

THE ATTRACTIVE NUISANCE

In This Issue:

President's Message:
Page 1

Upcoming Bar Elections:
Page 2

Save the Date:
Page 2

Trustee's Report:
Page 3

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The President's Message

By Brian Joos, Esq.

It would never occur to some of us to arrive at home after a long day of dealing with joint tenancy agreements and the evaluation of prescriptive easement rights only to snuggle up on the couch with a novel about the legal profession. But sometimes, and I mean literally only once amid maybe twenty other choices, I find that I do precisely that. For this reason, I took notice recently when the ABA journal released its list of the 25 greatest law novels of all time.

The list opens with Jane Gardam's Old Filth. No one could ignore Ms. Gardam's ethereal writerly gifts; her prose massages the mind in an extraordinarily pleasurable way even as the novel launches into a depressing indictment of the legal profession through a detailed portrayal of the dark end result of a man's decision to devote his life to the practice. Lost and broken, the protagonist makes desperate attempts to connect on a personal level with a series of people from his past, but inevitably resigns himself to miserable failure. As awful as all of this might sound, the thing is

an absolute masterpiece. It just surprises me that the ABA would select such a book as the face of the list, the title all readers see first. Perhaps they think of it simplistically as some kind of cautionary tale about work-life balance.



However, the list does pay homage to some of those tired old reads people keep around to remember some so-called golden age of the profession that no longer exists: The Ox-Bow Incident, Anatomy of a Murder, QB VII, The Caine Mutiny, etc. I'm sure that they would have included Clarence Darrow for the Defense were it a novel.

But among these kinds of non-surprises are some great classics about which many may have forgotten, including Alexandre Dumas' The Count of Monte Cristo. If you ever need a story to remind you of the law's context among, say, long-established systems governing social class, economics, and political power, look no further. I find The Count of Monte Cristo to be the ultimate revenge story, but the supreme irony is how "Monte Cristo" tries to achieve this revenge.

And of course The Handmaid's Tale by Margaret Atwood rightfully has a place on the list, though many would not classify it as a law novel. While critics often dismiss it as feminist propaganda, a careful reading reveals a nuanced dystopia, a world scary even for men, that could be created with a few constitutional tweaks here and there. I can understand why the ABA would want on the list a book like this to underscore the importance of our foundational legal documents.

But more broadly, I'm pleased that the ABA would release such a list because it demonstrates an awareness of context, an acknowledgment that the legal profession does not operate in a vacuum, but amidst a thriving culture, and that those of us within it should be more aware of what attention it receives in that culture. Personally, I like to be familiar not only with these kinds of novels, but also the with movies and television shows where most people get their ideas about what goes on in the legal world. At the very least, such awareness is valuable because it makes us remember the origins of the profession and think about what we do now. With it, we can consider how our own practices impact these trends on a daily basis and whether this impact is what we want it to be or not.

Upcoming Bar Elections

Three positions within the Northwest Montana Bar Association are open for nominations:

- **Treasurer** (3 year term);
- **President-Elect** (3 year term, 1 as President-Elect, 1 as President, and 1 as Immediate Past President); and
- **Member-at-Large** (2 year term)

Nominations may be sent via email to Brian Joos at joos@bigskyattorneys.com, or nominations may be made from the floor at our luncheon meeting on Monday, October 7. This is a great opportunity to become more involved with your local bar, or to encourage a colleague you know to take a more active role.

Save the Date

The Northwest Montana Bar Association's annual Christmas Party will be held on Friday, December 6, 2013 at the Lodge at Whitefish Lake. More details will follow, but for now, save the date and plan to join us for some good food, flowing drink, and scintillating conversation!

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

State Bar Trustee's Report

Dear Friends;

The view from the stagecoach couldn't be better!

Access to Justice Commission

The Montana "access to justice" concept of addressing the legal needs of those unable to afford attorneys has a rocky history. The efforts have been addressed by multiple agencies, committees, by Montana Legal Services Association, the Montana Justice Foundation and many others. The "self-help" clinics and program, if anything, increased the numbers of pro se litigants. The "unbundled legal service", a fancy term for limited scope representation has an undemonstrated affect. The Supreme Court sought a comprehensive review of all such services and recommendations for state-wide, coordinated efforts. Unfortunately, the Access to Justice Commission itself suffered from organizational difficulty and was itself "unfunded." The Commission formed various subcommittees, including a strategic planning subcommittee. Recently, (1) Justice Beth Baker assumed the full Commission's chair, (2) the Office of Supreme Court Administrator agreed to provide website and document storage support and (3) an additional Montana Justice Foundation grant and MJF will provide continued administrative support. (4) Janice Doggett of the State Bar will continue to provide some staff support. I'll serve one more year as the Bar's representative. One and a half years after the court's order forming the commission, I am hopeful it can begin its work. Getting a handle on Montana's low income citizens' legal needs is a daunting, but necessary task.

Legal Research Task Force

I chaired this committee which invited various providers of online legal research to submit bids to the Bar Association for state-wide, Bar sponsored program. Approximately 35 other State Bars presently provide no-cost legal research to their members. Unfortunately, only Fastcase and Casemaker responded. Neither Lexis nor Westlaw responded. Committee members obtained temporary passwords and tried each product. The committee voted was five to one to recommend Fastcase to the Board for approval. The Board of Trustees approved the recommendation and we're in negotiations with Fastcase. We'll present a package to the Board for funding approval in December. As soon as next year, this could be available to all practitioners.

September 30: Meet Montana ALA Group

Chris Manos, the State Bar's Executive Director and I called on the Montana Chapter of Association of Legal Administrators in Great Falls. These folks (professionals, but not attorneys) manage large law firms. Pretty smart folk! They

invited us to discuss the legal research task force recommendation and how Fastcase may be making its way into Montana. They asked other questions on technology, trust accounts & time keeping. Made some new friends! They'll be supportive in promoting next year's annual convention.

October 1: Swearing in new lawyers

What an honor! Last spring's crop of UM Law School graduates took their oath along with the first victors of the UBE in one of the largest groups to be sworn in. We welcomed 93 new admittees to Montana.

On the Trail

I started knocking on doors this last Monday afternoon, visiting a variety of firms in downtown Helena. This is great fun and I've learned something new with each visit. Our members are a wide and varied group in dress, décor and technology. Keep the lights and coffee on and I'll try to get around to your door soon!

Respectfully Submitted,



Upcoming State Bar Events

October 10 - Annual Meeting Planning Committee

October 11 - Mediation CLE, Bozeman

October 17 - CLE to Gallatin County Bar; Gallatin Bar & State Bar EC meet

October 18 - Construction Law CLE, Bozeman

October 25 - CLE Institute meets in Helena

October 28 - Law School Presentation: "Pro Bono Service"

November 4 - State Bar EC attends NW Bar & EC jointly meet, Kalispell

November 25 - Law School Presentation: "New Lawyers Perspective"

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Mystery Profile



This North Star State colleague spent his/her formative years in Africa. A self-proclaimed “frustrated bad drummer” but skilled restorer of a 1953 International pickup truck, he/she later attended a college which Playboy magazine once ranked as the top party school in the United States. With a background in law enforcement he/she obtained a paramedical science degree before deciding to go to law school with the ultimate goal of working for the FBI. Who is this person?

The Dynamics of Domestic Violence in the Courtroom

Monday, October 7, 2013 from 1:30 pm to 5 pm
Keynote Address by the Honorable Heidi Ulbricht
3.0 Continuing Legal Education credits available

Hilton Garden Inn, Kalispell, Cost: \$100

The Presenters:

Honorable Kitty Curtis, retired, 11th Judicial District, along with, Brandi Ries, Esq. of Rubin and Ries Law Offices, PLLC.

With a law degree from the University of Montana, Brandi started as the Staff Attorney for the DOVES Legal Assistance for Victims Program in Polson in 2007 and, in 2011, became Supervising Attorney. She also provides direct legal assistance to victims of domestic violence, sexual assault, and stalking in cases, including dissolution, parenting, and order of protection proceedings in both the trial and appellate courts. She serves as a Guardian ad Litem in parenting cases. In addition to her supervising attorney role at DOVES, through Rubin and Ries Law Offices, she continues to provide legal services to victims of domestic violence, sexual assault, and stalking.

John Buttram, LPC, of the Batterers’ Treatment Program

Since 1988, John Buttram has run the Batterers’ Treatment Program for court-ordered domestic violence offenses. He has over 20 years of experience giving training on the dynamics of domestic violence. For the last 10 years, he has been a member of the Montana Domestic Abuse Fatality Review Team of the Attorney General’s office. He is a licensed clinical counselor in general mental health private practice for 25 years.

OCTOBER 2013

MEDIATE!



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to the address above by April 1, 2013. Checks should be
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