

MONTANA LAWYER

JUNE 2020



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ON THE COVER



COURTROOM ART. The State Bar of Montana hosted the inaugural Montana High School Mock Trial Competition this year, which included a court artist contest, won by Sydney Loudermilk of Flathead High, shown on the cover along with the two runners-up.

FEATURE ARTICLES



HIGH SCHOOL MOCK TRIAL HAS DAY IN COURT

Twelve teams from all corners of the state — and dozens of volunteer lawyers — in the inaugural event.



SPECIAL COVID-19 COVERAGE

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How did Congress' pandemic response affect bankruptcy, provide consumer relief? — **PAGE 16**

BETTR Section chair Justin Bryan offers tips on remote notarizations, safely executing documents — **PAGE 25**

NEW PROJECT ENCOURAGES EMERITUS STATUS

Second Act Justice Project allows retired attorneys to provide civil legal aid to — **PAGE 28**

State Bar pledges to continue to lead our profession during these uncertain times

We are writing to you with a joint message for this edition of the Montana Lawyer during this unique time in our lives, our country, and our great state. As you read this message, many of you probably just finished one of many Zoom meetings you will have this week, attended court by Poly Com app, or met with a client in person while wearing a mask. How times have changed since you received your last Montana Lawyer. Given the current state of affairs in our country, we are also keenly aware of the need to continue to be leaders who speak the truth, stand strong, and hold up the rule of law in our communities. As attorneys we need to lead against injustice and seek to continue to establish and uphold justice in our communities.

We write to bring you as many positive things as possible with this issue of the Montana Lawyer. This issue brings you updates and photos from the first annual Mock Trial competition that took place in Helena in March. We had a great turnout and the high school students did a fantastic job. Thank you again to all of you who gave your time on the weekend to judge and assist. We look forward to many more years and making this program even bigger in the future. The event turned out very



JULI PIERCE



JOHN MUDD

well and we hope it will go even more smoothly in the years to come.

Fiscally, the State Bar is strong and continues to function very well during these difficult times. All employees have been working remotely and there have been no layoffs or temporary furloughs.

Over the last several weeks, the State Bar has offered many online CLE opportunities, most of them free of charge, and hundreds of you have taken advantage of the classes that we have offered. These are unique opportunities because in a big state like ours where travel time often dissuades us from attending out-of-town CLE meetings. The pandemic has forced us to reassess how we offer CLE opportunities, and

this may change the landscape of how we deliver CLE credits in the future.

There are many resources available to you online through the State Bar website and the American Bar Association to guide you through these difficult times and to provide you as much information as possible. These resources range from articles regarding the economy, online CLE credits, job opportunities, COVID-19 resources, and the results of the most recent State Bar election.

Finally, the bar exam will proceed as planned in July with appropriate safety measures and social distancing in place. The Board of Trustees have petitioned the Supreme Court to extend the student practice rule for those who are physically unable or do not feel comfortable taking the July bar exam. We welcome your comments on this petition.

We wish you all nothing but continued safety, health, and wellness. Please take care of yourselves and each other and reach out to us at any time.

Juli Pierce and John Mudd

**President and Executive Director,
State Bar of Montana**

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Montana Lawyer Staff
Publisher | John Mudd
Editor | Joe Menden
406-447-2200; fax: 442-7763
[email: editor@montanabar.org](mailto:editor@montanabar.org)

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CAREER MOVES**Turner joins Ries Law Group as attorney, project manager**

Ries Law Group, P.C., welcomes Robin Turner to the team as attorney and project manager.

Turner brings over 10 years of client representation, policy advocacy, and training experience to Ries Law Group. She was the Public Policy and Legal Director at the Montana Coalition Against Domestic and Sexual Violence for the last five years, where she led a

**Turner**

statewide legal services project focused on serving survivors of sexual violence in civil legal cases. She also provided policy strategic leadership for the organization and directed statewide

trainings on expert witness testimony, mandatory reporting of child abuse, survivor privacy and advocate confidentiality, ethical obligations of attorneys serving survivors.

Turner currently serves on the Montana Attorney General Sexual Assault Forensic Exam Task Force and is a past co-chair of the Justice Initiatives Committee of the State Bar of Montana. She is a current member of the American Bar Association's Steering Committee on Supervision Best Practices for Domestic & Sexual Violence Attorneys.

Formed in 2016, Ries Law Group provides civil legal assistance to survivors of domestic and sexual violence in Western Montana, with a special focus on trauma-informed family law. Attorneys Brandi Ries and Emily Lucas have a combined 18 years of legal experience in family law, mediation, and other holistic civil legal services for survivors of violence. The firm helped to originate and currently supervises the Domestic Violence legal clinic at the Alexander Blewett III School of Law at the University of Montana.

Lyndes joins Jackson, Murdo & Grant

Jackson, Murdo & Grant, P.C. is proud to welcome Erin M. Lyndes.

Lyndes joins the firm as an associate attorney focused on general civil litigation and business and criminal law. She

**Lyndes**

graduated from the University of Montana in May of 2019. During law school, she was a member of the National Moot Court Team, interned at the Missoula-based firm Boone Karlberg, P.C., and completed a year-long clinic with the Missoula County Attorney's Office.

Lyndes was born and raised in Helena and looks forward to working in her hometown community.

Moore opens family law, criminal defense, civil litigation firm

Megan M. Moore (formerly Melvin) is pleased to announce the opening of her new solo practice, Megan Moore Law, PLLC, in Bozeman.

Moore graduated from the University of Montana School of Law in 2017.

**Moore**

During law school she interned at Datsopoulos, MacDonald & Lind and upon graduation, practiced at Schulte Law Firm and Cotner Law in Missoula. She was a member of the National Moot Court team and completed her clinical internship at the Federal Defenders of Montana. She received the Montana Trial Lawyers Association scholarship for her excellence in trial advocacy. She recently made the move to Bozeman, where her husband owns an engineering firm and

she gets to be closer to her family.

Megan Moore Law, PLLC, will focus on family law, criminal defense, and general civil litigation. Moore is a proud member of the CJA panel for the Billings district and serves as conflict counsel for the Montana Office of the Public Defender. She is excited to get to know her new community and put her experience to work serving clients on a personal level. For more information, please visit meganmoorelawpllc.com.

Missoula's Cotner Law welcomes Geist to firm

Thorin Geist has joined Cotner Law, PLLC, law office in Missoula.

Geist graduated from the University of Alaska, Fairbanks, with dual degrees in psychology and criminal justice in 2005. In 2007 he earned his law degree from the University of Montana School of Law, where he received the Carol Mitchell Award for excellence in Alternate Dispute Resolution.

Geist's practice is focused on civil and tort litigation, where he represents clients in a wide range of matters. He is also an experienced mediator and is routinely called on to serve as a special prosecutor for counties in Western Montana.

He previously was a deputy county attorney in Ravalli County.

Haynes becomes partner at Joyce & MacDonald

Joyce & MacDonald, PLLP, is pleased to announce that Michael W. Haynes has been named a partner of the personal injury law firm as of Jan. 1, 2020.

**Haynes**

Haynes, a Butte High School graduate, continued his education at Montana Tech of the University of Montana, graduating in 2009 with a bachelor's degree in business and information technology. In 2013, he graduated from the

University of Montana School of Law with a Juris Doctor degree. After passing the Montana bar exam, he began practicing law at Joyce, Johnston & MacDonald, PLLP, now known as Joyce & MacDonald, PLLP.

Haynes and his wife, Jessi, are excited to be in Butte raising their 3-year-old daughter, Isla and their 6-month-old son, Enys.

Haynes and the legal team at Joyce & MacDonald represent those who have been injured, abused, or hurt in any way due to the fault of someone else. They take pride in getting fair treatment and compensation for their clients.

Haynes can be reached at 406-723-8700 or by appointment at his office located on the main floor of the historic Finlen Hotel at 100 E. Broadway in Butte.

Gerstner Adam Law opens in Billings

Colin Gerstner, formerly of Gerstner Law, and Paul Adam, formerly of



Gerstner



Adam

Odegaard Miller Law, announce that they have joined to open Gerstner Adam Law in Billings. The firm will focus on representing plaintiffs in personal injury and workers' compensation claims.

Gerstner graduated from the University of Montana School of Law with honors in 2012. After graduation, he served as a law clerk to Judge Susan Watters in both state and federal courts. When his term as a law clerk expired, Colin worked with some of the best attorneys in the state at Bishop, Heenan & Davies. In August 2017, he formed Gerstner Law.

Adam graduated from the University

of Montana School of Law in 2013. He then clerked at the state court level in Yellowstone County for Judge Gregory Todd. After that, he prosecuted misdemeanor and felony crimes as a deputy county attorney with the Yellowstone County Attorney's Office. He then came to the civil side and represented injured workers in Montana at both Russ Plath Law and Odegaard Miller.

Silverman Law Office welcomes Paul to its Bozeman office

Silverman Law Office has announced that Valerie Wyman Paul has joined the firm as an associate at its Bozeman office.

Paul will be offering services to Montana's business sector as part of the firm's virtual in-house counsel program,



Paul

advising on common legal issues affecting business: commercial transactions, contracts, real estate transactions, labor and employment matters, intellectual property issues, and legal opera-

tions. Paul believes legal services should be predictable, reliable, and available "on demand" to help businesses with all the challenges they regularly confront.

With 15 years in the practice of law, Paul has developed a passion for working closely with business clients and individuals to achieve their objectives. She worked for a Bozeman law firm before transitioning to in-house counsel work at Montana owned and operated Town Pump, Inc., where she was able to provide tailored advice to one of the state's largest corporations.

While earning her bachelor's degree at the University of Nevada, Reno, Paul worked with lawmakers at the state and federal level, triggering a lifelong interest in the rule of law. She went on to earn her Juris Doctorate at the University of Montana School of Law, graduating in 2005.

When she's not working, she enjoys

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Heutmaker joins Gravis Law's Montana office

Jeffrey M. Heutmaker of Whitefish announced that he has joined Gravis Law.

Heutmaker, who founded Heutmaker Law in 2004, has 31 years of experience practicing in corporate finance, mergers and acquisitions, intellectual property licensing and general business law. He works with entrepreneurs and early- and later-stage businesses in a variety of industries, including software development, biotechnology, medical and dental devices, manufacturing, power sports, agriculture, internet commerce and infrastructure, retail services and energy. He will continue his work in corporate finance and transactional law with Gravis, and add services in litigation, family law and estate planning.

Gravis Law has grown from one location in Richland, Washington, at its founding in 2013 to 15 locations nationwide. It was recently recognized in the Inc. magazine's "Inc. 5000" as the fastest growing law firm in the nation.

"We believe having attorneys with Jeff's experience and expertise in fast-growing and dynamic areas such as Whitefish will allow us to grow with the entrepreneurial infrastructures that are being established outside of the traditional coastal regions," said Brett

Spooner, CEO of Gravis Law. "As Jeff's practice is national in scope, bringing his Business and Transactional law practice into the Gravis Law fold will help us to better serve our business and startup clients both in the Flathead Valley and throughout the rest of the country."

HONORS

Drummond Receives Professionalism Award from The Academy

Robert G. Drummond of Great Falls was awarded the 2019 Don Torgenrud Professionalism Award by The Academy of the National Association of Chapter 13 Trustees.

This award is made in memory of Don Torgenrud to a member of the Bankruptcy Section of the State Bar of Montana recognizing an individual who



Drummond

exemplifies the highest standards of professional conduct in their everyday practice. He was nominated by Doug James of Moulton Bellingham in Billings. "Bob plays a unique role in Montana as the sole Chapter 13 Trustee in our state," James said. "By focusing his practice on Chapter 13, Bob has become an expert; on Chapter 13 and on bankruptcy generally. Bob has not used his expertise to disadvantage others. To the contrary, he has used his expertise to elevate bankruptcy practice throughout the state. Bob has become a critical resource for all bankruptcy practitioners in Montana. He has given freely of his time, his

knowledge, and his advice to assist lawyers in providing the best possible representation of their clients."

James also noted that Drummond publishes the Montana Bankruptcy Reporter, a website that keeps track of and publishes Montana bankruptcy court decisions., and that he has taken on an additional role as a Chapter 12 Trustee for a significant portion of Montana.

In addition to publishing the Montana Bankruptcy Reporter, Drummond is the editor of the NACTT Quarterly. He has been a member of NACTT since 1992 and served as its president from 2012 – 2013. He has twice chaired the Montana Bankruptcy Section. He has published numerous articles dealing with Chapter 13 bankruptcy in several national publications. (See page 16 for his article on the federal CARES Act and Small Business Reorganization Act.)

Tanner appointed as Appellate Lawyer Rep for 9th Circuit

Randy J. Tanner of Boone Karlberg P.C. in Missoula has been ap-



Tanner

pointed as an Appellate Lawyer Representative for the Ninth Circuit. There are 22 representatives across the Ninth Circuit, and Tanner is the sole representative from Montana. In this role, appellate lawyers work closely with the Ninth Circuit judges to liaison various initiatives, etc., with attorneys that regularly practice in the Ninth.

Do you 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. Email or call 406-447-2200 with questions.

The State Bar of Montana offers free access to Fastcase legal research to all Active Attorney, Emeritus and Paralegal Section members. Sign in at www.montanabar.org to access Fastcase.



Law Street Media expands coverage to food and agriculture

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Law Street readers can find stories covering the tech and agriculture industries. Links to complaints and other relevant documents are provided.

Some recent stories include:

- Efforts to include cannabis-related businesses in COVID-19 relief packages
- A suit attempting to resolve whether a food company or a supplier should be liable for food poisoning
- An appealed false advertising suit against Fitbit

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Webinar Time: 11 a.m. to noon Mountain Time

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Dates presented: Second Thursday of every month

Webinar Time: 11 a.m. to noon Mountain

Intro to Boolean on Fastcase 7

Dates presented: Third Thursday of every month

Webinar Time: 11 a.m. to noon Mountain

Ethics and Legal Research Featuring Fastcase

Dates presented: Fourth Thursday of every month

Webinar Time: 11 a.m. to noon Mountain

Fastcase launches 2 new webinar series during pandemic

Don't miss out on Fastcase's new webinars, designed to keep the legal community engaged during the pandemic running weekly on Wednesdays and Fridays.

Fastcase has been running free

webinars weekly webinars. Catch Work from Home Wednesdays noon Mountain Time and the COVID-19 Litigation Weekly on Fridays at 10 a.m. Mountain.

Unlike Fastcase's series of legal

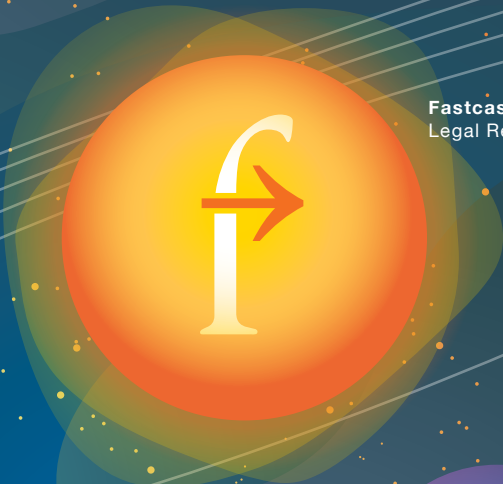
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Smith elected State Bar of Montana President-Elect

Brian C. Smith of Missoula was elected State Bar of Montana President-Elect in the recently conducted bar elections.

Smith, the current Chair of the Board of Trustees, will be President-Elect starting in September 2020 and will serve as president beginning in September 2021.

Current President-Elect Kate McGrath Ellis of Christensen & Prezeau in Helena will take over as president in September.

In other bar election races, Tucker Gannett was chosen as State Bar of Montana delegate to the American Bar Association, and trustees were elected in Areas A, B, C, D and G.

Trustee Election Winners

Area A (Flathead and Lincoln Counties): Randy Snyder, Snyder Law Firm in Bigfork.

Area B (Lake, Mineral Missoula Ravalli and Sanders Counties): Beth Brennan, Brennan Law and Mediation, Missoula ; Erica Grinde, Missoula County Risk Management and Benefits; Beth Hayes, Montana Legal Services Association, Missoula.

Area C (Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Powell and Silver Bow Counties): Kaylan A. Minor, solo practitioner, Dillon, and city judge for Dillon and Lima.

Area D (Cascade, Glacier, Pondera, Teton and Toole Counties): Samir Aarab, Boland Aarab PLLP, Great Falls; and Gregory Smith, Smith Oberlander P.C., Great Falls.

Area G (Gallatin, Park and Sweet Grass Counties): Alanah Griffith, Griffith, Griffith and Cummings, Big Sky; Matthew Haus, Tarlow,

Stonecipher, Weamer & Kelly, Bozeman.

Gallinger appointed to Commission on Practice from Area H

Kelly Gallinger, of Brown Law Firm in Billings, was appointed to the Supreme Court's Commission on Practice.

Gallinger was one of the top three vote getters in a May election voted on by lawyers in Area H. The names of the three were forwarded to the Supreme Court, which appointed Gallinger.

Area H consists of Big Horn, Carbon, Stillwater and Yellowstone Counties.

Applicants sought for 18th Judicial District judge

Applications are now being accepted for an 18th Judicial District judge position that will be opening this fall.

The Montana Supreme Court's Judicial Nomination Commission made the announcement on Friday, June 5. The deadline for submitting applications is 5 p.m., Monday, July 6. The position opening comes following the announcement that the Hon. Holly Brown of the 18th Judicial District, which covers Gallatin County, has announced she is retiring effective Oct. 2.

The commission is now accepting

applications from any lawyer in good standing who has the qualifications for district court judge. The application form is available electronically at the commission's web page (courts.mt.gov/courts/supreme/boards/jud_nom). Applications must be submitted electronically as well as in hard copy. The commission will announce the names of the applicants after the application deadline.

Public comment will be accepted on the applicants from July 7 through Aug. 6.

After reviewing the applications, receiving public comment, and interviewing the applicants if necessary, the commission will forward the names of three to five nominees to Gov. Steve Bullock for appointment. The person appointed by the governor is subject to Senate confirmation during the 2021 legislative session. The position is subject to election in 2022, and the successful candidate will serve for the remainder of Judge Brown's term, which expires in January 2025. The annual salary for the position is \$136,896.



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Quarantine authority in Montana

Historical precedent provides guidance on the basis, scope and limits of government's ability to isolate state's citizens in keeping them safe

By E. Lars Phillips and Lucas Hamilton

The history of quarantine authority in the United States is contentious; fears of threatening diseases our collective consciousness barely remembers (*e.g.* cholera and typhus), led to acts that, even in today's climate, seem incomprehensible (*e.g.* groups of armed men preventing train passengers from disembarking due to fear of infection).¹

Inevitably, quarantine restrictions limit fundamental freedoms and individual autonomy, like the freedom of movement.² To quarantine, government must stretch to the limits of its emergency powers to impose restrictions that are, at best, loosely moored in statutes and regulations. Those statutes and regulations are at once relatively brief and exceptionally broad.³ Under the circumstances, it would be reasonable to question whether any quarantine measures could survive the strict scrutiny standard courts typically apply to governmental restrictions on fundamental rights. But despite their seemingly tenuous legal foundations, history suggests courts are reluctant to interfere with quarantine measures.



Background

In December 2019, a new coronavirus, now named severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), emerged in Wuhan, China.⁴ The disease caused by this virus is referred to as COVID-19 (CO for corona, VI for virus, D for disease, 19 for the year of discovery).⁵ While current research suggests most cases of COVID-19 do not require medical intervention, severe cases can lead to high fever, pneumonia, and organ failure.⁶

SARS-CoV-2 shares similarities with two other well-known viruses — severe acute respiratory syndrome (SARS-CoV) and Middle Eastern respiratory syndrome (MERS-CoV), and is easily transmitted between humans.⁷ Based on early estimates, every individual infected with SARS-CoV-2 is likely to infect approximately two individuals — resulting in exponential growth of infections.

Importantly, studies have documented that the spread of SARS-CoV-2 can be slowed through the implementation of mitigation measures.⁸ Specifically, studies have found that implementation of quarantine, isolation, and social distancing may contain the spread of the virus.⁹ These tactics became apparent in recent weeks, as government officials have ordered the closure of schools, restaurants, bars, and other places where people typically gather.

In other words, mitigation measures are focused on creating circumstances where each infected person transmits the virus to one individual (or less), instead of two (or more) individuals, thereby stopping exponential growth of infections. The virus will still spread, but it will not overwhelm the healthcare system with the consequence of otherwise-preventable deaths.

Basis of quarantine authority

When dealing with infectious diseases, state and local health officials

are critical decision makers with relatively unlimited authority.¹⁰ Whether the seemingly limitless nature of their authority is appropriate or a function of a community's response to an existential threat is an open question. Local health boards, in particular, are on the front lines. Such boards are required to adopt regulations that protect the public health, provided that those rules do not conflict with statewide rules. Moreover, the statutory authority of local health boards does not require an emergency declaration — meaning these boards may be the first governmental agency to respond to a health crisis.¹¹

In the context of an infectious virus such as SARS-CoV-2, a local health board must prevent and improve “conditions of public health importance” through epidemiological tracking and investigation (contact tracing), screening and testing, isolation and quarantine measures, collecting and maintaining health information, and adopting any other public health measures allowed by law.¹² Additionally, a local health board must “bring and pursue actions and issue orders necessary to abate, restrain, or prosecute the violation of public health laws, rules, and local regulations.”¹³

The statutes governing a local government's quarantine authority are a clear indication that the Montana Legislature has delegated significant authority to local health boards. Due to practical necessity, these statutes provide wide latitude for health officials to take whatever actions the circumstances may require. These statutes offer few explicit limits on health officials' authority, and as such, Courts are left to apply constitutional tests to the quarantine measures themselves—which are often adopted with little to no public process.

For better or worse, there is relatively little caselaw directly considering the legal soundness of quarantine restrictions. This could be due to the fortunately

infrequent need for quarantine measures since the development of strict scrutiny jurisprudence. Or, it could be due to the courts' unwillingness to interfere with a fundamental power of the state: the police power.

Quarantine and the police power

In construing the source and scope of the police power, the Montana Supreme Court has invoked the maxim *salus populi est suprema lex*—the welfare of the people is the supreme law.¹⁴ Put another way, police power is the foundational principle upon which all civil government is built.¹⁵ To that end, “police power extends to the protection of the life, limbs, health, comfort and quiet of all persons, and the protection of all property within the state.”¹⁶ Although the spread of COVID-19 might lack any modern precedent, history provides some guidance.

In the late winter and spring of 1951, Yellowstone County confronted “several” cases of canine rabies.¹⁷ State and local health officials enacted an emergency quarantine of all cats and dogs in Yellowstone County to contain the outbreak. The quarantine required that all cats and dogs be vaccinated and kept restrained and authorized law enforcement to exterminate any cats or dogs caught roaming at large.¹⁸

Unfortunately, law enforcement had to exterminate at least one dog during the quarantine. When the dog's owner sued for damages, asserting the government had taken her property without due process, the Montana Supreme Court held the quarantine order was squarely within the police power. The Court discussed the circumstances that led to the quarantine order, but only in terms of the negligence claims law enforcement could have faced if it *had not* shot the untethered dog. The Court held that the government action was an appropriate exercise of the police power

“regardless of any statutory or constitutional provisions whatever.”¹⁹

Read broadly, *Ruona* stands for the proposition that “[a]ny rule made by the board of health which has a reasonable and direct relation to” a threat to the public health is a proper exercise of the police power, and further, that “the determination as to the means of meeting a threatening situation [is] vested in the board of health, and not in the courts.”²⁰

There are many differences between “several” cases of rabies in Yellowstone County in 1951 and the hundreds of confirmed cases of COVID-19 across Montana. These differences, however, are more a matter of degree than of kind. COVID-19 has a far lower mortality rate than cases of rabies in humans, but SARS-CoV-2 is highly infectious and capable of rapid spread. Given the experiences of China and Italy, and the current lack of a vaccine for COVID-19, emergency circumstances certainly exist requiring decisive and dramatic action.

A century ago, the state faced a pandemic that forced state and local officials to implement many of the same quarantine measures being considered today. In 1918, the Spanish flu forced officials to close schools, churches, theaters, and dance halls.²¹ Sporting events and other public gatherings were cancelled, and even large funerals were no longer allowed.²²

Despite the scope and severity of these quarantine measures, it appears the Court was never asked to review the reasonableness or constitutionality of the governmental response to the Spanish flu. In the absence of caselaw, the measures stand as

a practical precedent for the state’s broad police powers to address COVID-19.

Historically, this should be unsurprising. Consider the example provided by a local health board’s action in Cambridge, Massachusetts.²³ If necessary for public health or safety, Massachusetts law allowed a local health board to require, and force, vaccination of all inhabitants over twenty-one years of age. In 1902, in the midst of a smallpox epidemic, the Cambridge health board determined that vaccination against smallpox was necessary and ordered the same. A resident refused vaccination was criminally prosecuted and convicted.²⁴

Subsequently, the question concerning the scope and effect of the statute at issue arrived at the United States Supreme Court. The Court noted state constitutions are fundamentally social compacts among all citizens to promote the common good.²⁵ The consequence and benefit of this bargain is the occasional exchange of freedom for security. In the context of a pandemic, the pendulum may swing further towards security than most thought possible, at the clear expense of civil liberties and human rights.

Boundaries of quarantine authority

Because the authority of state and local health officials—granted by statute and grounded in the police power—has been relatively unchallenged and unconstrained, the outer limits of their authority in the face of a pandemic remains largely undefined.

In 1906, the Montana Supreme Court implied that a local health board has the authority to construct, at its citizens expense, a quarantine hospital, including purchasing the requisite land, if

circumstances required.²⁶ In 1922, the Court recognized the authority of a local health board to require the sheriff to quarantine and hold an individual with a contagious, communicable disease.²⁷

In 1960, the Court considered a prior version of a similar statute granting local health boards the authority to enact rules and regulations “pertaining to the prevention of disease and the promotion of public health.”²⁸ The vagueness of this grant of authority prompted the Court to wonder whether a local health board could “prescribe a series of physical exercises for the populations within their areas for the promotion of public health.”²⁹ Further, the Court implied that statutes that do not provide for review of actions taken in the furtherance of public health may run afoul of due process requirements.

Ultimately, the Court invalidated the statute as an unconstitutional delegation of power because it provided the local health board “unascertainable limits within which to act,”³⁰ raising the question of whether today’s statutes would survive similar review. In other words, do the current statutes contain appropriate due process safeguards and provide, with “reasonable clarity,” the limits to a local health board’s authority?

For actions pursuant to the state’s police power, based in the uniformly broad interpretation of the same, it can be argued that the only ‘ascertainable limit’ with which a local health board must comply is the obligation to ensure its actions are not clearly oppressive and arbitrary.³¹ From a more localized perspective, administrative guidance from the Montana Department of Public Health and Human Services does place some limitations on a local health board’s exercise of its authority. For example, the Department has set out specific notice requirements that must be adhered to in the event a patient is isolated or when individuals who have come into contact with an infectious disease are quarantined.³²

Looking forward, examples of action in the global effort against the spread of SARS-CoV-2 can provide interesting thought experiments into the scope of measures local health boards can enact. For example, Israel is currently using citizen’s mobile phone data to identify and track, and enforce quarantines on, infected individuals. In order to do so, Israel passed an emergency law. Based on the discussion above, could a local health board pass such a measure in Montana?

On March 13, California Gov. Gavin Newsom issued an emergency order

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announcing, in part, the ability of the state to commandeer property, including hotels and medical facilities, as necessary for quarantining, isolating, or treating individuals infected with COVID-19. Though it has not proven necessary during this pandemic, the Montana Supreme Court has implied that local health boards have the authority to build quarantine hospitals. Is it unreasonable to think they do not have the power to commandeer hotels to create them?

The Importance of Advocacy

Consider the story related by Professor Felice Batlan in her article *Law in the Time of Cholera: Disease, State Power, and Quarantines Past and Future*. In September 1892, the ship *Normannia* arrived in New York, with two passengers infected with cholera. The passengers on the *Normannia* were ‘cabin-class.’ Tickets for cabin-class were far more expensive than tickets for ‘steerage-class.’³³ New York officials proceeded to quarantine all passengers. Cabin-class passengers were allowed to remain on board, while steerage-class passengers were delivered to hastily constructed holding facilities.³⁴

While cabin-class passengers publicly excoriated officials for preventing their departure from the ships, it soon became apparent that the steerage-class quarantine experience was even more horrific. Reports found that the quarantine camps contained conditions “so deplorable and unsanitary that it is difficult . . . to describe it in temperate language.” The lack of toilet facilities, for example, relegated individuals to use sections of a rocky beach both to relieve themselves as well as bathe, with attendant consequences—including the needless infection of otherwise healthy individuals.³⁵

While lawyers and the judicial system were involved in the dispute over whether cabin-class passengers could disembark, the tribulations of steerage-class passengers went unremedied for some time.

What role should lawyers play in the current pandemic? The Montana Constitution, and its emphasis on individual rights, places the state in a unique position. *Bacus v. Lake County* and *Caselli* inform that due process still matters, even in the face of an infectious disease. Marginalized populations need advocates—and no population more so than those made vulnerable by operation of law. Concerns related to incarcerated individuals provide an example. To that end, our Chief Justice has taken extraordinary steps to indicate, on

some level, that the risks posed to these individuals by SARS-CoV-2 may outweigh the value of continued incarceration in certain circumstances.

It is incumbent upon state and local governments to act to protect the public health—*Ruona v. Billings* tells us that to do otherwise may be negligent. These actions impact all aspects of our daily life. They are as necessary as they are extreme. On March 13, the day the first in-state cases were announced, the idea of closing bars and restaurants — let alone stay-at-home directives — may have seemed preposterous, and yet it was not the first time in Montana’s history such economically painful measures had to be taken.

Though stay-at-home directives in Montana have been replaced by a phased re-opening, COVID-19 is still here and further action by state and local officials could still be on the horizon. With each act to combat the pandemic, compromises will be made, and unintended consequences will follow. If it is incumbent upon the state to protect the public health, it is likewise incumbent upon it to provide an opportunity for aggrieved parties to be heard and a remedy for the unintended consequences those protections cause.

Lars Phillips is an attorney practicing in Bozeman. Lucas Hamilton is an attorney practicing in Helena.

Endnotes

- 1 Felice Batlan, *Law in the Time of Cholera: Disease, State Power, and Quarantines Past and Future*, 80 TEMPLE LAW REVIEW 53 (2007) (providing an excellent summary of the evolution of quarantine law and contest between federal and state authority).
- 2 *Shapiro v. Thompson*, 394 U.S. 618, 630 (1969); *United States v. Guest*, 383 U.S. 745, 757–758 (1966); *Crandall v. Nevada*, 73 U.S. 35, 44 (1868).
- 3 See e.g., Mont. Code Ann. §§ 10–3–104, 50–2–116.
- 4 Wei-jei Guan, Ph.D., et al, *Clinical Characteristics of Coronavirus Disease 2019 in China* (February 28, 2020) (available at: <https://www.nejm.org/doi/full/10.1056/NEJMoa2002032>).
- 5 CDC, *Coronavirus Disease 2019 (COVID-19) Frequently Asked Questions* (available at: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html>).
- 6 Tianbing Wang, et al, *Comorbidities and multi-organ injuries in the treatment of COVID-19*, *The Lancet* (March 21, 2020) (available at: [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)30558-4/fulltext/](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30558-4/fulltext/)).
- 7 Guo, Y., et al, *The origin, transmission and clinical therapies on coronavirus disease 2019*

(COVID-19) outbreak – an update on the status, *Military Med Res* 7:11, at 2 (2020) (available at: <https://doi.org/10.1186/s40779-020-00240-0>).

8 Zhang, Sheng, et al, *Estimation of the reproductive number of Novel Coronavirus (COVID-19) and the probable outbreak size on the Diamond Princess cruise ship: A data-driven analysis*, *Int. J. Infect. Dis.* 2020 (February 22, 2020) (available at: <https://doi.org/10.1016/j.ijid.2020.02.033>).

9 Roy M. Anderson, et al, *How will country-based mitigation measures influence the course of the COVID-19 epidemic?* 395 *The Lancet* 10228, at 931–934 (March 9, 2020) (available at: [https://doi.org/10.1016/S0140-6736\(20\)30567-5](https://doi.org/10.1016/S0140-6736(20)30567-5)).

10 Mont. Code Ann. § 50–2–116.

11 Compare *id.* (general authority of health board to adopt regulations for the control of communicable diseases) with Mont. Code Ann. § 10–3–104 (general authority of governor following declaration of emergency or disaster).

12 See Mont. Code Ann. § 50–2–116(f).

13 *Id.* at § 50–2–116(i).

14 *Ruona v. Billings*, 136 Mont. 554, 557–558, 323 P.2d 29, 31 (Mont. 1958).

15 *Id.*, 323 P.2d at 31; accord *Crandall*, 73 U.S. at 39 (police power “is indispensable to the existence of a State government”).

16 *In re Mont. Pac. Oil & Gas Co.*, 189 Mont. 11, 14, 614 P.2d 1045, 1047 (Mont. 1980) (quoting *Ruona*, 136 Mont. at 558, 323 P.2d at 31).

17 *Ruona*, 136 Mont. at 556, 323 P.2d at 30.

18 *Id.*, 323 P.2d at 30.

19 *Id.* at 560, 323 P.2d at 32.

20 *Id.* at 559, 323 P.2d at 31 (citations omitted).

21 Tracy Tornton, *100 years ago: ‘Spanish flu is epidemic in Butte and drastic measures must be taken . . .’*, *Montana Standard*, Nov. 4, 2018 (available at https://mtstandard.com/lifestyles/years-ago-spanish-flu-is-epidemic-in-butte-and-drastic/article_725d50c7-974d-56d5-b0de-2585e8d0edc7.html); Lorna Thackeray, *A century ago, Spanish flu ravaged Billings in community’s deadliest epidemic*, *Billings Gazette*, Dec. 3, 2018 (available at https://billingsgazette.com/news/local/a-century-ago-spanish-flu-ravaged-billings-in-communities/article_2a899a1e-ac0f-5210-9461-c2300dbbb776.html).

22 *Tornton*, *supra*, note 22; Thackeray, *supra*, note 22.

23 See *Jacobson v. Commonwealth of Massachusetts*, 197 U.S. 11, 12 (1905).

24 *Id.* at 12–14.

25 *Id.* at 26–28.

26 *Yegen v. Bd. of Comm’rs of Yellowstone Cty.*, 34 Mont. 79, 85 P. 740, 743 (Mont. 1906).

27 *Ex parte Caselli*, 62 Mont. 201, 204 P. 364, 364–365 (Mont. 1922).

28 *Bacus v. Lake Cty.*, 138 Mont. 69, 79, 354 P.2d 1056, 1061 (Mont. 1960).

29 *Id.*, 354 P.2d at 1061.

30 *Id.* at 81, 354 P.2d at 1062.

31 See e.g. *Jew Ho v. Williamson*, 103 F. 10 (C.C.N.D. Cal. 1900); *Wong Wai v. Williamson*, 103 F. 1 (C.C.N.D. Cal. 1900).

32 See e.g. A.R.M. 37.114.308 (providing notice requirements for isolated patients); A.R.M. 37.114.307 (providing requirements when quarantine of individuals is warranted).

33 Batlan, *supra*, note 2, at 81.

34 *Id.*, at 81–85.

35 *Id.*



Relief in federal COVID-19 response includes Chapter 11, Chapter 13 bankruptcy changes

By Robert Drummond

The Small Business Reorganization Act¹ (SBRA) was signed by President Donald Trump on Aug. 26, 2019, and took effect in February 2020. The Act made changes to the Bankruptcy Code to assist small businesses and some individuals in a streamlined financial reorganization process.

Six weeks after the effective date of the SBRA, the Coronavirus Aid, Relief and Economic Security (CARES) Act² was signed into law on March 27, 2020.³ The Act includes suspensions of foreclosures and evictions, payment relief, financial assistance, and numerous other consumer protections.

These two Acts offer protection and relief to small businesses and individuals in Montana. The SBRA supplements Chapter 11 of the Bankruptcy Code simplifying the reorganization process for small businesses and individuals. The CARES Act makes changes to the

Bankruptcy Code for businesses and consumers facing COVID-19 related financial stress. This article examines application of these two Acts and the relief they offer to Montana businesses and consumers.

CONSUMER AND BUSINESS BANKRUPTCY CHANGES

The SBRA was enacted to make bankruptcies a faster and less expensive process for small businesses and certain individuals under the new subchapter V of Chapter 11. Debtors with total noncontingent, liquidated debts (both secured and unsecured) of no more than \$2,725,625 are now allowed to seek relief under subchapter V under the SBRA. This limitation was temporarily raised in the CARES Act. The new subchapter offers many advantages over reorganization under Chapter 11 of the Code:

- There are no creditors' committees unless court ordered.

- A debtor proceeding under the SBRA does not have to file a disclosure statement, unlike traditional Chapter 11 debtors.

- A court can confirm a plan under the SBRA even if all impaired classes vote to reject the plan.

- The SBRA eliminates the traditional Chapter 11 absolute priority rule, which precludes lower classes of creditors from receiving distributions unless the claims of creditors in each above class are paid in full. Thus, the debtor's equity holders may retain their interests without contributing new value.

- It allows individual debtors to modify certain residential mortgages where the underlying loan was made primarily in connection with the debtor's commercial or business activities as opposed to being used to purchase the residence.

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Estimates based on recent Chapter 11 statistics show that up to half of Chapter 11 debtors will be eligible to file under the SBRA.

The debt limitation for subchapter V cases was raised to \$7.5 million under the CARES Act. Other eligibility requirements are unchanged by the CARES Act. After the March 27, 2021, sunset date for eligibility, the debt limitation amount will return to \$2.7 million.

Chapter 13 Changes. The existing Bankruptcy Code offers debtors the chance to reorganize and restructure debt repayment under a three- to five-year Plan. Debtors may repay home mortgage arrearages, priority tax and child support claims and retain nonexempt property under Chapter 13. The CARES Act permits individuals and families currently operating under Chapter 13 Plans to seek revised payment Plan modifications due to the COVID-19 pandemic. These debtors may extend their payment Plans for up to seven years after their initial Plan payment was due. Thus, this circumvents the five-year limitation for repayment Plans appearing under current Chapter 13 law.⁴ Again, this provision has a one-year sunset date. The Act also excludes COVID-19 related payments from the disposable income calculations under Chapter 13.

CONSUMER RELIEF

Federal foreclosure and eviction suspensions. The CARES Act provides foreclosure relief for federally backed loans for residential properties purchased, securitized, owned, insured, or guaranteed by Freddie Mac or Fannie Mae or owned, insured, or guaranteed by Federal Housing Administration (FHA), Veterans Administration (VA), and the U.S. Department of Agriculture (USDA). In 2018, just under half of all loan applications in Montana were FHA, VA, or USDA based applications. Under the CARES Act, the servicer of a federally backed mortgage loan may not initiate any judicial or nonjudicial foreclosure process, move for a judgment to foreclose, order a sale, or execute a foreclosure related eviction or foreclosure sale. The provision lasts for at least a 60-day period beginning March 18, 2020. This provision is not limited to borrowers with a COVID-19 hardship.

Homeowners of federally backed mortgage loans may obtain forbearance

from making mortgage payments for up to 180 days and then request an additional forbearance for up to another 180 days. The Act does not reference taxes or insurance which may be collected and escrowed by the lender. However, during the forbearance period, no fees, penalties or interest may accrue on a debtor's account beyond amounts scheduled or calculated as if the borrower made all payments on time.

During the 120-day period beginning on the Act's enactment date, the lessor of a "covered dwelling" may not file a court action for eviction or charge additional fees for nonpayment of rent.⁵ After that 120-day period, the lessor cannot require the tenant to vacate until it gives the tenant a 30-day notice to quit. See § 4(c). A covered dwelling is one where the building is secured by a federally backed mortgage loan or participates in certain federal housing programs.

Gov. Steve Bullock executed Executive Orders 2-2020 and 3-2020 to declare a state of emergency in Montana. His directive implementing his Executive Order, dated March 30, 2020, limited residential foreclosures and evictions. This action specifically did not suspend payments that were due during the duration of his directive.

Student Loans. The CARES Act also offers relief for federal student loan borrowers. However, borrowers with Perkins loans or Federal Family Education Loans (FFEL) still held by banks or guarantee agencies are not protected. Direct loans and qualified FFEL borrowers will have their payments suspended through Sept. 31, 2020. Borrowers with federally held student loans will automatically have their interest rate set to 0% for a period of at least 60 days and will have the option to suspend their payments for at least two months to cope with the national emergency.

The Treasury Department has exempted the Social Security Administration from offsetting benefit payments against tax debts, student loans, or mortgage deficiency payments.⁶

Fair Credit Reporting. The CARES Act⁷ provides minimal protections regarding credit reporting. From Jan. 31, 2020, until 120 days after the end of the national state of emergency, if a creditor has made an accommodation (such as a forbearance or workout) for a consumer pursuant to the state of emergency, the

creditor shall report that account with the same status as prior to the accommodation to a consumer reporting agency. That is, if an account was current it shall continue to be reported as current, while a delinquent account shall continue to be reported as delinquent. The exceptions are (1) the provision does not apply to charged-off accounts and (2) if the account was delinquent and the consumer manages to bring the account current during the period of accommodation, the account shall be reported as current.

HEROES ACT

The House of Representatives on May 12 passed HR 6800, the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act. Although likely not in its final form, the proposed legislation extends and expands the eviction and foreclosure moratorium in the CARES Act and extends forbearance provisions for student loans. It also specifies certain home loan modification and loss mitigation programs that should be available following a moratorium to prevent any homeowner from facing foreclosure if they cannot pay the skipped payments. The bill would also raise the debt limitations in the bankruptcy code to make more individuals eligible for chapter 13.

What is clear is that the financial impact of COVID-19 on consumers and businesses will be widespread. The SBRA and the CARES Acts offer some short-term relief for virus related financial hardships.

Robert Drummond is a Chapter 13 Trustee from Great Falls.

Endnotes

1 Pub. L. No. 116-54.

2 Pub. L. No. 116-136

3 The CARES Act offers relief to businesses and consumers facing financial stress as a result of the COVID-19 epidemic.

4 11 U.S.C. § 1325(b)(4)

5 CARES Act § 4024(b).

6 Treasury Technical Bulletin No. 2020-7

7 CARES Act § 4021

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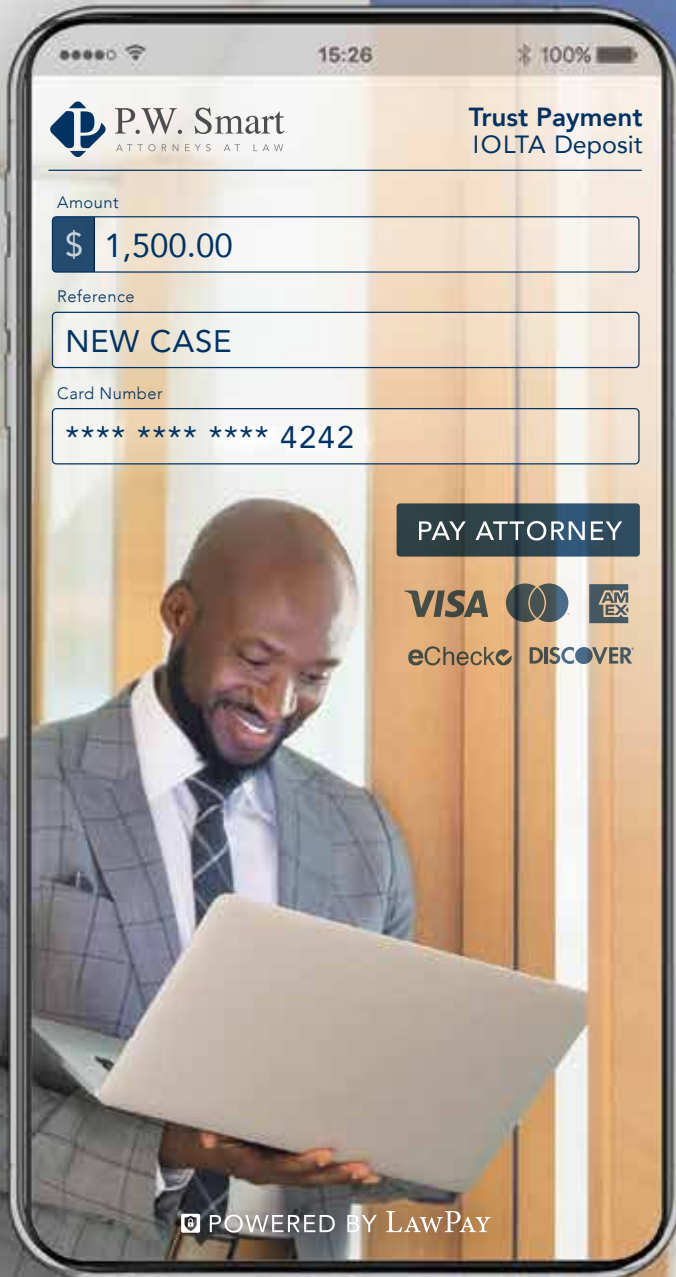
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MOCK TRIAL HAS DAY IN COURT

12 teams compete in
first Montana high
school mock trial
competition

By Joe Menden

Organizers for the Montana High School Mock Trial Competition thought their goal the tournament's first year was an ambitious one – attracting six teams. After all, previous attempts to drum up support for a state-wide competition were unsuccessful at drawing the two schools with competing teams –the minimum required for a National Mock Trial Championships qualifying tournament.

So when 12 total teams from across the state filled the Montana Capitol for the March tournament – one that featured intense competition and an awards ceremony with cheers loud enough to rival game day in some college football stadiums – it was a successful debut by any measure.

According to State Bar of Montana



Photos by Thom Bridge



AT LEFT: "ATTORNEYS" ISAAC NEHRING AND TAMARA O'LEARY prepare to try their case in the finals of the inaugural Montana High School Mock Trial competition at the Montana Capitol in March. Nehring and O'Leary were on opposing teams both from Helena High School.

BOTTOM LEFT: Judges for the final round of the competition were, from left, Montana Supreme Court Justice Jim Shea, ABA Immediate Past President Bob Carlson, State Bar of Montana President Juli Pierce, and Montana Supreme Court Justice Beth Baker.

BOTTOM CENTER: Sage Eck-Miller makes a point during closing arguments in the final round.

BOTTOM RIGHT: State Bar of Montana Executive Director John Mudd hands the first place trophy to Morgan Hill of Helena High.





Mara Flynn of Helena's Capital High School, above, and Eva Bruce of Kalispell's Flathead High School, below, accept Outstanding Attorney Awards.



Executive Director John Mudd, the statewide coordinator of the mock trial competition, said that the tournament's success would not have been possible without the overwhelming support of Montana's legal community, including critical funding from the Montana chapter of the American Board of Trial Advocates (ABOTA). Mudd noted that each competing school must have a lawyer as one of its coaches, and numerous lawyers, judges and other legal professionals are needed as volunteers to judge. A total of 38 volunteered to judge, including a panel for the final round

consisting of Montana Supreme Court Justices Beth Baker and Jim Shea, ABA Immediate Past President Bob Carlson, and State Bar of Montana President Juli Pierce.

Mudd said it was inspiring to see the teams in action.

"The talent and intelligence of every student was amazing," he said. "This competition provides a great opportunity for students to engage in public speaking. It also instills in them the idea that they could have a career in the law."

Mudd credited Helena attorneys David and Kayleigh Morine, along with

Helena High School teacher Kacey Askin for spearheading the effort of getting mock trial off the ground in Montana. The three, who have coached mock trial at Helena High for several years, did outreach at bar events and Montana teacher conferences to build support for a state mock trial competition. He also thanked Idaho attorney Greg Dickison for helping get the program up and running and traveling to Helena to help with the tournament.

For years, Helena High was a team in search of competition. With no other Montana mock trial teams, they turned to Idaho's mock trial tournament for courtroom action, where they were welcomed as competitors but without the possibility of advancing to nationals.

That experience proved valuable, as Helena High was represented by both teams that advanced to the finals. The winning team consisted of Sage Eck-Miller, Morgan Hill, Isaac Nehring, Grace Johnson, Ivan Kloberdanz, Dakota Franklin and Lauren Irwin – all of whom had competed in at least one out-of-state mock trial, according to the coaches.

David Morine said mock trial is an educational experience first and a competition second.

"It's really impressive to see how seriously these kids take it," he said. "We don't have to dumb it down for these kids."

Unfortunately, the National Mock Trial Tournament had to be canceled because of the COVID-19 pandemic. Morine said the state champion team was understandably disappointed but appreciated the need to cancel.

"Many other states were unable to hold their state tournaments because of the pandemic, and we were lucky enough to be able to have our tournament here in Montana before the virus spread," he said.

Kalispell Flathead High School took third place with a 3-1 record and nine winning ballots. Billings Skyview was fourth at 3-1 with seven winning ballots. The competition also included teams from Big Sky Lone Peak, Billings West, Helena Capital, two teams from

MORE MOCK TRIAL, PAGE 24

THANK YOU TO ATTORNEYS WHO VOLUNTEERED AS MOCK TRIAL JUDGES

Christopher Abbott, Helena
Qasim Abdul-Baki, Helena
Andy Adamek, Helena
Justice Beth Baker, Helena
Sara Berg, Helena
Christopher Betchie, Helena
Aislinn Brown, Helena
Marc Buyske, Helena
Ellyn Cahill, Dillon
Robert Carlson, Butte
Benjamin Eckstein, Helena
Ann Goldes-Sheahan, Helena
Mike Green, Helena
Steven Haddon, Boulder
Julie Johnson, Helena
Anna Maria Kecskes, Helena
Patricia Klanke, Helena
The Honorable John Kutzman,
Great Falls
Akilah Lane, Helena
Erin Lyndes, Helena
Molenda ("Molly") McCarty,
Helena
Erin Melsheimer, Bozeman
David Ortley, Helena
Caitlin Pabst, Bozeman
James Reavis, Helena
Heidi Sanders, Helena
Laura Schultz, Helena
Jake Schwaller, Helena
Joe Seifert, Helena
Jennifer Shannon, Missoula
Brandon Shannon, Missoula
Justice Jim Shea, Helena
Michele Snowberger, Helena
Abigail St. Lawrence, Helena
Betsy Story, Helena
L. Amelia Swanson, Helena
Kenneth Varns, Helena
Lindsay Ward, Helena

INDIVIDUAL AWARD WINNERS



State Bar President Juli Pierce stands with the Outstanding Attorney Winners (above) and Outstanding Witness winners (below).



OUTSTANDING ATTORNEY AWARDS

Hannah Amick, Stillwater
Christian
Hailey Brewer, Helena High
Eva Bruce, Flathead
Makayla Cogley, Helena Capital
Sage Eck-Miller, Helena High
Mara Flynn, Helena Capital
Ryan Frampton, Stillwater
Christian
Tessa Harmon, Stillwater
Christian
Emmi Highness, Helena High

Morgan Hill, Helena High
Melaina Klobberdanz, Helena High
Jackson Lang, Big Sky Lone Peak
Zach Mangels, Skyview
Madison Morken, Stillwater
Christian
Isaac Nehring, Helena High
Scott O'Donnell, Flathead
Alana Rotter, Helena High
Caitlyn Sena, Helena High
Brooke Sedlock, Helena High
Carsten Straub, Helena High

MORE WINNERS, PAGE 24

MOCK TRIAL

FROM PAGE 22

Stillwater Christian, and an additional three teams from Helena High.

Alanah Griffith and fellow Gallatin County lawyer Matt Dodd coached the Lone Peak High School team. Griffith had previously coached the school's Model UN team and said she was looking for a new academic project when she heard about mock trial. She said teaching the law from the ground up was a lot of work, but it was well worth it to see the team members blossom and come out of their shells. In addition to finishing 2-2 in its trials, Lone Peak finished in a three-way tie with two of the Helena teams for the Civility and Ethics Award, voted on by the other teams.

Griffith plans to coach again next year and said her team was all underclassmen, and they are excited to participate again too.

Helena attorney Qasim Abdul-Baki was among the volunteer judges and loved it. He said he has judged speech and debate competitions in the past, but he found mock trial much more interesting and enjoyable. It didn't hurt that he got a standing ovation when he introduced himself as a public defender, he said.



Students enjoy the awards ceremony announcements during the inaugural Montana High School Mock Trial Competition in March at the Capitol.

Courtroom artist competition

In addition to the litigation aspect, the mock trial competition also featured a courtroom artist component.

Taking first place was Sydney Loudermilk of Flathead High School with the sketch titled "Allen Giving His Opening Statement." An untitled sketch from Selah Neumann of Stillwater Christian won first runner-up, and Noalani Old Elk of Billings

West was second runner-up with a sketch of titled "Old Supreme Court."

Entries were judged on several criteria, including accuracy of proportion, realism, and authenticity regarding traditional courtroom sketching. Matt Thiel and Greg Munro, both lawyers and artists from Missoula, volunteered to judge the courtroom artist competition.

The three works are featured on the cover of this issue.

WINNERS

FROM PAGE 23

OUTSTANDING WITNESS AWARDS

Silas Beebe, Helena High
Ruth Blodgett, Big Sky Lone Peak
Anna Christenson, Flathead
Isabella Dyekman, Billings West
Dakota Franklin, Helena High
Reilly German, Big Sky Lone Peak
Querin Hurtt, Skyview
Daniel Jacobsen, Stillwater Christian
Grace Johnson, Helena High

Anthony Latka, Helena Capital
Dominic Lucero, Skyview
Greer MacDonald, Helena High
Mason Mattocks, Stillwater Christian
Meghan Rake, Helena High
Blake Restivo, Stillwater Christian
Alack Rosman, Helena High
Cydnee Schuman, Stillwater Christian
Caitlyn Sena, Helena High
Madison Sides, Helena High
Carsten Straub, Helena High
Cadence Tyhurst, Helena Capital

Jordan Varga, Flathead

Final standings

1. Helena High Team Baker (4-0)
2. Helena High Team McGrath (3-1)
3. Kalispell Flathead High (3-1)
4. Billings Skyview (3-1)

Also participating:

Big Sky Lone Peak, Billings West, Helena Capital High, Helena High Team McKinnon, Helena High Team Rice, Helena High Team Shea, Stillwater Christian Team 1, Stillwater Christian Team 2.



Tips for notarizing, executing documents, and other concerns in the age of pandemic

By Justin Bryan

Months into the COVID-19 crisis, social distancing recommendations continue to impact the legal profession. At-risk groups and certain we all must think creatively about how we practice. The information in this article is intended to help lawyers adjust their practice to operate under the current conditions.

Montana remote notarization

Montana law permits remote notarization of documents. This allows most legal documents to be signed and notarized remotely via electronic communication, with the signer and notary in separate locations. If you are currently a Notary Public you cannot remotely notarize documents unless you have been certified by the Montana Secretary of State to engage in remote notarization. To be certified to remotely notarize you must pass an additional test. For information on the process to become certified to remotely notarize, you may contact Lori Hamm at the Montana Secretary of State's office. Hamm's phone number is 406-444-5379.

To give you some insight into the

remote notarization testing process, I recently passed my remote notarization exam and the process was not very time consuming. It took me about 30 minutes to study for the exam and 30 minutes to take the exam online. I received my certificate the following day from the Secretary of State's Office. Signing up for the proper video conferencing software took additional time as there are various options to choose from.

Executing estate planning documents that need witnesses

While most documents can be executed remotely, some documents require witnesses. For estate planning attorneys the Last Will and Testament (which I will refer to in this article as a Will) and the Living Will generally need to be witnessed under Montana law. Remember that Trusts, Healthcare Power of Attorneys, Financial Power of Attorneys and HIPAA Authorizations do not require witnesses under Montana law.

Summary of the Will Execution Requirements:

Although many of you are familiar with the Will execution requirements

under Montana law, a summary may be helpful. In general, the Montana Uniform Probate Code requires the following for execution of a Will:

1. The Will must be in writing;
2. The Will must be signed by the testator or in the testator's name by another individual in the testator's conscious presence and by the testator's direction; and
3. The Will must be signed by at least two individuals, each of whom signed within a reasonable time after having witnessed either (a) the signing of the Will as described above; or (b) the testator's acknowledgment of that signature or of the Will.

See Mont. Code Ann. § 72-2-522(1).

Under the Montana Uniform Probate Code, any individual generally competent to be a witness may act as a witness to the execution of the Will and the signing of a Will by an interested witness does not invalidate the Will or any provision of it. See Mont. Code Ann. § 72-2-525. Furthermore, it is important to note that the witnesses do not need to sign the Will contemporaneously with testator, but instead may sign the Will within a reasonable time after having witnessed

either the testator's signature or testator's acknowledgment of that signature or of the Will. See Mont. Code Ann. § 72-2-522(1)(c).

A Will that does not comply with the above requirements (including the two individual witnesses requirement) is valid as a holographic Will, witnessed or not, if the signature and material portions of the document are in the testator's handwriting. See Mont. Code Ann. § 72-2-522(2).

In addition, if a Will was not executed in compliance with the above requirements (including the two individual witnesses requirement), under the Montana Uniform Probate Code the document is treated as if it had been executed in compliance with those requirements if the proponent of the document establishes by clear and convincing evidence that the decedent intended the document to constitute the decedent's Will. See Mont. Code Ann. § 72-2-523. Intent that the document constitute the testator's Will may be established by extrinsic evidence, including, for holographic wills, portions of the document that are not in the testator's handwriting. See Mont. Code Ann. § 72-2-522(3).

Although notarization of a Will is best practice in general, it is not required for valid execution of a Will under the Montana Uniform Probate Code. Rather, notarization of the signatures of the testator and the two witnesses on the Will is necessary for the Will to be "self-proved" under the Montana Probate Code. See Mont. Code Ann. § 72-2-524. If a Will is not "self-proved", it can still be a valid Will, but there may be additional proof requirements if the Will is later the subject of formal probate. See Mont. Code Ann. § 72-3-321.

Will and Living Will execution options for consideration

As noted above, the witness requirement for Wills under the Montana Uniform Probate Code appears to require that the witnesses be physically present with the testator to witness the testator either signing the Will or acknowledging of that signature or the Will. Similarly, the witness requirement for a Living Will under Montana law may also require the physical presence of the witnesses at the time the Living Will is executed. See

Mont. Code Ann. § 50-9-103(1). Thus, under the existing Montana statutes and caselaw, even with Montana's remote notarization statutes, we cannot fully execute a Will or a Living Will remotely without some uncertainty and risks to our clients.

In light of these circumstances, the BETTR Section executive committee has identified the following options for consideration in conducting estate plan signings in light of the COVID-19 crisis. However, these options are not all inclusive, and attorneys should consider whether these options or alternative procedures for estate plan signings are necessary or advisable under their particular circumstances. Alternative procedures for estate plan signings may certainly also be protective and valid under Montana law or otherwise necessary or advisable under the particular circumstances. Furthermore, as we have all witnessed in recent days, the COVID-19 crisis is very fluid and new federal, state or local directives or recommendations or new medical guidance may certainly make additional precautions or alternative estate plan signing procedures necessary or advisable under the circumstances.

Medical guidance concerning transmissibility and best practices to stay safe is constantly changing. Nothing in this email is to be interpreted as medical advice. You will need to stay informed as to as new medical guidance is issued and may need to modify the below to account for said new advice. Furthermore, it is important that both you and your clients understand the inherent risks in using any of the estate plan signing options discussed in this email.

Physical presence witnessed signings/drive-by signings

Prior to the COVID-19 crisis, clients typically signed their estate plan at the attorney's office in the physical presence of two disinterested witnesses and a notary from the attorney's office.

During the COVID-19 crisis, attorneys or their clients may prefer not to sign estate plan documents at an attorney's office. In such case, attorneys should consider whether signing the estate plan documents at the client's house, a parking lot or other location is advisable. If so, a notary and two witnesses can drive to the client's house or other agreed location and conduct the

signing on their front porch, or other appropriate space. This approach allows you to be comfortable that you have a properly executed and witnessed estate plan. A few tips for consideration:

- Witnesses and notary should drive in separate vehicles
- Get folding tables that can be placed in the back of your vehicle. Ideally the clients, the witnesses and the notary would all have separate tables. Small tables that can be used for signing can be found for around \$25 dollars on Amazon.
- Use gloves and clean the surface of the tables before and after each signing.
- Set-up the tables such that everybody is standing at a safe distance.
- Provide new pens to the clients for the signing and the clients will keep their pens after the signing (or have the clients use their own pens).
- Separate the signature pages so that multiple parties are not signing on the same page.
- Provide a folder for the clients to place the documents in after they have signed.
- Provide a folder for witnesses and notary to place the documents in after they have signed.
- Collect the folders after the signing and put them in a bag. Leave the folders in the bag for at least 72 hours before assembling the estate plan. Note: the 72 hours is a general guideline and is not offering any medical advice or representation that after 72 hours the documents will be safe if they were contaminated by COVID.

If due to the COVID-19 circumstances your client cannot safely execute his or her Will in the physical presence of two disinterested witnesses and a notary from your office as described above, but your client has at least two other individuals available to serve as witnesses at his or her house or health care facility, consider sending the estate plan documents to your client with execution instructions to execute the Will and Living Will at his or her house or health care facility in the physical presence and hearing of the two individuals who sign the Will and Living Will as witnesses (as noted above, the

individual witnesses for the Will do not need to be disinterested persons and can be any individual generally competent to be a witness, whether a family member, a neighbor, or a health care professional). If you are unable to be physically present at the execution of the estate plan documents, you may consider participating remotely in the execution process on the telephone or by an audio-visual app (e.g., Facetime, Zoom, Skype), but with the two individual witnesses in the physical presence and hearing of the testator during the execution of the Will and Living Will. In such case, if a notary is not available at the testator's residence or facility or remotely as discussed above, you might consider providing your client with options to schedule an appointment at your office when safe and COVID-19 restrictions have lifted to complete a "self-proving" affidavit in front of your notary and two individual witnesses in accordance with Mont. Code Ann. § 72-2-524, if he/she would like.

Options for consideration when physical presence of witnesses is not possible:

The risks presented by the current COVID-19 pandemic, and the restrictions of the state-wide stay at home order, in conjunction with social distancing standards, present logistical challenges to execution of Wills and Living Wills in compliance with the two individual witnesses requirement discussed above and notarization of the Will as required for a "self-proved" Will.

When it is not possible to have your client sign his or her Will in the physical presence of two individual witnesses (whether at the attorney's office, at the client's home, a health care facility or other location) as discussed above, you should consider other options that may be appropriate or advisable under the circum-

stances, including the following:

1. Using a Revocable Trust under the Montana Uniform Trust Code prepared by the attorney and signed by your client, as well as a holographic pour-over Will written and signed by your client in his or her own handwriting. (In addition, consider having two individuals remotely witness the execution of the revocable trust and the holographic pour-over Will, as discussed further below.)

2. Using a holographic Will written and signed by the testator in his or her own handwriting. (In addition, consider having two individuals remotely witness the execution of the holographic Will, as discussed further below.)

3. Having two individual witnesses (preferably in the same location) remotely witness by audio-visual medium (e.g., Facetime, Zoom, Skype) your client's execution of the Will. In such case, you should ensure that everyone can see each other and no one goes off camera, and consider asking whether others are in the room with your client (and, if so, what their relationship is to your client). CAUTION! Witnessing remotely under the current Montana Uniform Probate Code and Montana caselaw may not satisfy the two individual witness requirement under Mont. Code Ann. § 72-2-522(1). Some practitioners believe that it is unclear under the current Uniform Probate Code and Montana caselaw whether the two individual witness requirement under Mont. Code Ann. § 72-2-522 could be satisfied by remote witnessing by an audio-visual medium (such as Facetime, Skype, or Zoom), while many practitioners believe that the physical presence of the witnesses is required. However, even if remote witnessing does not satisfy the two individual witness requirement, remote witnessing may lend support to establishing by clear and convincing evidence that your client intended the executed Will to constitute his or her Will under Mont. Code Ann. § 72-2-523. To further fortify your clear and convincing evidence, consider asking your

your client write, in his/her own handwriting, either in the left-over space left at the bottom of the last page of the Will, or on a separate page to attach to the Will, a statement to further support clear and convincing evidence along these lines:

I, [Client's Name], intend the foregoing [or attached] instrument dated _____, 2020, to constitute my valid Last Will & Testament. Due to the COVID-19 pandemic, I am unable to sign (or I have determined that it is not safe for me to sign) my Will in the physical presence of my two individual witnesses. However, my attorney, [attorney's name], [and _____] have remotely witnessed my signing of this Will by [Facetime/Skype/Zoom, etc.].

[Client Signature and Date]

In addition, the individual witnesses should sign a counterpart to the Will noting that they remotely witnessed your client's execution of the Will. Additionally, as soon as practical after remotely witnessing your client's execution of the Will, consider having each individual witness execute an affidavit outlining that due to the COVID-19 pandemic, the client determined that he or she was unable to sign (or it was unsafe to sign) the Will in the physical presence and hearing of the two individual witnesses under the circumstances, that the individual witnessed the client sign the Will remotely by specified audio-visual medium (e.g., Facetime, Skype, Zoom, etc.), and the client acknowledged to the individual witness that he or she intended the Will to constitute his or her valid Last Will and Testament. If possible, the individual witness should have the affidavit notarized (or remotely notarized, as described above) and, if a notary is not available at such time, consider securely emailing the affidavit to yourself for time-stamping purposes.

Finally, with all of the options described above when the physical presence of two witnesses at your client's execution of the estate plan documents is not possible, you should schedule with the client an appointment on your calendar to meet with you and two individual witnesses in person as soon as it is possible to re-execute the Will in the physical presence and hearing of two individual witnesses and a notary.

Justin Bryan is an attorney from Bozeman. He is the chair of the State Bar of Montana's Business, Estate, Trusts, Tax & Real Property Section.

BETTR SECTION MENTOR PROGRAM

New to transactional practice and don't know where to find answers? Providing limited-scope input within the mentor's discretion, a mentor from the BETTR section may be able to help. To learn more, or to find a mentor, email Kathleen Magone, chair of Education and Outreach Committee of the BETTR section, at kmagone@bresnan.net.

New project will recruit, support Emeritus attorneys

Second Act Justice Project

Allows lawyers retired from practice to maintain licence for pro bono work without paying dues

Montana Legal Services Association has established the Second Act Justice Project, a pro bono program designed to recruit and support Emeritus Attorney members of the State Bar of Montana.

Emeritus status might be a good option for attorneys who are thinking of retiring from practice but want to continue to be involved. Emeritus members of the bar do not pay bar dues if they provide 25 hours of pro bono representation each year.

Through the Second Act Justice Project, Emeritus members can provide civil legal aid to low-income Montanans. MLSA offers an extensive variety of limited-scope opportunities, including over-the-phone advice appointments and in-person clinics, as well as opportunities for full representation. For attorneys who would rather not work with clients as much during retirement, MLSA has opportunities for mentorship and developing legal resources for clients, their advocates and other pro bono attorneys. In addition, MLSA accommodates volunteers with administrative support, malpractice coverage, office space for in-person appointments and several free CLE courses throughout the year. Right

now, MLSA is looking for attorneys who can provide assistance on public benefits, family law, employment, landlord/tenant issues and wills/estate.

If you're interested in applying for emeritus status, visit the Emeritus Status page of the Bar's website and download an application, then mail your application to the State Bar of Montana, P.O. Box 577, Helena, MT 59624. To qualify, you'll need to have practiced (or had judicial status) for 10 of the past 15 years, and you must be in good standing with the bar. If you have questions about MLSA's pro bono opportunities or emeritus status, please email MLSA's Director of Pro Bono Angie Wagenhals at awagenha@mtlsa.org.



THANK YOU

Thank you to the Montana Chapter of the American Board of Trial Advocates (ABOTA) for its generous financial support of the inaugural Montana High School Mock Trial Competition.

Thanks also to the dozens of Montana lawyers, judges and legal professionals for volunteering as judges and team coaches. The competition would not have been possible without you.

6 Montana students' entries advance to finals in 9th Circuit civics contest

Three videos and three essays by Montana students have chosen as finalists in the 2020 Ninth Circuit Civics Contest for high school students.

The Montana winners in each category receive cash prizes of \$2,000 for first place, \$1,000 for second place, and \$500 for third place and advance to the circuit-wide contest, where there will also be cash prizes for the top three in each category. The Montana winners are:

Essays: First place, Zach Mangels, Billings Skyview High School; second place, Zander Opperman, Gardiner Public School; third place, Hannah Martin, Corvallis High School.

Videos: First place, Nathaniel Broch, Corvallis High School; second place, Abigail Clark, Fort Benton High School; and third place, Monse Arvayo, Fort Benton High School.

The contest's theme was "The Right to Vote: Milestone Anniversaries." Students in grades 9-12 in public, private and parochial schools and home-schooled students of equivalent grade status were challenged to write an essay or produce a short video with the questions presented: "In the wake of the 15th and 19th Amendments, barriers remained to prevent United States citizens from voting. Do formal or informal barriers remain today? What additional changes would you make, if any, to Americans' voting rights?"

Federal courts in the 15 western United States, Guam and the Northern Mariana Islands held local contests with winners advancing to the final round to compete in the circuit-wide competition. Nearly 1,000 young people entered the contest, despite challenges posed by school closures and distance learning due to the coronavirus pandemic, with 38 essays and 27 videos selected to advance to the final round. Winners were to be announced in late June.

Longtime federal judge Shanstrom dies at age 87

The Honorable Jack Dale Shanstrom died on Jan. 13, 2020, at age 87.

Judge Shanstrom was born on Nov. 30, 1932, in Hewitt, Minn. He earned a Bachelor of Arts degree from the University of Montana in 1956, and a year later received a Bachelor of Science degree from the University of Montana and a Bachelor of Law from the University of Montana School of Law.

After law school, Jack and his wife, Audrey, moved to Great Falls, where Jack was a United States Air Force first lieutenant, JAG Corps, from 1957 until 1960. Within months of discharge he filed for the county attorney's position

in Park County and won. After practicing as a prosecutor for four years he was appointed by Gov. Tim Babcock in 1965 to become a state district court judge, which at age 32 made him the youngest person at that time to sit on the bench. He held that position until 1982.

In 1983 he became Montana's first full-time U.S. Magistrate Judge and moved to Billings. He served in that position for seven years, when on Feb. 23, 1990, President George H. W. Bush appointed him to a seat on the U.S. District Court for the District of Montana. While on the federal bench Jack developed the concept of


mediation. Today mediation is used across the United States. Also, during his judgeship he presided over courtrooms across the country, Guam and Saipan, and served on panels for the U.S. Ninth Circuit Court of Appeals. Jack was chief judge from 1996 to 2001. After dealing with the diagnosis of Parkinson's disease for several years, Jack decided to assume senior status on Jan. 30, 2001, and ultimately retired from the bench on Sept. 15, 2013.

Memorial donations may be made to American Parkinson Disease Association or to the Parkinson's organization of your choosing.


STATE BAR OF MONTANA


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Nominations Due Friday, July 17





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NEIL HAIGHT PRO BONO AWARD
to a lawyer, other individual or organization which has provided pro bono services to Montanans in need.





GEORGE BOUSLIMAN PROFESSIONALISM AWARD
to a lawyer or firm that has established a reputation for and a tradition of professionalism



Nomination Forms & More Information Available at
MONTANABAR.ORG/PAGE/AWARD_NOMINATIONS

A letter of thanks to Montana and Gallatin County Bar members

Honorable Members of the Montana and Gallatin County Bars:

As I continue to struggle to lift myself off the ground, I write to thank all of you who called, texted, emailed, sent cards or marched into my home or office to offer words of love, support, comfort and, more often than not, simply a silent, warm embrace following the unexpected passing of my son, Sean Noel Gallik, on January 1.

Following Sean's service, my good friend, Mike Cok, dropped off a book for me to read, titled "Lament for a Son." It was written by Nicholas Wolterstorff, a professor of Philosophical Theology at Yale University. Mr. Wolterstorff, like me, suffered the loss of a son at the age of 25. At page 13 he writes:

We took him too much for granted. Perhaps we all take each other too much for granted. The routines of life distract us; our own pursuits make us oblivious; our anxieties and sorrows, unmindful. The beauties of the familiar go unremarked. We do not treasure each other enough.

In the rough and tumble world of our profession, it is easy to forget, or take for granted, that the overwhelming majority of the members of our profession – including the advocates on the other side of our disputes, and the judges called upon to make important decisions about those disputes – are caring, compassionate and there to listen or help when needed, or requested. Unfortunately, it took a loss like mine for me to see what has always been there.

The outpouring of unconditional love and support has left me humbled and, going forward, I hope more mindful. At the end of the day, in our private and professional lives, all we really have are the bonds of our love and attachment to one another.

Thank you again.

Brian K. Gallik
Gallik, Bremer & Molloy, P.C.

CLASSIFIEDS Contact | To post a job on our online Career Center, visit jobs.montanabar.org (Montana Lawyer classified included in price). For all other classified inquiries, email editor@montanabar.org or call 406-447-2200.

ATTORNEYS

ASSISTANT FEDERAL DEFENDER, MONTANA: The Federal Defenders of Montana, Inc. is soliciting applications for an Assistant Federal Defender at the Billings Branch Office. To apply, by email only please submit a statement of interest and a detailed resume of experience with three references in a single Adobe PDF file using the subject line "MTX-Assistant Federal Defender" to: mtx_employment@fd.org. Applications must be received no later than 5:00 p.m. Mountain Time on July 1, 2020. See full listing at <http://fdom.org/careers>.

ASSISTANT FEDERAL DEFENDER, WYOMING: Full-time position, stationed in our office in Casper, Wyoming. The Assistant Federal Public Defender provides zealous, professional legal representation at court hearings, covering initial appearances and subsequent stages of federal criminal proceedings, primarily on the Casper docket. Submit a letter of interest, resume, and a writing sample that is your own work to Kim W. Bechard, Administrative Officer, at employment@cofpd.org.

ASSOCIATE ATTORNEY: Bitterroot Law is looking for an experienced attorney to join the fastest growing law firm in the Bitterroot Valley. Bitterroot Law is a general practice firm with a focus on aviation law, criminal defense, civil litigation, business transactions, family and real estate law. Experience is preferred but not required. The applicant must be licensed in Montana.

ASSOCIATE ATTORNEY: Brown Law Firm, P.C., with offices in Billings and Missoula, is seeking an Associate Attorney with 3 to 5 years litigation experience for its office in Missoula. We offer a competitive salary, benefit package including profit sharing and 401(K). Please send a cover letter, resume, references and a writing sample to Brown Law Firm, P.C., Attn: Shane MacIntyre, 269 West Front St, Suite A, Missoula, MT 59802, or email

to smacintyre@brownfirm.com. All applications will be confidential.

ASSOCIATE ATTORNEY: Great Falls Bankruptcy/Litigation firm is looking for an Associate to join a busy firm. Bankruptcy/litigation experience preferred but not required. Applicant must be licensed in Montana or planning to sit for the July 2020 Bar, with continued employment contingent upon obtaining a license to practice within 6 months. Please email cover letter, resume, transcript, references, and writing sample to Deschenes & Associates Law Office Attn: Gary S. Deschenes bkcy@dalawmt.com OR mail to P.O. Box 3466, Great Falls, MT 59403.

DEPUTY COUNTY ATTORNEY: This position prosecutes criminal and civil offenses, represents county government in legal proceedings, and advises county officials on civil matters. For additional information or to apply, visit www.lccountymt.gov/hr/jobs.html

DEPUTY COUNTY ATTORNEY – Civil: Position acts as general counsel for Cascade County (County) and serves as legal advisor to the Board of County Commissioners and other local government entities and is responsible for various other statutory civil duties of the County Attorney. Applicants are required to provide the following: Cascade County Employment Application, letter of introduction, resume, writing sample, copy of Montana Law License. For full listing and to apply, visit www.cascadecountymt.gov/employment

EXPERIENCED COMMERCIAL ATTORNEY: Frampton Purdy Law Firm, a busy, boutique firm in Whitefish, Montana, is seeking an experienced commercial attorney (4+ years) to assist with business transactions, business formation, and commercial/real estate transactions and related issues. Depending on experience, attorney's practice could focus on tax-related matters (advising, compliance, reporting, controversy), estate planning and administration.

PARALEGALS & LEGAL SECRETARIES

PARALEGAL: Small busy law office in downtown Billings is seeking a paralegal. Prior experience is required. Competitive salary. If interested, email resume and letter to classifieds@montanabar.org with subject line "PARALEGAL APPLICATION."

LEGAL ASSISTANT: Assist busy attorneys with all tasks related to commercial and general civil litigation, personal injury, real estate and business, estate planning, probate, criminal defense, and appeals. The successful candidate must provide superb case management, prepare and file legal and other documents promptly, provide excellent customer service, and assist attorneys with day-to-day functions including calendaring and scheduling. Must have strong computer skills. Candidates should be comfortable working independently and be able to manage a wide variety of tasks. Email application materials to rachel@montanalawyer.com.

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TIME TO RETIRE. HH Evictions, Inc. is for sale. Fun business. Like practicing law on the Jerry Springer show. Inexplicably, very low stress. Work very part-time and make low professional income. Business has obvious significant growth potential for somebody who actually wants to work full time (hard to imagine). I'll train and work for up to 3 mos. on demand till you are up and running. Covenant not to compete etc. CASH ONLY, with appurtenant significant discount from appraised value to encourage cash. Numbers easily justify commercial loan. 406-240-1216

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PREMIUM PROFESSIONAL OFFICE SPACE FOR RENT:

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CONTRACT ATTORNEY available for hire to assist your firm with brief writing, legal research, document review, and court appearances. Strong research/writing skills, former UM Law graduate on National Moot Court and Montana Law Review, and professional experience at a Missoula law firm. Contact me at pannabeckerr@yahoo.com, (406) 590-5167

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