

Montana lawyers answer the call, help keep Self-Help Law Centers running for the year

Earlier this year, the Montana Judicial Branch's Court Self-Help Law Centers faced a dire predicament. The Self-Help Law Centers rely heavily on AmeriCorps service members to provide legal guidance to self-represented litigants at six locations across the state. The centers' users are oftentimes low-income Montanans who are unable to afford an attorney. But due to unexpected cost-of-living and other program cost increases, combined with the worsening budget constraints of our state government, the Montana Supreme Court and its partner Montana Legal Services Association were unable to meet the financial requirements necessary to maintain the current staffing level of AmeriCorps service members for the coming year.

This would not be a big deal to those of us lucky enough to have made our house payment and been able to buy groceries this month. But, it would be a huge setback for the thousands of Montanans who, but for these centers, would have little access to legal guidance, which is to say their legal rights would exist only in theory, and not in fact.

As incredible as it seems, Montana Legal Services Association's Justice for Montanans AmeriCorps program provides the Court Self-Help Law Centers with seven AmeriCorps service members and related program coordination for just \$69,000 a year! And since the Court Self-Help Law Centers' inception in 2011, they have assisted Montanans with their



legal needs more than 85,000 times!

The current crisis for the Court Self-Help Law Centers was averted when it was brought to the attention of the Montana Justice Foundation via a call for assistance by our Montana Supreme Court. As the request fell outside the established MJF grant cycle, and a decision as to whether funds could be made available was immediately required, a handful of lawyers undertook an email campaign to try to meet the need. We did this by taking advantage of professional and personal relationships each of us enjoy because we are privileged to practice in the Last Best Place. Together, we raised the funds needed, avoided the threatened loss of staffing, and returned peace to the

valley – at least for the moment.

Those who were unlucky enough to be solicited and generous enough to respond are listed here:

ALPS

Ronald A. Bender

Bohyer, Erickson, Beaudette & Tranel

P.C.

Tom Boone

Boone Karlberg P.C.

James A. Bowditch

Browning, Kaleczyc, Berry & Hoven

Ashley Burlison

Cal Christian

Diane Conradi

Terry Cosgrove

Self help., page 27

406-683-6525

Montana's Lawyers Assistance Program Hotline

Call if you or a judge or attorney you know needs help with stress and depression issues or drug or alcohol addiction .

Self help, from page 20

Randy Cox
Crist, Krogh & Nord
Cromwell Law PLLC
Crowley Fleck
Lonnie Dale
Datsopolous, MacDonald & Lind
Edmiston & Colton
Falcon, Lester & Schaff, P.C.
Holly Franz
Gallatin County Bar Association
Gallik & Bremer
Grubbs Law Office
Paul Haffeman
Hartelius, Durocher & Winter
Hoyt & Blewett
Katherine Se June Kim Huso
Natasha Prinzing Jones
Joyce & MacDonald
Stuart Kellner
Lamb & Carey
Luinstra Law Office
Donald MacIntyre
Carey Matovich
Robert & Bonnie Minto
Murphy Law Firm
Bob Phillips

Reep, Bell, Laird & Jasper
Kim Schulke
Scott, Tokerud & McCarthy P.C.
Sheehy Law Firm
Scott M. Stearns
Steve Harman Law
Ward “Mick” Taleff
Tarlow, Stonecipher, Weamer & Kelly
P.C.
Tom Towe
Mike Viscomi
Worden Thane

The campaign was very limited in scope, ad hoc, and ended when the shortfall was met. If no one contacted you to give, do not feel left out; your opportunity to make a difference is coming. The Montana Justice Foundation works year-round to strengthen legal aid as a critical component of vibrant, healthy, and successful communities through the generous donations of the legal community. Its annual campaign starting this summer will again provide all of us – as individuals, firms, agencies, and companies – with the opportunity to play our part in keeping our civil justice system working.

The consequences of the current

reality are just beginning to be felt and we will all be called on to provide sustainable support going forward. Providing that support is an obligation held by those of us privileged to hold a law license and enjoy the benefits of our profession’s monopoly. We have a unique and singular responsibility to provide access to justice for all Montanans – not just those who can afford it. The Montana legal community’s heart is huge when it comes to meeting the needs of those who can’t afford legal representation. Together we must, can, and will meet that responsibility.

We are humbled and gratified by the immediate response to this need by our brothers and sisters in the Bar. On behalf of everyone involved – but most importantly those Montanans who will benefit directly from access to necessary help navigating the legal system (which hopefully someday will be available to all our friends and neighbors here in Montana) – THANK YOU! As Justice Bill Hunt said not so many years ago, “the best people I know are lawyers!”

Paralegal, from page 17

scheduling, and document completion, a paralegal does substantive legal work. While the goals of efficiency and professionalism apply to both, the use of these two positions should be vastly different.

Failure to recognize these distinctions in hiring practices will only create confusion and waste time. That is, the law office administrator will waste a lot of time with hiring procedures – none of which will facilitate the law office’s goals – if there is not a clear picture of the duties that must be fulfilled. The applicants will waste time applying for positions that are not accurately described. Don’t advertise a paralegal position when you have no intention of having the person provide substantive legal work.

Consider the benefits of hiring a capable certified paralegal. Like attorneys, paralegals are hired often with an annual billable hour requirement in a contractual arrangement. (Make sure the work will flow from the attorneys.) In my experience, 1,500 hours per year was both reasonable and achievable. Consider the allowable cost of \$125 per hour times

1,500 hours of paralegal work (\$187,500) and the commensurate margin of profit.

Also, encourage the certification of your current employees. Hard-working employees seeking additional education and credentials is a sign of dedication, open-mindedness, and initiative in the workplace. And, remember the benefit to the law office and the individual of the law office paying for both the certification exam and membership dues.

Additional benefits to a law office hiring certified paralegals include the requirement that they are bound by the NALA Code of Ethics and Professional Responsibility⁵. Violation of this Code may result in suspension of the certification credentials. Members of the Paralegal Section of the State Bar of Montana are bound by the Rules of Professional Conduct⁶.

Also, NALA requires 50 CLE hours per five years (5 must relate to ethics), MALA requires 10 CLE hours per year (3 within three years must relate to ethics)

5 <https://nala.org/about-paralegals/professional-standards>

6 <https://www.montanabar.org/store/ViewProduct.aspx?ID=2102697>

and members of the Paralegal Section requires 10 CLE hours per year (1 must relate to ethics). These requirements overlap.

As of July 16, 2017, there were less than 100 certified paralegals in the State of Montana⁷. As credentialed paralegals, we can educate regarding those credentials, then negotiate a salary that is commensurate with our worth. Remember that you will never get what you don’t ask for. Negotiate a contract establishing a billable hour requirement (with a bonus for hours exceeded), salary, payment by the law office of CLE’s, paralegal section and association dues, and benefits.

Together we can maintain the integrity of the paralegal profession in Montana.

Shanni K. Barry has an associate of science degree in paralegal studies, is certified as a paralegal by NALA in 2007, and has worked in the legal profession for over 15 years. She is a member of MALA and is the Chair of the Paralegal Section of the State Bar of Montana.

7 https://www.nala.org/sites/default/files/files/banner/CP_Statistics.pdf