

# THE ATTRACTIVE NUISANCE

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## The President's Message

*By Brian Joos, Esq.*

**According** to the ABA, the average student loan debt in 2011 for a graduate of a public law school was \$75,728, while private law school graduates had an average debt of \$124,950. These numbers exclude debt from student loans for undergraduate education, which averaged \$22,900 in 2011. This means that the average public law school grad in 2011 began his or her legal career with an astonishing \$98,628 in student debt, and that half of all public law school grads had even more debt than that. Compare this debt load to the average starting income for a first-year attorney in Montana.

With the lion's share of that debt representing legal education, it seems to me that the first question we should ask as members of the bar is this: in exchange for this crippling debt load, do our law schools actually provide fresh lawyers with the skills and knowledge they need to practice? I think we kid ourselves with any answer but a resounding "no." My own experience as a first-year lawyer made

abundantly clear that I knew almost nothing about the practical aspects of my job, and what little knowledge I did have, I gained as a summer intern at an actual law firm and not in school.



I do not mean at all to say that law school is useless. At the very least, the first year provides students with immersion into a complete system of thought, entirely foreign to laypeople, that lies at the center of our practice. I went to a well-respected private, catholic law school, a place probably more old-style than most. I recall standing in a lecture hall, sweating, as

my Torts professor, an ex-marine and JAG officer, drilled me in front of my seated classmates about a case I had read three times and briefed carefully, but evidently knew nothing about because I had been paying attention to the wrong details. This kind of immersion, while perhaps a bit draconian, motivates some students and results in a degree of fluency in the system that is our law, and can be a good first step toward becoming a lawyer. However, what do years two

## Upcoming:

May 6, 2013

Suicide Prevention  
by Mike Larsen

and three provide to build upon that basic foundation? Do fresh law school grads present a large pool of fresh talent that we can bring on board in our practices and have send out discovery, draft contracts or wills, take depositions, or cover hearings starting on day one?

What if they did? There is no reason why the second year could not consist of practical courses and training on, for instance, how to recognize and assert objections quickly in court or at depositions; how to prepare a contract tailored to the specific needs of your client and current law, etc. There is no reason why the third year could not consist of clinic work, essentially a year of the actual practice of law under the guidance of law professors. Perhaps then a new law school grad could truly walk out the door with more of what is necessary to practice. Or what if law school consisted of only that first year? Taking and passing the bar exam would certainly be possible without years two and three, and that could cut the average \$75,728 debt to a more manageable \$24,990.24.

For me, the bottom line is this: all of us, as members of the bar, could stand to benefit if new grads had more of the skills they need after three years of law school and had less debt load to service when they emerged. With this disturbing level of debt load, we should not hesitate to push for some kind reform. It's been my experience that law schools are generally filled with well-meaning people, and there's no reason we can't convince them to oblige.

## ALERT!

There is currently a scam going on involving an innocent third-party realtor and a person who represents himself as being from China (or other country) and desiring to purchase land in Montana. Once the attorney agrees to represent the "buyer," the buyer sends a check for a very large sum, which he represents is for the retainer, inspection fees, and the lawyer's retainer.

The check is drawn on a Canadian bank, and appears to be issued by a city in Ontario; however, the contact numbers on the cover letter for the check are all Florida numbers. The check is fraudulent, as confirmed by the Chief Financial Officer of the Canadian city. A similar scam with these same parties has occurred throughout the United States this year.



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)

## State Bar Trustee's Report

39th ANNUAL MEETING. The State Bar of Montana Annual Meeting is being held in Helena, September 18th through 20th. The Annual Meeting is a great opportunity to earn 10.5 CLE credits (including 2.00 Ethics Credits). Most importantly, the Annual Meeting is a chance to mix and mingle with attorneys from across the state. There will be a keynote address by William H. Neukom, the Founder and Chief Executive Officer of the World Justice Project.

The Annual Meeting will also feature Oral Argument in front of the Montana Supreme Court on two pending cases – State of Montana v. Jill Marie Lotter and Lincoln County Port Authority v. Allianz Global Risks U.S. Insurance Company.

If you have never attended an Annual Meeting before, I strongly recommend making it this year. There is no better chance to connect with your State Bar, meet other attorneys, and talk about the legal issues throughout the state.

As an exciting bonus, you will be able to witness the handing of the gavel to our very own Randy Snyder, as he takes over as President from outgoing State Bar President Pam Bailey.

Register online at [www.monatnabar.org](http://www.monatnabar.org) or contact the State Bar at (406)442-7660.

**ELECTION RESULTS.** Billings attorney Mark Parker has been elected as the President-elect of the State Bar and Helena attorney Bruce Spencer has been elected the Secretary-Treasurer. Mr. Parker practices law at Parker, Heitz & Cosgrove, P.L.L.C. In addition to his practice at Smith Law Firm, P.C., Mr. Spencer has been the lobbyist for the State Bar of Montana for the last two legislative sessions. Meet Mark and Bruce at the 39th Annual Meeting in Helena and offer them your congratulations.

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## This Month's CLE Presentation

### Tax Law That Impacts the General Practitioner, by Kent Saxby.

Kent will discuss income tax issues that arise in marital dissolutions, including issues involving income tax filing status, claiming exemptions for dependents, property transfers between spouses or former spouses, alimony related issues, and issues related to the principal residence. He will also address general income tax issues which involve businesses and the sale of capital assets and business assets, very basic gift and estate tax considerations, and as time allows, issues related to the dischargeability of income tax liabilities in a bankruptcy.

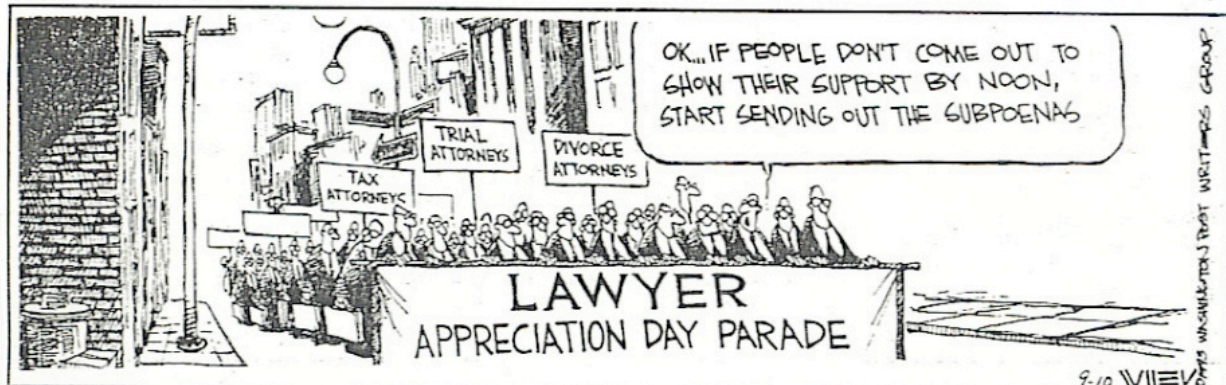
## News About Members

Viscomi & Gersh, PLLP is pleased to announce the addition of **Brian M. Joos** as an associate. The firm's contact information remains as follows: Viscomi & Gersh, PLLP, 121 Wisconsin Avenue, Whitefish, MT 59937. Phone: 406-862-7800. Fax: 406-862-7820.

Kalispell attorney **James H. Cossitt** will be speaking on bankruptcy ethics issues at 2 separate panels over the next few weeks. Cossitt, who is board certified in both consumer and business bankruptcy law, recently completed a 2 year term as a member of the National Ethics Task Force of the American Bankruptcy Institute. While on the Task Force, Cossitt chaired the consumer subcommittee, which prepared reports on: 1) Limited Scope of Representation; and 2) Competency for Debtor's Counsel in Consumer and Business cases. Also, Mr. Cossitt will be a panelist on a live webinar entitled: "The Complex Requirements and Ethical Duties of Representing Consumer Debtors" presented by ABI's Consumer Bankruptcy Committee. Cossitt and other nationally recognized ethics experts will discuss the ethical and compensation issues that arise while representing chapter 7, 11 and 13 debtors.



### NON SEQUITUR



SEPTEMBER 2013

# MEDIATE!



Michael A. Viscomi, Esq.  
Attorney • Mediator • Arbitrator

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**2013 MEMBERSHIP FORM**

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