

PARALEGAL SECTION
STATE BAR OF MONTANA

**Meeting Minutes
Copper King
Butte, MT
Saturday, September 20, 2008
7:15 - 8:20**

Present were Barbara Bessey, Chair, Tammie Fagan, Vice-Chair, Pam Trang, Secretary/Treasurer, and Barb Hartzell, MALA Representative.

Tammie Fagan began the meeting stating that Tina Sunderland, Kate Mateskon, and Jeri Hoffman would not be attending. Tammie began the discussion regarding formulation of a legislative committee. She stated that Tina wanted to chair the committee. The Board had no objections to this proposal. Barb Hartzell volunteered to be on the legislative committee. Tammie felt it was best to keep the Board and committee separate and after discussion, it was decided to keep them separate. Having experience with the Board of Trustees (BOT), Tammie began by stating that as a board we needed to prepare an Action Plan to bring before the BOT. She also stated that the BOT dislikes receiving the information and Action Plan shortly before their meetings with no time to review the Plan. Tammie was unable to remember at which times during the year they meet. She believes it is quarterly, therefore, it may be sometime in December. Barbara will contact Chris Manos or Betsy Bromberg to find out when the next meeting is scheduled and verify that an Action Plan needs to be presented at least 45 days prior to that meeting.

The discussion continued regarding the information that would be needed for the Action Plan. Pam began by stating that she had recently located a bankruptcy order that described the duties of a paralegal. Pam will scan the Order and forward it to the Board for their review. Barbara stated that NALA representatives have stated to her that there are no states that have attempted legislation regarding paralegal fees. However, Tina had previously stated in an e-mail that she has some initial research from several years ago that some states have done this. Therefore, we assume that there may be "model legislation" out there to assist in the drafting of the legislation.

It was also discussed that we would need to have a definition of a paralegal. Tammie stated that we will have to have a very "tight" definition because of the prior problems the Bar has had in dealing with Jerry O'Neil and the unauthorized practice of law. Tammie stated that both she and Tina have provided testimony for the Bar regarding this issue. Barbara stated that the ABA and NALA both have defined "paralegal". Tammie also stated that she knew that someone else from the Great Falls area had done some research. Moments later, she remembered that it was Karleen Perry. Once Tina has a committee in place with two to three members, she may want to contact Karleen for some assistance.

Pam suggested that we contact a lobbyist to assist with the legislation. She suggested Ed Bartlett of Billings. Barbara stated that we would be able to solicit a legislator once the November elections are over. It was agreed that an attorney would be the best choice. She also stated that her supervisor, Viv Hammill has been in state government for a number of years and works as one of the Governor's advisors. She stated that in prior conversations, Ms. Hammill would not recommend Jim Shockley of Victor. Barbara stated that another one of her attorneys is very well versed with drafting legislation. In a previous discussion, this attorney stated that it would be all inclusive to amend the general statute that governs attorney's fees to also include paralegal fees. The Board agreed that that may be the simplest approach.

Tammie also suggested that the members be contacted to find out if they are okay with this plan. Initially she thought that the committee, once formed, should handle this task. However, with the time constraints in place, the Board decided that during the week of September 22, 2008, Pam would contact the paralegals in Billings; Barbara would contact the paralegals in Helena, Tammie would contact the paralegals in Great Falls, and Barb would contact the paralegals of Missoula. For those that the Board is unable to contact, the committee can then follow up with those that have not been contacted.

The Board discussed that it would be necessary to meet again in person this next week. It was suggested that Friday, September 26, 2008 in Helena would be the best choice in order to include Chris Manos in the meeting. Barbara will contact Chris to schedule a meeting to be held in their offices. Tammie stated that many of the Bar staff take turns taking time off after the Annual Meeting. Once Barbara

has a timeline of which we will need to work from, she will e-mail the Board and confirm the next in-person board meeting.

The Board adjourned.