

MINUTES

STATE BAR OF MONTANA BOARD OF TRUSTEES

April 16, 2010 Regular Meeting

University of Montana School of Law

Missoula, MT

Shane Vannatta, Chair, called the meeting to order at 9:37 a.m. Other Board members present were Pam Bailey, Darcy Crum, Vicki Dunaway, Tom Keegan, Mark Parker, Ann Shea, Cindy Smith, Randy Snyder, Bruce Spencer, Paul Stahl, Joe Sullivan, Matt Thiel, Chris Tweeten and Tammy Wyatt-Shaw. Others in attendance were Bob Carlson, Damon Gannett, Erica Grinde, Shelley Hopkins, Mike Larson, Professor Greg Munro, Dean Irma Russell, Dwight Schulte, Klaus Sitte, Amy Sings In The Timber, Mike Talia, Peggy Tonon, Betsy Brandborg, Jill Diveley, Chris Manos and Charles Wood.

APPROVAL OF MINUTES

The Board approved the minutes of the December 4, 2009 meeting. **A motion was made, and seconded, to approve the minutes; motion carried.**

EXECUTIVE COMMITTEE MINUTES

Shane advised that staff had posted minutes of the December 3rd, January 8th, February 12th and March 19th meetings on the Board/Executive Committee web page.

REPORT OF THE PRESIDENT – Cindy Smith

The reciprocity working group may be asked to consider removing the safe harbor rules (Rule 5.5 and 8.5 of the Rules of Professional Conduct) from the petition before presenting it to the Court. Dean Russell agreed to be a member on the professional development group. Cindy recently attended the Western States Bar Conference and found it to be a worthwhile event.

REPORT OF THE SECRETARY-TREASURER – Paul Stahl

Paul is recommending a reduction up to \$100,000 from next year's budget unless more revenue can be generated. The Trustees were asked to consider what's important for the Bar to be responsible for and whether that responsibility should be geared towards the profession or the public. A request has been made to have the Bar's audit done in time for the September Board meeting for use in determining next year's budget.

REPORT OF THE PAST PRESIDENT – Chris Tweeten

The Past Presidents Committee planning their meeting to select this year's recipient of the Jamison and Haswell Awards.

REPORT OF THE PRESIDENT-ELECT – Joe Sullivan

The focus of the Strategic Planning meeting on May 21-22, 2010 will be more involvement by the Trustees. Several topics will be discussed by working groups who will then bring their discussion to the group as a whole.

REPORT OF THE CHAIR – Shane Vannatta

Shane, Paul Stahl and Chris Manos attended the ABA Bar Leadership Institute conference. Shane reminded the Board of their responsibility to determine the recipient of the George L. Bousliman Professionalism Award. The Pro Bono and Karla Gray Access to Justice awards will also need nominations.

LAW SCHOOL REPORTS - Professor Greg Munro

Professor Munro explained the concept of an alternate admission program to replace taking the bar exam. Justice Cotter, Professor Munro and Cindy Smith will be meeting with the New Hampshire Bar Association to look at the proposed program and whether it would be suitable for Montana to adopt.

LAW SCHOOL REPORTS - Dean Irma Russell and Shelley Hopkins

Construction on the new law school building is complete. The Advanced Trial Advocacy Program has scholarship money available for those who may be interested in attending. A fundraiser in honor of Margery Hunter Brown will go through December 2010. If the fundraiser successfully raises \$100,000 the Indian Law Clinic in the law school building will be named The Margery Hunter Brown Indian Law Clinic. The ABA will be at the Law School for the seven year onsite inspection. The Dean highlighted the goals and actions of the Law School's 2009-2014 Strategic Plan.

LAW SCHOOL STUDENT PRESENTATIONS - Montana Law Review, Native American Law Students Association (NALSA), Student Bar Association

Montana Law Review - The Montana Law Review is now publishing legal short summaries on important court decisions on its website and in the back of each publication. The Law Review will be hosting a symposium on the Montana Constitution in the Fall that will be open to the public and members of the Bar.

Native American Law Students Association - With sponsorship from the State Bar's Indian Law Section NALSA presented Indian Law Week: Indian Education For All in April with keynote speaker State Superintendent of Public Instruction Denise Juneau. NALSA is supporting the Empowering, Enriching and Encouragement of American Youth sub grant application that is being developed by the State Bar's New Lawyers' Section.

Student Bar Association - The Barristers' Ball featuring Dancing with the Professors generated \$1,000 that will be used toward the providing of legal services in Montana. The noon hour panel presentations to the students by the State Bar are effective and well-received. The students would like to see more topics geared towards the "right now" such as legal jobs in nontraditional settings and the process of and succeeding in law school.

REPORTS REQUIRING BOARD ACTION

A. Proposed SBM By-law revisions Committee

The by-laws of the State Bar have not been reviewed for several years. Shane requested volunteers for a by-law subcommittee that would review the distribution trustee areas and the by-laws as a whole. Chris Tweeten, Randy Snyder, Lynda White and Shane agreed to be on this committee.

B. Denise Sarnoff Waiver of Dues Late Fees

The Trustees reviewed a request made by Denise Sarnoff to waive the \$625 late fees that she had accrued due to non-payment of bar dues. **A motion was made to grant the waiver; motion failed.**

C. Annual Meeting Changes - Committee

The Trustees discussed the city rotation schedule of the Annual Meeting. **A motion was made, and seconded, to confirm Kalispell as the site for the 2011 State Bar Annual Meeting; motion passed.** After further discussion the Trustees agreed that alternatives to the Annual Meeting should be looked into. **A motion was made, and seconded, to create a committee to study the continuation and feasibility of the Annual Meeting; motion passed.** Shane Vannatta, Olivia Norlin, Paul Stahl and Pam Bucy agreed to be on this committee. A representative from the New Lawyers' Section may also be asked to participate.

ABA REPORT - Damon Gannett

Damon attended the ABA Mid-Year Meeting in Orlando. The ABA has created a search committee to replace former Executive Director Hank White. Remarks regarding the Commission on Ethics 20/20 were made by Commission Co-Chair Michael Traynor. Damon highlighted several resolutions including the expansion of initiatives that facilitate contact and communication between parents in correctional custody and their children; supporting the development of comprehensive, systemic approaches to address the special needs of veterans; the urging of the ABA President to examine the efforts of U.S. News and World Report to publish a ranking of law firms and finally urging Congress to enact legislation that would provide more effective remedies; and procedures and protections to those subjected to pay discrimination. A new dues structure is being proposed that would reduce the amounts for solo, government and public lawyers. The goal of the new structure is to improve membership retention rates.

MONTANA JUSTICE FOUNDATION – Amy Sings In The Timber

Amy provided the Foundation's revenue figures for January and February. The Foundation continues to support the Lunch for Justices events. An AmeriCorp Vista Volunteer has been hired to assist with the revitalization of leadership campaign efforts. An update to the Legal Needs Study is also being planned. The Foundation received 13 grant requests at a total of \$324,000.

LAWYERS ASSISTANCE PROGRAM (LAP) – Mike Larson

Mike provided a report that was posted on the web page. He has been busy on the road making presentations that satisfy the required SAMI CLE credit. The Missoula support group continues to thrive but the Billings group is struggling with membership. There was an LAP meeting in March that restructured the Lawyers Helping Lawyers Network into several, more local committees.

REPORTS OF THE STATE BAR STAFF

A. Executive Director's Report – Chris Manos

Chris provided a report that was posted on the web page. He further reported the Bar has partnered with Department of Health and Human Services for the Governor's Conference on Aging. The Public Law Section of the State Bar appointed a new chair and is considering instituting \$10 dues per year.

B. Publications Update - Charles Wood

The Montana Citizen's Guide to the Courts is completed and available for download or in print. Humanities Montana provided a \$3,000 grant that assisted with the printing costs of the Guide. A Real Estate Transaction Guide authored by UM Professor Chuck Willey is being worked on and is slated to be available this summer. The Civil Procedure Forms Manual is also being developed with help from UM Professor Cynthia Ford. A revision to the Civil Jury Instructions Manual by the Commission on Civil Jury Instructions will be available in the next year or so.

C. Bar Counsel's Report – Betsy Brandborg

A petition to disband the Unauthorized Practice of Law Commission has been filed with the Court. A structure or protocol on how to close down a law practice is being created. The petition on proposed changes to attorney advertising was submitted to the Court with two responses received so far. The

Bar is working to create an improved mentor program. Dean Russell commented the Law School is interested in partnering with the Bar on the program.

D. Equal Justice Coordinator Report – Janice Doggett

Janice was unable to attend. Pam Bucy provided a handout on activities of the Access to Justice Committee.

LOCAL BAR, COMMITTEE & SECTION REPORTS

New Lawyers' Section – Mike Talia

Incoming President Mike Talia would like to see the section be used as a way to introduce new lawyers to involvement with the Bar. The Section has created a Facebook page that is directly linked from their web page.

Paralegal Section – Barbara Bessey

Barbara was unable to attend but provided a report that was posted on the web page.

Local Bars

Area C – Ann Shea

The 5th Judicial District generally holds 2 functions a year along with an annual Christmas party. The 2nd Judicial District will be sponsoring a luncheon to try and reactivate the local bar.

Area F - Pam Bucy / Tom Keegan / Bruce Spencer

The local bar continues to meet monthly and recently held a CLE that featured SAMI credit presentations.

Area G - Jane Merson / Lynda White

Postponed to the May meeting.

Trustee Liaison Reports – Committees

Access to Justice Committee – Pam Bucy

The five working groups remain active and committed to obtaining funding for access to justice programs.

Annual Meeting Committee - Cindy Smith / Joe Sullivan

The New Lawyers' Section would like to have some input on this year's program to include topics that are relevant to newer lawyers.

CLE Institute - Randy Snyder

Randy provided a report that was posted on the web page. He further noted that attendance at Bar-sponsored CLEs was down 18% which is similar to nationwide results.

Elderly Assistance Committee - Jason Holden

Postponed to the May meeting.

Ethics Committee - Tammy Wyatt-Shaw

The Ethics Committee stays active and meets at least once a month.

Lawyers' Fund for Client Protection Board - Tom Keegan

Tom provided a report that was posted on the web page.

Past Presidents Committee/Resolutions Committee - Chris Tweeten
Chris covered with his Past President's report.

Trustee Liaison Reports – Sections

Construction Law Section – Jane Mersen
Postponed to the May meeting.

Family Law Section – Lynda White
Postponed to the May meeting.

Family Law Section
Postponed to the April meeting.

Health Care Law Section - Bruce Spencer
Bruce provided a report that was posted on the web page.

Indian Law Section - Ryan Rusche
Ryan provided a report that was posted on the web page.

Natural Resources, Energy & Environmental Law Section - Tom Keegan
There was nothing new to report.

Public Law Section - Tom Keegan
Tom provided a report that was posted on the web page.

School Law Section - Jason Holden
Postponed to the May meeting.

Women's Law Section - Paul Stahl
The section will be holding its Annual Spring Dinner featuring a silent auction.

Trustee Liaison Reports – Organizations

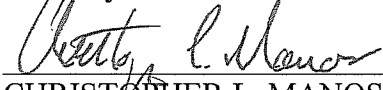
Montana Legal Services Association - Bruce Spencer
Bruce provided a report that was posted on the web page.

Out of State Members - Chris Tweeten
There was nothing new to report.

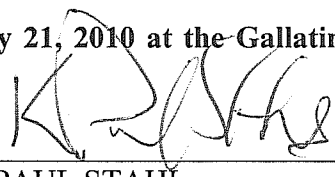
Student Bar Association - Shane Vannatta
Report was included in the law school students' presentations.

There being no further business the meeting adjourned at 2:13 p.m.

The Board set the next meeting of the Board for May 21, 2010 at the Gallatin Gateway Inn in Gallatin Gateway.



CHRISTOPHER L. MANOS
Executive Director



K. PAUL STAHL
Secretary/Treasurer