MALA MOMENTS

February 2017 Edition

A publication of the Montana Association of Legal Assistants*Paralegals an affiliate

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NOTICE OF ANNUAL MEETING

MALA'S 25th ANNUAL MEETING

Friday, March 24, 2017

12:00 pm—1:30 pm

Lunch provided

Radisson Colonial Hotel
2301 Colonial Drive
Helena, Montana

If you are unable to attend, be sure to complete and send in a Proxy Voting Form (Page 5) to ensure we have a voting quorum as we will be electing officers and our FY 2017-2018 Budget.

Yay or nay to having new MALA logos? The decision will be yours.

MALA
Montana Association of Legal Assistants*Paralegals

Logo for brochures, website, and larger print items

MALA
Montana Association of Legal Assistants*Paralegals

Logo for envelopes, letterhead, and smaller print items

In 1992, MALA was formed by a concerned, dedicated group of 15 professionals who recognized the need for a paralegal organization. That same year, MALA became an affiliate of the National Association of Legal Assistants and continues to be the only NALA affiliate in Montana. Since its formation, MALA has continually worked to promote the paralegal profession and to broaden public understanding of the role of paralegals.

MALA has stood the test of time and for the past 25 years MALA has strived to be the best paralegal association in Montana. MALA continues its Mission to foster active communication among paralegals and act as a forum for the exchange of knowledge and ideas; to promote and encourage the growth of the paralegal's role in the legal community; to promote the educational, professional, and ethical standards of the paralegal profession; to encourage a high order of ethical and professional attainment; and, to further education among members of the profession and promote the education of the legal community in the utilization of paralegals.

In honor of MALA's 25 years, let's take a moment to thank those 15 individuals who had a vision, the determination, and the drive to pull together to create MALA in order to inspire others. Without those amazing individuals MALA would not be where it is today. We're still going strong all because of these individuals' hard work and belief in the paralegal profession.

THANK YOU!!!

Deborah L. Ethridge, CLAS—MALA's first President

Barbara Jo Wilson (Komberec) - MALA's first Vice President

Hilde Creek, CLA—MALA's first Secretary/Treasurer

Lila Youtsey—MALA's first NALA Liaison

Rosemarie Plumb, CLA—MALA's first Parliamentarian

Stephenie Boyer, CLA (Dunwell)

Tamara Hendrickson (Martin)

Ann M. Johnson

Jennifer Loobey

Annabelle V. Peterson (Blade)

Mary Ann Zeimet

Karen Branzell

Linda Gessner

Jill MacDonald (McNeal)

Myrna O'Hare

2017 Annual Meeting, Seminar and Social

Navigating Montana's State Government

March 23, 2017—Social

March 24, 2017—Seminar & Meeting

Radisson Colonial Hotel
2301 Colonial Drive
Helena, Montana

This is a Free seminar to all active and new members

Agenda

Thursday, March 23, 2017

6:30 pm	Early Bird Registration
7:00 pm—10:00 pm	MALA Meet & Greet Social—Celebrate MALA's 25th Anniversary! Appetizers and a "No Host" Bar Radisson Hotel

Friday, March 24, 2017

8:00 am —8:15 am	Registration
8:15 am—8:30 am	*Key-Note Address—MALA 25 years and Going Strong!* Annette R. Brown, ACP Rocky Mountain Elk Foundation NALA Region 3 Director
8:30 am —9:30 am	*Mapping MAPA—Practicing Before Administrative Boards* Michele R. Crepeau, Esq., Hearing Examiner Montana Department of Revenue
9:30 am—10:30 am	*Preparing and Defending Your Case Before the Montana Supreme Court* Hon. Beth Baker, Montana Supreme Court Justice Colin Phelps, Law Clerk Michael Marchesini, Law Clerk Montana Supreme Court
10:45 am—11:45 am	*Compiling Legislative Histories & Other Legal Research Tips* Sarah McClain, Esq. Director of State Law Library Damon Martin, State Law Reference Librarian Montana State Law Library
11:45 pm —1:30 pm	MALA Annual Meeting (Lunch provided)
1:30 pm—2:30 pm	*What's New with Dependency & Neglect Cases and How it will Impact General Practice* Jona Lagerstrom, Esq., Assistant Public Defender State of Montana—Office of the Public Defender
2:30 pm—3:30 pm	*Understanding the Services of the Child Support Enforcement Division* Amy Pfiefer, Esq., Staff Attorney Montana Child Support Enforcement Division
3:30 pm—4:00 pm	*SAP, CMS, 24/7—What does it all mean to a Defendant?* Melanie Dodge, Legal Assistant State of Montana—Office of the Public Defender
4:00 pm—5:00 pm	*Navigating the Landscape of E-filing in Montana Courts* Lois Schyler, E-Filing Program Manager Court Administrator's Office
5:00 pm	Adjourn

Vice President Report

By Terry Hale, ACP

It is with great enthusiasm to announce that MALA has

113 members!!!!!

Please welcome new members since November, 2016:

Janet Trim	Amanda Rutz
Jodi Wilson	Brenda Flom
Sasha Meyer, ACP	Karen Lekse
Brittany Davis	Angie Dietrich
Juliet Hahn, CP	Chelsea Wittmann
Claudette Parke	Laura Schultz

Be sure to renew your membership by April 1, 2017, so you don't miss out on CLE discounts, posting of job openings, newsletters, updates in the profession as well as the networking with other members. The Membership Renewal Form can be found on Page 39 and the CLE Activity Report on Page 40. Dues are still ONLY $25.00 for a year membership.

Election of MALA Officers

If you are unable to attend the meeting on March 24, 2017, be sure to complete and return a Proxy to Heather Bienvenue, CP no later than March 22, 2017.

Proxy form can be found on Page 7.

The Slate of Officers can be found on Pages 36-38.

Volunteers needed!!!

If it weren't for the dedication of our members, Officers and Committee members, MALA would not be making a difference in providing continuing education for paralegals, legal assistants and attorneys; providing professional development opportunities for paralegals to advance their careers, or the general education and promotion of the paralegal profession.

Be sure to volunteer on a committee in 2017-2018 and keep MALA going strong into the future.

DESIGNATION OF PROXY

I, _____ an active MALA member, hereby appoint _____, an active MALA of member, to serve as my proxy at the 2017 MALA Annual Meeting on Friday, March 24, 2017.

Dated this _____ day of _____, 2017.

_____
Signature

Email to:
Heather Bienvenue, CP
Parliamentarian
hbienvenue@bozeman.net

Mail Original to:
City Attorney's Office
Attn: Heather Bienvenue
P.O. Box 1230
Bozeman, MT 59771

INGRID VINCI, *ESQ.*

F&F

The Potential Pitfalls of

Using the Same Expert Witness

So much of business is built on relationships. If time is money, especially legal timekeepers who are compensated based on knowledge and experience acquired throughout our careers, then it makes sense to build a professional network of people you can depend on. But anyone working in the legal field is well aware of the inevitable last minute changes that arise, requiring agility and cat-like reflexes to adapt and persevere. Sometimes it's critical to branch out. So, without belittling the personal investments of time, energy, and experience that culminate in trusted business connections, today I want to discuss some of the potential pitfalls of always working with the same experts.

Benefits of Using the Same Expert Witnesses

The benefits of working with the same experts mirror those of working with trusted business partners: you've invested time in befriending the business associate; you know how he or she works and you're familiar with the work product; you can rely on them. You can skip over the "getting to know you" phase of the relationship and get on with the business matter at hand. There is less of an investment of your time (read: money) in recruiting and establishing the business relationship, because you simply have to pick up the phone or send an email asking about the expert's availability to take on the work.

Drawbacks of Using the Same Expert Winesses

But let's consider another practice that I have experienced firsthand: quasi-informal mandates to work with the same "approved" experts on similar cases throughout a practice. Let's say we have a legal professional starting off his career with a high profile firm that represents an automobile manufacturer, and the workload focuses on product liability cases dealing with airbag deployments. The basics of the cases overlap and involve practically the same parties on the defense side: same manufacturer of the car; same basic mechanics of the car; very similar (if not the same) manufacturing process of the airbag system in the cars, etc.

There are just as many, if not more, unique elements to each case as well: varying plaintiffs with unique storylines playing into the case; situational elements leading to the deployment (or lack thereof) of the airbag, which may or may not be collision-based; slightly varying manufacturing techniques for each airbag, braking system, engine, collision endurance, etc.; all of which are further complicated with the human element that touches everything we do (even when a programmed robot is involved).

The legal professional comes to learn the firm's position is: "We always use the same experts." It's common practice for the unwritten mandate to instruct employees to use this one accident expert on each and every case, regardless of the situational elements that make each case unique. What if he suspects different elements come into play in his case and he wants to explore them with an expert? Impossible; the Wizard of Oz voice comes into his head: "It's always been done this way. Use the same approach. We have a strong track record defending these cases with this expert; don't deviate from the path."

Considering the Best Expert

Is the expert really the "best expert" for the case, or is the expert simply the familiar one? Does the expert know he or she has a steady stream of business coming in, across similar cases, and he or she simply has to "go through the motions" and prepare the same basic information with a few edits? Hopefully it is *never* this simple. Hopefully an expert always reads the case specifics with a fresh set of eyes and reads any information in full detail without predisposed notions of what to expect, considering each and every element and allowing his or her mind to wonder while considering each of the possibilities. After all, we all want to hire the best expert for the case that will give each minutiae of case specifics strong and fair consideration.

What does the expert do to compete against other potential experts for your case? How is he or she staying abreast of industry developments? If the expert relies on repeat business with similar elements, are they taking advantage of educational opportunities to keep up with the leading edge of change in our dynamic world? How many people would still be employed in any career if they did the same work today as the work they did five years ago?

Recent technological advancements in our society can show you just how important it is to learn and adapt to change, to become agile in an age where nothing is certain and disruptors persevere to turn entire industries on their head.

Aside from the considerations outside of the courtroom, there are just as many inside the courtroom, many of which are receiving more attention with the help of mainstream media. There is much chatter around the expertise of your witness: what makes this witness an expert? Is his or her opinion backed up with sufficiently reliable information? How much of the expert's testimony is factual versus opinion? Courts are spotting trends amongst litigators and raising questions around bias: do the facts of your case truly run parallel to the other cases you have defended with the same expert, or is that the 'easy out'?

Opposing Counsel's Familiarity with Your Expert

There is also the risk that your opposing counsel has seen your defense before; they know what your expert witness is going to say and they prepare their rebuttal specifically for the expert's repeated checklist of presented facts. Patterns emerge in the expert witnesses' testimony, despite the dynamics of case specifics. The successful litigator is the well-prepared litigator. Is it inconceivable to think that your repeat opposing counsel would invest the resources in learning the ins and outs of your practice for the courtroom?

You cannot shortchange the task of locating relevant, credentialed expert witnesses. Although you may be in the practice of representing similar clients or lines of business, each case is different and each case deserves personal attention to detail. I understand the value of time, the limitation of resources, and the competition in the courtroom, but I believe that the risks of the repeat expert outweigh the benefits.

Ingrid Vinci spent 10 years as a litigation attorney before founding Expert Consulting Services (ECS). A graduate of Southern Methodist University School of Law, she practiced in the areas of personal injury, professional negligence, product liability, and premises liability. During her tenure as a litigation attorney, Ingrid worked with experts in a wide variety lof areas of expertise.

Ingrid's philosophy of case development involved establishing strong relationships with the expert witnesses with whom she worked by encouraging open and regular communication and utilizing the expert witnesses to help formulate case strategy. She values the importance of a solid and collaborative relationship between a legal professional and his or her expert witnesses.

✉ Ingrid@search4experts.com

F&F

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The Paralegal Society ~ *a forum created to educate, motivate and inspire paralegals to engage in the pursuit of excellence for all paralegalkind.*

22 Monday APR 2013

"Mentorship – The Golden Nuggets of Knowledge"

POSTED BY THE PARALEGAL SOCIETY IN ASPIRING PARALEGAL, EXPERIENCED PARALEGAL, LITIGATION, NEW PARALEGAL

By: Barbara A. Bessey, CP

Tags

advice, article, association, attorney, barbara bessey, best, blog, chat room, club, group, knowledge, law, firm, locate, mentor, mentorship, obtain, office, paralegal, pointers, share, sharing, social forum, the paralegal society, tips, top

Greetings, TPS Nation! It's great to see you on this absolutely fabulous Monday morning. Here's the deal – it's either going to be a fabulous Monday or we're going to go down in a big blaze of legal glory trying to make it happen! Today, Barbara is stopping by to share a guest post on the topic of mentorship. What do mentorship and mining have in common? You'll have to keep reading to find out.

I connected with Jamie Collins through the NALA group as an active member of NALA. Jamie had shared some of her articles that she posted on TPS with the NALA group. The first article I read of Jamie's was a very interesting article about paralegals being planners and the run-away train that we end up on each day trying to derail us. I then read Jamie's article regarding TPS, how her vision began, and what mentoring meant to her. It stayed with me; I woke the next morning thinking about what I wanted to post as a comment.

I sat down to my computer, logged into LinkedIn, went to my Groups' listing, clicked TPS, and low and behold there was Jamie's current article about a writing contest. Great! I thought, "I'm going to develop my comment into an article for the contest." Life is sometimes a run-away train and my best laid intention to do something that is career related just sat on the hard drive of my computer partially started as a random thought process. I know the contest is long over and we had some amazing winning articles [insert applause!]. But, I felt compelled to finish my thought process and submit a guest blogger piece to help my dear friend Jamie find some precious extra time to spend with her family.

I believe many of us have come across the occasional paralegal at work or in our local association that feels that her best asset is to hang onto the "golden nuggets" of knowledge – a miser. I'm not sure if these paralegals have a fear of losing their job or losing certain projects if they share their experience and talents with "newbie" paralegals. I call them "golden nuggets" of knowledge because they are the things that a paralegal won't find in a textbook sitting in a class. They also may not be helpful words spoken by an attorney because most attorneys don't really know the exact intricate steps paralegals take to get their work done. It is up to paralegals to share their knowledge and experiences with others.

Even though I have 20 plus years of legal experience, starting as a receptionist at a small law firm of brothers, I still feel like I am a newbie in certain situations as most TPSers likely can relate to. Every time I have changed jobs, I'm the newbie learning the office culture and the office's intricate internal procedures. Sometimes, I am also a newbie learning a new area of law.

I was also a newbie when I joined the executive board of a paralegal association by volunteering from the floor for a vacant position. It was a total unexpected "knee jerk" response from me, the classic shy introvert, to raise my hand and volunteer. I really felt like a newbie in unchartered waters when I became elected chair of that executive board several years later (upon encouragement from a now past president of NALA while having lunch with her the last day of an annual conference). I led by example of women I felt had leadership qualities in "aces of spades". True mentors. I attended national conferences as a newbie. Talk about needing that "20 seconds of insane courage" that Jamie has talked about to learn the "practice of networking" [insert positive nod of head].

Even if a paralegal has years of experience in one way or another she/he continues to be a newbie. We all need mentors of one kind or another throughout our careers as paralegals. We all become better paralegals by sharing the "golden nuggets" of knowledge.

Mentoring is like mining. The golden nuggets are there to be extracted from the legal community whether it be from individuals in the workplace, an association, or an online group, which has formed as a "mineralized package". The miners (newbies or veterans) might find some of the golden nuggets just under the surface; however, more often than not it might take a little bit of work to harvest the most valuable pieces. Don't give up. Sometimes the miners might have to "sift through a whole lot of sand" to extrapolate the real gems. Keep digging. The internet has an abundance of blogs and articles — take as little or as much information as needed that works for you.

Mentorship should be a valuable and integral part of the workplace. It has to be. And if mentors are not prevalent in a paralegal's workplace then she/he needs to find mentors in other places. Keep searching. Knowledge is meant to be shared and paid forward, not buried or secreted in the "ore body". Mentors come in all shapes and sizes, like the landscapes of Mother Earth. Mentors may be like river beds, beach sand, or unconsolidated materials (placer deposits) or be like veins, layers, or mineral grains of solid rock (lode deposits). Either type, golden nuggets are extractable by different techniques. Keep trying. Not all of the "golden nuggets" come from deep within an "ore body"; some of the best "pearls of wisdom" are tucked deep inside a protected shell in the soft body waiting for the right person to open that shell to release it. It might be your next "aha moment".

———

Join.
Attend.
Don't give up.
Keep digging.
Keep searching.

...until you find those precious golden nuggets of mentorship.

Just like Barbara said, "It might be your next 'aha moment.'"

Remember, good day or blaze of glory — either way, we've got it covered! Make it fabulous.
We'll see you soon.

Reprinted with permission of Barbara Bessey, ACP and courtesy of the Paralegal Society, the article originally appeared in the April 22, 2013 The Paralegal Society. The article is reprinted here in its entirety.

MALA Mentoring Program

It is my hope that in 2017-2018, the Mentoring Program can take a stronger hold within MALA. What I envision the mentoring program to be is an instrument of organizational learning. Where the program can provide an opportunity for successful individuals (mentors) to share experience, knowledge and offer advice to new members, students or paralegals changing careers (mentees) and that this interactive mechanism will not only enhance the skills of seasoned MALA members, but also enhance professional and career skills of new paralegals entering the organization, and where mentors help mentees learn to handle various situations, enhance their career developmental skills, and avoid some of the pitfalls that can potentially side track a career or delay promotion opportunities. This mentoring program has the potential of broadening skills, experience and expertise throughout the entire organization.

Let me tell you a short story. I remember my first paralegal job like it was yesterday, well if you consider 23 years ago yesterday. I'm not entirely sure where that time has gone, but I regress. Anyways, it really wasn't a true paralegal job, it was a cross-over position. I did everything. I answered the phones, I transcribed dictation, I did filing, I did client invoicing and I drafted simple motions and prepared letters. The job duties were certainly not what I had envisioned I would be doing when I was a paralegal student . During this time, I knew no one in the paralegal world except my schoolmates, and they hadn't yet found jobs, and of course, the attorney I worked for. So when I had a simple question about a legal issue I had no guidance. I had no one to answer my simple questions—except for the attorney and thank goodness I was lucky enough to work with an attorney that was kind, forgiving and most importantly willing to answer my billion questions and teach me. And I'm pretty sure he got really tired of answering all of my questions, but if he did, he never let on, he just kept answering those questions.

Everyday I continued to learn more and more, but it wasn't until 1996 when I began working at a large law firm that I heard about MALA. Mind you, that was two years after I had already been working for an attorney (I could have really used MALA a whole lot sooner). I remember that first MALA meeting I attended. I was so scared. I knew only one person and that person was the President of MALA and my new supervisor. So I sat alone in the back of the room listening and taking it all in. There were so many paralegals in one room and all of them had been working as paralegals for quite some time. I was in awe of every one of them. Some had these strange letters behind their names (CLA or CLAS), of which I had no idea what they meant, but I knew one day I too would have letters behind my name. To me, these individuals were invincible and amazing. They had so much knowledge and advice and they were willing to share it with me. I had just been introduced to a whole new world. I now had an avenue to meet other paralegals, who I might add, quickly became my mentors as well as my friends. And now, when I had a question, I could quickly ask one of them and they were more than willing to provided me with an answer. Now I'm sure I would have figured it all out eventually on my own, but with these paralegals at my fingertips, I didn't have too. I now had a network of knowledge and information in these paralegals. I'm sure I never told any of these individuals, but they were my mentors and for that I am truly grateful. Each year I now take on my own mentee hoping I can provide them what was provided to me all those years ago. So THANK YOU to the many wonderful paralegals over the years who accepted me into MALA and took me under their wings and most importantly answered my questions when I needed an answer!!!

To this day, I believe mentoring is an invaluable untapped resource for those finding their way through this crazy profession we call—paralegals. So I encourage each and every one of you to become a mentor and share your knowledge and help someone find their way.

Terry Hale, ACP

Happy 25 Year Anniversary, MALA!

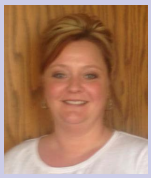
My congratulations on 25 successful years for MALA! MALA has been supporting the paralegal community in Montana with its CLE education seminars, networking opportunities, and promoting the role of paralegals across the state since 1992.

As a NALA Affiliated Association, MALA has offered support for those interested in taking the NALA Certified Paralegal exam through its CP review courses and CP and ACP scholarship programs.

I have been associated with this fine organization for over 20 years, and am proud to call myself a member. I have seen MALA's leaders bring us from a paper-intense world into the age of electronic media. No longer do we have hard copy membership lists and mailing labels. Our quarterly newsletter, MALA Moments, is online with a polished look. Our members can access malanet.org for a broad selection of information, ranging from leadership and committee contact information to legal resource links and a job bank, to name a few. And, when MALA needed to provide accessibility to its members across the state, our live videoconference and teleconference seminars and meetings were born. Yes, MALA has been successful in supporting Montana paralegals for the past 25 years, and I can't wait to see what the next 25 years will bring!

The leadership opportunities I was encouraged to pursue with MALA allowed me to have the confidence to seek out the leadership roles I have been able to provide to NALA to support paralegals across the country. It will be my honor to present the keynote address at MALA's 25th Annual Meeting in Helena on March 24, 2017. I hope to see you there!

Annette R. Brown, ACP
NALA Area 3 Director



Treasurer's Report

January—December, 2016

MONTANA ASSOCIATION OF LEGAL ASSISTANTS

TREASURER'S REPORT

STATEMENT OF FINANCIAL ACTIVITY JANUARY – DECEMBER 2016

REVENUE	
CLE	0.00
2016/01-03 JAN - APRIL	705.00
2016/05 - MAY	390.00
2016/06 - JUNE	1,501.00
2016/07 - JULY	375.00
2016/08 - AUG	600.00
2016/10 - OCT	795.00
2016/12 - NOV	730.00
Total CLE	5,096.00
Community Outreach	862.00
CP Review	1,100.00
Library	80.00
Membership Dues	2,450.00
Sponsorship	1,575.00
Total Revenue	$11,163.00
GROSS PROFIT	$11,163.00

ACCOUNT BALANCES as of 1/31/17

Bank Accounts	
MT Assoc of Legal Assistants Checking (XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX king)	4,401.86
MT Assoc of Legal Assistants Savings (XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX ings)	17,699.90
Total Bank Accounts	**$22,101.76**
Total Current Assets	**$22,101.76**
TOTAL ASSETS	**$22,101.76**

EXPENDITURES	
ACP Scholarship	900.00
Charitable Contributions	600.00
Citrix	979.42
CP Review Course	340.60
CP Scholarship	948.00
Domain Renewal	158.49
MALA Annual Meeting	
Food	827.26
Hotel	120.00
Mileage	622.40
Misc Fees - Copies, etc	19.58
Promotional	263.75
Speaker Fee	124.00
Total MALA Annual Meeting	1,976.99
NALA Annual Meeting	
Airfare	631.40
Hotel	727.84
Meals	400.00
Postage/Copies	33.89
Promotional	264.37
Registration	1,075.00
Total NALA Annual Meeting	3,132.50
NALA Association Dues	225.00
Office Expenses	67.40
Post Office Box Key	9.00
Post Office Box Rental	70.00
Postage	27.39
Promotional	832.88
Quickbooks	50.00
Wild Apricot	202.20
Total Expenditures	$10,519.87
NET OPERATING REVENUE	$643.13
OTHER REVENUE	
Interest Earned	7.79
Total Other Revenue	$7.79
NET OTHER REVENUE	$7.79
NET REVENUE	$650.92

MEMBER SPOTLIGHT

Katherine Troiano, CP—is a Montana native, born and raised in Missoula who graduated from the University of Montana with a Bachelor of Arts and who double majored in English and Anthropology. After graduating Katherine moved to Columbia Falls, MT to be with her husband.

Katherine joined the Whitefish Law Firm of Thomas T. Tornow, P.C. in 2007 as a legal assistant and office manager. She loved her work so much that she was inspired to attend the National Paralegal College for a Certificate in Paralegal Studies which she received in 2012, and has been her firm's Paralegal ever since. To advance her career further, Katherine became a Notary Public and in May of 2016, sat for and successfully passed NALA's Certified Paralegal exam. Katherine says becoming a Certified Paralegal has become a highlight in her career. Katherine was a 2016 recipient of MALA's CP Scholarship.

When Katherine is not working at Thomas T. Tornow, P.C., she enjoys everything the Flathead Valley has to offer. Her husband, daughter and Katherine enjoy fishing, hiking, biking, running, camping and skiing.

Being born and raised in Montana, Katherine dreamed of being able to find a sustainable career in Montana so that she could continue to enjoy the beautiful area she was raised in and raise her family here. Becoming a Paralegal has fulfilled Katherine's dream.

MALA's Quarterly Business Meeting Minutes

By Michelle Harelson

MALA Quarterly Membership Meeting Minutes

Date: November 7, 2016

Location: GoToMeeting/Teleconference

- MALA President, Jaime Burkhalter called the meeting to order at 12:06 pm.

Officer's in Attendance:

President – Jaime Burkhalter
Vice President – Terry Hale, ACP
Secretary – Michelle Harelson
Treasurer – Adria Kassion
Parliamentarian – Heather Bienevenue, CP
NALA Liaison – Barbara Hartzell, CP

The meeting was called to order at 12:06 p.m. by Jaime Burkhalter.

Officer Reports

1. Vice President, Terry Hale, ACP reported that the current Membership is 101 members, with no pending Membership Applications at this time.

2. Parliamentarian, Heather Bienvenue, CP reported there are 15 proxies for this meeting, which makes a quorum with present members.

3. Treasurer's Report from Adria Kassion. As of this call, the current balance in the MALA Savings account is $17,696.57 and the balance in the Checking account is $4,234.41.

   The new QuickBooks reports are breaking things out more than they have in the past. She has broken down the CLEs and Membership dues, and all costs so that they make sense. She is in the process of figuring out expenses for MALA and NALA annual meetings. The next report should have budget amounts next to it, to see where we are at in terms of the projected annual budget, hopefully on the next report. Adria has started QuickBooks in April 2016 time frame. She was not able to track some CLE's, so they were grouped all together until she started grouping them out (Jan-April). This is a work in progress and feedback is welcome on what people want to see in the reports. She will start the report date around May for breakdowns of expenses.

4. NALA Liason, Barbara Hartzell, CP reported that she and Jaime Burkhalter attended the NALA conference in Las Vegas. Two other MALA members were also there. This was their first time.

   The annual CP Review in Great Falls in September had 13 attendees, and was a huge success. NALA does offer CLEs as a reminder. Anybody can do online NALA CLE's, they would just pay more as non-members. Non-NALA members were also at the NALA convention.

Review of the July 8, 2016 Quarterly Meeting Minutes. Jaime asked all present if any changes were necessary, great job on minutes for long meeting, discussed a lot of things, a lot of information and covered a lot of things. Abby Blade wanted to stated - not on the minutes, but she wants it on record that she was very impressed with latest newsletter. It had great content and the layout was very good. Barbara also stated that it was a good newsletter. Jaime stated that the only change to the minutes was her name was spelled wrong at the very top, but that was the only change she saw. Terry moved to approve the minutes as noted with change of Jaime's name. Heather seconded the motion. Jaime called for a vote and there were no disagreements. The motion passed to adopt the minutes with the correction to Jaime's name.

New Business

Annual meeting March 24, 2016 in Helena. Jaime reported that the committee is still working on things. The annual meeting will be held on March 24th in Helena this year. Please have everyone save the date. The hotel is the Radisson, formerly the Colonial. It's located over by the overpass. The committee will send out more information as things come together.

New State Bar Paralegal Section Liaison, Olga. Shanni Barry was our State Bar Liaison, but she recently took position of President and had to resign as our liaison. Olga has graciously decided to take her place and will be State Bar Liaison for rest of the year. There is no report at this time, as she just took over the position. She will have something for us at the next meeting if there is anything to report. Sometimes there is nothing to report.

Old Business

QuickBooks. Adria reported that QuickBooks is going great and is just an easy program, and it only takes 2 seconds to put data entry into it. There are a lot of reports that can be made, but she has not had time to figure them all out yet. She needs to see what works best. For right now to get started, data is just entered at this time, but it works for right now. It is a cheap program. Any board members can log in and check where the finances are at and it is linked with our checking account.

MALA Credit/Debit Card. Adria reported that the debit card is working great, but she has not used it a lot yet. It is hard to imagine not having one in the past. There have been no issues on bank statements and she is glad we got it. It will keep MA-LA more current. It is a debit card right out of our account, not a credit card. At this time we do not a need credit card. We are using the Debit card for things like our QuickBooks monthly fee.

Wild Apricot Software. Terry reported that she has purchased it and it has access to Cloud and paid subscriptions to it. Once we have all members entered into it, there are many components. She will get with Olga next week and put together a new web page for something new and exciting. They will set it up for members to be able to pay dues through Wild Apricot and pay online for CLEs – she is in process of this now. There is a lot of data entry and there is a learning curve on fully utilizing this software. It has a lot of potential for us. She hopes it will be operational before the Annual meeting, so members may register for the event and pay for membership renewals online if they wish. Everyone will have their own User ID and password to log in to their own profiles. Members can look up how many CLE and ethic credits they have. She would like it to be 90% up and running by annual meeting. Right now everyone is entered into it and Olga will meet with Terry and create the new website, etc. and then open and link things and set up a Pay Pal account. It is a one step at a time project at this time. No help is needed at this time.

Miscellaneous

Community Outreach Update. Terry reported on the Totes for Tots fundraisers. They did the July 30 Osprey Baseball night. They sold tickets and received donations. A lot of tickets sold were donated back and provided foster kids to attend that evening. We raised $862 towards Totes for Tots. At the annual meeting we will discuss starting to gather items and put these together.

Open time – for any members if they have anything to bring up, ask questions or discuss. This was a quick meeting, just an update and progress report. Nothing else was brought up.

Terry moves to adjourn meeting. Sabrina 2nd motion. The meeting was adjourned at 12:27 p.m.

NALA Liaison Report

By Barbara Hartzell, ACP

Just a reminder, Terry Hale, ACP emailed the MALA members regarding MALA celebrating its 25th anniversary of its inception and affiliation with NALA!! The Seminar Committee is looking for members who might have photos of past MALA members, seminars, annual meetings, etc. and share those with the committee for a special presentation. Please contact Terry Hale, ACP for more information.

Another reminder, MALA promotes the CLA/CP and ACP designations by awarding ten scholarships (five $475.00 scholarships for CLA/CP examinees, and five $450.00 scholarships for ACP examinees) during our Annual Seminar and Meeting in March of each year. Applicants must be a MALA member in good standing and must have been a MALA member for one full year before they apply. If you are interested in applying for one of these scholarships, please submit a completed application by March 1, 2017 to the MALA – Professional Development Committee.

MARK your calendars for this exciting and educational event. NALA's 2017 Conference is July 19 to July 21 in Orlando, Florida! I attended my first NALA convention last year and it was well worth it.

Have you visited NALA's website lately? NALA's website is full of information and facts. If you have not visited the website lately, I encourage you to do so. One tab of interest is the Education tab. This tab has a list of upcoming webinars and other educational opportunities for paralegals.

I found this interesting fact from NALA's website, "According to the U.S. Bureau of Labor Statistics, employment of paralegals and legal assistants is projected to grow 8 percent from 2014 to 2024, as fast as average for all occupations." After reading this tidbit, I clicked on the DOL website and found the information below regarding paralegals.

Summary
2015 Median Pay: $48,810 per year
$23.47 per hour
Typical Entry-Level Education: Associate's degree
Work Experience in a Related Occupation: None
On-the-job Training: None
Number of Jobs, 2014: 279,500
Job Outlook, 2014-24: 8% (As fast as average)
Employment Change, 2014-24: 21,200

Also of interest is NALA's National Utilization and Compensation Survey. This survey is conducted every 2 years nationally by NALA. It includes feedback from NALA members, non-members, and members of NALA affiliated associations. You will find the 2016 Report on NALA's website. And on Page ** of this Newsletter is a summary of this 2016 Report.

If you have questions about NALA or how it can benefit you, please email me. Thank you.

Barbara Hartzell, CP
NALA Liaison

Established in 1976, the CLA /CP (Certified Legal Assistant/Certified Paralegal) program has enabled the profession to develop a strong and responsive self-regulatory program offering a nationwide credential for all paralegals. Today over 15,000 paralegals have achieved this esteemed credential.

NALA Utilization & Compensation Report

Every other year, NALA conducts a survey of paralegals to explore their duties and responsibilities, as well as billing rates and compensation. NALA has compiled this survey since 1986. This is a summary of the findings of the 2016 survey, conducted from October – November, 2016. For this year's survey we received 1,226 responses. With the US Department of Labor reporting more than 279,500 paralegals jobs in 2014 and the number of responses in our survey, we have a confidence level of 99% and margin of error of 3.68. Even with the amount of data collected, we are mindful that at best we are providing a generalization of the paralegal industry.

This article provides a summary of some of the survey findings. The full report is available on the NALA website at https://www.nala.org/about-paralegals/research-and-survey-findings

Who Participated?

Of the 1,226 participants, 95% were female and in their mid-40's. Most of these individuals have received their certified paralegal (CP) credential (two-thirds) and one quarter of the respondents hold the advanced certified paralegal (ACP) credential. The majority of responses were from NALA members (two-thirds).

Compared to the prior survey results, there was a slight dip in the number of paralegals who attained a Bachelor's Degree (48% to 46%). There was a slight increase in the number of paralegals who attained an Associate Degree and High School/GED.

The majority (33%) of the paralegals who responded had more than 25 years of legal experience, with 23% of the paralegals who responded having one to five years of experience.

Where are Paralegals Working?

Respondents were from all over the United States. The most responses were from paralegals living in the southeast and southwest regions. The majority (55%) of the paralegals work in cities with less than 500,000 people. An additional 24% of the paralegals work in cities with more than 1 million residents.

Working Conditions

Most paralegals are working in private law firms (68%). This is an increase of 7% from our survey in 2014. Secretarial assistance is limited to almost the majority (49%) of paralegals, though a little over 20% report that they do have access to secretarial assistance.

Respondents reported that there has been a significant increase in the amount of work that involves independent judgement has increased 34% compared to the prior survey to a total of 86% vs. 52% in 2014. While the independent judgement has increased, the amount of client involvement has decreased by 15% overall to 59% vs. 75% in 2014. In case management and supervisory/administrative duties have increased from 2014 as well, 17% and 11% respectively.

Less paralegals (10%) have employees that report to them compared to 2014 data. More paralegals are receiving their work from specific attorneys with an increase of 24% from 2014.

Specialty Practice Areas

Paralegals are spending 80 to 100% of their time in these specialty areas:

1. Litigation – civil (36%)
2. Personal injury (32%)
3. Family law/domestic issues (31%)
4. Insurance (25%)
5. Criminal (23%)
6. Intellectual property (22%)
7. Administrative/government/public, including compliance (22%)
8. Real estate (16%)
9. Healthcare (16%)
10. Medical malpractice (16%)

Billing Rates and Compensation

Paralegals are billing at rates similar to prior years with the larger firms having a higher billing rate and the more experienced paralegals billing at higher rates. Average compensation for paralegals has increased to $61,671, which is a 6% increase compared to 2014 at $58,410.

For more information, please visit our website for a complete copy of the survey results.

NEW
ADVANCED CERTIFIED PARALEGALS

MALA MEMBERS WHO HAVE ACHIEVED THE ADVANCED CERTIFIED PARALEGAL DESIGNATION FROM NALA:

BARBARA HARTZELL, ACP

E-DISCOVERY

CONGRATULATIONS ON A JOB WELL DONE!!!!!!

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Becoming an Invaluable Member of the Legal Team

By Nickie L. Stewart, CP, FRP

Whether you are new to the paralegal field or are a seasoned paralegal, I have some tips that may benefit you in your career. Consider what you can do to assist on each file on which you have been asked to work. If you know that records need to be requested or certain documents need to be drafted, go ahead and take the initiative and prepare a draft for your attorney to review, rather than waiting for your attorney to tell you to do so.

Draft each document as if you are going to be the one to sign it. If you look at a document from this perspective you realize the importance of the document and you will want to ensure that it is accurate.

Faster is definitely not better. When drafting a document or letter for review by your attorney, resist the urge to rush. Even if the matter is urgent, you must take the time to take a step back (and a deep breath) and review the document thoroughly. This is especially true if you have been asked, as I have been, to forward a document drafted by someone else. I learned the hard way that prior to doing so, I should first review the document for accuracy. Once you forward the document, it becomes "your" work product and the recipient will credit any typos or mistakes to you. Your boss or client will not remember the speed in which you accomplished a task but they will remember any mistakes you neglected to correct.

Consider what you can do to assist on each file on which you have been asked to work.

Even if you have not been requested to review a document you should take a few moments to quickly review it for accuracy. Many times in the past I was requested to hand deliver a pleading to Court for filing in order to meet a deadline, and while glancing at the document in the elevator I discovered a mistake. It is better to ask the attorney to take a final look at the document *before* you file it rather than point out a mistake *after* it has been filed. One of the secretaries would always say when she saw me coming back to her desk "Uh oh, what did I do wrong this time?" You should take as much pride in someone else's work product as you do your own and do your part to ensure that all work product that leaves your firm is of the highest quality and error free.

Take an interest in the cases you have been asked to work on and do not be shy about discussing your thoughts with your attorney. If you are working on a case that is document intensive, go the extra mile and review the documents thoroughly. I assisted two attorneys at the beginning of this year defending an employment law case in a four-day jury trial in Federal court which involved multiple witnesses. After the trial began we discovered that the plaintiff obtained copies of the trial witnesses' employment documents from the government entity we represented. One evening after a full day in trial I reviewed those documents and learned information about the witnesses' employment disciplinary actions and we were able to deal with those matters and diffuse the severity of the information

rather than being ambushed by that information by opposing counsel's examination of the witnesses.

When reviewing documents to be used as trial exhibits, take special care to examine any headers, footers or handwritten notes appended to such documents and point these out to your attorney before you submit them to opposing counsel or the Court. If they are your client's documents, the attorney may want to scrub the headers and footers. In this same trial there was a document submitted by the plaintiff as a trial exhibit. During the trial when it was displayed on a large screen for the jury to view we noticed a footer called "Rainy day file." As the plaintiff was claiming employment discrimination, it did not look good for her case that she was making notes "for a rainy day." By the end of the day even the Judge was referring to the document as "the rainy day memo."

Be prepared to go "all in." If your situation allows, let your attorney know that you can work overtime if necessary when you are preparing for trial. When getting ready for trial I have come back early from vacation and worked through the weekend and 15–18 hour days when needed. These situations are very rare but I know that it is time well spent. I missed many meals and did not get much sleep for two weeks but it was worth it as we achieved an excellent result for our client.

Finally, I have learned to always have a pen and legal pad with me when I go into an attorney's office. You can pretty much bet that if your boss calls you into his or her office you will be given an assignment, and nothing is worse than not being prepared to take careful notes.

Nickie L. Stewart, *CP, FRP*, has been a litigation paralegal for more than 25 years at Henderson, Franklin, Starnes & Holt, P.A. She works for a team of 10 attorneys in a variety of fields including employment law, eminent domain, and mortgage foreclosures. She obtained her CP certification in 1987 and became a Florida Registered Paralegal in 2008. Nickie was the recipient of the 2015 Affiliates Award at the NALA Convention in Tulsa in July. She is currently the NALA Liaison for Gulf Coast Paralegal Association, Inc. and serves as a proctor for the CP exam, as well serving on the steering committee of the School of Business and Technology at Florida SouthWestern State College. She is also in the 2016 NALA LEAP Class.

✉ nickie.stewart@henlaw.com

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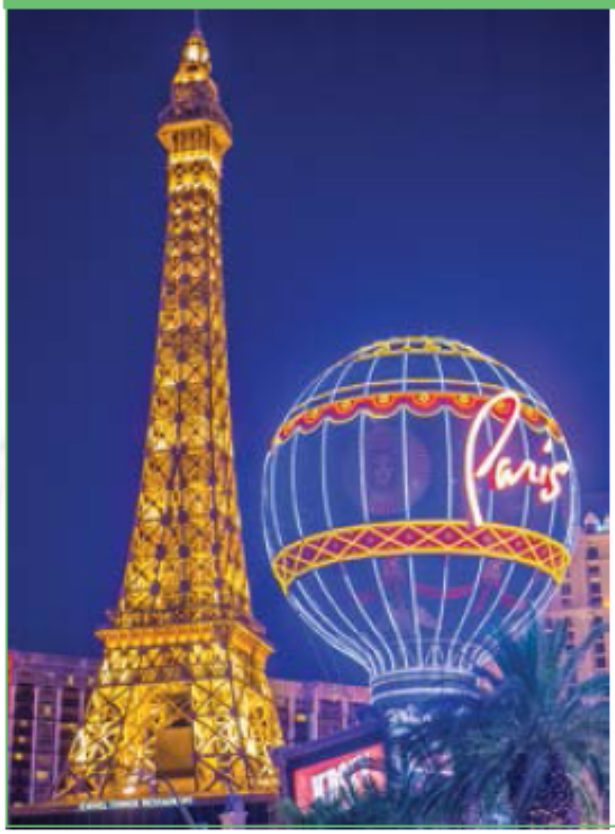

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NALA | THE PARALEGAL ASSOCIATION

Ethics Quiz

1. True or False. It is permissible for a paralegal to propose and to implement a discovery plan in a personal injury case.
2. True or False. Different ethics rules apply to paralegals who offer their services only to licensed attorneys than to paralegals who are employed full-time by licensed attorneys.
3. True or False. A paralegal who discusses a client's case while at a friend's wedding violates the client's special right to privacy, which his called confidentiality.
4. True or False. A grateful client sends a diamond-studded pen holder to a paralegal, as a way to say thanks for a job well done. It is permissible for the paralegal to accept the pen holder.
5. True or False. If an administrative agency permits nonlawyer practice, a paralegal may establish a practice of exclusively representing clients before that agency.

Ethics Answers:
1. True; 2. False; 3. True;
4. False; 5. True

Recipe Corner

This Blueberry Feta Salad will become your new go-to salad for spring!! It combines fresh blueberries with feta chees, almonds, and a lemon poppy seed vinaigrette. Perfect for a n Easter celebration or a quick dinner.

Blueberry Feta Salad with Lemon Poppy Seed Dressing

Prep time	Total time
10 mins	10 mins

Salad Ingredients:

6 C. mixed greens

1 C. blueberries

4 oz. crumbled feta cheese

1/4 C. almonds

Red onion slivers, to taste

Dressing:

1/3 C. Olive oil

1/3 C. Golden balsamic vinegar

1 Tbsp. lemon juice

1 Tbsp. honey

1 tsp. poppy seeds

1/4 tsp. pepper

Instructions:

1. Layer salad ingredients in large salad bowl or platter.
2. Prepare dressing by combining all ingredients in a container with a lid; shake vigorously to combine.
3. Toss salad with dressing.

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The Litigation Paralegal's Trial Survival Kit

By Teresa L. Semerena, ACP

All the pretrial deadlines have been met or have passed, exhibits and witness lists exchanged and next on the list is trial. Unfortunately, the progression orders never include a handy dandy checklist of items and tasks to be completed by the paralegal when proceeding to trial. Here are some of the things I have found essential to survive trial. It is not all encompassing, but it is a start and if nothing else, may prompt you to think of other essentials.

✔ Contact Information

You will want these readily available for anyone you may need to be in touch with during trial, especially your witnesses. You will want your witnesses to provide as many options to reach them as possible, even if that includes their mother's number. Once the trial begins, it takes on a life of its own and well laid plans and schedules for testimony can go by the wayside for a multitude of reasons. That is why I like to send a letter with subpoenas requesting the witnesses call me with their best contact information. I notify them that ideally we plan on having them testify at such and such time, but as the trial progresses I will stay in close contact with them and provide schedule updates.

✔ Maps

Have maps ready for the location of the courthouse and identify parking areas. You may want or need these for your witnesses and/or your attorneys or co-counsel. In addition to having maps ready to distribute, scope out places to go for lunch

to regroup and prepare for the next grueling session of trial. Everyone will be very appreciative of having a location chosen or being provided with good options to choose from. Trial is exhausting and time is of the essence.

✔ Know the Courtroom and Its People

You will want to know the layout of the courtroom you will be in. Visit it and speak to the bailiff, court reporter or other courtroom personnel for information on setting up any demonstrative exhibits or positioning equipment and tables. You want the attorney to be able to walk in on the day of trial and get to work as quickly and efficiently as possible.

✔ Audio & Visual Equipment

You may need to make arrangements for audio and visual equipment. Some courtrooms have the equipment available but it will need to be reserved ahead of time or in the alternative, you may need to contract with an outside vendor for equipment. Once you have the equipment in place, make sure you know how to operate it or if you are not going to be present at trial, adequately instruct the attorney on how to use the equipment. It will save time and embarrassment if you are familiar with the technology needed.

✔ Kitchen Sink

Just kidding! But sometimes it feels as if you need to remember or have on hand everything but the kitchen sink! Below are a few of the items I would highly recommend having ready to take to trial. You may not need all of them every time but if you do, you are ready.

- Heavy duty cart for transporting files;
- Portable easel for demonstrative

You will not only survive trial, you will look good doing it.

exhibits – not all courtrooms have easels available;

- Rules of Procedure and/or local rules;
- Extra legal pads;
- Fishing tackle box – fill one of these with office essentials such as pens, pencils, highlighters, paperclips, tape, scissors, rubber bands, small calculator, post-its, erasers, the invaluable rubber thumb! (Face it, we still deal with more than our fair share of paper most of the time), and anything and everything you can think of that you may need and will fit;
- Petty cash – you may need this for parking, unexpected copies to be made, vending machines, etc.
- Water and mints.

Take the suggestions and create your own essentials checklist that works with your venue and attorney. You will not only survive trial, you will look good doing it.

Teresa L. Semerena has been working as a paralegal since 1989. She is presently employed by the firm of Gross & Welch, PC, LLO in Omaha, Nebraska working primarily in insurance defense litigation. She received her CP designation from NALA in 2007 and her ACP designation in Individual Medical Liability in 2012. She is an active member of the Nebraska Paralegal Association (NePA) and has previously served on the board of directors of NePA in various roles including Treasurer, Publications Editor, President-Elect, President and Past President. Teresa is a graduate of College of St. Mary, Omaha, Nebraska with a B.A. in Paralegal Studies.

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Check out NALA's new and improved website – www.nala.org

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Montana Lawyer

Feature Article | Appellate Issues

5 tips for shortening your briefs without weakening your argument

By: Michael Manning
Holland & Hart llp

As any lawyer who has been to a bench-bar CLE can attest, appellate judges routinely ask for the same thing: shorter briefs. It's an understandable request from the perspective of judges who decide hundreds or thousands of appeals every year. But it's not always an easy one to put into practice for attorneys. Even in simple appeals, it can be challenging to balance brevity with the need to both fully explain the case and make a persuasive argument. And the more complex the case, the more difficult it becomes.

That said, it's important to keep in mind the difference between asking for *shorter* briefs and asking for *short* briefs. Most appellate judges understand that some cases simply cannot be synthesized into 15 or 20 pages. They just don't want to read a 45-page brief when 30 pages would do. So here are five ways to shorten a brief without hurting your chances of prevailing on appeal (and maybe even helping them):

Limit the number of issues. If you represent the appellant, think long and hard about whether an issue is truly worth including. It is the rare appeal where the errors are so profound that including a laundry list of issues will make your brief stronger. In most cases, limiting the brief to no more than three or four issues will give you the best chance. In most cases, limiting the brief to no more than three or four issues is ideal because any more than that risks signaling to the court that you included a lot of issues because you don't have any good ones. Paring down issues can be tough, but consider things like the standard of review, the possibility that the error is harmless, and what winning would really mean. For example, if your client believes it should prevail as a matter of law, but isn't thrilled about the possibility of a second trial, you should probably leave evidentiary issues on the cutting room floor.

Eliminate repetition. Appellate briefs are often littered with the same point repeated over and over, almost as if emphasizing it will make it more persuasive. The judges are smart people; they will get it the first time. So if you find yourself explaining the same argument twice (even in a different way) or using a phrase like "as discussed above," ask yourself if it is really necessary.

Every point does not warrant rebuttal. If you represent the appellee, avoid the temptation to respond to every minor contention in the appellant's brief, even if some of them are infuriating or flatly wrong. Nothing detracts from a winning argument faster than quibbling over a non-dispositive sideshow. And every paragraph spent debating unimportant tangents forces the judges to read additional material that will not help them decide the appeal.

Cut the fluff. Sometimes, including a fact that isn't central to the legal analysis can be beneficial; maybe it is important to understanding the case or it sets the stage for the argument to come. But briefs usually include all sorts of superfluous information that does little but add length. Dates are good examples. Occasionally, they are important to allow the reader to follow the story, or for issues like waiver and statute of limitations. More often, they are irrelevant and cutting the majority of them would shorten the brief without sacrificing substance. The same is true of a lot of other background information. Bottom line, if it doesn't improve your story or bolster your argument, you should consider leaving it out.

Edit for Grammar and Style. Grammar is boring and style is personal, but paying attention to both will make your brief easier to read, more persuasive, and shorter. Here are a few suggestions to start with:

- Use possessives instead of prepositional phrases. For example, use "plaintiff's brief" instead of "brief of the plaintiff."
- Use less officious words. For example, use "before" instead of "prior to" and "under" instead of "pursuant to."
- Eliminate most adverbs. For example, if a conclusion "clearly" or "obviously" follows from your argument, it should be clear or obvious to the court without your saying so.
- Avoid or shorten lead-ins. For example, the lead-in "it should be noted that" doesn't really add anything to your point. The court will necessarily "note" whatever it is you say next. If you really feel that highlighting the point is necessary, use "notably" or "importantly" instead.

Standing alone, individual grammatical and stylistic edits may seem inconsequential. Over the course of a 30-plus-page appellate brief, however, they will add up and make your brief more readable.

* * *

Following are the Ninth Circuit cases originating in the District of Montana that resulted in published opinions from June to October 2016:

Appellate, page 27

Appellate, from page 18

IN RE BARKER, -- F.3D --, 2016 WL 6276078 (9TH CIR. OCT. 27, 2016)

Bankruptcy. A creditor wishing to participate in the distribution of a debtor's assets under a Chapter 13 bankruptcy plan has an affirmative duty to file a timely proof of claim, even when the debtor acknowledges the debt in a bankruptcy schedule. A debtor's listing of a debt in a bankruptcy schedule does not constitute an informal proof of claim because it is missing one of two essential elements: evidence of the *creditor's* intent to hold the debtor liable. Nor does it constitute a debtor's proof of claim because Federal Rule of Bankruptcy Procedure 3004 requires some additional showing beyond the bankruptcy schedules of a debtor's desire to include an unasserted claim in a Chapter 13 plan. And allowing an equitable exception to the proof of claim deadline would both violate the applicable statutes and thwart the purpose of Chapter 13.

U.S. V. LAMOTT, 831 F.3D 1153 (9TH CIR. 2016)

Criminal. Assault by strangulation, 18 U.S.C. § 113(a)(8) — a crime added to the federal assault statute in 2013 by the Violence Against Women Act — is a general intent crime. As such, it requires only that the act was volitional (as opposed to accidental). The defendant's state of mind is not otherwise relevant. The district court thus appropriately instructed the jury to disregard evidence of the defendant's voluntary intoxication. Additionally, the district court did not plainly err by instructing the jury that it must find that the defendant intentionally "wounded" the victim by strangling her, even though use of the word "assaulted" would have more closely tracked the indictment and § 113(a)(8).

UNITED STATES V. GROVO, 826 F.3D 1207 (9TH CIR. 2016)

Criminal. The "in concert" requirement of 18 U.S.C. § 2252A(g) requires proof that the defendant agreed in a common enterprise with three other persons to distribute, receive or access with intent to view child pornography. The defendants' active participation — as opposed to mere presence — on an invite-only message board dedicated to sharing, accessing, and viewing child pornography constituted sufficient evidence to satisfy that standard. The same conduct — specifically, the defendants' posts on the message board soliciting specific images — constituted advertisements sufficient to support their convictions under 18 U.S.C. § 2251(d). Because the district court did not have the benefit of *United States v. Galan*, 804 F.3d 1287 (9th Cir. 2015), when it entered its restitution order, the Ninth Circuit remanded so the district court could disaggregate the losses caused by the original sexual abuse of the victim and the losses caused by the ongoing distribution and possession of her images.

Michael Manning is an appellate lawyer in the Billings office of Holland & Hart llp, and previously clerked for Ninth Circuit Judges N. Randy Smith and Thomas G. Nelson. His column appears quarterly in the Montana Lawyer.

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October 10, 2016	Ethics and Technology	Terry Halstead, ACP
August 10, 2016	Indian Law	Melissa, Mt District Attorney
July 13, 2016	Criminal Law: Taking the Defensive Side	Terry Halstead, ACP
June 9, 2016	Judgement Collection	Michael Moore, Esq.
April 13, 2016	Service of Process: Rules and Procedures	
March 14, 2016	Guardian Ad Litem	Brock Kolar
November 18, 2015	Technology Rules	
August 12, 2015	Legal Ethics	
July 15, 2014	Depositions, Summaries & Court Reporting	
June 10, 2014	Secretary of State Seminar	
January 7, 2014	Advice v. Information	and Mt. Supreme Court Self Help Program
June 25, 2013	Notary Rules and Updates	
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Terry Hale, ACP, is a Criminal Investigator with the State of Montana Public Defender's Office in Missoula, Montana who has over 23 years of legal experience in Criminal Law, Employment Law, Insurance Defense, Medical Malpractice, Personal Injury, Family Law and Civil Litigation. She received her AAS Degree in paralegal studies in 1996 and her BAS in Sociology with an emphasis in Criminology in 2014. She received her CLA/CP designation in 2006, her ACP designation in Trial Practice in 2007 and her ACP designation in Criminal Litigation in 2015. Ms. Hale has been a member of MALA since 1996 where she has served as President, Vice-President, NALA Liaison, and on all committees and currently serves as Vice-President. Ms. Hale has been a member of NALA since 2002 where she served on the NALA Board of Directors as Region 8 Director from 2009-2013, NALA's 2006-2007 CEC Committee and as the 2007-2008 Chair of NALA Campus LIVE! She serves as a member of the UM –Missoula Paralegal Advisory Board. Ms. Hale received recognition over the years for her professional accomplishments including the NALA Making a Difference Recognition, a NALA Affiliate Award, and a West Educational Publishing Award. She was an adjunct faculty member of the University of Montana COT where she taught Law Office Management and classes on writing resumes, cover letters and professional portfolios. Ms. Hale has been a speaker for MALA, NALA, the State Bar of Montana and other paralegal organizations on a variety of topics including judgment and analytical ability, communications, team building and leadership, civil litigation, ethics, trial preparation, cover letters, resumes and professional portfolios and stress management. She is a published author in NALA's magazines *Facts & Findings* and *Career Chronicle*. Ms. Hale is recently married and loves spending time with her four children, her beautiful granddaughter, and two handsome grandsons.

Vice President:

Heather Bienvenue, CP, is a paralegal and Office Manager for the Bozeman City Attorney's office. She has been a member of MALA for nine years. With twelve years of legal experience, Heather is always looking for ways to refine her skills and develop her legal knowledge. Ms. Bienvenue obtained her CP designation in 2012 from the National Association of Legal Assistants. She has a degree in English literature and secondary education. Heather has been married for 17 years to Bill Flanagan. They have two active boys ages 14 and 19. Most of the winter is spent watching the boys play hockey all over Montana. They also enjoy spending time with their families at Swan Lake and Hobson. When time allows, Heather enjoys reading, writing, and watching movies. She has completed the Portland Marathon for the second time and looks forward to competing in more events.

Secretary:

Michelle Harelson has been a MALA member and a member of the Montana State Bar for the past 3 years. Michelle graduated with her Bachelor of Arts in Paralegal Studies with a minor in psychology in December of 2005. Michelle has 7 years of experience as a legal assistant/ paralegal. She has worked for solo attorneys, small firms including Falcon, Lester & Schaff and a large firm, Sullivan, Tabaracci & Rhoades. Michelle currently works as legal assistant to Craig R. Buehler at Buehler Law Office in Lewistown, Montana. Experience areas include: family law, appeals, personal injury, civil litigation, collection, property law, estate planning, probate, guardianships, criminal defense, and commitments. Michelle volunteered for the Montana Crisis Hotline as a crisis hotline telephone volunteer, helping people with all types of crises. Michelle worked as a domestic violence advocate at Mercy Home in Great Falls during college, helping many women and children in a 24 hour domestic violence shelter. Michelle was trained for sexual assault advocacy, suicide prevention and intervention, domestic violence advocacy, and as a community resource referral specialist. Michelle has two children, a 20 year old son and a 4 year old daughter. She enjoys reading books and the great outdoors with camping, fishing, and snowmobiling to name a few things. Michelle loves playing with her daughter daily. Michelle has recently started a cottage kitchen chocolate business, which specializes in truffles, chocolate modeling clay/sugar paste, and boxes made of chocolates.

Treasurer:

Stephanie Spokas attended the University of Great Falls and received a degree of paralegal studies in 1990. Stephanie moved to Helena in 1994 and has remained in Helena since, providing paralegal support in State government and healthcare for the last 22 years. Stephanie is a freelance paralegal with Big Sky Litigation Support, LLC providing litigation support to local attorneys, and has worked in State government and the health insurance industry. Stephanie's experience has focused on litigation support, discovery management, and trial support. Stephanie has experience in the areas of class action litigation, income tax, property tax, liquor law, bankruptcy, health care law, constitutional law, and collections. Stephanie has participated in legal proceedings before State administrative agencies, and in the state and federal courts. She is a member of the Paralegal Section of the Montana State Bar, NALA, MALA, and Women's Leadership Network Helena. When not in the office, Stephanie enjoys spending time with her husband, son and daughter. Her hobbies include activities such as fishing, both salt water and fresh water, hunting, boating, skiing, and gardening. Stephanie is also an avid quilter, a gourmet cook and enjoys traveling and volunteer work.

NALA Liaison:

Barbara Hartzell, ACP Barbara is a paralegal at the law firm of Worden Thane in Missoula and has worked there for over 20 years. She specializes in civil litigation with a passion for trial work. Barbara is the current NALA Liaison. Barbara is a long time member of MALA and has served on the Board in various positions. She is also a member of NALA, serves on the Paralegal Advisory Committee Board at the UofM, and she is the Secretary for the Paralegal Section for the State Bar of Montana. Barbara earned her Certified Paralegal designation from NALA in 2009 and earned her ACP in E-discovery in 2017. She is a longtime resident of Stevensville. She loves to hike, travel and fills whatever down time she has with her three handsome grandsons.

Becky Henderson, ACP, has a BA in Journalism from Brigham Young University and over 20 years of experience as a technical writer/editor and freelance writer. When her corporate marketing specialist/technical editor position was eliminated in 2007 she took it as a sign of great opportunities to come and immediately enrolled in the University of Montana Paralegal Program. She graduated with an A.A.S. in Paralegal Studies with High Honors in May 2009. She received the CP designation from NALA in December 2009 and the ACP designation in Discovery in 2010. Becky is a paralegal at Bulman Law Associates where she specializes in plaintiffs' personal injury, medical malpractice, worker's compensation, and Social Security disability cases. Becky has served as MALA President, Vice President, Secretary, and Parliamentarian and has worked on or chaired nearly every MALA committee. She enjoys technical writing, reading (primarily history), quilting, hiking, and spending as much time as possible with her four children in their home states of Montana, Washington, and California.

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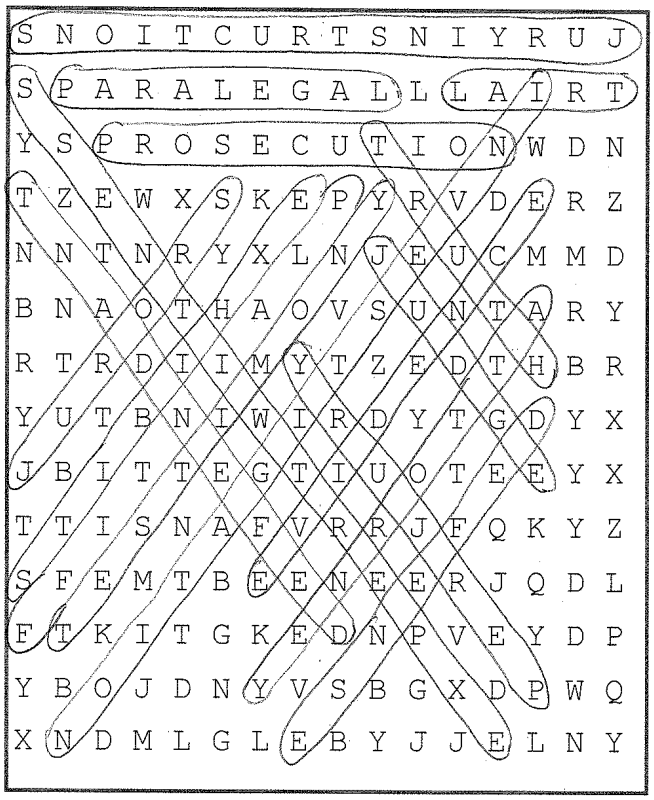

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