

Minutes
Executive Committee
Gallatin Gateway, Montana
May 21, 2010

Mission Statement: The mission of the Board of Trustees of the State Bar of Montana is to lead the profession and serve the public interest.

Joe Sullivan called the meeting to order at 8:15 a.m. In attendance were Chris Tweeten, Paul Stahl and Shane Vannatta. Cindy joined the meeting later. Others in attendance were Damon Gannett, Jane Mersen, Lynda White and Matt Thiel. Staff in attendance were Chris Manos, Betsy Brandborg and Janice Doggett. The following were actions of the Committee:

- Approval of April 15, 2010 minutes – Minutes were approved.
- President's updates- Cindy Smith was absent at the start of the meeting and Chris Manos gave some of the following updates:
 - Court Reporter letter of support re: fees – Cindy Smith has received a request from a Court reporter to have the Bar support clarification of the statutory language for fees. When Cindy did join the meeting, she stated she would provide to the Executive Committee the request she received from a court reporter.
 - ABA FTC letter of support – When Cindy joined the meeting, she reported that there was a request from the ABA for support from Bar associations on the Amicus Brief to be filed with the DC Appellate Court by the New York Bar Association. That brief is addressing the FTC rules that might infringe on attorney-client privilege and the “Red Flag” issues dealing with mandatory reporting.
 - Equal Justice Task Force(EJTF) – limited representation recommendations – Chris reported that there is a request for the State Bar to comment on the EJTF working group's recommendations to have some revisions of the Rules of Professional Conduct (RPC) and Rules of Civil Procedure to address limited scope representation. After discussion, the Executive Committee agreed to consider the recommendations at their next meeting and make comments.
 - Supreme Court – UPL dissolution, Admission rules, reciprocity – Rules 5.5/8.5 RPC – Chris reported that the Court had issued an order dissolving the Commission and there is a Memorandum of Agreement between the State Bar and Attorney General's Consumer Protection Division covering how future complaints will be handled. The Court indicated that further comment on the definition of the practice of law will be addressed in a future order. The Court is aware the State Bar is working on reciprocity review and it has been suggested that a revision of Rules 5.5 and 8.5 RPC address practice of law issues (safe harbors issues).
 - Northwest Bar meeting – May 4-5 - Cindy attended this bar meeting in Boise, ID with Joe Sullivan and Chris Manos. The states of WA, OR, ID, UT and NV attended with their Bar leaders and Executive Directors. The meeting's agenda covered a review of each States' projects and issues. There was commonality on several issues including limited resources and funding both of Bar associations and the judiciary. Presentations included discussions of access to justice programs, the uniform bar exam and other initiatives.

- Alternative Bar Exam conference – April 22-23 – Cindy reported that she attended with Greg Munro from the law school and Justice Cotter. While the program was interesting, Cindy indicated that UM School of Law’s clinic program and requirement for students is very similar to what was discussed during the conference and the feeling was that Montana would not adopt an alternative to the Bar Exam.
 - Swearing In Ceremony – May 4- Cindy attended the morning session for the Supreme Court Swearing In Ceremony and made remarks. The New Lawyers Section had several representatives present outside the courtroom to greet the new lawyers being sworn in. Chris Tweeten attended the Federal Court ceremony in the afternoon as Cindy Smith left to go to the Northwest Bar meeting.
 - Montana Justice Foundation(MJF) meeting – May 28th – Cindy will attend with Shane and Chris Manos a meeting with members of the MJF Executive Committee to discuss State Bar and MJF relations.
 - Jackrabbit Bar meeting – June 3-5. Cindy and Chris are planning on attending the Jackrabbit Bar conference hosted by the ND Bar in Fargo, ND.
 - Ad Hoc Committee focus – An Ad Hoc Committee to review the Bar’s budget has been created with Paul Stahl as chair, Jane Mersen and Ann Shea as members. There was a brief discussion of the objective for this committee as the last Ad Hoc Committee chaired by Joe Sullivan when he was Secretary/Treasurer had been directed by Chris Tweeten who was then Bar President to review the Bar’s budget in light of no dues increase and to respond to the Supreme Court’s request to review the Bar’s expenses. The direction for the current Ad Hoc Committee should be a review of the Bar’s expenses and there could be further discussion at the next Executive Committee meeting. Paul had suggested at the last trustee’s meeting that \$100,000 reduction in expenses should be considered. There will be a session at the long range planning session that will be asking the trustees for input on programs and polices and the priority for funding.
- Past President’s updates – Chris Tweeten gave the following updates:
 - He is getting feedback from committee members on an August date for their meeting to be held in Missoula. A conference room in the UM School of Law has been reserved and a dinner the night before is being discussed. The agenda will be addressing a variety of topics in addition to their responsibility to determine the Jameson and Haswell award winners. A discussion of the Uniform Bar Exam from Randy Cox, chair of the Board of Bar Examiners may be one of the presentations.
 - President –Elect updates – Joe Sullivan gave the following updates:
 - Long range planning meeting – Joe reviewed the planned program and schedule for today and tomorrow. He is hoping for trustee interaction through a variety of sessions that include small groups, panels and individual presentations.
 - Treasurer’s updates – Paul Stahl gave the following updates:
 - Ad Hoc Committee – Jane Mersen has accepted appointment on this Committee. Paul will be checking with trustees tomorrow to see if he can get a third member for this committee.
 - Budget review – Paul indicated that for the next detailed 3 year financial review due to the Court in March 2011, he would suggest considering a \$100,000 reduction in expenses unless revenue can be increased without a dues increase. The Ad Hoc Committee will be

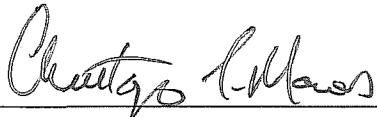
looking at this topic. As part of that review the relationship of the budget to the strategic plan and mission statement are necessary. Paul then offered as an example some budget information detailing staff costs, direct and indirect costs for support of the Board of Bar Examiners, Character and Fitness Commission, and LRIS. He will present this to the trustee tomorrow as an example of the review and discussion of various Bar expenses.

- Board Chair updates – Shane Vannatta review briefly the trustees agenda for their meeting later this morning and this afternoon will begin the long range planning program organized by Joe Sullivan.
- Bar Counsel report – Betsy gave the following report:
 - Court Order – Proposed Admission rules – response re: Rule 5.5,8.5 – Betsy reported that from direction of Cindy re: reciprocity, she will be drafting a petition requesting rule revisions for 5.5 and 8.5 RPC (safe harbors).
 - ODC rules working group – Another public meeting is schedule in June to have further discussion and refinement of suggested revisions for ODC rules on disclosure of lawyer discipline. Executive Committee members who are available are encouraged to attend.
 - New Lawyer Workshop/Road Show/Annual meeting update – The next upcoming program will be June 25th in Bozeman. Invite letters have gone to new lawyers and also faculty. The Professionalism Committee will be working on scenarios for the Road Show ethics CLE sessions. Annual meeting CLE planning is also begun and there will be future meetings in June with the Professionalism Committee to confirm topics and presenters.
 - NCBE MOU – Betsy reported that she is finalizing the MOU between the Character and Fitness Commission and the National Conference of Bar Examiners (NCBE) for the investigative services that will be performed by NCBE.
 - Tech Committee meeting – May 7 – The Tech Committee had an in person meeting where they reviewed their strategic plan, the upcoming Tech CLE – June 3 and 4 and topics for consideration of the Professionalism Committee for Road Show scenarios dealing with social media and other tech issues.
- Executive Director report - Chris Manos gave the following report:
 - Law School trust account presentation – Chris reported that on April 22nd he helped moderate the law student program in which Carl Mendenhall presented on trust accounts and overdraft rules and Amy Sings in the Timber presented on IOLTA.
 - CLE Institute planning – The CLE Institute rescheduled their Spring meeting of April 28th to later in June or July to have more time to review the past CLE season and also other projects.
 - ABA Equal Justice Conference – May 13-15 - Chris asked Janice to report on her attendance at the recent conference. Janice indicated that there was a large delegation from Montana, that the sessions were informative with a common theme of limited resources for access to justice programs but with

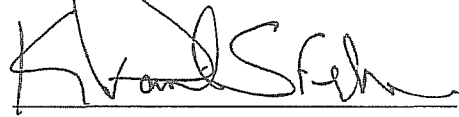
a common theme of limited resources for access to justice programs but with favorable comments on the efforts in Montana to do a lot with few resources and plenty of volunteers.

- o Commission on Technology, E-filing working group meeting – May 17 – Chris was unable to attend this meeting but the work on adopting an e-filing program in Montana for all court levels is progressing.

There being no further business the meeting was adjourned at 10:00 a.m so Committee members could attend the Board of Trustee meeting and long range planning meeting. It was decided that there tentatively would be a meeting June 22nd by conference call, preceding the trustee special meeting that day to review the Boulisman Professionalism Award nominees. Meetings in July or August will be determined later, if needed.



Christopher L. Manos
Executive Director



K. Paul Stahl
Secretary- Treasurer