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The Newsletter of the Western Montana Bar Association

January 2018



**Don't Miss — WMBA
January Luncheon—
Thursday, January 18!**

Western Montana
Chapter:

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Please RSVP by Tues-
day, 1/16 at 5:00 p.m.:
rsvp@westernmtbar.com

WMBA Luncheons are
the third Thursday of
each month at 12:00 p.m.
in the Florence Building.
\$15 for WMBA mem-
bers; \$20 for non-
members.

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Board of Director's Message from Adam Shaw:

Happy New Year!

Like many of us, I sat around over the holidays overstuffed with pie and holiday cheer, watching the new-found American pastime – football. As some of you can attest, the glut of college games and Bowl Mania starts to run together. Endless commercials and teams unheard-of. But throughout this viewing binge, I noticed a trend. When the cameras scanned the crowds, many - if not most - in the crowd were staring at their mobile devices. No doubt they were texting, emailing, viewing social media, or preparing to undertake the infamous “selfie.” This evoked a conversation in my house with questions about why we use phones more than ever, but not for their intended purpose. One can even become philosophical and ask: Why we use technology to make our lives more efficient without reaping the benefit of having more time? I'll leave that for another day.

At the risk of sounding like a luddite or some of the senior partners I work with, I miss the phone call and in-person discussions! In the spirit of New Year's resolutions, I propose we bolster our practices by relying less on email or texts and instead, we pick up the phone or meet with people face-to-face.

While you may snicker at my guise as a millennial harkening back to a practice-era I didn't participate in, I remind you that our clients also miss more traditional forms of communication. We've heard this many times in our profession: The number one complaint by clients is that their attorneys fail to call them back in a timely manner or not at all. The crush of daily practice from meetings, court appearances, emails, and drafting, often leaves us little time for most important aspect of practicing law – personal communication with our clients. While this complaint by clients has existed for many years, we are not helping by substituting email for phone calls or in-person meetings. Studies suggest that up to 50% of clients are dissatisfied with the communication from their attorney. Admittedly, I have often felt it easier and simpler to respond to clients with an email. But I can also recall many occasions where emails have been translated incorrectly when the situation would have been explained more accurately by in-person communication.

I also firmly believe that phone calls and face-to-face meetings with opposing counsel are very helpful. As a young lawyer practicing in Dillon, Montana, this was commonplace. Rather than send an email or even call, lawyers there would

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President's message (Cont. from page 1):

walk to each other's offices to discuss issues in their cases. I was amazed by how infrequently communication broke down or became heated between counsel. In four years there, I never witnessed a discovery fight between local counsel.

On one occasion, after a flurry of pithy emails between counsel over discovery, my senior partner recommended to co-counsel in another city to walk over to opposing counsel's office with a beer and talk about the discovery dispute. He did, and lo and behold, the dispute was resolved with some friendly chatter and couple of beers. I'm not suggesting that such a tactic has to involve alcohol, but I've learned that people are less willing to take an unnecessarily aggressive position when they are sitting across from you. Most importantly, such a practice is extremely effective for our clients as it avoids needless disputes and expense.

Alright, I get it. We've all heard this before at CLEs and even with our best intentions, we fail to implement better communication practices. To help, I offer you a simple suggestion from a model used by Judge Loren Tucker before he took the bench. Every day, he would have a closed-door policy until noon. During that time, he would work on whatever needed to be done on his files. He would then reserve the afternoon for meetings and phone calls. I realize this idyllic schedule may not work for your practice, but the point is, he made it a priority every day to set aside time to meet with clients and opposing counsel or pick up the phone to make calls. I have strived to do this in my practice and it has proven very effective.

As I step off my soap box, let me be clear that I'm all for emails, text messages, social media, even selfies. But they are no replacement for good ol' fashion sit-downs and phone calls. So, as part of our New Year's resolutions, let's endeavor to communicate in traditional ways and help eradicate this plague of poor communication in our profession.

For those of you I work with, please give me a call or stop by to visit. And if you'd like to get philosophical about technology, bring a beer!

Happy New Year!

Adam received his Juris Doctorate from the University of Montana School of Law. He practices in the Brown Law Firm's Missoula office, litigating a variety of civil defense matters. Adam and his wife, Erin, spend their free time hunting, skiing, fishing, and floating Montana's rivers with their twin boys, Hudson and Ailin.

FREE Courthouse CLE—Friday, January 26, 2018 at 12:00 p.m.

“Update on the Indian Child Welfare Act and its revised regulations”

presented by Debra A. Steigerwalt, Esq., Sr. Law Clerk, Hon. James A. Haynes, 21st Judicial District Court.

FRIDAY JANUARY 26, 2018, NOON – 1:00 P.M. Missoula County Courthouse,
Courtroom 2

FREE TO ALL. Questions? tdouglas@mt.gov, bdesmond@mt.gov, 258-4728

The Western Montana Bar Association ("WMBA") periodically emails attorneys and other interested parties regarding upcoming events. To balance providing notice of relevant events while at the same time avoiding clogging our members inboxes, effective October 15, 2016, the WMBA will send email announcements to its members for non-WMBA events on the first and third Monday of each month (if requested), and only for events that are not for profit and that promote the mission of the WMBA as approved by the Board. These announcements can also be included in the WMBA's monthly newsletter. For all other events, ad space can be purchased in the WMBA's monthly newsletter. If you are not receiving announcements, please contact: president@westernmtbar.com. If you would like to inquire about purchasing ad space in the WMBA's newsletter, please contact: secretary@westernmtbar.com.

Upcoming WMBA

Family Law Pro

Bono Clinics:

January 17, 2018

February 7, 2018

February 21, 2018

If you want to volunteer, please contact Gina Zobenica at coordinator.wmba.pro.bono@gmail.com or 543-8343, ext. 207

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August 31, 2018. Please complete the following form and return it to:

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

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