

MONTANA JUNE 2019 LAWYER

WORLDWIDE CONNECTIONS

**EDWARDS INSTALLED AS PRESIDENT OF PRESTIGIOUS
INTERNATIONAL TRIAL LAWYERS ORGANIZATION
PLUS: TODAY'S INTERCONNECTED WORLD OFFERS
OPPORTUNITY TO HAVE A WORLDWIDE PRACTICE**



**DUELING DINOSAURS: PREHISTORIC BONES FROM MONTANA
ARE FOCUS OF CURCUIOUS COURT BATTLE OVER OWNERSHIP**

SUMMER INDIAN LAW PROGRAM

June 3 - August 2, 2019

Alexander Blewett III
SCHOOL OF LAW
UNIVERSITY OF MONTANA

Spend a week or two in beautiful Missoula studying Indian Law!

Choose from any of the eight courses taught by expert Indian law scholars and practitioners from around the country, or take them all:

Indian Law Research | June 3 - 7

Mastering American Indian Law | June 10 - 14

Civil Regulatory and Adjudicatory Jurisdiction in Indian Country | June 17 - 21

American Indian Property Law: The Story of Cobell | June 24 - 28

Criminal Justice in Indian Country | July 8 - 12

Indian Education Law | July 15 - 19

Cultural Rights of Indigenous People | July 22 - 26

Supreme Court Jurisprudence and Indian Country | July 29 - August 2

All courses run from 9:00 a.m. - 12:00 p.m. Each course has been approved for 13.75 MT CLE credits. Registration fee is \$650 per course.

View descriptions and registration info online at www.umt.edu/indianlaw

Alexander Blewett III
SCHOOL OF LAW
UNIVERSITY OF MONTANA

38th Public Land Law Conference (Oct. 3-4)

Carved by Glaciers: Stewardship Across the Northern Rockies
in Partnership with the University of Calgary Law School



Glacier National Park, George Bird Grinnell (and others) on glacier
Credit: Morton J. Elrod (courtesy of the Mansfield Library Archive)

The 38th Public Land Law Conference features distinguished speakers from Canada and the U.S. who will compare the countries' legal approaches to environmental regulation, energy development and infrastructure, climate change, wildlife corridors, water management, fisheries, and indigenous rights in the Northern Rockies. The conference will feature a day-long fieldtrip to the Bitterroot Valley, along with an opening keynote address by Canadian Supreme Court Justice Russell S. Brown.

Learn more at www.umt.edu/law.

UPCOMING LAW SCHOOL EVENTS:

June 3 - August 2..... Summer American Indian & Indigenous Law Program
August 15-16..... Public Service Academy
September 6..... Aid in Dying in Montana:
A Decade of Practice Following *Baxter v Montana*
October 3-4..... Public Land Law Conference
Carved by Glaciers: Stewardship Across the Northern Rockies
October 5..... UM Homecoming / Law School Reunion Weekend
October 25-26..... Montana Tax Institute

Follow us on
Twitter, Facebook, and Instagram
@umontanalaw!



More details on all law school events are available at
www.umt.edu/law.

REGULAR FEATURES

- 4 EXECUTIVE DIRECTOR'S MESSAGE
- 5 PRESIDENT'S MESSAGE
- 6 MEMBER NEWS
- 8 COURT NEWS
- 11 YOU SHOULD KNOW
- 22 EQUAL JUSTICE
- 24 MONTANA NEWS
- 25 RISK MANAGEMENT
- 26 LEGAL JARGON
- 27 FASTCASE BYTES
- 28 IN MEMORIAM
- 30 JOBS/CLASSIFIEDS

ON THE COVER



TODAY'S INTERCONNECTED WORLD gives Montana lawyers much more opportunity to practice on an international scale. **Page 17**

FEATURE ARTICLES



INTERNATIONAL HONOR FOR CLIFFORD EDWARDS

Billings' Clifford Edwards, shown with sons and law partners John, left, and Chris, was installed as president of the prestigious International Academy of Trial Lawyers this year.

DUELING DINOSAURS

Epic prehistoric battle turns into high-stakes legal fight over who owns the bones.



MCKINNON NOT RUNNING IN 2020

Montana Supreme Court Justice Laurie McKinnon has announced she will not run for re-election in next year's elections.

8

Montana has a rare moment on the international stage

In this month's Montana Lawyer we highlight and congratulate Billings attorney Clifford Edwards, who becomes the second Montana lawyer this year to head an international bar organization as he assumes the presidency of the International Academy of Trial Lawyers, a nomination only organization of defense and plaintiffs bar attorneys with an international membership. Edwards joins Butte's Bob Carlson who remains President of the American Bar Association during this rare moment for the Montana bar and for any bar in rural America.

This unique moment also provides us an opportunity to examine some Montana attorneys who are engaged in a international law practice, a small but growing segment of the State Bar of Montana, as well as the growing China summer program at the Alexander

Blewett III School of Law at the University of Montana.

Moving away from the international, we come right back to Montana and to ancient oceans as we examine the question of whether Montana's dinosaur fossils are minerals, a topic that the Montana Legislature recently weighed in on.

Abbie Nordhagen Cziok will help us learn how to get out of a rut in legal writing and Mark Bassingthwaight will provide tips on risk management.

Finally, you will note that we moved the typical summer double issue to May/June this year, a move we hope will provide more content in July and a preview of this year's Annual Meeting in Billings, September 11-14. We hope you enjoy this issue and we will see you again in July.



JOHN MUDD

MONTANA LAWYER

The official magazine of the State Bar of Montana published every month except January and July by the State Bar of Montana, 33 S. Last Chance Gulch, Suite 1B, P.O. Box 577, Helena MT 59624. 406-442-7660; Fax 406-442-7763.

Montana Lawyer Subscriptions are a benefit of State Bar membership. Subscriptions for nonmembers are available for \$50 per year.

Advertising rates and subscription information are available upon request or at www.montanabar.org/page/MTLawyer.

Statements and expressions of opinion appearing herein are those of the advertisers or authors and do not necessarily reflect the views of the State Bar of Montana.

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

Statements or opinions expressed herein are those of the authors and do not necessarily reflect those of the State Bar of Montana, its officers, Board of Trustees, or staff. Although advertising copy is reviewed, no endorsement of any product or service offered by any advertisement is intended or implied by publication. Advertisers are solely responsible for the content of their advertisements, and the State Bar of Montana reserves the right to edit or reject any advertising copy for any reason. The Montana Lawyer is published monthly, except for combined June/July and December/January issues, by the State Bar of Montana, located at 33 S. Last Chance Gulch, Suite 1B, Helena, Montana 59601. Subscription price: \$50 per year; all members except retired: included in dues; \$5.00 per copy.

Copyright 2019 by the State Bar of Montana. All rights reserved. Any copying of material herein, in whole or in part, and by any means, without written permission, is prohibited. Requests for such permission or any correspondence for Montana Lawyer should be sent to editor@montanabar.org.

Postmaster: Send address changes to Montana Lawyer, P.O. Box 577, Helena MT 59624.

STATE BAR OFFICERS

President

Eric Nord, *Billings*

President-Elect

Juli Pierce, *Billings*

Secretary-Treasurer

Jason Holden,
Great Falls

Immediate

Past President

Leslie Halligan,
Missoula

Chair of the Board

Kate Ellis, *Helena*

BOARD OF TRUSTEES

Ryan Hennen, *Kalispell*
 Elizabeth Brennan, *Missoula*
 Brian C. Smith, *Missoula*
 David Steele, *Missoula*
 Kaylan Minor, *Dillon*
 Channing Hartelius, *Great Falls*
 Paul Haffeman, *Great Falls*
 Kent Sipe, *Roundup*
 Kate Ellis, *Helena*

J. Stuart Segrest, *Helena*
 Mike Talia, *Helena*
 Christopher Gray, *Bozeman*
 Alanah Griffith,
Big Sky
 Shane P. Coleman, *Billings*
 Ben T. Sather, *Billings*
 Eli Patten, *Billings*

ABA DELEGATES

Damon L. Gannett, *Billings (Montana Delegate)*
 Shane Vannatta, *Missoula (State Bar Delegate)*
 Eli Patten, *Billings (Delegate at Large)*

For lawyers, there can never be a 'post-truth era'

The Oxford Dictionaries declared the word “post-truth” to be the word of the year in 2016. The word is generally defined, as an adjective, to refer to situations where objective facts are less important or less influential in shaping policy or opinion than emotional appeals, subjective beliefs, or even blatant dishonesty and deception. Pundits have referred to the times in which we live as the “post-truth era.” There have even been legal conferences wondering what the role of lawyers should be in a post-truth era.

Lawyers and judges have always lived in a world of emotional appeals, subjective beliefs, and even blatant dishonesty and deception. Trials often contain some, if not all, of these elements. The fundamental role of judges and juries is to sift through these various elements and determine what is true in any given situation.

Is the role of the lawyer any different even if, as the pundits claim, society has changed? Not according to our Rules of Professional Conduct. The first statement in the Preamble to the Rules is that “A lawyer shall always pursue the truth.” While some might argue that this is nothing more than a platitude, that is, a statement that has lost its meaning, it really should be a call to action. Even if the rest of society lives in a post-truth era, attorneys do not.

The rule of law must always be based on the pursuit of truth. While emotional appeals, subjective beliefs, and even blatant dishonesty and deception may win out in any given situation, we should not be disheartened or dissuaded from the pursuit of truth. As noted in the second statement of the Preamble of our Rules, we have a “special responsibility for the quality of justice.” Lasting justice can only be based upon truth rather than the shifting sands of emotion, public opinion, and subjective beliefs.

In his book “Just Mercy,” Bryan Stevenson (a lawyer) discusses the search for justice in the context of death penalty cases. In various cases he describes, truth and justice were often subverted by the deceptive and dishonest actions of the individuals involved and sometimes by an overworked and underfunded legal system. The desire to be “tough on crime” or “get the conviction and look good to the voting public” can cause individuals to prosecute someone, anyone, for a crime and withhold evidence that might exonerate the accused. Innocent people may ultimately pay the price for the egocentric and sometimes blatantly discriminatory actions of individuals who swore to pursue justice for all.

We live in an imperfect world filled with imperfect people. Competing interests of those imperfect people will always make the search for truth and justice difficult. Lawyers, however, have a responsibility to seek higher ground. Even if the rest of society wants to apply something other than the truth in the justice system, we are duty-bound not to follow.



ERIC NORD

We have a “special responsibility for the quality of justice.” Lasting justice can only be based upon truth rather than the shifting sands of emotion, public opinion, and subjective beliefs.

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

HONORS

Tarlow Stonecipher Weamer & Kelly names partners, associate

Tarlow Stonecipher Weamer & Kelly, PLLC is pleased to announce two new partners and a new associate in the firm.

Amy C. McNulty and Matthew A. Haus have become partners in the firm.

McNulty engages in a broad general civil practice with a focus on construction and real estate law. She also practices in the areas of business, commercial and employment law.

**McNulty**

She graduated with high honors from the University of Montana School of Law following receipt of her bachelor's degree from Carroll College.

She is licensed to practice law in state and federal courts in both Montana and North Dakota.

**Haus**

Haus has a general civil practice with an emphasis on civil litigation, construction law, and business and commercial law. He has broad litigation experience and he also has experience with a variety of business transactions.

**VandenBos**

He graduated magna cum laude from the University of Minnesota Law School and is licensed to practice law in state and federal courts in Montana and Minnesota.

A more in-depth description of McNulty's and Haus' practices can be found at www.lawmt.com.

The firm also welcomes Nicholas R. VandenBos to its practice. VandenBos was born and raised in Bozeman. He received an MFA in writing from the

University of Washington, where he later taught. He graduated with high honors from the University of Montana School of Law in 2016.

While in law school, VandenBos served as the editor-in-chief of the Public Land and Resources Law Review and competed on the negotiations team.

Following law school, VandenBos served a two-year clerkship with the Honorable Donald Molloy, U.S. District Judge for the District of Montana.

He will be engaged generally in the firm's practice. Please contact him at 406-586-9714.

Gustafson becomes Matovich, Keller & Huso shareholder

Matovich, Keller & Huso is pleased to announce that Ryan J. Gustafson has become a shareholder in the firm. Gustafson focuses his practice on the defense of insureds and self-insureds in general liability matters, including personal injury defense, premises liability, landlord/tenant, construction defect and commercial disputes, and workers compensation. He has represented Montana businesses, farmers and ranchers, as well as Fortune 500 companies and multinational corporations.

**Gustafson**

He is licensed in Montana state and federal courts.

Gustafson is active in the Billings community and was recognized as one of Billings Gazette's "40 Under Forty" honorees in 2017. He currently serves on the Board of Directors of the Yellowstone Area Bar Association and the HER Campaign, a nonprofit organization providing assistance to victims of domestic violence and sex trafficking. He obtained a bachelor's degree in business administration and a minor in political science from the University of Montana in 2008. While an undergraduate, he was a member of the Montana Grizzlies football team. He graduated from the University of Montana School of Law in 2012.

Gustafson can be contacted at rgustafson@mkhattorneys.com. Matovich, Keller & Huso is also on the Web at www.mkhattorneys.com.

Lyons joins Datsopoulos, MacDonald & Lind in Missoula

Datsopoulos, MacDonald & Lind in Missoula is pleased to welcome Jenna P. Lyons as an associate attorney.

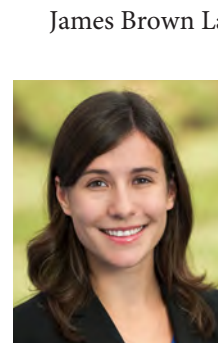
Lyons completed her undergraduate degree at the University of Montana where she studied English literature and composition and graduated with high honors before attending the University

**Lyons**

of Montana School of Law, earning her J.D. in 2018. Lyons is a member of the State Bar of Montana, Montana Trial Lawyers Association and Montana Association of Criminal Defense Lawyers. During

law school, she competed as a member of the Trial Team, receiving the International Academy of Trial Lawyers award for distinguished achievement in the art and science of advocacy. She completed her clinical work at the Missoula County Attorney's Office.

Lyons practice areas are family law, criminal law, civil litigation and personal injury.

Scheid joins James Brown Law Office**Scheid**

James Brown Law Office, PLLC, are pleased to welcome Rose M. Scheid to the firm. Rose's practice consists of estate planning, estate and trust administration, probate, and real property.

Scheid is a proud "Yoooper," having grown up in Sault Ste. Marie in Michigan's Upper Peninsula. She graduated summa

cum laude from Lake Superior State University with a Bachelor of Science in political science and graduated cum laude from Michigan State University College of Law. Rose worked previously for some of Michigan's leading estate planning, probate, and elder law attorneys.

Scheid became a member of the State Bar of Montana in October 2018. She looks forward to serving Montana families with personalized estate planning, especially farm and ranch families and helping grieving families to navigate the probate and trust administration process.

Scheid enjoys skiing (cross-country and alpine), camping, and experiencing the outdoors with her boyfriend, Austin James, and her chocolate Lab, Copper (who is also the office mascot). She can be reached at 406-449-7444.

Jordan Feddes joins Bryan Law Firm in Bozeman

The Bryan Law Firm, P.C., is pleased to announce the addition of Jordan E.G. Feddes to the firm. Feddes is now the third attorney at the Bryan Law Firm with a J.D. and LL.M. in Taxation. She joins Justin Bryan and Dash DeJarnatt in assisting clients with estate planning, probate and trust administration, and business planning transactions. She is licensed to practice law in California and Montana.



Feddes

Feddes was born and raised in California where she earned her Bachelor of Arts in linguistics from University of California, Berkeley (Go Bears!), and then earned her law degree from Pepperdine University School of Law and her LL.M. in Taxation from Loyola Law School. She moved to Bozeman in the summer of 2015 after marrying her husband, Mark, a Bozeman native. When she is not in the office, she enjoys spending time with Mark, their cat Marty, and pup Maisie. She can also be found

cheering on the Cal Bears, doing yoga, playing trivia, or enjoying the outdoors while trail running, hiking, skiing, or soaking in hot springs.

HONORS

Perry approved as life member of Multi-Million Dollar Advocates Forum

Missoula attorney Terance P. Perry has been approved as a life member of both the Million Dollar Advocates Forum and the Multi-Million Dollar Advocates Forum.

The Million Dollar Advocates Forum is recognized as one of the most prestigious groups of trial lawyers in the United States. Membership is limited to



Perry

attorneys who have won million-dollar and multi-million-dollar verdicts, awards and settlements. The organization was founded in 1992 and there are approximately 5,000 members. Fewer than 1% of U.S. lawyers are members.

Members of the Multi-Million Dollar Advocates Forum must be life members of the Million Dollar Advocates Forum and must have acted as principal counsel in at least one case resulting in a multimillion-dollar verdict, award or settlement.

Perry is a graduate of Boston College School of Law. He practices in the areas of catastrophic personal injury, civil rights, product liability and professional negligence litigation.

"Throughout my career I have represented individuals from all walks of life who have been gravely injured, whether by the malfeasance of a large corporation, a careless physician, a deliberately indifferent state actor or a defective product," Perry said. "It has been incredibly fulfilling, both personally and professionally, to know that my team and I have been able to help our clients through some of the darkest days of their lives. I am honored to have been

HAVE NEWS TO SHARE?

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

Please send member news and photo submissions to editor@montanabar.org. Email or call 406-447-2200 with questions.

admitted to the Multi-Million Dollar Advocates Forum."

Baldwin elected to International Society of Barristers

The Bozeman law firm Goetz, Baldwin & Geddes is proud to announce that senior partner Robert K. Baldwin has been elected to the prestigious International Society of Barristers. Membership in the selective organization is obtained through nomination by an existing member and a rigorous screening process that considers the nominee's ability, experience, accomplishments and ethical standards, as assessed by judges before whom the nominee has tried cases and by other trial lawyers in the region.

In addition to the International Society of Barristers, Baldwin is a member of the American Association for Justice, the American Bar Association, the Montana Trial Lawyers Association, and the American Academy of Appellate Lawyers. He has received the Martindale-Hubbell® AV Preeminent Rating, a "Litigation Star" listing from Benchmark Litigation, and has been selected to Super Lawyers.

Baldwin has been with the Goetz firm for nearly 30 years. He earned his Bachelor of Arts degree from Abilene Christian University and his law degree from Vanderbilt University School of Law. He is admitted to practice law in the state and federal courts in Montana and Arizona, as well as the United States Supreme Court and the United States Courts of Appeals for the Ninth, D.C., and Federal Circuits.

McKinnon not running for high court in 2020

Montana Supreme Court Justice Laurie McKinnon has announced that she will not run for re-election when her term expires in 2020.

Justice McKinnon's husband, dentist Gary L. Pannabecker, recently took a job at a clinic near Winston Salem, N.C., but she said the decision not to run again was hers. She said there is no job security in being an elected member of the Supreme Court – a process she says it has become harder and harder to “put yourself out there” for as it has become more politicized in recent years.

“It's so important that it be nonpartisan,” Justice McKinnon said. “It can be hard on people like me who are not political. I got cast into that light. You just have to do your job and be nonpartisan and hopefully people will see that.”

Justice McKinnon was elected to an eight-year term on the Supreme Court in 2012. Before joining the court she was elected Ninth Judicial District judge, which covers Glacier, Pondera,



Justice Laurie McKinnon

Teton, and Toole Counties, where she served from 2007-2012. In 2010 she was named Judge of the Year by the Court Appointed Special Advocates of Montana. In 2011 she wrote and

received a \$350,000 federal grant from the Department of Justice for implementation of a drug treatment court in the district.

Before becoming a judge, she spent 10 years as a prosecutor in Montana, first in the Glacier County Attorney's Office and later in the Teton County Attorney's Office. She was a prosecutor in the Baltimore City State's Attorney's Office in Maryland. She has also worked as a private criminal defense attorney in Maryland before moving to Montana in 1996.

A 1986 graduate of the University of Baltimore School of Law, Justice McKinnon said she will continue to practice after she leaves the court, although she doesn't know in what capacity. She added that even though she is leaving the state, she would like to continue practicing Montana law.

“I don't want to lose my connection to Montana,” she said. “I would love that opportunity.”

Recht appointed to open 21st Judicial District seat

Howard F. Recht of Hamilton was appointed 21st Judicial District judge by Gov. Steve Bullock on May 21.

Recht, 60, replaces the Honorable Jeffrey H. Langton, who retired effective April 30.

Recht has been chief civil counsel for the Ravalli County Attorney's Office since 2011. Before joining the county attorney's office he was owner of Recht & Recht law office in Hamilton. He also served as corporate counsel for Fox Companies, an international lumber company in Hamilton.



Recht

He is a 1983 graduate of Brigham Young University and a 1986 graduate of the University of Montana School of Law.

He was sworn in on June 11 in the

Ravalli County Courthouse.

10 apply for 4th Judicial District judge opening

Ten Montana attorneys have applied with the Judicial Nomination Commission for an opening for Fourth Judicial District judge.

The applicants are:

- Travis Benjamin Dye
- Carrie Lynne Garber
- Karen Paula Kane
- Larry Dean Mansch
- Jason Troy Marks
- Donald James McCubbin, Jr.
- Ryan Alane Phelan
- Tracy Labin Rhodes
- Michael Joseph Sherwood
- Leta Jean Womack

The commission is now soliciting public comment on the applicants. The applications may be viewed at the commission website. Comments will be accepted until 5 p.m. on Sunday, June 30.

The position opened when Judge Karen S. Townsend of Missoula announced in April that she is retiring effective Aug. 30.

The commission is now accepting public comment. Written comments can be emailed to mtsupremecourt@gmail.com or mailed to Judicial Nomination Commission, c/o Lois Menzies, Office of Court Administrator, P.O. Box 203005, Helena, MT 59620-3005. Comments can also be submitted by calling 406-841-2972. The comments, which become part of an applicant's file, will be posted on the commission's web page.

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

Supreme Court orders creation of committee to study laws, rules governing standing masters

The Montana Supreme Court on May 28 ordered the creation of a study committee to review and recommend changes to the laws or practices governing the use of standing masters in domestic relations cases.

The Standing Master Advisory Committee was created in response to concerns raised by the bar's Family Law Section. Bar President Eric Nord wrote the court in February to relay the section's concerns. Concerns practitioners have cited include:

- questions about the use and decision-making authority of standing masters;
- the process for removal of a standing master from a case;
- timeliness of decisions and added costs involved in cases overseen by a standing master;
- lack of clarity as to what constitutes an appealable order;
- and the perceived lack of consistency around the state in the use of standing masters in family law cases.

The committee will review Montana statutes and rules governing the use of standing masters in District Courts and the practices of the various judicial districts in which standing masters are employed. It may make recommendations to the court and to the District Court Council for proposed changes in legislation, rules, or court practices regarding the use of standing masters in family law civil cases.

The court appointed the following individuals to the committee:

- Supreme Court Justice: Justice Dirk Sandefur (chair);
- District Court Judge: Judge Rienne McElyea;
- Standing Master: Standing Master Amy Rubin;
- Court Administrator: Beth McLaughlin;
- Family Law Section delegates: P. Mars Scott and Christopher J. Gillette; and
- State Bar of Montana delegate: Jill Deann LaRance.

The committee is to make its recommendations by Dec. 31.

APPOINTMENTS

New chair, 3 new members appointed to Criminal Jury Instructions Commission

The Montana Supreme Court has appointed the Honorable Luke Berger as chair of the Criminal Jury Instructions Commission and appointed three new members to the commission.

Berger replaces former chair Tammy Hinderman, who resigned as a prosecution/appellate attorney member of the commission when she left the Montana Attorney General's Office, for a term expiring Nov. 1, 2021.

Mardell Ployhar of the Attorney General's Office was appointed to replace Hinderman on the commission for a term expiring Aug. 1, 2022.

The court also appointed the Honorable Jessica Fehr of Billings and the Honorable Michael Hayworth of Miles City to terms expiring Nov. 1, 2021. They replace the Honorable Jeffrey Langton of Hamilton and the Honorable Karen Townsend of Missoula who resigned after recently retiring as state district court judges.

Court taps Helland for Board of Bar Examiners

The Montana Supreme Court has appointed Glasgow attorney Peter Helland to the Board of Bar Examiners.

Helland replaces Loren O'Toole, who has resigned from the board.

2 appointed to Treatment Court advisory board

The Montana Supreme Court has appointed two district court judges to the Drug Treatment Court Advisory Committee.

The Honorable Nickolas Murnion of Forsyth and the Honorable Brenda Gilbert of Livingston were appointed to the committee, established in 2016. They replace the Honorable James A. Manley of Polson and the Honorable Katherine Bidegaray of Sidney, who resigned after their three-year terms expired.

MORE COURTS, NEXT PAGE

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

Dominic (Dee) Carestia Attorney/Mediator/Arbitrator



- ❖ Graduate, Attorney Mediator's Institute, 1996
- ❖ Advanced AMI Mediation Training, 1997
- ❖ Graduate AMI Mediation Training, 1998
- ❖ Over 3,000 settled mediations since 1996
- ❖ 98.6% success rate on mediated cases since 1996
- ❖ Member, National Association of Distinguished Neutrals

Creating and implementing innovative mediation techniques and methods since 1996... and still setting the pace!

Dominic (Dee) Carestia | P.O. Box 104, Wise River, MT 59762
1221 Jerry Creek Road | Phone: 406-832-3317
Email: fishhook@smtel.com | Teresa's Email: tcare37@gmail.com

3 Montana attorneys disbarred in June

A Montana attorney was disbarred in June after he defrauded numerous clients of a total of more than \$1 million.

The Commission on Practice determined that Ronald D. Lords of Stevensville obtained a total of about \$1.3 million from 14 individuals over a six-year period, calling the misappropriation of funds the most egregious and heinous the commissioners can remember, concluding he violated Rules 1.8(a) (3), 1.15, 1.18, 1.4, 8.1, and 8.4(c) of the Montana Rules of Professional Conduct.

Lords was one of three Montana attorneys disbarred in June, along with David S. Freedman of Billings and Matthew A. Bryan of Whitefish.

According to the commission's findings of fact, Lords advised numerous legal clients, most of them elderly, to either invest in, or loan money to, his construction business. As a tax preparer, Lords had intimate knowledge of these clients' financial circumstances, which he used to his advantage. Lords persuaded the clients to gift money to their children to minimize taxes and avoid Medicaid limits. The children then

"invested" these funds in Lords' Eagles Landing Construction Company. He made some payments to individuals, mostly out of his IOLTA account.

Lords deposited most of the funds in various personal or business accounts, and some in his IOLTA account. He then used the funds for his and his family's personal expenses, ultimately defaulting on all the loans. He did not respond to clients' efforts to contact him over payments due, and when the Office of Disciplinary Counsel received a complaint from a client, Lords did not respond to the ODC.

In addition to disbarring Lords, the Supreme Court ordered him to pay full restitution of \$1.07 million, plus interest, and costs of the proceedings.

David S. Freedman

The commission found that Freedman failed to negotiate an insurance settlement for clients in a personal injury claim after more than two years, failed to reasonably communicate with them or keep them apprised about the status of the matter, and failed to return documents related to their case. He also

did not respond to or to communicate at all with the ODC's investigation. The commission took Freedman's past discipline cases into account in addition to his failure to respond or appear in this case in recommending to disbar him.

Matthew A. Bryan

The complaint against Bryan arose from his actions on a revocable trust he prepared and executed in 2011 for Georgia resident Andy H. Swain. Swain died in 2013. It took beneficiaries until 2016 to track down Bryan in Montana.

According to the Commission on Practice's findings of fact, Bryan made various excuses over the next two years about why the funds were not readily available and why he could not review and discuss the trust with them.

Bryan did not respond to the Office of Disciplinary Counsel's attempts to contact him, nor to inquiries from the State Bar of Georgia, which administratively suspended him in April 2018. ODC's investigation found that Bryan also falsely claimed on his website that he was expanding his practice to Wyoming, where he is not admitted.

Mark your calendars!

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

On-Campus Interviews Fall 2019

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

Comment on proposed changes to Uniform District Court Rules sought

The Montana Supreme Court has ordered a comment period on proposed changes to the Uniform District Court Rules.

The proposed amendments, submitted by the court's Uniform District Rules Commission, are posted at www.montanabar.org. They consist of changes throughout the rules, including the incorporation of Rule 6 into Rule 2, changes to Rule 3, and a substantial addition to Rule 16. Language proposed to be added is underlined, and language proposed to be stricken is indicated by strike-through.

Members of the bench and bar of Montana and any other interested parties have until Aug. 12 to file comments with the Clerk of the Montana Supreme Court about the proposed changes.

Commission members are the Honorable Amy Eddy of Kalispell, chair; Sean Goicoechea, Kalispell; Elizabeth Halverson, Billings; Jim Molloy, Bozeman; Gregory Munro, Missoula; Brooke Murphy, Billings; and the Honorable Gregory S. Pinski, Great Falls.

The proposed amendments, submitted by the court's Uniform District Rules Commission, are posted at www.montanabar.org.

Supreme Court to hear oral argument on \$35M award against Jehovah's Witnesses

The Montana Supreme Court on Thursday announced that it will hear oral argument on an appeal of a Sanders County jury's \$35 million verdict in a child sex abuse award against the Jehovah's Witness church.

The oral argument will be on Friday, Sept. 13, at the Northern Hotel in Billings during the State Bar of Montana's Annual Meeting. An introduction to the argument will begin at 9:30 a.m., with the argument starting at 10 a.m.

The case centers on a Thompson Falls woman who claimed church officials covered up earlier abuses against a girl in the congregation by another congregation member. The church removed the man, Maximo Reyes, from the congregation but reinstated him a year later.

The victim in this case later told church officials that after his return to the church, Reyes repeatedly molested her over a two-year period, starting when she was 8.

The church raises four issues on appeal, among them arguing that the district court was wrong to rule Montana's statutory cap on punitive damages unconstitutional. The Montana Legislature set the limit on punitive damages at \$10 million or 3% of a defendant's net worth, whichever is lower. The jury's award included \$31 million in punitive damages.

The church also argues that the district court was wrong to grant summary judgment on the victim's negligence claim, that there was insufficient evidence of actual malice to justify the punitive damages, and that the punitive damages violate federal standards.

Attorneys for the church filed their opening brief in late May.

2019 ANNUAL MEETING

BE THERE

SEPTEMBER 11-14 | NORTHERN HOTEL | BILLINGS





Billings lawyer Clifford Edwards is shown with family members, including his wife, Susan, his two sons and law partners, John and Chris, and grandchildren during the International Academy of Trial Lawyers' Annual Meeting in London.



A MAN OF THE WORLD

MONTANA'S CLIFFORD EDWARDS
BECOMES PRESIDENT OF PRESTIGIOUS
INT'L ACADEMY OF TRIAL LAWYERS

Edwards is first Montanan to lead prestigious group devoted to spreading the rule of law

Billings attorney Clifford Edwards became a member of a very exclusive group more than 20 years ago when he accepted an invitation to join the International Academy of Trial Lawyers.

It is an organization that limits its membership to 500 practicing U.S. trial lawyers encompassing both the plaintiff and defense bars – less than one-tenth of 1% of U.S. attorneys plus another 150 lawyers from 40 countries around the world – and Edwards is one of only four Montanans in its ranks.

This spring Edwards joined a much more exclusive group – a club of one. That’s when he became the first person from Montana – in fact the first the first from a wide swath of the country that stretches from the Great Plains to the Pacific Northwest and includes nearly every state from the Rocky Mountain West – to serve as president of the IATL.

“I’m very, very excited to be the first (president of) this academy from our largely ignored region,” Edwards said.

Edwards’ roots from Denton, Montana – population 255 in the 2010 census – are a point of great pride for him. He is quick to point out that he is a product of the Denton Public Schools system and that his family – whose roots in the Judith Basin go back to the 1800s – still works ranch land there.

Edwards brought a little bit of Montana with him for the IATL’s Annual Meeting London where he was installed as president in April, sharing the moment with his wife, Susan, sons and law partners Chris and John, and all his grandchildren. He will introduce academy members to a big dose of Montana when IATL has its Mid-Year Meeting at the Whitefish Lake Lodge in late July.

Montana is currently enjoying a moment in the sun on the national and international stage. Just as Edwards was beginning his term leading the IATL, Butte native Bob Carlson was winding down his term as American Bar Association president. Meanwhile, the chief judge of the Ninth Circuit Court of Appeals is the Honorable Sidney Thomas, of Billings. All three are Montana natives, products of Montana public schools and graduates of the UM law school.

Spreading the rule of law internationally

A big part of the academy’s mission is promoting the rule of law around the world. For



“ We promote the rule of law in the highest advocacy. I really enjoy that. ”

Clifford Edwards, president of the
International Association of Trial Lawyers

more than 20 years, the academy focused its international outreach on its China Program, which brought Chinese government lawyers to the U.S. for an immersive fellowship in the American legal system. In 2011, Edwards and Susan hosted one of the fellows, Zhang Shaomin, who worked for the Chinese ministry of forestry. Edwards introduced Shaomin, who went by the American name Forest, to Gov. Steve Bullock, the Montana Supreme Court justices, and other state government and judicial system leaders. He says enjoyed following Forest's progress on his return to China.

"It was an amazing thing to watch the way he questioned our Supreme Court," Edwards said. "He was having success getting practices melded into Chinese law."

The Chinese government ended the IATL's China program several years ago – Edwards called that a backhanded compliment to the progress that was being made. In 2018, the academy began two new international initiatives:

Uganda Collaborative: The academy partnered with the National Judicial Conference in Reno, Nev., and judicial organizations in Canada and Ireland on a program to provide judicial instruction to about 40 Ugandan magistrate judges. Edwards said that instruction included such basics as getting court reporters for the judges who had been serving as their own reporters, and implementing rules of procedure and rules of evidence. "When you stop to think about it, it's pretty daunting," he said, "but it sounds more complicated than it really is."

Mexico Collaborative: A delegation from the IATL and Mexico's three leading bar groups reached an agreement on protecting human rights, fighting human trafficking, encouraging restorative justice and furthering best practices in the administration of justice.

The academy also has plans to start collaboratives this year in Chile and Argentina. Those countries aren't in the same boat as Uganda of needing to build a system from scratch, he said. But Latin American judiciaries historically have been targets of violence, the most extreme example being the 1985 siege on Colombia's Palace of Justice by a Marxist guerilla group, which ended with 100 people, including 12 Supreme Court justices dead.

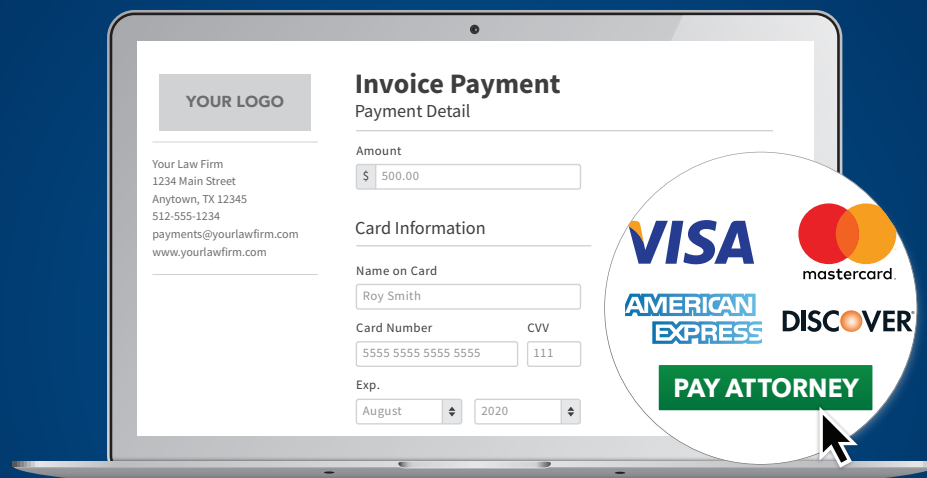
"The rule of law and the independence of the judiciary have been how we've kind of morphed," said Edwards. "We promote



Above, Edwards' sons, John, left, and Chris, join him at the IATL Annual Meeting in London. He said he dressed in a coat with tails, a vest and tuxedo shirt and tie to represent London and jeans and cowboy boots to show that he isn't going to change being a Montanan. He is hosting the IATL's Mid-Year Meeting in Whitefish in late July. Below, Cliff is shown with his wife, Susan.



MORE EDWARDS, PAGE 29



EASY FOR YOUR CLIENTS, A NO-BRAINER FOR YOUR FIRM.



THE PREFERRED CHOICE

For more than a decade, LawPay has been the go-to solution for the legal industry. Our simple online payment solution helps lawyers get paid faster. LawPay lets you attach a secure payment link to your email, website, or invoices so that clients can pay with just a click. Our solution was developed specifically for law firms, so earned and unearned fees are properly separated and your IOLTA is always protected from any third-party debiting. Simply put, no online payment processor has more experience helping lawyers than LawPay.



SECURE credit card processing for law firms



IOLTA COMPLIANT



Approved Member Benefit of **48 STATE BARS**



Trusted by over **50,000 lawyers**



Powering payments for **30+ TOP PRACTICE MANAGEMENT SOLUTIONS**



Bar-Approved
Member Benefit

Contact our legal payment experts at
877-245-4845 or visit lawpay.com/montanabar

Today's interconnected world offers opportunities for lawyers internationally. Here's what some of them are doing

By Joe Menden

Angela Marshall Hofmann knew even before she started law school that she wanted to work internationally.

With degrees in French and Spanish already in hand – not to mention having been an Ambassadorial Scholar at the University of Lyon 3 in Lyon, France, and serving as an ambassador on U.S.-French relations for Rotary International – she certainly had the pedigree for it. Hofmann earned her J.D. from the University of Montana School of Law in 1997 with a focus on International Law. She also was an inaugural member of the International Law Students Association.

Unfortunately, at the time she finished law school, she said, there weren't a lot of avenues to make that happen.

"I was keenly interested in trade," Hofmann said. "I thought, 'I'll get to Washington with ag policy and see where that leads.'"



Hofmann



Driscoll

It worked out well. Three years as legislative counsel for Sen. Max Baucus led to a position as legislative counsel for the Senate Finance Committee, which Sen. Baucus chaired. There she worked on numerous international trade negotiations, including free trade agreements with Vietnam, Jordan, Singapore and China. Wal-Mart recruited her as its first international trade policy person; she spent 13 years at Wal-Mart, rising to vice president of international corporate

affairs and global business support.

Now Hofmann is the president and founder of World Strategies, with operations in Washington, D.C., and Bentonville, Ark., advising clients on global government affairs, trade policy and corporate social responsibility.

Hofmann, who is on the board of the World Trade Center of Montana, said Montana lawyers today don't have to take as circuitous a route as she did to break into international work, using skills they already have and working in every imaginable niche – agriculture, human resources, building inspection, working at a firm or on the government side. Tech companies in Missoula are doing all sorts of international trade. They need lawyers to advise them.

"There is a lot of international opportunity now," she said. "There are a lot of places to play, and you can apply a lot

MORE OPPORTUNITIES, PAGE 19

Law school's China Program broadens future lawyers' horizons

A study abroad program in China is one way the University of Montana's Alexander Blewett III School of Law is helping prepare new Montana lawyers to practice in an ever-more-interconnected world.

The summer program, which is in its tenth year and is now part of the law school's new Max S. Baucus Institute, this year took 23 students for four weeks of courses on Comparative Business Organizations, Comparative Climate Change and Renewable Energy Law, and Comparative Family Law.

Professor Sam Panarella, director of the Baucus Institute and a professor in the China Program, said the experience can't help but give students a more nuanced perspective on the law when they return to Montana to practice law.

"I believe the benefits to the legal system in Montana from this program are profound and manifold," Panarella said. "Students who participate in this program are exposed to an entirely different legal



Students in the law school's China Program studied for two weeks each in the major municipalities of Chongqing, shown above, and Beijing.

system in a way that lets them compare and contrast the American approach to resolving legal disputes with an ancient system that is in some ways the polar opposite of our own."

Students from University of South Dakota School of Law and Chinese students

Panarella said student feedback on the program has been incredibly positive, with many describing it as "life-changing," adding that students often make long-lasting relationships with Chinese law students, which he said is significant both personally and professionally.

New
Site



THE NATIONAL ACADEMY OF DISTINGUISHED NEUTRALS

MONTANA CHAPTER

www.MontanaMediators.org

*The following attorneys are recognized for
Excellence in the field of Alternative Dispute Resolution*



Tracy Axelberg
Helmville



Dee Carestia
Wise River



James Gaitis
Whitefish



Jay Hunston
Whitefish



Michael Lilly
Bozeman



Dennis Lind
Missoula



Hank Raucci
Helena



Guy Rogers
Billings



Jock Schulte
Missoula



Michael Viscomi
Whitefish



William Wagner
Missoula



Doug Wold
Polson



Gary Zadick
Great Falls

APRIL 2019						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2 AM	3	4	5 PM	6
7	8 PM	9	10	11	12	13
14	15	16	17 AM	18 AM	19 AM	20
21	22	23 AM	24 AM	25	26	27
28	29	30				

**Check your preferred available dates or
schedule appointments online, directly
with Academy Members - for free.**

www.MontanaMediators.org is funded by our members

* The National Academy of Distinguished Neutrals is an invitation-only professional association of over 900 litigator-rated mediators & arbitrators throughout the US and a proud partner of the AAJ & DRI. For more info, please visit www.NADN.org/about

OPPORTUNITIES

FROM PAGE 17

of your skills.”

Tamara Driscoll

Driscoll, like Hofmann, is a 1997 graduate of the University of Montana School of Law. Unlike Hofmann, she never saw herself working in international law when she set out as a lawyer.

The Helena native spent the early part of her career at a national class action firm’s Seattle office. She was named a Washington Rising Star as one of the state’s top lawyers under 40. Her only exposure to international law up to that

point was a single course she took in law school. That changed quickly when family obligations steered her to in-house counsel work for a non-governmental organization, and eventually to her current role as associate general counsel for the Bill and Melinda Gates Foundation.

Now she is immersed in international law, responsible for all the charitable group’s operations in China, Ethiopia, Germany, India, Nigeria, South Africa, and the United Kingdom, as well as the U.S. She set up the foundation’s operations in most of those places, she said, and must track changes in law and brief clients whenever there are changes.

“I have to learn from scratch,” she said.

Although she does miss the ability to dive in and become an expert on one topic that work at a law firm affords, the varied nature of her job ensures that it never gets boring.

Driscoll’s best advice for those wanting to break into international law is to do work for a nongovernmental organization – her first in-house counsel job was for World Visions, a Seattle-based NGO. “It’s very basic work in some countries, and we’re happy to share with each other.”

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

“It’s very basic work in some countries, and we’re happy to share with each other.”

Tamara Driscoll on doing work internationally for nongovernmental organizations



Russ Fagg & Assoc.

- 22-year State Judge
- Certified Mediator



1004 Division St • Billings, MT 59101 • (406) 855-0224 • rfagg@icloud.com

Secure Your Emails With This Limited Time Offer For State Bar of Montana Members:

One year of Delivery Trust secure email by Identillect for only **\$25**

- Unlimited secure messages & attachments
- Works with your existing email address
- Secures emails & responses with the click of a button
- Compliant with all state, federal & industry regulations
- Easily accessible audit trails & discreet read receipts



Contact Identillect today to redeem:
888-781-4080 | Sales@identillect.com



An epic prehistoric battle goes to Montana Supreme Court

Dueling Dinosaurs | Court to decide who owns fossils — property's surface estate or its mineral estate

By Joe Menden

A battle between a pair of *Tyrannosaurus rex* appears to have ended in both dinosaurs' death in what is now Garfield County, Montana, but 65 million years later the battle over their bones continues to rage.

An en banc panel of the Ninth Circuit Court of Appeals in late May asked the Montana Supreme Court to weigh in on the question of who owns fossils, dubbed the "Dueling Dinosaurs" because the prehistoric giants appear to have been locked in battle when they died. The court said it can't decide whether dinosaur fossils are part of a surface estate or a mineral estate under Montana law because the state high court has never addressed the question. The Montana Supreme Court accepted the certified question on June 4. The case had not been briefed as of press time.

"Whether dinosaur fossils belong to the surface



estate or the mineral estate under Montana law presents important public policy ramifications for Montana that have not yet been resolved by the Montana Supreme Court,” Chief Judge Sidney Thomas wrote for the en banc panel. “Given the frequency of divided ownership of Montana surface and mineral estates, and that Montana possesses vast deposits of valuable vertebrate fossil specimens, the issue is substantial and of broad application.”

It was the latest step on a circuitous legal path in the dispute over the bones.

According to court documents, the modern chapter of the saga began shortly after Lige and Mary Ann Murray bought the Garfield County land in 2005, at which time the surface estate and mineral estate were severed, with the Murrays owning a minority share of the mineral rights. The majority share of the mineral estate stayed with the former landowners and is currently split between two out-of-state corporations.

The Dueling Dinosaurs – reportedly appraised at between \$7 million and \$9 million – were discovered sometime before December 2006. An intact T. Rex skeleton, already sold to a Dutch museum for millions of dollars, and a triceratops skull and foot were later found on the property.

With both the mineral and surface estates claiming ownership of the fossils, the Murrays filed suit in Montana state court to settle the dispute, which was moved to U.S. District Court in Billings based on diversity jurisdiction. Both sides moved for summary judgment. Judge Susan P. Watters ruled that fossils do not fall under the “ordinary and natural definition” of “mineral,” the standard she determined applied in this case. Watters noted that the value of a fossil turns on characteristics other than mineral composition – such as species, completeness and how well preserved – in making her determination.

In November 2018, a three-judge panel of the Ninth Circuit overturned the District Court ruling. The panel ruled 2-1 that BEJ Minerals LLC out of Washington and RTWF LLC out of Florida were the rightful owners. The appellate court found that definitions of “mineral” found in Montana statutes, like dictionary definitions, were contradictory and therefore inconclusive. In addition, it held that the Montana Supreme Court has generally adopted a legal test for determining whether a particular substance was a mineral in the context of deeds and agreements regarding mineral rights to land and that, under this test, the dinosaur fossils were minerals pursuant to the terms of the deed and belonged to the owners of the mineral estate.

After that three-judge panel’s ruling, the 2019 Montana Legislature passed a law signed by Gov. Steve Bullock in April establishing that dinosaur fossils are part of surface estates. In certifying the question of ownership to the Montana Supreme Court, however, the Ninth Circuit said the law does not affect penalties that were incurred or proceedings in court that were begun before the law took effect, and the question of whether the law applies retroactively has not been litigated.

Joe Menden is the editor of the Montana Lawyer. You can reach him at jmenden@montanabar.org.

The Dueling Dinosaurs – reportedly appraised at between \$7 million and \$9 million – were discovered sometime before December 2006. An intact T. Rex skeleton, already sold to a Dutch museum for millions of dollars, and a triceratops skull and foot are among other fossils that were later found on the property.



CROWLEY
FLECK LLP
ATTORNEYS

Is pleased to welcome
Dale Schowengerdt to the firm.



Dale is Senior Counsel in the firm's Helena office, and is focused on appellate practice and complex commercial, tort, and natural resources and environmental litigation. Before joining the firm, Dale served as the State's Solicitor General at the Montana Department of Justice.

With offices in:
Billings, Bozeman, Butte, Helena, Kalispell, and Missoula, Montana
Bismarck and Williston, North Dakota
Casper, Cheyenne, and Sheridan, Wyoming

www.crowleyfleck.com



Representation makes a big difference for low-income tenants in housing disputes

By Haley Fallang

Each year, millions of low-income Americans are evicted because they can't afford to pay rent. With a lack of affordable housing, skyrocketing rent prices, and stagnant wages, it should come as no surprise that America is facing a nationwide eviction crisis. Eviction has disastrous and long-lasting consequences for low-income families: a family with only one eviction on their records can find it nearly impossible to find stable housing again. It can also have devastating consequences for future generations, because having access to safe and secure housing is critical for

children to thrive, regardless of their family's financial situation.

Montana is facing a shortage of safe and affordable housing. Since 2000, home prices have increased by more than 70% across two thirds of counties in Montana. In five counties, home prices have more than doubled in that time. The price-to-income ratios for the 38 Montana counties for which data is available shows that affordability generally worsens as one travels west across the state. This increase in housing prices has hit renters too: with 32% of Montanans renting their homes and spending an average of 28.6% of their

monthly income on rent, Montana sees 3.41 evictions per day.

Missoula County has certainly felt the effects of the housing crisis. Between 2010 and 2017, Missoula's housing prices went up about 30% while wages remained unchanged. The general standard for being "housing cost burdened" is spending more than 30% of a one's income on housing. Approximately 52% of residents in Missoula rent their homes and spend an average of 32.5% of their monthly income on rent – almost 4% higher than the state average. Over one-third of renter households in Missoula make annual incomes below

The Housing Justice Project, implemented in 2016, connects low-income tenants to volunteer attorneys willing to provide limited-scope over-the-phone advice to help maintain housing.

\$20,000. A family making less than \$20,000 a year can only afford to spend \$534 per month on rent without spending more than 30% of their income on rent – currently, the average fair-market rent for a two-bedroom home in Missoula County is \$855 per month. A staggering 93% of low-income families in Missoula County spend more than 30% of their income on rent. According to a new report issued by Montana Budget and Policy Center, a single parent earning minimum wage in Missoula County would have to work 81 hours every week to afford a two-bedroom apartment at fair-market rent without severely straining their household budget.

In 2018, Montana Legal Services Association served 1,261 low-income clients with housing issues. MLSA has only one dedicated housing attorney and relies heavily on volunteer attorneys to fill in the gaps. Studies have shown that low-income tenants represented by legal aid attorneys are significantly more likely to prevail in housing court and secure settlements than those who appear in court with no representation. Yet, in many housing courts across the country, only 10% of all tenants are represented by legal counsel, compared with 90% of landlords.

You can help bridge this justice gap by volunteering at MLSA for the Housing Justice Project. The Housing Justice Project, implemented in 2016, connects low-income tenants to volunteer attorneys willing to provide limited-scope over-the-phone advice to help maintain housing. These limited-scope advice appointments, usually about one hour long, aim to help low-income tenants represent themselves

more effectively in court and resolve issues with their landlord to avoid an eviction proceeding. While advice provides tenants with legal help at a critical juncture, there is an overwhelming need for attorneys that are willing to represent clients in court. Legal representation could give a fair shake to the more than three Montana families facing eviction each day. The cases move fairly quickly, and a small amount of an attorney's time can make a huge impact in a renter's life. Safe and secure housing is at the crux of many Montanans' ability to balance other pieces of their lives. Attorneys willing to help clients maintain their housing can truly make all the difference.

MLSA provides a wealth of materials to support any attorney interested in helping with housing issues. Advice guides, access to an extensive brief bank, training materials, mentors, and malpractice insurance are all available to interested volunteers. If you are willing to donate two hours of your time every few months or if you are interested in representing a tenant in court, please contact MLSA to volunteer. Your time and knowledge are indispensable resources in helping low-income tenants face an unfamiliar and intimidating legal process.

If you are interested in learning more about the project and signing up to volunteer, please contact Director of Pro Bono Programs Angie Wagenhals via email at awagenha@mtlsa.org, or via phone at 406-4442-9830 ext. 148.

Haley Fallang is a member of the Justice for Montanans Americorps Project working with Montana Legal Services Association.

BY THE NUMBERS

1,261

Low-income clients with housing issues served by MLSA in 2018

1

Dedicated housing attorney position at MLSA

10%

Tenants with legal representation in U.S. housing cases.

90%

Landlords with legal representation in U.S. housing cases.

WANT TO HELP?

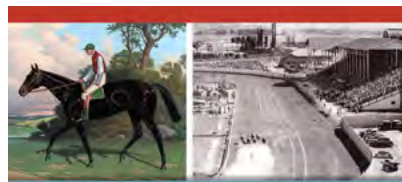
To learn more about MLSA's Housing Justice Program, contact Angie Wagenhals at awagenha@mtlsa.org or 406-442-9830, ext 148

Helena lawyer releases book on Montana horse racing history

Helena lawyer, horsewoman and historian Brenda Wahler will be signing copies of her new book, "Montana Horse Racing," on July 8 at the Montana Book Co. in Helena.

In the book (Arcadia Publishing and The History Press, 112 pages, 6x9 inches), Wahler details the sport of kings in Big Sky Country dating to races staged at Traveler's Rest by Nez Perce guides in 1806. She highlights the Big Sky's patrons of the turf and equine champions, including 1889 Kentucky Derby winner Spokane and a horse named Bob Wade who set a quarter-mile world record in Butte that stood for nearly 60 years. She says lawyers should look up *Toomey v. Penwell*, 76 Mont. 166 (1926) — "You can't make this stuff up," she said.

Wahler is a fourth-generation Montanan. She showed horses in the 1970s and 1980s when racing was a major presence at fairgrounds across the country. Today she owns Wahler Equine,



MONTANA HORSE RACING

A History

BRENDA WAHLER



an education and consulting business.

The signing will be at Montana Book Co. is at 331 N. Last Chance Gulch in Helena. There will be refreshments including carrot cake and (non-alcoholic) mint julep lemonade. You can also order the book at www.arcadiapublishing.com/Products/9781467140324 starting July 8.

MLSA to receive 250K in disaster pro bono funding

Montana Legal Services Association will receive \$250,000 in grant funding to help low-income communities in Montana prepare for, respond to, and recover from natural disasters.

Legal Services Corporation announced June 6 that MLSA was one of five civil legal aid organizations in the Midwest to receive funding.

The Montana Legal Coordinated Disaster Program will be integrated into MLSA's larger Pro Bono Project, which provides legal assistance to thousands of Montanans each year. In 2018, pro bono attorneys handled 1,146 cases through MLSA, donating a total of 4,218 hours. Through the improvements made under this grant, MLSA anticipates that the number clients able to receive pro bono services will increase, helping to expand access to legal services to people at their most vulnerable.

The Rural Incubator Project for Lawyers

is accepting Fellowship Applications

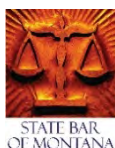
to support new solo practitioners launch successful practices that increase access to justice in rural and underserved communities

RIPL Fellows receive:

- business and practice management training;
- hands-on experience and skills through the MLSA Pro Bono Residency;
- mentorship by experienced practitioners;
- shared office space;
- practice resources, including software discounts, legal research tools, and templates;
- loan repayment assistance (LRAP) from the Montana Justice Foundation; and more.

Fall Boot Camp tentatively scheduled for October 7–9, 2019.

Visit <https://www.mtlsa.org/rural-incubator-project-for-lawyers/> to learn more.



Hiring contract attorneys shouldn't just be a decision about money

Firms hire contract attorneys for a variety of reasons, not the least of which is an attempt to control expenses. While reducing expenses is a good thing, the financial savings shouldn't be the only issue in play as unintended consequences could follow if no thought is ever given to a few other concerns. The issues that come to mind most readily for me are conflicts of interest, accountability for work product, disclosure, and insurance coverage were an allegation of negligence ever to arise.

Addressing these issues is problematic however, because the term "contract attorney" means different things to different people. IRS definitions and regulations aside, contract attorneys can run the gamut from fulltime "employees" who are held out as members or associates of a firm to temporary part-time attorneys who never step foot within the walls of the firm. For the purposes of this article, I am going to focus on contract attorneys who will never be held out publicly as being associated with the firm at which they are working.

Let's look at the insurance coverage concern first. Don't assume that coverage for contract attorneys under your existing policy is a given. While some insurance companies make no distinction between "contract attorneys" and "employed" attorneys, others do. This means that some insurance carriers will automatically add contract attorneys to your policy, once notice has been given and the appropriate amount of premium paid, and others will not. Why won't they? One reason is that contract attorneys are often temporary and/or part-time and some firms hire quite a few. Do these part-timers have their own clients, to include other firms that they work for under contract? Is there frequent turnover of contract attorneys at the firm? In short, contract attorneys represent an unknown risk to a malpractice insurance carrier. If your insurance carrier will not extend coverage

under your existing policy, the contract attorney may need to purchase his or her own coverage if they feel coverage is necessary. I would suggest that coverage should be mandatory if the contract attorney will be doing things like appearing in court or taking depositions. It may not be necessary if there will never be any client contact and the hiring firm will be reviewing and accepting accountability for the contract attorney's entire work product. Regardless, always confer with your insurance carrier when thinking about hiring a contract attorney (or attorneys) so that the situation can be fully understood, documented, and appropriately underwritten by the carrier if they are willing.

The decision as to whether to use contract attorneys is not something that should lie exclusively with the firm. Clients may or may not be comfortable with contract attorneys and thus clients should be included in the decision-making process. Certainly our ethical rules require disclosure; but ethical rules aside, whose matter is it? It's the clients. I would argue that clients fundamentally deserve to know who will be working on their matters due to confidentiality, competency, and financial concerns at a minimum. Explain to your clients why the use of contract attorneys is necessary. Let them know who they are and what skill set they bring to the table. Then detail what the savings will be and share the steps that will be taken to ensure that confidences will be maintained. In the end, it's all about respecting the attorney/client relationship.

The accountability piece is an interesting issue. Under agency principles, the firm is going to be liable for what the contract attorneys do within the scope of their employment. Sometimes firms will try to do an end run around this concern and treat the contract attorneys as independent contractors. This may

MORE RISK, PAGE 27



Mark
Bassingthwaight

There's more than money to consider when deciding on hiring a contract attorney. Insurance, client concerns, accountability, and imputed conflict all should factor in the equation.



ALPS Risk Manager Mark Bassingthwaight, 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. Contact him at: mbass@alpsnet.com.

Some notable – er, make that remarkable – inspiration for snapping out of a vocabulary rut



Abbie
Nordhagen
Cziok

Sometimes we all just need a bit of inspiration, but inspiration is not helpful without a method. Try jotting interesting words and turns of phrase from writing sources you admire.

Ugh. The word “notably.” I started using it about a year ago, and since then, it’s become the only word in my vocabulary. I regularly construct entire sentences with “notably” as the subject, verb, and modifiers. When did I get into this rut?

Sometimes we all just need a bit of inspiration, but inspiration is not helpful without a method. The method I’ve found useful has two components: a vehicle and a source. First, the vehicle: a piece of paper taped next to the computer screen. My friend worked for a judge that had the same frustrations, and I liked his approach to implementing change in his writing: On his piece of paper, taped next to his monitor, he jotted down interesting words and turns of phrase. He found these while reading books, newspaper articles, and legal opinions. His list regularly spread on to multiple sheets of paper. Then, when finishing a piece of his own writing, he would incorporate three of the examples from those pages. Over time the list changed. Some words were crossed out because they had become part of his vocabulary. Others were crossed out because they were so far outside his style as to be Seussical. He did this for years. And it showed. Over years he had expanded his vocabulary and become an eloquent, creative writer who wasn’t constrained by stale habits. He learned a lot about his own writing style, too.

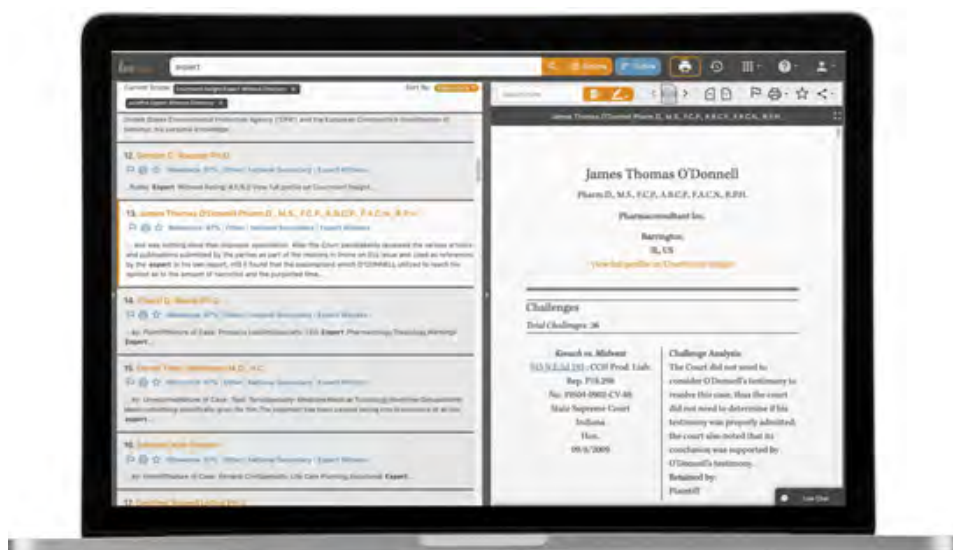
Second, the source: the book “Point Made: How to Write Like the Nation’s

Top Advocates,” by Ross Guberman. This book is gold, and will likely be featured in future columns. Yes, “likely.” It’s my job to make no guarantees. The book’s utility comes from the fact that any reader gains as much from it by sitting down and hanging on each word as from flipping through it quickly. To find inspiration, I performed what some would call the lazy and what I would call the efficient task of flipping through the pages to find some words and phrases I liked.

Think the phrase, “This case is about . . .” is trite and overused? Just see how Mr. Boies and Mr. Olsen use it on page 9. It has me rethinking the phrase and my haircut. How could I be so thoroughly wrong? Though I tend toward the dramatic, I don’t use the word, “detrimental” nearly enough. Pg. 29. It goes on the list. So does, “attendant,” pg. 36; “frustrates,” pg. 94; “divergence,” pg. 149; and “render,” pg. 150. Better yet, just flip to page 191, where the chapter on “Zingers: Colorful words,” begins. There are a number of words in that section that will surely liven up any filing or letter.

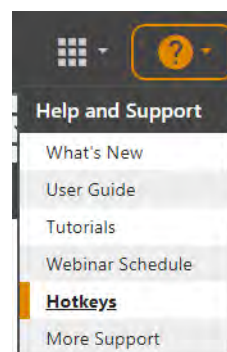
This method combining the vehicle, a piece of paper, and the source, an approachable book, is an easy way to make changes without going back to a legal writing class. It takes a legal pad, \$16 for a great book, and consistency. I hope to be seeing some observable (not “notable”) changes in my own vocabulary soon.

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.



EXPERTS ON DEMAND

Over 100,000 expert witness profiles are searchable in @fastcase 7 through Fastcase's partnership with Courtroom Insight and JurisPro. To search expert witness profiles, simply enter your search terms, run your search, then filter by document type to the left of your results.



HOTKEYS

Save time with Fastcase Hotkeys. Fastcase is now entirely navigable without the use of a mouse. You can find a list of keyboard shortcuts to help cut down on navigation time under Help > Hotkeys.

RISK

FROM PAGE 25

be partially effective if the contract attorneys are fully independent (think in accordance with the IRS definition) and the client has not only been made aware of the situation but consented to it in writing. I say partially effective because there will always be the possibility of a negligent hire claim should any of the independent contract attorneys commit malpractice. Given this, appropriate risk management practices are called for whenever utilizing the services of contract attorneys. Adequate supervision and work product review are a given. Have the contract attorneys sign a confidentiality agreement and instruct staff to never discuss unrelated firm matters in front of them. You would also be well advised to inquire into the background, education, and experience of every potential contract attorney hire as well as ask about past claims or

disciplinary matters prior to making any hiring decision.

Perhaps the most significant issue with contract attorneys is the imputed conflict problem. Here the specifics of the working relationship will matter. There is going to be a real difference in how the conflict problem plays between contract attorneys who will never step foot inside your firm's physical space, have no access to firm files, and will only work on one project for your firm versus contract attorneys who will work internally, will be employed there for an extended period of time, will be working on multiple projects, and have access to the firm's client files. The issue can be further compounded if any of the contract attorneys will also be working at one or two other firms at the same time. To minimize the risk of unintended conflict problems arising, limit the contract attorneys' access to client files to the greatest degree possible. An isolated or off site work space coupled

with no access to the firm's computer network or the area where client files are maintained can be an effective way to manage the problem. In contrast, the greater the degree to which any contract attorney becomes integrated within a firm the greater the likelihood that all the conflicts this attorney carries will be imputed to the firm. Understand that this isn't about how contract attorneys are paid. It's about length of time in your employ, scope of the relationship with the firm, degree of client contact, access to client files, the clients' understanding of the relationship, and the list goes on.

The decision to use contract attorneys can be an appropriate decision that brings real value to your firm and the clients you serve. Just don't rush into this for the expense savings alone because there can be unintended consequences that in the end could prove more costly than if you had never hired the contract attorneys in the first place.

Jim Johnson, former State Bar president, dies at 78

James Ward Johnson passed in peace on Monday, April 22, 2019, surrounded by his loving family.

Jim was born in Cleveland, Ohio, in 1941 to Harry and Margaret Johnson, and was the oldest of four children. In 1944, the family moved and established roots in Great Falls. Jim graduated from Great Falls High School in 1959. He attended Stanford University, graduating in 1963, and obtained his law degree

from the University of Montana School of Law in 1966.



Johnson

While home on summer break from college, Jim met the love of his life, Myrna Mae Kemp. The two married in 1963, the beginning of a happy 54-year marriage. Jim and Myrna settled in Great Falls. They had three children, Michael, Erika and TJ. Erika is also an attorney. In 1979, the Johnsons moved to Kalispell, which remained their home for the rest of their lives.

Jim spent the bulk of his legal career as a partner in the Kalispell law firm now bearing his name, Johnson, Berg, and Saxby. He focused his practice in the areas of business, property and estate planning and displayed the highest level of professionalism. He served as president of the State Bar of Montana, and a member of its Commission on Character & Fitness. Jim took great pleasure in solving complex legal problems and helping his clients through their life stages, many of whom became lifelong friends. He was the type of lawyer who would make house calls to his elder clients in need and offer to bring them groceries.

Jim's core values were service and contribution to his family and community. He filled positions of service and leadership to numerous governmental and volunteer organizations.

Jim most enjoyed spending time with his family, including traveling to Germany and Patagonia with Myrna

and attending all of his children's and grandchildren's activities. He enjoyed hiking in Glacier National Park, driving and restoring fast cars, attending Griz football games, and hosting family and friends at Lake Five. Above all else, Jim will be remembered for being an active and loving husband, brother, father, grandfather and friend. He nurtured these relationships and always placed the needs and accomplishments of his loved ones above his own.

Jim's principled approach to life served him well through both successes and struggles and provided a great example for others to emulate. Although principled and humble, he also displayed a great sense of humor and sarcasm. He remained silly and lighthearted until the end, sharing bellylaughs with grandkids and friends.

Memorials may be made in Jim's name to First Presbyterian Church, Immanuel Lutheran Foundation, and Home Options Hospice, all of Kalispell.

Charles Leonard Jacobson

Charles Leonard Jacobson of Great Falls died on Monday, April 22, at age 95.

Charles was born in Butte on Oct. 3, 1923, the youngest son of Leonard and Minnie Jacobson and the first to be born in a hospital and not on the family ranch between Wolf Creek and Craig.

After serving overseas in World War II, Charles returned to Missoula



Jacobson

in pursuit of a law degree in 1946. He graduated in 1950 from Missoula and served as a law clerk for the Montana State Supreme Court before practicing law in Libby with fellow classmate Cy Crocker. It was in Libby that he met and courted Joy Danielson. They married in 1954 and moved to Conrad where they raised their five children. Charles practiced the law in several northcentral

Memorial submissions

The Montana Lawyer publishes 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.

counties, including Glacier, Toole, Pondera and Teton and was even asked to be the city attorney in Cut Bank for a while in the early '60's. Charles felt that everyone was guaranteed equal protection under the law, and if some local family had fallen on hard times, fees were collected in eggs or chickens or half hogs or even just written off.

He was affectionately dubbed "Columbo" by many of the law officers and court officials who knew him from his long overcoat and slightly rumpled hair, as well as a nod towards his abilities as a criminal attorney. Charles had a lifelong affinity for books and the written word, and he accumulated a lot of law books (as was the custom in those days). In these days, computers have erased the need for such things, which he considered a pity.

Charles was court appointed and involved in helping another attorney, Barney Reagan of Cut Bank, in the defense of the notorious case of Duncan McKenzie, for which there he received a lot of ill will even to the point of death threats against his family. Despite these threats, Charles fulfilled his duty to the law and his client. He was recognized and given an award by the Cascade County Bar Association in recognition of his commitment to the law and to the high standards that he exhibited.

Charles received his 50-year pin from the State Bar of Montana in 2000.

To leave condolences please visit www.croxfordfuneralhome.com.

MORE MEMORIALS, PAGE 29

Ira James 'Jake' Heckathorn

Ira James "Jake" Heckathorn, 95, of Whitefish, died on Dec. 5, 2018, at the Montana Veterans Home in Columbia Falls.

Jake (one of nine children) was born Sept. 4, 1923, in Wolf Creek, to Lee and Minnie Heckathorn who homesteaded in a sod house, with no electricity, no running water. He remembered having to take a horse and wagon 5 miles to the river for water. He attended grade school in Wolf Creek and high school in Cascade.



Heckathorn

Jake served in the Army during World War II, spending time as a surgical technician in an evacuation and a stateside MASH unit then volunteering for the infantry. He was scheduled to be sent to Japan in 1945, but the armistice had been signed by the time he got to the Pacific. While stationed in the Philippines did engage an isolated troop of Japanese Imperial

Marines who had no idea the war was over and were happy to surrender and go home.

He started law school at the University of Montana on the GI Bill in 1946, after which he worked as a state trial attorney for the Montana Veterans Administration in Helena before he was called to Korea, eventually moving to Whitefish.

In 1960, Jake joined with the law firm of Murphy and Robinson in Kalispell; they merged with the Crowley Law Firm, where Jake worked until he retired at age 80.

In lieu of flowers, donations may be made to North Valley Hospital or the Whitefish Community Library.

James Lafayette Shuler

Helena attorney James Lafayette Shuler, 69, died on June 30, 2018, after a short battle with esophageal cancer.



Shuler

Jim was born June 19, 1949, in Carlsbad, N.M. He graduated from the University of Arizona in 1973, and from Pepperdine School of Law in 1976. He practiced law in Carlsbad for 10 years before being appointed as a district judge in New Mexico where he served for 19 years before retiring and moving to Helena. Jim then joined the Doney Crowley Law Firm where he worked until retiring again in 2012.

He was the chancellor for the Episcopal Diocese of Montana from 2008 until his death.

The family asks that donations be made to the Camp Marshall/Grace Camp fund in care of the Episcopal Diocese of Montana, P.O. Box 2020, Helena, MT 59624.

EDWARDS

FROM PAGE 15

the rule of law in the highest advocacy. I really enjoy that. I get to work with judges not only in Montana but around the country on that mission."

In addition to the IATL's international focus, Edwards, who serves on the National Judicial Council's Board of Visitors, is using his term to shine some light on helping ensure that America maintains its own judicial independence. To that end, the academy is partnering with the National Judicial College to develop what he called "baby judge courses" to reinforce bedrock principles like *Marbury v. Madison*, which established the doctrine of judicial review.

"You have to have an independent judiciary," he said. "It's a separate and coequal branch of government, and it's under constant attack these days."

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



You have to have an independent judiciary. It's a separate and coequal branch of government, and it's under constant attack these days.



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.

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

ATTORNEYS

CHIEF LEGAL COUNSEL: The Montana Department of Commerce in Helena, Montana, is seeking an individual for Chief Legal Counsel to apply leadership skills in a dynamic and rewarding job, while providing legal advice and direction to the Director and other officials, which directly affects the administration of the Department. Apply at <https://statecareers.mt.gov>. Job No. 19141235

DEPUTY CITY ATTORNEY: The City of Billings City Attorney's Office is seeking a Deputy City Attorney who will perform a variety of professional duties and a full range of legal services related to municipal criminal prosecution. The successful applicant will prepare and prosecute misdemeanor criminal cases in Municipal Court and represent the City of Billings in criminal proceedings before all other courts, administrative agencies and boards as assigned. City of Billings application, cover letter, resume and 3 writing samples can be submitted at www.ci.billings.mt.us; or to City of Billings, Human Resources, 210 N. 27th Street, Billings, MT 59101.

LITIGATION ATTORNEYS: Cromwell Law is expanding to include two part time to full time litigation attorneys. We are a values-driven law firm with an innovative approach to legal care. Our firm prides itself on providing excellent legal services through our authentic, collaborative team of attorneys and staff. Our primary goal is to create a positive, lasting impact in the lives of our clients, our employees and our community. We believe our success can only be sustained by providing our employees with a supportive environment, flexibility in schedule, and work-life balance. Apply to audrey@cromwellpllc.com.

LITIGATION ATTORNEY: Moulton Bellingham PC seeks an experienced litigation attorney. Moulton Bellingham has a wide range of litigation work, including personal injury, products liability, municipal liability, and commercial litigation. The ideal candidate will have litigation experience and be team-oriented, pro-active, and self-motivated. Excellent benefits, including potential for annual bonuses. Please send a cover letter, resume with references, and a writing sample to Moulton Bell-

ingham PC, Attn: Gerry Fagan, PO Box 2559, Billings, MT 59103.

GENERAL LITIGATION: Well-established, busy Missoula law firm, St. Peter Law Offices, P.C., seeks general litigation associate attorney. Professional, fast-paced, collaborative atmosphere. Wide, diverse practice, including general litigation, personal injury, estate planning, business, probate, real estate, and tax law. The ideal candidate will have at least 3-5 years of experience practicing law, including general litigation. Salary depends on experience. Please submit cover letter, references, and resume to St. Peter Law Offices, P.C., to 2620 Radio Way, Missoula, MT 59808 or marie@stplawoffices.com

PERSONAL INJURY: The Advocates is a personal injury practice that handles a wide range of accident cases. We are in need of an attorney, experience preferred in the areas of negligence and personal injury law. However, we will consider admitted entry-level candidates as well. Candidates must be licensed to practice in Montana. This position would be charged to run our office located in Missoula. Please submit a resume to dfox@advocates.com.

IN-HOUSE ASSOCIATE: The Blackfeet Tribe is seeking to fill a vacant In-House Associate Attorney. The attorney will be under the direction of the managing attorney with assigned tasks in the area of primarily Federal Indian Law and Blackfeet Law. Please send a resume, three (3) references and a short writing sample to Blackfeet Legal Department, P. O. Box 849, Browning MT 5941, 406-338-7777 or email to blackfeetlegal@gmail.com. The Blackfeet Legal Department seeks to fill this position immediately. If you have questions or need further information, please contact the Blackfeet Legal Department at 406-338-7777.

ATTORNEY SUPPORT/RESEARCH/WRITING

CONTRACT ATTORNEY available for hire to assist your firm with brief writing, legal research, document review, and court appearances. Strong research/writing skills, former UM Law graduate on National Moot Court and Montana Law Review, and professional experience at a Mis-

soula law firm. Contact me at panna-beckerr@yahoo.com, (406) 590-5167

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

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

CONSULTANTS & EXPERTS

ARCHITECTURAL EXPERT, FORENSIC INVESTIGATION & ANALYSIS: 43 years architectural experience. Specializing in Contract Administration; Specifications; and Architect / Owner /Contractor relationships. Extensive knowledge of building systems, materials, construction methods; Accessibility Regulations and Standard of Care; and forensic architectural investigation. Provides consulting and expert witnessing services. Attorney references upon request. Frank John di Stefano, PO Box 1478, Marion, MT, 59925, Phone: 406-212-7943.

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

EXPERIENCED BANKING EXPERT/CONSULTANT - 40+ years of banking experience 30 years of which were in executive management positions in banks ranging in size from community banks to multi-billion-dollar, multi-state banking organizations. Executive responsibility for all phases of lending,

lending disciplines and credit assessment. Special expertise in determining borrower creditworthiness and the appropriateness of lender behavior. Outstanding legal references upon request. Please contact Leon Royer by telephone at 406-932-4255 or by email at backcas-tranch@gmail.com.

FORENSIC DOCUMENT EXAMINER:

Trained by the U.S. Secret Service and U.S. Postal Inspection Crime Lab. Retired from the Eugene, Ore., P.D. Qualified in state and federal courts. Certified by the American Board of forensic Document Examiners. Full-service laboratory for handwriting, ink and paper comparisons. Contact Jim Green, Eugene, Ore.; 888-485-0832. Website at www.documentexaminer.info.

PSYCHOLOGICAL EXAMINATION & EXPERT TESTIMONY:

Montana licensed (#236) psychologist with 20+ years of experience in clinical, health, and forensic (civil & criminal) psychology. Services I can provide include case analysis to assess for malingering and pre-existing conditions, rebuttal testimony, independent psychological examination (IME), examination of: psychological damage, fitness to proceed, criminal responsibility, sentencing mitigation, parental capacity, post mortem testamentary capacity, etc. Patrick Davis, Ph.D. pjd@dcpcmt.com. www.dcpcmt.com. 406-899-0522.

EVICCTIONS

EVICCTIONS LAWYER: We do hundreds of evictions statewide. Send your landlord clients to us. We'll respect your "ownership" of their other business. Call for prices. Hess-Homeier Law Firm, 406-549-9611, ted@montanaevictions.com. See website at www.montanaevictions.com.

State Bar of Montana Career Center

The premier resource for Montana law jobs

The SBMT Career Center will allow you to:

- Search and apply to more Montana law jobs than in any other job bank.
- Upload your anonymous resume and allow employers to contact you through the Career Center's messaging system.
- Set up Job Alerts specifying your skills, interests, and preferred location(s) to receive email notifications when a job is posted that matches your criteria.
- Access career resources and job searching tips and tools.
- Have your resume critiqued by a resume-writing expert.

JOBS.MONTANABAR.ORG

MONTANA LAWYER

State Bar of Montana
P.O. Box 577
Helena MT 59624

PROTECT YOUR FIRM. HELP MORE PEOPLE.
BE THE LAWYER YOU WANT TO BE.

Find out more about your endorsed
carrier at www.alpsnet.com/mtbarjournal

MALPRACTICE INSURANCE FOR THE

LAW FIRM
WORTH PROTECTING



THE NATION'S LARGEST DIRECT WRITER
OF LAWYERS' MALPRACTICE INSURANCE.

(800) 367-2577 • www.alpsnet.com • learnmore@alpsnet.com

STATE BAR OF MONTANA
Serving the people of Montana and their attorneys

Endorsed by more state bars
(including yours) than any other carrier.