

STATE BAR OF MONTANA

2022 Committee and Section Annual Reports

Committees

CLE INSTITUTE Committee

Sara Sexe, Chair

Budget Overview

The CLE Institute sponsored or co-sponsored the continuing legal education set forth in the attached lists.

The CLE Institute Budget numbers are as follows:

FY21: Budgeted Revenue - \$85,850 (net)	Actual Revenue - \$67,111 (net)
FY22: Budgeted Revenue - \$60,000 (net)	Actual Revenue - \$62,506 (net)
FY23: Budgeted Revenue - \$60,000 (net)	Actual Revenue -

The CLE Institute continues to reduce expenses associated with providing live CLE without disrupting the quality of State Bar CLE.

Rules Comments

The CLE Institute provided assistance to Executive Director Mudd and State Bar staff in providing comments to the Montana Supreme Court regarding rule changes proposed by the Montana Commission on Continuing Legal Education. A hearing on the changes was held regarding the proposed changes on March 8, 2022, where updated fees for MCLE operations were approved. At the hearing, the Justices expressed a desire to move in a direction of reciprocity with other states and to overhaul CLE rule revisions in the future.

Subsequently, a working group appointed by the Montana Supreme Court addressed several issues warranting more focus. That group recently filed its report with the court. (See attached).

Attendance

While the COVID-19 pandemic significantly curtailed the CLE Institute's programming and continues to cause the CLE Institute to examine the way CLEs are provided into the future, there are some positive developments, particularly when it comes to hybrid CLE.

For example, in 2022 the CLE & Ski moved to a hybrid format and saw a record attendance of 188. This mirrors other events. The Bench-Bar CLE returned with 199 attendees in a hybrid format. And the State Bar's annual meeting in the fall of 2021 saw record attendance with the hybrid format.

The CLE Institute also sponsored or co-sponsored webinars, which continue to be a popular option for CLE. All webinars are recorded then promoted and sold on the State Bar website for self-study CLE credit. Webinars are cost effective to organize, promote, and deliver and are especially practical during these pandemic-affected times. We plan to continue to use, or enhance the number of webinar offerings to our members each year.

CLE Institute

The Institute strives to provide quality CLE seminars at reasonable prices in a manner that will benefit a large cross-section of the State Bar membership. Benefits of being a member of the Institute include the opportunity to shape continuing legal education in Montana, networking with other Montana attorneys, and earning free CLE credits for moderating seminars. Kate Ellis is the Board of Trustees Liaison. State Bar staff remains extremely helpful to the CLE Institute and the Bar, while still performing other job duties.

Fee Arbitration Committee

Ralph Steele, Chair

In 2021 three (3) of our members, in addition to the chair, Robert Erickson and Hon. Ingrid Gustafson, agreed to serve additional three (3) year terms. Upon Chris Gray's resignation after having served a number of years, Matthew Sack of Bozeman joined our Committee in September 2021.

In October, 2021, I met with Executive Director John Mudd, along with state bar staff members Ann Goldes-Sheahan, Sean O'Connor and Mike Larson who jointly share various aspects of fee arbitration and related duties. The subject areas discussed for future consideration and action include: 1) an overview and update of the fee arbitration rules, including a possible revision to Rule 5 addressing authority to issue discovery subpoena in the fee arbitration process; 2) establishing standing committee meeting dates, or alternatively, semi-annual meeting dates, and related use of Zoom technology; and, 3) the need to expand this committee's membership to include a greater number of judicial districts - currently the committee is composed of attorneys from Bozeman (3), Missoula (4), Billings (1), Helena (2) and Kalispell (1).

Given the current state of communication technology the Chair intends to reach out to members of the legal and business communities in eastern, central and the far reaches of southwestern Montana to seek their participation. In general, reports from several committee members reveals a decrease in fee arbitration matters filed and resolved through arbitration over at least the past five years.

I look forward to working with Ann and Sean and Director Mudd in seeking further improvement and efficiency of the Fee Arbitration Committee and the rules and processes afforded counsel and their clients under the Fee Arbitration Rules.

I will be attending at the Bar Leadership training segment to be held at the State Bar Convention later this month on September 22nd.

Ethics Committee

Eric Nord, Chair

In 2022, the State Bar Ethics Committee collaborated with Executive Director John Mudd and Disciplinary Counsel Pam Bucy to restructure and really reimagine the critically important role that retired bar counsel, Betsy Brandborg, had served as a resource on ethics questions for members who sought advice on emergent problems in their practice. For many years, Betsy had provided an invaluable and well-used “ethics hotline,” fielding calls, usually from lawyers in solo or small firm practices, where the lawyer faced circumstances that the lawyer recognized could implicate particular rules of professional conduct. Betsy provided expert consultative services on matters that, in her judgment, did not merit or justify involving the full ethics committee. When Betsy was away from the office on vacation or otherwise, the bar referred these inquiries to the ethics committee chair.

This process is well-grounded in the rules of professional conduct. Rule 1.6(b)(4) permits lawyers to disclose information relating to the representation of a client where the disclosure is necessary “to secure legal advice about the lawyer’s compliance with these Rules....”

Betsy and the ethics committee imposed certain limitations on the ethics hotline resource. Lawyers using this service were asked to agree that bar counsel would not be a witness or cited as an expert and that bar counsel was not “giving permission” for any contemplated action. Bar counsel also refrained from advising on any pending disciplinary matter or any active litigation where the particular subject of the call had been or would be submitted to the tribunal.

Betsy’s retirement presented both the opportunity and the imperative to formalize a process that had evolved informally and organically over time to meet a demonstrated need in the bar. This process now lives formally on the state bar’s website under the Ethics Resources tab at: montanabar.org/Membership-Regulatory/Ethics-Resources. There, members can make an “Ethics Inquiry to General Counsel’s Office,” following the guidelines and caveats set out.

Whether this new process satisfactorily substitutes for what had been a more personal, direct, and informal inquiry usually by telephone time and evidence of utilization will prove.

The committee also fielded several preliminary inquiries for ethics opinions, none of which matured into formal requests for a committee opinion. The committee did not meet formally either in person or by zoom during the past year, for the same reasons that prevented the committee from meeting in 2020 and 2021, namely the persistence of the pandemic, the absence of any formal requests for opinions, and the retirement of our “den mother,” Betsy. As we emerge from the pandemic restrictions and get our feet under us in Betsy’s absence, we are looking forward to a more active and productive 2023.

Judicial Relations Committee

Stuart Segrest and Eric Nord, Co-Chairs

The JRC put on the annual Bench-Bar Conference and CLE on April 22 in Great Falls. See attached agenda. This was the first live Bench-Bar CLE since the pandemic began, and was well attended, with over 200 live and virtual attendees.

The theme for the CLE was supporting and upholding the rule of law, and the panels were stacked with judges, attorneys, and professors. The three morning panels addressed different aspects of this timely and vital issue, which corresponds with the Trustees’ long-range goal to educate the public about, and support, the rule of law. The afternoon panels, in addition, covered more practice-based topics including trial and appellate advocacy and the state of the judicial system in Montana (tribal, state, and federal).

Justice Initiatives Committee

Lindsey Simon, Chair

The Justice Initiatives Committee (JIC) resumed monthly meetings in February 2022 after a long hiatus during the COVID-19 pandemic. JIC typically meets via Zoom at 12 p.m. on the fourth Wednesday of the month.

Current JIC members are:

- Justice Jim Shea, Montana Supreme Court
- Judge John Parker, Eighth Judicial District Court
- Stuart Segrest, Christensen & Prezeau, PLLP
- Patty Fain, State Bar of Montana
- Bill Bronson, William O. Bronson, P.L.L.P.
- Kayre Chatellier, Resolve It Now
- Hannah Cail, Department of Revenue
- E. Lars Phillips, Crowley Fleck PLLP
- Ellie Webster, Montana Legal Services Association
- Meri Althaus, Forward Legal, PLLC
- Niki Zupanic, Upper Seven Law
- Merle Raph, Toole County Attorney’s Office

State Bar Liaison: Ann Goldes-Sheahan

JIC currently has one opening that we are looking to fill.

Since reconvening post-COVID, JIC has worked to define its unique role in the Montana without duplicating the important work already being done by Montana Legal Services Association, the Access to Justice Commission, and other organizations in this State. JIC determined that since we are a committee within the State Bar of Montana, our focus should be limited to increasing pro bono participation among State Bar members.

Current issues/projects in the works with JIC:

1. Recruiting a new member, preferably from Eastern Montana or with tribal affiliations
2. Analyzing the results of the State Bar's Pro Bono report once it is available
3. Arranging for focus groups around the state with judges and members of the bar regarding pro bono work, to provide feedback to be analyzed by JIC
4. Flooding disaster relief efforts and coordination with the American Bar Association's Young Lawyers Division, MLSA, and FEMA
5. Looking into the possibility of a pro bono litigation fund in the State of Montana to assist with litigation expenses

Law-Related Education Committee

Anna Conley, Chair

This committee restarted this spring after relative dormancy relating to the pandemic. The committee has met every two to three weeks since May remotely. The committee has approximately 12 members. The committee is prioritizing getting the Citizens Law School up and running this fall, which will have 8 speakers doing remote sessions on various aspects of Montana law. Each session will be one hour via zoom on Wednesday night from 6:30 - 7:30 from Oct. 5 through November 30. The committee is also prioritizing restarting the Mock Trial program.

Technology Committee

Joe Sullivan, Chair

The Committee has not met nor taken any action over the past year. However, as we come out of our pandemic created hibernation, things are slowly starting to move again.

Brian Smith spoke with me in August and we agreed it was time to get the band back together. We will do so shortly by again starting regular meetings.

One loss to everyone, but especially this Committee, is the departure of Sam Alpert. Sam has moved on to new challenges and we wish him the best. He has agreed to help us in any way he can to assist in the transition of his absence.

Before he left he spoke with Dana Hupp. Dana will be transitioning into the chair position of this Committee. My current duties with the National Conference of Bar Presidents will make it difficult to run the Tech Committee this year. I will take on whatever role Dana desires (i.e. assist Chair) to make her transition as smooth as possible. I believe Dana's leadership of this Committee will result in great things happening.

Sections

Animal Law Section

Zack Strong, Chair

I. Officers

Chair: Zack Strong

Chair-Elect: Lindsay Abernethy

Secretary/Treasurer: William Rideg

Member at Large 1: Stacey Gordon Sterling

Member at Large 2: Francesca diStefano

II. Members

The Section currently has 28 active members.

III. Budget

The Section incurred no expenses over the last year and has a current balance of \$1,060.76.

IV. Activities

The Section held its second annual meeting via Zoom on June 24, 2022. The meeting was attended by eight Section members, one Montana State Bar Board of Trustees member, and one guest speaker. The guest speaker, attorney Kathleen Wood with the Animal Legal Defense Fund (ALDF), gave a presentation about ALDF's 2021 State Animal Protection Laws Ranking Report and how Montana's animal protection laws compare to other states' laws. Other discussion topics included the potential creation of a Section web page and potentially organizing a training for Montana prosecutors regarding MCA § 27-1-434 (pertaining to the cost of care of animals seized by law enforcement). [The meeting notes are provided with this report.](#)

FAMILY LAW SECTION

Amy Lord, Chair

The Family Law Section strives to organize and sponsor two CLE seminars each year, one addressing family law generally and the other diving into more advanced and complicated topic areas. We are offering a breakout session at the State Bar Annual Meeting in September.

Elected Officers

- The following people continue to serve as officers of the Section:
 - o Amy Lord, Chair
 - o Ryan Phelan, Vice Chair

- o Kay Lynn Lee, Secretary/Treasurer
- The Board of Trustees liaison is now Katie Keiser

Committees

- The Legislative Action Committee is not offering proposed legislative changes this session.
- The Handbook Committee is still working on a family law handbook
- The outreach committee is working on fielding questions or concerns from Section members and planning and hosting events
- The CLE committee works on the two large CLE seminars, periodic webinars, and identifying topics and speakers for future events.

Goals and Projects

The Family Law Section remains actively engaged in improving (or attempting to improve) the practice of family law for practitioners and pro se litigants. The section works to establish relationship with members, to encourage engagement, to provide peer support, and professional development.

HEALTH CARE LAW SECTION

Thomas Donohoe, Chair

The Section has had no new activity since the last report.

INDIAN LAW SECTION

Lillian Alvernaz, Chair

Chair: Lillian Alvernaz

Vice Chair: Dan Eakin

Secretary/Treasurer: Jarrett Wheeler

Members of the Council: Robin Turner, Jay Weiner, Deb DuMontier

Board of Trustees Representative: Beth Hayes

CLE

Indian Law Week CLE

Each year, the Indian Law Section (“ILS”) organizes a CLE the Friday of Indian Law Week, put on by the Native American Law Students Association (“NALSA”) at the Alexander Blewett III School of Law at the University of Montana (“ABIII”). Indian Law Week is held the week of the University of Montana Kyiyo powwow, the third week in April. Each Indian Law Week has a theme and the ILS CLE corresponds with the theme chosen by NALSA members. This year, our CLE was held Friday, April 22, 2022 with our Section annual meeting immediately following.

The ILS CLE opened with *Cultural Humility for Indian Law Practitioners*, a discussion on the boarding school era, its contemporary impact, and what practitioners should know and understand, by Ashley Trautman, Assistant Professor and School of Social Work Chair at the University of Montana. The second half of the afternoon was a panel discussion focused on *Significant Cases in Indian Country Today*, moderated by NALSA members. Haleigh Thrall moderated Alex Rate, Legal Director for the ACLU of Montana’s discussion on Yellow Kidney, et al. v. Montana Office of Public Instruction, et al., an overview of the class action lawsuit

challenging the state of Montana's failure to fulfill its constitutional mandate to teach public school students Native American history and culture in consultation with local tribes. Professor Kekek Stark, Assistant Professor, ABIII, discussed Texas v. Haaland, an overview of the high-profile constitutional challenge of the Indian Child Welfare Act, a law intended to protect the breakdown of Native American families, moderated by Brock Flynn. Finally, Denezpi v. U.S., an examination of the dispute regarding whether a Court of Indian Offenses conviction bars subsequent prosecution in United States federal court under double jeopardy by Professor Monte Mills, Assistant Professor, ABIII, and moderated by Kirsten Gerbatsch closed out the panel.

State Bar Annual Meeting CLE

In partnership with the Family Law Section, the ILS is helping to organize a CLE Friday, September 23, 2022. This CLE will focus on the Indian Child Welfare Act, potentially the most significant legislation to impact Indian people in the recent past. To begin, "ICWA 101" will set the stage for the remainder of the afternoon. To follow, "ICWA Jurisdiction, ICWA Requirements" will assist attorneys to understand the dual jurisdiction scheme outlined in ICWA to exhibit accurate issue-spotting when presented with a fact pattern, proceedings involving both voluntary and involuntary. Finally, "Tribal Court Practice, Culturally Responsive Practice" will include a discussion of the ethical obligations of attorneys practicing in tribal court settings, ethical obligations of attorneys in providing culturally responsive services to Indigenous families, and best practices in tribal court."

Eddy McClure Graduate Award Recipients

Co-recipients for the 2021-2022 Eddy McClure Graduation Award were Haleigh Thrall and Grace Singh. Both recipients are dedicated to the fields of Indian law and tribal law, as demonstrated through their studies, legal experience thus far, and passion. The Indian Law Section is grateful to have such strong advocates transitioning into the legal workforce.

Professor Monte Mills

The ILS is both sad to see our member Professor Monte Mills leave his position at ABIII, and happy for him to begin his new position at the University of Washington School of Law in Seattle, WA. Professor Mills has been a tremendous mentor to members of the ILS, and helped increase the bridges between ABIII and the ILS. We wish Professor Mills all the best in his new position!

Tribal Advocates Incubator Project

The Montana Legal Services Association reached out to the ILS for input and support for their Tribal Advocates Incubator Project. The ILS was able to support this novel Project and is excited to see it grow. The Project recruits, trains, mentors, and supports Tribal Law Advocates. Each Advocate will represent tribal members in Tribal Court. Access to justice is a huge issue all over the nation, but this need is exacerbated on reservations.

Moving Forward

This next year, ILS hopes to:

- *Build the relationship between ABIII and Tribal Courts.* Like states, each Tribe has a bar. Most tribes in Montana require practitioners to complete a Tribal Bar Exam. Students should

receive information regarding Tribal Bar Exams and the ability to practice in Tribal Courts to increase understanding of the legal process, dispel myths of Tribal Court practice, and support sovereignty of Tribes by practicing in their courts.

- *Showcase our knowledgeable and passionate members.* ILS is full of talented, impressive attorneys and advocates. We would like to begin hosting sessions featuring our members presenting on a topic they are knowledgeable about. These sessions will be open to the general public.
- *Coordinate with NALSA.* NALSA is likely ILS future leaders. It is imperative we support NALSA students in their efforts to promote the study of Indian Law and Tribal Law, along with issues affecting Indian country in general.
- *Bar exam preparation support.* ILS hopes to support qualifying students studying for the bar exam.

INTELLECTUAL PROPERTY LAW SECTION

Sarah Rhoades, Chair

Officers & Council Members

Chair: Sarah J. Rhoades

Chair Elect: Shane Coleman

Immediate Past Chair: Martin Rogers

Treasurer: open

Secretary: Dash DeJarnatt

Council Members: Mitch Vap, Bob Lukes, Toni Tease, Quinton King, and Bob Griffin

New Officers and Council Members will be elected and seated at the Annual Meeting on 9/21/22.

Meetings

1. December 8, 2021 Council Meeting via Zoom
2. February 9, 2022 Council Meeting via Zoom
3. April 13, 2022 Council Meeting via Zoom
4. June 8, 2022 Council Meeting via Zoom
5. August 10, 2022 Council Meeting via Zoom
6. September 21, 2022 Annual Meeting/Election of Officers (hybrid: in person and Zoom)

Primary Initiatives

1. ***Explorations Series Webinars:*** The IPL Section hosted four (4), free CLE webinar events throughout the term, which were approved for one (1) CLE credit each.
 - *Advanced TESS Searching* presented by USPTO Attorney Advisor Jason Lott (November 17, 2021) (~24 attendees);
 - *2021 IP Case Law Review – Developments in Trademark, Copyright, and Patent Law* presented by Shawn Leppo and Brian Gregg of McNeese Wallace & Nurick, LLC (February 3, 2022) (~77 attendees);
 - *Introduction and Instruction on the Copyright Alternative in Small-Claims Enforcement Act of 2020 (CASE Act)* presented by Copyright Office Claims Attorney Maya Burchette (April 20, 2022)(~44 attendees);

- *Practitioner Overview of New Nonuse Cancellation Proceedings Enacted with TMA* presented by USPTO Deputy Commissioner Amy Cotton (June 15, 2022)(~23 attendees).

The IPL Section reported CLE credits for Montana bar members seeking credit related to the above *Exploration Series* Webinars.

2. **Collaboration with Idaho IP Section:** The Montana IPL Section continued its collaboration with the IP Section of the Idaho State Bar members to attend the *Exploration Series Webinars* throughout the term. The Idaho IP Section also received CLE credit for their attendance at the webinars. The Idaho IP Section reciprocated and invited the Montana IPL Section members to a webinar about the new, European Unitary Patent System on June 16, 2022, which was approved for (1) CLE credit for Montana members.

3. **Collaboration with the BETTR Section:** With the help of the State Bar, the Section collaborated with the BETTR Section to co-sponsor an ethics presentation during the BETTR Section annual CLE. After organizing with Chair, Sarah J. Rhoades, Section Secretary, Dash DeJarnatt and ALPS Claims Attorney, Annie Harris presented *Succession Planning for Law Firms* in Helena on August 19, 2022.

4. **IP Day in Montana:** The Section's flagship event, *IP Day in Montana* has been on hiatus since the pandemic. This year, event planning is underway to host *IP Day in Montana* on December 7, 2022 at MSU in Bozeman. The Section, with the leadership of cofounder, Sarah J. Rhoades, Associate Member Karen Fullerton, and Council Member, Quinton King, is collaborating with MSU, the State of Montana, and the USPTO to build programming around the theme of Agriculture and Intellectual Property (Ag & IP). The Section is also exploring remote/online access for those that cannot attend in-person.

5. **Community Outreach:** In December 2021, Sarah J. Rhoades continued the Section's prior initiative to present a free Community Copyright Registration Workshop at the Missoula Public Library.

6. **Law School Graduation Award:** In 2021, the Section passed a resolution authorizing an annual graduation award of \$500 to the Alexander Blewett III School of Law at the University of Montana. The Section worked with the law school to establish factors in order to reward students that demonstrate commitment to, and enthusiasm for, the area of intellectual property law. For the 2022 graduating class, the award was shared equally by 2 students, Emily Bruner and Noah Hill and was presented to Ms. Bruner and Mr. Hill at graduation. The recipients attended the June 8, 2022 Council meeting to share their career plans and express their gratitude to the Section.

7. **IPL Section Microsite at the SBM:** The Section has been working with the State Bar and Sam Alpert to migrate the Section's microsite from the old website to the new State Bar of Montana website.

8. **Non-Lawyer Members:** The Section has accepted Law Student and Associate memberships since its establishment. With the assistance of the State Bar and its new website, the Section will have the ability to accept \$30.00 payment from lay-member members through the centralized shopping cart system. Law students may add the Section membership during their registration as a student member of the bar.

9. **Montana Secretary of State Initiative:** In May 2021 the Section provided trademark training to the Montana Secretary of State's Office. Today, the SOS has implemented important changes to processing of Montana trademark applications to comply with the law.

10. **Legislative Initiative:** During the 2021 Legislative Session, the Section worked with Rep. Katie Sullivan (HD 89) to introduce legislation to update the state trademark laws. The prior

legislation did not pass but with the help of the Lt. Governor’s office, the Section is exploring revisiting the initiative for the 2023 Session.

Income & Expenses (as of May 31, 2022)

Intellectual Property Section							
Income & Expense							
FY23 (April 2022 - March 2023)							
As of May 31, 2022							
Section Fund	Beginning Balance: 4/1/22	Dues Income FY23	Section Expenses FY23	CLE Revenue FY23	CLE Expenses FY23	CLE NET FY23	Ending Balance FY23
	\$3,763.42	\$1,140.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,903.42
Section Expenses					CLE Expenses		
					Total Expenses	0.00	
Total Expenses	\$0.00						
**Balances are subject to change due to income and expenses not received as of the date of this worksheet. There will be an Administrative fee assessed at fiscal year end for all sections. Currently your fee is calculated to be \$95.78 but is subject to change by year end.							

Projected 2023 Budget

Member dues for 2023	\$1,260.00
Graduation Award	-\$500.00
IP Day in Montana	-\$250.00
State Bar Administration Fee	-\$95.78
Net positive projection	\$414.22

Other Matters

At the annual meeting, the Section will be considering Amendments to its Bylaws. In case of approval, the IPL Section will be asking the Bard to approve the amendments at the next Board of Trustees meeting.

NATURAL RESOURCES, ENERGY & ENVIRONMENTAL LAW SECTION

John Meyer, Chair

The Natural Resources, Energy & Environmental Law Section (“Section”) submits its annual section report for 2022 to the State Bar of Montana Board of Trustees as follows:

Activity from last year:

Annual CLE: The Section held its sixth straight annual CLE on April 7, 2022. Due to the ongoing impacts of COVID-19, the Section elected to present the conference in person and via a live, remote platform (Zoom). The CLE was well attended (96 participants) and brought in a variety of speakers and attendees practicing in the areas of natural resources, environmental, and energy law. The CLE was organized by the Section’s Council members with assistance from the State Bar. We would like to thank the State Bar’s IT personnel for their assistance in making this program a success. We are currently working with the State Bar’s IT to offer the recorded CLEs for sale on the website.

Annual Meeting:

A general meeting of the Section was held April 7, 2022, in conjunction with its annual CLE. At this meeting new Officers and Council members were elected.

At the conclusion of the meeting, the Section Council was as follows:

- John Meyer, Chair (term out 2024)
- Lara Guercio, Vice Chair (term out 2024)
- Aubrey Bertram, Secretary-Treasurer (term out 2024)
- Jay Weiner, Board of Trustees Representative (term out 2024)
- Hallee Frandsen, Council Member (term out 2024)
- Terisa Oomens, Council Member (term out 2024)
- Melissa Hornbein, Council Member (term out 2024)
- Lucas Hamilton, Council Member (term out 2024)

Cremer Graduation Award: Board of Trustees Representative Jay Weiner sits on the panel at the law school helping to grade papers for this award given for the best law student paper on environmental law. This year, the award was given to Kristen Gerbatsch for her paper “Treaty-Based Climate Change Claims: Litigation Pathways in the Face of Cultural Devastation.” The Section encourages the award recipient to condense his or her paper for consideration for publication in the Montana Lawyer.

State Bar Annual Meeting:

The NREEL Section has previously presented a breakout session at the State Bar Annual Meeting. The Section was not asked to do so this year. The Section would be interested in the possibility of presenting at next year’s Annual Meeting.

Goals, Projects or Objectives Planned for Next Year:

1. The Council agreed that it plans to organize another annual CLE, tentatively set for early- April 2023.
2. The Section has sought to increase its involvement with the law school and plans to continue doing so this next year as well.
3. The Section Council is discussing ways to increase informal gatherings and information sessions with Section members (e.g., planning social gatherings or information presentations in cities across Montana).

PARALEGAL SECTION

Jennifer Allen, Chair

The Paralegal Section held its annual 2021 meeting and CLE on September 8, 2021 during the State Bar Annual Meeting in Missoula. Out CLE was very well-attended thanks to Sam, Zoom, and the wonderful tech people who made it all possible.

Paralegal Section Board:

The current Board members are as follows:

- Section Chair – Jennifer Allen
- Vice-Chair – Vacant
- Secretary/Treasurer – Kathy Clark
- State Bar Liaison – Renee Wayne
- Professional Development Officer – Susan Marshall
- Member-at-Large – Greg Dupuis

Paralegal Section Activities:

- The Paralegal Section is sponsoring a 3-hour CLE on September 23, 2022, at the Delta Colonial Hotel in Helena. Our Annual Meeting and election of new officers will follow immediately thereafter.
- The Paralegal Section By-Laws were amended so the definition of “Paralegal” is the same as the ABA definition.

PUBLIC LAW SECTION

Michael Kakuk, Chair

Since the 2021 annual report, the Public Law Section has organized two free CLEs for its members (and the general public). On September 15, 2021 we held a one-hour CLE in our “Legislative Update” series. Montana Department of Environmental Quality Chief Counsel Angie Colamaria presented on several key changes to environmental laws in Montana. In addition, on March 11, 2022 we hosted a CLE on Ethical State Procurement. Michele Snowberger from the Department of Administration presented this CLE, which provided 1.5 ethics credits.

We are also putting together three CLEs for the upcoming annual meeting of the Montana State Bar. We are currently planning a panel discussion on the Montana Administrative Procedure Act, a presentation by new U.S. Attorney Jesse Laslovich on the U.S. Attorney’s Office for the District of Montana, and a panel presentation on who is the client when representing government agencies.

The Section’s annual meeting will be held before the end of the calendar year. We need to fill at least one councilmember seat, and possibly more. The current section leadership is:

Chair: Michael A. Kakuk
Secretary-Treasurer: Carol Lassila
Councilmember: Deborah Butler
Councilmember: Rebecca French
Councilmember:

The bylaws are posted on the Section library on the State Bar website.

According to the Bar website, the Public Law Section currently has 89 members.

Goals:

The Section will continue to host free CLEs. The Section will also continue working on its website and listserv, to provide Section members with an easy way to communicate with each other and share resources.

PUBLIC UTILITIES LAW SECTION

Shannon Heim, Chair

The Public Utilities Law Section was approved in February 2021 to provide Montana's lawyers, regulators, legislators, and other professionals in public utility-related fields with opportunities to learn about and become more competent with respect to a myriad of federal and Montana statutes, regulations, and case law pertaining to utilities subject to the jurisdiction of the Montana Public Service Commission.

Officers

Chair: Shannon Heim

Chair-Elect: Jacque Papez

Secretary-Treasurer: Anna Kecskes

Member-at-Large: Mike Green

Member-at-Large: Open

Members

There are 24 active members of the Section.

Activity

The Section hosted the following CLEs since our last Annual Report. Each CLE was held virtually and was well attended.

- Navigating the Perils of Protective Orders, September 2021
- Impact of the Right to Know on Agency Treatment of Confidential Business Information: Agency Approaches and Alternatives, October 2021
- Legal and Regulatory Challenges for Siting Transmission, November 2021
- Cold FERC Winter, February 2022
- Ethics for Public Utility Lawyers, March 2022

Budget

The Section's account currently contains \$1,821.

2022 Bench Bar CLE Agenda:

- **8:00am - 8:30am: Breakfast**
- **8:30am - 9:00am: Rule of Law overview: How Our Constitutional Separation of Powers System Works**
 - Presenters: Hon. Pat Cotter, Former Justice, Montana Supreme Court; Professor Anthony Johnstone, University of Montana Blewett School of Law
- **9:00am - 10:30am: Upholding the Rule of Law: How to Restore and Increase Public Confidence in Our Justice System**
 - Panelists: Hon. Carolyn Ostby, Former U.S. Magistrate Judge for the District of Montana; Hon. Elizabeth Best, Eighth Judicial District; Tim Fox, Former Attorney General of Montana; Marc Racicot, Former Governor of Montana
- **10:30am - 10:45am: Break**
- **10:45am - 12:15pm Striking the Balance: The Responsibilities of Lawyers and Judges to Uphold and Support the Rule of Law**
 - Panelists: Hon. Laurie McKinnon; Supreme Court of Montana; Hon. John Parker, Eighth Judicial District; Jeffrey Sherlock, Former First Judicial District Judge; and Anna Conley, Missoula County Attorney's Office
- **12:15pm - 1:15pm: Lunch**
- **1:15pm - 2:15pm: Trial Advocacy Panel**
 - Panelists: Hon. Shane Vannatta, Fourth Judicial District; Hon. Amy Eddy, Eleventh Judicial District; and Hon. Matthew Cuffe, Nineteenth Judicial District; and Natasha Jones, Boone Karlberg P.C.
- **2:15pm - 2:30pm: Break**
- **2:30pm - 3:30pm: Appellate Advocacy Panel**
 - Panelists: Hon. Ingrid Gustafson, Montana Supreme Court; Hon. James Rice, Montana Supreme Court; Matt Cochenour, Montana Department of Revenue; Leif Johnson, U.S. Attorney, District of Montana; Stuart Segrest, Christensen & Prezeau, PLLP
- **3:30pm - 4:30pm: State of the Judicial System in Montana**
 - Panelists: Hon. Tim Cavan, U.S. Magistrate Judge for the District Court of Montana; Hon. Ingrid Gustafson, Montana Supreme Court; Hon. Rod Souza, Thirteenth Judicial District; Hon. Stacie Four Star, Fort Peck Tribal Court; Georgette Boggio, Elk River Law Office

State Bar of Montana
Animal Law Section
2022 Section Meeting
June 24, 2022
12:00pm – 1:00pm

Minutes

Attendees: Francesca diStefano, Beth Hayes, Kasey Kimball, Lee McKenna, Robin Pfahl, William Rideg, Stacey Gordon Sterling, Zack Strong, Kathleen Wood, Korin Ziegler

1. Welcome and brief introductions

2. Reports of Officers

a. Acting Chair

i. Report on Section activities since Nov. 2020 annual meeting

Zack reported that Section activities included:

- Bylaw amendment: The Section amended Article 3, Section 3 of the bylaws to allow student membership for any student at an accredited university or law school.
- Legislative session: The Section monitored several animal-related bills during the 2021 legislative session. The Section did not testify on any of the bills, but two members testified on bills on behalf of their organizations.
- Presentations: Two Section members gave presentations to University of Montana Law School Professor Sandra Zellmer's Wildlife Law students.

ii. Elections

Elections were unnecessary, because only one person volunteered for each of the three open Council positions. As a result:

- Stacey Gordon Sterling will serve as one of the two Members at Large;
- Lindsay Abernathy will serve as Chair-Elect; and
- Zack Strong will serve as Chair.

Each of these Council members will serve for a term of two years in their respective positions. William Rideg will serve the remainder of his term as Secretary-Treasurer. Francesca diStefano

will serve the remainder of her term as one of the two Members at Large. Please let Zack know if you are interested in serving in a Council position in the future.

b. Secretary-Treasurer

i. Report on Section balance and expenditures

Bill reported that, as of April 30, the Section had a balance of \$1,060.76, as a result of income from membership dues collected during FY22 and FY23. The Section has not yet had any expenses.

3. Presentation

a. Presentation by Animal Legal Defense Fund (ALDF) staff attorney Kathleen Wood regarding ALDF's 2021 State Animal Protection Laws Ranking Report and how Montana compares to other states.

b. Q&A

Thanks again to Kathleen Wood for her presentation. Please let Kathleen or Stacey know if you have any suggestions for prosecutors or others in Montana who could review ALDF's draft Montana Farmed Animal Cruelty Prosecution Guide (for examples of other states' guides, please see [here](#)).

4. New Business

a. Section logo

Bill presented a proposed Section logo. A motion was made and seconded to adopt the logo. A majority of Section members in attendance voted to adopt the logo. Thanks to Bill for his work developing the image. It is attached with these notes.

b. Section listserv

Zack reported that he had spoken with Montana State Bar IT Director Sam Alpert about the pros and cons of creating a Section listserv. Section members agreed that it would make sense to establish a listserv. Zack will follow up with Sam about doing so.

c. Section website

Zack reported that he had also spoken with Sam about creating a Section webpage. Sam offered to hold a training for up to three Section members to teach them how to develop and maintain a

webpage. Zack, Stacey, and Bill expressed interest in attending the training. Zack will follow up with Sam about scheduling a time for the training.

d. CLE/webinar ideas

Stacey presented her idea that the Section could hold a webinar training for one or more County Attorney offices regarding Montana's cost of care statute (MCA § 27-1-434). Section members agreed that we should look for an opportunity to do so in the coming months.

e. Other section activity ideas

We did not have time to discuss this item.

5. Good and Welfare/Question and Answer

We did not have time to discuss this item.

Event Revenue

<u>Event Code</u>	<u>Event Name</u>	<u>Date</u>	<u>TotalRevenue</u>
22CLESKI	2022 CLE & Ski	1/14/2022	\$56,330.00
TestEvent	Test	2/3/2022	\$01.00
22WLS1	WLS CLE Series 1: History of Title IX	2/4/2022	\$1,560.00
22WLS2	WLS CLE Series 2: Framework for Addressing Title IX Claims	2/11/2022	\$1,190.00
22WLS3	WLS CLE Series 3: Title IX Under Betsy Devos: Impacts and Changes	2/18/2022	\$1,040.00
22PUL0223	Public Utilities Law Section: Cold FERC Winter	2/23/2022	\$420.00
22WLS4	WLS Series CLE 4: Title IX in Your Everyday Practice	2/25/2022	\$980.00
2203YABACLE	YABA CLE: Judge's Panel with Judge Brett Linneweber	3/25/2022	\$2,395.00
2203NLSCLE	Pitfalls in Lien Acquisition and Perfection	4/1/2022	\$1,800.00
22NREELCLE	2022 Trends in Montana Natural Resources, Energy & Environmental Law CLE	4/7/2022	\$17,700.00
22RealEstate	2022 Real Estate CLE at Fairmont Hotsprings	4/15/2022	\$15,160.00
22BenchBar	2022 Bench Bar CLE in Great Falls	4/22/2022	\$40,490.00
YABAEntitySelect	Entity Selection for Real Estate Ownership	4/29/2022	\$1,860.00
22YABAPitfalls	YABA CLE Pitfalls in Lien Creation and Perfection	5/4/2022	\$1,480.00
22LPBC	2022 Law Practice Bootcamp	5/5/2022	\$5,400.00
220513YABA	Medical Malpractice: The Montana Medical Legal Panel and Tort Reform in Montana	5/13/2022	\$1,975.00
22CELTICCLE	2022 Celtic CLE in Cork, Ireland	5/30/2022	\$16,000.00
22CLEBREATHE	2022 CLE & Breathe	6/10/2022	\$4,700.00
22BANKRUPTCYCLE	2022 Bankruptcy Section Annual Meeting and CLE in Big Sky	7/28/2022	\$20,925.00
22BETTRCLE	2022 BETTR Section CLE	8/19/2022	\$10,500.00
ManagingMoney	Managing Money	9/16/2022	\$75.00
22BLT	2022 Bar Leadership Training	9/21/2022	\$00.00
BeforeCourt	Webinar: Before the Court	9/21/2022	\$175.00
22NLWS	2022 New Lawyers' Workshop	9/22/2022	\$00.00
22ANNUALMEETING	2022 Annual Meeting	9/22/2022	\$26,860.00
KeepingSanity	Keeping Sanity: Mental Health for New Lawyers	9/30/2022	\$50.00

Event Revenue

<u>Event Code</u>	<u>Event Name</u>	<u>Date</u>	<u>TotalRevenue</u>
2022	2022 Test	10/1/2022	\$05.00

27 Events with total revenue: \$229,071.00