Call for article submissions to the Montana Lawyer

The Montana Lawyer is always accepting unsolicited article manuscripts from members for consideration. Acceptance is based on subject matter, quality of writing, potential interest to State Bar of Montana members, and other concerns the editor and publisher may deem relevant.

Articles to 3,000 words are discouraged. If an article is longer than 3,000 words, a narrower focus would likely be advised.

Authors should submit a copy of the article via email, preferably in Microsoft Word format. Please include a photo and brief biography with all submissions. Email to: [editor@montanabar.org](mailto:editor@montanabar.org) with any questions.

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# Judgment in favor of the students

Bankruptcy Judge  
Benjamin Hursh  
provides UM law students  
practical courtroom  
experience as a way to give  
back to lawyers of the future

BY JONATHON BYINGTON AND ANDI ARMSTRONG | UM NEWS SERVICE



**T**he Honorable Benjamin Hursh decided early in his tenure as bankruptcy judge that he wanted to use his position to contribute to the development of Montana's future lawyers.

The judge's desire to give back has led directly to a select number of students each semester at the University of Montana's Alexander Blewett III School of Law gaining real-world legal experience on their paths to earning their Juris Doctors. That training comes in the form of individualized practical training from Judge Hursh.

»

Judge Hursh began supervising the bankruptcy clinic at UM's law school shortly after he was appointed to the bench in 2017, sharing with students his enthusiasm and giving them insight into the area of bankruptcy law. In the spring of 2021, he also began teaching the school's bankruptcy class.

"My interest in supervising the clinic and teaching the bankruptcy class reflects my strong belief that I would not have the privilege of serving on the bench if it had not been for innumerable people who made investments in me as a student when I attended law school at the University of Montana and later as an attorney," Hursh said. "By teaching and supervising the clinic, I hope I can contribute something to the students' education and professional development in the same way that so many contributed to mine."

With the assistance of Jonathon Byington, a UM professor of law and associate dean of academic affairs, Hursh developed an oral argument assignment at the end of the semester. The goal was to give students an opportunity to venture into the courtroom and make an argument under the same conditions they will encounter in practice.

Prior to the oral argument, Hursh provided students with the actual briefs that were filed with the Court framing several legal issues involving an objection to a proof of claim. Next, the judge provided the audio file for the actual evidentiary hearing that took place in the case and the exhibits that were introduced at the hearing.

The assignment instructions explained that a brief recess was requested and granted at the conclusion of the hearing, and counsel would be afforded the opportunity to make a brief argument to the court following the recess.

The students served as counsel for the creditor in the assignment, each presenting their argument to the court. At the conclusion of each argument, Hursh provided students with comments on what he thought they did well, as well as constructive criticism.

"I really enjoyed that it was focused



more on the practice than on the heady doctrinal aspects of bankruptcy law," said Peter Yould, a student in Hursh's bankruptcy class and recent UM graduate. "This helped to keep the class discussions interesting and the coursework engaging. The oral argument in court as the experiential capstone to the class really revived my interest in litigation."

"As a student, some of the most valuable law school experiences I had were the practical skills exercises, including the oral argument in appellate advocacy," said Hursh. "I can remember a key point

in the argument I presented, but I cannot remember any exam I took. As a result, I wanted to include a similar component in the bankruptcy class."

Like the bankruptcy class, practical experience is also key in the bankruptcy clinic Hursh supervises.

"The emphasis in the clinic is on developing skills and habits that will serve the student well in any firm or chambers the student may find themselves in," said Hursh. "I work directly with each student and do my best to mentor the student in the clinic the same way I would mentor

“The emphasis in the clinic is on developing skills and habits that will serve the student well in any firm or chambers the student may find themselves in.”  
— Judge Benjamin Hursh





At left, Robert Joki, a student at the University of Montana's Alexander Blewett III School of Law, presents his oral arguments to Judge Benjamin Hursh in the U.S. Bankruptcy Court for the District of Montana, in Butte. Judge Hursh began supervising the bankruptcy clinic at the law school in 2017.

Previous page: Law student Peter Yould presents his oral arguments to Judge Hursh.

(Photos courtesy of UM News Service)

an associate in practice.”

At the beginning of the clinic, Hursh asks students to identify specific goals for themselves. If they express an interest in receiving constructive criticism on their writing and analysis, Hursh asks students to draft bench memoranda. In other circumstances, he might request a concise summary of pertinent information – or “cheat sheet” – to use during hearings and then redline the students’ drafts and walk through the rationale for each change with them.

“To date, I think each student’s experience has been unique, in part because no two students begin the clinic with the same skill set,” said Hursh.

“For me, the entire clinic experience clerking with Judge Hursh and the bankruptcy court was one of my best

experiences in law school, primarily because of Judge Hursh himself,” said Rob Joki, a recent bankruptcy clinic student and 2021 law graduate. “Despite the judge’s busy schedule, he spent a significant amount of time working one on one with me, discussing the issues raised before the court, providing critical feedback on my work and giving me general professional guidance for after law school. It was also nice to engage the bankruptcy code with real-time events and to see it in action, as it provided a perspective that is often hard to see from the books and the case law.

“I will be working in the bankruptcy field after law school,” Joki said. “I have a job lined up with Crowley Fleck and their banking and finance and creditor rights practice group in Billings.

Bankruptcy will not be the only area of the law I will be working in. However, my ultimate career goal is to eventually focus predominately on bankruptcy.”

Since fall 2018, Hursh has had 10 students over six semesters. Five of the 10 are actively working in the bankruptcy practice area.

“While I am pleased by that, I want my clinic students to find the practice area or specialty that they find most rewarding and spend a career doing their best work in that area for their clients,” the judge said.

***Jonathon Byington is an associate dean and professor of law at the Blewett School of Law. Andi Armstrong is the school's director of communications.***

## CLE FOR MONTANA

To register for upcoming State Bar of Montana CLE presentations, please find the event listing in the calendar at [www.montanabar.org](http://www.montanabar.org). If you have questions, please email [salpert@montanabar.org](mailto:salpert@montanabar.org).

# BANKRUPTCY LAW

## ANNUAL BANKRUPTCY SECTION CLE SEMINAR

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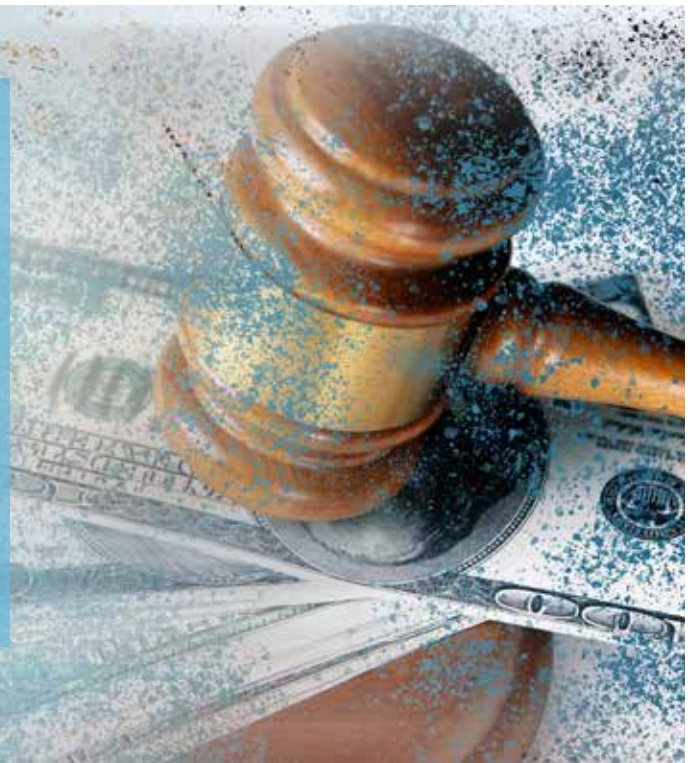
6.75 CLE CREDITS



# BETTR SECTION CLE BILLINGS DOUBLETREE & LIVESTREAMING

6.0 CLE CREDITS (1.0 ETHICS)

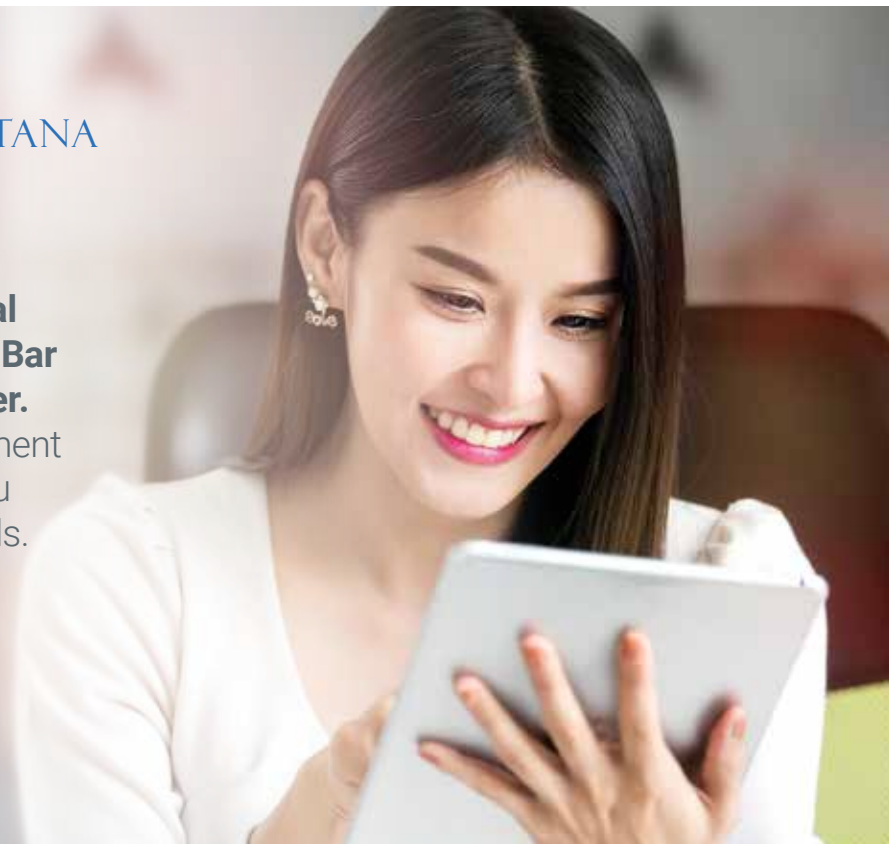
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# Commingling basics: What it is, how to avoid it, consequences of doing it

By Amy Mann

When speaking with lawyers and bar association representatives across the country, we have found that many attorneys experience a great deal of confusion about trust accounting — particularly when it comes to commingling funds.

In this article, we'll discuss the basics of fund commingling, the consequences of doing so, and how attorneys can avoid serious ethics violations by following proper trust accounting practices

and using software designed specifically to support trust account compliance.

## What does commingling mean?

When a lawyer takes on a client and accepts money upfront from that client (or holds funds on the client's behalf), the attorney accepts a fiduciary responsibility to appropriately and legally handle those funds. Those funds, commonly referred to as a retainer, typically must be deposited in the attorney's IOLTA.

Commingling of funds refers to the mixing of funds that are ethically and/or legally required to be kept separate (e.g., retainer funds that were supposed to be deposited in the IOLTA were put into the firm's operating account).

Examples of fund commingling include:

- Mixing client funds with a law firm's operating funds or a lawyer's personal funds
- Using client funds to pay the

firm's business expenses or the lawyer's personal expenses

- Preemptively pulling client funds from the IOLTA before the attorney earned that money

Many attorneys may accidentally engage in commingling due to confusion over which funds qualify as client funds that must be held in trust and which funds can be deposited into the firm's operating account.

For example, when a client pays a lawyer's fees, sometimes the fees may be deposited directly into an operating account. But in other circumstances, a client's payment may simply represent an advance of money that the lawyer can bill against as they perform work for the client.

In the latter situation, until the lawyer performs the work and invoices for that work to the client, those advanced funds constitute the client's property and must be held in a trust account by the attorney.

## Potential consequences of commingling funds

If a lawyer accidentally or intentionally engages in the commingling of funds, they can face various professional and legal sanctions. Commingling of funds by a lawyer constitutes a violation of the Montana Rules of Professional Conduct. This can subject the attorney to discipline by the Office of Disciplinary Counsel, which can include a reprimand, suspension from the practice of law, or in particularly egregious circumstances, disbarment.

Commingling of client funds also can constitute conversion, which may entitle the client to file a lawsuit against the lawyer to recover the funds belonging to the client that have been lost due to the lawyer's commingling. In some states, conversion itself also constitutes an ethical violation under the state's rules of professional conduct.

## Avoid commingling by establishing separate operating and trust accounts

Lawyers can avoid the risks of commingling funds by having two separate accounts: a trust account (also referred to as an IOLTA) for holding client and third-party funds, and an operating account for collecting the fees the lawyer is legally entitled to and from which to pay their expenses. (Note: under many circumstances, state bars require law firms to open trust accounts.)

These trust accounts are usually subject to specific requirements, such as being held at a bank with physical branches within the state. Depending on the bar, lawyers are also required to take certain actions with their trust account(s), including:

- Reporting overdrafts to the state bar
- Forwarding all accrued interest to the bar
- Providing copies of canceled checks
- Designating the account specifically as a trust account

While some law firms may only need one single trust account to handle all client funds, for larger firms or those firms that handle complex legal matters, opening separate trust accounts for each client may be appropriate. Practicing detailed and regular trust accounting can also avoid this risk as well.

## How to ensure trust account compliance

Payments from a trust account can generally be made to pay the costs and expenses of a client's case, to pay settlement proceeds, or to pay the lawyer's earned and undisputed fees. However, law firms are permitted to also deposit personal or business funds into a trust account to open the account or to cover account expenses, such as maintenance

fees, since those expenses may not be paid from client or third-party funds.

You should always avoid disbursing uncleared funds from a trust account, since it runs the risk that those uncleared funds are never collected by your bank, which can lead either to you disbursing funds that legally belong to another client or party or your trust account being hit with insufficient funds.

State bar trust accounting rules usually require keeping a general ledger for an account, as well as separate client ledgers if more than one client's or third party's funds are kept in an account. These ledgers must be regularly reconciled against the account statements you receive from the bank.

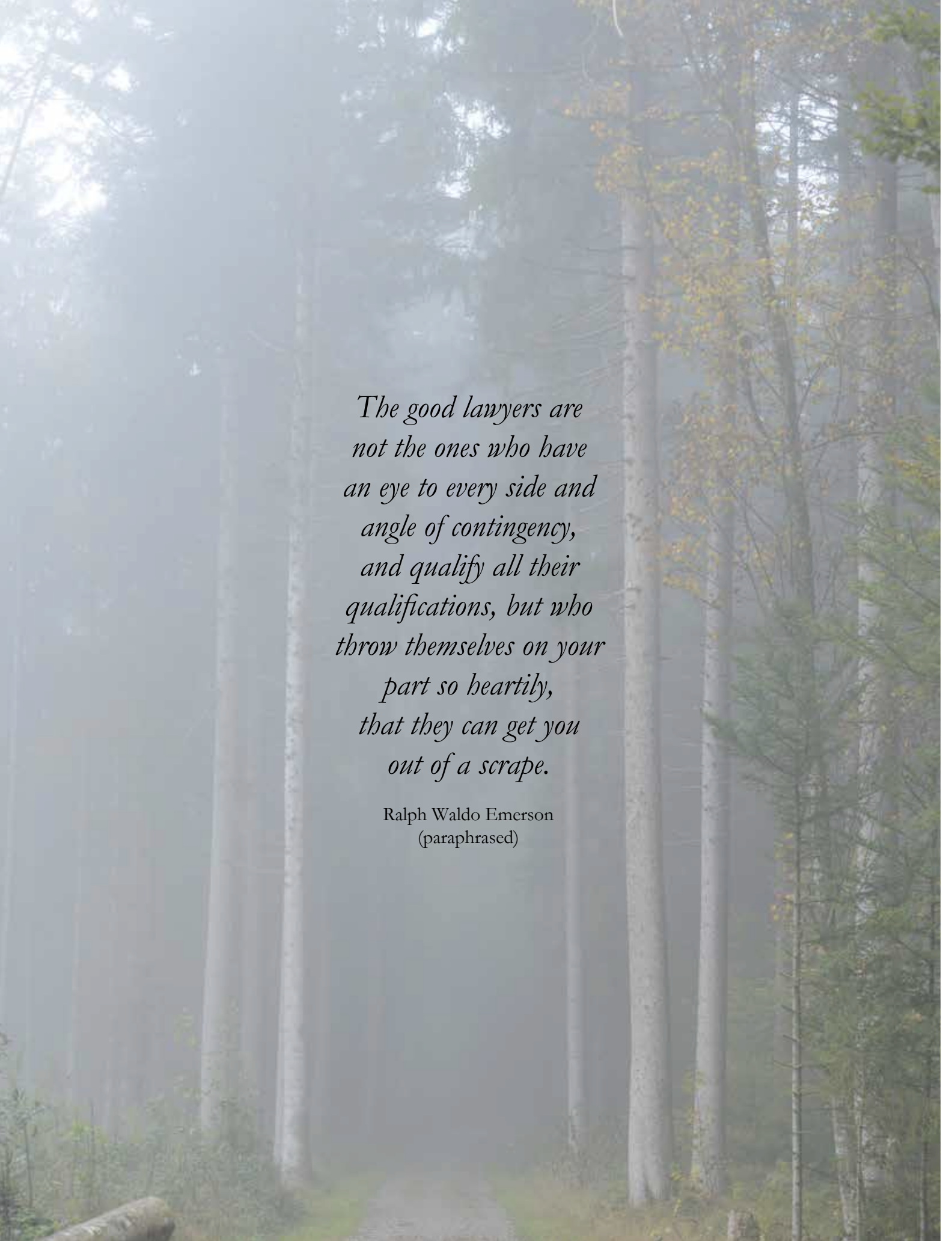
You can use paper bookkeeping or Excel spreadsheets to keep track of your trust accounting, but specialized trust accounting software can make the process considerably easier.

If your firm uses electronic payment processing, it can prove extremely helpful to work with a payment processor dedicated to serving lawyers. Legal-specific processors who work with law firms will often have the capability to separate earned and unearned fees and to charge payment processing costs to your operating account rather than deducting it from client or third-party funds coming out of the trust account.

Lawyers have a legal and ethical obligation to perform accurate trust accounting to avoid the risk of commingling client funds. If you have questions about trust accounting or are looking at solutions to help you appropriately handle client and third-party funds, LawPay is glad to help. Contact LawPay to learn how to safeguard your fiduciary duties and assist you with preventing the commingling of funds.

**Amy Mann is director of communications at LawPay.**

If a lawyer accidentally or intentionally engages in the commingling of funds, they can face various professional and legal sanctions. Commingling of funds by a lawyer constitutes a violation of the Montana Rules of Professional Conduct.

A misty forest scene with tall, slender trees and a path leading into the distance. The atmosphere is soft and ethereal, with light filtering through the canopy. The text is centered in the middle of the image.

*The good lawyers are  
not the ones who have  
an eye to every side and  
angle of contingency,  
and qualify all their  
qualifications, but who  
throw themselves on your  
part so heartily,  
that they can get you  
out of a scrape.*

Ralph Waldo Emerson  
(paraphrased)



# 5 ways to preserve that pandemic peace of mind

As we go back to work, it's not uncommon to be fearful of the future: of going back to... "THE BEFORE." We were scheduled to the gills. We didn't see our families. We worked without pets and children and didn't cultivate sourdough starter in order to throw it out weeks later. (OK, maybe that one is less important).

Here are five quick activities to identify the Pandemic Pros and to make plans to keep them in your routine even as we go back to full-time hustle.

**1. Pie chart.** When data is your love language, draw a circle and make a pie chart capturing how you spent your time on your best and most balanced days. Be sure to capture everything: 5% mindless scrolling, 9% cooking, 30% work, 10% exercise, and don't forget 7% stressing about the future. Draw a second pie chart capturing your old stressed-out state. And last, make your third capturing the perfect proportion of where you want to be devoting your time.

**2. Vision.** Did lockdown get you wondering what you're doing with your life? A global sense of things being "off" or feeling lost can come from not having a clear purpose. There are lots of vision planning tools on the internet that will help you compile your values, your strengths, and lessons learned from life experiences to draft a clear personal vision. When looking for a tool, be sure to find one that asks you lots of insightful questions, rather than just one or two fill-in-the-blanks.

**3. Lifestyle goals.** Though it seems obvious, maintaining a healthy lifestyle (a balanced, colorful diet, regular exercise, exposure to nature, and social engagement) is vital to your well-being.

Think of it as building up your mental health immune system. Pick one small lifestyle goal that you can stick with to build traction (like drinking water or taking a short walk break) then snowball those goals as you get back to work. Protect the time needed to get these tasks done on your calendar so that you can be sure to maintain your well-being goals when you get back to the nine-to-five.

**4. Office policies that support well-being.** If keeping up with travel, billable-hour requirements, or time-wasting

meetings prevents work-life balance, staff this with your office leadership. You're probably not alone. To support well-being, offices can implement small but meaningful policies like allowing a few billable hours to go toward exercise, mental health breaks, or volunteer time. All staff should honor each other's calendar entries for well-being activities. Or try brainstorming a well-being group activity at each weekly meeting to make balance and well-being top of mind and inclusive for everyone.

**5. Workplace mindfulness.** Mindfulness is the art of calming the brain to gain better focus and well-being. When overwhelm creeps in, use a "do not disturb" feature to try spending just 0.1 hours meditating. Encouraging employees to focus on only one thing at a time helps to increase productivity and decrease overwhelm. This can be facilitated by streamlining workflow to decrease interruptions, clearly planning out project tasks and deadlines, planning out collaboration with support staff, and by blocking work schedules by type of work in a way that everyone understands and respects.

*Is overwhelm creeping in as you return to the office? Here are some tips for bringing back balance, meaning and productivity into your life.*



MERI ALTHAUSER

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

## CHRONIC STRESS PILOT PROJECT

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

A silhouette of two people on a mountain peak. One person is standing and leaning forward, reaching out to help another person who is sitting or crouching on the edge of the cliff. The background shows a vast mountain range under a blue sky with some clouds.

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# Want to save some green on malpractice insurance? Here are 5 ways to do it

I have been a risk manager at ALPS for well over two decades now, which helps explain why I personally view the purchase of legal malpractice insurance as a necessary expense. Having to face the fallout of a malpractice misstep while uninsured is something I would never wish upon any lawyer because, for some, the final outcome can so easily be a tipping point toward financial ruin. That said, the interesting issue for me is the affordability question; and while reasonable minds are free to disagree as to the definition of affordability in this context, I thought sharing five tips as to how one can favorably influence a quoted rate<sup>1</sup> might be useful. After all, everyone wants to save a little green whenever and wherever they can.

When I was much younger and in the early years of adulthood, the initial deductibles I chose for my homeowners and auto policies were low for a hopefully obvious reason. Cashflow in the early years meant that I couldn't easily afford to cover a high deductible in the event of a claim. Of course, over time, my financial situation improved to the point where I could afford to take on a bit more of the risk, which is when I started to responsibly raise my deductible as a way to save a little money. So, my first tip is if you can afford to take on additional risk, consider raising your deductible.

<sup>1</sup> For additional information on how the cost of malpractice insurance is determined see: <https://www.alpsinsurance.com/about/true-cost-of-legal-malpractice-insurance>

Tip number two is a bigger deal than many lawyers seem to think. Let me start by saying I do realize, and in fact agree, that all lawyers deserve to be paid for all of the legal work they do. I also sympathize with the view that malpractice insurers should mind their own business and not dictate how any lawyer should run his or her practice. Unfortunately, for some lawyers there is an elephant in the room, which is failing to accept the reality that there really is a strong correlation between aggressive collections actions and malpractice claims. If you regularly sue for fees — meaning two to three times or more every year — that decision is costing you money. Thus, tip number two is if you regularly sue for fees, consider stopping this practice and focus on finding ways to prevent serious delinquencies from ever developing in the first place.

Now, I have a question for you. If you wanted the best price for a home you are about to sell, what would you do to try and get the best price? I think most sellers would do all they could to spruce up the place. It's all about trying to show their home in the best light. In short, presentation matters in all kinds of financial transactions, be it a loan application, selling property, or an application for malpractice insurance, which brings me to tip number three. Your application is the one chance you have to set the right impression so make the

**MORE RISK, PAGE 28**



Mark  
Bassingthwaighte

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







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## Quick Reference Guide provides Fastcase tips at your fingertips

Want help getting even more out of your free access to Fastcase legal research?

Use the Fastcase Quick Reference Guide for quick tips on browsing documents, locating cases by party name or citation, and batch-downloading. You can access the guide at [tinyurl.com/y5tblxmw](http://tinyurl.com/y5tblxmw).

Fastcase is a member benefit for Active Attorney and Paralegal Section members of the State Bar of Montana.



## Logging in to Fastcase

Members accessing their Fastcase benefit must do so through a link on the State Bar website, [www.montanabar.org](http://www.montanabar.org). Here's how:

**Step 1:** Sign in to your member profile. In most cases, username is

your first and last name with no space between (e.g. johndoe).

**Step 2:** Click the "Fastcase" drop-down menu and select "Member Fastcase Access."

That's it. You will be redirected to Fastcase and can begin your research.

## UPCOMING WEBINARS

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Thursday webinars are approved for CLE credit in Montana. Register and download handouts at [www.fastcase.com/webinars/](http://www.fastcase.com/webinars/)

### The Docket Sheet: A Docket Research Primer for the Modern Attorney Featuring Docket Alarm

Date: Thursday, July 8

Time: 11 a.m. Mountain

### Introduction to Legal Research on Fastcase

Date: Thursday, July 15

Time: 11 a.m. Mountain

### Introduction to Boolean on Fastcase

Date: Thursday, July 22

Time: 11 a.m. Mountain

### Introduction to Legal Research on Fastcase

Date: Thursday, Aug. 5

Time: 11 a.m. Mountain

### The Docket Sheet: A Docket Research Primer for the Modern Attorney Featuring Docket Alarm

Date: Thursday, Aug. 12

Time: 11 a.m. Mountain

### Introduction to Legal Research on Fastcase

Date: Thursday, Aug. 19

Time: 11 a.m. Mountain

### Introduction to Boolean on Fastcase

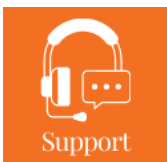
Date: Thursday, Aug. 26

Time: 11 a.m. Mountain

### Introduction to Legal Research on Fastcase

Date: Thursday, Sept. 3

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## Peter Meyer Green

Peter M. Green, age 59, passed away in his home on June 9 after being diagnosed with cancer six months earlier.

Peter grew up in Brookline, Massachusetts. After graduating from Harvard College and Boston University School of Law, Peter started his legal career in Boston. His most recent position was with Avitus Group in Billings, Montana, where he moved in 2016.

Peter had three children, Kristen, Alexander, and Eric (d. 2012), whom he shared with Suzanne. His parents are Rosemary and Eugene Green who reside in Brookline, Massachusetts. His



**Green**

brother, David, lives in Eugene, Oregon. Peter enjoyed spending time outdoors, especially skiing, golfing, and hiking with his children. They were often accompanied by their dog, Franklin, on outings and adventures. He loved spending time with friends and family, listening to music, and traveling. Over the past several years, he volunteered with Make-A-Wish Montana as a council member.

Peter will be buried alongside his son, Eric, at Southborough Rural Cemetery, with a graveside service later this summer.

For those who wish, donations may be made in Peter's memory to Sierra Club at 2102 Webster St. Suite 1300, Oakland, CA, 94612, or online at <https://www.sierraclub.org/>, or to Make-A-Wish South Dakota & Montana at 1400 West 17th Street, Sioux Falls, SD, 57104, or online at <https://wish.org/sdmt>.

## Memorial submissions

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

Please email submissions to [editor@montanabar.org](mailto:editor@montanabar.org) using the subject line "Memorial." Memorial submissions are subject to editing for length.

## RISK

FROM PAGE 23

most of it. For example, never submit a poorly written or partially completed application. Make sure every question is answered honestly and thoroughly. If the application happens to be a renewal application, never sit on it until the last minute. Do all you can to see that it's submitted well in advance of the deadline. Again, the information you are presenting and how you present it matters.

I think it's safe to say every lawyer understands that a firm's claims history impacts the premium number. All things being equal, a firm that has never reported a claim in the last five years will pay less than a firm that has reported four claims in the past five years, two of which resulted in a six-digit loss payout. Accordingly, tip number four is to encourage you to proactively manage your firm's claims history by way of a robust risk management program. I would

hope that it goes without saying that insurers prefer to insure firms that consistently use engagement and closure letters, rely on effective rules-based calendaring and docket control systems, have deployed a state of the art conflict checking system, and regularly conduct file review just for starters. Time spent on developing and maintaining risk management processes and procedures will be well worth it in the long run.

Finally, I'd like to briefly talk about car insurance rates. The cost to insure an expensive performance car such as a Porsche 911 or an Audi A8 is going to be far higher than insuring something more budget friendly such as a Hyundai Tucson or a Subaru Outback. The reason is the associated risks with the class of cars these vehicles represent are not the same. In a similar vein, the associated risks with any given practice area can vary greatly. This is why premiums for criminal defense lawyers are lower than those of plaintiff personal injury

lawyers. With this in mind, tip number five is to have you do what you can to minimize the associated risk of your practice areas.

Here are a few ideas as to how to do this. Make sure your application and every renewal application accurately reflect the areas of practice you currently practice in. For example, if you transitioned away from divorce law the past year or so, make sure to remove that practice area from your current application. The risk profile of a broad-based general practitioner is different than that of a specialist, so consider limiting your practice areas if you are more of a generalist. And last, but not least, don't ever dabble in any practice areas you have limited experience with. Straying from the practice areas you normally focus on is a bad idea. I liken that to taking a Porsche 911 out on a racetrack before ever taking the time to learn how to drive a performance vehicle like that. So not a good idea.

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## ATTORNEY POSITIONS

**BUSINESS/ESTATES:** Silverman Law Office is changing the way law is practiced, and we're looking for the right attorney to join us. As our Bozeman office continues to grow, we're seeking an associate with at least Two years of experience in estate planning, business, contracts, and real estate matters. We're looking for applicants who are humble, hungry and smart. That means they're willing to learn and grow, strive to do their best and work well with clients and colleagues. Applicants must be admitted to practice in Montana or in the process of obtaining admission to practice here. Find out more about our firm at [www.mttaxlaw.com](http://www.mttaxlaw.com). To apply, send your cover letter, resume, references, and writing sample to Julie@mttaxlaw.com.

**ASSOCIATE:** Gordon Rees Scully Mansukhani, a national law firm with offices in all 50 states, has an immediate opening for an Associate to work in our growing Missoula, Montana office. The ideal candidate will have 2-4 years of general defense litigation experience, and experience in commercial, professional liability, and/or employment litigation is preferred. Asbestos defense and appellate experience are a plus. The candidate must be licensed to practice law in Montana. For consideration, please email resume and cover letter to [nhuey@grsm.com](mailto:nhuey@grsm.com), with "Missoula Associate" in the subject line.

**ASSOCIATE ATTORNEY:** Brown Law Firm, P.C., a litigation firm with offices in Billings and Missoula, is seeking an Associate Attorney for its office in Billings. We offer a competitive salary, benefit package including profit sharing and 401(K). Send a cover letter, resume, references and a writing sample to Brown Law Firm, P.C., Attn: Teresa Delvo, P. O. Box 849, Billings, MT 59103-0849, or email to [tdelvo@brownfirm.com](mailto:tdelvo@brownfirm.com). All applications will be confidential.

**ASSOCIATE ATTORNEY:** Crowley Fleck PLLP seeks an associate to join our Bozeman, MT office. Successful applicants should have 3 - 5 years of legal experience. Applicants must have a good standing reputation in the legal community and be licensed or willing to be licensed in Montana. Competitive salary and benefits for region. All applications will be held in confidence. Please send cover letter, resume, law school transcripts, and writing sample

to Tiffani Swenson at [tswenson@crowleyfleck.com](mailto:tswenson@crowleyfleck.com)

**ASSOCIATE ATTORNEY:** Established AV-rated Missoula law firm is seeking an articulate and ambitious associate attorney as a long-term addition to our litigation team, which is rated among the top firms in Montana according to Benchmark Litigation (Highly Recommended), Chambers and Partners (Band 1), and other independent rating groups. The position involves working alongside our experienced attorneys to represent the firm's clients in civil litigation matters in both state and federal courts. Qualified candidates must have outstanding analytical and writing skills, a strong work ethic and dedication to exceptional client service. Candidates must possess knowledge of Montana law and be admitted to practice in Montana by September 2021.

**INTAKE ATTORNEY:** Located in Billings, Montana or Helena, Montana. Crowley Fleck PLLP seeks a part-time Intake Attorney to work with the firm's General Counsel team and Intake Department. Successful applicants must have a J.D., a strong academic record, and license or willingness to license in Montana. Applicants must have a good standing reputation in the legal community. Competitive salary and benefits for region. All applications will be held in confidence. Please send resume, cover letter, law school transcripts, and writing sample to Tiffani Swenson at [tswenson@crowleyfleck.com](mailto:tswenson@crowleyfleck.com)

**LITIGATION ATTORNEY:** Crowley Fleck PLLP seeks a full-time associate with 2-4 years of experience to join our Litigation Practice Group in our Billings, MT office. Successful applicants must have a J.D., a strong academic record, and license or willingness to license in Montana. Deposition and hearing experience preferred. Competitive salary and benefits for region. All applications will be held in confidence. Please send resume, cover letter, law school transcripts, and writing sample to Tiffani Swenson at [tswenson@crowleyfleck.com](mailto:tswenson@crowleyfleck.com)

**LITIGATION ATTORNEY:** Crowley Fleck PLLP seeks a full-time associate with 0-2 years of experience to join our Litigation Practice Group in our Billings, MT office. Successful applicants must have a J.D., a strong academic record, and license or willingness to license in Montana. Competitive salary and benefits for region. All applications will be

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**SENIOR DEPUTY COUNTY ATTORNEY:** Yellowstone County Attorney's Office is seeking a Senior Deputy (\$68,054.83 to 102,082.24 DOQ) or a Deputy County Attorney (\*\*County Attorney bargaining unit currently under collective bargaining negotiations. Starting salary is anticipated to increase. Currently- \$64,000) + longevity and benefits. Duties include routine to complex criminal prosecution. Senior Deputies may act as lead counsel on major felony prosecutions. Related duties as required. See <http://www.co.yellowstone.mt.gov/human-resources/> for application requirements. First review of applicants July 7, 2021

**CRIMINAL DEPUTY COUNTY ATTORNEY:** The Gallatin County Attorney's Office is hiring for a Criminal Deputy County Attorney to prosecute felony offenses in the district court, felony and misdemeanor offenses in the youth court, and misdemeanor offenses in the justice court; file involuntary commitment petitions and appear for involuntary commitment proceedings; file child and adult protection actions and perform other duties as assigned, all under the direction of the Gallatin County Attorney.

**DEPUTY COUNTY ATTORNEY:** The Park County Attorney's Office is responsible for the prosecution of criminal offenses committed within the County and for serving as the attorney for County government, including all agencies and boards. The Attorney position for handling litigation including legal research, drafting pleadings, conducting discovery and investigation, presenting to a court or jury, participating in mediations and settlement conferences, and oral argument. The Attorney may be responsible for providing legal advice and guidance on county policy and legislation, including strategies that affect the operations and goals of the commission and county departments.

**TORT/LITIGATION:** Crowley Fleck PLLP seeks an associate to join our Tort Litigation and/or Commercial Litigation Practice Group in our Helena, MT office. Successful applicants must have a J.D., a strong academic record, with an interest in all types of Litigation. Experience of 1 -3 years preferred, but not required. Immigration Law experience is a plus. Applicants must have a good standing reputation in the legal



community and be licensed or willing to be licensed in Montana is required. Competitive salary and benefits for region. All applications will be held in confidence. Please send resume, cover letter, law school transcripts, and writing sample to Tiffani Swenson at [tswenson@crowleyfleck.com](mailto:tswenson@crowleyfleck.com)

**LITIGATION ATTORNEY:** Gangle Law Firm is hiring attorneys with 3 or more years of litigation experience in general business, contract, agricultural law (including water), real estate and/or construction law. GLF is an extremely busy firm with a litigation practice throughout the state. GLF offers a highly competitive wage package commensurate with a candidate's work experience, work ethic, and ability to work independently. This is a perfect position for someone who wants to practice law, be paid well, and have some independence, but not have to deal with the hassle of associates, partnerships, corporate drama, etc. All applications will be kept confidential. Please submit a cover letter and resume which outlines your litigation experience along with a writing sample of any motions, arguments or appellate briefs you have drafted.

**CIVIL LITIGATION:** Hall & Evans, LLC, one of Colorado's oldest and most reputable trial firms, currently has an opportunity for a Civil Litigation Associate Attorney in our Billings, MT office. We are seeking an attorney with a preferred three years of litigation

experience. Qualified candidates must be licensed attorneys in good standing in the State of Montana. If hired, you will have an opportunity to work with talented legal professionals in a collegial, business casual environment. You will also gain immediate experience working with clients, taking depositions, appearing in court, and learning how to develop business.

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**ATTORNEY:** Missoula-based law firm of Worden Thane P.C., is seeking applications for attorney positions. Worden Thane P.C. is a general practice law firm with cutting edge attorneys specializing in litigation and appeals, business transactions, IP law, E-discovery, employment law, real estate transactions and

litigation, tax law and estate planning and elder law. Ideal applicant for the open positions should have 0-3 years of experience practicing law. Salary DOE, with full benefits package including health, vision, dental, life and 401k. Submit cover letter, resume, transcripts and references to Worden Thane P.C., Attn. Dawn Donham, 321 W. Broadway Ste. 300, Missoula, MT 59802, or by emailing [ddonham@wordenthane.com](mailto:ddonham@wordenthane.com).

**GENERAL COUNSEL:** The Oregon State Bar regulates the practice of law in Oregon and provides a variety of services to its members and the public. The mission of the Oregon State Bar is to serve justice and the public interest by promoting respect for the rule of law, by improving the quality of legal services, and by increasing access to justice. Visit <http://www.osbar.org/osb-center/openings.html> for full job details.

**DOMESTIC VIOLENCE SURVIVORS ATTORNEY:** Montana Legal Services Association is looking for a Staff Attorney to be based at the Community Support Center in Dillon, MT, to provide legal services to survivors of domestic violence, sexual assault, dating violence, stalking, and harassment. The pay range we're offering is \$55,000 and up, depending on experience.

## PARALEGALS/LEGAL ASSISTANTS

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engages in criminal defense and personal injury work. The ideal fit would be eager to learn both. Organizational skills and attention to detail is required. Experience is preferred but not required. Salary depends on experience. Health insurance, vacation time and sick, and retirement are included. Please send resume with cover letter and references to: office@nathan-hoineslaw.com. or to Hoines Law Office, P.C., P.O. Box 829, Great Falls, MT 59403-0829

#### **PARALEGAL/LEGAL ASSISTANT:**

Disability Rights Montana seeks to hire an experienced Paralegal. The Paralegal works under the supervision of the Attorney Work Group to support and assist staff attorneys to carry out the legal priorities, objectives, and casework of the agency. Applicant must be self-motivated, have the ability to problem solve through research, demonstrate proficient writing skills, have fluent computer knowledge, and be able to communicate effectively with people with disabilities, family members, and providers. Please submit a letter of interest and resume to: Kelli Kaufman, Director of Finance & Administration, 1022 Chestnut St., Helena, MT 59601; or by email to: kelli@disabilityrightsmt.org

#### **RECEPTIONIST/LEGAL ASSISTANT:**

PT/flexible/or FT position available at Heenan & Cook. Organizational skills and friendly phone demeanor a must. Previous clerical experience preferred. Duties include answering phones, initial client intake, organization of electronic files, basic letter writing, and front office duties. Wage DOE. Outstanding work environment. Send resume & refs to brandi@lawmontana.com

#### **OFFICE SPACE**

**OFFICE SUITE FOR RENT/ FURNITURE & LAW BOOKS FOR SALE:** Bozeman attorney retiring; leasing nice suite – 3 offices, small conference room (table/ chairs incl.), approx. 920 sf; selling entryway desk, desk with credenza; book shelves; Am Jur 2d, 1-75A; Moore's Fed. Prac., 1-13; Fed. Proc., 1-33A; Employment Discrimination Coordinator, 1-8; Employment Discrimination Law, 1-6; Litigating Wrongful Discharge Claims, Avoiding & Defending Discharge Claims, Investigating Employee Conduct; Litigating Age Discrimination Cases; Workplace Disability Discrimination; Handling Sexual Harassment Cases; Employee Rights/ Employer Obligations; Employment Law & Forms, Professional & Amateur Sports Law; Bender's Discovery Forms, 1-16; Witkin - Cal. Proc. and Cal. Law, and more. Contact Mike San Souci at (406) 224-5665 or mjsansouci@aol.com.

#### **CONSULTANTS & EXPERTS**

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

**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 backcas-tranch@gmail.com.

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

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

#### **EVICCTIONS**

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#### **INVESTIGATIONS**

**SKIPTRACING AND ASSET LOCATION SPECIALISTS:** Merlin Locate Services is a Montana licensed private investigation agency (PI# 9630) that specializes in finding individuals and businesses that are difficult to locate as well as the location of garnishable assets such as place of employment and bank accounts. Our team of expert skiptracers are all licensed investigators, trained and supervised by Merlin Locate Services' owner and lead investigator, Mike Dore, a licensed investigator since 1981. For more information, please contact Kristin Hall at 855-321-4960 or [khall@merlinlocate.com](mailto:khall@merlinlocate.com).

#### **NOTICE TO MONTANA LAWYERS**

**INTESTATE PROBATE:** We are planning on opening an intestate probate for Bonnie Lazure (DOB 05/29/1932), a Helena resident, who passed away on April 11, 2021. If Ms. Lazure utilized your law office to create a will, trust or other testamentary instrument, please contact me to possibly avoid duplicative filings. Kristi Blazer, Missouri River Law Office, 70 Craig Main Street, Suite B, Craig, MT 59648. Phone: 406-235-4000; email [kblazer@missouririverlaw.com](mailto:kblazer@missouririverlaw.com).

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