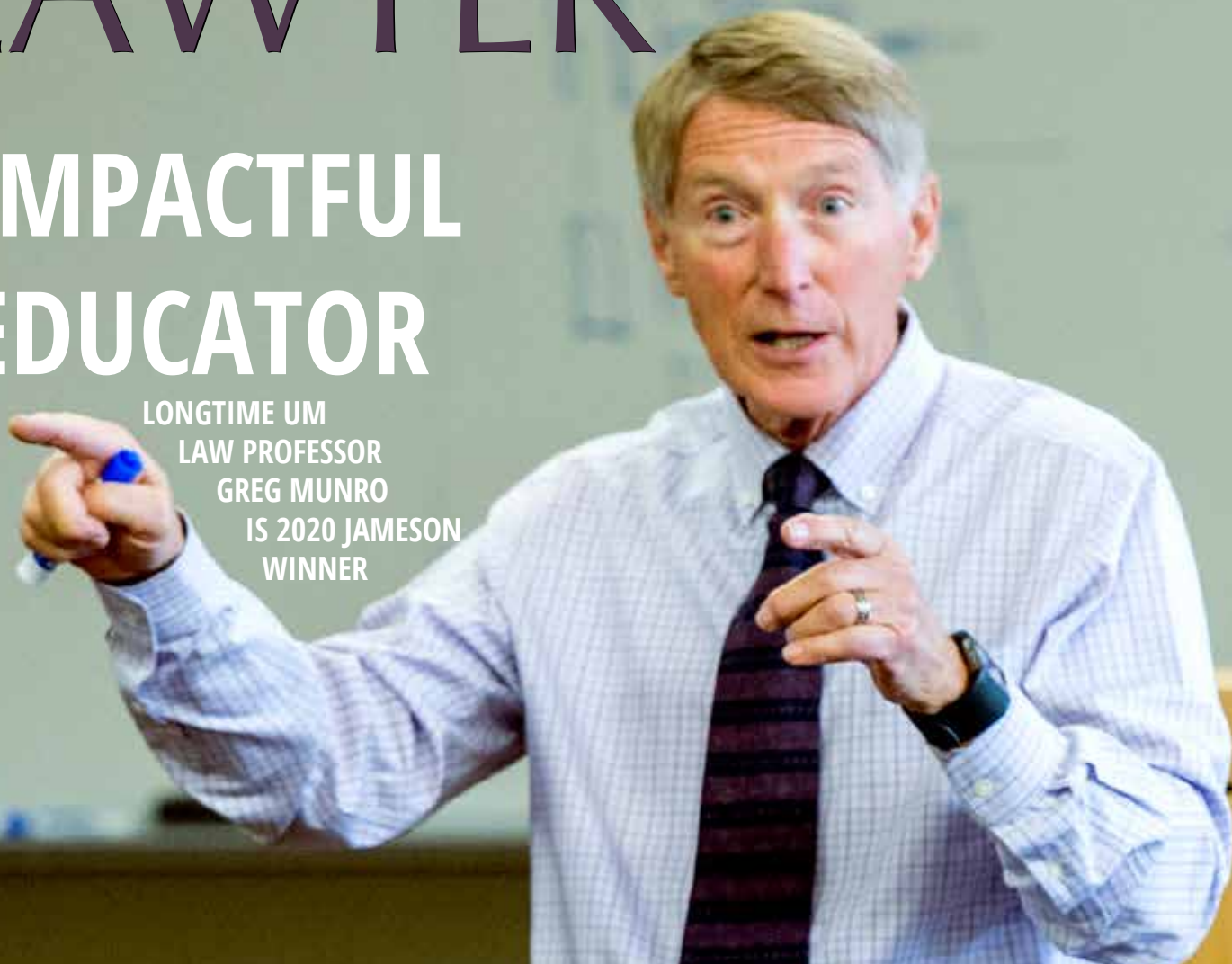


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ON THE COVER



THE STATE BAR OF MONTANA handed out its awards virtually this year, with Greg Munro winning the William J. Jameson, Chief Water Judge Russ McElyea winning the Karla M. Gray Equal Justice Award, Kay Lynn Lee winning the Neil Haight Pro Bono Award and Fred Snodgrass winning the George L. Bousliman Professionalism Award.

FEATURE ARTICLES



2020 STATE BAR AWARD WINNERS

The State Bar of Montana handed out its annual awards at the 2020 Virtual Annual Meeting. Read all about the winners on pages 12-19.

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It's never too early for lawyers to plan for the inevitable.

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Knowing the rules and the benefits of a record are key to combating unfairness you may experience in a court setting

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Celebrating a life and a legacy for women in America

This joint message celebrates a landmark in history and women in our profession, and recognizes the life of one of our heroes, Justice Ruth Bader Ginsburg.

Just over 100 years ago, on Aug. 18, 1920, the passage of the 19th Amendment guaranteed women in our country the right to vote. The right to vote may seem like one of those “inalienable rights” guaranteed by the Declaration of Independence. However, the original United States Constitution did not include voting as a right that citizens held in the United States. As a compromise at the Constitutional Convention, the founding fathers left it to each state to develop its own qualifications for voting. Unfortunately, Montana’s 1889 original state Constitution extended voting to all male citizens, black and white, but not to women or Native Americans because they did not pay taxes on their lands. The suffrage movement began well before then in the 1770s and continued with even more gusto after the women’s rights convention in Seneca Falls, N.Y., in 1848, which is what history usually declares as the “official” beginning of the suffrage movement.

In 1914, Montana’s very own Rep. Jeannette Rankin—the first woman anywhere in the country elected to national office and the first female member of Congress—helped the women

in Montana win the vote prior to the passage of the 19th Amendment. As you all know, Congresswoman Rankin’s first vote as a member of the United States Congress would be a brave, resounding “no” vote on President Wilson’s declaration of war against Germany. However, Congresswoman Rankin’s no vote on war did not affect Montana’s forward movement related to suffrage. Proudly, on Aug. 2, 1919, Montana became the 13th state in the union to ratify the 19th Amendment.

Sadly, even after the 19th Amendment guaranteed women their right to vote, state and local officials used ordinances and intimidation tactics to continue to keep women, as well as minority men, from the polls. Forty-five years after the ratification of the 19th Amendment, Congress finally passed the Voting Rights Act of 1965. Although it was not perfect and initially omitted discrimination based on sex, it has been considered a landmark piece of legislation in securing the right of racial minorities to vote throughout the country.

Attorneys and judges across our country have played and continue to play a championing role in paving the way for equal justice, which includes continuing the advancement of women’s rights. Justice Ruth Bader Ginsburg was one of those champions. As a lawyer, Ginsburg



KATE MCGRATH ELLIS



JULI PIERCE

Kate McGrath Ellis and Juli Pierce are the president and immediate past president of the State Bar of Montana

MONTANA LAWYER

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As we celebrate the courage of the women before us and Justice Ginsburg's legacy, we know there is still more we can do to strive to live out the meaning of diversity and inclusion.

used her razor-sharp intelligence to win landmark cases extending equal rights protections of the 14th Amendment to women. For example, using her innovative and effective strategy of arguing on behalf of men to benefit women, Ginsburg convinced the all-male United States Supreme Court to apply a stricter standard of judicial scrutiny for laws that used sex as a classification, changing the landscape of judicial review of sex discrimination. As a Supreme Court justice, Ginsburg continued to give a voice to equal justice for all, even as the "Great Dissenter." Justice Ginsburg dissented from the Supreme Court's decision striking down a provision in the Voting Rights Act of 1965 requiring oversight of changes to election practices in primarily Southern states, providing a meticulous recount of the history of voter suppression of minorities in the South, which she read from the bench. Justice Ginsburg also set the groundwork for the Lily Ledbetter Fair Pay Act—resetting the statute of limitations on equal-pay lawsuits with each paycheck — by recognizing in her dissent that "[c]ompensation disparities are often hidden from sight."

Perhaps her passion for equality arose out of Ginsburg's own experiences with sex discrimination. For example, despite the fact that Ginsburg graduated top in her class at Columbia Law School, she had difficulty finding work as a lawyer. Turning rejection into opportunity, Ginsburg found work in academia after clerking for a federal court. While on the faculty at Rutgers School of Law, Ginsburg felt compelled to hide her pregnancy out of fears of being demoted. But fear did not stop Ginsburg, who then established The Women's Rights Law Reporter at Rutgers. Ginsburg also recalled times as a young lawyer when she would say something during a meeting, "[t]hen somebody else would say exactly



Ruth Bader Ginsburg

what I said, then people would become alert to it, respond to it." Even at the United States Supreme Court, Justice Ginsburg recalls bringing up a point, and then "it isn't until somebody else says it that everyone will focus on that point."

On Sept. 18, 2020, our nation lost one of its fiercest advocates for women's rights and equality with the death of Justice Ginsburg. One of Justice Ginsburg's colleagues, Justice Sonia Sotomayor said, "Ruth Bader Ginsburg was an American hero. She spent her life fighting for the equality of all people, and she was a pathbreaking champion of women's rights. ... She has left a legacy few could rival." And Justice Brett Kavanaugh summed up Justice Ginsburg's legacy by stating, "No American has ever done more than Justice Ginsburg to ensure equal justice under law for women."

As we celebrate the courage of the



Jeannette Rankin

women before us and Justice Ginsburg's legacy, we know there is still more we can do to strive to live out the meaning of diversity and inclusion. The State Bar's Social Justice Task Force will continue the conversations that were launched at the 2020 Virtual Annual Meeting regarding social issues facing our country, state, and communities, with an eye to identifying concrete steps our profession can take to effect positive change. Please join the State Bar in celebrating and encouraging inclusion, diversity, and civility in honor of those women pioneers that paved the way for such social justice.

Note: Much of the history related to the 19th Amendment comes from the book "And Yet They Persisted: How American Women Won the Right to Vote" by Johanna Neuman.

Walsh announces he is practicing law — 45 years after earning his law degree

Frank Walsh has announced that 45 years after graduating from the University of Montana Law School in 1975, he is finally practicing law.

“I have a longstanding relationship with the University of Montana: 1962 – BA, Journalism/English and BA, Political Science/History; 1972 – MA, Journalism/History. Early on I was a practicing journalist and applied journalism skills for large corporate public relations activities.”



Walsh

After law school Walsh taught First

Amendment and intellectual property law at a variety of universities: Ball State University, University of Texas and Texas State University. He retired from teaching in 2017.

He said the question, “Is there any opportunity to practice law in Austin,” kept popping up in his mind. In mid-July, the Texas Bar created new section for Bar membership: New Opportunities Volunteer Attorney (NOVA) Pro Bono Program. You could join the Texas Bar as a NOVA pro bono attorney if you were a member in good standing in another state bar – he has been a member of the Montana Bar since 1975.

Now able to practice pro bono in Texas, he joined the Texas Fair Defense Project and began defending his first client.

Samuel King joins Doney Crowley in Helena

Doney Crowley P.C. in Helena is pleased to welcome Samuel King to the firm.

King, a fourth-generation Montanan, grew up in Missoula and attended college at the University of Wyoming. After college, King was a swim coach for eight years before returning to

Wyoming to obtain his law degree. During law school, he participated in UW’s environment and natural resources law club, was enrolled in UW’s joint degree program through the



King

a summer associate at a civil litigation firm in Cheyenne.

After law school, King returned to Montana where he clerked for the Honorable Chief Justice Mike McGrath of the Montana Supreme Court. He began his work with Doney Crowley in 2020. King holds a B.S., M.S., M.A., and J.D. from the University of Wyoming. His practice will focus on environmental/natural resources, water, property, and small business law.

Hekman joins Garlington, Lohn and Robinson

Michael H. Hekman has joined Garlington, Lohn and Robinson in Missoula.

Hekman joins the firm as a senior associate attorney with over seven years of experience.



Hekman

Hekman’s practice focuses in bankruptcy, banking, real estate and tax law. Hekman advises lenders, banks and businesses in debt restructuring and workouts, real

and personal property foreclosures and represents landlords in landlord-tenant disputes. Hekman obtained his Juris Doctor from Western Michigan University and he also holds a Master of Laws in Taxation from the University of Washington School of Law.

He is licensed to practice in Montana, Washington and Idaho.

For more information, please visit Garlington.com.



Coren



Potts

Boone Karlberg welcomes Coren, Potts as associates

Evan B. Coren and Alison R. Potts have joined Boone Karlberg P.C. as associate attorneys.

Coren graduated Phi Beta Kappa from the University of Chicago and earned his J.D. from Duke University School of Law in 2013. After law school, he joined a Philadelphia-based litigation boutique, where his practice focused on litigation involving financial institutions, real estate and bankruptcy trustees. Evan went on to clerk with the Honorable James J. Tancredi, United States Bankruptcy Court for the District of Connecticut, and later joined a large law firm, where he represented creditors and debtors in connection with bankruptcy reorganizations, liquidations and related transactions. Evan’s practice is devoted primarily to business and real estate transactions, bankruptcy matters and commercial litigation.

Coren spends his free time on the trails and rivers of Montana with his wife, Clare, and their two rambunctious Australian shepherds.

Potts is a 2019 graduate of the University of Montana where she graduated with her JD and MBA. Her practice focuses primarily on family law, but also includes business, real property, and estate planning. She was raised on the Connecticut shoreline but moved to Montana to attend Montana State University. While in the joint JD-MBA program, she interned for a Missoula law firm, was a graduate student fellow at the Missoula Economic Partnership, and completed her clinical internship at the University of Montana Office of

Legal Counsel.

In her free time, she enjoys spending time on the trails of Montana hiking with her dogs or riding her horses, pushing herself outside of her comfort zone by learning to rock climb, and trying out new recipes in her kitchen.

HONORS



Mills



King-Ries

Mills, King-Ries selected for Teaching Scholars Program

Two professors from the University of Montana's Blewett School of Law have been selected for the Montana University System's 2020 Teaching Scholars program.

Associate Professor Monte Mills, director of the Margery Hunter Brown Indian Law Clinic, and Professor Andrew King-Ries were among four University of Montana faculty members selected for the program, which recognizes faculty who have made exemplary contributions to teaching and learning at their institutions.

Scholars will receive a \$1,500 award and a \$500 stipend to design and facilitate a faculty learning community at their institution. This year's scholars are funded through support from the National Association of System Heads and the Lumina Foundation.

Branom is fellow of American College of Trial Lawyers

R. Henry (Hank) Branom Jr. has become a Fellow of the American College of Trial Lawyers, one of the premier legal associations in North America.

The special induction ceremony at which Branom became a Fellow took place virtually during the recent Induction Ceremony at the 2020

Meeting of the College. Fellowship in the college is extended by invitation only and only to those it finds meet the highest standards of ethical conduct, professionalism, civility and collegiality. Lawyers must have a minimum of 15 years trial experience before they can be considered for Fellowship.

Membership in the College cannot exceed 1% of the total lawyer population of any state or province.

Branom is an Assistant Federal Defender in the Great Falls office of the Federal Defenders of Montana. He is a 1990 graduate of the Washington University School of Law.

APPOINTMENTS

Abdul-Baki appointed to Youth Justice Counsel

Gov. Steve Bullock appointed Qasim Abdul-Baki to the Youth Justice Council as a representative of law enforcement and juvenile justice agencies. Abdul-Baki is a lawyer in the Montana Office of the Public Defender's Helena office.

Worden Thane P.C. welcomes Jennifer Shannon to the team.



JENNIFER SHANNON
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COMMERCIAL LITIGATION,
AND INSURANCE DEFENSE

Worden Thane P.C. is pleased to introduce our new associate, Jennifer Shannon. Jennifer is a native of Montana, with strong family ties to the Bitterroot Valley. She attended law school at the Alexander Blewett III School of Law, graduating in 2019. She then had the opportunity to clerk for the Honorable Justice Jim Rice at the Montana Supreme Court. Jennifer compliments the Worden Thane Team by bringing her outstanding research and drafting skills to the firm. She also shares our love for the outdoors of Montana.

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Ohman appointed to open 18th Judicial District seat

Gov. Steve Bullock on Sept. 25 appointed Bozeman lawyer Peter Ohman to an open 18th judicial District seat.

Ohman, an attorney with the Montana Office of the State Public Defender since the office's creation in 2006, was one of five applicants to replace the Hon. Holly Brown, who retired effective Oct. 2.

Ohman has been OPD's division administrator since 2017. He served as the Regional Deputy Public Defender in the Bozeman office from 2006-2014 and was OPD's statewide training coordinator from 2014-2017. Prior to OPD's creation, he was chief deputy with the Gallatin County Public Defender Office for three years. He also has been a sole practitioner and was an attorney with the Montana Department of Commerce.

Ohman is subject to Senate confirmation during the 2021 legislative session, and if confirmed must win election in 2022. If elected he will fill the remainder of Judge Brown's term, set to expire in 2025.

Ohman, a 1995 graduate of the Lewis and Clark Law School in Portland, Ore., was selected over finalists Audrey Cromwell and Eric Kitzmiller.

Finalists named for Eighth Judicial District judge seat

The Judicial Nomination Commission submitted three names to Gov. Steve Bullock for consideration for appointment to the judicial seat vacated by the

Honorable Gregory Pinski in the Eighth Judicial District. They are:

- David J. Grubich, Standing Master in the Eighth Judicial District Court, where he presides over dissolution and parenting proceedings and other domestic relations matters. Previously Grubich was an associate attorney at Ugrin, Alexander Zadick in Great Falls, where he worked from 2010-2018, where his practice included insurance law, employment law, construction law and environmental contamination litigation. He is a 2010 graduate of the University of Montana's Blewett School of Law.

- Michele Reinhart Levine, partner at Linnell, Newhall, Martin and Schulke. Levine has spent her whole career at the firm, where she was an associate from 2012-2017. Her practice focuses on complex civil litigation, including workers' compensation, and personal injury on behalf of injured persons. She is a 2012 graduate of the Blewett School of Law.

- Matthew Stuart Robertson, Deputy County Attorney at the Cascade County Attorney's Office, where he has worked since 2003. From 1998-2003, Robertson was a Special Assistant Attorney General with the Montana Department of Corrections. A 1993 graduate of the University of Montana School of

4 admitted to bar under temporary COVID-19 rules

The following people have received provisional admission to the State Bar of Montana under the Supreme Court's Temporary Admission Rules in response to COVID-19:

- Grace Brososky
- Layne Johnson
- Benjamin MacPherson
- Braden Murphy

Among other requirements, these provisional admittees must have legal malpractice insurance at all times and must be supervised by another active member of the State Bar of Montana admitted no later than Oct. 1, 2015.

Law, he was a partner at Anderson, Robertson and Stevens from 1993-1997.

The Commission's action follows the close of a 30-day public comment period. Before recommending the nominees to the Governor, Commission members interviewed the applicants. 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



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of Judge Pinski's term, which expires in January 2025.

Finalists named for First Judicial District judge seat

The Judicial Nomination Commission on Oct. 12 submitted three names to Gov. Steve Bullock for consideration for appointment to the judicial seat vacated by Judge James Reynolds in the First Judicial District. They are:

- Christopher David Abbott, Assistant Attorney General in the Montana Department of Justice's Agency Legal Services Bureau. Prior to his current position, he was an attorney with the Office of the State Public Defender from 2007-2017, where he defended indigent persons accused of serious and complex felony matters and was one of Montana's few public defenders qualified to litigate capital cases. A 2006 graduate of the

University of Washington School of Law, he clerked for the Honorable James R. Browning in the U.S. Court of Appeals for the Ninth Circuit from 2006-2007.

- Mary Elizabeth Cochenour, content manager for Gaia GPS, an outdoor tech firm. Previously she was an Assistant Attorney General in the Montana Attorney General's Office from 2012-2019. She was a Deputy County Attorney with the Lewis and Clark County Attorney's Office from 2008-2012, and was an attorney with the Office of the State Public Defender from 2007-2008. A 2005 graduate of the Alexander Blewett III School of Law, she clerked for former Montana Supreme Court Justice Brian Morris from 2006-2007.

- David Ole Olson, Assistant Attorney General in the Montana Attorney General's Office. Olson

served as a special U.S. Attorney in the U.S., Attorney's Office for the District of Montana, from 2012-2017, and he has also been an assistant city attorney for the City of Helena and a lawyer for Mountain West Bank in Helena. A 2006 graduate of Georgetown University Law Center, he clerked for former Montana Supreme Court Justice Brian Morris from 2006-2007.

The commission's action followed the close of a 30-day public comment period. Before recommending the nominees to the governor, commission members interviewed six applicants. A total of nine attorneys applied for the seat.

The person appointed by the governor is subject to Senate confirmation during the 2021 legislative session. If confirmed, the appointee will serve for the remainder of Judge Reynolds' term, which expires in January 2023.



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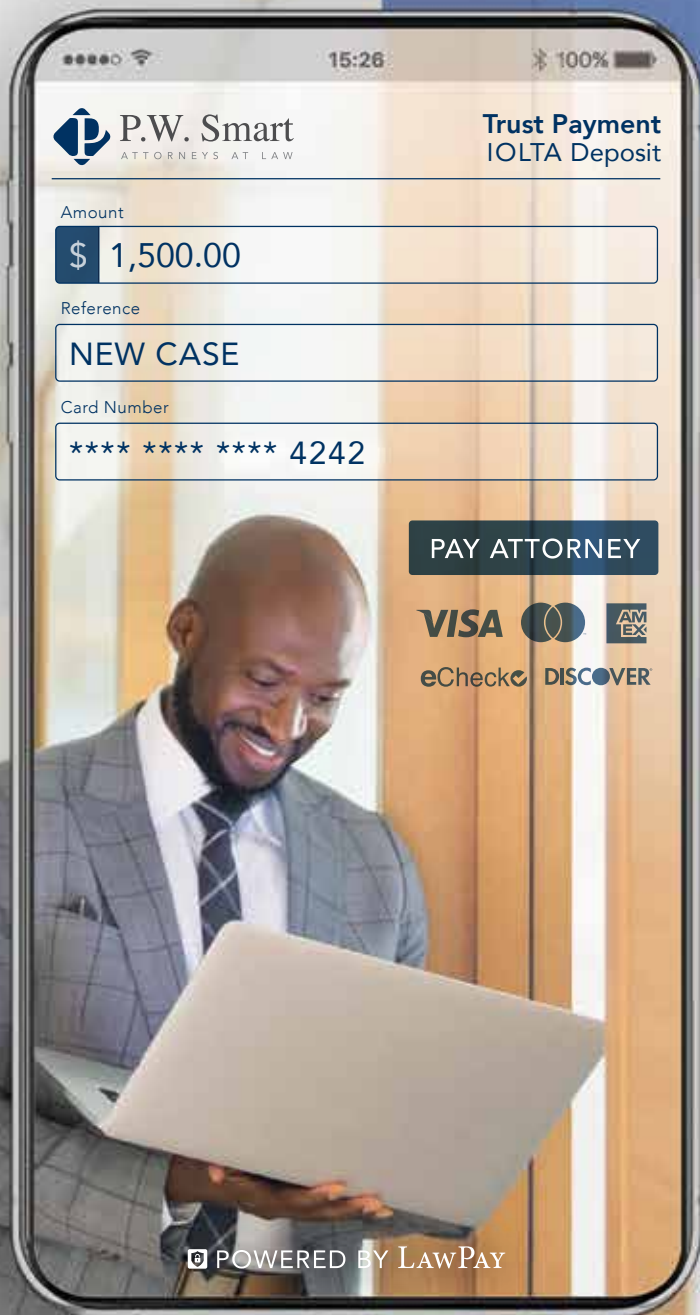
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Impactful educator

**Professor Greg Munro honored
for 30-year career at UM's
Blewett School of Law with
2020 William J. Jameson Award**

For Greg Munro, the news this past summer that he had been chosen the winner of the State Bar of Montana's 2020 William J. Jameson Award, could not have come at a better moment.

Munro, professor emeritus at the University of Montana's Blewett School of Law, had just been clearing out his office after retiring from a nearly 30-year career at the law school that included a year as interim dean. That task included watching tens of thousands of pages of documents – his work product from all those years at the school – go through the shredder.

It was not long after that bittersweet exercise that Munro received word he had been named the Jameson Award winner – and any feelings of melancholy were gone.

CONTINUED ON PAGE 14





Greg Munro gestures during a lecture to a class at the University of Montana's Blewett School of Law. Munro, who had a nearly 30-year career at the law school, is the winner of the State Bar of Montana's 2020 William J. Jameson Award. (University of Montana/Todd Goodrich)

"This is the time in (a lawyer's) life when we're wrapping up our careers," Munro said. "It was a really fabulous time to win the Jameson Award, because it shows that my whole career wasn't represented by those pieces of paper."

To talk to Munro now, it is hard to believe that not long ago, he faced a very uncertain future. Battling for his life after being diagnosed with stage four lung cancer, his prognosis was bleak – most people with that diagnosis are lucky to be alive 24 months later, his doctor told him. But after enduring chemotherapy treatments and working hard on a weightlifting and exercise regimen, Munro is now 18 months into remission, and thoroughly enjoying retirement.

"It changes your perspective on things," Munro, now 72, said of his cancer diagnosis. "It makes you appreciate every single day."

Prior to being reached for a recent telephone interview, Munro had just returned with his wife, Barb, from a training run for an upcoming virtual half marathon race. He also stays busy sailing and backpacking and still finds time to keep up a pro bono law practice.

"My quality of life is shockingly good," he added. "I hope to be a statistical aberration."

Munro said he was surprised and exceptionally pleased when he found out he had won the Jameson – and having had the opportunity to meet Judge Jameson when he was a young lawyer makes the honor even more meaningful. Judge Jameson made mentoring his law clerks a priority, Munro said, and he regularly treated them to lunch. One of those clerks was Munro's friend and future law school colleague Martin Burke.

Those shredded pieces of paper Munro referred to themselves reveal a lot about the long shadow he cast on the legal profession in Montana. A prolific legal writer and public speaker, he is the author of three scholarly books, numerous law review articles and dozens of bar journal articles, including a regular column in the Montana Trial Lawyers Association's Trial Trends magazine.

But they were far from the only accomplishments and professional service he was cited for.

One of Montana's top authorities on insurance, torts, and the civil justice



"My quality of life is shockingly good. I hope to be a statistical aberration."

Photos provided

system, Munro has lectured at 250 continuing legal education presentations over the course of his career. Recognized nationally as an authority on legal education and law school assessment, he was a frequent speaker on the topics nationally for 25 years.

E. Edwin Eck, now a law school professor emeritus, was on the faculty for nearly all of Munro's time there, including 14 years as dean. According to Eck, Munro stood out among faculty members for his work both in and out of the classroom.

"Not only was Professor Munro one of the best teachers at the law school, he repeatedly demonstrated his significant interest in promoting the competence of the practicing bar," Eck said.

Impactful as Munro's career as an educator was, it's a path he probably never would have pursued if not for a major disappointment. A 1975 graduate of the University of Montana School of Law, Munro had already established himself as a leading plaintiffs' trial lawyer by the mid-1980s when he decided to change careers and pursue a career on the bench. When he applied for an open state district judge position, the Judicial Nomination Commission gave him the highest score among all applicants. Munro asked his law school classmate Joe Mazurek, then a prominent state legislator, to discuss his appointment with Gov. Ted Schwinden, a fellow Democrat, thinking his chances



Greg Munro, then interim dean of the law school, speaks at a 2015 reception announcing the creation of the Max S. Baucus Institute. Behind Munro are, from right, Ambassador Max Baucus; his wife, Melodee Hanes; Hanes' daughter, Katie Shipman; Ambassador Baucus' son, Zeno Baucus; and daughter-in-law Stephanie Baucus. (University of Montana/Todd Goodrich)

of getting the job were pretty good. But Schwinden told Mazurek he was a firm believer in the Janklow rule – South Dakota Gov. Bill Janklow's guideline that you only appoint judges when they're so old they die before they start thinking they're God. There was no chance of Schwinden appointing someone as young as Munro.

"I was devastated," Munro said.

But it was around that same time, Munro said, that a visiting professor position came open at the law school. He applied for and got that job, which soon turned into a permanent professorship.

"You can't ask for a better career," he said. "I'm hopelessly extroverted. It allowed me to keep doing trial work, which I did. I've stayed very involved

with the Montana Trial Lawyers Association, and I've thoroughly enjoyed doing CLE, getting out and meeting people."

Munro's legacy to the law school and the bar also comes from his personal struggle with addiction and a deep commitment to helping lawyers and law students with their own recovery.

"Greg was instrumental in helping the State Bar of Montana implement the Lawyers Helping Lawyers program (now the Lawyers Assistance Program)" said Eric Rasmusson, a longstanding member of the committee overseeing the program. "Greg has taken a leadership role and helped countless law students and attorneys by sharing his personal experience, strength and hope with recovery from alcoholism."

For his work at the law school, Munro was recognized by the American Bar Association's Commission on Lawyer Assistance Programs with its 2010 Meritorious Service Award for Law Student Wellness.

Gene Jarussi, a former practice colleague in Billings said of Munro's impact on the bar "I don't think there is

"I don't think there is another individual who has had as much influence on the members of the Bar."

Billings lawyer Gene Jarussi

another individual who has had as much influence on the members of the Bar... hundreds of young lawyers, while students at our law school, have benefitted from his teaching. These young lawyers are the future of the Montana Bar."

Former student, now 11th Judicial District Judge Amy Eddy, agreed. "I can think of no other individual who better embodies the principles and ideals of this award.

For his part, Munro, now focused on sailing Montana's lakes and, for the time being, virtual road races, places the focus elsewhere. "I have had the opportunity to be mentored by wonderful mentors," he said. "The law school has also given me endless opportunities to be a mentor, and I hope I've taken them."

"Not only was Professor Munro one of the best teachers at the law school, he repeatedly demonstrated his significant interest in promoting the competence of the practicing bar."

Former Dean E. Edwin Eck

Water court Chief Judge McElyea honored for improvements benefitting pro se litigants

By Joe Menden

After a 20-year career as a water law practitioner before joining the bench, Chief Judge Russ McElyea of the Montana Water Court knows as well as anyone the strong emotions water cases can elicit.

Water rights are often vital to their owners' financial security, and a threat to them can feel like a threat to their future ability to make a living. Those rights are often passed down from generation to generation, bringing the added burden for some of not wanting to let down their ancestors. To complicate things even more, everyone with water rights in Montana must appear before the Water Court at some point to adjudicate the elements of those rights. Unlike in other civil matters, they don't have a choice whether to go to court.

Entering this charged and often complicated process without legal representation can be a situation ripe for frustration.

So when he became chief judge in 2013, Judge McElyea wanted to make sure the court was doing everything it could to improve self-represented litigants' access to justice by helping to make the process as fair, straightforward and understandable as possible.

Because of those efforts, Judge McElyea was named the winner of the State Bar of Montana's 2020 Karla M. Gray Equal Justice Award. He was presented the award at the bar's Virtual Annual Meeting in September.

According to Helena water law attorney Abigail Brown, who nominated



Water Court Chief Judge Russ McElyea is the 2020 Karla M. Gray Equal Justice Award winner.

Judge McElyea, the court's efforts at improving access to justice have been widespread – and widely effective. Examples Brown cited include a major revamp of the court website including a section with a trove of information, forms and how-to guides for self-represented litigants; training court staff and water masters to walk litigants through the process of representing themselves; and holding public meetings in places where decrees have been issued to

explain the process and educate the communities.

"As Chief Water Judge, Judge McElyea has been instrumental in ensuring that all water right users have access to, and an understanding of, the Water Court's processes," Brown said.

For Judge McElyea, effective communication is the biggest key.

"No one should come here without

Equal Justice, page 19



No one should come here without having their question answered. That fundamental principle, I think, more than anything is probably our most important operating principle.

Chief Judge Russ McElyea, Montana Water Court

Snodgrass lauded for sacrifices he makes to serve children as guardian ad litem

By Joe Menden

When Fred Snodgrass reflects on his reasons for working as a guardian ad litem in numerous Montana courts, he is reminded of a parable about a boy trying to rescue starfish that have washed up all over a beach.

When a man passing by sees the boy tossing a starfish back into the water amid the thousands of others, he tells the boy that he can't possibly be making a difference.

"I made a difference for that one," the boy replies as he continues the never-ending job.

"If we can make a difference for someone, especially for a child, it makes the work worthwhile," Snodgrass said.

Snodgrass' work as a GAL is among the reasons that he was named the 2020 winner of the State Bar of Montana's George L. Bousliman Professionalism Award.

Snodgrass' nomination received letters of support from numerous lawyers and other stakeholders in the justice system. One of those was the Thirteenth Judicial District Judge Gregory Todd – one of the judges in whose court Snodgrass serves as a GAL. Judge Todd said that when longtime Yellowstone County GAL Damon Gannett passed away last fall, Snodgrass was the only one person he thought of who could fill his shoes. And even though Snodgrass already was serving as a GAL in two of his colleagues' courts, he did not hesitate to say yes.

"Fred sacrifices scores of hours of full billing per month to serve as guardian ad litem in three courts and conflict counsel in many criminal and dependent neglect cases," Judge Todd said. "He gets paid a fraction of his



Fred Snodgrass of Billings is the State Bar of Montana's 2020 George L. Bousliman Professionalism Award.



These cases which he selflessly takes are emotionally draining and often very thankless. But it is critical that his clients receive the quality of representation that Fred gives. He has the ultimate respect of all my colleagues in the 13th Judicial District.

Even in retirement, Lee continues her passion for giving back with pro bono

By Joe Menden

Whitefish lawyer Kay Lynn Lee kept an Emeritus license when she retired from active practice last September so she could continue to do pro bono work. She didn't want her brain to go stale, she said.

Based on the volume of volunteer work Lee continues to do in retirement, there seems to be very little risk of that happening to the Whitefish lawyer.

Lee's contributions to those in need have been wide ranging and extensive, according to Allison Paul, executive director of Montana Legal Services Association. Lee has answered a whopping 40% of the 425 questions posted on MLSA's Ask Karla online advice platform. She also volunteers multiple hours per month to MLSA's phone advice program, and she recruits and manages attorneys to participate in Kalispell's quarterly family law pro bono clinics. She also recently became a mentor to one of MLSA's less experienced volunteer family law attorneys, Paul said.

But even more impressive than the volume of pro bono work Lee does is the way she conducts herself in handling the work, according to Paul.

"She handles trauma-informed lawyering with compassion and ease, led by her responsiveness, intuition and generosity," Paul said. "We are beyond thankful for all of Kay Lynn Lee's services to MLSA, and we cannot think of anyone more deserving of this pro bono award."

Lee was named the 2020 winner of the State Bar of Montana's Neil Haight



Kay Lynn Lee is the State Bar of Montana's 2020 Neil Haight Pro Bono Award winner.

Pro Bono Award because of those contributions and many others. She accepted the award at the Bar's first ever Virtual Annual Meeting in September.

Lee is a longtime member of the bar's Justice Initiatives Committee, and in that capacity, she usually is part of the group that decides who receives the Pro Bono Award. She said she was in utter shock to find out that she was this year's recipient.

"It's nice to be recognized," she said. "It's nice to be liked. Sometimes we as lawyers just aren't appreciated. I'm very happy that they (MLSA) are happy with me."

Lee wants other attorneys to know

that there are many ways to do pro bono work, and that MLSA has many ways that make it easy to lend your expertise.

"Everybody should try to do it because there is so much need in Montana and it needs to be addressed," Lee said.

Ironically, Lee, a former partner at Henning, Keedy and Lee whose practice was mostly in bankruptcy, real estate and workers' comp law, always insisted she would never do family law work. Nobody wins in family law, she said, and when you throw kids in the middle, things can turn ugly in a hurry. When she started taking the cases pro bono, though, she was surprised to find out how satisfying the work can be – largely due to the collegiality of Montana's family law bar.

"Family law people all know each other, even if we haven't faced each other," she said. "Family law colleagues for the most part get things done, and get things resolved in a fair and reasonable fashion."

Pro bono work is not the only way Lee keeps busy in retirement. It also is not the only way she contributes to equal justice in Montana. A talented painter, she has donated original artwork to the Art for Justice silent auction to benefit the Montana Justice Foundation that the State Bar has held in conjunction with the past several years in conjunction with the Annual Meeting.

"I tell people I have 27 hobbies," she said. "I really do like to keep my mind busy."



We are beyond thankful for all of Kay Lynn Lee's services to MLSA, and we cannot think of anyone more deserving of this pro bono award.

Allison Paul, executive director, Montana Legal Services Association

Professionalism,

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regular fee for such work and spends many, many hours traveling each month. These cases which he selflessly takes are emotionally draining and often very thankless. But it is critical that his clients receive the quality of representation that Fred gives. He has the ultimate respect of all my colleagues in the 13th Judicial District. There is no more deserving candidate for this award than Fred Snodgrass.”

When asked what professionalism as an attorney means, Snodgrass said to him it is all about honesty, which he

noted is enshrined all over the Rules of Professional Conduct – from the principle of candor to the tribunal, to the fact that despite a criminal defendant’s Fifth Amendment protection against self-incrimination, a lawyer must advise them that they cannot lie.

“If you don’t have your word, you don’t have anything,” he said.

Snodgrass, a 2001 graduate of the University of Montana School of Law, said he doesn’t expect recognition for anything he does as a lawyer, and he was floored to find out he was chosen for the award. It was especially humbling to learn that Judge Todd was

among those who nominated him. He said it was also gratifying to find out that his wife, fellow Billings lawyer Jeanne Walker, as well as associates and staff of his firm were among those who submitted nomination letters.

“The recognition by the judiciary of my work, especially for the work I do for children, left me speechless. I am so thankful to all those who supported my nomination,” he said. “I could not do the things I do for my clients, especially as GAL, if he did not have the support of my family and the staff in my law firm.”

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from page 16

having their question answered,” he said. “That’s hard to do. That fundamental principle, I think, more than

anything is probably our most important operating principle.”

That is especially when delivering unfavorable results. One of the mantras of the court, he said, is: “Tell the story.”

“Demonstrate your mastery of the

facts,” he said. “Talk to the litigants. Necessarily, the folks that are in the case need to be the principal audience. Explain why. If you can do those things, their acceptance is enhanced.”

Judge McElyea is quick to point out that the improvements at the court have been a team effort – involving everyone from the court’s support staff, water masters, and Associate Water Judge Stephen Brown. He is the one receiving the award only because he has “chief judge” in front of his name, he said.

“It’s not a one-man job. (Court staff) share the vision of access to justice,” McElyea said. “You articulate the vision and teach them to embody the vision as their own. They live it every day, from their tone of voice, their patience, their genuine effort. That helps dissipate some of the anxiety.”

Judge McElyea said receiving the award was both humbling and gratifying, especially considering the others who have won it before him and the person it is named for – the late Montana Supreme Court Justice Karla M. Gray, who did so much to improve access to justice in Montana.

“I’m standing on the shoulders of giants,” he said. “I feel recommitted and energized to keep going.”

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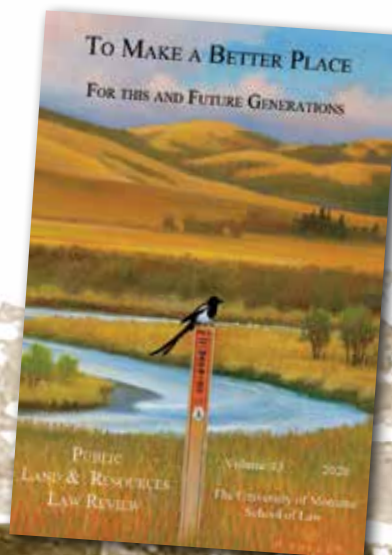
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Advocating for clients in a biased world: Rules and the record can be your friends

By Barbara Harris

I have worked as an attorney in Montana for over 35 years and I have seen a lot of biased behavior by attorneys, often to the detriment of my client. Because I was disturbed by behaviors on a regular basis, I learned how to analyze situations to determine when and how to make the biased behavior part of the court record. In this article I suggest practices based on my experiences.

Practicing in various jurisdictions across the state, I experienced the biases associated with being an attorney outside the group of attorneys that frequented the same courtroom. I remember sitting in chambers the first morning of trial listening to a district court judge exchange unrelated, personal comments with opposing counsel for at least 10 minutes before recognizing my presence with a comment that I probably don't know or care what they're talking about. It was common for a prosecutor from Helena to experience the effects of being an outsider. The distinction did not

amount to anything I could or needed to assert within the context of the case. But I recognized the bias and the ease with which the judge dismissed the case after being distracted both professionally and personally.

By contrast, in another case, I remember choosing not to partake in prehearing in-chambers group discussions with the attorneys and the district court judge but without the defendants and without a court reporter, a practice that had been identified recently by the Montana Supreme Court as inappropriate. My absence from the discussion would be noted by the judge, but I knew my decision was legally sound. I knew that to violate the decision of the Montana Supreme Court would raise the potential of cancelling the effect of any district court decision related to such a meeting. And I was never inclined to use a procedure that would potentially mean the case must be retried or redone. So I chose to have all discussions with the court in front of a court reporter during the scheduled

hearing.

I started practicing law in the 1980s, so it is no surprise that I have experienced numerous situations involving gender bias; the details of how the bias is expressed have changed, but the overall effect is the same. As I get older I see ageism added to other biases. And living in the year 2020, I am fully aware that humans are not inclined toward less biased behavior. I have no brilliant ideas as to how to address these issues on a broad scale and I don't assert that in the legal profession we can or should address all biases in all situations. But in a court case, advocacy requires assessing a bias that may affect the outcome. And it is crucial that attorneys address biases that generally taint the legal profession.

The Benefit of Rules

There are many rules (statutory, court, professional, case law) and you will not always remember the details of them. But if you review the rules regularly and use office practices tailored to comply with them, you will be better



KNOW

able to avoid violating them. And you to need recognize the possibility of disadvantage to your client's case when opposing counsel commits a rule violation.

A rule's existence means the relevant topic or behavior has been identified as significant to the practice of law. If it is a rule that relates to procedure, recognize that courts or bar members have written rules to be more efficient and to treat people equally. Recognize that some prior litigant may have worked hard to address inequalities by calling them to the attention of the court and others who control the legal system. Learn the reason for the rule and discuss it with other people to understand its application generally.

Many rules are not followed in jurisdictions where the same attorneys see the same opposing counsel day after day. Many practitioners and judges would rather use the quicker, simpler practices established in their daily lives than follow certain rules. For example, the rules requiring notice to opposing counsel on motions to reset hearings are often overlooked in cases handled by the same attorneys in the same courts on a regular basis. Comments are made to clerks in between other hearings or in other informal ways and hearings are changed by courts based on assertions that opposing counsel has been notified. As a statewide prosecutor, I was left out

of many discussions regarding scheduling and had to analyze the effect on my case (let alone the effect on my time in traveling to a hearing that had been reset without notice). I tried to ensure that my client was "in the room" by maintaining contact with the court clerk to convey dates I would be unavailable. If there was only one instance of excluding me, nothing would be gained in making it an issue. If there was a repeat of the procedure and a clear disregard for my circumstances as an out-of-town attorney, I would file a pleading with a timeline of events in the case and reference to any applicable rule of procedure. This record would establish my attempts to gain the court's full consideration in setting a hearing or trial and the effect of any noncompliance with the rule on my client's rights or case.

A violation of procedural rules may be one of the many regular parts of your opposing counsel's practice. If that is the case, your analysis may lead to the conclusion that bias is not present (or is a minor cause); rather, there is much sloppiness in opposing counsel's practice. Again, analyzing the effect on your client's case will help determine how to be the best advocate.

Is it a rule violation for men in a courtroom, including the judge, to expect and require women attorneys to fulfill the secretarial or paralegal roles

for both parties? Not that I know of. And it's probably not worth making an issue of it. But when it is discussed (on or off the record), if you feel it is significant to your advocacy, speak up. If you have something important to review during a break, don't necessarily agree to rewrite or reproduce jury instructions offered by your opponent. This is especially pertinent when your opponent did not comply with the deadline for exchanging jury instructions that allowed pretrial discussion – which would probably have resulted in an agreed-upon instruction. These considerations apply to all genders, but in many situations people have looked at me to do their work because I am female. The additional considerations are efficiency and whether the situation arises through no one's fault. Again, more than one factor should be considered before you make your decision.

There may be no rules applicable to some situations. While I regularly resolved cases at the beginning of my career through efficient and effective negotiation with opposing counsel, over the last 20 years, I have experienced a continual uptick of cases in which opposing counsel will not return a call and/or consistently avoids resolution of the problem that is the seed of the case. This creates problems almost immediately, so I have learned to seek

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clarification of a schedule (if not set by a court) to keep a case on the court's calendar and to avoid delay.

Although we are told regularly to be cordial, professional, and ethical, those standards are not applied by some attorneys. In my cases, when attorneys engaged in the "sharp" practice of law and were rewarded with court decisions or complimented by a court after a trial involving despicable behavior, I would review the situation to see where shedding light on the unethical or unprofessional behavior would be a good idea in the future.

The Benefit of a Court Record

Which brings me to the benefit of a court record, one of the most wonderful things for setting out history and a way forward for all involved. Because I started as an appellate attorney and read transcripts for a living, I learned at a young age the importance of a record. Any court addressing an issue in your case will rely on the record regarding procedural and substantive issues. If something is not in the record, you lose your ability to argue and advocate about it. So, much of this advice applies to all things that happen in a case, whether based on bias or not.

An attorney can be mistaken as to whether or not an issue was referred in the "cold record." This is remedied by attention to the record as a matter of practice. Review your pleadings as though you are a reviewing court. Is there a clear assertion of a rule and the circumstances that give rise to the claim of violation? At a break and at the end of every day of hearing or trial, make a record regarding any discussions at the bench during sidebars or out of the presence of the court reporter. Don't let the opportunity slip away based on a quick, stressed decision that you could never pursue the claim. Make the record as soon as you can and you can later assess the situation and applicable rules. When a juror fainted during the testimony of the state medical examiner and his reference to the photographs of the deceased victims in a homicide case we were trying, everyone in the courthouse felt concern for the juror.



Review and preparation are key to recognizing where bias may affect your client's case.

But when the emotions related to the short incident subsided, it was critical to describe exactly who did what in the courtroom. This was done in chambers and recorded for potential use by the parties. Advocacy by the attorneys clearly required such practice, but it would have been easy to appreciate only the fact that the juror was not injured.

What does an attorney do about verbal comments based on bias? If a comment blatant enough to show a bias is made during a hearing or trial, as with all other courtroom scenarios, you should think on your feet and decide whether or not to respond. But such comments are rare. My experience has been that biases are shown in off-the-record statements between attorneys, clients, court staff, and witnesses. Bullies choose persons and situations that allow more secretive comments on their part and often rely on a lack of record. If you hear a biased comment, you will have an opportunity to respond. Remember that not all comments deserve a response.

More often, biases are not verbally expressed, but are felt, which makes them hard to identify. Many times what I felt was that what happened would not have happened had I been a male.

Review and preparation are key to recognizing where bias may affect your client's case. Consider these steps when you are handling a court case:

1. Set your goals and prepare your product. Before you present to a court or opposing counsel, know your procedural and substantive goals. Many clients think cases can be simply and quickly presented to and decided by a court. Once you have done the necessary review and research at the

beginning of a case, explain the basics to your client, prepare your verbal and written product, and be realistic about the case outcomes.

2. Educate yourself regarding a court's record to ensure that it includes relevant facts. Early in a case, learn the court's procedures. When does the court start talking about a trial date? Especially in the current circumstances related to the pandemic, potential trial dates may be unknown and giving a client advice regarding the timeline of the case will be particularly difficult.

Learn how the record is created and kept by the court clerk. Will the judge have all papers filed in the case file during a hearing or is there the possibility that they will still in the clerk's office? Don't be afraid to ask questions if necessary to clarify application of procedural rules.

As to the clerk's pleading record, add any documents you deem necessary to make the record reflect what did or did not happen. For example, maybe you need to request particular accommodation during the pandemic and either delay or urgency. Do not assume that any court will know your client's circumstances; state them in a pleading.

3. Ask: Was there a violation of a rule? As soon as possible, review the rules potentially applicable to the action of the attorney or judge to know any potential claim or need for more of a record. These rules include the rules of procedure, rules of evidence, rules of professional conduct, and judicial standards. In some situations, a rule violation can be the basis of a motion filed the next day or a report to a disciplinary board later. Know what procedures are necessary or possible.

4. Assess any impact on legal claims. Because the impact of improper behavior will be different in cases involving different claims and different law, advocacy demands that you assess each situation. Hypothesize the results if all parties engaged in the improper activity used by your opponent. Would you get away with a violation of the rule? Is the rule violation overlooked because you



Mark
Bassingthwaighte

Since no one has found a way to stop the aging process, the day will come when it is time to cease practicing law. Until that day arrives, however, do all you can to age gracefully.



ALPS Risk Manager Mark Bassingthwaighte, Esq. has conducted over 1,000 law firm risk management assessment visits, presented numerous continuing legal education seminars throughout the United States, and written extensively on risk management and technology. Many of his recent seminars are available at montana.inreachce.com. Contact him at: mbass@alpsnet.com.

As time takes its toll on all of us, it's never too early to plan ahead

In the middle of a conversation with one of our insureds on the topic of the difficulty of learning to say no, the fine gentleman I was conversing with did a jump shift on me. For whatever reason, he felt it was important to acknowledge that he was cognizant of his age and he wanted me to know he had taken steps to make sure he continues to practice law competently. What really struck me, however, was his desire to also share he had instructed others at his firm to let him know if they were to ever see him start to mentally slip, because in his words “the day will come when...”

As a risk manager, I found his comments reassuring. In my mind, he's someone I would describe as growing old gracefully. He's not in denial and, unlike far too many, he doesn't appear to be fighting the aging process tooth and nail. He also recognizes that with age comes certain age-related risks and he's addressing that reality. Considering this conversation, I felt compelled to take a look at a few of these risks and talk about how to responsibly manage them.

The most obvious risk with the aging process is the unexpected event, such as a medical crisis that leads to a short- or long-term absence. Should this ever occur, someone will need to step in and at least temporarily accept responsibility for your client matters, even if you aren't in a solo practice. For the solo practitioner, however, this is a particularly significant issue that underscores the necessity of having a backup attorney in place. Regardless of your age, if you haven't already found one, now's the time.

Next, do not overlook the related file status problem. Lawyers don't always keep files as current as they should. I believe for many it is a time and trust thing. There's never enough time and just about everyone trusts their own memory. Here's the problem with that line of thinking. Memory isn't as trustworthy as one ages and if you're not available due to an unexpected event, it doesn't matter anyway. Keeping the status of all files

current at all times is equally necessary regardless of your practice setting.

Then there are subtler risks that arise because of the aging process itself, many of which can be gradual. Sooner or later everyone begins to realize their memory, hearing, and/or sight isn't as sharp as it once was. I've heard all kinds of stories and fears. Some lawyers find they have a hard time accurately seeing everything on a computer screen, which leads them to worry about making mistakes due to incorrectly entering a critical date or misreading what is on the screen. Others struggle with forgetfulness, worrying that it is only a matter of time before they'll fail to show up at a hearing, miss a filing deadline, or incorrectly remember what a client's instructions were. And yet others have shared they have all kinds of fears about their hearing loss, not the least of which is a fear of mishearing something due to being too embarrassed to ask a client or a judge to repeat what was just said.

There are any number of steps one might take to address these subtle risks. In terms of competency issues, checklists can be a great way to make sure nothing is overlooked. Additional training on how to get the most out of your computer tech might become necessary, if for no other reason than as tech evolves so does the standard of care. You might consider prioritizing the pursuit of relevant CLE in the areas in which you wish to continue to practice. Think about it: Just because you've practiced in a given practice area for several decades doesn't mean you can ignore your obligation to remain current on the impact of any recent changes in relevant law or regulations. And finally, acknowledge that at some point you may need to start slowing down because the time and energy necessary to stay on top of it all is no longer there. When that day comes, this might mean taking on fewer matters or no longer taking on certain types of matters.

Axilon Law marks Pro Bono Month through firm-wide Volunteer Day

Axilon Law's mission has long included a dedication to ensuring equal access to justice in Montana. This October, the firm's lawyers decided to work together to dedicate one day to providing pro bono services through Montana Legal Services Association's pro bono phone advice program.

The timing could not be better, according to Angie Wagenhals, MLSA's director of pro bono. With an increase in client need because of the COVID-19 pandemic, pro bono legal services are more important than ever. Axilon is

stepping up to help meet that need.

According to Jill Gerdrum, a partner at Axilon Law Group, "Axilon Law Group believes that working towards equal access to justice for all is an important part of the legal profession. As a firm, we're really excited to pair with Montana Legal Services this October to provide legal advice to working class Montanans who cannot afford to hire a lawyer to address their civil legal issue. It's a great way for our firm to work together on a project that gives back to our community."

As Montana continues to feel the effects of COVID-19, MLSA is seeking assistance from pro bono lawyers to help address the growing demand for civil legal aid. If you'd like to get involved, please reach out to Angie Wagenhals at awagenha@mtlsa.org or by calling 406-442-9830 ext. 148. If now is not a good time to volunteer, MLSA and the Montana Justice Foundation also rely upon donations from firms and individuals to ensure equal access to justice for everyone.

Biased, from page 23

are of a particular gender, age, etc? What are the results of the rule violation? Delay? Disrespect? Improper evidence considered? If the tables were turned and the advantage either taken by opposing counsel and/or allowed by the judge disadvantages the legal concerns of your client, you must make a record.

5. Assess nonlegal concerns. Using hindsight, continue your analysis of the effect of improper behavior. This is crucial when you feel bias. Set out the facts for your coworkers and other professionals. Their reactions will involve objectivity you may not have. Determine the extent of your ego involvement. Consider your continuing relationship

with the attorney or judge involved. Many situations involving biases last for years and you are not the only person seeing the bad behavior.

6. Control your focus and maintain a sense of humor. Control your focus on the incident. Don't let it occupy more of your thinking than is necessary to make the record and advocate for your client. Avoid the same situation in the future (don't get "fooled" more times than necessary) and channel your reactions into legitimate practices.

Whether you have done what you could as an advocate or have just learned something from the incident, go outside, let the sun shine on your face, and let the anger seep out your ears. Find some people that will help you laugh about the situation to the extent appropriate. Find some relief and move on as you can.

Advocacy demands that an attorney

recognize when something has affected a client's claims and all options available within the context of a case. And a serious approach to the practice of law includes addressing bias by applying rules and making a court record. It is laborious and it's much easier to let the behavior slide away without comment. But a failure to address problems based on bias increases their effect and works to destroy a legal system supposedly based on equal justice.

Barbara C. Harris practiced as an assistant attorney general in Montana for over 29 years, primarily as a prosecutor, and handled cases in courts throughout the state. She now does elder law for the Montana Legal Services Association.

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Risk,
from page 24

With visual issues, buying a bigger monitor or having IT adjust your screen settings might solve the problem. With hearing, it might mean finding time to have your hearing checked. My point with all these ideas is to encourage lawyers to find a way to work the problem of age-related risks instead of ignoring it.

A final risk worth mentioning is the comfort that can arise in long-term attorney-client relationships. Two points to make. First, it is important to remember that these long-term clients are aging

as well. As clients age, their legal needs will also change. In some way we've come full circle here. It can be hard to say no to these clients; but that may be exactly what is called for. Don't allow long-term clients to push you into agreeing to help them on matters you have no real experience in. Either refer this work out or do whatever is necessary to come up to speed. Anything short of this is asking for trouble. Second, don't turn a blind eye to the possibility that forgetfulness or confusion may be in play with some of your older long-term clients. Take whatever amount of time is necessary to make certain these folks understand the advice being given and couple that with a commitment to thoroughly documenting

your files, focusing not only on the advice being given but the decision-making process as well.

In sum, since no one has found a way to stop the aging process, the day will come when it is time to cease practicing law. Until that day arrives, however, do all you can to age gracefully. Be aware of your limitations as they arise and be open to hearing the concerns of others. Find ways to identify your specific risks and work to responsibly address them. I say this because I have had to sit down with a few solos over the years and be the one who had to tell them their time had come. Trust me, aging gracefully is the better choice.



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Western Montana Bar Association Judges CLE

Friday, Nov. 6 | 3.0 CLE credits: Join the WMBA on Friday, November 6, for an opportunity to ask candid questions of the Fourth Judicial District judges. This CLE will feature a State of the Bench address followed by a question and answer session with the districts's five judges: Hon. John Larson, Hon. Robert Deschamps, Hon. Leslie Halligan, Hon. Jason Marks, Hon. Shane Vannatta, and attorney Tim Strauch.

Free CLE - Law & the Good Life: How to Be a Productive, Happy Lawyer

Wednesday, Nov. 18, Noon | 1.0 CLE credits: While many professional occupations come with pressure, attorneys face uncommonly tough challenges that lead to unhappiness and burnout. Stress experienced by legal professionals is so far above the norm that it can only be described as "outlier stress."

Public Law Section CLE: Ford Motor Company v. Montana Eighth Judicial District Court

Save the Date: Nov. 19 | 2:30-4:30 p.m.

BETTR Section Lunch N' Learn

Save the Date: Wednesday, Dec. 2 | Noon

2021 CLE & SKI

CLE & Ski — Real Ski, Virtual CLE

Save the Date: Jan. 14-17. We're making it easy this year. CLE programming will be virtual via Zoom. For those who want to ski, a limited number of rooms available at Big Sky. Room block expires Nov. 29. Discounted lift tickets available to those with on-mountain lodging.

UPCOMING CLE CALENDAR

The following CLE seminars have been confirmed by the CLE Institute and State Bar Sections. Register for upcoming CLE in the calendar at www.montanabar.org. (Registration is open now for events marked with an asterisk.)

EVENT	DATE	LOCATION
Western Montana Bar Association Judges CLE *	Nov. 6	Webinar
Free CLE - Law & the Good Life: How to Be a Productive, Happy Lawyer*	Nov. 18	Webinar
Public Law Section CLE: Ford Motor Company v. Montana Eighth Judicial District Court*	Nov. 19	Webinar
Introduction to Boolean on Fastcase*	Nov. 19	Webinar
Data Analytics: Fastcase and Docket Alarm*	Nov. 26	Webinar
Lunch and Learn: A Discussion with IRS Legal Counsel on US Tax Court and Tax Litigation in Montana*	Dec. 2	Webinar
CLE and Ski 2021	Jan. 14, 2021	Big Sky/Web

Do you have clients who have been injured as a result of receiving medical care in Washington?

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Elizabeth Clark

Elizabeth “Beth” Clark passed away suddenly on April 5, 2020, from an undetected and rare heart condition. Beth was an accomplished lawyer, endurance athlete, sergeant in the United States Army Reserves, caring wife, and mother to three beautiful children. She leaves behind a legacy of leadership and com-



passion, and is missed by all who knew her.

Beth was born in 1981 in Quarryville, Pa. She attended Wesley College before enlisting in the Army Reserve and receiving training as an occupational therapist.

Clark

Upon her return, she completed her undergraduate degree at Wilmington University, then continued her service in the Army Reserve while attending law school at the University of Montana.

She graduated with honors in 2012, then went on to receive her LLM from the University of Washington School of Law in 2016. She worked the past few years as an associate at Bjornson Jones Mungas PLLC in Missoula. Beth’s law practice focused on helping clients plan for life events, whether by creating a comprehensive estate plan, starting or selling a business, buying or selling real estate, or administering the estate of a loved one.

Beth was an avid runner and participated in several endurance events including The Rut 50K, Missoula Marathon, Blue Mountain 30K, Coeur d’Alene Olympic Sprint Duathlon, and Waco Half Ironman. Beth served as the Board Chair for the Ronald McDonald House Charities of Western Montana and volunteered at the Self-Help Law Center.

To honor Beth’s outstanding contributions to her family, community, and country, Beth’s friends, family and colleagues hope to raise invite you to join us in supporting the creation of a new scholarship at the University of Montana’s Blewett School of Law. The “Beth Clark Memorial Scholarship” will honor Beth’s compassion, advocacy,

and military service through a scholarship focused on supporting law students who demonstrate a commitment to veterans’ advocacy or who have completed military service. They hope to raise \$25,000 to permanently endow the scholarship, allowing it to make annual scholarship awards of approximately \$1,000 to law students for years to come. All gifts to the scholarship will be routed through and managed by the University of Montana Foundation. Checks can be mailed to the UM Foundation, PO Box 7159, Missoula, MT 59807, noting the “Beth Clark Law Scholarship – Fund 25Z” in the memo line or in an attached letter. You may also give online at www.supportum.org/give, noting the “Beth Clark Law Scholarship – Fund 25Z” in the comments field. If you would like further information about how to give, please contact Erin Keenan at erin.keenan@supportum.org.

James Gene Shockley

James Gene Shockley of Victor died peacefully at home on Sept. 14. He was born in 1944 at Luke Field Air Force Base in Phoenix to Gene and Helen Shockley.

Jim moved around the country with his family in his childhood, and then continued his travels, attending the University of Oklahoma for a semester in 1962 before transferring to the University of Montana, then enrolling in the U.S. Marine Corps in 1963 as a radioman with 3rd Recon, where he



Shockley

was ordered to duty in Okinawa, the Philippines, and Vietnam. On July 12, 1965, he was severely wounded in Vietnam by enemy machine gun fire. His friend Sgt. Maj. Freddie Murray rescued him from the ambush site, saving Jim’s life.

Upon completion of his enlistment, Jim returned to the University of Montana, where he earned a BA in history and met his bride, Marilee, who became his wife of 51 years. After

attending Officer Candidate School, he was commissioned as a second lieutenant in the Marines and returned to the University of Montana to attend law school. After obtaining his JD in 1976, he practiced as a trial lawyer in the Marine Corps for 12 years.

Jim retired from the Marine Corps in February 1988. In 1989, Jim and Marilee moved to Victor, opening their law and CPA firms. Jim had a solo practice, including public defending, real estate law, estates, and other services.

In 1999, Jim became a Montana legislator and served for six years in the House and eight years in the Senate. Jim was a bit of a maverick, often voting his conscience. Jim was helpful to both sides of the aisle. Jim was proud of his service to the State of Montana.

Jim was involved in almost everything including several Marine Corps Veterans’ Organizations, the American Legion, the Veterans of Foreign Wars, the Masonic Lodge #43, the Lions Club, and the Republican Party.

Jim’s achievements included receiving the Purple Heart, the Navy Achievement Medal, the Meritorious Service Medal, the Good Conduct Medal, the Pat Williams Intellectual Freedom Award, and the Distinguished Service Award from the Montana Supreme Court.

A memorial service is being planned for June 2021 to allow family and friends to attend in person. In lieu of flowers, donations may be made to the Salvation Army or any veterans’ organization.

Memorial submissions

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

Please email submissions to jmenden@montanabar.org using the subject line “Memorial.” Memorial submissions are subject to editing for length and content.

Robert Driscoll 'R.D.' Corette

RD passed away peacefully from cancer on Oct. 17, surrounded by his dear family. He was born in Butte on Sept. 8, 1940, to Bob and Lorrie Holt Corette.

After graduating from Butte High School in 1958, he joined the Marine Corps Reserves and then attended the University of Montana. While there, he was a Sigma Chi pledge and was on the Rodeo Team. He graduated in 1963 with a B.S. degree in Business Management,



Corette

and in 1966 earned his J.D. degree from UM Law School. While in college, he married Bobbie Reber. From that union, Lorrie and Christine were born. After their divorce, RD became a single parent. During this

time, he was introduced to the beautiful Patty Prigge Monahan by her brother Bob Prigge, who was joining the Corette law firm. After a short courtship, the couple and their blended families embarked on a 45-year adventure on July 4, 1975.

In 1993, Patty and RD took on a young boy, Cameron Lundy—another example of their unconditional love. They had many adventures with Cameron and adopted him in 1998.

RD was a 3rd generation Butte lawyer. He exuded integrity, respect, commonsense and wisdom. He loved practicing law and was passionate about mentoring young lawyers in his 43 years of practice. He had an illustrious career in law and public service. He was admitted to practice in the Montana Supreme Court, U.S. District Court of Montana, U.S. Circuit Court of Appeals-9th Circuit, and U.S. Supreme Court. He was a member of the American Bar Association, State Bar of Montana, Butte-Silver Bow Bar Association, International Association of Defense Counsel, Defense Research Institute, Montana Association of Defense Counsel, American Board of Trial Advocates, Best Lawyers in America, and Fellow-American College of Trial Lawyers. He retired from the Corette

Law Firm in 2009. Towards the end of his career, he was a highly sought-after mediator.

RD's love of Butte manifested itself in his service to the YMCA, Butte Town Club, Butte Exchange Club, Butte-Silver Bow Chamber of Commerce and Butte Country Club. He strongly supported Butte Central and the Butte Food Bank.

RD cherished his life as a husband, father, father-in-law, grandfather and brother. His grandchildren gave him great joy. A strong believer in education and fun, he encouraged and nurtured all of them. RD's optimism, sense of humor and positive mental attitude (PMA) affected everyone who encountered him. This attitude carried him to the end of his honorable life. His footprints are firm and deep. All the lives that he touched were his success and wealth.

He is survived by his beloved wife Patty of 45 years and their children.

John Joseph 'Jake' Quinn

John Joseph "Jake" Quinn, husband of sixty-seven years, father of nine, grandfather of thirteen, great-grandfather of one, and distinguished attorney, passed away September 24, surrounded by family at his home in Lake Oswego, Ore. He was 97.

Part of what Tom Brokaw has called "the greatest generation," Jake was born a handful of years after "the Great War" and the last worldwide pandemic, grew up during the Great Depression, and came of age just in time to enlist in WWII, arguably an even "greater" war.



Quinn

He was born on March 8, 1923, in Volga, Iowa, the son of Robert F. and Irene G. (Corell) Quinn. Raised mostly by his mother in Michigan, he enlisted in the Marine Corps in 1942 at age 18. Technical Sergeant Quinn served with distinction as an air navigator in the Pacific theater, participating in combat missions totaling more than 300 hours of flight over enemy territory, "during which enemy opposition was probable and expected," according to an official citation.

After his service, the G.I. Bill gave

Jake the opportunity to attend Gonzaga University. He later mused how strange it was to be reading Chaucer and Shakespeare in Spokane just months after surviving enemy fire outside his C-47. He graduated from Gonzaga in 1949, where he studied English and for the rest of his life, he loved to recite poetry.

From Spokane he moved to Seattle, where in 1953 he married Polly Ann Peiton. In 1959, he graduated from Georgetown University law school. That year he moved his young family to Great Falls, where he practiced law and worked for Buttrey Foods as General Counsel, and later Vice President. In 1981, Jake moved to California, where he was executive vice president and general counsel for Sav-On Drugs. He practiced law in the Los Angeles area until his retirement in 1993.

Ronald Leroy Frazee

Ron was born the son of the late Chester and Dorothy Frazee of Billings on Nov. 19, 1946.

He was a graduate of Montana State University - Billings and the Alexander Blewett III School of Law at the University of Montana. Prior to attending law school, he served in the U.S. Navy as a Naval Aviator in the Vietnam War, completing numerous missions aboard the USS Enterprise. He continued to serve in the Naval Reserve, retiring in 2000 with the rank of Captain.

Ron started his legal career in 1978 with the Crowley Law Firm in Billings. In 1982 he moved to Dallas and joined Hunt Oil Company. He later worked for Arco International Oil and Gas Company and Mayfair Petroleum, Inc., and started a private practice in 1998.

Ron was known for his dedication and professionalism and widely regarded as an expert in corporate taxation and international oil and gas law. He enjoyed helping individuals with personal legal matters and working as part of a team in complex corporate negotiations, including work with the deepwater exploration company JHI Associates, Inc., where he was in-house counsel since 2015.



Frazee

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ATTORNEY OPENINGS

ASSOCIATE ATTORNEY: Parker, Heitz & Cosgrove, PLLC, a Billings litigation firm, seeks an associate attorney for a litigation position. Applicants must demonstrate excellent research, writing and communication skills. Competitive salary and benefits. Please submit your cover letter and resume in confidence to Parker, Heitz & Cosgrove, PLLC, P.O. Box 7212, Billings, MT 59103-7212, or via email to shawn@parker-law.com or deb-bie@parker-law.com

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). Please 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. All applications will be confidential.

ASSOCIATE ATTORNEY: Trial-focused firm in Bozeman is looking for an Associate to join our busy practice. 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, references, and writing sample to info@doddlawfirmmpc.com.

ASSOCIATE ATTORNEY: Hendrickson Law Firm, P.C. seeks an attorney with litigation experience to do primarily commercial litigation, including contract, property, construction and estate cases, with the opportunity to be a major part of a small, well established, highly rated, general practice firm in Billings. This is an opportunity for immediate revenue sharing and virtually unlimited future financial success, primarily based on productivity, while keeping a strong emphasis on professionalism. Five years' experience preferred. Immediate client involvement and experienced mentoring. Several members are at or nearing retirement and want to keep their good

clients in capable hands. Please send letter of application, references, resume, transcript, and writing sample to katie@hendricksonlawmt.com.

ASSOCIATE ATTORNEY: Datsopoulos, MacDonald & Lind, P.C. of Missoula, Montana seeks an experienced lawyer with two to five years of experience in private practice to work as an associate on Family Law, Civil Litigation and General Trial Practice. Our firm offers a strong collegial and productive work environment and excellent compensation. The ideal candidate would be a lawyer with a positive, can-do attitude and a diligent work ethic. Some basic requirements include being a current member of the Montana Bar, superior writing skills and familiarity with a myriad of practice areas. Please send cover letter, resume and references to sjacobson@dmllaw.com.

ASSOCIATE ATTORNEY: Busy Downtown Bozeman office specializing in business transactions, litigation, family and real estate law is looking for an Associate Attorney to join our Firm. Applications must demonstrate excellent research, writing and communication skills, be highly organized with the ability to multitask. Competitive salary and benefits. Three to five years' experience required. Please email cover letter, resume, references and writing sample to info@berglawfirm.com.

ATTORNEY: Active litigation law firm based in Missoula is looking for an attorney to join its practice. Competitive salary and benefits. Minimum five years' experience required, qualified applicants will have a commitment to meeting client needs through exceptional research, communication, and advocacy skills. Please mail cover letter, resume, references and writing sample to P.O. Box 4066, Missoula, MT 59806 or jarmstrong@lairdcowley.com.

ATTORNEY: Gillette, Wyo., criminal defense and personal injury firm is ready to add another Attorney to manage an increasing caseload. We operate a busy and highly successful practice that practices throughout Wyoming. We employ an advanced certified paralegal,

a legal assistant as well as two investigators. You will join us in advocating for our clients and upholding our clients' rights and providing them with the best possible defense against the crimes with which they've been charged. We work primarily with plaintiffs' personal injury and defending every type of criminal charge. Please send a letter of interest and resume to sjt@steventituslaw.com and debra@steventituslaw.com

CITY ATTORNEY/CHIEF DEPUTY COUNTY ATTORNEY: Seeking experienced attorney for combined position as Lewistown City Attorney/Chief Deputy Fergus County Attorney. As City Attorney, is chief legal counsel for the City of Lewistown and prosecutes criminal misdemeanor and municipal code violations in City Court. As Chief Deputy County Attorney, is responsible for prosecuting civil and criminal cases in Fergus County Justice and District Courts. Full listing and application information available at <http://cityoflewistown.com/services/employment>

CIVIL RIGHTS ATTORNEY: The ACLU of Montana Foundation (ACLU of Montana) is seeking a passionate, energetic and committed staff attorney to conduct litigation advancing civil rights and liberties in the state. The position is full-time and will pay an annual salary of between \$55k and \$68k depending on experience. See full listing and application procedure at jobs.montanabar.org/jobs.

TRANSACTIONAL ATTORNEY: Dorsey & Whitney has an opening for a transactional Associate attorney to support our Corporate practice group. In this role you will have an opportunity to work on a wide variety of corporate transactions, with a particular focus on emerging companies and venture capital work. You will work closely with Dorsey attorneys and clients on deals of varying sizes and across multiple offices, including Missoula, Salt Lake City, and Denver. This position can be based in Denver, CO, Missoula, MT, or Salt Lake City, UT. Dorsey accepts online applications at www.dorsey.com/attorneyjobs. No application materials by mail or email except as a reasonable accommodation

for qualified disabled applicants.

TRANSACTIONAL ATTORNEY:

Datsopoulos, MacDonald & Lind, P.C. of Missoula, Montana desires to engage an experienced transactional/commercial lawyer with three to four years of experience in private practice to work as an associate on sophisticated real estate development, business and complex commercial transactions. Please send cover letter, resume and references to sjacobson@dmllaw.com.

PARALEGALS

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