

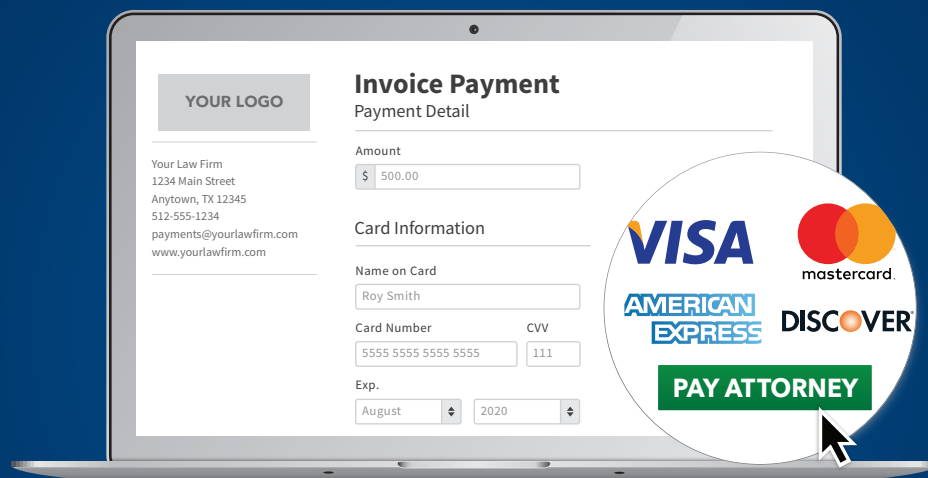
MONTANA JULY 2019 LAWYER

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Annual Meeting is September 11-14

**Helena's Dan McLean selected
as 2019 Jameson Award winner**



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ON THE COVER



Be there in Billings! Get ready for the State Bar of Montana's 45th Annual Meeting in Billings, with our biggest CLE lineup in years, and much more. **Schedule on pages 16 and 17.**

FEATURE ARTICLES



HATS OFF TO OUR 2019 AWARD WINNERS

Helena's Dan McLean is selected William J. Jameson Award winner. Missoula's Eli Parker wins the George L. Bousliman Professionalism Award. Helena's Abbie Cziok wins the Frank I. Haswell Award.



2019 STATE BAR LEGISLATIVE REPORT

The State Bar of Montana had a successful year defending judiciary in the legislative session.

CITING AUTHORITY? KEEP IT BRIEF

Brevity is the key to artfully weaving authority into your legal writing.



With summer here, our thoughts turn to fall and Annual Meeting

With the arrival of mid-summer and the return of warm summer weather, we here at the State Bar of Montana are gearing up for fall and the 45th Annual Meeting which will take place in Billings Sept. 11-14.

Our return to Billings will include our New Lawyers Workshop, some outstanding plenary sessions on Thursday, Sept. 12, an oral argument before the Montana Supreme Court on Friday, Sept. 13, and four breakout CLE sessions presented by sections of the bar. We will again offer the popular Saturday morning ethics session that debuted at last year's Annual Meeting. We will also continue the tradition of including a silent auction benefit for the Montana Justice Foundation during the awards banquet, which will feature the outstanding awardees for this year profiled in this month's magazine. It promises to be a busy week of camaraderie, superb learning opportunities and enjoying all the Magic City of Billings and the

historic Northern Hotel have to offer.

We are also pleased to announce that the Board of Trustees decided at its most recent meeting that the State Bar of Montana will join the ranks of bar organizations around the country who help coordinate the state competitions for the National High School Mock Trial competition. In fact, our regional peer bars in Idaho and Nevada recently played host to the national competition. Planning is underway for the first-ever statewide competition next March in Helena to select a team to participate in the national competition next spring. The Montana competition will be funded with private support and the event will provide an excellent opportunity for high school students from across the state and for volunteer lawyers interested in passing on their knowledge of trial work. If you are interested in becoming involved or helping support this effort financially, please drop us a line at mocktrial@montanabar.org.



JOHN MUDD

See pages 12 to 19 for profiles of our Annual Award winners and information about the 45th Annual Meeting in Billings.

MONTANA LAWYER

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Consider lending aid to our many veterans in need

With approximately 100,000 veterans living within its borders, Montana has the second largest population of veterans per capita in America. In a 2012 survey conducted by the State Bar, one-third of those veterans surveyed were having difficulties paying their bills, one-third had a veteran-specific legal issue especially concerning veterans' benefits, and one-quarter were experiencing family law issues. Veterans have also been the victims of hucksters who lure veterans into signing over their pension and disability benefits in exchange for cash loans that yield a lot less money for them. More recently, veterans and their families have been scammed by some companies charging a lot of money for services offered free through the government.

In 2014, the State Bar of Montana's Law-Related Education Committee conducted a legal needs assessment of Montana veterans and active military. This assessment confirmed what was found in the 2012 survey and also noted that most veterans were trying to resolve their problems without legal assistance. The cost of legal assistance and the lack of resources to pay for an attorney were put forward as a couple of the possible barriers to veterans seeking resolution of their problems.

To assist Montana veterans as well as active military personnel, several legal programs have been set up either by the State Bar, the Supreme Court, or the Law School. One such program is Montana Attorneys for Montana Veterans (MAMV) which is a joint effort between the Supreme Court and the law school. MAMV is designed as a pro bono program to assist Montana

veterans with claims for disability benefits before the Board of Veterans Affairs (BVA). Pro bono representation allows preserving those benefits in their entirety for veterans.

Montana Legal Assistance to Military Personnel (LAMP) is a group of attorneys who have agreed to assist active duty military and their families. Clients are referred through the State Bar and attorneys agree to provide reduced fee services to soldiers and their families (a minimum of a 10% reduction in fees).

The Montana Legal Services Association (MLSA) also assists veterans and their families, especially those of low or limited means, by providing legal information, advice, and other services free of charge. MLSA works both on individual cases and under a systemic approach to help people keep their housing, preserve their public benefits, protect their finances, and much more.

The State Bar also has a Veterans' Law Section which was established to identify, coordinate and help resolve legal issues affecting our military veterans, including pro bono assistance. Section membership is open to all attorneys and Paralegal Section members of the State Bar, and not just those who are veterans.

If you have a desire to serve those who have served their country in the military, consider volunteering or contributing to one of these organizations. It may mean a great deal to those who have given so much.

Eric Nord is a partner at Crist, Krogh & Nord in Billings.



ERIC NORD

If you have a desire to serve those who have served their country in the military, consider volunteering or contributing to one of the organizations mentioned in this column. It may mean a great deal to those who have given so much.

CAREER MOVES

Dougherty joins Appellate Services Bureau at Montana Attorney General's Office

The Attorney General's Office at the Montana Department of Justice

**Dougherty**

welcomes Michael Dougherty as a new assistant attorney general in the Appellate Services Bureau.

Dougherty is a 2015 graduate of the University of Montana School of Law. Following a clerkship with

Chief U.S. District Court Judge Dana L. Christensen, he started a solo practice law firm. More recently, he was an assistant public defender in Ravalli County.

He also holds a Master of Public Administration from the University of Montana.

Jake Miller joins Datsopoulos, MacDonald & Lind law firm

Datsopoulos, MacDonald & Lind is pleased to welcome Edward "Jake" Miller as an associate with the firm.

Miller was born in Anchorage, Alaska, and grew up in Lolo, Mont. He attended the University of Montana (B.A., English Literature, 2010) and went to law school at Gonzaga University School of Law in Spokane, Wash. He was admitted to practice law in Montana in 2018.

**Miller**

During law school, he was the co-president of Gonzaga's Environmental Law Caucus and a member of the Gonzaga Intellectual Property Law Association. He completed his clinical work at the Gonzaga School of Law's Environmental Law Clinic.

Felt, Martin, Frazier & Weldon welcomes Moen as associate attorney

Felt, Martin, Frazier & Weldon, PC is pleased to welcome Kyle A. Moen as an associate attorney. Moen was raised in Billings.

**Moen**

After majoring in biology and philosophy at Whitman College, he went on to get his J.D. from the University of Colorado Law School before returning home to Montana.

Moen most recently served as Chief Legal Counsel for the Montana Office of Public Instruction. He will practice in a variety of areas, including education, labor and employment, real estate, probate, and business planning.

HONORS

Rhoades invited to speak at Texas firearms law CLE

The State Bar of Texas has invited Quentin Rhoades of Missoula to speak at its annual Firearms Law CLE course on Sept. 13, 2019, in Austin, Texas. Rhoades has been asked to speak on the topic of Defending the Same Shooting in Civil and Criminal Courts.

**Rhoades**

of courtroom experience before both Montana and federal trial and appellate courts. He is admitted to practice before the United States Supreme Court; the Montana Supreme Court; the U.S. Eighth Circuit Court of Appeals; the U.S. Ninth Circuit Court of Appeals;

Rhoades is a founding member of Rhoades, Siefert & Erickson, PLLC. His statewide practice is focused exclusively on litigation, especially in matters to be presented to a jury. He has a wealth

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@montana-bar.org. Submitted photos should be at least 200 ppi by two inches wide for head and shoulders shots.

Email or call 406-447-2200 with questions.

the U.S. Ninth Circuit Bankruptcy Appellate Panel; U.S. District Court for the District of Montana; the U.S. Court of Claims, the U.S. Tax Court, the U.S. Immigration Court for the Districts of Montana, Washington and Colorado, and the U.S. Board of Immigration Appeals. He has also been admitted to practice pro hac vice before circuit courts in Alaska and federal courts in the Western District of Arkansas, the Eastern and Southern Districts of Texas, the Western District of Washington, and the District of Minnesota.

Rhoades' practice is focused exclusively on litigation, especially in matters to be presented to a jury. He places an emphasis on serving small businesses and individuals with trials and appeals. This focus has given him a broad range of trial experience including business, commercial and real estate law; personal injury and wrongful death; airplane crashes; bad faith; construction litigation; forest fire lawsuits; self-defense; felony criminal defense; legal and professional malpractice; and political practice and election law. He is a regular speaker on topics involving firearms law, jury trial techniques and legal ethics.

Williams awarded certified mediator with family designation by MMA

Anna M. Williams, owner of Anna Williams Law PLLC, has been awarded the certified mediator with family designation by the Montana Mediation Association.

The CMF designation is only awarded after successful completion of an advanced curriculum that includes a significant attainment



Williams

of qualifying experience. MTMA-certified mediators are recognized experts in dispute resolution arising in business, employment, housing, finance, real estate, neighborhood associations, construction, agriculture, education, small claims and other areas where conflicts arise. MTMA is a nonprofit, professional association encompassing all of Montana. Of the estimated 81 Montana mediation members, only 24 currently hold the CMF designation.

Williams also conducts appellate mediations and volunteers at the Community Mediation Center in Bozeman.



Hannah Wilson

MT Supreme Court Clerk Wilson to teach in Serbia as Fulbright scholar

Montana Supreme Court law clerk Hannah Wilson has been awarded a nine-month Fulbright Scholar grant to teach in Serbia.

It will be the second major international trip in the past two years for Wilson, who aspires to a career in international law and eventually hopes to become a Foreign Service Officer. During law school Wilson did an internship working at what is now the UN Mechanism for International Criminal Tribunals in The Hague, Netherlands. During her Fulbright year she will assist in teaching courses at the University of Niš, Faculty of Philosophy, and continue studying international criminal law and transitional justice.

"I am honored and excited to take on the challenge of living in Niš, Serbia, for 9 months as a Fulbright scholar," Wilson said.

"This fellowship will help shape my international legal career and create opportunities for me to contribute to my legal community through scholarship. I especially look forward to sharing my home culture with my Serbian colleagues, who I hope will share theirs with me."

Wilson, who was admitted to the State Bar of Montana in April 2018, currently works as a judicial law clerk to the Justice Dirk Sandefur of the Montana Supreme Court. A Kalispell native, she is a 2017 graduate of the University of Montana's Alexander Blewett III School of Law, where she was a Blewett Scholar and a member of the Montana Law Review. She graduated summa cum laude from Montana State University in 2015 with degrees in economics and history.

BETTR SECTION MENTOR PROGRAM

New to transactional practice? 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.

Attorney coaches needed for high school mock trial competition's inaugural season

The State Bar of Montana's Board of Trustees has approved a proposal to create a statewide high school mock trial competition in Montana.

Montana is currently one of the few states in the country without a high school mock trial competition, although mock trial teams from Helena have competed in Idaho since 2015, led by attorney coaches David Morine and Kayleigh Morine and faculty coach

Kacey Askin.

The plan calls for a state competition to be held each spring starting in 2020. Known costs that the bar will cover include \$250 for membership in the National High School Mock Trial organization, and \$500 to register the Montana champion team to compete at the 2020 National Championship May 6-9 in Evansville, Ind. The State Bar will administer the state competition with

existing staff resources and will seek private funds to support the program.

Any Montana high school, public or private, will be allowed to create up to three teams consisting of six to nine students. Each school must have at least one faculty coach and one attorney coach.

If you are interested in helping start a high school mock trial team, please email mocktrial@montanabar.org.

Bar members can save 35% on Identillect email encryption service

The State Bar of Montana has increased the discount offered to Active Attorney members on a simple and secure service to protect sensitive email communications.

Earlier this year, the bar selected Identillect Technologies Corp.'s Delivery Trust email encryption service as the preferred solution for bar members to protect their sensitive communications. The bar's Board of Trustees



in May decided to forgo any royalties it would have received from members who use the service, instead opting to provide a larger, 35% discount for members.

Identillect is a trusted leading provider of compliant email security.

Delivery Trust is an award-winning, multi-platform plug-in that gives users complete control of their emails, for one low price. One simple integration complies with all regulations and most importantly provides peace of mind.

For more information, or for a free trial, please visit www.identillect.com. Use the code SBM20 to receive the 35% discount.

Mark your calendars!

The Alexander Blewett III School of Law at the University of Montana invites you to participate in:

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Interview 2L and 3L students for intern, law clerk, and associate positions during our semi-annual OCI program.

To advertise a position and set up an interview schedule please:

- Log in to Networkx at <https://law-umt.12twenty.com/hire>;
- Complete the Fall OCI Job Posting Form on our website; **OR**
- Contact Christina Tin at christina.tin@umontana.edu | (406) 243-6169.

October 2 - 5

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Dye, Mansch, Marks, Sherwood nominated for judicial vacancy in 4th Judicial District

The Judicial Nomination Commission has forwarded the names of four Missoula attorneys to Gov. Steve Bullock for appointment to an upcoming judicial vacancy in the 4th Judicial District.

The 4th Judicial District covers Missoula and Mineral Counties. The four nominees are:

- Travis Benjamin Dye, 47, a partner at Kalkstein & Dye. Dye is a 2001 graduate of the University of Montana School of Law. After law school he clerked for U.S. District Court Chief Judge Donald L. Molloy. He was an associate at Phillips, Bohyer & Hedger for four years before joining his current firm, first as an associate then as a non-equity partner. He was the 2017 winner of the State Bar's Neil Haight Pro Bono Award.
- Larry Dean Mansch, 61, legal and clinic director of Montana

Innocence Project. Mansch is a 1983 graduate of the Creighton University School of Law. Before joining the Innocence Project, he was managing partner at Mansch and McLaverty. He served as a Judge Advocate General for the Montana National Guard from 1991-2011 and he was a Missoula County Public Defender from 1985-1999.

- Jason Troy Marks, 41, chief deputy county attorney for the Missoula County Attorney's Office. A 2005 graduate of Temple University School of Law, Marks has worked for the County Attorney's Office since 2001. He previously worked for the Office of the State Public Defender and the Missoula County Public Defender's Office.

- Michael Joseph Sherwood, 68, president of Michael J. Sherwood, P.C. A 1977 graduate of the University of Montana School of Law, Sherwood has

been in private practice as a sole practitioner or as a partner his entire career. He was the Montana Trial Lawyers Association's Trial Lawyer of the Year in 1988 and the Montana Association of Criminal Defense Lawyers' Criminal Defense Lawyer of the Year in 2000.

The governor will choose one of the four to replace the Honorable Karen Townsend, who is retiring after eight years on the bench.

Ten attorneys applied for the opening. Before nominating Dye, Mansch, Marks and Sherwood on July 16, the commission took public comment and interviewed all 10 applicants.

Commission members are District Judge John C. Brown of Bozeman; Janice Bishop of Missoula; Karl Englund of Missoula; Elizabeth Halverson of Billings; Hal Harper of Helena; Lane Larson of Billings; and Nancy Zadick of Great Falls.

9 members appointed to network evaluating guardianship, conservatorship

Chief Justice Mike McGrath in June appointed nine members to two-year terms an interdisciplinary network to evaluate laws, services and practices related to adult guardianship and conservatorship.

The Working Interdisciplinary Network on Guardianship will provide ongoing evaluation of adult guardianship and conservatorship. The network's duties include:

- Identifying strengths and weaknesses in the state's current system of adult guardianship and conservatorship;
- Identifying less restrictive options for those for whom guardianship or conservatorship is sought;
- Reviewing national standards on guardianship and conservatorship practices and recommending standards for adoption in Montana.

The Honorable Dan Wilson of Kalispell will represent the state district courts and serve as the presiding officer. Helena lawyer Erin Maclean will represent the State Bar. Other members include advocates for senior citizens and the developmentally disabled; a professional and an unpaid guardian or conservator; a representative from Adult Protective Services; and a health care provider experienced in working with patients in need of guardianship. The State Law Library of Montana will provide administrative support for the network.

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Dominic (Dee) Carestia Attorney/Mediator/Arbitrator




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STATE BAR OF MONTANA

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DeSoto selected as US magistrate judge for Missoula

Kathleen DeSoto has been selected as U.S. magistrate judge in the Missoula Division, the U.S. District Court for the District of Montana has announced.



DeSoto

DeSoto, 51, will be sworn in on Friday, Aug. 3. She will succeed U.S. Magistrate Judge Jeremiah Lynch, who announced last year that he will retire effective Aug. 3. She will be the first female federal judge in the Missoula Division and the third ever in Montana. She was selected from a group of finalists by a court-appointed merit selection panel.

DeSoto has been in private practice since 2001 with the Missoula firm of Garlington, Lohn & Robinson, where she is currently a partner. Her practice areas include insurance coverage, defense of insurance unfair claims practices act cases, school liability defense, legal malpractice, and federal criminal defense. She is a member of the American Bar Association, the Federal Bar Association, and the Western Montana Bar Association. She is a former lawyer representative to the Ninth Circuit Court of Appeals and is past-president of the Federal Bar Association for the District of Montana and a past-president of the Western Montana Bar Association. She is chair of the State Bar of Montana's Federal Practice Section and a past officer with the bar's School

Law Section.

DeSoto was raised in Missoula and graduated from Loyola Sacred Heart High School. She earned a bachelor's degree from Santa Clara University in 1989 and attended graduate school at the University of Montana. She graduated with highest honors from the University of Montana School of Law in 1999. After graduation, she clerked for United States Chief District Judge Jack D. Shanstrom in Billings for two years.

The District of Montana has three full-time magistrate judge positions, located in Missoula, Billings, and Great Falls. DeSoto will become the third magistrate judge to serve on a full-time basis in the Missoula Division. Her appointment takes effect on Aug. 3, 2019.



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Humbling Honor

By Joe Menden

Longtime Crowley Fleck Partner **Dan McLean**
selected for award named after his mentor
and first boss, Judge William J. Jameson

Elaine Gagliardi was newly out of law school working as a federal law clerk when her judge — the Honorable William J. Jameson — introduced her to another former clerk of his.

Judge Jameson proudly told Gagliardi about McLean's work and his commitment to the law and his clients. Coming from the legendary Montana jurist who was noted for his measured assessments of others, both positive and negative, it was high praise — and it made an impression.

"I remember only hoping that I could

make the same difference in the lives of others as I entered into the practice of law," said Gagliardi, now a professor at the University of Montana's Alexander Blewett III School of Law.

Nearly 40 years after McLean served his clerkship with Judge Jameson, the State Bar of Montana will present him with the bar's highest honor — the William J. Jameson Award — at its 2019 Annual Meeting in Billings September 11-14. McLean said it was an emotional moment that brought tears to his eyes when he learned he had been chosen for the award named after his former boss and mentor.

"I don't see myself that way," said McLean. "To have my name associated with Judge Jameson — I don't consider myself in that caliber. I'm so awed by him."

Clearly, many feel otherwise. McLean was nominated for the award this year by Montana Legal Services Association, and his nomination received numerous letters of support, including from Gov. Steve Bullock, MLSA Executive Director Alison Paul, Gagliardi, senior partners and junior associates alike from Crowley Fleck, and other respected attorneys and philanthropic leaders throughout Montana.



Judge William J. Jameson sits with McLean in this photo taken in 1980 when McLean was Jameson's law clerk. (Photo courtesy of Dan McLean)

In her letter, Paul noted that McLean shepherded MLSA through difficult decisions when he was the organization's board president several years ago amid federal funding cuts to legal aid. He continues to be a passionate advocate for legal aid, she said, and has served as a mentor to MLSA attorneys on complicated trust and probate cases. Even in retirement, she said, McLean regularly volunteers for pro bono work.

"Dan McLean's career has been grounded in the belief that a healthy legal system relies upon the active commitment to public service of the members of the legal profession," Paul said. "He has demonstrated his dedication to this ethic in every facet of his professional and personal life, and the

assistance Dan has given directly to people in need has made a difference in the lives of Montana's neediest citizens. I'm proud of Dan's involvement with MLSA and honored to endorse his nomination for the William J. Jameson Award."

As committed as McLean is to legal aid and pro bono work, it is far from the limit to his service to the profession. He served on the Montana Supreme Court's Commission on Practice from 2010 until his retirement. He has served in many capacities including on the Board of Trustees and as chair of the bar's Business, Estates, Trusts, Tax and Real Property Section. He has been a board member or volunteer for numerous local and state nonprofit organizations.

He also has an AV Preeminent

DAN MCLEAN

Home: Helena

Education: University of Montana School of Law, J.D., High Honors, 1980; Harvard University, A.B., cum laude, 1975; Anaconda High School, 1971, valedictorian.

Professional Career: Law clerk to the Honorable William

J. Jameson, Senior U.S. District Judge, 1980-1981; attorney, Crowley Fleck, 1981-2019.

Professional Honors:

2019 William J. Jameson Award; AV Preeminent Rating by Martindale-Hubbell; Best Lawyers in America for Trusts and Estates (since 2006); Mountain States Super Lawyers (2007, 2011-2012).

Jameson Award Winners

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



I HAD A GREAT CAREER. I HAD THE PRIVILEGE OF BEING A LAWYER."

DAN McLEAN, 2019 JAMESON AWARD WINNER

Rating from Martindale-Hubbell, has been listed since 2006 in Best Lawyers in America for Trusts and Estates, and has been named a Mountain States Super Lawyer multiple times.

"Dan has participated in every area available to him in his profession," Robert G. "Jock" Michelotti Jr. wrote in his letter supporting McLean's nomination. "Whether it be participating with his peers in ACTEC (American College of Trust and Estate Counsel), State Bar of Montana, the Commission on Practice or advancing legislation, Dan is

integrally involved in the profession of the law. If you are lucky enough to serve or spend some time with Dan, it doesn't take long to observe his dedication and passion for the law."

McLean said it was a privilege and an amazing opportunity to start his career by clerking for Judge Jameson, whom he called his inspiration and someone who remained a kind and unassuming figure unaffected by his stellar national reputation.

He remained close with the judge after his clerkship ended, so much so that

he was a pallbearer when the judge died in 1990. Still, he never addressed him as anything other than "Judge."

McLean calls the Jameson Award a humbling honor to cap his career. While he is proud of his accomplishments – he worked hard, he helped grow his firm, he always put his clients' interests first – he doesn't see them as worthy of acclaim.

"I'm a guy who just did his job," he said. "I had a great career. I had the privilege of being a lawyer."



Dan's years and breadth of experience have made him a true leader in Montana's legal community. He is well-known for his professionalism, ethical conduct, and commitment to advancing the public good. Dan's legal career, spanning nearly four decades, serves as the model example to all who practice law in our state."

Gov. Steve Bullock



Between his active practice and public service, I'm not sure when Dan sleeps. He is absolutely committed to the improvement of the legal profession and is highly deserving of the Jameson award."

Kristen Juras



Judge Jameson I know would be well pleased and would continue to be very proud of Dan's efforts in improving the profession and the law for the public good. Dan, through his actions, has encouraged all of us to practice with the highest level of ethics and devotion to improving the lives of others through our legal system."

Elaine Gagliardi



Dan has spent his entire career cultivating professionalism in the legal field, advocating for the profession's role in ensuring the public good, and mentoring new attorneys as they move from the theory of the law to the practice."

Gary Connelly



Early in his career, Dan committed himself to develop his expertise to serve others in his personal and professional life. Throughout his career he has dedicated his efforts to using his personal and legal skills to help his clients and community."

Robert G. "Jock" Michelotti Jr.

CONFERENCE AGENDA

WEDNESDAY, SEPTEMBER 11

- 11am-1pm Executive Committee Meeting
- 1-4pm **Paralegal Section CLE** (Good for general CLE credit -- open to all Annual Meeting attendees)
- 2-5pm Board of Trustees Meeting
- 4-5pm Paralegal Section Annual Meeting
- 5:30-7:30pm Welcome Reception (Sponsored by the Paralegal Section)
Ten Restaurant

THURSDAY, SEPTEMBER 12

- 6am Optional Group Run/Walk
3.0 mile run or 1.5 mile walk
- 7am Registration Open
- 8-10am Optional Events
- 10am-noon Montana Justice Foundation Meeting

Plenary Sessions

12pm-4:30pm

- 12pm-1pm Lunch Keynote
- 1pm-1:30pm Networking Break
- 1:30-2:30pm **Building Impactful Law Firms by Tapping into Your Talent Pool** — Hilarie Bass, Past President, American Bar Association

Thursday Plenary Sessions, continued

- 2:30-3:30pm **The Lawyers Role in Defending and Advancing the Rule of Law** — Hilarie Bass, *ABA past president*; Bob Carlson, *ABA immediate past president*; Cliff Edwards, *International Association of Trial Lawyers president*
- 3:30-4:30pm **Meeting Changing Cybersecurity and Technology Trends** — Todd Sexton, *CEO Identillect Technologies*

- 5pm-6pm **President's Reception and 50-Year-Pin Ceremony** (Sponsored by Crist, Krogh and Nord, PLLC, Billings)
- 6pm **Awards Banquet and Montana Justice Foundation Benefit** (Sponsored by MyCase)

FRIDAY, SEPTEMBER 13

- 7:45-8:45am **Business Meeting/Distinguished Service Awards** (Sponsored by the Alexander Blewett III School of Law)
- 8:45-9:15am Networking Break (Sponsored by Entre Technology Services)
- 9:30am-11:30am **Supreme Court Oral Argument** -- *Nunez v. Watchtower*
- 11:30-11:45am Break



SEPTEMBER 11-14

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Friday, Sept. 13, continued

11:45am- **Women Lawyers in Leadership** Hon. Susan Watters, *U.S. District Court, Billings*
1:15pm

Breakout Sessions

1:30 - 3:30pm

Track I **Natural Resources, Energy & Environmental Law Section** —
Details to be determined

Track II **Protecting Your Blind Side: Advanced IP Topics for the General Practitioner** — Bob Griffin, Joel Henry, Sarah Rhoades, Antoinette Tease

Track III **Business, Estates, Trusts, Tax & Real Property Section** — Ed Eck and Vincent Kalafat

Track IV **State and Federal Health Savings Programs** — Marsha Goetting and Joel Schumacher, *Montana State University Extension, Bozeman*

3:30pm- **Plenary Session — Judicial Panel:**
4:30pm Hon. Colette Davies, Hon. Jessica Fehr, and Hon. Rod Souza, *13th Judicial District, Billings*

5pm **Local Bar Reception**

SATURDAY, SEPTEMBER 14

8-9am **Changes to the Montana Rules of Professional Conduct** — Betsy Brandborg, *State Bar of Montana General Counsel, Helena*

9-10am **The Ethical and Legal Hurdles of Hemp Production** — Cort Jensen and Ben Thomas, *Montana Department of Agriculture, Helena*

AWARDS BANQUET/ART FOR JUSTICE BENEFIT AUCTION

The Annual Meeting's Thursday evening Awards Banquet will once again feature the Art for Justice Benefit Auction, with all proceeds going to the Montana Justice Foundation.

The benefit auction, now in its fourth year, grown every year. In 2018, the auction raised over \$4,000 for MJF. The bar will also honor the winners of five of its annual awards at the banquet: William J. Jameson Award (Dan McLean); George L. Bousliman Award (Eli Parker, Missoula); Frank I. Haswell Award (Abbie Cziok, Helena); Neil Haight Pro Bono Award (TBA); Karla M. Gray Equal Justice Award (TBA).

AL MEETING
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NORTHERN HOTEL



Parker selected for Bousliman Professionalism Award

By Joe Menden

Missoula's Eli Parker received the ultimate endorsement of his professionalism as an attorney when he was nominated for the 2019 George L. Bousliman Professionalism Award.

Parker represents clients in involuntary commitment cases for the Office of the Public Defender. His nomination was submitted by Missoula Deputy County Attorney Anna Conley and was supported by Deputy County Attorneys Suzy Boylan and Erica Grinde — all of whom have opposed him in the courtroom in commitment proceedings. His nomination also received letters of support from nearly everyone he comes in contact with in that role, including frequent adverse witnesses and Judge Leslie Halligan and Judge Karen S. Townsend of the 4th Judicial District. If the best indicator of a lawyer's professionalism is the opinions of judges and adversaries, it's hard to imagine a more qualified candidate than Parker, who will receive the award at the bar's Annual Meeting in Billings Sept. 11-14.

Dr. Robert Munjal, a psychiatrist at Missoula's Providence St. Patrick Hospital, said Parker not only has earned his respect, he has raised his esteem for the legal system as a whole and the important role of attorneys in

More PROFESSIONALISM Page 28



Eli Parker is the 2019 winner of the State Bar of Montana's George L. Bousliman Professionalism Award.

Cziok honored for outstanding contribution to Montana Lawyer

Helena lawyer Abbie Cziok was selected for the 2019 Frank I. Haswell Award for her series of legal writing columns for the Montana Lawyer.

Cziok is an associate at Browning, Kaleczyc, Berry & Hoven's Helena office. Her column, "Legal Jargon," has appeared regularly in the Montana Lawyer since November 2018. (See page 26 for this issue's installment.)

"I'm honored to be selected, and I'm grateful to be a part of this wonderful

Montana legal community," Cziok said.

The State Bar's Past Presidents Committee, chose the winner. It will be presented at the bar's Annual Meeting in Billings in September.

"I caught myself smiling, even laughing, at the word play," District Judge Shane Vannatta, a committee member, said of Cziok's columns.

The committee also gave honorable mention to P. Mars Scott of Missoula for his article on delivering bad news to

clients (June/July 2018), citing it as great, practical advice on improving lawyering; and to Mike Talia's article talking with clients about cybersecurity awareness (January 2019), calling it a timely, impactful article.

The Haswell Award is given annually for the best contribution to the Montana Lawyer. It includes a cash award, endowed by former Montana Supreme Court Chief Justice Frank Haswell upon his death in 1990.

2019 STATE BAR OF MONTANA ANNUAL MEETING REGISTRATION

Register at **www.montanabar.org** or by using this form

REGISTRATION AND PRICING

You may register through September 6 by mailing this completed form with payment or, through September 9 by going online to pay by credit card. If you register by Aug. 20 you qualify for a \$25 discount. To register online, go to www.montanabar.org. Log in to your State Bar account at the top of the home page and click on the **2019 ANNUAL MEETING** graphic. If you have questions or problems logging in, please contact the State Bar office, 406-442-7660.

PRICE A for attorneys practicing five years or more and non-attorney registrants.

PRICE B for attorneys practicing under five years and members of the following sections: Health Care Law; BETTR; Natural Resources, Energy & Environmental Law; Intellectual Property Law.

PRICE C for Paralegal Section members

	Price A	Price B	Price C
Paid by Aug. 20:	\$450	\$425	\$250
Paid after Aug. 20:	\$475	\$450	\$275

Optional Tickets and Items

Thursday Evening Awards Banquet/Montana Justice Foundation Silent Auction: \$50/Person

No. of tickets _____ x \$50 = _____

Printed CLE course materials

(Electronic materials will be provided at no charge)

☐ No. of copies _____ x \$55 = _____

Friday Awards Breakfast/Business Mtg: One ticket included with registration. Add'l tickets: \$20/Person

No. of extra tickets _____ x \$20 = _____

Total Payment Enclosed: \$ _____

☐ Enclosed check made payable to State Bar of Montana

Note: If paying with credit card, please visit www.montanabar.org or call 406-447-2206

If paying by check, mail registration form to State Bar of Montana, Attn: Annual Meeting, P.O. Box 577, Helena, MT 59624

Name: _____ Bar Number (for CLE Credit reporting): _____

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**The 2019 Annual Meeting
will be at Billings' Historic
NORTHERN HOTEL**

Located at 19 North
Broadway,

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A limited number of rooms
will be blocked **until Aug. 13**.
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More hotel information at
www.northernhotel.com/

More Annual Meeting information and online registration are available at www.montanabar.org/
Questions? Email mgallagher@montanabar.org



Bar successful during '19 legislative session marked by improved collegiality

By Bruce Spencer and Ed Bartlett

The Montana Legislature adjourned sine die on Thursday, April 25, day 87 of a 90-day biennial session. Bucking the recent national trend of political partisanship this session was more collegial than any session in recent memory.

In addition to improved collegiality, it was also a very successful session in terms of the success or failure of bills on which the bar took a position. (See the box on the facing page for the list of bills the bar supported and opposed, as well as those advocated by voluntary bar sections.)

The judiciary was somewhat under attack this session with 28 bill drafts relating to judges or the judicial system.

The State Bar successfully opposed bills that were harmful to the judiciary and the judicial process, however public education about judges and the judicial system is needed before the next legislative session.

The bar was able to get amendments into a bill revising notary law to enable lawyers to satisfy their ethical duties regarding notary journals. The notary fight has been ongoing for many years and it was nice to see it resolved.

The budget, while still not enough to adequately fund the judicial branch

Lobbying reimbursement for State Bar members

The State Bar of Montana affords a refund process for a pro rata portion of member dues spent on lobbying efforts when the bar takes a position on a legislative bill with which a member disagrees.

To request a refund, list the bill on which you disagreed with the State Bar's position and send the list to: Lobbying Refund, State Bar of Montana, P.O. Box 577, Helena, MT 59624.

to the level needed, was acceptable both to the Supreme Court and the State Bar. The judicial pension funds were reinstated, and HB 175 provided pay raises.

Composition of the legislature and House, Senate leadership

Republicans controlled both Houses as they have over the past decade. Senators Scott Sales (R-Kalispell) and Fred Thomas (R-Stevensville) served as President and Majority Leader and Senator Jon Sesso (D-Butte) returned

as Minority Leader. In the House, Representatives Greg Hertz (R-Polson) and Brad Tschida (R-Missoula) were elected Speaker and Majority Leader while Casey Schreiner (D-Great Falls) served as Minority Leader.

Republicans held a 30-20 majority in the Senate and a 58-42 majority in the House. These numbers are a bit misleading, however, as a group of moderate Republicans that emerged over the past few sessions joined with Democrats before this legislative session began to form

the so-called Solutions Caucus. Although there were 58 Republicans in the House, as many as 20 led by Rep. Llew Jones, R-Conrad, voted in a bloc with most if not all Democrats on priority issues such as Medicaid expansion, the HB 2 General Appropriations Bill, infrastructure funding and some tax bills.

Bruce Spencer and Ed Bartlett served as lobbyists for the State Bar of Montana during the 2019 Legislative Session. Both are past presidents of the State Bar.

Status of State Bar Bills Supported

- HB 182 – Kenneth L Holmlund, R-HD 38. Establish the Civil Justice Improvements Act. Tabled Senate Judiciary Committee Judiciary.*
- HB 217 – Casey Knudsen, R-HD 33, Remove suspension of driver's license as punishment for certain crimes. **Signed into law.**
- HB 274 – Frank Garner, R-HD 7. Provide for the restoration of either party's name when a marriage is dissolved. **Signed into law.**
- HB 370 – Becky Beard, R-HD 80. Generally revise notary laws. **Signed into law.**
- SB 203 – JP Pomnichowski, D-SD 33. Add a District Court Judge to the 18th Judicial District. **Died in Committee.***
- SR 10 – Keith Regier, R-SD 3, Confirm Governor's appointee to 12th judicial district. **Filed with Secretary of State.**
- SR 11 – Jason W Ellsworth, R-SD 43. Confirm Governor's appointee to 21st judicial district. **Filed with Secretary of State.**
- SR 20 – Keith Regier, R-SD 3. Confirm Governor's appointee for Water Court judge. **Filed with Secretary of State.**
- SR 29 – Diane Sands, D-SD 49. Confirm Governor's appointee to 4th judicial district. **Filed with Secretary of State.**

Status of State Bar Bills Opposed

- HB 157 – Forrest Mandeville, R-HD 57. Generally revise laws related to disqualification of judges. Failed on second reading, House.*
- HB 246 – Lola Sheldon-Galloway, R-HD 22. Revise laws for out-of-state subpoenas. **Tabled, House Judiciary Committee.***
- HB 442 – Joe Read, R-HD 93. Generally revise

evidence laws. **Tabled, House Judiciary Committee.***

- HB 484 – Bob Brown, R-HD 13. Revise laws related to the voter information pamphlet and judicial candidates. **Tabled, House Judiciary Committee.***
- HB 485 – Bob Brown, R-HD 13. Revise judicial standards commission appointment process. **Tabled, House Judiciary Committee.***
- HB 486 – Bob Brown, R-HD 13. Revise judicial standards commission complaint process. **Tabled, House Judiciary Committee.***

Bills supported by State Bar Sections

In addition to the bills the bar supported or opposed, voluntary sections of the bar advocated for the following bills during the 2019 session.

Business, Estates, Trusts, Tax & Real Property Law (BETTR) Section

- HB 256 – Connie Keogh, D-HD 91. Allow time of death transfer of vehicles and vessels. **Died in Standing Committee.***
- HB 461 – Connie Keogh, D-HD 91. Generally revise the uniform powers of appointment act. **Signed into law.**
- SB 225 – Steve Fitzpatrick, R-SD 10. Generally revise probate laws. **Signed into law.**

Family Law Section

- HB 268 – Sharon Greef, R-HD 88. Revise conciliation rules in cases of divorce. **Signed into law.**
- HB 336 – Connie Keogh, D-HD 91. Generally revising laws on temporary orders for maintenance or support. **Died in the process.***
- HB 347 – Sharon Greef, R-HD 88. Revise laws related to grandparents' rights. **Signed into law.**

The Montana Justice Foundation Board of Directors gratefully acknowledges the following donors for their support of the MJF and the access to justice cause.*



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The MJF gratefully acknowledges those who have made gifts in memory or in honor of colleagues, family, and friends. Bolded names are those being remembered or honored.

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Abbie
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Showing identical facts point by point when comparing cases is tedious and boring. It's more important to immediately establish a link between your own case and the authority, and weave that through as a theme.

Brevity is the key to citing authority with some authority

Boredom is the mother of inspiration. They say that right? Each month when trying to brainstorm a topic, I think about a time in the last few weeks when I was reviewing my writing and felt bored. The time I nearly fell asleep editing a client letter? See January's article. The time I realized I had an unsettling obsession with the word "notably"? See May. This month, I drafted so many responses to motions, that when I started reviewing the most recent, it felt like I was in a fun house. Didn't I already come this way? Why does this sentence not sound like English? It took reading and re-reading these responses to realize I use the exact same formula, paragraph structure, and robotic syntax when comparing and distinguishing cases.

I'm returning to "Point Made: How to Write Like the Nation's Top Advocates," by Ross Guberman. Starting on page 127 in the Second Edition, Guberman has 10 chapters with examples of how top advocates artfully weave authority into their briefs.

There are a few chapters about how to effectively compare cases, and those all really boil down to this: Brevity is key. Valuable page space is wasted when we rehash all the facts in an authoritative case to then just rehash, point by point, the facts at issue in the present case. Showing identical facts is tedious and boring. What's far more important is to establish a link between our own case and the authority immediately, and weave that through as a theme. The theme, rather than the side-by-side comparison, is king. It's not necessarily important that each monotonous fact of my case is like that one from 1999. What is important is that my case is just the most recent in a long line of well-settled cases. What is compelling is focusing on the similarities between my client and the one from

that 1999 case. It's also convincing to show that the opposing party's behavior is more egregious than that of the loser's in that 1999 case. One of my favorite excerpts from the book was pulled from Jamie Gorelick's brief in *Carrington v. Duke University*: "The reason that the courts have declined to recognize an employee handbook as part of a contract between an employer and an employee — avoiding excessive interference in an employer's internal affairs—appl[ies] with even greater force to the university setting."

As for distinguishing cases, Guberman recognizes that the available techniques require a bit more confidence and backbone. He found examples of case interception—showing why the opponent's case is only useful to you. One method is to home in on one key difference between your opponent's authority and the current case. If you remove the foundation, their house won't stand. I love this example from Paul Smith's brief in *Brown v. Entertainment Merchants Association*: "For example, California relies on *Bethel School District Number 403 v. Fraser*, which upheld regulation of lewd comments at school. But the world is not a schoolhouse, and this Court recently emphasized that *Fraser* would have come out differently had the comments been made outside of school." Guberman further encourages distinguishing a whole line of cases briefly, brushing them aside as a mere annoyance.

I plan to "borrow" many of the examples. Here's to not falling asleep reading my own writing.

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

Avoid common misconceptions on purchasing 'tail coverage'

To this day I still get the occasional call from an attorney wanting to know how to go about purchasing a tail policy and my response is always the same. I need to make sure that the caller understands there really is no such thing as a tail "policy." Clarification on this point is important because confusion over what a tail is and isn't can have serious repercussions down the road. To make sure you don't end up running with any similar misconceptions, here's what you need to know.

An attorney leaving the practice of law can't purchase a malpractice insurance policy, because he or she will no longer be actively practicing law. There simply is no practice to insure. This is why an attorney can't buy a tail "policy." What you are actually purchasing is an extended reporting endorsement (ERE). This endorsement attaches to the final policy that is in force at the time of your departure from the practice of law. In short, purchasing an ERE, which is commonly referred to as tail coverage, provides an attorney the right to report claims to the insurer after the final policy has expired or been canceled.

Again, under most ERE provisions, the purchase of this endorsement is not one of additional coverage or of a separate and distinct policy. The significance of this is that under an ERE there would be no coverage available for any act, error, or omission that occurs during the time the ERE is in effect. For example, if a claim were to arise several years after retirement out of work done in retirement as a favor for a friend, there would be no coverage for that claim under the ERE. That is why risk managers advise against things like writing a will for someone while in retirement. I know it can be tempting, but don't practice a little law on the side in retirement because your tail coverage will not cover any of that work.

Another often misunderstood aspect of tail coverage arises when an attorney semi-retires and purchases a policy with reduced limits in order to save a little money during the last few years of practice. The problem with this is that insurance companies will not allow attorneys to bump up policy limits on the eve of a full retirement, again, because no new policy will be issued. For

many attorneys, this means the premium savings that came with the reduced limits on the final policy or two will turn out not to have been worth it. All claims reported under the ERE will be subject to the available remaining limits of the final policy that was in force at retirement, and this may not be enough coverage.

For example, if you were to reduce your coverage limits from \$1 million per occurrence/\$3 million aggregate to \$500,000 per occurrence/\$500,000 aggregate during the last year or two of active practice in order to save a little money, you will only have coverage of \$500,000 per occurrence/\$500,000 aggregate available to you for all of your retirement years assuming there was no loss payout under that final policy. For many that would be an insufficient amount of coverage to bring peace of mind. Therefore, if you anticipate wanting those higher limits during your retirement years, keep those limits in place heading into retirement.

Unfortunately, while many attorneys hope to obtain an ERE at the end of their career, its availability isn't a given. For example, most insurers prohibit any insured from purchasing tail coverage when an existing policy is canceled for nonpayment of premium or if the insured failed to reimburse the insurance company for deductible amounts paid on prior claims. An attorney's failure to comply with the terms and conditions of the policy; the suspension, revocation, or surrender of an insured's license to practice law; and an insured's decision to cancel the policy or allow coverage to lapse may also create an availability problem.

An attorney's practice setting is also relevant. Particularly for retiring solo practitioners, insurers frequently provide tail coverage at no additional cost to the insured if the attorney has been continuously covered by the same insurer for a stated number of years. Given that tail coverage can be quite expensive, shopping around for the cheapest insurance rates in the later years of one's practice isn't a good idea as the opportunity to obtain a free tail could be lost. Review policy provisions or talk with your carrier well in advance of contemplating retirement

More RISK Page 28



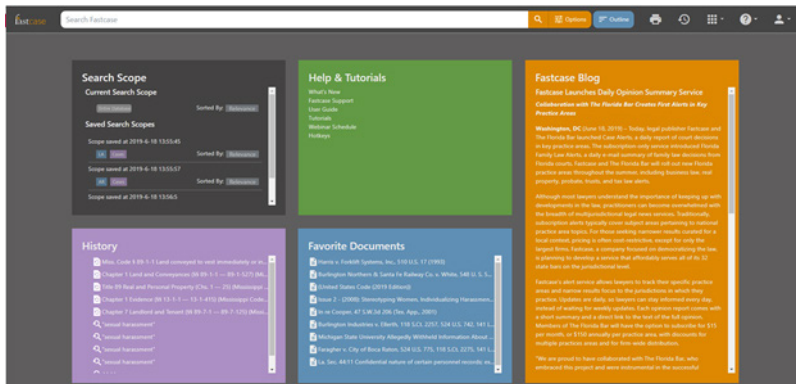
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What is commonly referred to as a 'tail policy' is actually an extended reporting endorsement, which attaches to the final policy in force at the time of your departure from the practice of law.



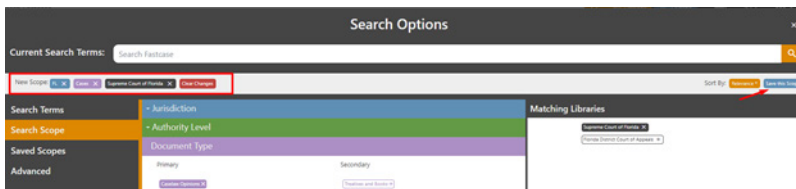
ALPS Risk Manager Mark Bassingthwaighte, Esq. has conducted over 1,000 law firm risk management assessment visits, presented numerous continuing legal education seminars throughout the United States, and written extensively on risk management and technology.

The State Bar of Montana brings Fastcase legal research as a free member benefit to Active Attorney and Paralegal Section members of the State Bar of Montana. Below are some tips on how to use your Fastcase member benefit more effectively.



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Tired of having to set your jurisdiction and document type each time you run a new search? Saved Search Scopes let you keep a list of search settings you use all the time, so you can apply them instantly whenever you need them in Fastcase 7. To save your search scope, select Options from the toolbar, Search Scope and add your filters. Then select "Save this Scope" in blue to the bottom right of the search bar.

And quickly change those scopes

Quickly identify your current and saved search scopes from the home page in Fastcase 7. To change your search scope, select "Change Scope" using the Search Scope panel on the home page or double click on any of your saved search scopes to change it to your current search scope.

Fastcase webinars

Fastcase regularly offers free webinars on how to conduct legal research. Many of these webinars are available for Montana CLE credit. Below is the August webinar schedule with links to sign up for each August session. Each 1-hour webinar listed below begins at 11 a.m. Mountain time.

Introduction to Legal Research on Fastcase 7

Webinar Date: Thursday,
August 1, 2019
<https://register.gotowebinar.com/register/2334923287997799939>

Data Analytics: Fastcase and Docket Alarm

Webinar Date: Thursday,
August 8, 2019
<https://register.gotowebinar.com/register/2678426113678166019>

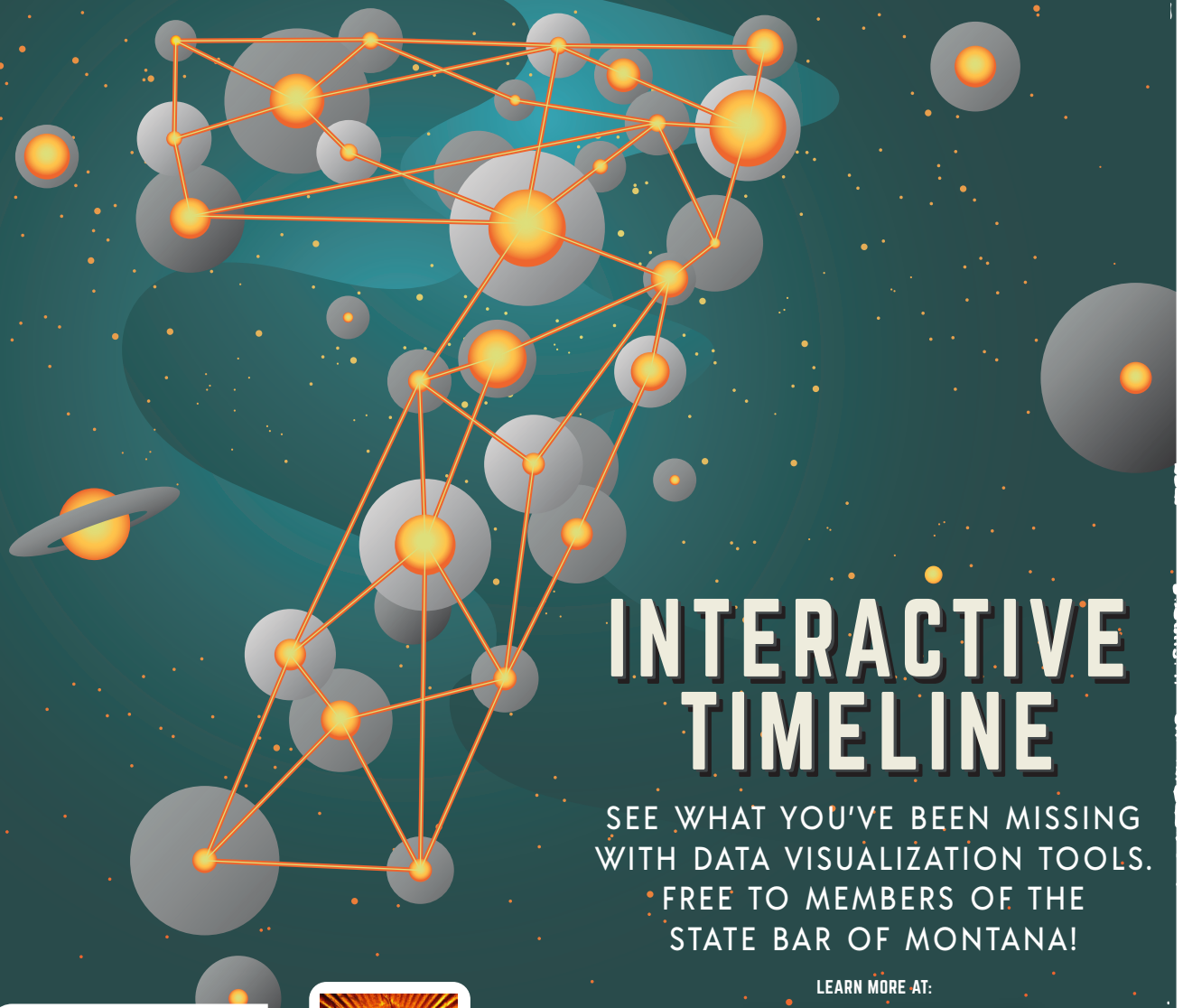
Introduction to Boolean on Fastcase 7

Webinar Date: Thursday,
August 15, 2019
<https://register.gotowebinar.com/register/1603359927937312514>

Ethics and Legal Research

Webinar Date: Thursday,
August 22, 2019
<https://register.gotowebinar.com/register/567414365898045186>

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RISK

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in order not to unintentionally lose this valuable benefit.

The situation for an attorney who has been in practice at a multi-member firm is a bit different. Here, when an attorney wishes to retire, leave the profession, or is considering a lateral move and worried about the stability of the about-to-be-departed firm, some insurance companies will not offer an opportunity to purchase an ERE due to policy provisions, because the firm's existing policy will continue to be in force after the attorney's departure. This isn't as much of a problem at it might seem in that the departing attorney can rely on former attorney language under the definition of insured. However, because the definition of insured varies among insurers, you should discuss this issue with your firm's malpractice insurance representative so options can be identified and reviewed well in advance of any planned departure. That said, I can share that under two ALPS policies and

as long as certain conditions are met, we provide some of the most comprehensive tail coverage options in the industry, to include free individual EREs in event of retirement, death, disability or a call to active military service.

Be aware that the period in which one can obtain an ERE can be quite limited. Most policies provide a 30-day or shorter window that will start to run on the effective date of the expiration or cancellation of the final policy. There are even a few very restrictive policies in the market that require the insured to exercise the option to purchase an ERE on the date of cancellation or expiration. Given this, you should review relevant policy language well before you think about leaving the profession, as the opportunity to purchase an ERE is one you can't afford to miss.

The duration of tail coverage or more accurately the length of time under which a claim may be reported under an ERE varies depending upon what is purchased. Coverage is generally available with a fixed or renewable one-, two-, three-, four-, or five-year reporting periods or

with an unlimited reporting period. If available to you, the unlimited reporting period would be the most desirable, particularly for practitioners who have written wills during their later years of practice.

The premium charge for an ERE is usually specified in the policy. Often the cost is a fixed percentage of the final policy's premium and can range from 100% to 300% depending on the duration of the purchased ERE.

Given this, if the ERE provisions outlined in your policy language have never been reviewed, now's the time.

One final thought: Be aware that if the unexpected ever happens, such as the sudden and untimely death of an attorney still in practice, tail coverage can be obtained in the name of the deceased attorney's estate if timely pursued in accordance with policy provisions. Even attorneys who are not nearing retirement should still have some basic awareness of ERE policy provisions because one just never knows.

PROFESSIONALISM

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advocating for patients in commitment proceedings.

"His ability to communicate the importance of due process has tremendously helped me with my own experience of my role as a physician and has often caused appropriate and sober pause when weighing decisions about involuntary treatment," Munjal said. "I believe strongly that because of the kind of trust he has built that many more patients have their needs met, not only appropriately, but more often in a context

that maximizes their autonomy."

Parker has represented clients in involuntary commitment cases for OPD since 2011. He enjoys it because it's a collaborative process, not as confrontational as criminal cases are. He feels like everyone he works with have the best interests of patients in mind.

"Ultimately, people are trying to do what's best," he said. "We have such a great group of people working in Missoula. A lot of really compassionate people. They see what's going on and don't judge people with what's a stigma in most of society."

Asked what professionalism means to him in his job, he said it is to put

what is best on the backburner, to focus on what is true for his clients, to advocate for their desires and trust the system to seek the best interests of the individual.

"Every person I meet goes there for reasons that aren't their fault," he said. "I make sure they have a say, someone in their corner. I think it's about providing a level of dignity when they may be losing choices in what kind of care they get, and holding the state to its burden of proof."

Joe Menden is the editor of the Montana Lawyer. You can reach him at jmenden@montanabar.org or 406-447-2200.



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Myles J. 'Jack' Thomas

Billings lawyer Myles J. "Jack" Thomas died Friday, April 26, at age 88.

Jack was born on Sept. 22, 1930, to Myles and Virginia Campbell Thomas. He graduated from Helena High School.

During his junior year of law school at the University of Montana, he met the love of his life, Alice Lee "DeeDee" Hodges as he moved her and his younger sister into the dormitory. They eloped on May 29, 1954, about 10 days before his graduation.



Thomas

After serving two years in the U.S.

Navy, he continued his education in law at New York University, where he received his master's in Taxation. Jack and DeeDee moved back to Montana and made their home in Billings, where they raised their five children.

In 1957, Jack joined the law firm of Coleman, Lamey and Crowley, known today as Crowley Fleck. This launched a career that spanned over 50 years. To Jack, clients weren't just clients — they were friends. Coworkers were not just coworkers — they were family. In addition to practicing law, Jack never knew how to say "no." He was actively involved in the community, serving on various boards and committees, including the YMCA, where he was a member of the national board.

Memorial donations can be made to the "Thomas Kids Gym" at the Billings Family YMCA or the Walk to End Alzheimer's "Jack's Tribe."

One of Jack's favorite quotes was "Life is not a journey to the grave with the intention of arriving safely in a pretty and well preserved body, but rather to skid in broadside, thoroughly used up, totally worn out, and loudly proclaiming ... 'WooHoo! What a ride!'"

Robert Zimmerman

Longtime Sanders County Attorney Robert Lowell Zimmerman, 74, of Thompson Falls, died on July 9, 2019, at St. Patrick Hospital in Missoula.



Zimmerman

Bob was born on Jan. 30, 1945, in Townsend to Lois and Charles Zimmerman and was raised in Butte.

He received his bachelor's degree in history-political science from the University of Montana in 1967, completing law school there as well in 1972. His career as a prosecuting attorney spanned 44 years.

The family requests donation in Bob's memory to one of his favorite charities: Wounded Warriors, St. Jude's, and Shriners.

Bob's complete obituary is available at GardenCityFH.com.

Joan Murphy Jonkel

Joan Murphy Jonkel, 83, died at her home in Missoula on May 23. Jonkel was born on Aug. 26, 1935, in Red



Jonkel

Lodge. She earned an M.A. in literary criticism from the University of Montana in 1957. After raising a family, she enrolled in law school at UM in 1974. She practiced employment and

discrimination law.

If you would like to share a memory of Joan, please email jonkelfamily@hotmail.com.

Memorial submissions

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

Please email submissions to jmenden@montana-bar.org using the subject line "Memorial." Memorial submissions are subject to editing.

Correction

The June issue of the Montana Lawyer mistakenly included a photograph with a memorial notice of James Lafayette Shuler. The photo was not of Mr. Shuler.

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LEGAL SECRETARY: Dillon law firm seeks legal secretary to assist attorneys with document production, filing paper/electronic documents, file organization, calendaring, handling mail, and typing/proofing documents. Position is responsible for answering telephones, interacting with clients, and other general office duties. Excellent attention to detail and computer knowledge are musts. Microsoft Office and 3-5 years of office experience preferred. Competitive salary, benefits. Submit cover letter and resume to mreichert@helenalaw.com or mail to Bloomquist Law Firm, 3355 Colton Drive, Suite A, Helena, MT 59602. www.helenalaw.com.

ARBITRATION/MEDIATION

AVAILABLE FOR MEDIATION AND ARBITRATION: Brent Cromley, Of Counsel to Moulton Bellingham P.C., Billings, 406-248-7731, or email at brent.cromley@moultonbellingham.com.

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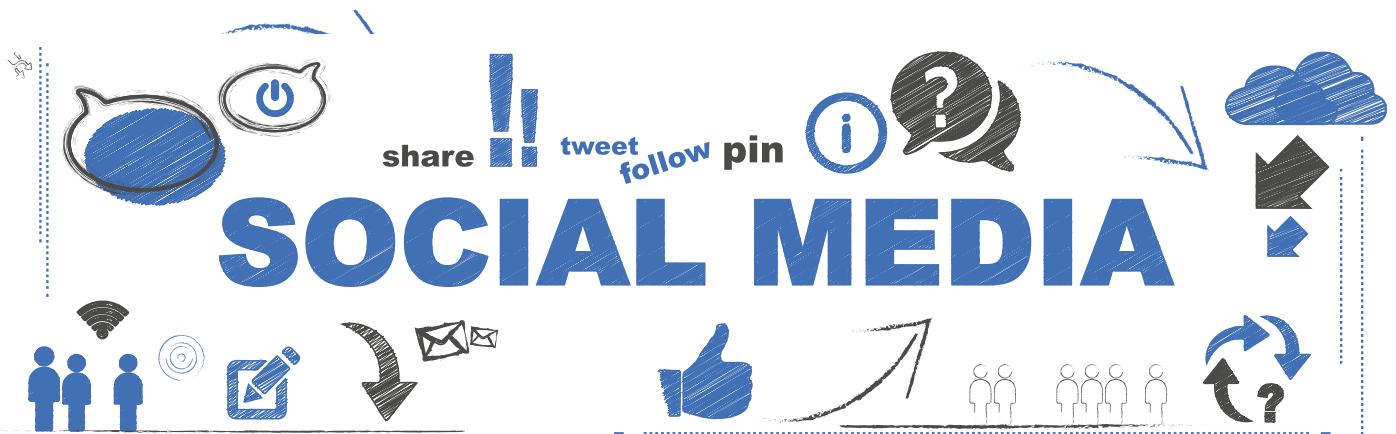
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