

# DE DIE IN DIEM

THE NEWSLETTER OF THE WESTERN MONTANA BAR ASSOCIATION

OCTOBER 2017

*Board of Director's Message by David Steele:*

## ***Supporting our future***

As many of you know, the Trustees for the State Bar of Montana have petitioned the Supreme Court for a membership dues increase. The Supreme Court has ordered a comment period for the Petition, and I would like to take this opportunity to offer some reasons why a dues increase is in order, and to ask that you support the proposed increase.

Montana is a Unified Bar. In 1974, the Supreme Court stated the purposes of the Unified Bar of Montana: *to aid the courts in maintaining and improving the administration of justice; to foster and maintain on the part of those engaged in the practice of law high standards of integrity, learning, competence, public service, and conduct; to safeguard proper professional interests of members of the bar; to encourage the formation, maintenance, and activities of local bar associations; to provide a forum for the discussion of and effective action concerning subjects pertaining to the practice of law, the science of jurisprudence and law reform, and relations of the bar to the public; and to insure that the responsibilities of the legal profession to the public are more effectively discharged.*

In 2001, the Supreme Court expanded the Bar's purposes, recognizing: *attorneys impaired by alcohol, drugs or mental problems adversely affect the practice of law, damaging both their clients and the credibility of the profession. Thus, the*

*State Bar of Montana must continue to address the Court's and the legal profession's responsibilities to the public through such programs as Lawyers Helping Lawyers; Lawyers Fund for Client Protection, and arbitration of fee disputes.*



As you can see, the Unified State Bar of Montana shoulders significant responsibility. I think we can all agree the purposes of a Unified Bar are worthwhile and an honorable endeavor. But much like a well-appointed European sports car, the endeavor is worthless if the rubber never meets the road. Someone must drive the machine. At the State Bar, people must administer the programs, committees and commissions that cause the purpose of the State Bar to become reality. That is what the State Bar does.

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As some of you may remember, State Bar annual dues were set at \$100 in 1974. They have increased only twice: \$50 bucks in 2001, and another \$50 bucks in 2009. Putting that into perspective for any accounting wonks reading this - Accounting for inflation alone, the \$100 dues from 1974 are equivalent to \$525.65 in today's dollars. To look at it another way, the proposed increase to \$285 is only 54% of the present value of the 1974 dues, and it's only 57% if the Court orders in increase to \$300.

"But why does the State Bar need more money?" you ask. There are two reasons. First, in 2015, the State Bar lost a significant source of non-dues generated revenue when the State Bar Group Benefit Health Trust was dissolved. Second, the cost of administration has increased over the years, just as it has for your own business.

The monthly expenses of the State Bar are approximately \$130,000 per month. These administrative expenses are primarily related to the programs and commissions ordered by the Supreme Court. The State Bar employs 16 people, some of whom are part time.

I must confess, you would be hard pressed to find a harder working and more dedicated group of people than those 16 who make up the State Bar Staff. They carry a crushing load. Among other responsibilities, and in addition to their day-to-day work requirements, your 16 State Bar Staff support:

- The Character and Fitness Commission's review of applicants for the bar exam, including whether the applicants possess the requisite character and fitness; commission staff also monitor conditional admittees and review

and certify pro hac vice applicants;

- The Board of Bar Examiners' administration and grading of the bar exam;
- The Continuing Legal Education Commission and CLE Institute's certification and organization of seminars to improve attorney competence;
- The work of the Office of Disciplinary Counsel, including coordination of attorney and public inquiries regarding ethics and attorney behavior;
- The Access to Justice Commission, modest means/limited scope program, and pro bono reporting;
- The fee arbitration program, resolving disputes between attorneys and their clients; IOLTA/trust account and overdraft monitoring and reporting;
- The Ethics Committee, which provides informal and formal advisory ethics opinions to lawyers and judges;
- The Professionalism Committee, which is responsible for the award winning New Lawyers' Workshop, the mentor program, the Road Show focusing on professionalism and the Rules of Professional Conduct, and regular continuing legal education programs, including the Annual Meeting;
- The Technology Committee, aiding with law office management and suggestions to enhance the efficiency and profitability of law practices;
- The maintenance of bar member information, membership status, and preparation of dues statements, including all assessments and CLE reporting;
- The Montana Lawyer, which offers information on legal and professional developments in the law;



# MESSAGE CONTINUED

- The Bar's website, containing resources, materials, and links for lawyers and the public;
- E-newsletter Bar Briefs and social media through Facebook and Twitter;
- The Lawyer Referral and Information Service, answering over 600 calls over the last 8 months and providing attorney referrals to the public;
- The Lawyer Assistance Program, providing crisis management, intervention, treatment resources, support, monitoring, and mentoring for impairment and mental health issues.

Since the revenue loss caused by dissolution of the Health Trust, and to keep up with the ordinary inflationary expenses, the Trustees for the State Bar have explored and implemented some ways to reduce expenses and generate income. Examples of income generating vehicles include charging a credit card processing fee for credit card transactions and negotiating affinity contracts with certain service providers like CLIO and MyCase. Examples of cost containment include implementing a hiring freeze, and even discussing whether the State Bar should provide refreshments at the State Bar offices. These efforts to make up the revenue loss caused by dissolution of the Health Trust are not enough.

The State Bar budget for Fiscal Year 2018 projects a \$109,507 deficit. The five-year forecast projects a deficit of nearly \$544,000 without a membership dues increase. Succinctly, without additional funding that can only come from a membership dues increase, the State Bar cannot fulfill its purpose as mandated by the Montana Supreme Court.

This would also be a good time to brush up on basic civics: please remind your buddies at the bar (the one down town, with a small "b") that we are part of the separate-but-equal third branch of government, the Judiciary, when they start yammering about a "legislative solution." A membership dues increase is essential to a successful mandatory bar. We, as members of the Bar, have an obligation to the Courts, to the public, and to our profession. We are responsible for our Bar, and we are part of the checks and balances on government created by our Constitution. Anything other than a self-regulated and self-imposed solution will cause our equal Constitutional footing, as the Judiciary, to erode.

I am asking you to support this proposed membership dues increase. I am mindful of the cost of practicing law in Montana. And I don't ask for your support lightly. But I would respectfully ask you to consider this request in perspective -- Are annual dues of \$300 too much for you to pay for the privilege of charging Montanans your hourly rate?

\* \* \* \* \*

*Dave Steele earned his Juris Doctor from the University of Montana School of Law. He is a Shareholder at Geiszler Steele, PC, and serves as a Trustee for the State Bar of Montana representing Area B. His practice includes advising clients about business and commercial transactions and litigation, real estate and property transactions, construction contracts and disputes, wills, trusts and estates, and other civil litigation matters. Dave greatly enjoys spending time outdoors with his friends and family.*

# EVENTS

**Join the WMBA Thursday, October 19, 2017,  
for a presentation on Deeds and Legal De-  
scriptions by Missoula County Clerk and  
Recorder/Treasurer Tyler Gernant.**

**Please RSVP to [rsvp@westernmtbar.com](mailto:rsvp@westernmtbar.com)**

WMBA luncheons are the Third Thursday of each month at 12:00 noon in the Florence Building. \$15 for WMBA members; \$20 for non-members.

# ADVERTISEMENTS



During my tenure the Court has initiated change and will continue to do so as we adapt and grow. I look forward to guiding the Court through the next 4 years. Thank you for your support during the last 6 years and I would appreciate your support in November.

- Hon. Kathleen Jenks, Municipal Court Judge

"I whole heartedly endorse Kathleen Jenks in her quest for reelection and encourage the citizens of Missoula to do the same." - Hon. Ed McLean, District Court Judge, Ret.

"She balances accountability for defendants with public safety and offers opportunities for rehabilitation and treatment." - Hon. David G. Rice, District Court Judge, Ret.

"Her Court has a level of fairness, humanity, empathy and efficiency that serves the Missoula community exceptionally well. A vote to retain Jenks for Judge will ensure the Court continues on an effective path for justice." - Mark Muir, Missoula Chief of Police, Ret.

[kathleenjenks.com](http://kathleenjenks.com)

Paid for by Friends of Kathleen Jenks, P.O. Box 156, Missoula, MT 59806

## ANNOUNCEMENTS, QUESTIONS, ADVERTISING INQUIRIES:

De Die In Diem is published monthly by the Western Montana Bar Association. It is designed and edited by WMBA secretary, Beth Hayes, in conjunction with the WMBA board. For announcements, questions and advertising inquiries contact [secretary@westernmtbar.com](mailto:secretary@westernmtbar.com). The WMBA is not responsible for the content of any announcement or advertisement. The WMBA does not support or oppose any candidate for public office or public official. For advertisements and announcements please provide at least one week advanced notice. Thank you.

# WESTERN MONTANA BAR ASSOCIATION



## MEMBERSHIP REGISTRATION 2017-2018

The WMBA is now accepting applications and payment for the 2017-2018 membership year. The cost is \$25.00 per attorney for full membership in the WMBA from September 1, 2017 to August 31, 2018. Please complete the following form and return it to:

WMBA Treasurer  
P.O. Box 7451  
Missoula, MT 59807-7451

*(Please print or type:)*

Name: \_\_\_\_\_ x \$25.00

Firm: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

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

Additional Attorneys: *(for firm use – provide name and email address)*

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**Please make your check payable to WMBA in the amount of: TOTAL** **\$ .00**