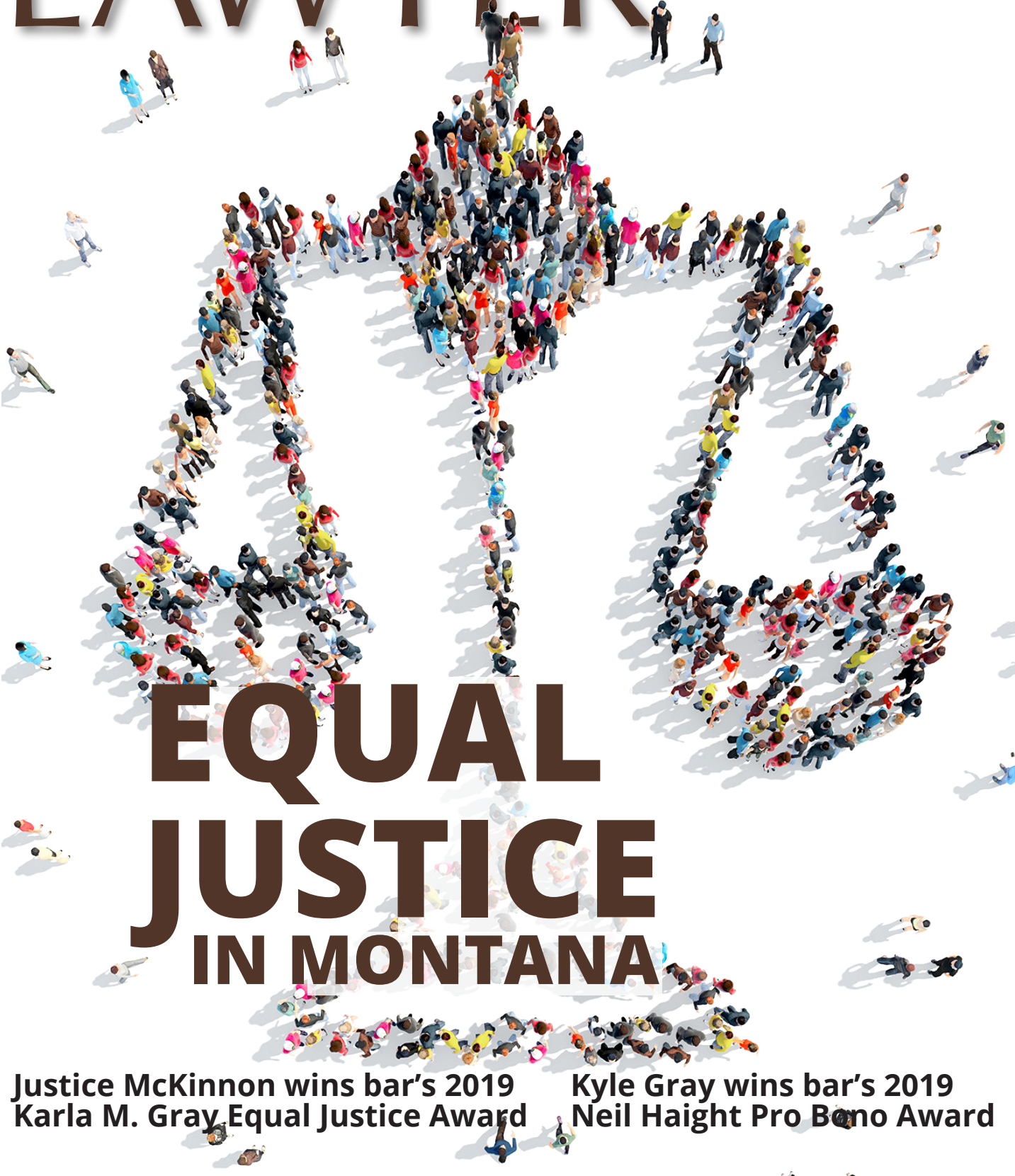


MONTANA LAWYER

AUGUST 2019



EQUAL JUSTICE IN MONTANA

Justice McKinnon wins bar's 2019
Karla M. Gray Equal Justice Award

Kyle Gray wins bar's 2019
Neil Haight Pro Bono Award

Montana Defense Trial Lawyers Annual CLE Seminar

- October 4, 2019
- DoubleTree by Hilton Edgewater
- Missoula, MT
- 7 CLE Credits (1.5 Ethics)

REGISTRATION | 7:30 AM

MORNING SESSIONS | 8:00 AM - 12:15 PM

On a "Weed to Know Basis": Lessons on Marijuana Ingestion, Impairment and Litigation

MELISSA K. ROEDER, Of Counsel, Foley & Mansfield, Seattle, WA
DR. ANGELA PEREZ, Senior Toxicologist, CTEH, Portland, OR

Ethics Update: What Every Lawyer Needs to Know

MIKEL L. MOORE, Moore, Cockrell, Goicoechea & Johnson, P.C., Kalispell
JOHN MUDD, Executive Director, State Bar of Montana, Helena

MTV – Master The Voyage - Future Litigation Trends and Living a Balanced Career

MARC E. WILLIAMS, Managing Partner, Nelson Mullins, West Virginia
MELISSA K. ROEDER, Of Counsel, Foley & Mansfield, Seattle, WA

MDTL ANNUAL MEMBERSHIP MEETING LUNCHEON & ELECTION OF BOARD MEMBERS | 12:15 PM (LUNCH ON YOUR OWN IF NOT ATTENDING)

AFTERNOON SESSIONS | 1:30 - 4:45 PM

District Court Judges Perspective on Local District Court Rule Changes and the Proposed Fast Track Trial Option under UDCR 16

THE HON. AMY EDDY, District Judge, 11th Judicial District, Kalispell
THE HON. ELIZABETH BEST, District Judge, 8th Judicial District, Great Falls
THE HON. RODNEY E. SOUZA, District Judge, 13th Judicial District, Billings
THE HON. LESLIE HALLIGAN, District Judge, 4th Judicial District, Missoula

"Is Confession Good for the Soul and the Pocketbook?"

A review of the current status of confessions of judgment
GARY M. ZADICK, Ugrin Alexander Zadick, Great Falls

A Perspective From the Bench

THE HONORABLE KATHLEEN L. DESOTO, U.S. Magistrate Judge, District of Montana, Missoula

A limited block of rooms has been reserved for MDTL program participants. Call **406.728.3100** and ask for the MDTL room block rate. For full schedule and additional information, visit **www.mdtl.net**.

SEMINAR FEATURES

DR. ANGELA PEREZ - Toxicologist with over 11 years of consulting experience in occupational toxicology, industrial hygiene, exposure and human health risk assessment. Dr. Perez will present on how cannabis impairment is defined across states and the science behind these definitions. She will also speak to potential drug - drug interactions with cannabis and the link between cannabis use and the risk of experiencing a psychotic episode.

MELISSA K. ROEDER - Of Counsel in Foley & Mansfield's Seattle office, is well recognized in the Pacific Northwest defense community. She delivers effective and practical solutions in the fields of cannabis/marijuana law to growers, manufacturers, retailers and ancillary businesses. Melissa has been published in the Marijuana Venture magazine, DRI The Voice and for FDCC publications.

MARC E. WILLIAMS - Managing partner of the Huntington, West Virginia, Nelson Mullins office, and is a team leader and member of the firm's consumer and mechanical products practice group. He handles complex cases nationally in an array of areas and has tried more than 100 jury trials and appeals in state and federal courts throughout his career.

Registration available at **www.mdtl.net**

Pricing	Before Sept. 6	After Sept. 6
<input type="checkbox"/> MDTL Member	\$260	\$340
<input type="checkbox"/> Nonmember	\$345	\$425
<input type="checkbox"/> Paralegal	\$175	\$215
<input type="checkbox"/> Law School Students	Complimentary	
<input type="checkbox"/> Judiciary/Law Clerks	Complimentary	

Total Enclosed \$ _____

We are looking to collect 1000 items for kids' backpacks. See details at www.mdtl.net.

If mailing, faxing or scanning, send to:
MDTL
36 S. Last Chance Gulch, Suite A, Helena, MT 59601
p: 406.443.1160 f: 406.443.4614
mwangen@rmsmanagement.com

Registration Policies: The registration fee includes all sessions and course material. Payment must accompany registration form to receive early registration discount. Cancellations received in writing by September 25 will be subject to a \$50 service charge. **No refunds will be made after September 25.** Registration substitutions may be made at any time without incurring a service charge.

REGISTRATION INFORMATION

Name _____
Name for badge _____
Firm _____
Address _____
City/State/Zip _____
Email _____
Phone _____
State Bar # _____

PAYMENT INFORMATION

☐ Visa ☐ Mastercard ☐ Check (made payable to MDTL)

Cardholder's Name (please print) _____
Card # _____
Exp. Date _____ CVC _____
Authorized Signature _____
Cardholder's Address _____
City/State/Zip _____

IN EVERY ISSUE

- 4** EXECUTIVE DIRECTOR'S MESSAGE
- 5** PRESIDENT'S MESSAGE
- 6** MEMBER NEWS
- 8** COURT NEWS
- 11** YOU SHOULD KNOW
- 12** EQUAL JUSTICE
- 21** CLE
- 24** LEGAL JARGON
- 26** RISK MANAGEMENT
- 25** COURT NEWS
- 29** IN MEMORIAM
- 30** JOBS/CLASSIFIEDS

ON THE COVER



This month's issue focuses on Equal Justice in Montana. There is always more work to do, but Justice Laurie McKinnon, Billings lawyer Kyle Gray, Dan McLean and the rural incubator project show how much is being done.

FEATURE ARTICLES



JUSTICE MCKINNON WINS EQUAL JUSTICE AWARD

Vision led to family law project being piloted in 11th Judicial District



KYLE GRAY IS NEIL HAIGHT PRO BONO AWARD WINNER

Billings lawyer took pro bono case to Supreme Court — and prevailed.



MEET THE RURAL INCUBATOR PROJECT FELLOWS

Clapp and Williams serving rural modest means clients



20

PRO BONO DOESN'T STOP AT RETIREMENT

Dan McLean tells you why — and how — you can keep doing good work after you've called it a career.

Going above and beyond to deliver justice for all



JOHN MUDD

The Preamble to the Montana Rules of Professional Conduct encourages “all lawyers [to] devote professional time and resources and use civic influence to ensure equal access to our system of justice” In this month’s Montana Lawyer, we highlight the ongoing work of our members to provide access to justice to our fellow Montanans, and several of those members who have gone above and beyond in working to advance the cause.

Justice Laurie McKinnon is the recipient of the 2019 Karla M. Gray Equal Justice Award for her important work to create a novel court-connected mediation program for resolving pro se family law cases through mediation. And Billings attorney Kyle Gray will be awarded the Neil Haight Pro Bono Award for her efforts in a landmark tribal hunting rights case that resulted in a win for her client before the United States Supreme Court.

We also receive an update on the Rural Incubator Project for Lawyers (RIPL), a combined effort between various organizations, including the State Bar of Montana, to encourage lawyers and assist lawyers in developing practices in underserved areas of rural Montana.

And, finally, this year’s William J. Jameson Award winner, Dan McLean of Helena, reminds us that retirement is not the end of the road when it comes to providing pro bono services. In fact, through the State Bar of Montana’s Emeritus Program, it may be the perfect time to share expertise generated over a career to benefit the public good and provide access to justice for those Montanans in need.

We salute all of this year’s award winners and their efforts to make the promise of equal justice under the law a reality in Montana.

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

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)*

Our justice system is still the best and needs our defense

Winston Churchill famously stated that, "Democracy is the worst form of government, except compared to all the others." I like to paraphrase Churchill when I respond to someone who rejects our justice system. When I ask a naysayer about what other justice system in the world they would prefer over ours, the response is silence.

There will always be elements to our justice system upon which improvements can be made. Like any other institution, our system of justice is designed and operated by human beings who are, at the very least, fallible or, at the worst, corrupt. To protect against the weaknesses of human beings, our system must be constantly monitored, tended, and nurtured. Just as an unattended garden will grow weeds and vines that will choke the productive plants, eternal vigilance and action is necessary to ensure that our system continues to meet the needs of all people against the few who might corrupt it for their personal purposes.

Constraining the power of those who might manipulate our justice system, fighting corruption within it, promoting access, openness and transparency, securing and defending fundamental rights, and establishing order and security are the hallmarks of justice and the rule of law. Within our membership, we have individuals and organizations that take on the mantle of promoting, defending and improving our justice system. For some, it is their job to do so. For others, it is a higher calling. Yet, the burden and responsibility should not fall upon the few. It should be a role that all of us, at least in some small part, play.

We can all promote and defend justice in our society. Whether it is taking on a pro bono case, making a donation to an organization that promotes justice, or educating other members of the public, everyone has a gift to share for the greater good.

Working together, we can ensure the blessings of justice for ourselves and our posterity. If we do, then (to paraphrase Lincoln) our system of justice "of the people, by the people, for the people, shall not perish from the earth."

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



ERIC NORD

Whether it is taking on a pro bono case, making a donation to an organization that promotes justice, or educating other members of the public, everyone has a gift to share for the greater good.

CAREER MOVES

Lindsey named general counsel for Stone Group of Companies

Travis Ray Lindsey joined The Stone Group of Companies (SCAFCO, CWallA, SCAFCO Grain Systems, LB Stone Properties, SteelCon, Playfair Commerce Park) as general counsel in July 2019. He is experienced in business leadership and management, blending business and legal perspectives.

**Lindsey**

Lindsey joins the Stone Group in Spokane, Wash., after relocating from Houston, where he was embedded in leadership roles in the energy industry with Encana Corporation and Newfield Exploration

Company. Prior to his work in the energy industry, in private practice and as general counsel, he practiced law in real estate, mechanics and materialman's liens, construction, contracts, insurance, and general civil matters.

Lindsey obtained his Bachelor of Science in rangeland ecology and management and sociology from Texas A&M University in 1997. He attended law school at the University of Houston, obtaining his Doctor of Jurisprudence degree in 2000. He is licensed to practice law in Montana, Washington, Texas and Colorado. Travis is originally from northwest Montana, calling Lincoln County home, and is excited about his relocation/return to the Mountain West and the "dry side" of the Pacific Northwest in Spokane.

McKeon joins Datsopoulos, MacDonald & Lind law firm

Datsopoulos, MacDonald & Lind PC is pleased to welcome Matthew McKeon as an associate attorney.

McKeon was born and raised in the mining city of Butte, America. He attended Dartmouth College followed by the University of Montana School of Law. He is admitted to practice law in Montana District Courts and the U.S.

District Court, District of Montana (2014).

McKeon is a member of the State Bar of Montana, Montana Trial Lawyers Association, Montana Association of Criminal Defense Lawyers and Dartmouth Lawyers Association. While in law school he was a member of the Business & Intellectual Property Group and completed his clinical work in the Mediation

**McKeon**

department.

In his criminal practice, McKeon has represented dozens of accused clients in all forms of criminal cases; many of them on behalf of indigent defendant's through the Conflict Division of the State of Montana's Office of Public Defenders.

He will focus his practice in a variety of areas, including Criminal Law, Family Law, Civil Litigation, & Personal Injury.

Geiszler Steele in Missoula welcomes Turman to firm

Geiszler Steele, PC is delighted to welcome attorney Layla Turman. Turman was born and raised in Gillette, Wyo., but has since made Montana her home. Layla She earned a bachelor's degree in journalism and political science from the University of Montana. She received her law degree from the University of Montana School of Law.

**Turman**

Turman's practice focuses on general civil matters including contract disputes, civil litigation, estate planning and probate, property transactions, and advising clients on business and commercial transactions. She is also certified and experienced in collaborative law and assists families going through divorce and parenting disputes in facilitating resolution outside of the courtroom.

Prior to joining Geiszler Steele, Turman worked for a Bozeman firm where she specialized in family law litigation, collaborative law, and provided broad legal assistance to small businesses and nonprofits. She also worked as an attorney for ASMSU Legal Services, where she provided legal representation and advice to Montana State University students and gained experience in a wide array of legal issues including consumer protection, business formation and tax issues, estate planning, criminal defense, and limited-scope legal services.

During law school, she worked for the Bozeman City Attorney's office as a trial intern and interned for Western Justice Associates in Bozeman, where she focused primarily on consumer protection law.

Turman is a member of the State Bar of Montana, the Western Montana Bar Association, the State Bar's Business, Estates, Trusts, Tax & Real Property Law (BETTR) and Family Law sections.

In her down time, she enjoys floating and fishing Montana's wild and beautiful rivers and spending time with her family and friends. Please contact her at 406-541-4940, or Turman@lawmissoula.com.

Legal Aid Society for District of Columbia names Latino Deputy Legal Director

Heather Latino was recently promoted to the position of Deputy Legal Director for the Legal Aid Society for the District of Columbia, the District's oldest and largest civil legal services provider.

**Latino**

Latino will have primary responsibility for overseeing Legal Aid's Consumer and Housing Law practices and will continue to advocate on behalf of low-income litigants to improve access to justice in the District's high-volume courts. Prior to assuming the role of Deputy Legal Director, Latino served as a Supervising Attorney in Legal Aid's Housing and

Consumer Law Units.

Before joining Legal Aid in 2011, Latino was a partner in the law firm of Paoli, Latino & Kutzman, P.C. and served on the Board of the Montana Trial Lawyers Association. Latino received both her B.A. (1995) and J.D. (1998), with honors, from the University of Montana.

HONORS

5 from Boone Karlberg on 2019 Super Lawyers list

Boone Karlberg P.C. has announced that five of its attorneys have been selected for recognition in the 2019 Mountain States Attorneys Super Lawyer List: Randy J. Cox, William L. Crowley, Matthew B. Hayhurst, Natasha P. Jones, and Robert J. Sullivan. Cox achieved placement in the Top 100 Attorneys in the Mountain States (out of 20,000 attorneys) Jones achieved placement in the Top 50 Women Attorneys in the Mountain States list.

Mason selected to Best Lawyers in America list

Kirby Mason, a partner at Savannah, Ga.-based Hunter MacLean has been included in Best Lawyers in America for 2020.

Mason was selected in the category Medical Malpractice Law — Defendants.

She is a member of the State Bars of Georgia, South Carolina and Montana.

Sealey, Jerstad included in local '20 Under 40' edition

Two Helena lawyers were included in the Helena Independent Record's annual "20 Under 40" feature highlighting the city's young movers and shakers.

Katie Jerstad is a deputy county attorney with the Lewis and Clark County Attorney's Office. A 2007 graduate of the University of Montana School of Law, Jerstad has been with the county attorney's office most of her career, starting in the civil division before moving to criminal. She also volunteers at her two sons' schools and with Big Brothers Big Sisters.

Jeff Sealey has worked as an attorney in Helena for 13 years. A longtime

criminal prosecutor with the Lewis and Clark County Attorney's Office, the Montana native recently took a job as legal counsel with the Montana Department of Labor and Industry as both an adviser and litigator.

Fitzpatrick, Krautter, McConnell honored by Montana Chamber

Three lawyers were among 27 Montana legislators honored with the Montana Chamber of Commerce's Champions of Business Award.

They are Sen. Steve Fitzpatrick, R-Great Falls; Rep. Joel Krautter, R-Sidney; and Sen. Nate McConnell, D-Missoula.

The award honors policymakers who the chamber says stood up for job creation, free enterprise and economic development in the 2019 session.

APPOINTMENTS

The following lawyers have been appointed by Gov. Steve Bullock to state boards or committees:

HAVE NEWS TO SHARE?

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

Please send member news and photo submissions to editor@montana-bar.org. Submitted photos should be at least 200 ppi by two inches wide for head and shoulders shots.

Email or call 406-447-2200 with questions.

Historical Society Board of

Trustees: Cliff Edwards, Billings, public representative.

Committee on Telecommunications

Access Services for Persons with

Disabilities: Tom Thompson, Missoula, person with a disability.

WELBORN

SULLIVAN MECK & TOOLEY, P.C.



Rebecca W. Watson Selected President of Rocky Mountain Mineral Law Foundation

Welborn Sullivan Meck & Tooley, P.C. is pleased to announce that Rebecca W. Watson has been selected President of the Rocky Mountain Mineral Law Foundation ("RMMLF"), an educational non-profit with 4,000 lawyer and landman members. Ms. Watson is the fourth woman to serve as President in the Foundation's 65 years and is focused on implementation of the Foundation's first strategic plan. "I am particularly honored to have been chosen to help lead the Foundation at this important time - as we position the Foundation for continued relevance to new generations of lawyers and landmen."

Ms. Watson's election as the 2019-20 President was announced during the 65th Annual Institute in Monterey, CA. Before joining Welborn, Ms. Watson served as the Assistant Secretary for Land and Minerals Management at the U.S. Department of the Interior during President George W. Bush's first term.

Ms. Watson has been a member and contributor to RMMLF for over 36 years. "The Foundation has been a significant part of my legal career, I've relied on its scholarship to become a better lawyer, found friends, mentors and a professional network and gained personal satisfaction as a contributor to the Foundation's scholarship." In 2014, she served as Program Chair at the 60th Annual Institute of RMMLF and in 1996, Rebecca started Portia's Lunch, a networking event for the women lawyers and landmen of the Foundation.

With offices in Denver, Colorado and Casper, Wyoming, Welborn Sullivan Meck & Tooley, P.C. serves clients throughout the world. For more information: www.wsmtlaw.com

Supreme Court approves changes to Montana Rules of Professional Conduct

The Montana Supreme Court at its Aug. 6 meeting voted to approve changes to the Montana Rules of Professional Conduct.

The decision came after a 90-day public comment period ordered by the court. The State Bar of Montana had petitioned for the changes on March 1. The changes are to take effect on Jan. 1, 2020.

The changes came out of the bar's Ethics Committee's comprehensive review of 29 Montana rules that were not identical to the American Bar Association's Model Rules.

The rules addressed in the review are listed below. An article explaining the recommended changes was included in the March 2019 issue of the Montana Lawyer.

Recommend Adopting ABA Model Rule

- Rule 1.2 Scope and Allocation of Authority
- Rule 1.6, Confidentiality, with two additional commas;
- Rule 1.13, Organization as a Client
- Rule 1.20, Duties to Prospective Clients
- Rule 4.2 Communication with Person Represented by Counsel
- Rule 4.3 Dealing with Unrepresented Person
- Rule 3.8, Special Responsibilities of a Prosecutor
- Rule 5.5, Unauthorized Practice of Law; Multi-jurisdictional Practice of Law
- Rule 5.7, Responsibilities Regard-

ing Law-Related Services

- Rule 7.2, Advertising, with slight modification
- Rule 7.4, Communication of Fields of Practice and Specialization --eliminated, per ABA

Retain Montana Rule with Amendment

- Rule 1.0, Terminology
- Rule 1.5, Fees
- Rule 1.8, Conflicts: Specific Rules
- Rule 1.10, Imputation of Conflicts
- Rule 1.15, Safekeeping Property
- Rule 1.18, Montana's Interest on Lawyer Trust Accounts (IOLTA) Program
- Rule 8.5, Jurisdiction and Certification

Retain Montana Rule with No Amendment

- Rule 1.16, Declining or Terminating Representation
- Rule 1.17, Government Employment
- Rule 1.19, Sale of Practice (the ABA's Rule is 1.17)
- Rule 3.1, Meritorious Claims and Contentions
- Rule 3.5, Impartiality and Decorum of Tribunal
- Rule 5.1 Responsibilities of Partners, Managers
- Rule 6.1, Voluntary Pro Bono
- Rule 7.1, Communications Concerning a Lawyer's Services
- Rule 7.3, Direct Contact with Prospective Clients

MORE RULES, PAGE 9

Marks chosen 4th Judicial Dist. judge

Gov. Steve Bullock has appointed Missoula lawyer Jason Marks as Fourth Judicial District judge.

Marks has been the Missoula County chief deputy county attorney since 2015. He has worked at the Missoula County Attorney's Office since 2007, serving as chief deputy serving the office's Special Victims Unit from its creation in 2012 until 2015.

A 2005 graduate of the Temple University School of Law in Philadelphia, Marks has worked exclusively in criminal law, working as a public defender in Missoula from 2005 to 2007 until moving to the county attorney's office.

He is a graduate of Loyola Sacred Heart High School in Missoula. He received his Bachelor of Arts from Montana State University and his Juris Doctorate from Temple.

"I am honored to serve Missoula, the community in which I was raised and where I am raising my family, and the Fourth Judicial District as a whole. I was humbled by the support I received throughout this process as well as impressed by the qualifications of the other candidates. I look forward to continuing my career in public service and thank all those who helped me achieve this goal.

The Fourth Judicial District covers Missoula and Mineral Counties. Marks was appointed on Aug. 14. He will replace the Honorable Karen S. Townsend, who is retiring at the end of August. He will be sworn in on Sept. 6.



Russ Fagg & Assoc.

- 22-year State Judge
- Certified Mediator

Specializing in Litigation Resolution

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



RULES

FROM PREVIOUS PAGE

- Rule 7.5, Firm Names and Letterheads

Reject ABA Rule

- Rule 7.6

Unique Montana Proposal

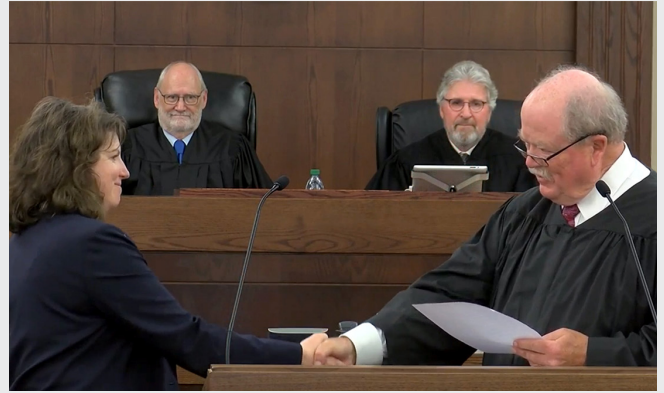
- Preamble, paragraph 6 in lieu of requested amendment to Rule 1.2(d), addressing Cannabis

DISCIPLINE

Marshall ordered to receive public admonition

The Montana Supreme Court ordered Bozeman attorney Douglas Marshall to receive a public admonition from the court's Commission on Practice. The commission found that Marshall violated Montana Rules of Professional Conduct for lack of diligence, charging unreasonable fees and expenses and failure to provide a written fee communication.

MORE COURT NEWS, PAGE 25



DeSoto sworn in as new US magistrate judge in Missoula

The Honorable Donald Molloy shakes hands with new U.S. Magistrate Judge Kathleen DeSoto after she took the oath of office at her investiture ceremony in Missoula on Aug. 2. She replaces the Honorable Jeremiah Lynch, who retired after 13 years on the bench.



STATE BAR
MEMBERS
SAVE \$100!
USE CODE
SBMT100
AT CHECKOUT



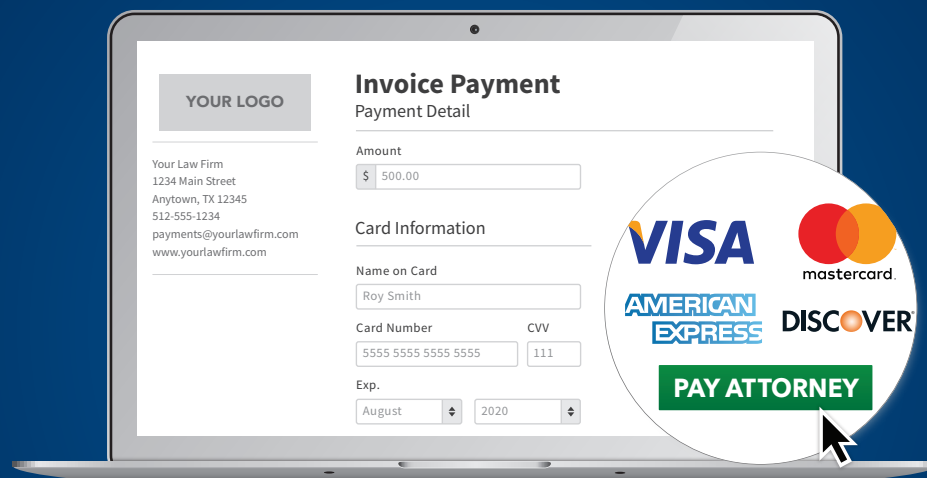
STATE BAR
OF MONTANA

**is the premier resource for positions
for Montana legal professionals.**

THE STATE BAR OF MONTANA CAREER CENTER WILL ALLOW YOU TO:

- Post your job in front of the most qualified group of lawyers and paralegals in the industry.
- Promote your jobs directly to candidates via the exclusive Job Flash email.
- Search the anonymous resume database to find qualified candidates.
- Manage your posted jobs and applicant activity easily on this user-friendly site.

jobs.montanabar.org



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

LAWPAY[®]
AN AFFINIPAY SOLUTION

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**

**STATE BAR
OF MONTANA**

Bar-Approved
Member Benefit

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

Thomas to give keynote at Annual Meeting

The Honorable Sidney Runyan Thomas, chief judge of the U.S. Ninth Circuit Court of Appeals, will give the keynote address at the State Bar of Montana's Annual Meeting in Billings in September.

Chief Judge Thomas, whose chambers are in Billings, was confirmed to the Ninth Circuit on Jan. 2, 1996, after being nominated by President Bill Clinton. He has served as chief judge since 2014. The Bozeman native is a 1975 graduate of Montana State University and a 1978 graduate of the University of Montana School of Law. He was in private practice in Billings from 1978 until receiving his commission on the Ninth Circuit.

The Annual Meeting will be held at the historic Northern Hotel in downtown Billings September 11-14. This will be the State Bar's largest Annual Meeting CLE program in years with over 15 credits over four days, giving attendees the opportunity to earn their full CLE credit requirement for the year in one week.

Other Annual Meeting Highlights

- Build a more dynamic and successful firm by tapping into your



Chief Judge Sidney Thomas

talent: Hilarie Bass, American Bar Association Past President, former co-president of global law firm Greenberg Traurig, founder and president of the Bass Institute for Diversity and Inclusion, and international thought leader on law firm

leadership and promotion practices will help you build a winning team by tapping into your hidden asset – your people.

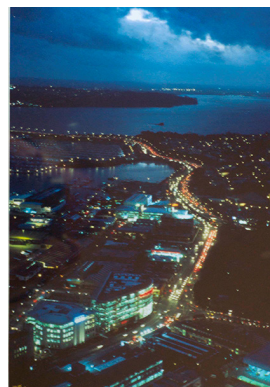
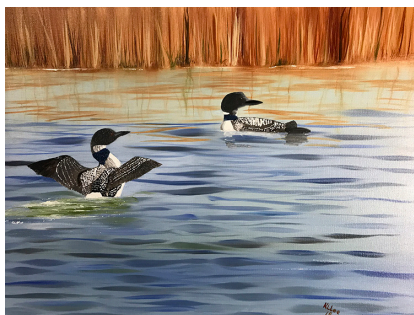
- Protect your law practice from emerging cyber-threats: With lawyers increasingly under attack from cyber-criminals, learn cutting-edge methods to protect your practice and your clients. Todd Sexton, President and CEO of Identillect Technologies, a leading national email security firm and new partner with the State Bar of Montana, will show you how.

- Integrate substantive changes in your practice area: Join us for our Section CLEs where some of the state's leading practitioners will guide you through the latest changes to the Montana Business Corporation Act, the Uniform Probate Code, the latest in health law and more.

Of course, the 2019 Annual Meeting will feature oral argument before the Montana Supreme Court, the Annual Business Meeting, the Annual Awards Banquet and Benefit for the Montana Justice Foundation, a chance to see friends and colleagues and so much more.

ART FOR JUSTICE SILENT AUCTION BENEFIT

The 2019 Annual Meeting will again feature the Art for Justice silent auction with all proceeds going to the Montana Justice Foundation. The auction will contain art by a number of Montana lawyer/artists, including the ones shown here (clockwise from top left): **"Potted Pansies,"** by Matt Thiel, Missoula, 8" x 10" oil painting; **"Sky Tower,"** Auckland, New Zealand, framed 17" x 21" photo by John F. Patterson III, Missoula; **"Falling,"** framed photo by Steve Fletcher, Missoula; **"Trois Loonies,"** Kay Lynn Lee, 18" x 24" watercolor painting. There will be other art items, vacation condos, and more added to the auction items list.





Justice Laurie McKinnon's vision for E-RAMP program making a difference for self-represented parents in the 11th Judicial District. Justice McKinnon now hopes the program can pay dividends for families — as well as the court system — statewide.

By Joe Menden

*A*s a former state district court judge, Justice Laurie McKinnon knew from experience how self-represented parties' parenting-plan conflicts can bog down the court system.

Having presided over the Ninth Judicial District's drug treatment court, Justice McKinnon also knew that sometimes a collaborative process is better than the adversarial system at resolving legal issues.

So, several years ago when she was looking for a project beyond her regular duties on the Montana Supreme Court – “I wanted to do something more than reading briefs,” she said – Justice McKinnon had a vision for addressing the problem by aligning a need of the court system with an organized pro bono opportunity for lawyers.

The result is the Early Resolution and Mediation Project, or E-RAMP, a court-connected mediation program for resolving pro se family law cases through a cost-free mediation process. After years of work researching alternatives and developing a framework, a pilot of the project launched in the 11th Judicial District in October 2018.

For her work developing the project, Justice McKinnon will be honored with the State Bar of Montana’s 2019 Karla M. Gray Equal Justice Award. She will receive the award on Thursday, Sept. 12, during the Awards Banquet of the bar’s Annual Meeting at the Northern Hotel in Billings.

Justice McKinnon was nominated for the award by Justice Beth Baker, chair of the Supreme Court Access to Justice Commission, and Patty Fain, statewide pro bono coordinator for the Supreme Court. For her part, McKinnon credited Fain with getting the ball rolling on the project – identifying where there would be problems and helping to line up stakeholders and mediators.

“Patty’s been the nuts and bolts,” Justice McKinnon said. “I’ve been sort of the cheerleader.”

To be referred to the program, parties must meet some qualifications, including modest means financial eligibility. To avoid an imbalance, neither party can have an attorney. Families with a history of domestic violence or orders of protection are ineligible. The program is completely voluntary, and parties are free to opt out after being educated on the mediation process.

After a somewhat slow start, the pilot has started to pick up steam. So far there have been 38 eligible referrals. Of those, 14 have gone to mediation, with 12 of

those cases being settled.

“That’s 12 families that have invested in their future in that way,” she said. “How can you argue that’s not success? I’d like to see it much bigger, but it’s just getting started. It’s a large task.”

The 11th Judicial District was chosen for the pilot when a number of judges from the district expressed interest. Justice McKinnon said the attorneys there have been extremely engaged.

Kalispell attorney Kay Lynn Lee served on the E-RAMP committee and now is a volunteer with the 11th Judicial District’s pilot program. She told the Montana Lawyer in an email conversation that Justice McKinnon’s participation has been the driving force behind the program’s success.

“Her tireless commitment to this project was evidenced by her participation in all aspects of developing the protocols, training (she even role-played as a single-minded wife in a parenting/property dispute for our training ‘team’) and promoting this as a great tool for disputing parties to resolve some if not all of their issues early enough to avoid at least some of the conflict,” Lee said.

From the outset, Justice McKinnon felt strongly that E-RAMP should be a program that could be implemented in any district. She is hopeful it will continue to grow and expand. She is confident that when they realize the project’s potential for decreasing demands on services, judges will be asking for it to be implemented in their districts. She thinks the First Judicial District would be a great fit because it would allow government lawyers a pro bono opportunity to break up the regular grind.

“There’s a real need to keep the integrity of these pro se proceedings,” Justice McKinnon said. “Sometimes, people need a way to be informal and work their problems out. People can make their decisions pretty well when the writing’s on the wall.”

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

A WINNING VISION

Justice Laurie McKinnon is the State Bar of Montana’s 2019 Karla M. Gray Equal Justice Award winner. Justice McKinnon was honored for her conception of and work on the Early Resolution and Mediation Project, which is currently being piloted in the 11th Judicial District. She will receive the award Thursday, Sept. 12, Awards Banquet during the State Bar of Montana’s Annual Meeting at the Northern Hotel in Billings.



Supremely **COMMITTED**

Holland & Hart's Kyle Gray takes Crow Tribe member's fight for hunting rights pro bono to the United States Supreme Court — and wins

By Joe Menden

*S*ometimes, great things can come from raising your hand to ask a question. For Kyle Gray it led to the experience of a lifetime.

Gray was attending a CLE seminar several years ago at which Maylinn Smith, who at the time was the director of the Margery Hunter Brown Indian Law Clinic at the University of Montana's Alexander Blewett III School of Law, was presenting.

Gray, who is of counsel at the Billings office of Holland & Hart, had recently read a story in the Billings Gazette about a Crow Tribe hunter from Montana who had been arrested in Wyoming for hunting elk out of season. The hunter, Clayvin Herrera, argued that the tribe's 1868 treaty with the federal government gave him the right to hunt the land. Wyoming, meanwhile, insisted the hunting rights had long since ceased. It angered Gray to learn about someone prosecuted for feeding his family. She took the opportunity at the CLE to ask Smith: Did Herrera have a point?

He did have a point, Gray would learn. He also was representing himself, Smith told her. Could she represent him pro bono?

A week later, Gray was in Sheridan, Wyo., on the case.

Four years further on, Gray and Herrera had the case all the way to the U.S. Supreme Court with stops at the Wyoming Supreme Court and the 10th Circuit Court of Appeals.

Along the way, Gray put in nearly 2,200 pro bono hours on the case, according to her firm.

Gray's dedication to pro bono and her work on *Herrera* made her an obvious choice for the State Bar of Montana's 2019 Neil Haight Pro Bono Award.

A 1984 graduate of the University of Michigan School of Law, Gray has been passionate about pro bono work since clerking for former U.S. District Judge Clarence Brimmer of Wyoming, fascinated by the civil rights cases in his court. The experience convinced her that working such cases was the way to go – "You could do well *and* you could do good," she said.

She continues to spread the message to attorneys she has mentored over the years that pro bono work allows you to be a passionate advocate for something you believe in – there are no rules on what kind of case or what kind of client you can take.

Brianne McClafferty, an associate at Holland & Hart, nominated Gray for the award. Her nomination letter was signed by 10 other Holland & Hart colleagues, including four partners.

"Kyle is first, foremost and always an advocate," McClafferty wrote. "She does not look at pro bono work as an obligation required by the state bar or her firm. It is a part of her life; it is who she is. And, it is an inspiration to all who work with her."

While *Herrera* is her biggest one, it is hardly Gray's first go-round in a major pro bono case. The many headline-grabbing cases she has worked pro bono include fighting for the rights of Montana's female prisoners and challenging the constitutionality of Montana's Marsy's Law initiative. She also has worked on Disability Rights Montana's suit against the Montana State Prison alleging that mentally ill prisoners do not receive constitutionally adequate care – a case the U.S. Ninth Circuit Court of Appeals ruled favorably on just weeks ago.

"I really am passionate about pro bono," Gray said. "There are these important issues that need to be decided. You can't have good decision-making if you don't have good advocacy on both sides."

She added that it is humbling to receive an award named after Neil Haight, who retired in 2002 as director of Montana Legal Services Association after more than 30 years and remained an icon of the organization until his death in 2008.

"I've seen how important MLSA is," Gray said. "They've fought many battles, and he was the moving force in the early days to get that established. It's so important to have a service like that for people who have no way of affording an attorney. There's nowhere to send them other than there."



Kyle Gray stands on the steps of the U.S. Supreme Court with client Clayvin Herrera, center, and Frederick Liu, assistant to the U.S. solicitor general, after oral argument in *Wyoming v. Herrera* on Jan. 8. (Photo courtesy of Kyle Gray.)

PASSION FOR PRO BONO

Kyle Gray is the State Bar of Montana's 2019 Neil Haight Pro Bono Award winner. Gray, a veteran of numerous major pro bono legal battles, took her biggest one yet to the U.S. Supreme Court in 2019, prevailing in the case *Wyoming v. Herrera*. She will receive the award Thursday, Sept. 12, Awards Banquet during the State Bar of Montana's Annual Meeting at the Northern Hotel in Billings.

CONFERENCE AGENDA

MORE THAN 15 CLE CREDITS OVER 4 DAYS!

WEDNESDAY, SEPTEMBER 11

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

THURSDAY, SEPTEMBER 12

- 6am Optional Group Run/Walk
7am Registration Open
8-10am Optional Events
10am-noon Montana Justice Foundation Meeting

Plenary Sessions

12pm-4:30pm

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

Thursday Plenary Sessions, continued

- 2:30-3:30pm **The Lawyer's Role in Defending and Advancing the Rule of Law** — Hilarie Bass, *ABA past president*; Bob Carlson, *ABA immediate past president*; Cliff Edwards, *International Association of Trial Lawyers president*
3:30-4:30pm **Meeting Changing Cybersecurity and Technology Trends** — Todd Sexton, *CEO Identillect Technologies*
5pm-6pm **President's Reception and 50-Year-Pin Ceremony** (Sponsored by Crist, Krogh and Nord, PLLC, Billings)
6pm **Awards Banquet and Montana Justice Foundation Benefit** (Sponsored by MyCase)

FRIDAY, SEPTEMBER 13

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



SEPTEMBER 11-14

2019 ANNUAL
BE T
IN BIL

Friday, Sept. 13, continued

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

Breakout Sessions

1:30 - 3:30pm

- Track I **Natural Resources, Energy & Environmental Law Section** — *Details to be determined*
- Track II **Protecting Your Blind Side: Advanced IP Topics for the General Practitioner** — Bob Griffin, Joel Henry, Sarah Rhoades, Antoinette Tease
- Track III **Business, Estates, Trusts, Tax & Real Property Section** — Ed Eck and Vincent Kalafat
- Track IV **State and Federal Health Savings Programs** — Marsha Goetting and Joel Schumacher, *Montana State University Extension, Bozeman*
- 3:30pm-4:30pm **Plenary Session — Perspectives from the Bench:** Hon. Colette Davies, Hon. Jessica Fehr, and Hon. Rod Souza, *13th Judicial District, Billings*
- 5pm **Local Bar Reception** Location TBA

SATURDAY, SEPTEMBER 14

- 8-9am **Changes to the Montana Rules of Professional Conduct** — Betsy Brandborg, *State Bar of Montana General Counsel, Helena*
- 9-10am **The Ethical and Legal Hurdles of Hemp Production** — Cort Jensen and Ben Thomas, *Montana Department of Agriculture*

AWARDS BANQUET/ART FOR JUSTICE BENEFIT AUCTION

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

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

ANNUAL MEETING
HERE
BILLINGS

NORTHERN HOTEL



The Rural Incubator Project for Lawyers

is now accepting Fellowship Applications
to support new solo practitioners launch successful
practices that increase access to justice
in rural and underserved communities



RIPL Boot Camp tentatively scheduled for Sept. 30 – Oct. 2, 2019, in Helena.
RIPL Fellows receive:

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

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



STATE BAR
OF MONTANA



Alexander Blewett III
SCHOOL OF LAW
UNIVERSITY OF MONTANA



RIPL welcomes first fellows; trends show (huge) need in modest means services

By Hannah Cail and Ann Goldes-Sheahan

The Rural Incubator Project for Lawyers welcomed its first RIPL Fellows for the pilot Boot Camp on March 4, 2019. Walter Clapp and Jennifer Williams joined us at Montana Legal Services in Helena for four days of intensive law practice management and small business training. The training covered topics ranging from rural practice in Montana to modest means practice models, small business financial health, marketing, cyber-security, client relationships, confidentiality in rural practice, professional conduct and civility in Montana's bar, and how easy it is to make pro bono part of your practice. Many thanks to our wonderful presenters that joined us from all over the State.

Over the last six months, as RIPL began referring modest means clients to Clapp and Williams, it became clear that Montana has a huge need for modest means legal services. This also means there is a lot of opportunity for attorneys to supplement or develop practices with modest means services. MLSA receives roughly 35 applications a month that qualify for modest means services. Of the roughly 62 cases referred to RIPL Fellows so far this year, MLSA still sends nearly 212 cases to the State Bar to be referred to attorneys offering modest means services. However, the State Bar is only able to place cases when there are attorneys to accept them. Many potential clients live in areas that have no attorneys offering modest means rates. The bar's modest means program needs additional attorneys offering modest means rates across the state, especially in Kalispell, Great Falls, Billings, Helena and Bozeman.

RIPL utilizes a reduced-fee sliding scale based on the client's income level that ranges from \$60 an hour for phone advice to \$120 an hour for extended services. The majority of RIPL Fellows' modest means referrals are phone advice and clients live across Montana. There is potential with RIPL for advice calls to turn into

MORE RIPL, PAGE 29

MEET THE RURAL INCUBATOR PROJECT FELLOWS

Walter Clapp Honor Coin Law

Having grown up in a rural community of about 10,000, Walter Clapp moved back to rural Montana from Washington, D.C., because he believes the future of America lies in

thriving rural communities. For him, the facts are simple – if all of the talent in America migrates to urban centers, rural America will be left without the people necessary to ensure successful, vibrant communities. As an attorney and an entrepreneur, Clapp immediately recognized RIPL as a way to better ensure that rural Montana thrives. He feels that serving modest means clients through the program fills the gap between rural Montanans who qualify for free services and those who can afford full-price attorney fees. For decades, everyday Montanans have been without access to justice. RIPL fills that gap for rural Montanans – and Clapp could not be happier to lend his time and energy to the effort.



Jennifer A. Williams Law Office of Jennifer A. Williams

Jennifer A. Williams studied law at William Mitchell College of Law in Saint Paul, Minn. She has practiced since 2017, working as a district court law clerk and at a private firm in the Twin Cities area. She established her own Montana-based practice in May 2018. She currently practices in rural Montana, North Dakota, and Minnesota, focusing on estate planning, probate, real estate, landlord/tenant law, plus a mix of a traditional general practice and a sprinkle of litigation. She has two office locations, in Ekalaka and Dickinson, N.D. Williams strives to provide modest means, sliding-scale, limited-scope representation, and pro bono legal services to Montanans throughout the state. She balances all of the above while commuting between her two offices and raising three children, Maxton, 11, Aiden, 3, and Stephanie, 8 months, with her husband, Tye. While her life seems hectic at times, she is grateful for the opportunity to participate in RIPL and bring her services to rural communities for the benefit of all.



Don't retire from pro bono service when it's time to move on from your law career

By Dan McLean

It is no secret that low-income Montanans' need for legal services far exceeds the availability of advice and representation. Retired lawyers or those who are winding down their practices can significantly assist with pro bono services in several ways.

Many retired attorneys satisfy their pro bono obligations by accepting individual cases, or as they wind down their active practice, incorporate regular pro bono service in their mix of cases. Retired lawyers who perform at least twenty-



five hours of pro bono service and don't maintain fee-generating legal work are eligible for dues-free Emeritus membership in the State Bar. Emeritus status doesn't preclude serving as a paid mediator, which doesn't require a law license.

Sometimes pro bono representation poses challenges. Managing attorney-client relationships with pro bono clients may not square with the work-life balance for retirees who don't want to be tied to a schedule or the stress of ongoing individual representation. However, you can assist low-income individuals without those challenges and fulfill your pro bono obligations in an easy and rewarding way.

I practiced law for almost 38 years with Crowley Fleck, PLLP, and recently retired. Crowley Fleck has a long history of promoting pro bono legal services to low-income individuals. I also had the privilege of serving on the board of Montana Legal Services Association for 10 years. I regularly accepted pro bono cases in areas of practice familiar to me then, and I will continue now to provide pro bono service during my retirement. Following are three very easy ways you can help:

- **Pro Bono Phone Advice Program.** MLSA offers an opportunity to provide advice to eligible clients with its Pro Bono Phone Advice Program. MLSA screens clients and collects information about their legal problems. They assign cases to volunteer attorneys on their case management system, and schedule phone appointments with the clients. You can do that at MLSA's office, or from home. With advice and sometimes forms, the clients can proceed *pro se* or with self-help to resolve their legal issues. It is very easy and personally gratifying for the volunteer attorney to provide meaningful help to people who otherwise would be lost in the legal system. With phone advice

appointments, there is no attorney-client relationship, and no ongoing responsibilities to the "clients." You don't have to accept later calls from the people you help.

- **Mentorship.** MLSA also needs mentors for its legal staff in areas where they lack expertise, or just to provide advice with an ongoing matter for their active clients. They also need attorneys to provide CLE or informal education for their legal and paralegal staff. MLSA partners with local bar associations and attorneys around the state to offer limited-scope in-person advice clinics. These avenues provide great opportunities for retired or semi-retired lawyers to provide valuable and painless pro bono legal services.

- **Public Lawyers and Self-Help Clinics.** Let's not forget public sector attorneys, who also can provide pro bono services at self-help clinics while still working at their state, county, or city jobs, so these types of pro bono legal services are not just for retired lawyers. Private attorneys can help at those clinics as well. This is another limited-scope legal help opportunity where the lawyer

MORE PRO BONO, PAGE 29

Mark your calendars!

The Alexander Blewett III School of Law invites you to:

On-Campus Interviews

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

- 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

Deadline to register:
Friday, September 20, 2019

Webinar on substance abuse treatment confidentiality is Sept. 10

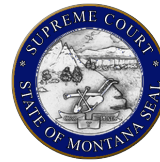
The State Bar of Montana's Health Care Law Section is coordinating with the National Council for Behavioral Health and the Montana Health Care Foundation to host a CLE webinar on drug and alcohol treatment information confidentiality regulations.

The webinar will be on Tuesday, Sept. 10, from noon to 1:30 p.m.

The health care industry has experienced a growing number of providers addressing patients' holistic needs, including substance use, through integrated care practices. This has provided opportunities for improved care delivery and patient outcomes, but also necessitates that provider organizations understand and comply with existing patient privacy and confidentiality regulations.

Confidentiality of Substance Use Disorder Patient Records, commonly referred to as 42 CFR Part 2 or Part 2, is a federal regulation that governs the privacy of substance use disorder records. Originally enacted in the 1970s, the regulation was most recently updated in 2018. Understanding the applicability and compliance basics of the regulation within integrated-care practices can be challenging. This webinar will provide an overview of 42 CFR Part 2, tips for compliance within integrated care settings, implementation resources and tools, and a question and answer session.

Register at register.gotowebinar.com/register/2443888193661001986.



CHIEF DISCIPLINARY COUNSEL

The Montana Supreme Court is seeking a Chief Disciplinary Counsel to lead the Office of Disciplinary Counsel ("ODC"). The ODC is responsible for the intake, review and investigation of grievances and other information concerning alleged lawyer misconduct that is within the disciplinary jurisdiction of the Montana Supreme Court. ODC also prosecutes lawyers for alleged violations of the Montana Rules of Professional Conduct before the Commission on Practice and the Montana Supreme Court.

The Chief Disciplinary Counsel is appointed by the Montana Supreme Court, but it is not a State of Montana position and ODC is not a state agency. The Chief Disciplinary Counsel and ODC personnel are attached to the State Bar of Montana for administrative purposes only. The Chief Disciplinary Counsel reports to the Montana Supreme Court, but exercises independent prosecutorial discretion. Competitive salary and benefit package is available.

Inquiries about the position should be directed to Derrek Shepherd at 406-841-2982 or DShepherd3@mt.gov



Dr. Matthew Bunkers of Northern Plains Weather Services is a certified consulting meteorologist (CCM) and forensic meteorologist with over 25 years of weather analysis and forecasting experience. He can provide reports, depositions, and testimony in the areas of weather and forecasting, severe summer and winter storms, rain and snow estimates, fire weather, flooding, applied climatology and meteorology, agriculture meteorology, and statistics. More information is provided at <http://npweather.com>, and you can contact Matt at nrnpweather@gmail.com or 605.390.7243.



ELIZABETH ERICKSON

REAL ESTATE AND PROPERTY,
ACCESS AND EASEMENT DISPUTES,
LAND USE, WATER LAW AND
ESTATE PLANNING

Worden Thane P.C. welcomes Elizabeth Erickson to the team.

Worden Thane is excited to welcome experienced land use and property law attorney, Elizabeth Erickson to the team. Elizabeth has a diverse background working in both the public and private sectors allowing her to effectively work with clients to solve complex real estate issues or plan for the future of their property.



**WORDEN
THANE P.C.**
ATTORNEYS AT LAW

PROVIDING STATEWIDE LEGAL REPRESENTATION WITH CLIENT-DRIVEN RESULTS.

321 W. BROADWAY, SUITE 300 | MISSOULA, MT 59802 | (406) 721-3400 | wordenthane.com

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.

[About](#)
[Support & Tutorials](#)
[Contact](#)
[Coverage](#)
[Bar Associations](#)
[Fastcase BK](#)
[Bookstore](#)

Contact Support

Call
866.773.2782 – Option 2
M-F 8am – 9pm EST

Email
support@fastcase.com

RESEARCH ASSISTANCE ON CALL

Did you know that Fastcase offers research assistance as a member benefit? Research attorneys are available to assist with research or navigating the database. Contact Fastcase by email at support@fastcase.com, using the Live Chat feature located on the Fastcase website, or by phone at 1-866-773-2782 to speak with a research attorney.

HISTORIC EDITIONS

Search prior versions of statutes or regulations in @fastcase 7. Select the Options tab from the toolbar, then Advanced, and check the box next to “Include Historic Editions”.

CONTACT SUPPORT

Fastcase live support is available Monday to Friday from 6 a.m. to 7 p.m. Mountain time. Call 866-773-2782 and then press 2 to contact live support.

You may also contact support by email at any time. Send questions to support@fastcase.com.

FASTCASE WEBINARS

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

Introduction to Legal Research on Fastcase 7

Webinar Date: Thursday, Sept. 5

<https://attendee.gotowebinar.com/register/6017112962628939523>

Data Analytics: Fastcase and Docket Alarm

Webinar Date: Thursday, Sept. 12

<https://attendee.gotowebinar.com/register/297806418171056643>

Introduction to Boolean on Fastcase 7

Webinar Date: Thursday, Sept. 19

<https://attendee.gotowebinar.com/register/2508266793689986050>


Ethics and Legal Research

Webinar Date: Thursday, August 22, 2019

<https://attendee.gotowebinar.com/register/6541641581744522754>

STATE BAR OF MONTANA

LAWYER ASSISTANCE PROGRAM

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

Stress? Anxiety? Depression?
Substance abuse or gambling addiction?
You don't have to go it alone.

24-HOUR HOTLINE
406-660-1181

WWW.MONTANABAR.ORG/PAGE/LAP



Abbie
Nordhagen
Cziok

The logic of the deductive argument must be valid, meaning that if all the premises are true, then the conclusion must necessarily be true. When it comes to dogs, however, I think all parties can stipulate that mine is the best.

The annoying dog person's guide to deductive arguments

I recently brought home the cutest dog in the world. He's a Muppet come to life. Suddenly, I'm an annoying dog person, which naturally means I started following all the dog accounts on Instagram. (I really can't believe I'm that person now. Woof.) One of the quotations that seems to float around every other week on social media is, "Everyone thinks they have the best dog, and none of them are wrong." Along with being an annoying dog person, I was also the annoying student in class, and immediately wanted to break down the logic of that quotation.

That's what I want to discuss today—formal logic. Hang with me here. I'm using premises about dogs to make this more palatable. Constructing a valid, sound argument is central to a lawyer's ability to effectively argue. As lawyers, we mostly use deductive arguments, so I will use those as an example. The logic of the deductive argument must be *valid*, meaning that *if* all the premises are true, then the conclusion must *necessarily* be true. For example, take this syllogism: "All dogs are the best dogs. I have a dog. Thus, he is the best dog." You can disagree with the individual premises all you like, and I will discuss that later, but the syllogism is valid because assuming the premises are true, the conclusion must be true. This argument, on the other hand, is not valid: "All cats are cute. Reggie is not a cat. Thus, Reggie is not cute." Obviously that's invalid since cats are not the only cute animals—dogs are cute, too. Also Reggie is my dog's name, and as I've stated, he is adorable.

Once you've settled on a valid argument structure, your argument also needs to be *sound*, meaning that the major and minor premises must actually be true. This is where the fun of legal argumentation exists, as Bryan Garner and Justice Antonin Scalia

explain in "Making Your Case: The Art of Persuading Judges" (2008). For legal arguments, the major premise is usually taken from one of three sources: (1) texts, like constitutions and statutes; (2) precedent; and (3) policy. Often, this will be a rule with which everyone can generally agree. The minor premise, then, is derived from the facts of the case. Take this example:

Major Premise: Humane societies may only offer for adoption cats or dogs that have been neutered or spayed. Mont. Code Ann. § 7-23-4202.

Minor Premise: Bravo was neutered prior to his arrival at the humane society.

Conclusion: Thus, the humane society properly adopted out Bravo without neutering him.

As the authors of "Making Your Case" point out, the art is in finding a rule that your facts invoke. Different parties will invariably highlight different facts, so the rules chosen will be different. As the authors succinctly state, "The victor will be the one who convinces decision-makers that his or her syllogism is closer to the case's center of gravity. What is this legal problem *mostly* about?" Garner & Scalia, *supra*, pg. 43.

In summary, arguments should be valid, meaning that if the premises are true, the conclusion must necessarily be true; and the argument should be sound, meaning that the premises must actually be true. The best arguments, then, will be valid, sound, and closest to the "case's center of gravity." The most important lesson, though, is that my dog is the best. And so is yours.

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

Court seeks comment on proposed changes to Rules of Appellate Procedure

The Montana Supreme Court has ordered a 60-day public comment period to consider proposed amendments to Rule 26 of the Montana Rules of Appellate Procedure.

The amendments were proposed by Clerk of the Supreme Court Bowen Greenwood.

The Clerk of the Montana Supreme Court has submitted proposed amendments to Rule 26 of the Montana Rules of Appellate Procedure to the Court for its consideration.

After considering the proposed amendments, the court decided that the bench and bar of Montana should have an opportunity to comment.

A strikethrough indicates language proposed to be removed. Language proposed to be added is underlined.

Rule 26. Extension of time.

(1) Extension of time - generally.

Except as provided in section

(2) of this rule, the sSupreme eCourt for good cause shown may upon motion extend the time prescribed by these rules or by its

order for doing any act, and may thereby permit an act to be done after the expiration of such time if the failure to act was excusable under the circumstances. Within the text of each motion requesting an extension of time submitted to the sSupreme eCourt for its consideration, except for those involving the Attorney General and an incarcerated pro-se litigant, counsel shall note that opposing counsel has been contacted concerning the motion and whether opposing counsel objects to the motion. Failure to include this statement may constitute grounds for denial of the motion. All motions and orders for extension of time shall comply with rule 16 and shall include a date certain on or before which date the act for which an extension of time is requested must be performed. In all cases except those addressed in section (2) of this rule, a party may move

for and be granted one 30-day extension of time in which to file a brief required or allowed to be filed under these rules. The eClerk of the sSupreme eCourt is authorized to act on any such motions for 30-day extension of time which are unopposed, and also on any such motions involving the Attorney General and an incarcerated pro-se litigant. Any second or subsequent motion for extension of time to file a brief shall meet the requirements of section (2) of this rule.

(2) Extensions of time — filing briefs in appeals of proceedings regarding abused or neglected children, parenting plans, and motions for second or subsequent extensions. There shall be a presumption against granting motions for extension of time to file briefs. Any motion for extension of time to file a

MORE COURT, PAGE 27



STATE BAR OF MONTANA
WOMEN'S LAW
SECTION CLE
CHICO HOT SPRINGS
OCTOBER 3-4
DETAILS PENDING



Mark
Bassingthwaighte

Public Wi-Fi networks are inherently insecure and some are downright dangerous. That's just the way it is. If you must use it, do so responsibly.



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

Should lawyers just say no to using public WiFi networks?

Public Wi-Fi networks are practically ubiquitous. They're in airports, hotels, office buildings, coffee shops, restaurants, malls and many other locations. While accessing one can be convenient when all you want to do is buy a new digital book on your smartphone, check your e-mail on your laptop, or rebook a flight on your tablet, there are associated risks that should never be minimized, or heaven forbid, completely dismissed. Such risks run the gamut from simple eavesdropping to allowing someone to defeat whatever two-factor authentication you had in place with the site you just logged into.

Here are just a few examples of the most common threats everyone faces when accessing public Wi-Fi.

1) A hacker inserts himself into the conversation occurring between two users (e.g. you and your bank) giving him the ability to do anything from simply listening in and capturing part of the exchange to taking complete control of the entire exchange. Not only is this the most common type of attack out there, this is also one way two-factor authentication can be defeated.

2) You unwittingly log in to a rogue network that appears legitimate. It may even look identical to known and trusted networks, such as Starbucks. In reality, however, it's a bogus clone of a trusted site. Fall prey to this type of attack and all of the data in transit is being sent directly to the hacker.

3) You unknowingly log in to a rogue access point, which is something well-meaning employees of various businesses sometimes setup. In short, wireless routers have been added to a network in order to give more customers access to the Internet. Often these routers are not configured properly, which makes them easy to hack into, even though the network itself might be secure.

4) You become infected with a

worm. Unlike computer viruses, computer worms self-propagate and can be programmed to do all kinds of things to include stealing documents, capturing passwords, and spreading ransomware. If you happen to be on a public Wi-Fi network and fail to have robust security in place, a worm could readily jump from another infected user currently on the network to you.

5) You have allowed your device to discover new and available Wi-Fi networks. As a result, you unintentionally end up connected to an ad hoc network. This means you have just directly connected your device to a hacker's

computer giving them free reign to do whatever they want with your device.

I hope you're starting to get the picture. Public Wi-Fi networks are inherently insecure and some are downright dangerous. That's just the way it is. And unfortunately, it's even worse for those who fail to install robust internet security apps on the devices they use to access public Wi-Fi. Those folks are begging for trouble.

Does this mean that lawyers and those who work for them should never access public Wi-Fi? In a perfect world, I might say yes; but I can also acknowledge this wouldn't be realistic. There are going to be times when it's necessary. In fact, I will confess I use public Wi-Fi myself, but only for certain tasks. The better question is, if a lawyer must use public Wi-Fi, how can the associated risks be responsibly addressed?

Let's start with the basics. Protect all mobile devices, including smartphones and tablets, with a robust internet security software suite and keep software updates current. Next, approach all public Wi-Fi networks with a healthy level of distrust. For example, never connect to an unknown network, particularly

MORE WIFI, NEXT PAGE

WIFI

FROM PREVIOUS PAGE

if the connection is offered for free or if no password is necessary. Also, be on the lookout for network names that are similar to the name of the venue offering a Wi-Fi connection. This is because a network connection that happens to be named Free Starbucks Wi-Fi doesn't mean it's actually the legitimate Starbucks network. If you're not 100% certain, always ask for the proper name of the local network you want to connect to. Most importantly, never connect to public Wi-Fi unless you have the capability to secure your own Wi-Fi session, which means you must use a VPN. VPN stands for virtual private network and allows you to encrypt all the data you will be passing along through the public network. Finally, while using public Wi-Fi it's best to avoid accessing online banking services and visiting any websites that store your credit card information or other personal information that might be of interest to a cybercriminal.

I can appreciate that some will resist the advice to avoid certain types of websites while using public Wi-Fi. However, I stand by it because often there is a much safer option available. Simply use your mobile phone as a hotspot and connect to your carrier's network. If coupled with the use of a VPN, your entire Internet session will be about as secure as you can make it. If you don't know how to do this, ask your IT support for a quick lesson.

I wish I could stop here but I can't, because almost every law firm I know of consists of more than one person. Anyone at a firm can naively or unwittingly fall prey to a cybercriminal when logging onto a public Wi-Fi network, and this could result in very serious and unintended consequences for the firm and firm clients. Best practices would mandate that everyone who uses a mobile device for work be subject to a written policy regarding the appropriate use of public Wi-Fi. If your firm has no such policy, now's the time. Of course, any policy is going to be meaningless if there is no training on the risks or no enforcement of the provisions.

Now to my initial question. Should lawyers just say no to the use of public Wi-Fi or try to prohibit anyone in their employ from using it? I don't go that far as long as all users have been made aware of the risks and given the appropriate tools to help minimize them.

Let me share one final thought. Some will say something along the lines of this. "The Starbucks signal is free, I've used it many times and never had a problem, so why all the unnecessary fuss?" My response is always the same. How do you know you were never a victim? No one is going to send you a thank you note for allowing them to steal your credit card number or place a keylogger on your laptop. We all need to understand that hacking tools are widely available to the masses. This isn't just about who made the Wi-Fi available, it's also about what's happening on the public network while you are using it. Always remember that you are never alone while using public Wi-Fi and you simply have no way of knowing what everyone else's intentions are.

COURT

FROM PAGE 25

brief in the referenced cases may be granted only upon written motion supported by a showing of diligence and substantial need. Such a motion shall be filed at least 7 days before the expiration of the time prescribed for filing the brief, shall comply with rule 16, and shall be accompanied by an affidavit stating:

- (a) When the brief is due;
- (b) When the brief was first due;
- (c) The length of the requested extension;
- (d) The reason an extension is necessary;
- (e) An explanation establishing that movant has exercised diligence

and has substantial need for the extension, and that the brief will be filed within the time requested. An affidavit setting forth a conclusory statement as to the press of business will not constitute a showing of diligence and substantial need and will subject the motion to summary denial; and

- (f) Whether any other party objects to the request.

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

2019 STATE BAR OF MONTANA ANNUAL MEETING REGISTRATION

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

REGISTRATION AND PRICING

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

Optional Tickets and Items

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

No. of tickets _____ x \$50 = _____

Printed CLE course materials

(Electronic materials will be provided at no charge)

☐ No. of copies _____ x \$55 = _____

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

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

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

Firm Name/Company _____

Mailing Address _____

City/State/ZIP _____

Telephone _____ Email _____

Preferred first and last names of attendee(s) for badge: _____

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

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

PRICE C for Paralegal Section members

	Price A	Price B	Price C
After Aug. 22:	\$475	\$450	\$275

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

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

Total Payment Enclosed: \$ _____

☐ Enclosed check made payable to State Bar of Montana



The 2019 Annual Meeting will be at Billings' Historic NORTHERN HOTEL Located at 19 North Broadway, in Downtown Billings

A limited number of rooms will be blocked **until Aug. 13**. Discounted rates start at \$119. Mention State Bar Annual Meeting for discounted rate.

Room registration:
Call 406-867-6767

More hotel information at www.northernhotel.com/

More Annual Meeting information and online registration are available at www.montanabar.org/

Questions? Email mgallagher@montanabar.org

Christine Wethern

Christine (Chris) Ann Wethern passed peacefully from this earth at her home in Clancy, MT, on July 23, 2019, at the age of 65, after valiantly fighting pancreatic cancer for more than a year.



Wethern

Born a cheesehead in Green Bay, Wis., Chris remained in the Midwest long enough to earn a B.S. in psychology from the University of Wisconsin, before moving to her adopted home state of Montana as a VISTA volunteer in 1976. Chris later earned a law degree from the University of Montana and a

Master of Library Science from Texas Woman's University. She worked as the staff attorney for the Montana Supreme Court for over 30 years, where she earned the respect of justices and lawyers alike and helped shape the jurisprudence of Montana's highest court. An avid pet enthusiast, cross-country skier, and pianist, Chris was most at home tending her garden in the mountains outside of Clancy. She often shocked family members with her adventurous spirit by attending an all-black college as an exchange student, taking up long-distance mountain biking in her 60s, travelling to Africa to meet her grandson, carving a bear from a stump in her first time using a chainsaw, and many other adventures.

In lieu of flowers, please consider making a donation in Chris' name to the Lewis & Clark County Humane Society at <https://lschsmontana.org/donate>.

Dave Gorton

Dave Gorton, 70, died July 25 in Billings after a brief battle with cancer.



Gorton

Dave was elected to the Yellowstone County Commission in 1981, serving as its only Democrat until 1987.

A 1967 graduate of Billings Senior High School, he earned his J.D. from the University

of Montana School of Law in 1975. He served as a deputy county attorney in Billings from 1975 to 1981, heading its civil division from 1978 to 1981. He later went into private practice, first in

Chinook and later in Glasgow. He also served as a deputy county attorney in Blaine County and Valley County and as city attorney in Harlem and Glasgow.

He also trained as an EMT and while in Glasgow served as director of the Frances Mahon Deaconess Hospital Ambulance Service and coordinator of Valley County EMS. He returned to Billings in 2014.

As an undergraduate student at the University of Montana, he was instrumental in founding the Associated Students of the University of Montana Program Council and was its first director.

The family encourages any remembrance of David to be directed Northern Plains Resource Council and the Montana Environmental Information Center.

RIPL

FROM PAGE 19

additional limited-scope services or full representation.

RIPL is now accepting applications on a rolling basis, with three-day Boot Camps tentatively scheduled for Sept. 30 through Oct. 2, 2019, and April 6 through April 8, 2020, in Helena. Visit www.mtlsa.org/rural-incubator-project-for-lawyers/ to learn more.

In the event you are unable to commit to the RIPL Fellowship but are interested in assisting with one or many modest means cases, please contact Ann Goldes-Sheahan at the State Bar of Montana at agoldes@montanabar.org or 406-447-2201.

Ann Goldes is the State Bar of Montana's equal justice coordinator. Hannah Cail was the initial RIPL coordinator for Montana Legal Services Association.

PRO BONO

FROM PAGE 20

doesn't have to establish attorney-client relationships.

Pro Bono -- a Matter of Professional Responsibility.

The preamble to the Montana Rules of Professional Conduct urge Montana lawyers to provide at least some pro bono legal services. Consider the following excerpts from the MRPC Preamble:

(2) A lawyer . . . is an officer of the legal system and a public citizen having special responsibility for the quality of justice.

(7) As a public citizen, a lawyer should seek . . . access to the legal system, the administration of justice and the quality of service rendered by the legal profession.

. . . A lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority. A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. A lawyer should aid the legal profession in pursuing these objectives.

Pro bono need not be complicated or difficult. Especially for retired attorneys, the above methods are almost too easy. Many of your peers currently provide significant service to MLSA, the Bar, and low-income Montana citizens. Why not do so yourself?

Dan McLean recently retired after practicing with Crowley Fleck for nearly 40 years.

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

ATTORNEYS

ASSISTANT CITY ATTORNEY: The Kalispell City Attorney's Office is seeking a full-time Assistant City Attorney to perform a variety of professional duties and a full range of legal services, primarily related to the enforcement of civil infractions and prosecution of criminal misdemeanors. The successful applicant will work primarily in Kalispell Municipal Court, but will have opportunities to practice in District Court as well. The salary range for this position is \$67,630 - \$86,572, depending on qualifications. This position will remain open until filled. Further information on this position and an application form may be found on the City of Kalispell website at www.kalispell.com or may be requested from the City Human Resources Department at 201 First Avenue East, Kalispell, MT 59903.

ASSOCIATE ATTORNEY: Luxan & Murfitt, PLLP, in Helena seeks an associate attorney to join a busy and varied civil law practice. Represent long-standing clients while further developing your own practice. Candidate must be self-motivated and willing to work both collaboratively and independently. Three years' experience preferred but not required. Send a resume and cover letter to manager@luxanmurfitt.com. Inquiries will be kept confidential.

ASSOCIATE LITIGATION ATTORNEY: Boone Karlberg P.C. is seeking an ambitious associate with 0 to 3 years of experience to join our litigation team. Position involves working alongside other attorneys to represent the firm's clients in complex litigation matters. Qualified candidates must have outstanding analytical and writing skills and a strong work ethic. Candidates must be admitted to practice in the State of Montana. Please send a resume, cover letter, references, writing sample and law school transcripts to ammurray@boonekarlberg.com.

ASSOCIATE ATTORNEY: Established personal injury law firm in Billings, Montana is seeking an associate attorney with 1-3 years' experience in litigation. Edmiston & Colton Law Firm practices a wide range of personal injury work with an excellent work environment. The ideal candidate will be team oriented and self-motivated. All inquiries will be kept confidential. Apply by email to tholm@yellowstonelaw.com

BUSINESS LITIGATION ATTORNEY: Davis, Hatley, Haffeman & Tighe, P.C., a business and litigation firm in Great Falls, Montana, is accepting applications for an experienced business litigation attorney. The individual must be self-initiating, team oriented, and capable of handling a wide range of transactional work; running the gamut of business formations, farm and ranch sales, commercial leasing, oil and gas, employment, as well as, business consulting, estate planning, and probate practice. Qualified individuals please send a cover letter, resume, writing sample, and references to Joseph M. Sullivan, DAVIS, HATLEY, HAFFEMAN & TIGHE, P.C., The Milwaukee Station, Third Floor, 101 River Drive North, P.O. Box 2103, Great Falls, MT 59403-2103.

CLAIMS ATTORNEY: ALPS, the nation's largest direct writer of lawyers' malpractice insurance, is seeking a new Claims Attorney to join our team. A claims attorney has an overall responsibility for the prompt intake, investigation, analysis, evaluation, monitoring and resolution of lawyer's professional liability claims made against the company's insureds. For a full job description and to apply online, go to <https://www.alpsnet.com/careers>.

JUDGE PRO TEMPORE: Missoula Municipal Court is looking for attorneys who are interested in serving as Judge Pro Tempore. To qualify, you must be a member of the State Bar of Montana in good standing and must not appear regularly in Missoula Municipal Court. Experience in Criminal Law is preferred. Please send letters of interest to Judge Kathleen Jenks, 435 Ryman St, Missoula, MT 59802 or email to jenksk@ci.missoula.mt.us.

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

ASSOCIATE ATTORNEY: Henning, Rutz & McCormack, a prominent law firm in Kalispell, is looking for an individual who is a self-starter. The person will meet with clients, be proficient in legal research and desires to take over a criminal and family law practice. Our team approach to working cases means that you should be able to mesh with office procedures and work well with our legal secretaries and paralegals. Compensation is base salary plus percentage of earnings. Apply by email at sandi@grizzlylaw.com.

DEPUTY COUNTY ATTORNEY: The Hill County Attorney's Office seeks a Deputy County Attorney. Primarily prosecutes criminal matters in Justice Court, District Court and Youth Court, and represents the Department of Public Health and Human Services in abuse and neglect cases. Performs all duties of the County Attorney in the County Attorney's absence, or at the direction of the County Attorney including but not limited to representing the county or state in civil matters in various courts of law, acting as Personnel Officer and addressing employment-related matters, and advising county officials and the public on legal matters of concern to the county or the various county departments. Send resume, cover letter, writing sample and transcript to alleyk@hillcounty.us

PARALEGALS

PARALEGAL: Boone Karlberg P.C. is seeking a full-time business transactional/litigation paralegal to join our team. Prior experience is preferred. Must be able to work in a fast-paced, deadline-driven environment with attention to detail and the ability to multi-task. Must possess strong interpersonal organizational skills, excellent written and verbal communication abilities, and be proficient with Microsoft Office. All interested candidates must send a resume, cover letter, and references, to ammurray@boonekarlberg.com.

EVICTIONS

EVICTIONS 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.

OFFICE SPACE

MODERN OFFICE SUITES Helena - desirable Cottonwood Business Park (off McHugh and Custer), 2nd floor available 8/15/19 with 4 upscale roomy offices (1 with kitchenette and sink). Inviting first floor shared waiting area (restrooms up and down). One more office (also with Kitchenette, sink and private entrance) also on the first floor. Ample free parking. Flint@flintmurfitt.com

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 Missoula law firm. Contact me at pannabeckerr@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

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 backcastranch@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.

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.