

MINUTES

STATE BAR OF MONTANA BOARD OF TRUSTEES

May 21-22, 2010 Regular and Strategic Planning Meeting

Gallatin Gateway Inn

Gallatin Gateway, MT

Friday, May 21st - AM

Shane Vannatta, Chair, called the meeting to order at 10:17 a.m. Other Board members present were Pam Bailey, Vicki Dunaway, Jason Holden, Tom Keegan, Mark Parker, Cindy Smith, Bruce Spencer, Paul Stahl, Joe Sullivan, Matt Thiel, Chris Tweeten, Lynda White and Tammy Wyatt-Shaw. Others in attendance were Barbara Bessey, Bob Carlson, Damon Gannett, Erica Grinde, Dwight Schulte, Betsy Brandborg, Janice Doggett, Jill Diveley, Chris Manos and Charles Wood.

APPROVAL OF MINUTES

The Board approved the minutes of the April meeting. **A motion was made, and seconded, to approve the minutes; motion passed.**

EXECUTIVE COMMITTEE MINUTES

Shane advised that staff had posted minutes of the April meeting on the Board/Executive Committee web page.

REPORT OF THE PRESIDENT – Cindy Smith

Proposed changes to the Rules of Professional Conduct will be presented to the Board for review during the September meeting. Cindy attended an alternative bar exam conference in New Hampshire with UM Professor Greg Munro and Justice Pat Cotter. It was decided it would not be a good fit for Montana at this time.

REPORT OF THE SECRETARY-TREASURER – Paul Stahl

Paul provided handouts to be used for the afternoon budget primer discussion.

REPORT OF THE PAST PRESIDENT – Chris Tweeten

The Past Presidents Committee will meet in August at the Law School to select this year's recipient of the Jamison and Haswell Awards. The Committee will invite a member of the Board of Bar Examiners to present a proposed change to a uniform bar exam.

REPORT OF THE PRESIDENT-ELECT – Joe Sullivan

Joe described the format for the strategic planning portions of the meeting and how it would involve everyone's participation as a group to be successful.

REPORT OF THE CHAIR – Shane Vannatta

Shane advised the meeting agendas were a work in progress and if Trustees had any changes or suggestions on format to let him know.

REPORTS OF THE STATE BAR STAFF & LAP

A. Executive Director's Report – Chris Manos

Chris provided a report that was posted on the web page. He further reported the Lawyers' Fund for Client Protection had recently made 16 payments totaling \$40,000 to clients of several attorneys. The Montana Supreme Court's Commission on Technology will approach different vendors for programs that will be able to accommodate the criteria for e-filing. E-filing will soon be a universal measure required by all Montana courts, including the courts of limited jurisdiction.

B. Bar Counsel's Report – Betsy Brandborg

The Commission on the Unauthorized Practice of Law and the Office of Consumer Protection agreed on a procedure for handling complaints that rise to the level of violation of criminal law. The State Bar's Technology Committee held an in-person meeting that focused on the generational gap between members of the Bar and on how to incorporate technology into the practice.

C. Equal Justice Coordinator Report – Janice Doggett

Janice provided a handout. She further highlighted there will be a Native American legal needs survey conducted with the help of the UM Indian Law Clinic. The Montana Supreme Court's Commission on Self-Represented Litigants has developed forms that are being utilized at the self-help law centers. The Equal Justice Task Force plans to petition to become a permanent commission.

D. Lawyers Assistance Program – Mike Larson

Mike Larson was unable to attend.

ISSUES BOARD ACTION

A. George L. Bousliman Professionalism Award

The award will return to being decided during the Trustees May meeting. A motion was made, seconded and unanimously passed to convene a special board meeting via telephone conference at 11:30 a.m., Tuesday, June 22, 2010 to review nominations for the Bousliman Professionalism Award, and select a recipient.

B. Review of 2009-2010 Strategic Plan (to be discussed during strategic planning meetings)

C. Social Networking Policy

The Trustees reviewed the proposed social network policy. A motion was made and seconded to adopt the Social Network Policy prepared by the Executive Committee. Upon motion duly made, seconded and unanimously passed, the motion was tabled until the September Board meeting.

A motion was made and seconded to adopt a policy to prohibit the third party use of the State Bar of Montana name and logo for commercial use or on a commercial website absent approval of the Executive Committee and proper licensing. Upon motion duly made, seconded and unanimously passed, the motion was tabled until the September Board meeting.

OFFICE OF DISCIPLINE COUNSEL – Shaun Thompson

Shaun was unable to attend. Statistics appear on the web page.

LOCAL BAR, COMMITTEE & SECTION REPORTS

New Lawyers' Section – Dwight Schulte

The Section has 7 socials planned around the State within the next month. The Section's Empowering, Enriching and Encouragement of American Youth grant was awarded \$1,500 from the American Bar

Association. Section representative Erica Grinde is working to foster more connection between the Section and the UM Student Bar Association.

Paralegal Section – Barbara Bessey
A report appears on the web page.

Local Bars

Area E – Ryan Rusche
Postponed to the September agenda.

Area G - Jane Merson / Lynda White
The Gallatin County Bar Association is sponsoring a Law Day writing scholarship. The Bar continues to hold monthly luncheons and work with local judges to foster bench/bar relations between local bar members and the judiciary.

Area H – Pam Bailey, Vicki Dunaway & Mark Parker
A report was posted on the web page.

Trustee Liaison Reports – Committees

Dispute Resolution Committee – Mark Parker
Postponed to the September agenda.

Elderly Assistance Committee – Jason Holden
Jason will provide a written report prior to the September meeting.

Lawyers Helping Lawyers Network – Ann Shea
Postponed to the September agenda.

Technology Committee – Ryan Rusche
Postponed to the September agenda.

Trustee Liaison Reports – Sections

Bankruptcy Law Section – Darcy Crum
Postponed to the September agenda.

BETTR Law Section – Vicki Dunaway
A report was posted on the web page. Vicki further reported the Section was taking steps to help improve hearings and timelines in trial court decisions.

Construction Law Section – Jane Mersen
The section will present the Construction Law Institute in the fall. The Section continues to be active.

Family Law Section – Lynda White
Lynda White provided a handout. Lynda further highlighted the Section's contribution to the Billings Self-Help Law Center.

Federal Practice Section – Pam Bailey

A report appears on the web page.

Trustee Liaison Reports – Organizations

Montana Defense Trial Lawyers Association – Mark Parker

Postponed to the September agenda.

Montana Justice Foundation – Damon Gannett

Damon advised he did not anticipate a change in IOLTA rates anytime soon. The Foundation will hold its annual retreat meeting later in the month. The Foundation continues to discuss long range planning and fundraising issues.

A motion was made, seconded and unanimously passed to support the amicus brief of the ABA excepting out lawyers from the FTC's Red Flag Rule.

Montana Trial Lawyers Association – Olivia Norlin-Rieger

Postponed to the September agenda.

There being no further business this portion of the meeting adjourned at 12:33 p.m.

The Board set the next meeting of the Board for September 15 at the Holiday Inn Hotel in Great Falls.


CHRISTOPHER L. MANOS
Executive Director


K. PAUL STAHL
Secretary/Treasurer

Strategic Planning Meeting Summary

Friday, May 21st - PM

Joe reconvened the meeting at 1:45 p.m. Board members present were Pam Bailey, Vicki Dunaway, Jason Holden, Tom Keegan, Jane Mersen, Mark Parker, Ann Shea, Cindy Smith, Bruce Spencer, Paul Stahl, Joe Sullivan, Matt Thiel, Chris Tweeten, and Tammy Wyatt-Shaw. Others in attendance were Barbara Bessey, Brad Brown, Bob Carlson, Damon Gannett, Susan Gobbs, Erica Grinde, Kyle Nelson, Dwight Schulte, Jock Schulte, Betsy Brandborg, Jill Diveley, Chris Manos and Charles Wood.

What is the Purpose of the Bar? – Group Discussion

Moderators: Joe Sullivan and Chris Tweeten

Does our Mission Statement fit what we are and/or what we want to be?

- Yes
- What does "serve the public" really mean? Is it "public service" (service of the profession) or "serving the public" (serve the public's interest)?
- The Bar has evolved by trying to take on the concerns of the public to enhance the perception of the law. But is that what the Court intended in its order?

Are we a consumer protection agency?

- Keep the definition of the practice of law out of the legislature; the legislature would regulate the practice of law if allowed – the Bar is treated as just another entity that requires a license; does not recognize the Bar's unique responsibility
- Does the Bar have an obligation to protect the profession?
- The Bar is a consumer protection agency by default
- Active vs passive leadership – there needs to be more understanding of what the Bar does; more focus and communication

Would consider a change to our Mission Statement as written?

- No need to change; it's clear and it works. Encompasses the purpose of the Bar

Does our Strategic Plan fit our Mission Statement?

- Yes

Do our Budget priorities fit our Mission Statement?

- Bar should be charged with providing affordable CLE for its members
- How much financial support to Supreme Court Commissions does the Bar provide?
- Bar is a service organization of the Supreme Court

State Bar Budget Primer – Group Discussion

Moderator: Paul Stahl

Paul Stahl asked the Trustees to rank the various programs and activities of the Bar. Individual groups were then tasked with reviewing the results and discussing whether or not they agreed.

The Role and Responsibilities of the Trustees – Group Discussion

Moderator: Shane Vannatta

Should we have term limits?

- No term limits
- Turnover exists regardless
- There is a need for institutional history
- Being involved as a trustee and understanding how the Bar works takes time

Are we Trustees or representatives?

- There's a responsibility to the Bar and the public to base decisions as a trustee vs representative

What should be a Trustee's commitment to attend meetings and to attend meetings in their entirety?

- There needs to be a commitment to attend – if pattern of non attendance the trustee should step aside and let someone else step in
- Automatic reminder by email or letter "a reminder you have missed 2 consecutive meetings....we encourage you attend to remain on the Board".

What do you deem to be your responsibilities as a Trustee?

- The word "trustee" = fiduciary responsibility
- Must have an understanding of how the Bar works and what its functions are
- Attend meetings
- Have an understanding of the Bar and its functions, paying close attention especially to the budget
- Be informed, come prepared, and attend
- Do you part as leadership to pay attention and be involved

What are your expectations of yourself and your fellow Trustees as to your collective responsibilities?

Is there any obligation of a Trustee to take on the responsibilities of an Executive Committee member, if any?

- No but should be encouraged if that's what is desired

How can the Bar Staff and the Executive Committee help you reach your expectations?

- Continue Road Show
- Help facilitate communication with local bars through targeted emails
- The Bar needs to continue to make a presence around the state
- Executive Committee needs to keep the trustees informed about key issues; more open process

This portion of the meeting adjourned at 5:13 p.m.

Saturday, May 22nd

Joe called the meeting to order at 8:43 a.m. Board members present were Pam Bailey, Vicki Dunaway, Jason Holden, Tom Keegan, Jane Mersen, Mark Parker, Cindy Smith, Bruce Spencer, Ann Shea, Paul Stahl, Joe Sullivan, Matt Thiel, Chris Tweeten, and Tammy Wyatt-Shaw. Others in attendance were Barbara Bessey, Brad Brown, Bob Carlson, Damon Gannett, Susan Gobbs, Erica Grinde, Kyle Nelson, Dwight Schulte, Jock Schulte, Betsy Brandborg, Jill Diveley, Chris Manos and Charles Wood.

Development of Leadership – Group Discussion

Moderators: Joe Sullivan conducted a panel discussion with Chris Manos, Jock Schulte, Chris Tweeten, Cindy Smith and Shane Vannatta

How did you become involved with the Bar?

- Common theme among panelists was being involved with the local bar
- Encouragement of senior attorneys; asked by outgoing officers
- Self-interest; curiosity; saw the camaraderie when there was interaction between officers
- At the right place; right time

What advice do you have for those interested in becoming an officer? Or what would you like them to know?

- Be ready to do it for the right reasons
- Large time commitment; plan ahead on how to budget your time between your practice and your role as an officer
- Expect to be in touch with the Bar office and staff on a frequent basis
- Pay attention to and be involved with the legislature
- Significant travel for meetings and conferences
- Be a voice for the Bar
- If interested talk with current or former officers to get an idea of what the position entails

- Keep an open mind with the position – your idea of what you think you're going to accomplish is always changing

Benefits of being an officer:

- One of the most rewarding things you can do – learn about the Bar and form relationships you may not have had otherwise
- Provides the ability to network with Bar members, judges and law students
- Creates civility; less animosity
- Professionally rewarding
- Monetary gain

New Lawyers Session – Group Discussion

Moderator: Cindy Smith

- As students in law school there is no introduction to the Bar, what it does or how to get involved; Bar needs more presence
- Add value and show new lawyers they get something out of being involved
- Ideas to reach out to new lawyers:
 - Approach law students
 - Personal approach – new lawyer to new lawyer
 - Schedule an event for each community right after swearing in; invite the judges
 - Have an officer personally invite new lawyers in their area
 - Get lawyers together socially right at the beginning of their practice
 - More communication channels; develop an actual communication structure/protocol
 - Better mentor program
 - Get support from senior lawyers
 - Have a newer lawyer as a liaison on each Bar committee
 - Inquire with MTLA and MDTL on how to bridge connection to their new lawyer programs
 - Provide list of new lawyers to trustees and vice versa – notify new lawyers of who their area trustee is
 - Develop New Lawyers' Section newsletter
 - While the officers needs to take a more proactive approach the same can be said for new lawyers to take more initiative

Legislative Preparedness – Group Discussion

Moderators: Chris Tweeten and Bruce Spencer

- Everything during the hearing process is live and available to listen to
- Present your case in 2 minutes or less
- Lobbying efforts continue all year and months ahead of the next session
- Every bill gets a hearing
- Extremely important that your bill goes to the right committee
- You need to be present if your bill is heard
- A bill is initially drafted by legislative services – you need to be involved with the process to make sure it gets written correctly
- If you can't effectively be at the Capital 24x7 to follow your bill you won't get very far
- The process moves fast with or without you
- Having a one on one relationship with legislators is key
- Bar needs a legislative committee
- Interested sections should hire a lobbyist or have a member of the section take on the responsibility

- You need a lobbyist that you would feel comfortable with having some authority to speak on your behalf without discussion first

After discussion, the group agreed there were no changes to be made on the strategic plan. This portion of the meeting adjourned at 12:20 p.m.