

THE ATTRACTIVE NUISANCE

In This Issue:

President's Message:

Page 1

Stateside News:

Page 3

Statewide Events:

Page 4

Executive Update:

Page 4

Local Rules Committee:

Page 7

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The President's Message

By Jeffrey K. Greenwell, Esq.

When was the last time you walked into your house at 9:00 pm after working all day only to find yourself looking in the mirror and asking, why am I an attorney?

According to many studies, attorneys work longer hours and have higher stress levels than most professionals. It is not uncommon for the average attorney to work 60-80 hour workweeks, and the hours typically increase for members of solo and small firm. Instead of making excuses, we take the long sleep deprived workweeks in stride. Unfortunately, our love for the practice is typically not the motivator for working these long hours. It appears that the true motivators are deadlines, billable requirements, and the need to merely maintain our practice.

Many of us fail to realize that working these long hours will predictably lead to lower productivity levels. For the

average attorney who works 60-hour workweeks, productivity will begin to decrease within eight weeks. Productivity will begin to decrease within three weeks when the attorney works 70 - 80 workweeks. The decrease in productivity may be the result of exhaustion, burn out, and a lack of sleep, which is understandable since our cognitive abilities diminish when we combine the effects of being overworked with the failure to get enough sleep. In extreme cases, our cognitive abilities will diminish to that of an individual with a .10 blood alcohol level.

It is not surprising to find that attorneys who diligently work 40-hour workweeks over a prolonged time are as productive, and much better off physically and mentally than their counterparts who work 60, 70, or 80-hour workweeks. Prolonged 60-hour workweeks have been shown to lead to



Upcoming:

February 3, 2014

Free Legal Advice
by Peg Allison

March 3, 2014

TBD

April 7, 2014

Digital Security
by Sherry Davidoff

May 5, 2014

Innocence Issues
by Bart Erikson

September 8, 2014

Appellate Practice
by Angela Jacobs

October 6, 2014

Evidence Issues
by Cynthia Ford

stress induced illnesses including: depression, heart disease, back problems, digestive problems, obesity, and diabetes.

I believe the answer to reducing our hours and in turn reducing our stress and health related problems is to start working smarter. There are a few simple things that we can do to become more productive and reduce the number of hours worked. The American Bar Association's 2013 May-June magazine provided some great pointers to help attorneys reduce the number of hours worked. A few of these are as follows:

Cut the number of meetings conducted between staff and attorneys. Studies show that 25% - 30% of the time spent in meetings is wasted time. Other studies have shown that the people attending the meetings feel that up to 50% of the time is redundant and unhelpful. Just as we expect our legal writing to produce clear and concise messages, so should the information transferred during our meetings.

Out of date technology slows down business. Many attorneys have failed to embrace the digital world, and continue to use paper files, contact books, and calendars. If an attorney wants to stop working 60-hour workweeks, s/he must integrate technology into the practice.

Software has been created specifically for the practice of law. Programs like Mycase and Clio allow a practitioner to have a client's contact information, billing, expenses, calendar, documents, notes, and communications in one spot. These programs allow the attorney access to the entire client's file with a click of a button, and this can happen in and out of the office. In order to keep up with the practice of law and save tremendous amounts of time, we should not take 10 to 20 minutes to do something that another attorney is doing in one.

Staying away from a smartphone seems to be a status symbol for many. A status that tells the rest of the world that you do not need their technology to survive. In reality, you should embrace the smartphone and use it to your advantage. Having the ability to set appointments, look up client documents, and determine the status of a client's matter with a few clicks on your smartphone will save you time, and your client money.

Know the equipment you use. Word processors can be our best friends and our worst enemies. Although we have assistants who have an intimate understanding of this technology, many of us are without a clue. If we do not know our word processor's capabilities, we should take the time to learn. How many times has your assistant gone home for the day only to leave you sitting in your chair trying to figure out how to reformat a document? Attorneys need to know Microsoft word, templates, and macros to enable them to work efficiently. We are past the days where we are required to type a client's basic information into a form multiple times. There are a number of document assembly tools and time saving options that are available in today's digital world in which all practitioners should be aware.

We all work way too many hours not to take a few minutes to evaluate the way we practice law. By recalibrating our practice and not being afraid to embrace new technology or ways to run our practice, we can save many hours that we currently do not have. Those hours can be spent with our families, friends, or just enjoying life alone. I don't know about you, but having the time and ability to ski a full day while knowing that all deadlines are met, clients are happy, and the practice is running efficiently is definitely worth embracing new ways to run our practice.

Stateside News

The New Year greeted us with snow and sunshine. Hard to believe the holidays are past and this year's busy agenda is upon us. Here's a taste of what's coming.

CLE & SKI. Always a great event, but this year saw unparalleled success. A record, sellout crowd of 120 attended the best of speakers and topics, great food and sunshine skiing. Thanks to Brian Taylor, Susan Gobbs, the CLE Institute & all the fine speakers for a fabulous program!



Annual Meeting Planning. Chris, Gino, the Big Sky Resort Staff and I toured the meeting facilities at Huntley Lodge January 16. Everything checks out for size, access and technology for our "Fabulous 40th" this fall. This will be a fun and functional location. We rolled out the very first "flier" promoting the event. Take a look at the attached and share your comment; a work in progress.

Health Care Law Section. Members of this group presented at CLE & SKI, following their discussion at the 2013 convention. The Affordable Care Act challenges even the pros and hearing their updated discussion educated the group. They'll continue to keep help us at upcoming CLE's. Give them a call to present to your local bar luncheons. Friday evening the Section's officers met with Chris and I for upcoming planning for the year, including their important role in CLE for the 2014 Annual Meeting.

President's Reception. Linda and I, with the Bar's sponsorship, hosted a wine tasting reception for the speakers, moderators & Bar and Committee officers on Saturday evening at Big Sky. Attendance was a bit light as most folks had other plans. But the evening was fun and a nice "thanks" to those who give so much time and effort to the Association.

Legal Research Coming Along. Not much longer now. We've signed a contract and Fastcase online legal research will roll out by April 1. We'll have notices,

seminars and online instruction available. Take the opportunity now to set up the Fastcase mobile app. It's free, but you'll need to set up an account & your password per usual. Once you have your Bar Membership account, that will transfer over to your mobile account.

Follow us on Facebook. I know, many of us hate social media. But it's here and is kinda fun. Follow me and the State Bar's activities at <https://www.facebook.com/StateBarOfMontana>. I'll post photos from the train to Chicago for the ABA Conference.



Randy Snyder

Upcoming Statewide Events

February 6-8, National Conference of Bar Presidents, Chicago

EC meets in Butte with local bar members (TBA)

February 14, Annual Real Estate CLE, Fairmont Hot Springs

February 20, Presentation to Montana Assoc. of Land Surveyors – Kalispell

February 21; EC & Local Bar Meeting in Butte

February 28, Presentation to YABA in Billings

March 7, Paralegal CLE-Helena

March 20; EC meets with Cascade Bar in Great Falls

March 21, St. Pat's Day Ethics CLE, Fairmont

March 26-29, Western States Bar Conference, Desert Springs, CA.

Executive Committee Update

As many of the NWMBA members may know, the board meets on a monthly basis to discuss the status and direction in which the association is heading. During these meetings, the Executive Committee discusses and plans the upcoming continuing legal education presentations, interactions with the public including but not limited to Law Day, the budget and member retention, and other issues necessary to keep the association running. During the January 22, 2014 board meeting, the following information was discussed:



Invite a New Member to a CLE Presentation: The board would like more of our local attorneys involved with our association; therefore, we ask that all members invite and bring a non-member to the February 3, 2014 CLE presentation, in which Peg Allison will be leading a discussion on Free Legal Advice. Both the member and non-member will receive a free lunch courtesy of the NWMBA.

Scheduled CLE Presentations: The board is in the process of coordinating many great CLE presentations for the upcoming year. Currently, we have the following presentations confirmed, and intend to have the full schedule completed by the March 3, 2014 CLE presentation.

February 3, 2014: Peg Allison – Free Legal Advice

March 3, 2014: TBA

April 7, 2014: Sherry Davidoff, Digital Security, 2 hour presentation
(offered in both 1 and 2 hour slots; stay for what you can)

May 5, 2014: Bart Erickson – Innocence Issues (MT Innocence Project)

September 8, 2014: Angela Jacobs – Appellate / Post Judgment Practice

October 6, 2014: Professor Cynthia Ford – Evidence Issues

Website / Technology: Additional content will be added to our website in the coming months and the board invites all members to log in and see the changes as they occur. <http://www.nwmontanabar.org>

Budget: Budget discussions were tabled and a new budget will not be submitted to the members for a vote until the March 3, 2014 CLE presentation. The board determined that additional time is needed to conduct an in-depth analysis of our cash flow and expenses before we draft the budget.

Bylaws Amendment: Board member election terms have historically run from January to December. In order to ensure congruency between the incoming and outgoing board members, the board has determined that our elections should not reflect the calendar year, but should reflect the NWMBA's calendar year, which runs between September and June. Therefore, the board proposes the following amendments to the by-laws, and would like our members to vote on these amendments during our February 3, 2014 CLE presentation.

Original By-Laws

ARTICLE V.

Board of Directors

5.1 Power of Board. Subject to any limitations in the Articles of Incorporation or these Bylaws, the affairs of the Corporation will be conducted by the Board of Directors without the necessity for approval by the members. The Board may

delegate authority or activities to any person or persons, or committees, provided that all activities are reported to and supervised by the Board. The Board will prepare and submit an annual budget to members for approval at its January meeting. Once approved, the Board may expend the funds within the budget and budget categories without further action of the members. If the Board intends to expend any sum exceeding \$500.00 per expenditure or \$1,000.00 in total additional expenditures within a year, then the Board will seek the membership's approval at an annual or monthly meeting. The Board may make line item amendments within the budget without members' approval, provided that the total expenditures for a year do not exceed these guidelines.

Proposed Change to
ARTICLE V.
Board of Directors

5.1 Power of Board. Subject to any limitations in the Articles of Incorporation or these Bylaws, the affairs of the Corporation will be conducted by the Board of Directors without the necessity for approval by the members. The Board may delegate authority or activities to any person or persons, or committees, provided that all activities are reported to and supervised by the Board. The Board will prepare and submit an annual budget to members for approval at its October meeting. Once approved, the Board may expend the funds within the budget and budget categories without further action of the members. If the Board intends to expend any sum exceeding \$500.00 per expenditure or \$1,000.00 in total additional expenditures within a year, then the Board will seek the membership's approval at an annual or monthly meeting. The Board may make line item amendments within the budget without members' approval, provided that the total expenditures for a year do not exceed these guidelines.

Original By-Laws
ARTICLE XI.
Miscellaneous

11.1 Fiscal Year. The fiscal year of the Corporation will be the calendar year or such other period as may be fixed by the Board of Directors.

Proposed Changes to
ARTICLE XI.
Miscellaneous

11.1 Fiscal Year. The fiscal year of the Corporation will commence on June 1 and end the following May 31 of each year. However, awards, prizes and recognitions may continue to be given at the annual December Christmas party.

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Do you know a local attorney whose short-paragraph biography should be featured as a Northwest Montana Bar Association Mystery Profile? If so, please email Brian Joos (joos@bigskyattorneys.com), and let's see about getting some more Flathead County lawyers to be featured this way.

Local Rules Committee

The Local Rules Committee, which met most recently in December, is now in the process of revising certain local rules, removing others, and inventing new ones to include in a proposed set of rules that will be submitted to the Judges for their approval. The committee has received feedback from several members of the local bar, and still welcomes your feedback. If you have a suggestion for the new local rules that you would like the committee to consider, please email Brian Joos (joos@bigskyattorneys.com).

iDocs Changes

The Flathead Clerk and Recorder is changing online access to recorded documents and offering us an updated experience. For those of you unfamiliar with iDocs, it's an online method for accessing recorded documents quickly and easily. However, the system has grown a little long in the tooth, so Paula Robinson has elected to use a new provider. One of the major advantages to this new provider is that it will allow limited access for free to members of the general public. The new system will provide unlimited access for \$175/year (which is \$5/year less than iDocs was).

You can do a basic search by visiting: <https://www.idocmarket.com/FlatheadMT/Document/Search> or learn more about subscribing at <https://www.idocmarket.com/Subscription/Subscribe?county=FlatheadMT>

MEDIATE!



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FEBRUARY 2014

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Attorney Name: _____

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Please remit \$50.00 along with your completed membership form
to the address above by April 1, 2014. Checks should be
made payable to NWMTBA.