

# THE ATTRACTIVE NUISANCE

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## 2013 Officers:

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## The President's Message

*By Brian Joos, Esq.*

The catch-phrase “work/life balance” poorly describes what is presently one of the most pressing and widely discussed issues amongst attorneys. After all, our work and our lives are not two separate and mutually exclusive things; an attorney’s work is one part of the attorney’s life. Excluding one from the other deprives us of the interconnectivity needed to make our jobs play well together with the other important things in our lives.

While I do not believe anything I just said to be false, I do believe that it highlights one of the major difficulties that lawyers have in achieving so-called “work/life balance.” the law trains us to be critical, to communicate the faults in whatever comes before us in a detached and analytical fashion. It trains us to make negative, judgmental arguments about what people should have done but failed to do in a given situation.



This adversarial negativity often bleeds into the other areas of our lives, and no doubt it contributes to the sobering statistics we have all heard. Lawyers are 3.6 times more likely to have depression during their careers than any other profession, one in four lawyers suffers from depression, substance abuse or addiction severe enough to impact his or her practice, those who begin to practice law have an attrition rate of nearly 20 percent, etc. These problems are almost universally attributed to the adversarial and negative nature of the profession combined with the long hours many of us work.

Of course, there is no easy solution to the work/life balance issue. Indeed, the law seems particularly inhospitable to it because so many lawyers charge for their services by the hour, which means that an attorney’s economic value is measured by the length of the

## Upcoming:

**March, 2013:**

Mediation CLE  
by *Michael Viscomi*

hours he or she works. Even so, there is at least one thing that can be done in the face of all this.

To me, that thing is both the most important and the most difficult to accept: that I will be criticized no matter what I do. By nature, the law is largely subjective, and so most of the time no two attorneys will agree to any one approach. In litigation, this means that no matter what I file with the Court, my co-counsel will have comments about what I should have included or what I should have left out. The attorney on the other side will have responses to the effect that I have misstated the facts and misinterpreted the law. These things will happen no matter what I do and no matter how many hours I spent on the document I filed. The more easily I can accept this rather than wasting time trying in vain to prevent it, the more efficiently and contentedly I can work, the less time each task will take, the more time I can spend with my family, and so on.

But this criticism comes not only from external sources, but also from myself. If I stay at work, I convince myself that I should have spent more time with my wife and baby son instead, and I dread the disappointed look I'll get when I walk in the door later than expected. If I go home, I worry about what thirty more minutes of work might have done to improve my latest brief, or about the disappointed look I got when another attorney in the firm saw me leaving after a measly nine hour day.

Personally, I believe that the crux of it all is that we attorneys should just own it. As individual lawyers, we must take responsibility for the choices we make about how we spend our time. We need to accept compromise and flexibility at work as indispensable elements of having a life outside the law, and to set and follow our own priorities and be honest about them with the people we work with. I must exert the force of will to do these things instead of blaming my job for forcing me to work long hours, or casting fault on my wife for being too demanding of my time or not sufficiently understanding about the demands of my job. If I accept these decisions, it may be easier for others to do the same, but at the very least, it will be better for me. I know that this is far, far easier to say and to imagine than to do, but it's never too late to start.



Have a suggestions for a MYSTERY PROFILE in an upcoming newsletter? If so, please contact Kim Christopherson at 752-1100 or at [ktc@talktomylawyer.biz](mailto:ktc@talktomylawyer.biz)

## **Suggest a CLE Topic**

One aspect of the local bar association that we're most proud of is the monthly meeting with a CLE presentation. Each month, our CLE committee works hard to find a new and interesting topic to bring to the membership. And we're always interested in suggestions. If you've recently attended a CLE you think the NWMT Bar Association would benefit from, let us know. Or, if you'd like to present in your area of expertise, we're always open to that as well.

Email suggestions to John Wagner at: [johnmwagner@hotmail.com](mailto:johnmwagner@hotmail.com)

## **Local Rules Committee Forms**

The Northwest Montana Bar Association is pleased to announce that the newly formed Local Rules Committee will meet for the first time on March 5, 2013. The committee will perform the much needed task of re-examining and revising the local district court rules. Committee members include Brian Joos, Judge David Ortley, Dani Coffman, Brent Getty, Sean Frampton, David Sandler, Amy Eddy, Kay Lynn Lee, Bruce Fredrickson, and Randy Ogle.

If you have comments or suggestions for the revision of particular rules or the addition of new ones, please email them to [brian AT morrisonframpton DOT com](mailto:brian AT morrisonframpton DOT com) with the subject heading "LOCAL RULES."

## **NWMT Bar Proposed Budget**

At the end of this month's *Attractive Nuisance* is the proposed budget for the bar association. Please review the budget and be prepared to vote on it at Monday's meeting.

## **Best Ad Space in Town**

Did you know that you can reach the entire Northwest Montana Bar Association for only \$15.00 per month? Looking for more referrals or have a service to offer other lawyers? You really can't beat the price.

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**MARCH 2013**

## **The Christmas Party!**



### **MYSTERY PROFILE**

This Montana native spent his formative years in what is now known as “The Garden City of the Northwest.” While there, our colleague became a top dirtbike rider, besting all competition in younger age groups. Later in life, while this now-attorney’s ambition in going to law school was to become a tennis bum, this NW MBA member ended up battling the elements in a desert survival course filmed by National Geographic. These days, you may find this lawyer around town “celebrity bartending” for charity events or strolling about in the middle of winter with kings, queens, and prime ministers. Who is this person?



## **What's Up at the State Level?**

### **CLE Changes.**

The Supreme Court Commission on Continuing Legal Education filed a petition in January, requesting Rule amendments. The proposed amendments will end the SAMI requirements, change the calculation of ethics credits (instead of five credits over three years, it will be two ethics credits each year), SAMI-type programs will count, but they won't be a separate requirement. Ethics credits cannot be carried forward from year to year. The CLE Commission proposed to approve "practice management" content strictly about law office management. The CLE Commission is holding to its requirement that CLE programs be a minimum of thirty minutes in length. The State Bar filed comments with the Court, only requesting clarification on the thirty minute minimum, since the "hot topics" CLEs at the Annual Convention are frequently fifteen minutes in length. A decision by the Court is expected sometime this spring.

### **Closing of Practice Rule.**

On January 29, the Supreme Court held a public meeting and forum on various issues, including the proposed change to ODC Rule 33, the "closing of practice rule." The Court received numerous comments and will likely issue a rule somewhat different than ODC's proposal. But do expect a rule authorizing ODC to take over and close practices of disabled or deceased solo practice attorneys.

### **Mandatory Pro Bono?**

Last September 9, 2012, the Supreme Court has requested comment on its proposal to require fifty hours of pro bono service prior to admission to the State Bar of Montana. This would apply to graduating law students as well as those seeking admission from another state. The new Access to Justice Commission appointed a subcommittee to study and make recommendations. Randy Snyder is a member of the Commission and subcommittee studying the proposal. Snyder has already advised committee members that Bar members are nearly unanimously opposed to such a proposal. At an appropriate time, the Executive Committee of the Northwest Bar will propose a resolution to oppose the proposal and to file an official comment with the Supreme Court in opposition. For now, we are awaiting action by the subcommittee and the Access to Justice Commission.

### **State Bar Leadership and Local Bars.**

The State Bar Executive Committee has held its meetings in various locations around Montana (including Kalispell) and has invited local Bar officers to meet with them to exchange ideas and information. The State Bar Executive Committee is continuing this mission. Additionally, the State Bar is sponsoring a Leadership Institute in Helena for local bar presidents on April 26. NW Bar President Brian Joos will attend. They'll have an opportunity to meet and exchange with one another as well as receive tips and advice on Bar leadership matters.

## **Legislative Oversight & Lobbying.**

The State Bar Executive Committee continues its weekly telephone conferences, reviewing proposed legislation of relevance to our members and the judiciary. Please see:

<http://www.montanabar.org/displaycommon.cfm?an=1&subarticlenbr=349>

for the position taken on subject bills.

Briefly, HB 252 which will require that notary journals be delivered to the Secretary of State's Office will likely pass, despite the State Bar's opposition to it. Jerry O'Neill's HB 290 to allow juries to be the judges of law and fact has again failed to pass second reading in the House and is dead. The State Bar opposes HB 467 which would require licensed attorneys to be justices of the peace in the districts where they are a court of record (doesn't affect Flathead County). The State Bar is again opposing changing the laws relating to district court judge disqualification in SB 85 (requiring a statement of grounds and \$500.00).

## **Applications to Law School.**

Most of us are aware of the significant drop-off in applications to law schools. Nationwide, applications are down 22% from average, for the class enrolling in the fall of 2013. This may eventually result in some private law schools closing. Other schools may reduce enrollment and staff. Schools that can afford to do so are offering reduced tuition and scholarships. A very few schools (mostly private) have reduced admission standards. Bucking this trend, U of M Law School applications have increased 10% over last year. The school saw a peak of 511 applicants (for an incoming class of 84), which fell to 325 between 2010 and 2012. The most dramatic drop was out of state students; in State applications have remained consistent. The U of M Law School was ranked number seven in 2012's top ten Best Value Law Schools. This is an especially important time to support our local law school and to encourage qualified applicants to apply.

As always, I send me comments, cards and letters. Let me know your thoughts to continue our representation at the State level or contact Marybeth Sampsel, our local trustee.

Randy Snyder  
President-Elect 2012-13

**MARCH 2013**

# MEDIATE!



**Michael A. Viscomi, Esq.**

Attorney • Mediator • Arbitrator

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**MARCH 2013**

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**(406) 257-8909**

**NORTHWEST MONTANA BAR ASSOCIATION  
P.O. Box 2272  
Kalispell, MT 59903-2272**

**2013 MEMBERSHIP FORM**

**Attorney Name:** \_\_\_\_\_

**Firm Name:** \_\_\_\_\_

**Street/P.O. Box:** \_\_\_\_\_

**City, State ZIP:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Fax:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Check Amount:** \_\_\_\_\_

**Check Number:** \_\_\_\_\_

**Please remit \$50.00 along with your completed Membership Form  
to the address above by April 1, 2013. Checks should be  
made payable to “NWMBA.”**

### **2013 NWMBA PROPOSED BUDGET**

CLE Room Fee	\$ 450
CLE Speaker Stipend	\$ 1,000
Entertainment: Christmas Party	\$ 2,500
Entertainment: Summer Social	\$ 600
Donations: Montana Sky Court Internet	\$ 475
Charitable Donations: CASA	\$ 500
Charitable Donations: Annual Pro Bono	\$ 300
Gifts/Awards	\$ 500
Court Copier Lease Fees	\$ 3,800
Court Copier Supply Expenses	\$ 150
Business Supplies	\$ 100
Miscellaneous	\$ 500
<b>TOTAL</b>	<b>\$ 10,875</b>

### **ANTICIPATED ANNUAL INCOME:**

Annual Dues	\$ 4,650.00
Newsletter Ad Income	\$ 75.00
Christmas Party Income	\$ 1,250.00
Court Copier Income	\$ 3,700.00
<b>TOTAL</b>	<b>\$ 9,675.00</b>