

# STATE BAR OF MONTANA

Serving the people of Montana and their attorneys

## STATE BAR OF MONTANA

### MEMBERSHIP SURVEY 2017

#### METHODOLOGY

The membership survey was administered electronically beginning in February 2017. A notice and invitation to participate was included in the dues statement received by members in early March. Members were also sent an email with the link to complete the survey. The survey was closed in March 2017. 783 members began the survey and 682 completed the survey. Of the 783 members that began the survey, 28 indicated they were retired and were only asked questions about benefits and services and communications. The response rate ranged from 20% to 18%.

The survey was designed jointly by the State Bar of Montana and the ABA Division for Bar Services. The data collection and analysis were handled by the ABA Division for Bar Services.

The State Bar of Montana previously conducted membership surveys in 2004, 2010 and 2014. Some of the same questions were asked for comparison purposes in the 2010, 2014 and 2017 surveys. Where applicable and/or noteworthy, the differences in responses are noted in the summary below and can be found throughout the survey report.

## SUMMARY AND HIGHLIGHTS

### I. DEMOGRAPHICS (p. 6)

- Twenty-five percent of respondents have been members of the bar for less than six years, down from 35% in 2014.
- Fifty-six percent of respondents are male; 43% are female.
- Thirty-one percent (down from 41% in 2014) of respondents are under 40 years of age; 51% (up from 42% in 2014) are over 50.

### II. CURRENT POSITION AND PRACTICE SETTING (p. 8)

- Eight-five percent of respondents have offices in Montana.
- Fifty-six percent of respondents are in a private practice setting.
- Forty-one percent of responding private practitioners are solo practitioners.

### III. BENEFITS AND SERVICES (p. 11)

#### State Bar activities – importance and success

Respondents were asked to rate (on a scale of 1-5 with 5 being extremely important) the importance of State Bar activities to them and their satisfaction with the success of the State Bar in providing those activities.

The activities rated highest in importance (top five) include:

1. Fosters a positive reputation for the profession – 3.98 (4.18 in 2014; 4.15 in 2010)
2. Provides me with information on my area of practice – keeping me current – 3.73 (3.89 in 2014; 3.77 in 2010)
3. Provides support for pro bono and legal services to the poor – 3.68 (3.84 in 2014; 3.81 in 2010)
4. Develops positive relationships between the bench and the bar – 3.67 (3.88 in 2014; 3.72 in 2010)
5. Provides me with networking opportunities – 3.14 (3.51 in 2014; 3.17 in 2010)

These ratings mirror what we see in bar associations across the country. Fostering a positive reputation for the legal profession and providing members with information to assist in their practice are consistently rated as top concerns for bar members.

The activities rated highest in success of bar providing (top five) include:

1. Fosters a positive reputation for the profession – 3.56 (3.65 in 2014; 3.48 in 2010)
2. Provides support for pro bono and legal services to the poor – 3.38 (3.50 in 2014; 3.43 in 2010)
3. Develops positive relationships between the bench and bar – 3.42 (3.50 in 2014; 3.33 in 2010)
4. Provides me with information on my area of practice – keeping me current – 3.13 (3.25 in 2014; 3.05 in 2010)
5. Provides me with networking opportunities – 3.03 (3.21 in 2014; 3.02 in 2010)

The mean rating for the success of the bar in offering each of the activities listed has decreased since 2014, and the importance means are higher than the success means for most activities.

#### State Bar benefits and services satisfaction and awareness

Respondents were asked to rate their satisfaction with State Bar benefits and services on a scale of 1-5 with being extremely satisfied. The highest rated programs are:

1. Lawyer Directory and Deskbook 4.31 (4.32 in 2014; 4.22 in 2010)
2. *The Montana Lawyer* magazine 4.06 (4.03 in 2014; 3.83 in 2010)
3. Ethics hotline – 4.06 (3.99 in 2014; 3.39 in 2010)
4. Fastcase legal research 4.01 (n/a 2014 and 2010)
5. Lawyer assistance program – 4.01 (4.02 in 2014; 3.44 in 2010)
6. CLE - 4.00 (4.06 in 2014; 3.91 in 2010)

The lowest rated programs are:

1. Fee arbitration – 3.61 (3.92 in 2014; 3.62 in 2010)
2. Section services and activities – 3.62 (3.71 in 2014; 3.05 in 2010)
3. Discounts on products and services – 3.64 (3.58 in 2014; n/a in 2010)
4. Access to pro bono and public service activities – 3.69 (3.70 in 2014; 3.24 in 2010)
5. Bar website – 3.91 (3.93 in 2014; 3.25 in 2010)

Satisfaction levels for all benefits and services rated increased from 2010-2014. Satisfaction levels for most benefits and services showed little variance from 2014-2017. However, fee arbitration had a notable drop from 3.92 in 2014 to 3.62 in 2017.

The benefits and services with the lowest awareness levels are the fee arbitration service (73% awareness), ethics hotline (78% awareness), and discounts on products and services (81% awareness). CLE (100% awareness), the bar website (99% awareness), the Deskbook (99% awareness), and the *Montana Lawyer* (98% awareness) all have extremely high awareness levels among members.

#### **IV. COMMUNICATIONS (p. 19)**

##### **METHODS**

- Email updates (87%) and *The Montana Lawyer* magazine (64%) are the most preferred methods of receiving information from the bar about programs, services and events.

##### **WEBSITE (p. 20)**

- The awareness levels of most features on the website have dropped since 2010. Bar section pages, and on-demand CLE have increased slightly.
- Usage levels (respondents who indicated they visited often) have decreased for all features since 2014.

##### **SOCIAL NETWORKING (p. 21)**

- Fifty-eight percent of respondents participate in social networking sites, down from 62% in 2014.
- LinkedIn is the social media platform most frequently utilized for professional purposes (53%).

##### **THE MONTANA LAWYER MAGAZINE (p. 22)**

- Seventy-three percent of respondents frequently read the print version of the publication, unchanged from 2014 and down from 82% in 2010.
- Eight percent frequently read the publication online, up from 4% in 2014. Fifteen percent occasionally read the online version, up from 14% in 2014.
- Eighty percent prefer the print version, down from 84% in 2014. Most frequently cited reasons were "I like to have a hard copy." (65%) and "I was not aware of the online version." (22%).

The items rated most beneficial in the magazine included:

1. Substantive law articles
2. Upcoming events including CLE
3. State Bar news
4. Practice updates

#### **V. ECONOMICS OF LAW (p. 29)**

The top six substantive areas respondents indicated devoting 20% or more of their time to are:

1. Litigation – 33%
2. Criminal law – 24%
3. Administrative law and governmental agency matters – 20%
4. Estate planning, probate and trusts – 20%
5. Family law, divorce, adoptions, mental health and juvenile matters – 18%
6. Torts – 18%

- Seventeen percent of respondents devote more than 50 hours a week to the practice of law compared to 19% in 2010 and 21% in 2014.
- Thirty-seven percent of respondents indicate their primary source of income is an hourly rate, down from 43% in 2014.
- Eight percent of respondents indicated they charged an hourly rate between \$101-\$150, down from 20% in 2014. Thirty-five percent of respondents charge an hourly rate between \$151-\$200, the same as in 2010 and 2014. The percentage of members charging an hourly rate of \$201-\$250 rose from 23% in 2014 to 32% in 2017.
- Forty-one percent of respondents indicated their gross salary in 2016 was under \$70,000, down from 53% in 2013. Seven percent grossed over \$250,000 in 2016, up from 4% in 2013.
- Fifty-six percent of respondents indicated the economic circumstances of their practice were unchanged compared to last year (52% in 2014 and 54% in 2010). Twenty-seven percent indicated they were better (28% in 2014) and 12% indicated they were worse (15% in 2014).

#### **VI. DELIVERY OF LEGAL SERVICES (p. 34)**

- Eighty-one percent of respondents have never participated in the State Bar's lawyer referral service. This is a slight increase from the 74% reporting in 2014 that they had never participated.
- Ninety percent of respondents have never participated in the modest means program.
- The most frequently cited reason for not participating was "It's not applicable to my work" (48%).
- The mean satisfaction level dropped from 3.51 in 2014 to 3.31 in 2017. (On a scale of 1-5 with 5 being the highest).

#### **VII. TECHNOLOGY (p. 36)**

- Sixty-seven percent of respondents indicated they are adapting well to the increased prevalence of technology in the practice of law. (Rated either a 5 or 4 on a scale of 1-5 with 5 being strongly agree and 1 being strongly disagree.)
- Fifty-seven percent of would be more likely to vote in bar association elections if they were able to vote electronically.

#### **VIII. CLE (p. 37)**

- Seventy percent of respondents have attended a State Bar-sponsored CLE program within the last year, either in person or online.
- Twenty-nine percent prefer online presentations, up from 25% in 2014 and 15% in 2010.
- Forty-three percent obtain less than 25% of their CLE credits from the State Bar.
- Content (4.79) was rated the highest in importance in determining whether to attend CLE programming. Meals provided (1.85) and time of day (2.70) were least important.
- About half of respondents have no preference about the time of day in which CLE is held.
- Respondents indicated they were most interested in topics covering bench-bar, technology, real estate and criminal law.

#### **IX. PRO BONO (p. 43)**

- Sixty-two percent of respondents indicated their employers encouraged pro bono work.
- The issues posing the most constraints to providing pro bono work included "time allocation" (64%) and "financial restraints" (31%).

#### **X. ROAD SHOW AND NEW LAWYERS WORKSHOP (p. 45)**

- Forty-nine percent (up from 47% in 2014) of respondents have attended a Road Show.
- Thirty-three percent have attended the New Lawyers Workshop.
- Both events received high satisfaction ratings (Road Show – 4.20; New Lawyers Workshop – 4.08) from those who had attended.

#### **XI. VALUE FOR DUES DOLLAR (p. 49)**

- Forty percent of respondents (down from 50% in 2014) pay their own dues; 55% have their dues paid by employer (up from 46% in 2014).
- On a scale of 1-5 (5 being the highest), respondents rated the value they received for their dues dollar at 3.46, a slight change from 2014 (3.48).

#### **XII. STATE BAR STAFF (p. 50)**

- Seventy-four percent of respondents indicated they had contact State Bar staff within the past year.
- They rated their satisfaction with their interactions with staff at 4.53 (on a scale of 1-5 with 5 being the highest).

#### **XIII. YOUR CONCERNS (p. 51)**

Respondents were asked to indicate their level of concern (on a scale of 1-5 with 5 being the highest level of concern) with several issues and their impact on the profession and their practice. The issues rated highest include:

1. Lack of public understanding and confidence in the judicial system – 4.08 (4.09 in 2014; 3.99 in 2010)
2. Public perception of the profession – 3.84 (3.84 in 2014; 3.69 in 2010)
3. Availability of legal services to Montana’s low-income population – 3.66 (3.71 in 2014; 3.54 in 2010)

Respondents were asked to indicate their level of concern (on a scale of 1-5 with 5 being the highest level of concern) with several issues and their impact on them and their practice. The issues rated highest include:

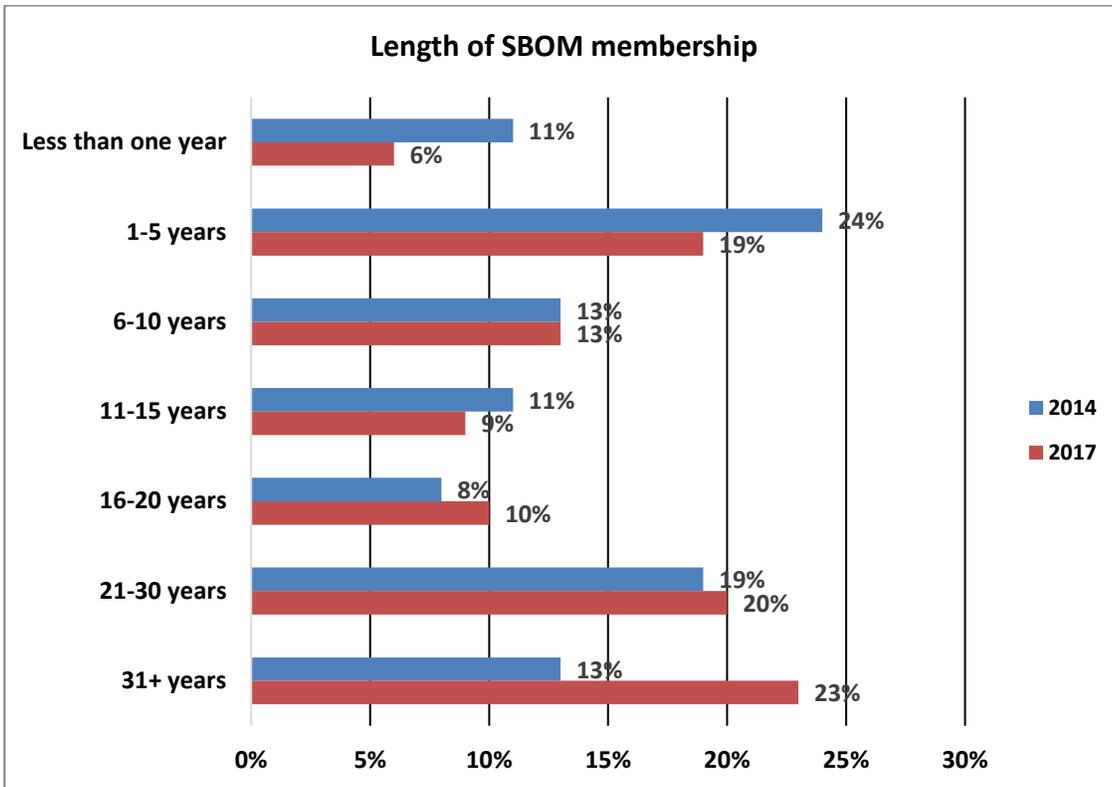
1. Keeping current in the law – 3.92 (3.94 in 2014; 3.95 in 2010)
2. Balancing work and personal life/family – 3.89 (3.92 in 2014; 3.86 in 2010)
3. Providing good service to my clients with limited time – 3.89 (3.53 in 2014; 3.49 in 2010)
4. Earning a living – 3.81 (3.76 in 2014; 3.73 in 2010)
5. Keeping up with and using technology – 3.58 (3.48 in 2014; 3.59 in 2010)
6. Relationships with my colleagues – 3.53 (3.48 in 2014; 3.59 in 2010)

#### **XIV. YOUR LEGAL CAREER (p. 54)**

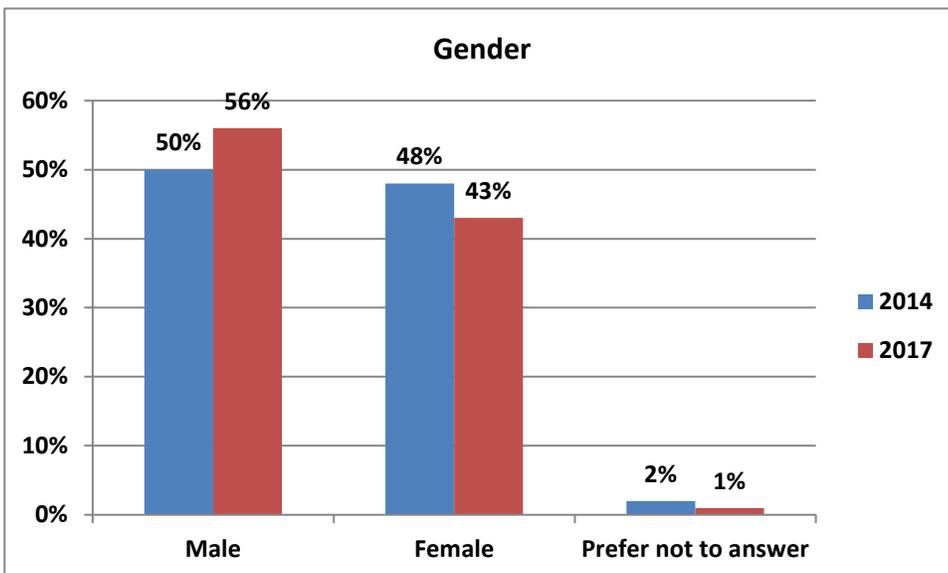
- Sixty-six percent of respondents expect to be in the same employment setting within five years.
- Seventeen percent plan to retire within the next five years.
- Five percent plan to transition to another specialty within the law within five years.

# I. DEMOGRAPHICS

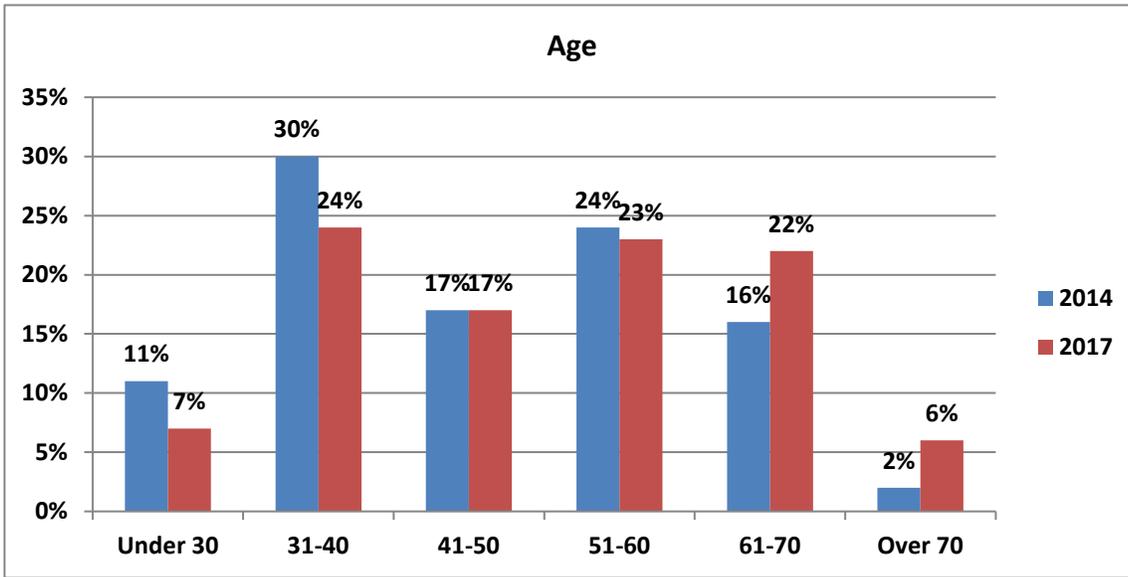
## 1. How long have you been a member of the State Bar of Montana?



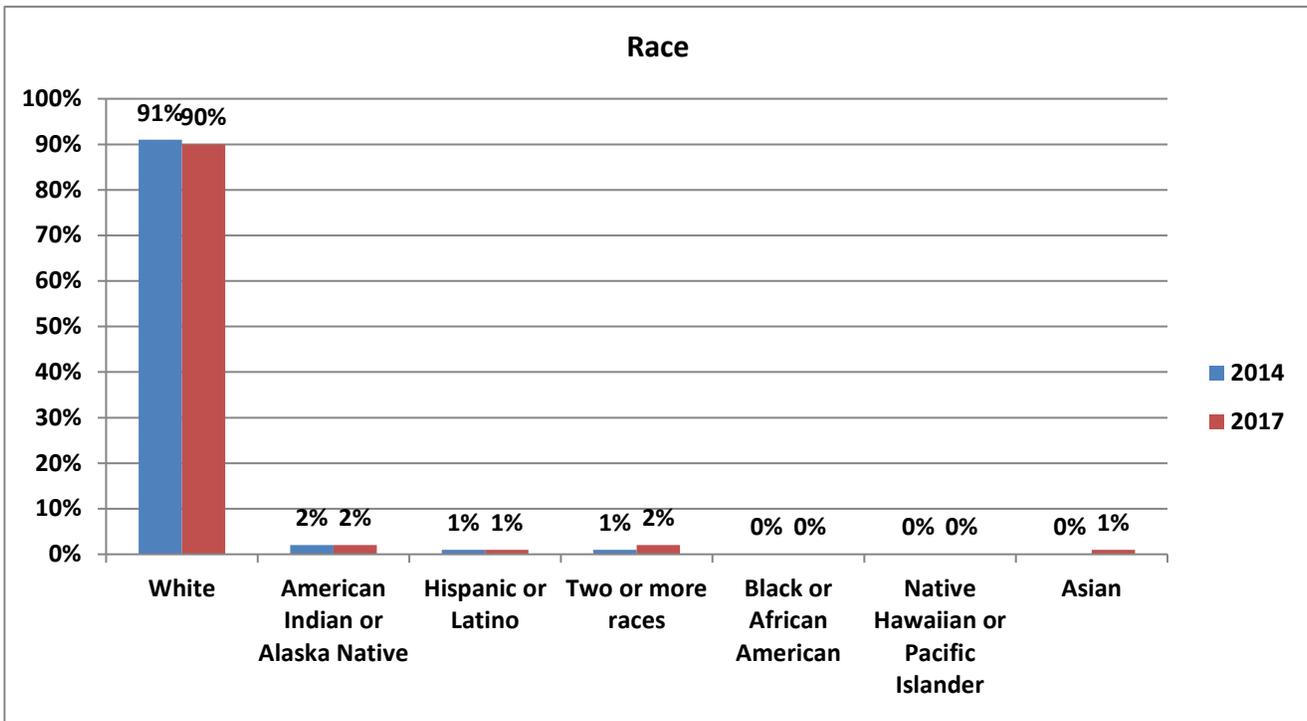
## 2. Please indicate your gender.



### 3. What is your current age?



### 4. What is your race?



## II. CURRENT POSITION AND PRACTICE SETTING

### 5. Which of the following BEST describes your current employment setting?

Employment Setting	2014	2017
Private practice of law	57%	56%
Government	22%	25%
Non-profit organization	6%	5%
Judiciary	5%	3%
Other	4%	3%
For-profit corporation or business (in-house counsel)	2%	2%
Retired	2%	4%
Law school	1%	1%
Currently unemployed	1%	1%
For-profit corporation or business (non-legal)	1%	2%

**Other:**

- Semi-retired (2)
- ALPS Property & Casualty Insurance Company- Claims Attorney
- Both private practice and government
- CH7 Bankruptcy Trustee
- General counsel for family businesses
- Higher education
- In-house contracts manager
- PhD researcher
- Private/government equally
- Pro bono
- School district
- Self-employed
- Student

### 6. Which of the following BEST describes your current position in private practice?

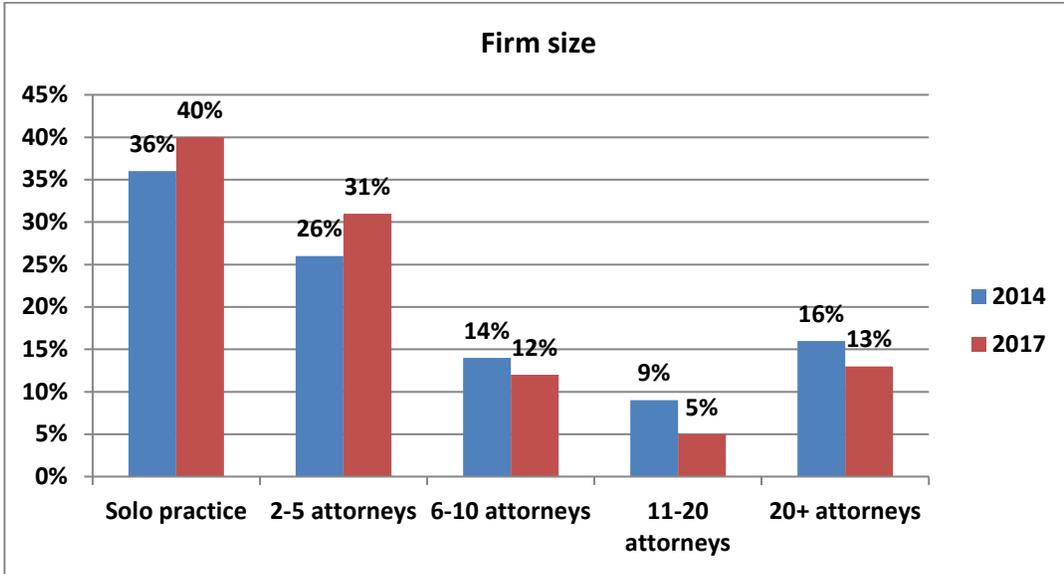
Employment position	2014	2017
Partner or shareholder in firm	31%	34%
Sole practitioner alone	29%	35%
Associate in firm	27%	17%
Sole practitioner sharing office space with other lawyers	7%	6%
Other salaried employee in law firm	3%	2%
Other	3%	6%

**Other:**

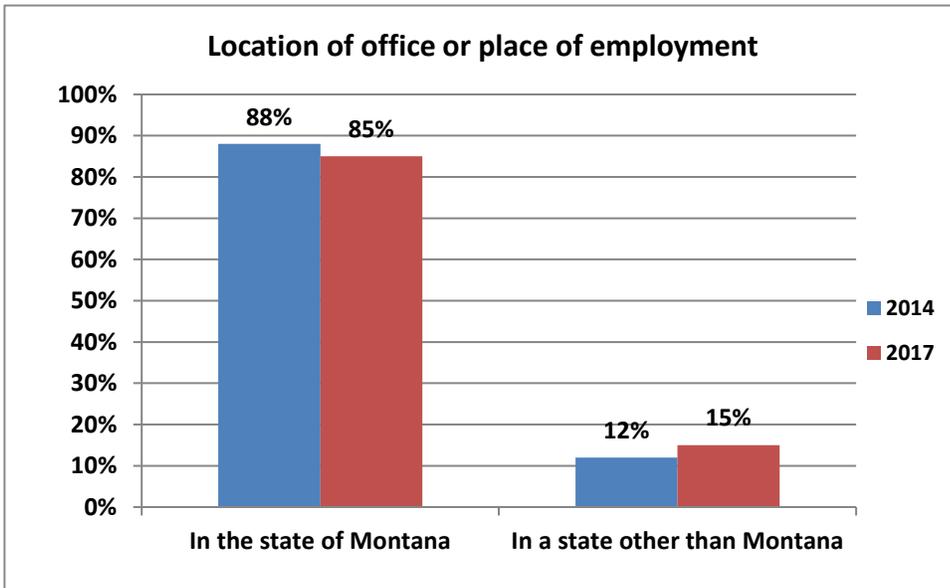
- Of counsel (8)
- Paralegal (2)
- Managing attorney (2)
- Contract partner due to age limitations in law partnership contract (2)
- 2 lawyers work for me
- Concurrent solo and associate in another firm
- Contract
- Hourly employee in a law firm
- Non-equity partner
- Permanent part-time associate
- Project attorney

- Self-employed but considered associate in firm
- Sole practitioner with one associate

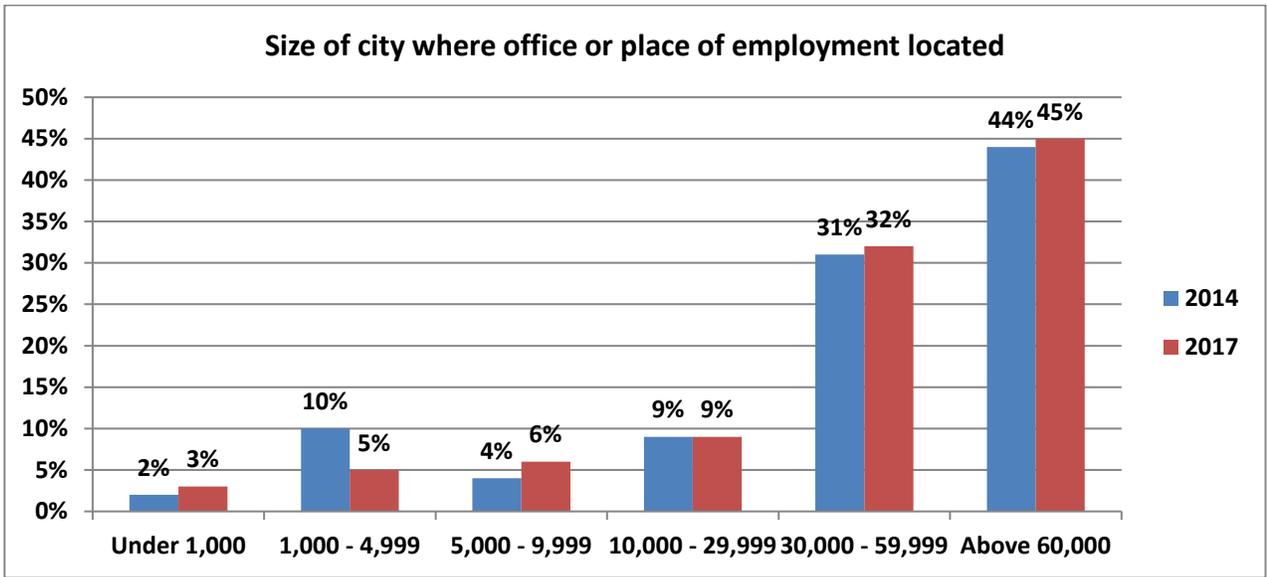
### 7. What is the size of your firm?



### 8. Where is your office or place of employment located?



9. Please indicate the size of the city where your office or place of employment is located.



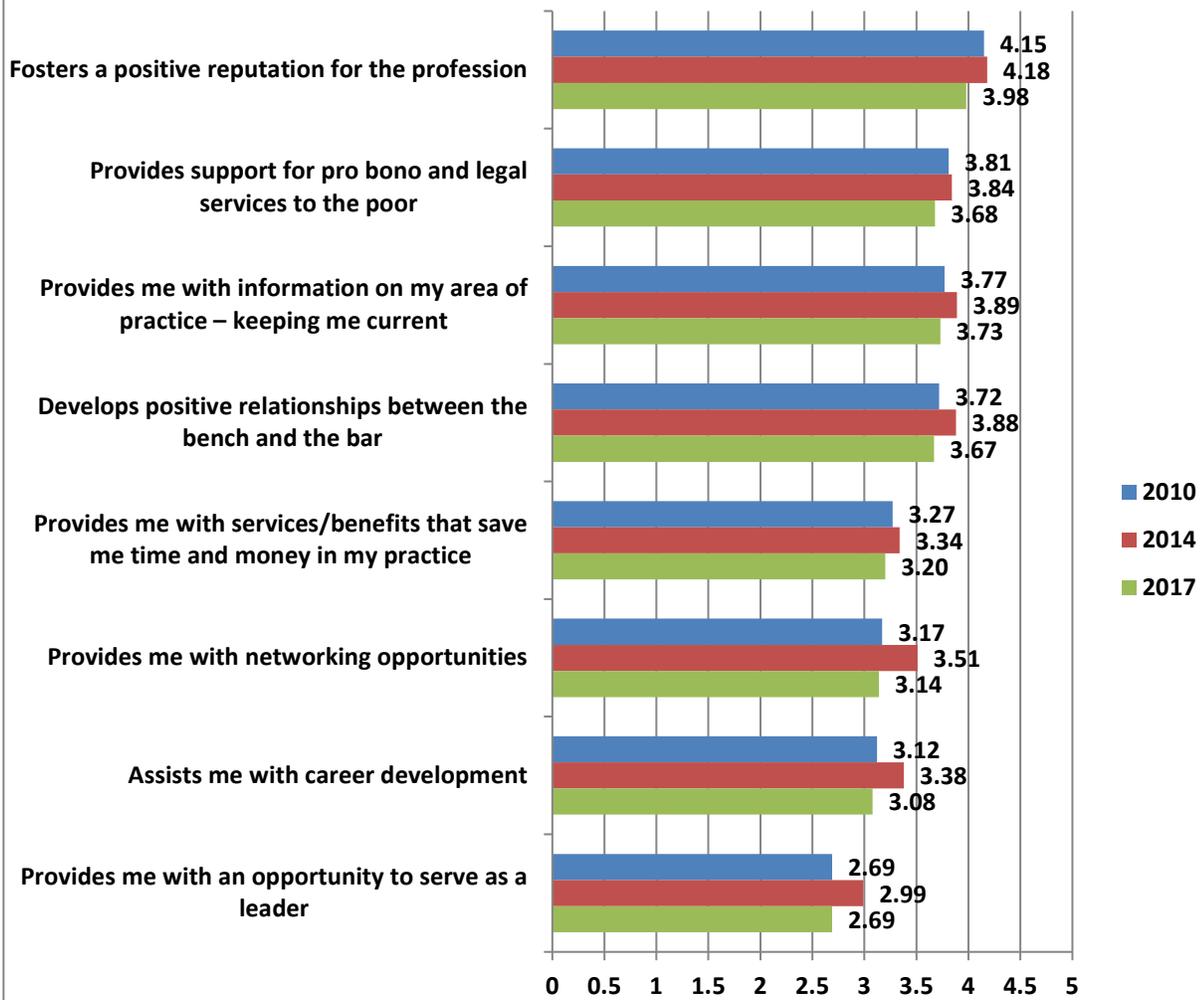
### III. BENEFITS AND SERVICES

10. Please rate on a scale of 1-5 (5 is highest rating; 1 is lowest) how important you believe the following activities of the State Bar are. Also indicate how successful the State Bar has been in providing each.

#### IMPORTANCE - 2017

Statement	5 – Extremely important	4	3	2	1 – Extremely unimportant	Mean
Fosters a positive reputation for the profession	39%	33%	19%	4%	5%	3.98
Provides me with information on my area of practice – keeping me current	27%	37%	21%	9%	5%	3.73
Provides support for pro bono and legal services to the poor	29%	32%	23%	9%	7%	3.68
Develops positive relationships between the bench and the bar	27%	34%	24%	9%	6%	3.67
Provides me with services/benefits that save me time and money in my practice	15%	27%	31%	17%	10%	3.20
Provides me with networking opportunities	14%	25%	34%	16%	11%	3.14
Assists me with career development	15%	25%	29%	18%	14%	3.08
Provides me with an opportunity to serve as a leader	7%	16%	33%	26%	18%	2.69

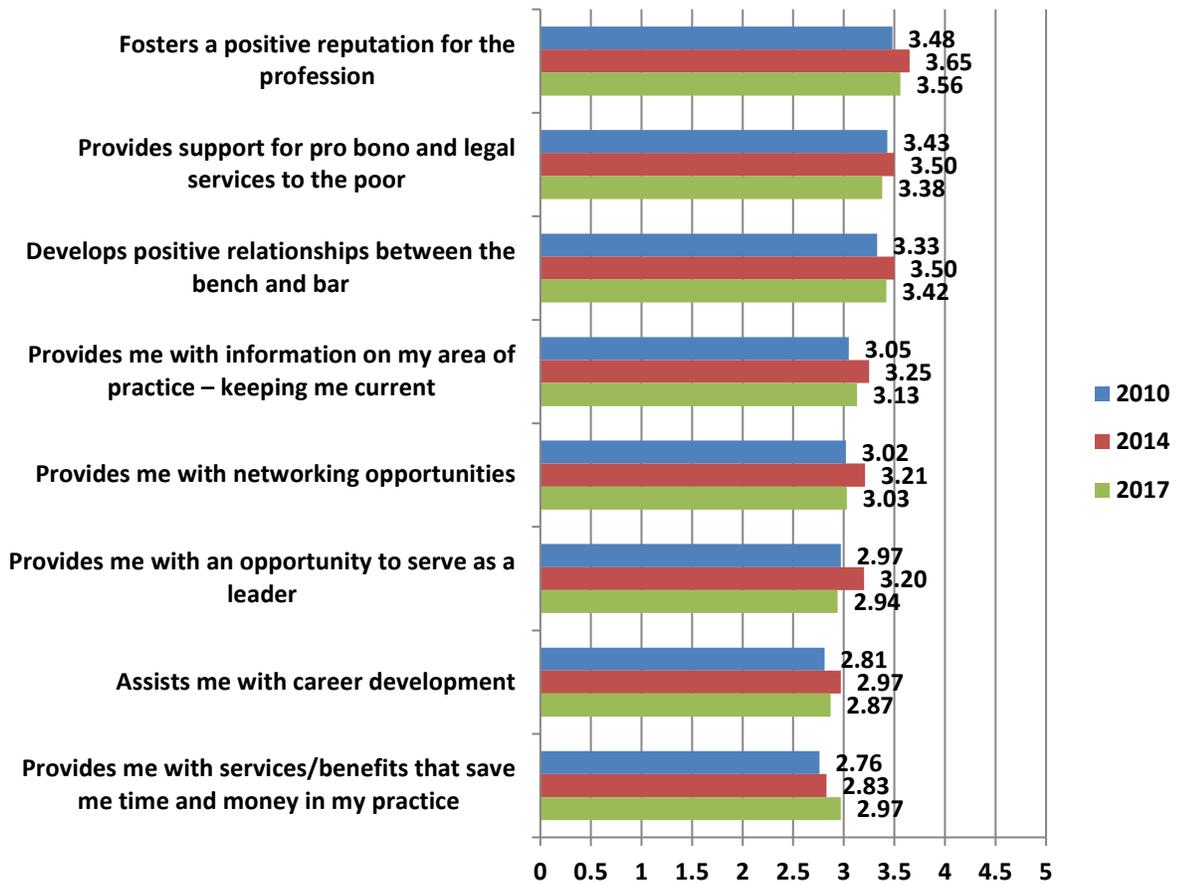
### Comparison of importance means 2010-2017



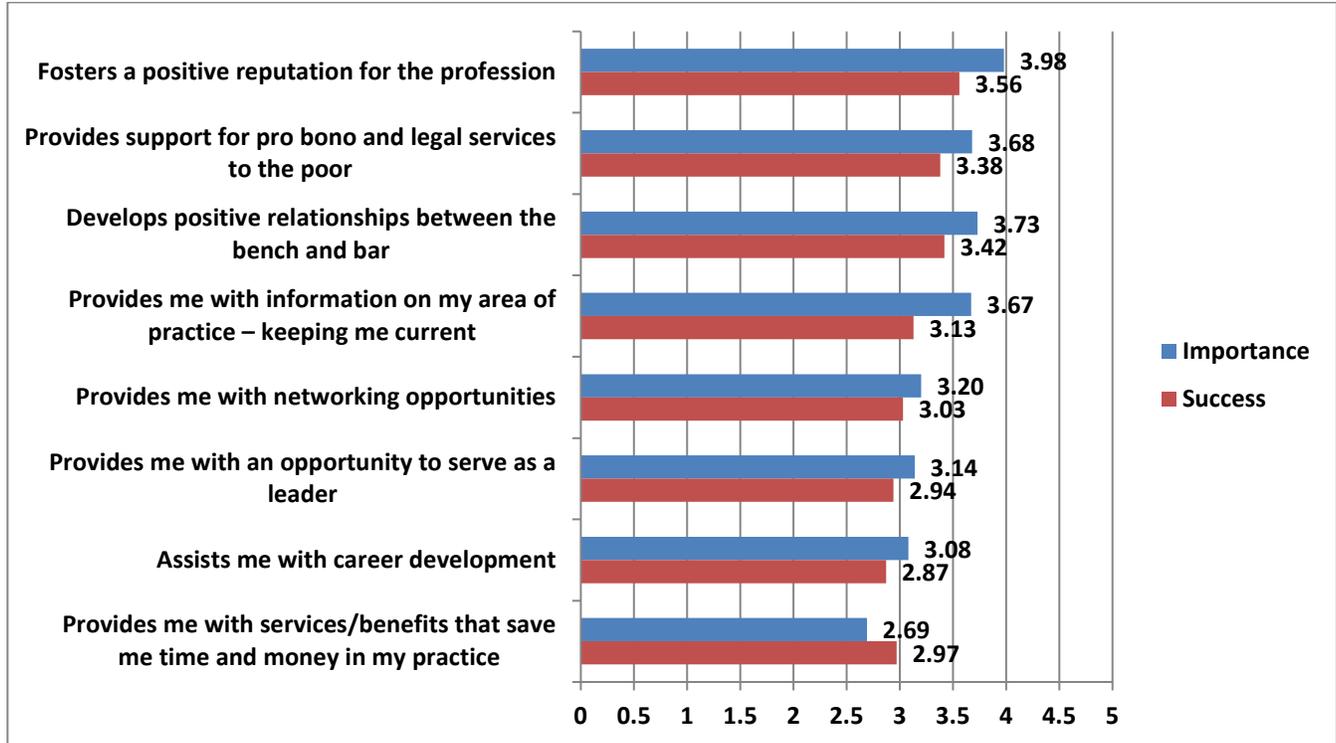
## SUCCESS - 2017

Statement	5 – Extremely successful	4	3	2	1 – Extremely unsuccessful	Mean
Fosters a positive reputation for the profession	15%	40%	33%	7%	4%	3.56
Provides support for pro bono and legal services to the poor	13%	34%	36%	11%	5%	3.38
Develops positive relationships between the bench and bar	15%	33%	37%	11%	5%	3.42
Provides me with information on my area of practice – keeping me current	10%	28%	46%	20%	8%	3.13
Provides me with networking opportunities	6%	24%	45%	19%	7%	3.03
Provides me with an opportunity to serve as a leader	8%	18%	44%	20%	10%	2.94
Assists me with career development	4%	21%	44%	22%	10%	2.87
Provides me with services/benefits that save me time and money in my practice	6%	21%	46%	20%	8%	2.97

### Comparison of success means 2010-2017



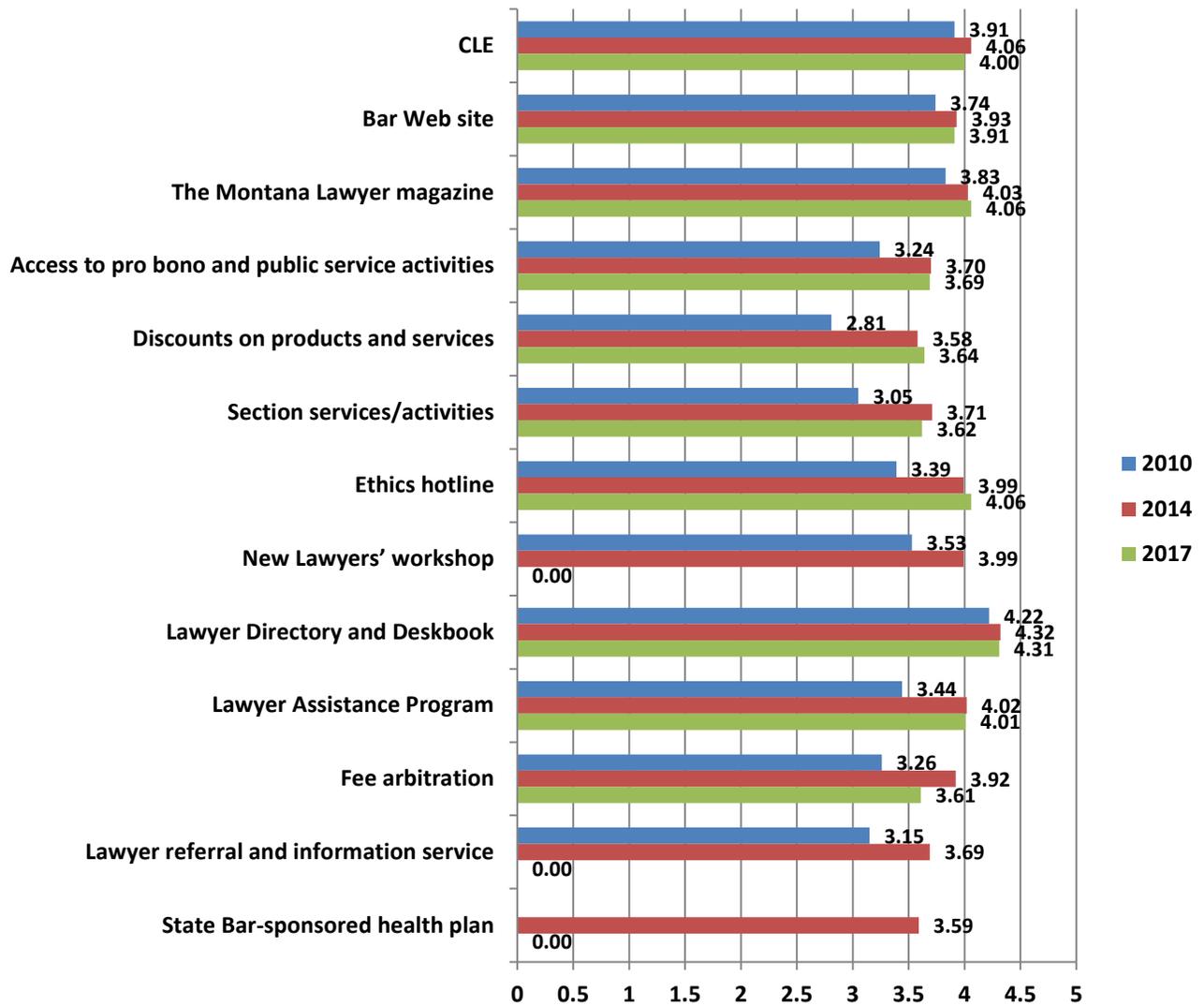
**Comparison of importance ratings vs. success of bar in providing ratings for 2017:**



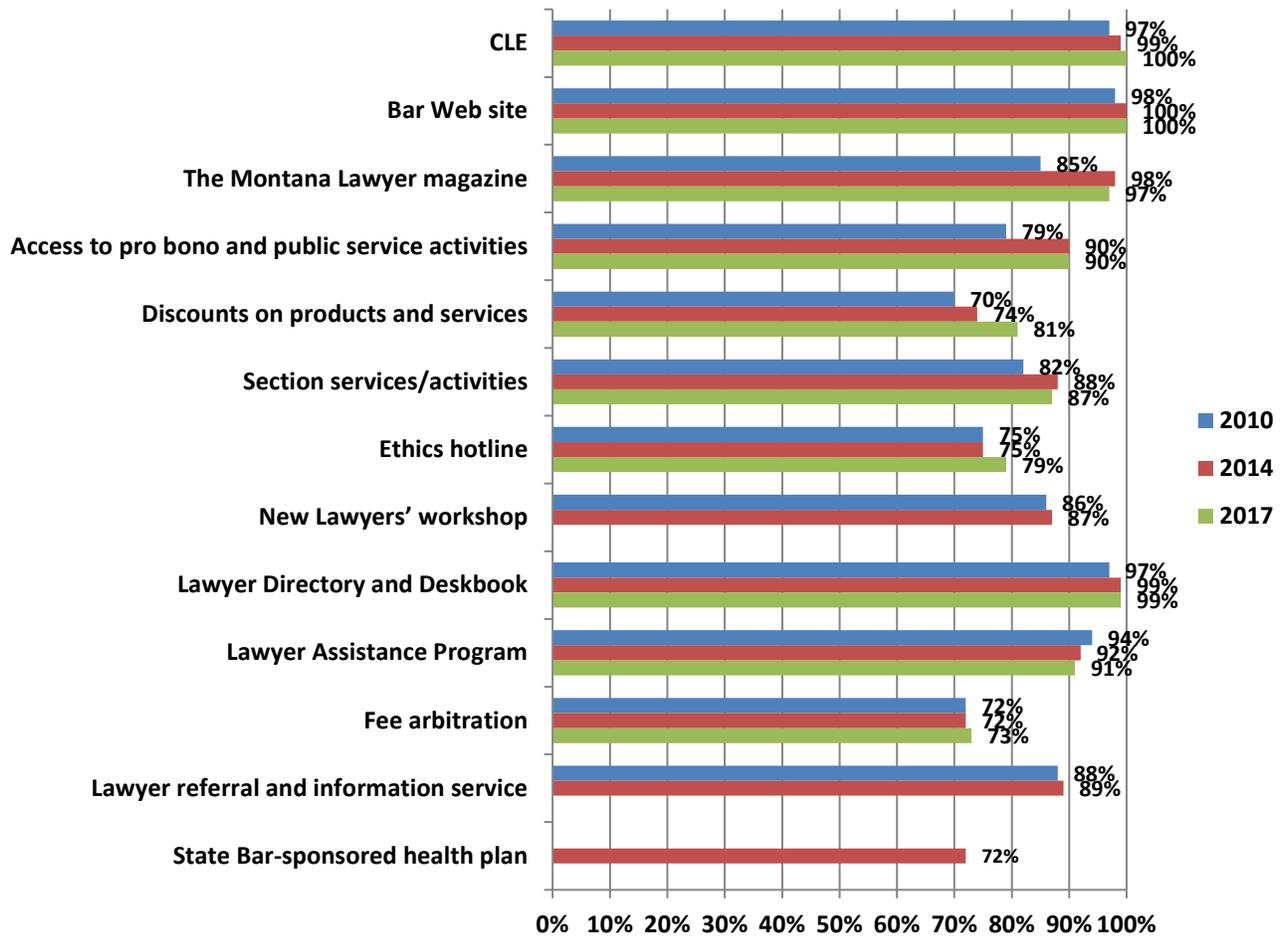
**11. Please indicate your awareness, utilization, and satisfaction (if applicable with the following State Bar benefits and services.**

Service/Benefit	Satisfaction						Awareness		
	5 – Extremely satisfied	4	3	2	1 - Extremely dissatisfied	Mean	Aware but have not used	Aware and have utilized	Not aware
Lawyer Directory and Deskbook	45%	42%	13%	1%	.2%	4.31	21%	78%	1%
<i>The Montana Lawyer</i> magazine	31%	48%	17%	3%	.4%	4.06	4%	93%	2%
Ethics hotline	39%	33%	25%	2%	1%	4.06	61%	18%	22%
Fastcase legal research	39%	32%	21%	6%	1%	4.01	53%	29%	17%
Lawyer Assistance Program	38%	29%	29%	4%	0%	4.01	80%	11%	9%
CLE	29%	47%	19%	3%	1%	4.00	12%	88%	0%
Bar website	24%	49%	22%	4%	1%	3.91	7%	93%	1%
Access to pro bono and public service activities	17%	43%	33%	6%	.4%	3.69	55%	35%	10%
Discounts on products and services	15%	41%	38%	4%	1%	3.64	62%	19%	19%
Section services/activities	19%	35%	34%	10%	1%	3.62	53%	34%	13%
Fee arbitration	21%	29%	45%	0%	5%	3.61	65%	8%	27%

### Comparison of satisfaction means 2010-2017



### Comparison of awareness levels 2010-2017



**12. Please enter any additional comments about the benefits/services of the State Bar:**

SEE APPENDIX – PAGE 56

**13. Please complete the following statements: I wish the bar would:**

SEE APPENDIX – PAGE 60

## IV. COMMUNICATIONS

### METHODS

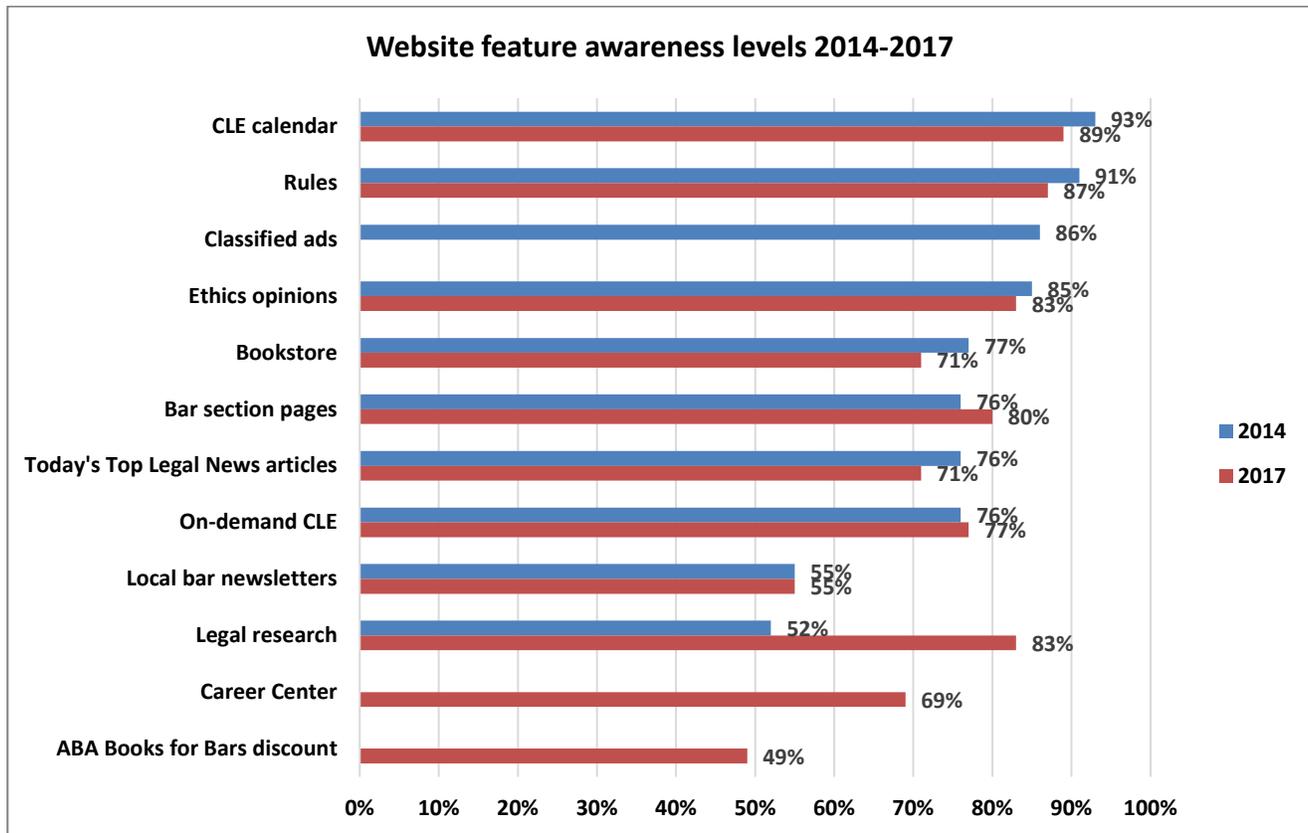
14. Please indicate how you prefer to receive information about State Bar programs, services and events that you may be interested in (select up to two).

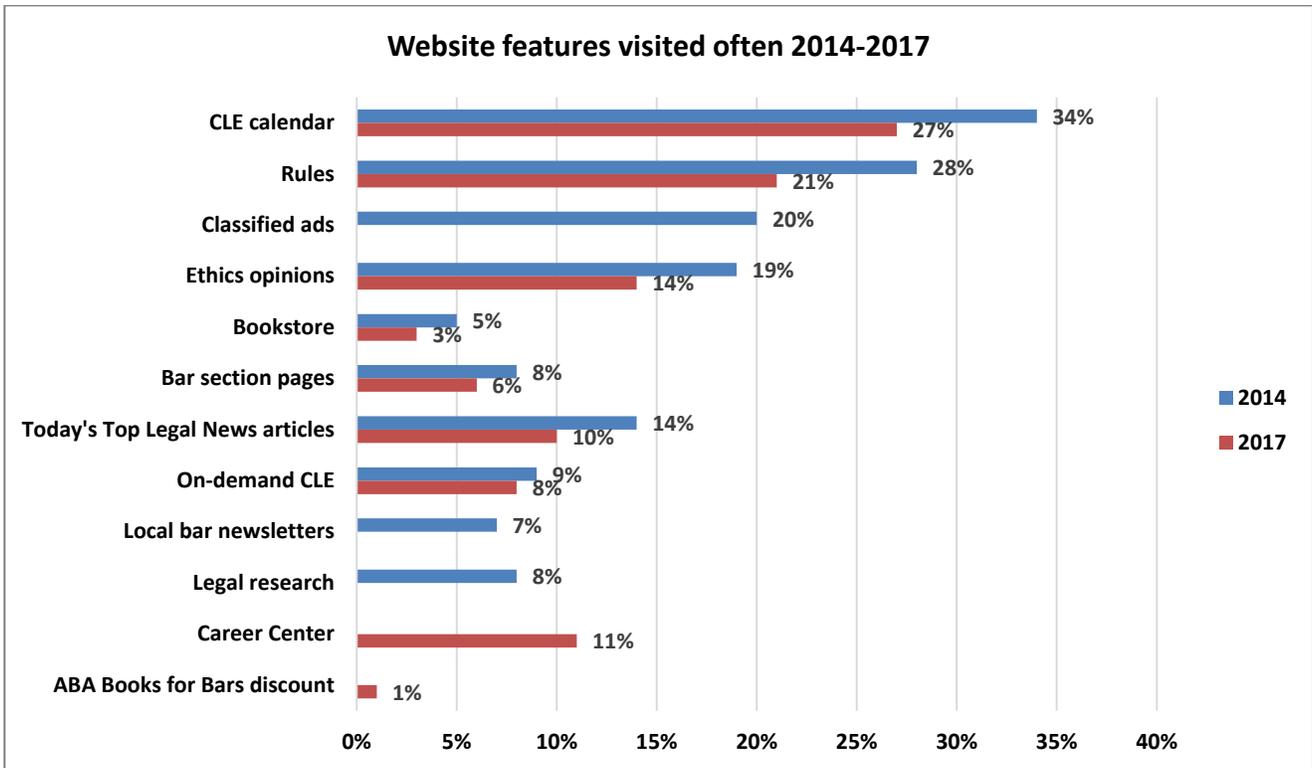
Communication Method	Percent
Email updates (Bar Brief, Tech Briefs, etc.)	87%
The Montana Lawyer magazine	64%
Website	29%
Letter, postcard by regular mail	18%
Personal contact from a colleague	4%
Section or committee communications	9%
Social networking site (Facebook)	6%

## WEBSITE

### 15. Please indicate your awareness and utilization of the following features of the website.

Website area	Aware, but have never visited	Aware, but rarely visit	Aware and visit often	Not aware
CLE calendar	14%	48%	27%	11%
Rules	18%	48%	21%	13%
Ethics opinions	21%	47%	14%	17%
Bookstore	35%	33%	3%	29%
Bar section pages	34%	40%	6%	20%
Today's Top Legal News articles	24%	36%	10%	29%
On-demand CLE	26%	39%	12%	23%
Local bar newsletters	23%	24%	8%	45%
Fastcase legal research	45%	23%	15%	17%
Career Center	30%	29%	11%	31%
ABA Books for Bars discount	31%	17%	1%	51%





## SOCIAL NETWORKING

### 17. Do you participate in any social networking sites?

2010 – 50% answered “yes”

2014 – 62% answered “yes”

2017 – 58% answered “yes”

### 18. In which social networking sites do you participate?

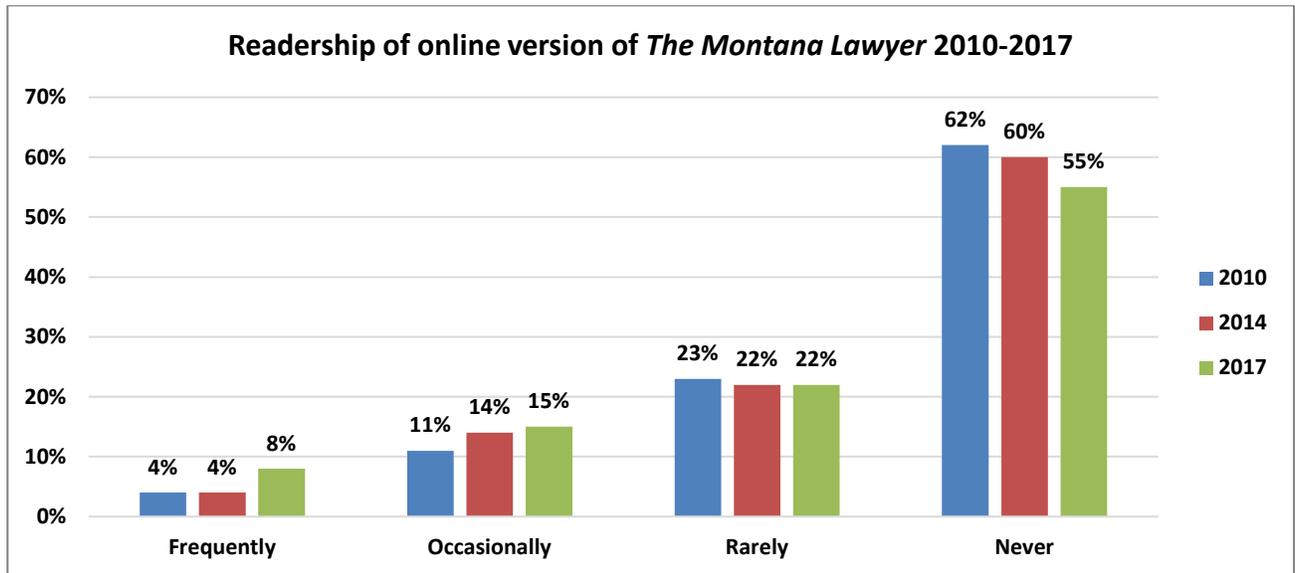
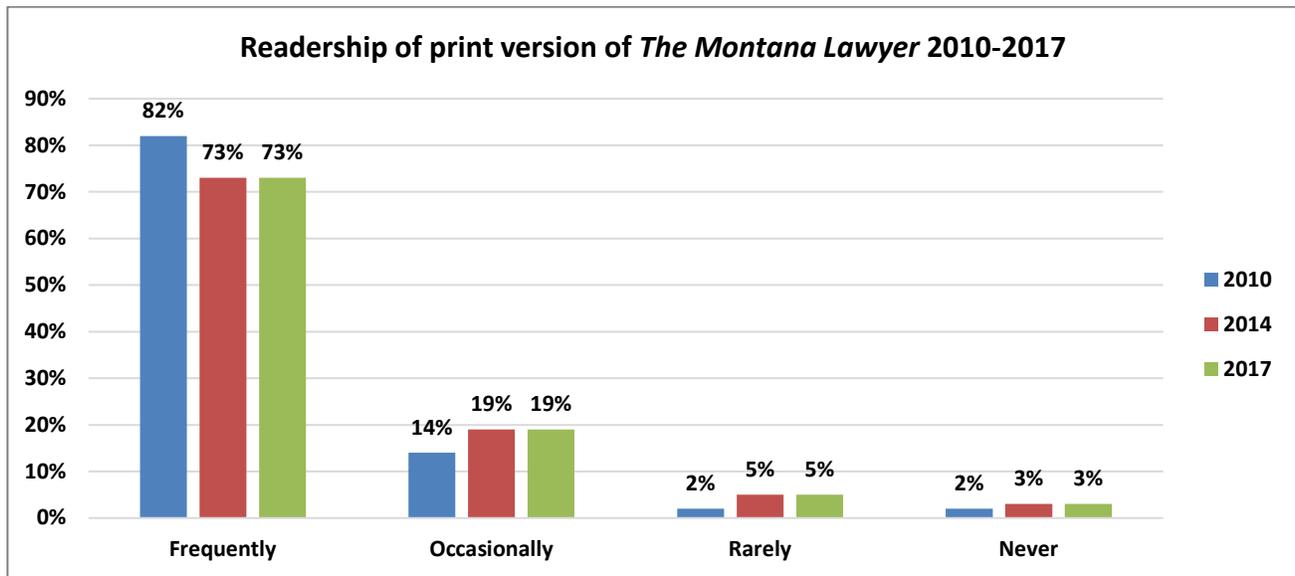
Social Networking Site	Personal	Professional	Both	Do not participate
Facebook	71%	3%	18%	8%
LinkedIn	10%	53%	15%	21%
Twitter	27%	4%	6%	62%
Blogs	11%	11%	5%	73%
Instagram	42%	1%	1%	57%
Pinterest	38%	1%	0%	61%

#### Other:

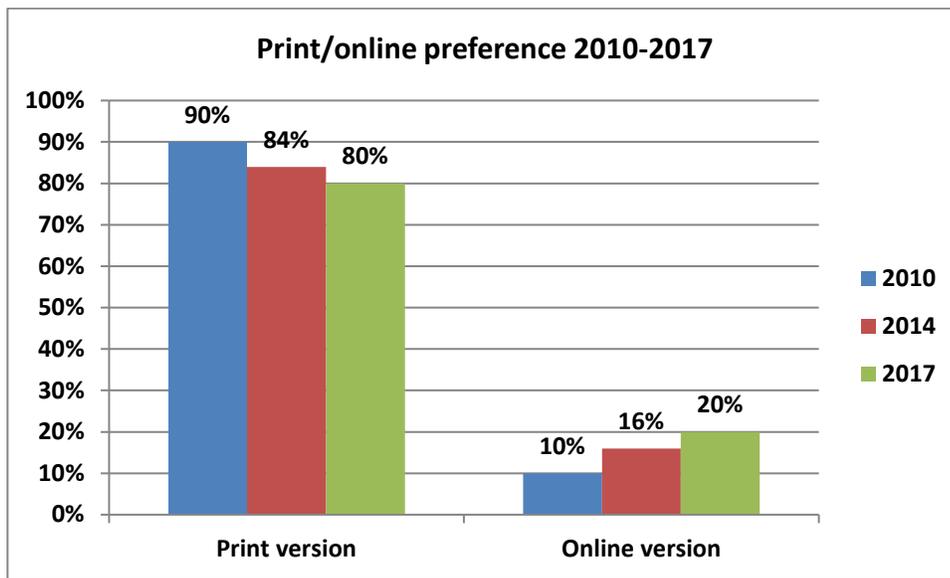
- Snapchat (2)
- Yelp
- I use several sites in my other occupation, as a novelist.
- Better get on that Snapchat IPO!
- ABA section listserv
- AVVO

## THE MONTANA LAWYER MAGAZINE

### 19. How often do you read the print and online versions of *The Montana Lawyer* magazine?



**20. Do you prefer to read the online or the print version of *The Montana Lawyer*?**



**21. What prevents you from preferring the online version of *The Montana Lawyer*?**

Reasons for preferring hard copy	2010	2014	2017
I like to have a hard copy	64%	57%	65%
I was not aware of the online version	23%	26%	22%
Online version is too difficult to print	1%	n/a	n/a
I don't like the options for digital	n/a	3%	4%
Other, please specify:	12%	14%	10%

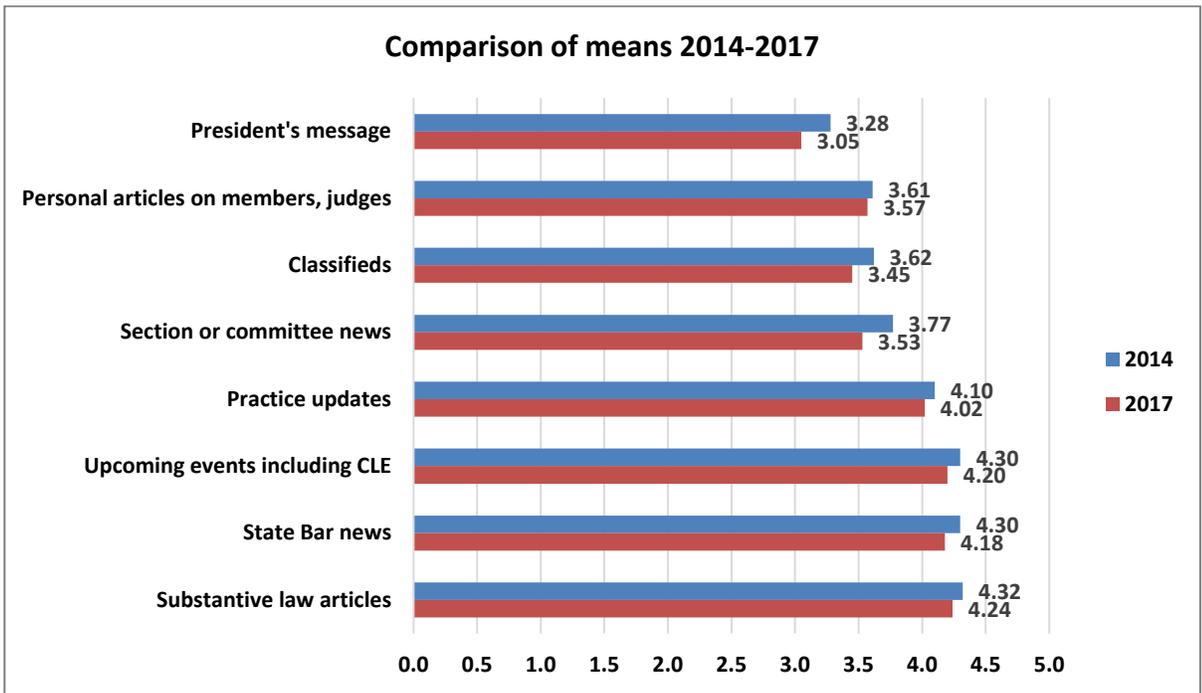
**Other reasons:**

- Spend all day on computer/like giving my eyes a break from screen time. (13)
- The paper copy is easily available, less likely to look for it online. Receiving it in paper form is reminder that it is available. Won't go back later to look at it online. (9)
- Don't know how to access it, don't receive link, or problems with link (5)
- Receive hard copy so read when it arrives. No need to go online. (4)
- The hard copy comes and I read it. If it was only available online I'd probably just read it online.
- Digital version is super clunky/not user friendly. (2)
- Prefer print/do not like reading "books" or magazines online. (2)
- In general, too much is sent electronically these days and a hard copy is sometimes easier to pick up and read. (2)
- I can take a hard copy with me to places in Montana that don't have Internet access. (2)
- Extremely hard to read computer screen; can't take with me; I like the hard copy, can keep it, file on my shelf, etc. Computers crash. Do not like digital versions of most everything.
- Issuu sends so much junk mail.
- I am more likely to read the hard copy in the evening than to go online before bed as it interferes with sleep.
- No computer.
- Hard copy provides good bathroom reading.
- I share the hard copy with staff when relevant articles appear.
- The smell of the print version is just awesome.
- I don't go to the website regularly and would not think to do so for the Montana Lawyer.

22. Please indicate on a scale of 1-5 (with 5 being very beneficial and 1 being not at all beneficial) how beneficial you feel the following items/columns in *The Montana Lawyer* magazine are:

2017

<i>The Montana Lawyer</i> item	5 – Very beneficial	4	3	2	1 – Not at all beneficial	Mean
Substantive law articles	45%	39%	13%	2%	1%	4.24
State Bar news	45%	35%	15%	3%	2%	4.18
Upcoming events including CLE	42%	40%	15%	2%	1%	4.20
Practice updates	32%	45%	18%	4%	2%	4.02
Section or committee news	18%	37%	30%	11%	4%	3.53
Classifieds	22%	28%	28%	16%	6%	3.45
Personal articles on members, judges	22%	34%	28%	12%	4%	3.57
President’s message	9%	25%	36%	20%	9%	3.05



## 23. What other topics would you like to see addressed in *The Montana Lawyer*? What suggestions do you have for improving the magazine?

### Accolades

- Very well done/well-rounded (9)
- The Montana Lawyer has improved greatly in the past few years. (2)
- I appreciated the series of articles on evidentiary issues and the rules of civil procedure, and the MT Supreme Court decision summaries.
- Nothing really. I like the format and content. Color would be nice, but I understand cost constraints.
- I like it that you print on regular paper.
- I like the substantive articles. The Montana Lawyer provides far more useful information than the D.C. Bar's magazine, for example.

**Advertising** - I don't like all the non-Montana advertisements in the online classifieds. Out of state advertisements should only be included if they are specifically interested in Montana lawyers.

**Aging attorneys** - It would be nice if these outstanding older attorneys could be newsworthy before they die.

**Billing** - Value billing as compared to hourly billing.

**Blogs** - I would suggest considering using certain legal related blogs as an adjunct (i.e. John Mudd has a great one).

**Checklists** - Consider having a "checklist" page every edition that an attorney can print and save/use. Depositions, real estate closings, water law stuff, things that would be helpful to the experienced practitioner but also provide some guidance to generals who don't do that type of work very often.

**Client relations** - Regular how to handle clients tips column.

**CLE credit** - Articles in which MCLE credit is given for self-study.

### Court opinions/case summaries

- Case summaries from the Montana Supreme Court. (4)
- Some analysis of State district court opinions or verdicts of note.
- Recent cases which differ from/alter past precedent.

### Criminal law

- Coverage is targeted strongly on civil attorneys. It would be great to have a criminal law voice in the Montana Lawyer, which could also be mixed in with other constitutional issues, like free speech. Basically, a lot of the stuff that you see on The Marshall Project website deserves a share of inclusion in the Montana Lawyer.
- Coverage of criminal law, from both prosecution and defense perspectives.

**Critical assessments** - A section that devotes opinions/suggestions on a critical assessment of the legal profession -- including legal education, high cost of tuition, & the state of the economics of the legal profession.

**Depth of articles** - Article should be more detailed and attempt to add value and insight to a practice area or procedural oddity.

**Digital property** - Digital property planning and protection.

### **Discipline/ethics**

- Disciplinary orders.
- A monthly review of an ethical rule with recent/relevant ethics opinions would be a helpful reminder for everyone, and would help keep these ideas and discussion of them relevant and in the minds of those of us that read the magazine.
- The rationale for the state bar pushing new ethics requirements that are not needed. I feel that the state bar feels a need to burden attorneys with more and more CLE requirements and ethics requirements. The CLE requirements are too complicated.
- Lawyer conduct beyond ethics rules, professionalism, and the damage to our public image and disservice to the public that results from milking cases for fees rather than exploring settlement, intransigence, false representations to clients and counsel, and other common but rarely discussed very detrimental behaviors.

**Editing** - The last issue was full of editing errors.

**Elder law** - A regular column on Elder law, Trust Administration, and the Prudent Investor Rule.

**Electronic access** - Electronic access, searchable index.

### **Evidentiary issues**

- I appreciated the series of articles on evidentiary issues and the rules of civil procedure. (3)
- Research articles on topical legal/evidentiary/procedural issues.

### **Format**

- Go to a slick format. The gritty black and white says we are a poor organization which can't afford to appear professional. When I finish reading it I always wash my hands and think of how good the content is and how crappy the presentation is.
- I have communicated with the editor in the past regarding the layout of the magazine. It needs a design overhaul. Currently, it's primarily "gray space." That is, it's nearly all type without break or break outs or other items to make it visually appealing.
- Like any other magazine, I like pictures, catchy headlines, I would like less tech news. We live in Montana. This Montana Bar and the obsession with Tech is really a pet peeve of mine and taints my whole impression of the bar.
- The print quality of the magazine could be better.
- I find Issuu.com to be annoying. I would prefer a PDF or other version of the magazine that does not need the issuu application.

### **Frequency/timing**

- I tend more towards sites like Lawyerist.com which rolls out updates on a daily to weekly format.
- The magazine needs to be published on a timely basis. There's no use receiving it after the CLE or other event has occurred. (2)

**Future of the profession** - I like reading articles about "the future of the profession" [e.g. changes due to business models, Legal Zoom, limited scope representation, new approaches to billing, etc.].

**General practice** - Invite more articles and include more content of interest and value to genuine general practice law firms. (2)

**History** - I enjoy historical articles and profiles.

## **Humor**

- How about some decent cartoons.
- Humor.
- Include short quotes of amusing statements made by people in court or depositions.
- Invite lawyers to submit funny stories and light anecdotes . . . nothing substantive but something that builds camaraderie. A cartoon section.

**Indian law** - Indian law focused articles. (3)

## **Judiciary**

- More on changing the method by which judges are and should be selected.
- Options for handling difficult/unreasonable judges.
- Spotlight a judge.

**Legal education** - I would like to see more information, perhaps a monthly article, on what is going on at the School of Law. I would like to know more about the professors and what they are doing, articles published, etc. I think it would be great if Dean Kirgis wrote a monthly article for the *Montana Lawyer*. I would like to know more about the students, the moot court teams, etc. I know that a number of students have received awards and scholarships.

**Legislation** - More information about what the bar is following in the legislature and why (what the sides are, what side the bar is on and why), how attorneys can do more to be involved (2)

**Leisure** - Perhaps something about leisure time activities to take our minds off the day-to-day stresses associated with the practice of law.

**Litigation updates** - Consider having a "litigation corner" or similarly-styled page with updates regarding litigation cases, quick evidentiary tips, rule changes, etc., all in one place.

**Practical tips** - Honest articles from real lawyers about what can be done better.

**Practice-based articles** - More practice based articles and focusing on the areas of law that we should be aware of that are changing (i.e. tech)

**MT specific** - Keep articles specific to Montana issues.

**National legal developments** - Articles on how national legal developments apply in Montana.

**Nonlitigators** - A more intensive discussion of non-litigating attorneys -- too much emphasis of litigators/government attorneys in *The Montana Lawyer*.

**Op-eds** - More op-eds on substantive issues of Montana law.

**Other states** - Look at other states (Oklahoma) to gain some ideas about how publication can really help to disseminate current legal news and cases, articles, etc.

## **Personal stories/people**

- Good lawyer stories. (3)
- A "Where are they now" section devoted to Montana lawyers -- a personal bio page giving us an update on where they live, what they do, etc.. (2)
- It seems like a very small percentage/circle of lawyers are being featured.

- Attorneys as company Board Members.
- Local attorney spotlight

### **Politics**

- Do not include political articles and opinions.
- I'd like to read more point-counterpoint on political issues of the day in a manner that models civil courteous discourse and which encourages us to publish a broader and more diverse range of opinion and perspectives.

**Practice tips** - Practice tips for small firms and new lawyers. Issues such as fee rates, collection of fees, how to make the earnings we deserve, and detecting and avoiding bad clients should not be taboo. They are not in other states.

**Practice updates** - More practice updates, substantive law articles and section news.

**Primer articles** - Primer articles.

### **Pro bono**

- Pro bono needs/updates.
- You should highlight more pro bono and reduced fee work - the cases and people who worked on them.

**Rule of law** - Recruit more authors on rule of law topics.

**Sections** - Various bar sections providing more frequent input/articles.

**Small business** - Articles catered to small business start-ups, from starting a business to keeping it active. Including: registering with state, insurance, intellectual property, workman's comp, taxes, etc. Include a cost analysis. We might find we've priced small businesses out of the market place in terms of costs and time (whether completed in-house or by lawyer or financial specialist) to complete all the necessary paperwork.

**Substantive articles** - More substantive law articles. (4)

**Tax** - Tax tips for lawyers.

### **Technology**

- A dedicated technology column or article every month. (4)
- Technology and the law, especially ethics and the day-to-day efficiencies and firm/office practice in the digital world.
- There have been more articles of late on technology. This has been very helpful. transitioning Articles on transitioning from full time practice to part time practice and/or retirement.

**War stories** - Short war stories from practitioners.

## V. ECONOMICS OF LAW

24. Please identify from the list below the substantive fields to which you devote 20% or more of your time. Please check all that apply.

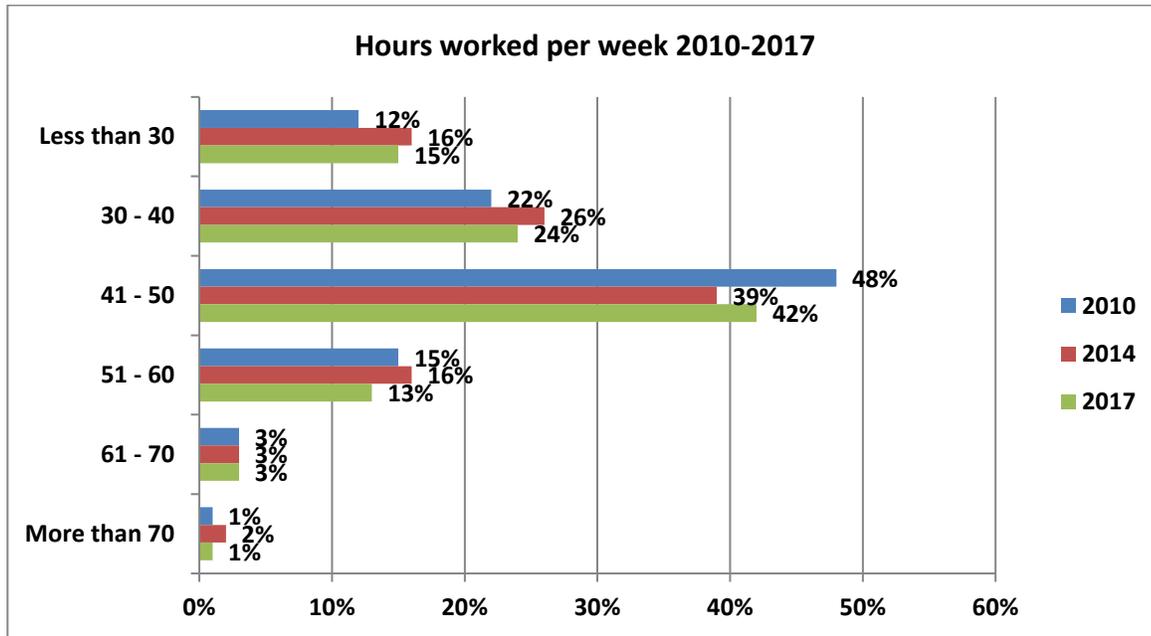
Substantive field	2014	2017
Litigation	30%	33%
Family law, divorce, adoptions, mental health and juvenile	25%	18%
Criminal law	23%	24%
Administrative law and governmental agency matters	21%	20%
Estate planning, probate and trusts	19%	20%
Business law and corporate law	18%	16%
Torts	15%	18%
Real estate: commercial and development	13%	13%
Labor and employment law	12%	13%
Insurance law	10%	11%
Commercial law and contracts for corporate transactions	9%	9%
Real estate: residential and residential landlord-tenant	8%	10%
Commercial law	8%	10%
Environmental and natural resources law	8%	9%
Bankruptcy	7%	4%
Constitutional law	6%	7%
Appellate law	6%	6%
Alternative dispute resolution	6%	5%
Taxation	6%	5%
Elder law	6%	5%
Native American/Indian law	6%	4%
Construction law	5%	5%
Civil rights and liberties	5%	8%
Health law	5%	5%
Public contracts law: procurement	5%	5%
Consumer law/consumer protection	4%	3%
Land use planning and zoning law	4%	5%
Banking	4%	3%
Education law	4%	3%
Water law	4%	6%
Intellectual property	3%	2%
Workers' compensation	2%	3%
Housing law	2%	2%
Ethics	2%	2%
Social Security Disability law	1%	1%
Public utilities and other regulated industries	1%	1%
Immigration law	1%	2%
Pensions and employee benefits	1%	1%
Public finance law	0%	1%
Public transportation law	0%	1%
Securities	0%	1%

**Other (more than one mention):**

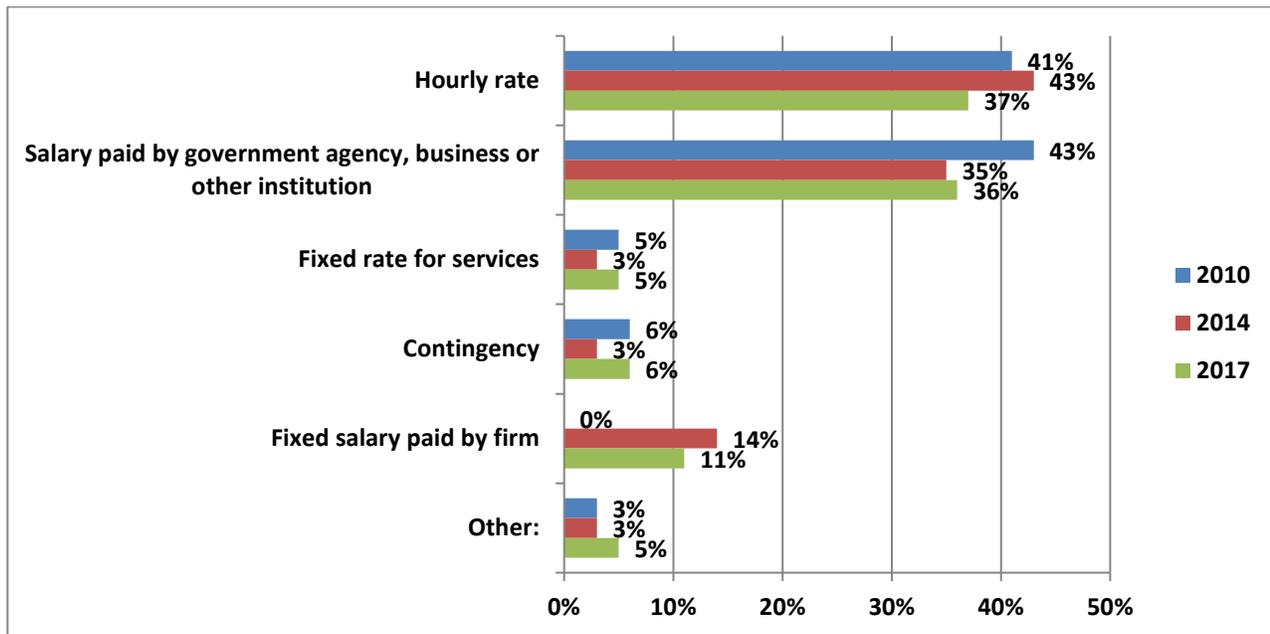
- Dependency and Neglect (10)
- Children's/juvenile issues (8)

- Nonprofit law (4)
- Personal injury (4)
- Conservation Easements (3)
- Collection law (2)
- Domestic Violence (2)
- Liquor and Gaming (2)
- Mediation (2)
- Real Estate Farm and Ranch (2)

25. How many hours per week do you devote to the practice of law?



26. What is the primary source of your legal income?<sup>1</sup>



Other:

- Pro bono (4)
- Mix of fixed salary paid by firm and hourly (2)
- Partner share of income (2)

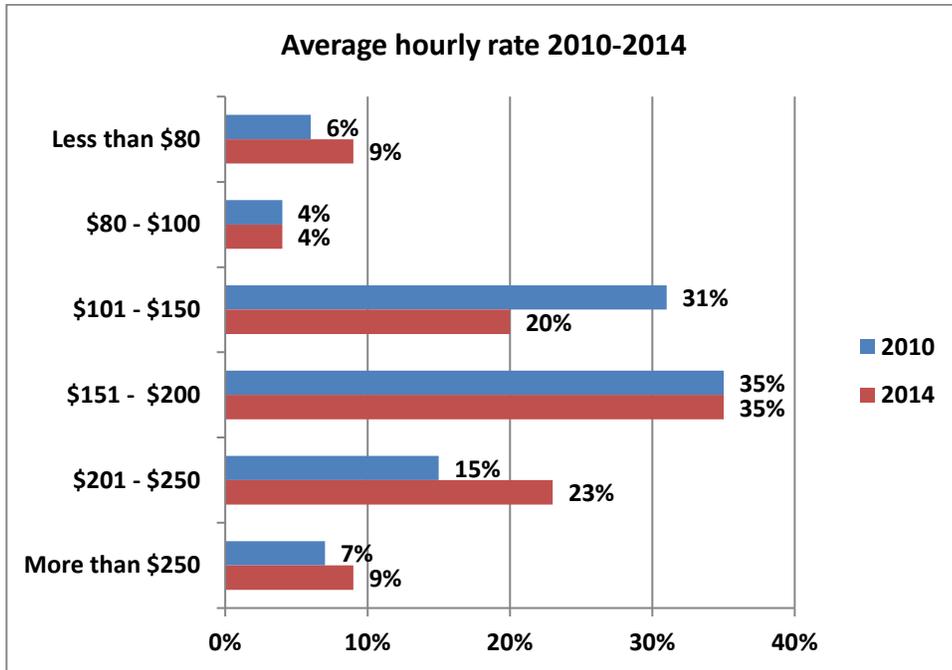
<sup>1</sup> "Fixed salary paid by firm" was not included as a multiple-choice option in the 2010 survey.

- Full time policy work; technically don't practice or sign paper
- Hourly & contingency (2)
- Percentage of billable hours
- Paid per case, amount varies
- Paid for legal expertise, but not for providing official legal advice
- Hourly wage paid by firm
- Minimum fee earned upon receipt
- Combination of flat fees, hourly, and contingency
- Monthly fixed fee adjusted semi-annually
- Statutory commissions
- Business profits
- Salary based on receipts
- Fixed salary plus incentive pay
- Grant

**27. If you charge an hourly rate, what is the typical rate?<sup>2</sup>**

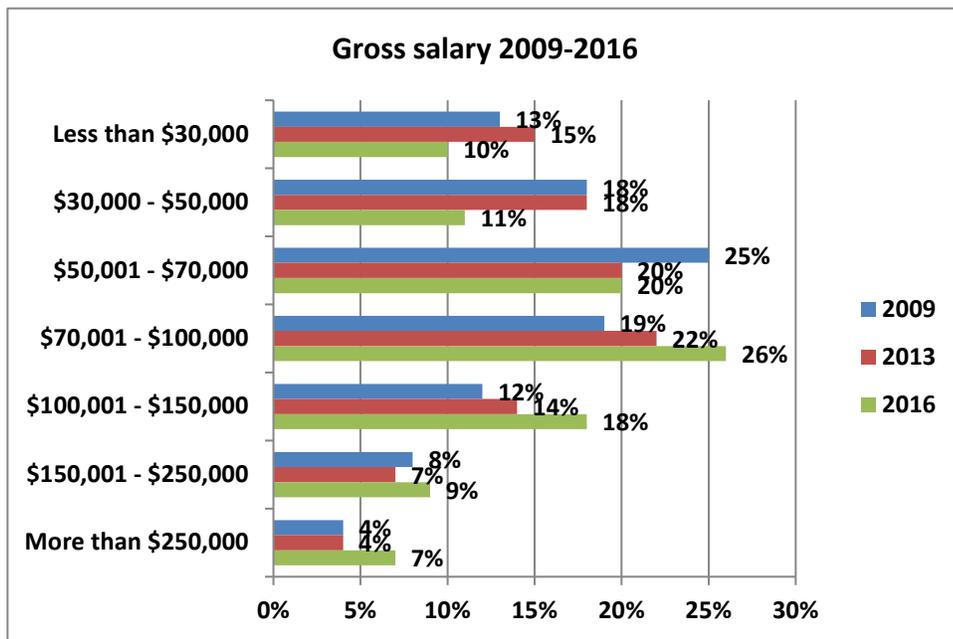
**2017**

Hourly rate	2017
Less than \$100	6%
\$101 - \$150	8%
\$151 - \$200	31%
\$201 - \$250	32%
\$251 - \$300	17%
More than \$300	7%

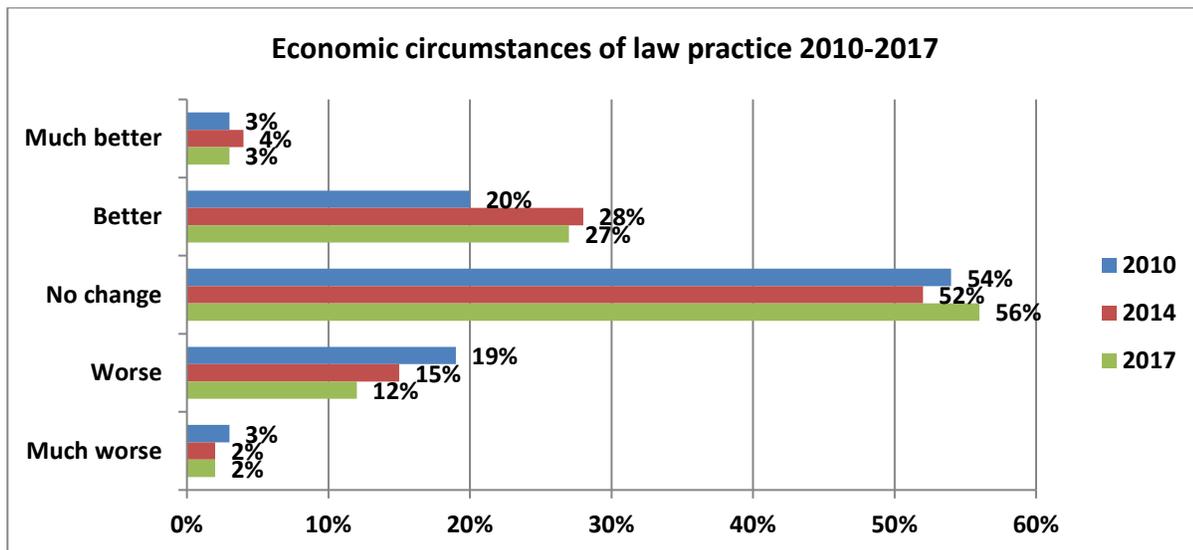


<sup>2</sup> Categories for hourly rate were changed in the 2017 survey.

**28. What was your approximate gross salary in 2016 from the practice of law?**



**29. Compared to last year, on the whole, are the economic circumstances of your law practice:**



2010 Mean: 3.01  
 2014 Mean: 3.16  
 2017 Mean: 3.88

**30. Are you covered by professional liability insurance?**

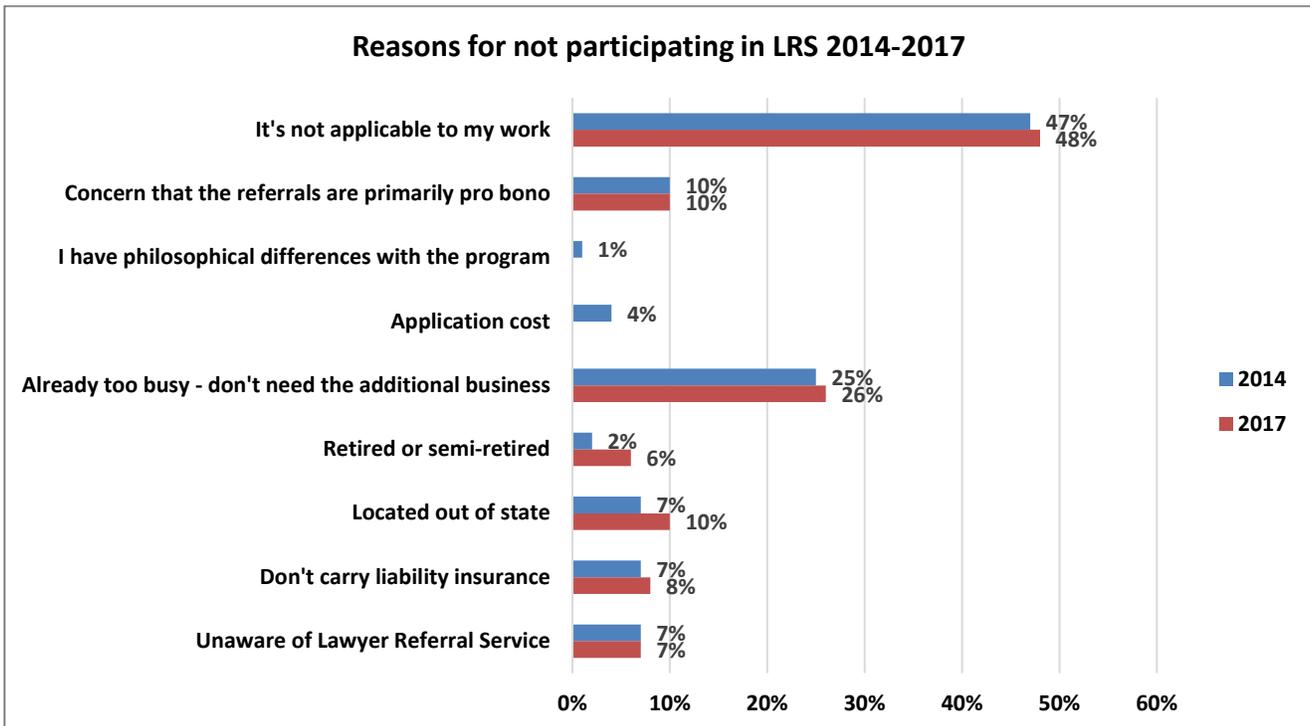
2010 – 69%  
 2014 – 72%  
 2017 – 74%

## VI. DELIVERY OF LEGAL SERVICES

### 31. Do you participate in or provide content/expertise for any of the following entities?

Entity	Yes	No	No, not currently, but have in the past
State Bar Lawyer Referral Service	9%	81%	10%
State Bar Modest Means Panel	6%	90%	5%
Avvo	9%	88%	2%
Legal Zoom	0%	98%	1%
Rocket Lawyer	0%	99%	1%

### 32. If you do not participate in the Lawyer Referral Service, why not?



#### Other:

##### Cost

- Believe it costs \$ to even be on the list, otherwise I probably would participate.
- Concerned I won't get enough referrals to justify the cost.

##### Don't know how to join

- Not sure how to participate.
- I haven't been invited to participate.

**Employer makes decision** - I don't make that decision in my office. (2)

##### Other referrals

- Prefer referrals from prior business relationships.
- Generally refer lawyers I know.

**Pro bono**

- I provide client services pro bono or reduced for certain clients with limited financial means.
- I do pro bono work with MT Legal Aid.

**Quality/volume of referrals**

- It is a horrible waste of time. My staff spent hours taking calls that never should have been sent our way. (2)
- Have not received quality referrals. (2)
- Unsure of quality of referrals. Takes significant time for staff to do intake.
- Tried. None of the clients paid me.
- I receive referrals of high quality work from other sources, and don't need entry-level referrals
- I got no referrals for water law work when I was a member.
- Expense, referral quality.
- I used it for a year or two, and didn't get any meaningful referrals.
- It has been entirely insignificant and not rewarding in the past.
- It's not that the clients are pro bono, it is more often that they appear to have truth-telling problems.
- We did it for years and never had a call turn into a case.
- Have heard from other attorneys that no referrals have led to paying cases.

**Unsure of benefits**

- Not sure how it will benefit my practice.
- Not sure about the cost and benefit.
- Just haven't taken the time to research its benefits and whether it would be helpful to my practice.

**Other**

- I think working with Legal Zoom and similar vendors is a mistake.
- I often refer potential clients there that need help outside the scope of our firm.
- Inadequate screening of attorneys.
- I used to participate, but it was too stressful on top of my other case load. And given that I represent non-profit entities for a significantly reduced fee, it was difficult to balance both.
- I am better able to describe my services on my website.
- People have trouble accessing it.

**33. Please rate your level of satisfaction with the Lawyer Referral Service from 1-5 (5 is the highest level of satisfaction; 1 is the lowest).**

2010 mean satisfaction level: 3.25

2014 mean satisfaction level: 3.51

2017 mean satisfaction level: 3.31

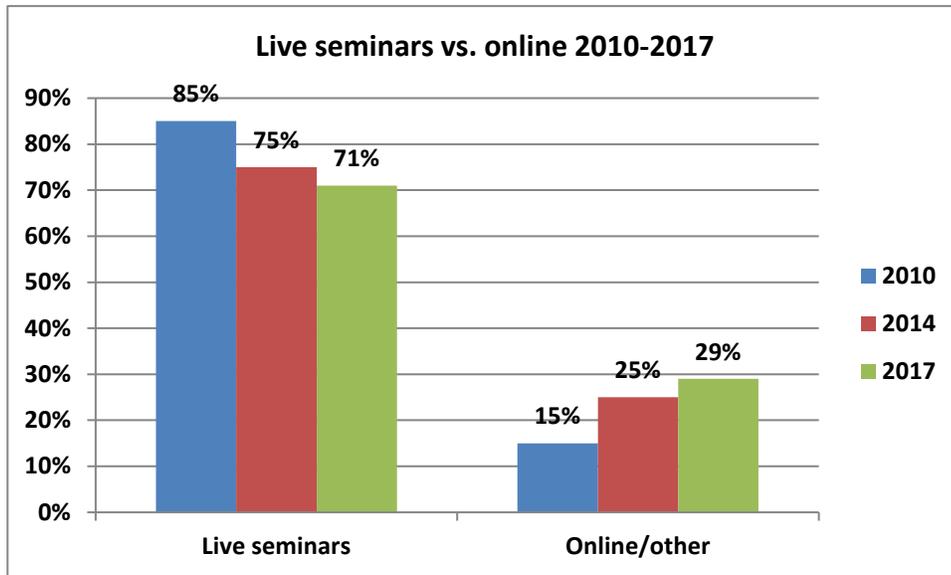
## VII. TECHNOLOGY

34. Please indicate your level of agreement with the following statements. Please rate on a scale of 1-5 where 5 = strongly agree and 1 = strongly disagree.

Statement	5 – Strongly agree	4	3	2	1 – Strongly disagree	Mean
I would like the ability to make my online profile information available to the public.	14%	19%	32%	16%	19%	2.92
I would be interested in the ability to connect with members through a mobile social networking service.	9%	19%	29%	26%	16%	2.79
I would be interested in receiving news and updates from the State Bar through a mobile application.	12%	20%	27%	24%	18%	2.86
I would be more likely to participate in bar association elections if I were able to vote via an electronic ballot.	27%	30%	21%	12%	11%	3.49
I am adapting well to the increased prevalence of technology in the practice of law.	29%	38%	23%	8%	3%	3.82

## VIII. CLE

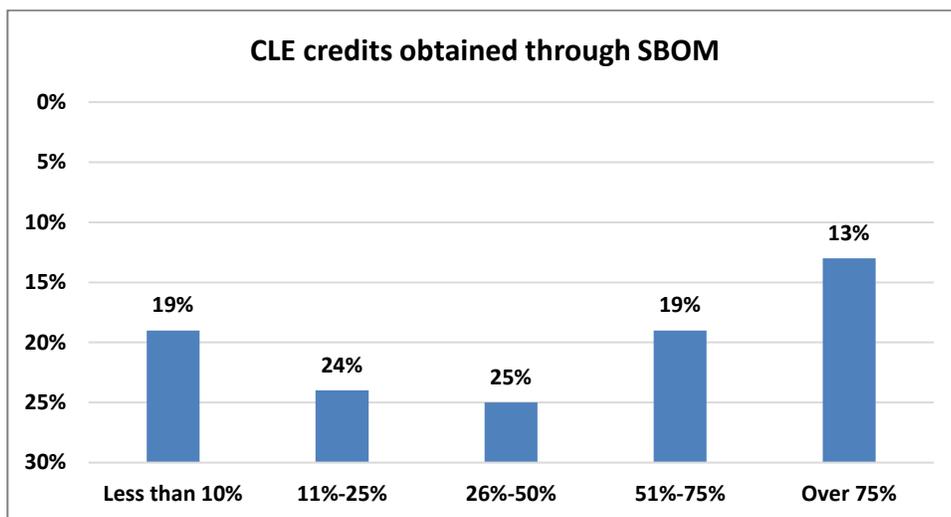
35. Do you prefer to obtain CLE credits through online presentations or at live seminars?



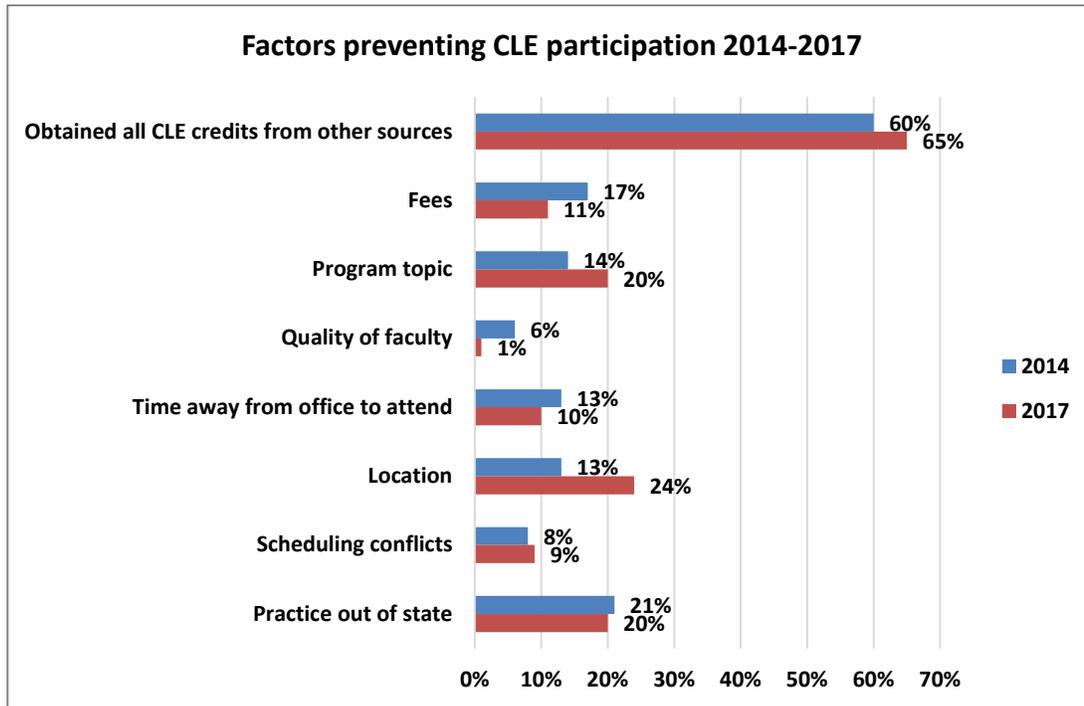
36. Did you participate in any state-sponsored CLE programs (either in person or online) in the past year?

Attended state-sponsored CLE programs in the past year	Percent
Yes	70%
No	30%

37. Approximately what percentage of your total CLE credits were obtained through State Bar CLE programming (either in person or online)?



**38. If you did not participate in a State Bar CLE program (either in person or online) in the past year, what primary factors prevented your participation?**



**Other:**

**Cost** - Too expensive.

**Exempt** - Did not need credits. (2)

**Location** - Most CLEs are in western MT which doesn't support eastern MT attorneys.

**New to bar** - Newly admitted. (3)

**Other providers**

- I received most of my CLE from a national association.
- Provided by Public Defenders.
- Credits through outside CLE seminars.
- Satisfied requirement elsewhere.
- CLE hours obtained from out of state federal programs.

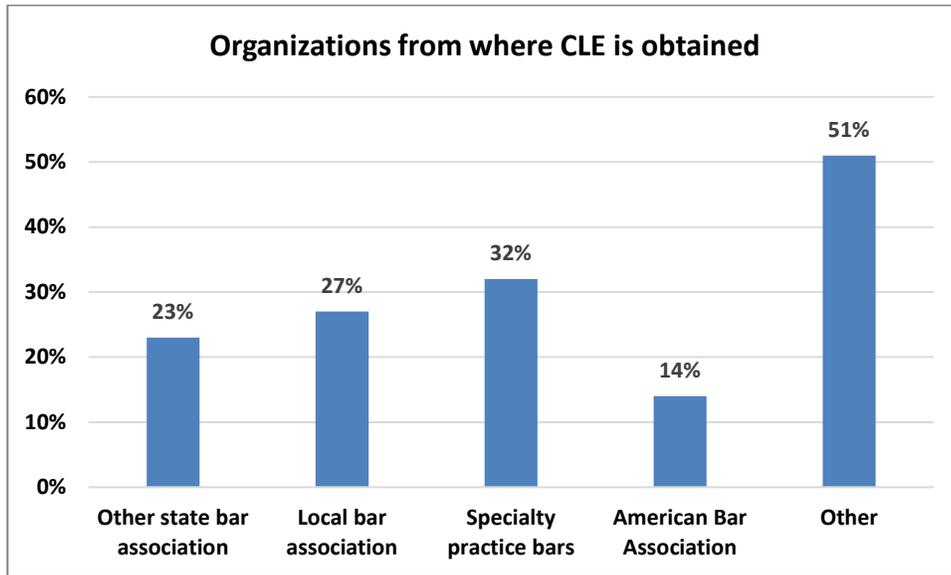
**Requirements met** - Went to a week-long CLE and do not need credits now.

**Topics**

- Topics not applicable to practice. (3)
- Try to locate best CLE for my practice regardless of provider.

**Unaware** - Not aware of any CLEs sponsored by State Bar. (2)

**39. From what other organizations (besides the State Bar) do you obtain your CLE?**



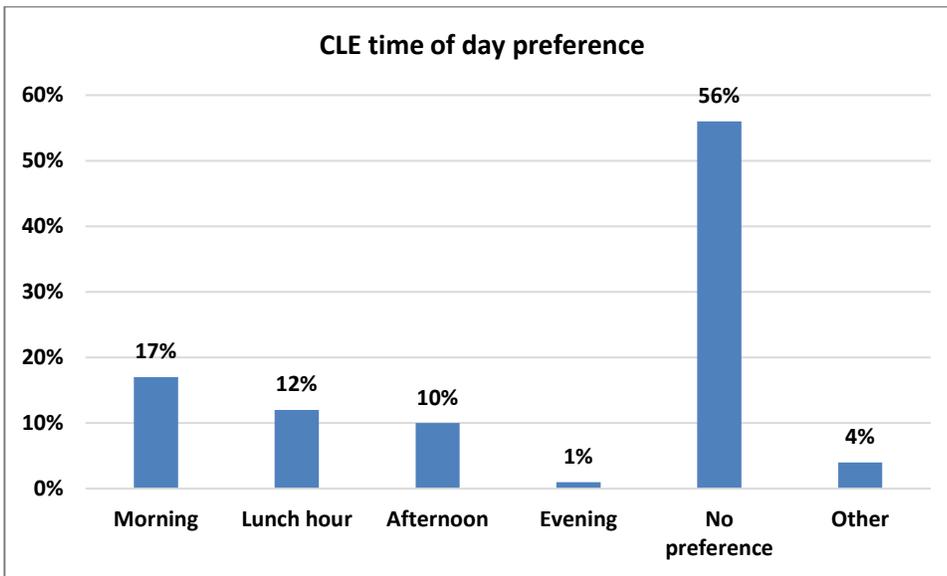
**Other (more than one mention):**

- National Business Institute (68)
- Private CLE providers (25)
- National organizations (21)
- Office of Public Defender (19)
- Montana Trial Lawyers Association (14)
- On-line providers (12)
- Employer/in-house (11)
- Seminar Group (11)
- Montana County Attorneys Association (9)
- Practicing Law Institute (9)
- University of Montana Law School (9)
- Montana Municipal Interlocal Authority (8)
- Montana League of Cities and Towns (5)
- Federal Government (4)
- Montana Association of Legal Assistants (4)
- Rocky Mountain Mineral Law Foundation (4)
- American Law Institute (3)
- ALPS (3)
- County attorney association (3)
- Westlaw (3)
- ALFA (2)
- DRI (2)
- Federal Bar Association (2)
- International Municipal Lawyers Association (2)
- Mediation organizations (2)
- Montana Mediation Association (2)
- State Law Library (2)
- Trade groups (2)
- USLAW (2)

**40. Please rate the importance of the following factors in your decision to attend CLE programming on a scale of 1-5 where 5 = very important and 1 = not at all important.**

Factor	5 – Very important	4	3	2	1 – Not at all important	Mean
Content	83%	14%	2%	1%	0%	4.79
Speakers	35%	40%	17%	5%	3%	4.00
Cost	36%	31%	23%	7%	3%	3.89
Format	14%	32%	40%	10%	3%	3.43
Time of day	9%	15%	32%	23%	20%	2.70
Meals provided	2%	5%	20%	22%	50%	1.85

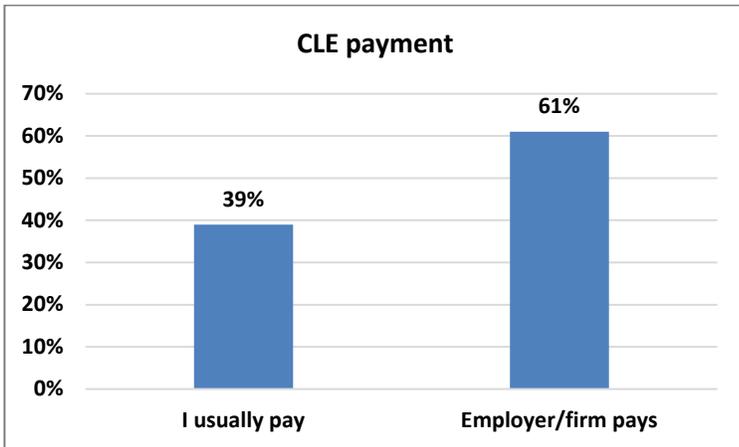
**41. I prefer CLE programming be held:**



**Other:**

- On weekends (3)
- All day (8)
- Any time but evening (6)
- Day plus meal
- Depends on other scheduling so tough to predict
- Depends on the length of the program. One-hour lunch CLEs are great. Full day are great when appropriate.
- During the regular work day
- Fridays or weekends
- I prefer two-day seminars. It's a break from work and I only have to do a few a year to get my credits.
- On Fridays
- To provide for travel across MT.....pick a weekend not middle of the week because it will take a day for us to travel to western MT CLE.
- Webinar
- Wednesdays are my most available day, Fridays and weekends often work as well with enough advance notice

#### 42. Who generally pays for your CLE?



#### 43. Which of the following practice areas/topics would you most like to see presented? Please choose up to three.

Practice area/topic	Percent
Bench-bar	30%
Technology	30%
Real estate	28%
Business law	26%
Family law	19%
Environmental law	14%
Health care law	14%
Intellectual property law	8%
Bankruptcy	6%

#### Other (more than one mention):

- Criminal law (53)
- Estate and probate planning (25)
- Litigation (25)
- Labor and/or Employment Law (19)
- Indian Law (17)
- Elder Law (13)
- Insurance law (13)
- Government law (11)
- Personal injury (11)
- Administrative law (8)
- Tort (8)
- Tax (7)
- Land Use (7)
- Constitution law (7)
- Evidence/rules (7)
- Water Law (6)
- Civil rights (5)
- Appellate (4)
- Immigration (4)

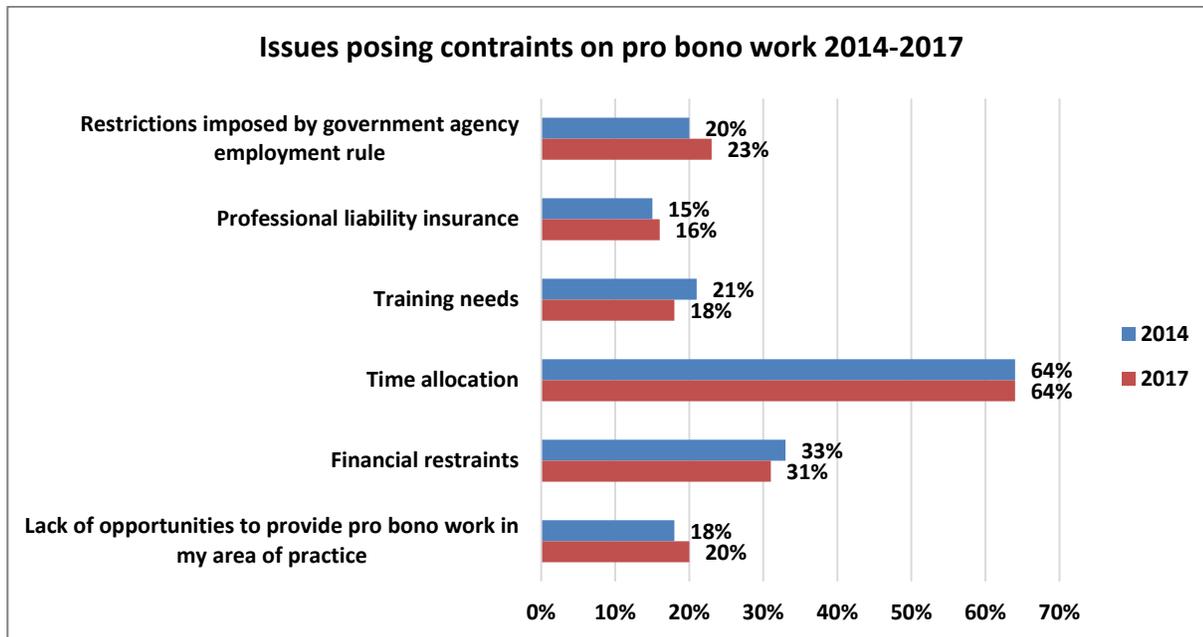
- Alternative Dispute Resolution (3)
- Children's law (3)
- Education law (3)
- Nonprofit law (3)
- Workers' Compensation (3)
- Oil and Gas (2)
- Civil procedure (2)
- Consumer Law (2)
- Disability (2)
- Discrimination law (2)
- Mediation (2)
- Municipal Law (2)
- Natural Resources (2)
- Public law (2)
- Regulatory law (2)
- Social Security (2)
- Uniform commercial code (2)
- Wellness (2)

## IX. PRO BONO

### 44. Does your firm/employer encourage pro bono work?

Firm/employer encourages pro bono	Percent
Yes	62%
No	38%

### 45. Which, if any, of the following issues pose special constraints to your practice in pro bono work:



#### Other:

- Too busy. (5)
- I prefer to provide my community service in other ways. (5)
- Out-of-state. (4)
- Conflicts of interest. (2)
- Already do a lot of pro bono. (2)
- Still repaying student loans. (2)
- Employer restrictions. (2)
- Limit myself to ADR.
- We hold ourselves out to the general public and answer legal questions for free almost every day.
- Bar encouragement to participate.
- Serve on three community boards. That should count as pro bono work.
- Limited definition of pro bono.
- Other attorneys dislike pro bono.
- Don't agree with pro bono.
- We do pro bono, just don't encourage it.
- Firm hires out pro bono work.
- Only do state pay, so essentially all my work qualifies as pro bono.
- It's hard to sign up for free work when client don't pay.

- Lack of knowledge/experience.
- It is an open door to complaints. If you want us to spend time on this, then adopt a Good Samaritan law shielding us from all liability.
- Medical issues.
- Not practicing and do not carry liability insurance.
- This is a bigger conversation. I think the basic problem is loss of institutional knowledge by LSC-funded organizations and corresponding lack of support to private attorneys.
- Restrictions imposed by Montana law.
- I practice family law and I voluntarily write off a great deal of my bills.

**46. In what other areas would you like to see the State Bar offer pro bono opportunities? (Areas listed had more than one mention.)**

- Family law (12)
- All areas/any (9)
- Mediation and dispute resolution (8)
- Immigration (8)
- Criminal (7)
- Elder law (7)
- Consumer law/protection (6)
- Landlord Tenant (6)
- Simple wills (5)
- Real estate (4)
- Environmental issues (4)
- Health care power of attorneys/living wills/advance directive (3)
- Veterans (3)
- water law (3)
- Adoptions (2)
- Wherever there is a significant need. (2)
- Bankruptcy (2)
- Business law (2)
- Employment law (2)
- Estate Planning (2)
- Family law - divorces for victims of domestic violence (2)
- Foreclosure (2)
- Social Security (2)
- Indian law (2)

## X. ROAD SHOW AND NEW LAWYERS WORKSHOP

47. Please indicate which of the following events you have attended.

Event	Percent
Road Show	49%
New Lawyers Workshop	33%

48. Why have you not attended the State Bar's Road Show?

- Unaware. (53)
- Out of state. (53)
- Content/topics not applicable or interesting. (44)
- Schedule conflicts/issues. (24)
- Time constraints/conflicts. (31)
- Location. (11)
- Didn't need credits/exempt. (9)
- New to bar or newly admitted. (8)
- CLE requirement satisfied by other presentations. (4)
- Cost. (2)
- Not convenient to do so. (2)
- Not paid for by employer, no time to divert to topics which do not pertain to my field of law, usually scheduled for trial or contested case hearings.
- Not valuable.

49. Why have you not attended the New Lawyers Workshop?

- Out of state. (32)
- Time conflicts/constraints. (28)
- Unaware. (15)
- Location. (8)
- Content not applicable or of interest. (7)
- Not interested. (2)
- Cost.
- Generally speaking, I prefer to obtain mentoring/tutoring through relationships with more senior colleagues.
- My firm provides a lot of internal training and mentoring for new lawyers.

50. Please indicate your level of satisfaction with the events you have attended. Please rate on a scale of 1-5 where 5 = very satisfied and 1 = not at all satisfied.

Event	5 – Very satisfied	4	3	2	1 – Not at all satisfied	Mean
Road Show	42%	39%	16%	2%	1%	4.20
New Lawyers Workshop	34%	42%	21%	2%	0%	4.08

51. Please add any additional comments you'd like to share about the State Bar's Road Show.

- Great topics and excellent presenters.
- I like the variety and the fact that the program is usually held closer to home.
- There have been none that have appealed to me in the last 3-4 years.
- Needs to be more serious, and not a social get-together, where cliques reign.
- Having formerly lived way out in eastern Montana where you probably know all the other lawyers, but for the same reason may not be able to bounce ideas off of any of them, road shows were invaluable. Thank you!

- Very good information, practical.
- Attended for the first time in 2016, and was VERY IMPRESSED with content and presentation. Exceptionally informative, and very helpful to be able to obtain live CLE credits at no cost.
- I think it is pretty good as it is.
- It was several years ago. Can't recall enough to be able to offer constructive information.
- I liked the interactive format; it generated good discussions.
- I liked the format. It was a new way to keep engaged on ethics topics. It was also a nice way to network with others around the table.
- I've attended in Kalispell several times, and really appreciate the opportunity to get free, live ethics credits close to home.
- The Road Show is an excellent opportunity to acquire the necessary ethics CLE credits each year. I have attended Road Shows in several cities in the past, anytime it is held within a distance that can be driven in one day.
- I thoroughly enjoyed being invited, as a paralegal, to the New Lawyers discussion "forum" at one of the Road Shows. It was just as beneficial to me as I hope it was for the new lawyers at the table with the season attorneys and paralegals.
- Great. Quite motivating.
- The road show is too long for the goal it accomplishes.
- The ethical issues presented were interesting and very penitent. The format, however, was not. From my experience and from speaking with others, a good deal of the time was spent in idle chit-chat at the individual tables. Further, many of the problems were discussed for each ethical dilemma, but no actual answers or guidance was actually provided. The best we got was contradictory opinions from the audience.
- Helpful to learn about new cutting edge issues.
- The focus on legal ethics seems to have waned since the program started.
- If they come to Lewistown I try to attend.
- I really disliked the road shows I attended that put attendees "on the spot" in front of their peers instead of providing content and an opportunity to ask questions.
- Waste of time.
- Both Road Show events were well organized and presented, in my view.
- Good topics, good speakers.
- I attended as a new lawyer 8 years ago; I haven't attended since.
- Always interesting and useful.
- The road shows I have gone to were very fun.
- Convenient in a big state.
- I think it is very good and very important.
- I find the Road Show to be very valuable. I attend it if it is near me (which it often is) and if I am not already doing something else (which I often am). Unfortunately, I have had to miss it several times because by the time I was aware of its schedule, I already had filled my calendar for that day.
- I love the road show because it attracts such a wide variety of individuals in various stages of their practice.
- It was expensive for what was included. It seems this could be a good one to offer for free to state bar members or government/non-profit attorneys, or to seek sponsorships to offer it for free to all attorneys.
- I attended a couple of years ago so it is not a fresh memory.
- Always a great presentation and full of useful information.
- I was glad to see they came out to my area a couple of times.
- Please keep them coming. Great way to get ethic CLE.
- It is one of the best things the State Bar does and the ones I have attended have been every bit as good as any pay CLE.
- Attended as part of Participating in New Lawyers Workshop.
- The Road Show has always been relevant and interesting, and a great way to engage members and ensure we get our CLE/ethics credits.

- I enjoy the thespian talent on display at the road shows by Tom Singer and others. Not only are the skits entertaining, but I am always impressed with the level and quality of thought and expression that always seem to follow in group discussions.
- Why did it quit coming to Great Falls?
- Always enjoy the State Bar coming to our community.
- Would like to see additional programs like the Road Show.
- Don't like the professionalism round table discussions because not always productive.
- The above-referenced level of my satisfaction concerns when I attended those CLEs long ago.
- Acting was tedious and not needed.
- The format of the last Road Show in Helena was excellent. Appreciated the interactive nature.
- The Billings Road Show was very well attended by many of the well-known area attorneys. The discussions were lively and entertaining. Price was just right or could have been slightly higher.
- I have enough opportunities in Helena and often the content is not particularly relevant to me. If you've seen it once, it's sort of the same year after year -- or appears to be.
- It was very geared towards those entering private practice, and there was not much applicability to those of us doing admin/government law.
- The Road Show I attended was in the afternoon and I think I was a little worn out by then after spending the morning at the New Lawyers Workshop.

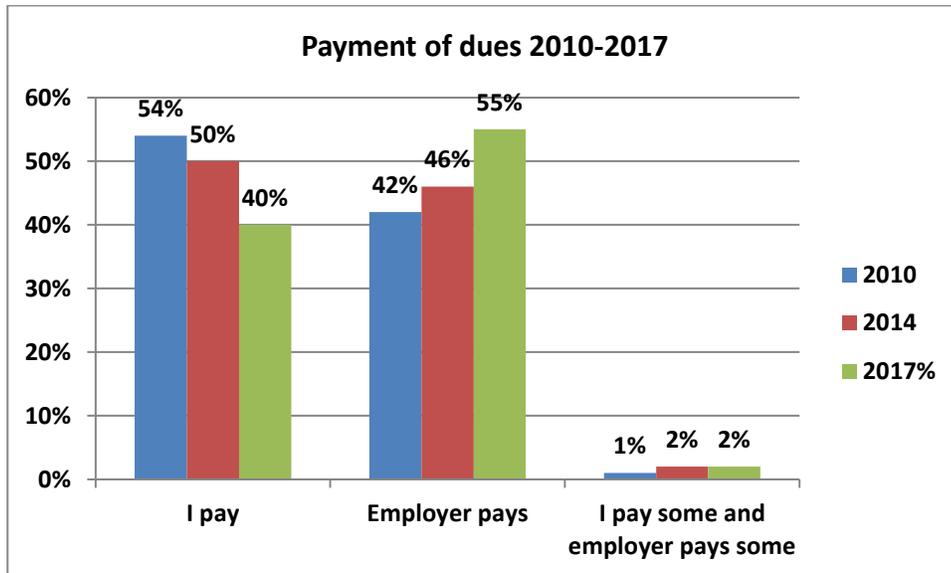
## 52. Please add any additional comments you'd like to share about the New Lawyers Workshop.

- Great opportunity for experienced attorneys to meet and assist young lawyers.
- Networking opportunities were good, but not obvious follow up.
- Satisfied.
- It is better to allow more time for discussion in the smaller groups.
- Having senior attorneys paired with new attorneys was a very good way of getting some practical advice.
- I attended 8 years ago and the portion that was most helpful was small groups at a round table (about 8 people) with a judge assigned to each table. It was a period for open ended Q & A and it was very instructive.
- I would like to see new classes in each workshop for at least three years, so that I can keep attending as a newbie while being exposed to new ideas/classes.
- It gives experienced attorneys a great opportunity to assist new attorneys.
- I think it has greatly improved over the past 15 years.
- I have attended as faculty. It was an outstanding experience to meet with and interact with young, energetic attorneys new to the practice of law.
- Free for law clerks -- which is a major consideration, but also interesting topics and good speakers.
- I attended as a new lawyer 8 years ago; I haven't attended since. As a brand new lawyer, it was a bit of information overload.
- I have attended as a moderator. I don't feel like the current structure can be effectively measured in terms of success.
- Was very helpful when I attended 5+ years ago.
- I did not attend the last couple but did find it valuable and would like to attend again but not sure how many years in I am no longer considered a "New Lawyer".
- Served as a senior or mentor. Rewarding.
- I had practiced law over 30 years for the federal government before becoming licensed in Montana and starting a private practice. I was very impressed with the new lawyer workshop and developed some rewarding relationships with people I met there. If you could use a lawyer who has experience working for a government agency in the areas of natural resources, water, Indian, public land, government contracts, grants, and agreements, I would volunteer.
- Really great programming and the speakers were interesting and very well versed in the subjects presented.
- I went in 2013, and it didn't cover any property law. I would like to have seen more Montana specific stuff too, places where Montana is different from what law school covers, etc. I still have my handouts from that day but don't find myself using them.

- Too generic felt like a half day therapy session.
- It only applied for my first year of practice, since I was an experienced attorney transferring in from another state. I have since left the state, though I continue to have some client contact in the state.
- Very beneficial for someone new to Montana.
- I used to be invited to participate as a 'grey hair,' but for some reason I am not invited anymore.
- I really like this and wish it would happen maybe one or two times more a year.

## XII. VALUE FOR DUES DOLLAR

### 53. Who pays your annual dues?



### 54. Taking into account the array of public and professional services that the State Bar provides, how satisfied are you with the value you receive for your dues dollar (5 is highest level of satisfaction; 1 is lowest)?

2010 Mean: 3.73

2014 Mean: 3.48

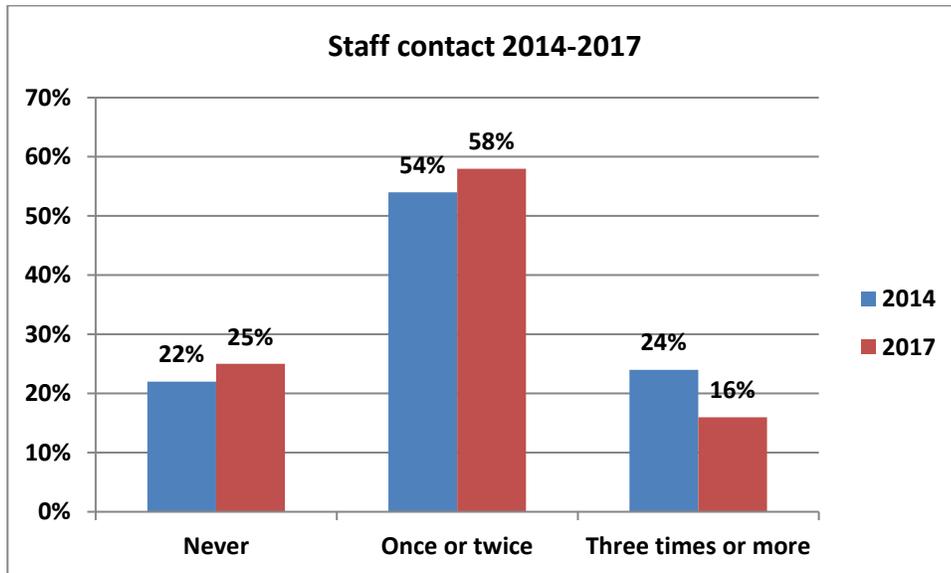
2017 Mean: 3.46

### 56. What else do you feel the State Bar should do with your dues dollar?

SEE APPENDIX – PAGE 71

## XII. STATE BAR STAFF

56. How often did you contact the State Bar staff within the last year?



57. How satisfied were you with your interaction with State Bar staff? Please rate on a scale of 1-5 with 5 being extremely satisfied and 1 being extremely unsatisfied.

2010 satisfaction with bar staff mean: 4.54

2014 satisfaction with bar staff mean: 4.59

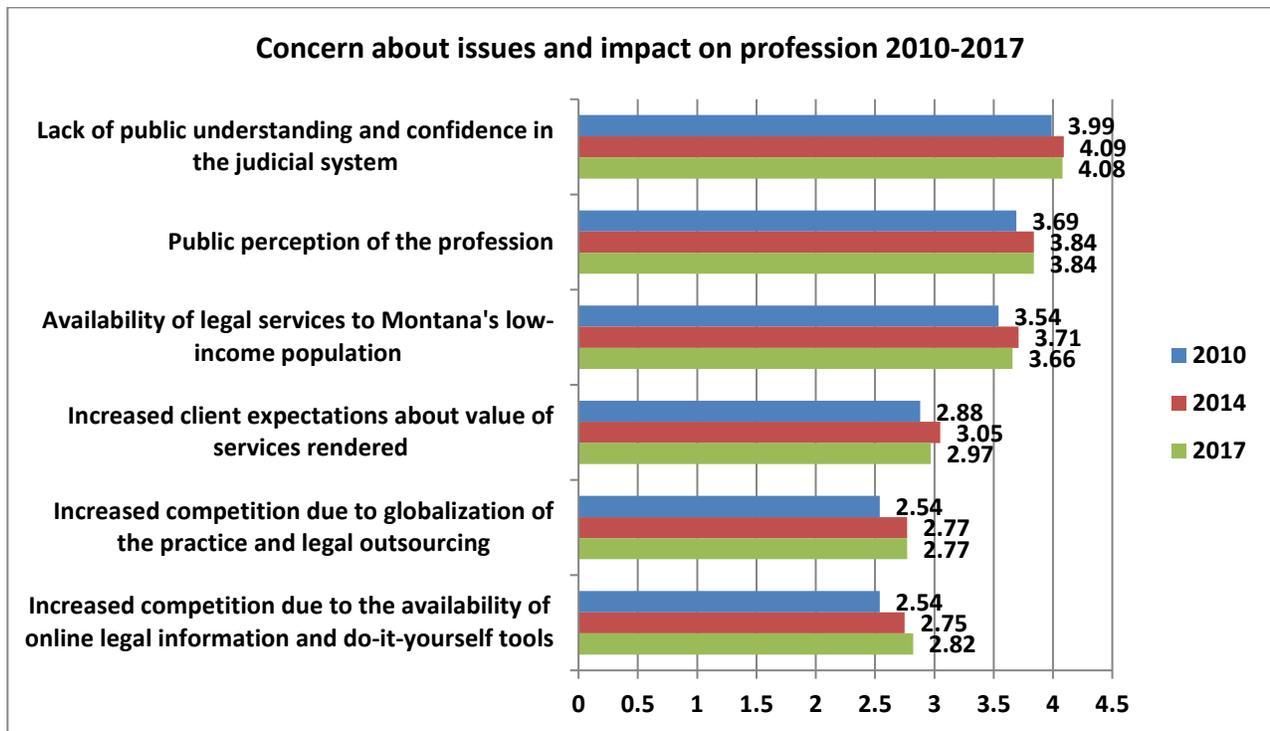
2017 satisfaction with bar staff mean: 4.53

### XIII. YOUR CONCERNS

58. How concerned are you about the following issues and their impact on the profession and your practice? Please rate on a scale of 1-5 with 5=very concerned and 1=not at all concerned.

#### 2017

Issues	5 - Very Concerned	4	3	2	1 - Not at all concerned	Mean
Lack of public understanding and confidence in the judicial system	44%	32%	16%	5%	3%	4.08
Public perception of the profession	31%	37%	23%	5%	4%	3.84
Availability of legal services to Montana's low-income population	29%	30%	25%	10%	6%	3.66
Increased client expectations about value of services rendered	10%	23%	37%	17%	14%	2.97
Increased competition due to the availability of online legal information and do-it-yourself tools	10%	19%	33%	20%	18%	2.82
Increased competition due to globalization of the practice and legal outsourcing	11%	16%	32%	22%	19%	2.77

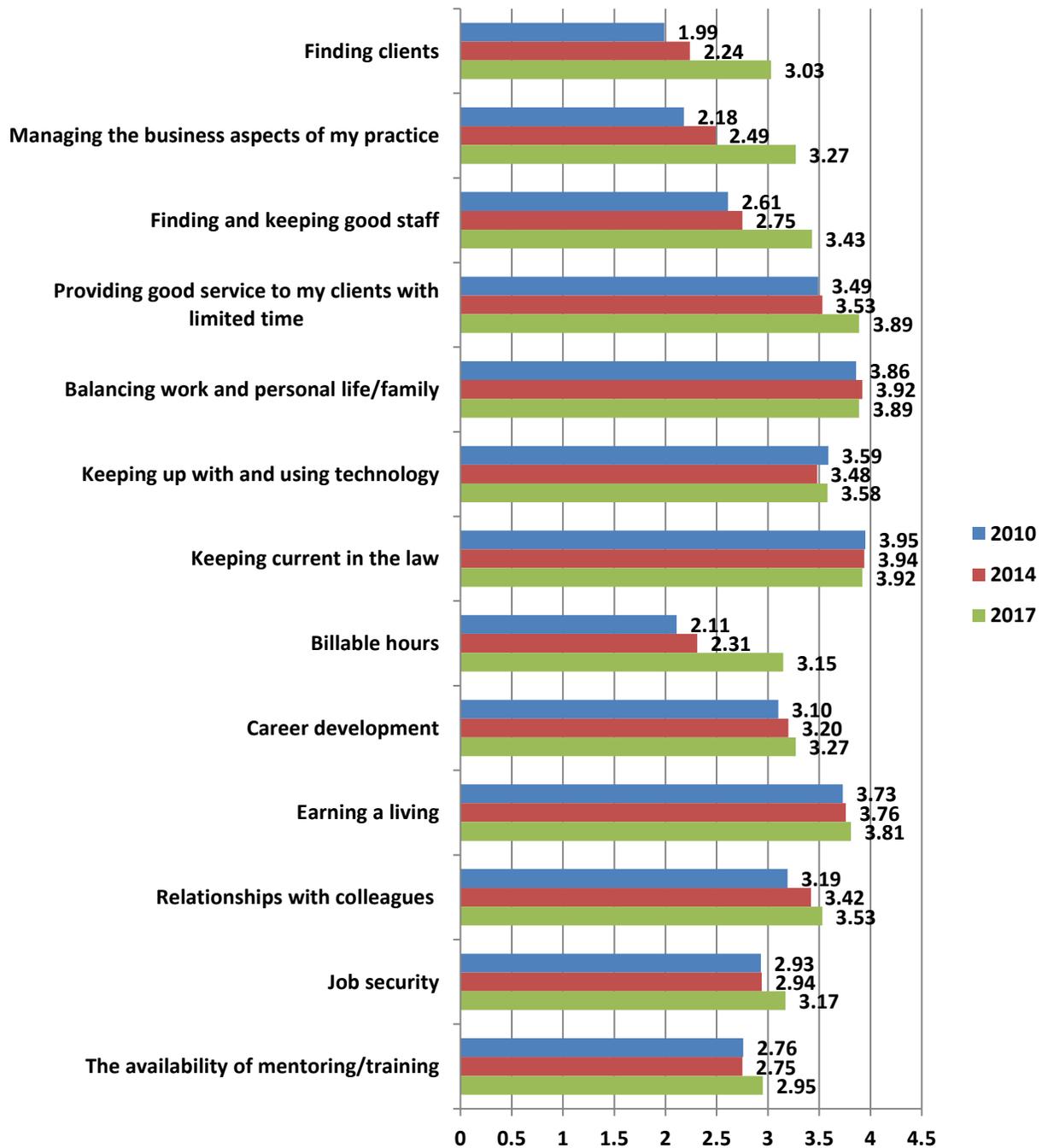


59. How concerned are you about the following issues and their impact on you and your law practice? Please rate on a scale of 1-5 with 5=very concerned and 1=not at all concerned.

**2017**

Issue	5 - Very concerned	4	3	2	1 - Not at all concerned	Mean
Keeping current in the law	31%	42%	19%	5%	4%	3.92
Providing good service to my clients with limited time	31%	42%	17%	6%	5%	3.89
Balancing work and personal life/family	37%	33%	19%	5%	6%	3.89
Earning a living	33%	34%	19%	8%	6%	3.81
Keeping up with and using technology	22%	37%	25%	8%	8%	3.58
Relationships with my colleagues	19%	38%	29%	7%	8%	3.53
Finding and keeping good staff	25%	30%	21%	11%	13%	3.43
Managing the business aspects of my practice	17%	31%	27%	11%	13%	3.27
Career development	17%	30%	28%	11%	13%	3.27
Job security	19%	26%	25%	13%	17%	3.17
Billable hours	17%	29%	25%	13%	17%	3.15
Finding clients	16%	23%	27%	13%	20%	3.03
The availability of mentoring/training	13%	23%	27%	16%	20%	2.95

### Comparison of means for concern about issues and impact on self and law practice 2010-2017



## XIV. YOUR LEGAL CAREER

60. Please select the option below which best describes your career plans within the next five years.

Career plans within next five years	Percent
I expect to be in the same or similar employment setting.	66%
I plan to switch my private practice setting, i.e., switch from a small practice to a large practice, etc.	3%
I plan to leave the practice of law, but will look for employment in the legal field.	3%
I plan to retire.	17%
I plan to transition to another specialty within the practice of law.	5%
Not applicable, I am not currently practicing law.	1%
Other	6%

**Other:**

**Consulting practice** - Plan to transition to consulting practice and developing wellness for lawyers courses

**Criminal law** - I plan to transition out of the academic/policy side of things and practice criminal law

**Don't know/unsure**

- I don't know (9)
- I don't know, but I expect some sort of change (2)
- Not sure - may transition from government to private practice

**Transition to another area of practice**

- Transition from government to private practice.
- Switch to private practice from clerking
- I might leave government.

**Leave legal field**

- I plan to leave the legal field and be employed in a different sector
- I may leave the legal profession and return to school or work in a different field
- Transition to nonlaw employment
- Quitting the law
- Expect to go to work full-time for a non-profit.
- I expect to be writing novels full-time.

**Firm growth** - I expect to be in the same firm, but want to grow its size

**Judgeship** - I plan to apply for a judgeship. (Not in Montana)

**Reduce time practicing/workload**

- Plan to slow down, but not fully retire. (2)
- I expect to practice but on a more limited basis as to time spent
- I am pre-retirement = 7 years?
- May retire
- I will semi-retire and then work on contract basis for some firm

**Teaching career**

- Retire and teach
- I plan to utilize my PhD to obtain a lecturing position at a European Institution

- I will probably retire but will look for increased opportunities to continue lecturing and possibly teach at law schools in Beijing on a more regular basis.

**61. Please indicate your level of agreement with the following statements. Please rate on a five-point scale where 5 = strongly agree and 1 = strongly disagree.**

Statement	5 – Strongly agree	4	3	2	1 – Strongly disagree	Mean
My work has become more rewarding as time passes	20%	36%	27%	11%	6%	3.52
My work has become less rewarding as time passes	6%	12%	27%	22%	32%	2.38
If money weren't an issue, I'd do something else	17%	18%	23%	16%	26%	2.84
I'm satisfied in my professional life	17%	43%	27%	8%	4%	3.62
I'm planning a career change	6%	9%	15%	18%	53%	1.97
I am adequately compensated for the services I provide.	14%	32%	28%	17%	9%	3.24
I have never regretted my decision to become a lawyer.	29%	21%	18%	20%	12%	3.36
I would advise young people to pursue a legal career.	13%	21%	32%	21%	12%	3.02

**62. What are the two most significant changes you've seen in your practice within the last three years?**

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## APPENDIX – Responses to open-ended questions

### 12. Please enter any additional comments about the benefits/services of the State Bar:

#### Accolades

- Thank you for all your work and support! (2)
- I'm very satisfied with my state bar memberships.
- I believe the Montana bar provides adequate support for the members.
- I think you guys do a great job, and are readily available if needed.
- I believe the State Bar provides valuable services to its members through its publications and CLE events.
- I appreciate the changes the State Bar has made. Information is more readily accessible.
- Since I am a state employee, not all of the Bar services are relevant to me, but I know they are an important resource.
- The resources offered by the state bar assist me in my everyday practice.
- I think the Bar has done an excellent job of attempting to form partnerships with companies who provide quality services and getting them to members at discounted rates.
- Since I just entered private practice after retiring from federal service, I am just beginning to utilize State bar services--so far, very good.

**Big firms** – The bar remains in control and benefits the big firms only.

#### Communications

- I like the email updates since I don't check the website often.
- The website has improved, but much of what goes on in board meetings is not published or put on the website--if you want people to be engaged, then they need to be informed about what is going on. Right now if it is not in the MT Lawyer we are not informed of what the bar executive committee and trustees are doing.

**Competition** – You are in a very competitive market for attorneys' attention – get their attention!

#### CLE cost

- The Bar sponsored CLEs are far too expensive. (2)
- More emphasis on free or low cost online CLE.
- I really appreciate the State Bar CLE. They are at a reduced rate as compared to the CLEs put on by other organizations

#### CLE general

- CLE n SKI best CLE, but the housing at Big Sky is not affordable, get a better group deal or go elsewhere.
- CLE would be helpful on client psychological disabilities and how mental health professionals approach and places for referral.
- CLE help is very useful and professional, thank you.
- It would be helpful if CLE were scheduled farther in advance so that I could attend. There have been many I would like to attend but have been unable to because of a scheduling conflict (usually court).
- Assistance with putting on a CLE has been outstanding.
- I would really like to see more diversity in CLE. I started attending some of the ABA CLE because they have more variety.
- I appreciate CLE about lawyer responsibilities (re: client confidences and discovery) as they are affected by modern technology.
- The calendar for CLE is not always up to date. Because I am out of state, I do look at opportunities in state for CLE - usually the annual meeting. While I remember seeing the dates posted for the 2017 meeting, when I recently checked the website for those dates, none were listed. I know the Annual Meeting will included CLE,

why aren't the dates listed generally (without specific courses)??? Having the Annual Meeting dates and place posted all year would be helpful.

- Have more CLEs that are aimed towards prosecution in the government entity.
- Would like to see more CLE seminars in Billings.
- I've had trouble planning for CLE opportunities in advance because dates and agendas are set too late or too close to the CLE date. The process for checking CLE credits is clunky, but I've figured it out.
- My one experience with CLE support provided by Gino Dunfee made me never want to depend on support from the state bar again--poor communication on her part and she did not do the things she knew I was relying on her to do. I would have been better off to do it myself.
- CLE administration improved after understandably rough transition. Lawyer directory less efficacious in internet age.
- I have a muddled understanding of the CLE requirements, re online vs. live attendance, etc.
- Help provide out-of-state lawyers with access to free MCLE.

#### **Deskbook**

- I use the Deskbook daily! It is awesome.
- The Deskbook should be online and updated frequently.
- "Lawyer Directory and Deskbook" has faulty and cumbersome organization. I find it helpful but very difficult to use. Can't it all be just digital?
- Online lawyer database does not match Deskbook entries.

#### **Dissatisfaction**

- Extremely dissatisfied.
- The State Bar is not actively working to make the work lives of its membership better. The State Bar has in the last ten years become a paternalistic group of arrogant non-practicing lawyers who simply want to find ways to govern and control the membership to make themselves relevant. They up our dues with no increase in services. They pass Rules of Professional Conduct that make all of us criminals if we make an innocent computer mistake. The State Bar employees are arrogant and assist only those that they deem worthy. How can the State Bar actually believe that the Lawyers' Deskbook is a benefit or service when we have to pay for it? How about quit creating positions to oversee us when we are a self-regulating profession and should be trusted to report our own CLE credits? Now the State Bar has taken that over as if we are all children and unethical in reporting our CLEs. Since when did the State Bar obtain that authority over us? The State Bar runs around the state putting on CLEs about technology that are not helpful but only meant to give their tech friends business. The State Bar will do nothing to address rogue judges who are harming the profession and nothing about the out of control use of the ODC by defense attorneys as a litigation tool. The State Bar is useless. They are more akin to the Trump Administration in their arrogance and misrepresentations.
- It is mainly a forced tax to support the bureaucracy. It is just a quasi-governmental agency and an entitlement program for those who work there.
- Cost far exceeds benefits. How many employed? Doing what?

**Employment** – Updates on hiring and movement of lawyers to firms is helpful.

**Ethics hotline** – Ethics hotline is an amazing resource!

#### **Fastcase/legal research**

- Love Fastcase! (2)
- Thank you for providing Fastcase. If that service can be expanded, great. I can do pro bono work because of it.
- Fastcase legal research was slow and missed many cases. I was forced to go with a LexisNexus contract to have confidence in the research I was doing.
- Fastcase is still a bit hard for me to use - wish it was more old-dog user-friendly.
- Fastcase is a great benefit. Thank you! I would love more free CLEs if possible.
- Tried Fastcase early on and was not impressed. Maybe it's been improved but I don't know.

- Haven't used Fastcase much since first started, then I thought was not as good as Google Scholar, perhaps I should check back and try again.
- I just started using Fastcase and it has been incredibly helpful and useful in my practice. Thank you for making this a benefit for State Bar members!!
- Fastcase is pretty terrible. It would be nice if the bar could negotiate at least a discount with another research database. More criminal defense CLEs would be great too!
- Fastcase was the first bar benefit that I found truly useful.
- Fastcase is a fabulous resource for attorneys representing low and limited income clients and doing reduced fee and pro bono work.
- Love Fastcase!
- I like the idea of Fastcase, so I tried it for a bit. But it's just not as good as Westlaw or Lexis, so I went back to the paid service.

#### **Fee arbitration service**

- I have volunteered as an arbitrator and served as an arbitrator in one fee arbitration. I have not used the service because of a fee dispute with a client. I found serving as an arbitrator very satisfying.
- I have not used the fee arbitration service for my own practice, but I have sat on a fee arbitration panel.

#### **Inclusiveness**

- The bar needs to break out of its cliques and view the world, i.e., all the attorneys.
- The state bar leadership is largely viewed as a clique that is only welcoming to a few. The trustees, presidents, and state committees are a rotation of the same few individuals, or when new names are added, they are almost exclusively prominent members of large firms or MTLA members. I believe this is the reason most members of the party are fairly apathetic toward the bar.

**Lawyer assistance program** – Thank you for providing the Lawyer Assistance Program.

**Legislation/lobbying** – I often feel the State Bar takes positions on pending legislation and focuses its lobbying efforts on bills that may promote and help the State Bar but do not facilitate or help lawyers in the individual and daily practice.

#### **Location**

- Some of these services aren't useful to me simply because I'm too far away from Montana. The Bar is great at them, but they're not designed for people in my situation.
- Networking and fundraising opportunities outside of Montana are being missed. Debt relief is a pressing and unaddressed concern.

#### **Montana Lawyer magazine**

- Although I like the magazine, it is usually too late to utilize a lot of its content by the time it reaches me out of state.
- Thank you for changing the ink on the *Montana Lawyer* magazine to one that does not stink up our entire office!
- I am also admitted in Idaho and Washington. The *Montana Lawyer* is substandard in comparison with those bar magazines.

**Public service** – The bar seems to have abandoned much of its public service responsibility.

**Road Show** – I appreciated the Road Show I attended and believe the bar staff does a great job running things at an affordable price.

#### **Sections**

- Bankruptcy section is excellent. (2)
- I signed and paid for the Family Law section and never received any information about it. Is there a list serve?

- Do something about the sections on the web page. I've received zero response to a number of questions. I'm not entirely sure anyone even uses those forums, which is a bummer. Maybe user error?
- Used to belong to Bankruptcy Section, but never received any information or contact from section.

**Staff/customer service**

- Betsy is a great resource for ethics issues.
- I've spoken with Sam Alpert about IT-related questions, and he has been very helpful.
- Kathie Lynch and her staff is amazing.
- Very friendly, informative staff!
- Overall, I have found the staff of the State Bar to be extremely professional, providing personal service in a pleasant and very competent fashion. As an applicant for admission on motion, I felt very supported by the State Bar throughout and after the process and my other interactions with the staff during my brief time here in Montana have all been excellent.
- Great staff.
- Overall, folks do a good job.
- I was just sworn in Feb. 23rd but I love Kathie Lynch and her crew! They are great!
- Be more available.

**Unaware or don't use services**

- I am not really sure what the bar does other than CLEs.
- I have yet to understand what all the Montana State Bar offers (new attorney).

**Website/online offerings**

- The website used to be easier to navigate before it was revamped several years ago, especially the CLE site.
- I think the online offerings are phenomenal. My only suggestion would be to combine the CLE and Bar website (one login).

### 13. Please complete the following statement: I wish the bar would...

#### Accessibility

- Answer the phone. (2)
- Provide access to all Montana federal court orders, memos, opinions.

#### Accolades

- Keep up the good work, continue on present course. (8)
- Continue to do the excellent job it is now doing. (3)
- I love the State Bar. I think it does an excellent job. (2)
- Keep innovating to improve services and CLEs.
- Be able to find a new executive director of the caliber of Chris Manos and continue in its pursuit of its mission to lead the profession and serve the public interest.
- I am happy with the current services.
- Betsy Brandborg is the greatest.
- So far no complaints!
- I can't really think of anything to complain about. I have enjoyed my involvement with the State Bar and the people I have met through it.

#### Advocacy/political activity

- Take a more active role in legislation affecting the profession. (3)
- Stay out of politics and not impose its political views on the membership (2)
- Advocate for lawyers instead of focusing on improving the impression of lawyers from the outside by making members practice more difficult.
- Utilize Area Trustees as ambassadors, and speak out more about bad lawyers.
- Provide more opportunities in lobbying.
- Take a much more active and assertive role in protecting Montana practitioners. Its position on the UBE was extremely disappointing to me.
- Continue avoiding taking a position on social issues.
- Weigh in more on matters of importance in the criminal justice system; for example legislators' threats to cut county attorney salaries to drop their opposition to HB 133 which county attorneys believe threatens public safety and reduces accountability for criminal behavior in some aspects.
- Advocate for lawyer's right to charge for services and getting paid.
- Focus on attorneys and not social agenda items.
- See itself as more of an advocate for attorneys in private practice and less of an advocate for the state and especially the judiciary.
- Push back on increasing standards of perfection expectation by the courts and public.
- Don't be involved in any special issues with special groups. All groups are equal under the law and all should be treated the same. The bar tends to pick those it wishes to support and to follow the political fade at the time.
- Don't be political.
- Stop fostering a liberal agenda. We are not all trial lawyers.
- Get involved in legislative issues.
- Don't enter into political issues using my required dues for their agenda.
- Don't get involved in political or current event issues, including taking position on new ethics rules from ABA that are based on pushing an agenda, not addressing established problems.
- Don't get involved with and finance groups pushing various social causes.
- Don't shy away from being a powerful voice for justice and the improvement of the legal system.
- Don't spend so much time lobbying and getting involved with politics.
- Don't succumb to the temptation to take sides on political issues.

**Attorney independence** – Support attorney independence.

**Automation** – Automate as much as it can, which I believe is already occurring.

**Bureaucracy** – Don't be bureaucratic.

**Communications** - Don't email me as much. (4)

**CLE cost**

- Provide more free CLE. (7)
- Offer more reduced-fee CLE. (3)
- Offer to waive CLE fees for law clerks.
- Have more CLE seminars that do not cost as much as the ones from out of state.
- Help provide more cost effective and convenient CLE.
- Have additional CLE at a reduced rate - \$30 - \$50.
- Don't charge for online CLE.
- CLE should be reduced for section members or members who contribute their time and energy to volunteer bar activities (such as section handbooks which are produced by the Bar and sold).

**CLE communication/marketing**

- Schedule and advertise CLE further in advance. (4)
- Advertise and publicize more thoroughly for CLE events. (4)
- Provide one stop shopping for CLE. Too many sources: fliers, State Law Library, Bar Sections, commercial (Seminar Group, etc.). Make a place for all to list their links/info.

**CLE delivery methods** - Sponsor more on-line CLE. (7)

**CLE locations**

- Provide more CLE in Kalispell (2)
- Have the long CLE (6-7 hours) in the Billings area instead of Missoula or Big Sky.
- Sponsor more CLE and other events that I wouldn't have to drive 2 hours or more to attend.

**CLE requirements/reporting**

- Reduce or eliminate the annual requirement for CLE. (3)
- Create an online CLE tracking spreadsheet within our bar profile to upload and track annual CLE credits.
- Accept CLE approved in other states that I practice easier or waive the requirement if I am not actively practicing in MT (like Missouri).
- Make approval for CLE presentation an on-line process.
- Make consistent CLE reporting designations between MT Law and MTCLE. Notice, "1:00E" is not clear if it's Live or On Demand.
- Provide online CLE credit application and authorization for CLE providers.
- Send me an e-mail showing how many CLE credits I have three months before the deadline. The email would clearly state how many general and ethics credits in need to complete.
- Require CLE credit on a three-year basis rather than every year.
- Reduce the CLE requirements substantially and merge administration of CLE with other states.
- Don't charge for CLE processing on top of everything else, since I derive zero benefit.
- Don't require CLE; our small bar makes it very difficult to provide quality CLE that are relevant to practice areas.
- Don't require me to keep track of my own CLE credits via an online system that is difficult for me to use.
- Don't require so many in-person CLE credits.
- Drop CLE requirements like DC Bar.
- Provided CLE credits as part of state bar meeting like SD.

### **CLE topics/focus**

- Do more criminal law CLE. (2)
- Provide more free ethics CLE. (2)
- Provide more high level CLE programs.
- Provide CLE applicable to criminal law for prosecutors.
- Provide state and local taxation CLE.
- Sponsor more ethics CLE in the Missoula area in early spring.
- Provide CLE that would be beneficial for my practice area.
- Provide training/CLE on labor law/collective bargaining and interest-based bargaining.
- Present more substantive CLE.
- Provide more diversified CLE at a more advanced level (many CLE in my practice area have pretty basic info/geared towards new practitioners).
- Offer more CLE that would benefit government attorneys.
- Offer more ethics CLE and some less expensive options.
- Increase more diverse CLE programs. Greater number of subjects should be covered.
- Better CLE. Do a personal injury one, basics. Family law one, basics. If these exist through the bar you are not doing a good enough job marketing.
- Provide more relevant CLE.
- Provide more CLE in the area of administrative and public law.
- Organize a CLE or training on DN cases.
- Provide a more diverse faculty at CLE.
- Don't do case updates at CLE. I don't know of anyone who finds it to be productive considering that the MSC has access to all recent opinions, legal research options, and the Blue Sheets.
- Provide more in depth education in various areas of the law.

### **CLE miscellaneous**

- Offer more CLE. (8)
- Provide more CLE that are cost effective and relevant to the profession as a whole.
- Arrange better CLE.
- Continue excellent CLE.
- Devote more time to CLE, perhaps finding a way to present the same CLE materials in multiple towns across the state, such as the road show.
- Offer more opportunities for a wider range of Montana attorney presenters at CLE.
- Help provide out-of-state lawyers with access to free CLE.
- Don't accept only active participation CLE for out-of-state attorneys.
- Don't sponsor CLE.

### **Criminal law**

- Involve the practice of criminal law more. I don't feel the Bar has much for prosecutors or defense attorneys.
- Recognize public defense.
- Become more proactive in the legislature about the failing public defender system.
- Take a more active role in securing resources or funding for public law offices and setting up more programs to address significant issues, such as drug treatment centers.
- Advocate for the right to counsel for the criminally accused indigent. The state bar has been absent during critical times at the legislature.

### **Customer service/staff**

- Give Chris Manos a raise.
- Please consider an Executive Director that devotes the time and energy necessary to the broad concerns of the membership.

- The State Bar staff has been very helpful when I have made contact. Please continue the great service to state lawyers and the Public.
- Always go to voicemail when called.

#### **Deskbook/Directory**

- Offer an online/digital lawyer directory and deskbook. (9)
- Provide a list of Montana Attorneys in California.
- Supply more information about members who are listed with the bar. For example where did they go to law school?
- Offer a service on the website so the public can easily check an attorney's membership and disciplinary record.
- Provide a free paper directory every few years.
- Don't require an additional fee for the entire Lawyers Deskbook...rather, just print year-to-year updates to insert into our existing Deskbook.

**Discipline** – Don't publicize disciplinary actions.

#### **Dues/fees cost and value**

- Reduce bar fees/don't charge so much. (15)
- Keep bar dues as low as reasonably possible. (3)
- Streamline CLE and dues - fees to be paid same time if possible. (2)
- Reduce the amount of bar dues based on years of service in the bar. Why should attorneys who have practiced for 40+ plus years pay an identical amount to an attorney who has practiced 10 years?
- Provide some sort of changed rate for attorneys in solo practice for the first 3-5 years for bar dues. Expecting a brand new solo practitioner to pay the same rates as an established practice is a bit of a hardship.
- Recognize another category for dues reduction, i.e., over 30 years working less than 30 hours.
- Save us more money.
- Don't make bar dues due in April, right around tax payment time. I always feel like paying bar dues is a financial burden because of the timing.

**E-filing** – Encourage the courts to adopt e-filing statewide for all cases. Montana is behind other states in this respect.

#### **Employment/career assistance**

- More job seeking assistance.
- Solicit info from large and/or established firms about their potential hiring, openings, expectations for new positions, and provide contact info for hiring partners/managers at those firms.
- Provide more information on career opportunities in Montana, income information for attorneys in Montana, and stay as small as possible.
- Better assist new lawyers find employment.

**Ethics** - Hold all attorneys to the same ethical standards.

#### **Focus/mission**

- Find a real mission.
- Focus on creating a unified bar, and promote the importance of maintaining a unified bar.
- Don't spend so much time nagging us about access to justice issues.
- Don't support non-discrimination rules in the code of conduct that discriminate against long established and sincerely held religious beliefs.
- Don't be quite so focused on defending the status quo.
- Don't be so centered on the private civil practice of law.
- Don't change to be the answer to no one's problem.
- Don't continue to expand its focus in terms of services and programs.
- I appreciate the "value added" benefits, but I do not believe this should be the bar's primary function.

- Don't spend my bar fees on anything other than admissions and discipline.
- Don't try to be all things to all people. Serve the core interests of the majority of attorneys.
- Don't attempt to deal with drug and alcohol addictions or other social needs of lawyers.

#### **Government lawyers**

- Provide more for government employees (2)
- Recognize state lawyers as important members and contributors to the legal practice in Montana and provided more services relevant to the work of State employees.
- Provide more pro bono activities for government attorneys.
- Find a way to engage more government attorneys in state bar functions and possibly do some more networking with government attorneys throughout the state.
- Do something to make it relevant for lawyers who work for state or local government. It seems it is only concerned with private practitioners.
- Should charge government employees less, because we get no value for our money.

#### **Inactive members**

- Be aware that not all members are in active practice.
- Don't charge so much for inactive status.

#### **Inclusion**

- Don't resemble a modern version of the "old boy's network". (4)
- Don't just tend to the general needs of all bar members without singling out any particular group.
- Reach out more and be more inclusive of all attorneys in the state.

#### **Insurance**

- Provide a group health program. (2)
- Find better healthcare and auto insurance rates for members.
- Provide a group rate for malpractice for ADR only practices.

#### **Judges/judiciary**

- Consider supporting a more independent judiciary, less dependent on raising money for elections and discouraging the false/misleading advertising in judicial elections.
- Provide a mechanism for lawyers to express anonymous opinions to the public about the quality of judges (e.g., surveys).
- Intervene to support relationships between members of the bar and the bench.
- Grade judges.
- Provide more bench/bar outreach.
- Push harder for more money from the Legislature for the Judicial Branch. Their budget is appallingly small.
- Help the public be more informed about the judges they are voting for.
- Have more Bench and Bar conferences, where lawyers get to talk to judges outside of the courtroom.
- Advocate for judges to be trained as lawyers.
- Don't be so obsequious to the courts, and advertise on how people can file complaints against us.

#### **Lawyer image**

- Work more on enhancing the profile of lawyers in society. (2)
- Promote the positive things that lawyers accomplish in the state.
- Have a higher public image, have more positive contacts with the general public.
- Advertise institutionally for improving the image of lawyers.
- Once in a while consider doing a public service type announcement.
- Promote the profession among the public.

**Lawyer referral service/modest mean**

- Improve the lawyer referral hotline. I have referred many people but the hours are too short and when people call often no one answers.
- Increase payment for Modest Means Program; for example, for Bankruptcy increasing the fee from \$600 to \$750.

**Leadership**

- Have a non-Montana resident on its Board.
- Decrease the size of some of the districts by adding more trustees.

**Licensing** – Communicate the expectations/requirements for licensure, make sure we don't overlook anything.

**Local bar association involvement/collaboration**

- Encourage more participation in local bar associations.
- Highlight the activities of local bar associations in The Montana Lawyer to educate and inspire other local associations.
- Coordinate more with local bar associations, or have a local presence, so that it is a constant in the everyday practice of law.
- Support creation of local bar groups.
- Meet or present programs to local bar associations more often.
- Facilitate/improve communication through local bar associations.

**Mediators** – Provide more support than I am presently aware of (this could be on me!) for mediators getting established. I hear of this significant need for trained mediators in the state for civil matters, and yet, despite trying to get myself introduced into the system, so far I've been unable to get that part of my practice operating to the extent I would prefer. This is a very selfish wish I only proffer because it's the only thing I can think of! Hence I don't really think the State Bar should have to do this just for me, but if there is a backlog of cases ripe for mediation out there, perhaps the Bar could help out the courts and the mediators by providing more information. Also, they may be doing so and I just haven't yet discovered it!

**Meetings/events**

- Provide minutes of meetings for both sections and executive committee meetings, as well as state bar meetings.
- Have more social events.
- Require each attorney's attendance to attend a state bar event at least every other year or so to increase collegiality opportunities.

**Member forums** – Create list serves for better communication among attorneys around Montana.

**Member input/involvement**

- Follow the wishes of its members. I am still offended by the State Bar years ago polling its members on a dues increase and then totally disregarding the wishes of the membership and going to the Supreme Court for a fee increase, which was granted.
- Actively seek and recruit a wider involvement from the membership.

**Member services/benefits**

- Better publicize all benefits of being a member.
- Discounts with a variety of vendors such as law practice management software vendors.
- Negotiate better discounts on services such as Law Pay or other useful programs.
- Have the bar card be produced of plastic material, like a MasterCard or VISA credit card for durability.
- Have better savings on practice software.

### **Member support**

- Start supporting its members rather than encouraging new rules all the time and crying to the Supreme Court to raise our dues.
- Be more flexible and responsive to my individual circumstances and needs as a practicing attorney.
- Focus only on activities that make my life as a lawyer easier.
- Actively work to help make the memberships' work lives better.

### **Mentoring**

- Provide more mentoring opportunities for new attorneys. (2)
- Create a matchmaker database where relatively inexperienced individuals seeking to provide pro bono services in a particular legal area could be paired with a willing and experienced mentor. I sincerely want to serve and while I possess the threshold skills, I do not have the experience I believe is required to be truly effective.
- Work to create incubator programs to help connect new lawyers with experienced mentors. It is hard to break in the practice if you're not the close relative of a "big name."
- Maybe even have a mentoring program.

### **Montana Lawyer**

- Don't publish the *Montana Lawyer*. Having it online is sufficient. (4)
- Continue its *Montana Lawyer* magazine.
- Make an option to receive access to the *Montana Lawyer* online.
- Go to a slick format with the magazine. The gritty black & white looks so cheap it doesn't reflect well on the profession. And the pictures are terrible.
- Publish the *Montana Lawyer* magazine from page to page and not say, "continued on p \_\_\_\_"
- Feature more firms, lawyers and their practices in *The Montana Lawyer* magazine - just to continue to make us all feel like we sort of know one another.

### **Networking**

- Provide more networking opportunities. (3)
- Have more active sections and committees which allow for additional opportunities for interacting and development. I am a member of the Indian Law Section, and would like to see more activity from that section.
- Host, or perhaps advertise more social/networking events. CLEs are fine, but not always conducive to socializing.
- Offer more happy hour type events in the Flathead or more networking events featuring local attorneys.

### **New/young lawyers**

- Provide more leadership opportunities for young lawyers.
- Provide more networking opportunities directed at new lawyers.
- Provide more practical skills training to younger lawyers.
- I wish there were a couple more CLE opportunities during the year particularly for beginning attorneys.
- Reach out more to young lawyers.
- Provide more assistance to getting new members involved in bar activities.
- Don't attempt to expand the scope of its involvement in young lawyer development, attorney substance abuse, and attorney mental health issues.
- Don't charge so much for membership dues, especially for younger attorneys (1-5 years) who don't always command a high salary, have student loans and are struggling to make ends meet. \$395 is a significant burden, perhaps a sliding fee scale would better serve the attorneys who serve the public and their communities.
- Don't charge the full membership dues to new(er) attorneys. A reduced rate that graduates to the standard rate would be preferable. Same idea with expense of CLE: reduced rates for new attorneys.

**Nontraditional practice** – Don't limit its understanding of 'law practice' to traditional representation of clients in court proceedings and miss other practices of law which are important to social justice work.

**Out-of-state lawyers** – Don't support or advance increased pro hac, waiver into the bar, or otherwise support the increase of out of state attorneys. They do not practice here with the integrity common within the Montana bar.

**Paralegals** – Offer more opportunities for paralegals.

**Partnerships** – Continue to find new and innovative ways to partner with other bar associations and service providers to continue to increase benefits to the members.

**Practice-specific**

- Provide more networking and CLE opportunities for in-house counsel.
- Cater to my area of practice more.
- Offer more courses in my areas of expertise.
- Don't forget about all the attorneys that don't litigate.

**Pro bono/legal services**

- Provide more pro bono opportunities. (2)
- Provide malpractice coverage for pro bono work by lawyers in government who don't have their own coverage.
- Recognize that pro bono legal services are as relevant if offered by individual attorneys as they are when offered by "recognized" organizations, particularly in small communities.
- Require pro bono/reduced fee work of a certain number of hours, although I realize that would have to be a rules change. MLSA could be losing a huge portion of its budget if Congress eliminates LSC funding and there will be a huge hole in services to low income and senior Montanans.
- Offer more training or mentor programs aimed at non-practicing attorneys to provide more pro-bono service.
- Be the driving force and contact point for pro bono opportunities in Montana.
- Support mandatory pro bono.
- Facilitate more pro-bono opportunities in areas other than family law.
- More overtly champion, and put more resources towards, pro bono service.
- Provide more access to pro bono activities which would be helpful to foster a better reputation of the legal profession.
- Encourage more pro bono, limited means representation.
- Provide pro bono connections for more than just family and criminal law.
- Be a leader in emphasizing the importance of pro bono services in a manner that focuses on what clients need as a priority for services members of the bar provide (ex, helping low-income clients vs. serving on a board which really isn't pro bono services...). People need assistance and I think the bar can do a better job making this a priority and providing members of the bar with adequate resources to help out pro bono clients.
- Try to provide support for other types of legal services than just private practice.
- Continue to advocate for individuals with low or moderate income. I think the establishment of Limited License Legal Technicians will be helpful.
- Stop focusing on pro bono as a fix for the representation of people that can't afford to participate in the court system. No matter the intention of pro bono attorneys, it is impossible to provide equal representation to a non-paying client as a paying one.
- Don't focus on pro bono activities so much.
- Oppose mandatory pro bono. This should be a personal choice.
- Don't pretend that attorneys making \$30,000.00 per year have a duty to provide 50 hours of so-called pro bono service, based on the false premise that it "only represents 3% of the attorney's time.
- Push for more pro bono services and self-help clinics.
- Put less pressure on members, especially sole practitioners for whom making ends meet is a daily struggle, relative to pro bono service.
- State bar should not require pro bono legal work, since there are many ways lawyers benefit communities.
- Shouldn't think that pro bono is more important than making a living.

**Pro se** – Provide more services for people who want to represent themselves even though they do not meet pro bono guidelines.

**Professionalism/civility** - Take definitive steps to increase civility in the litigation process and urge judges to take a firmer line on abusive practices.

#### **Public education**

- Promote more availability to connect bar members with students at junior high and high school level.
- Take the opportunity the current political crisis and climate offers to provide more education about the law to the public.

**Public sector** – Don't forget the public sector lawyers.

#### **Reach/location of events**

- Offer more events in the Billings area. (3)
- Provide more local events.
- Do more in Eastern Montana.
- Offer more courses in Western Montana.
- Offer more locally produced seminars and continue to use a "road show" format.
- Don't cater to the big 5 and assume everything that happens is in those counties.

**Reciprocity** – Promote reciprocity membership with other states.

#### **Resources/information**

- Provide something like the old advance sheets on all Supreme Court Decisions. Possibly you do and I am unaware.
- Be more diverse in its legal resources.
- Provide more case law summaries from the Montana State Supreme Court in the *Montana Lawyer Magazine*.
- Provide attorney members with updates on Supreme Court decisions in addition to procedural rule changes.
- Publish essays providing detailed analysis of unique Montana laws or areas of practice.
- Provide more services online.

#### **Retired lawyers/transition planning**

- Help me find someone to begin to take over my practice.
- Rumor has it, more lawyers are retiring than law schools are replacing. I wish the State Bar would show us how to capitalize on that passing of the torch! :-)
- Provide some transition services for those individuals thinking about going to part time work or retirement.
- Reduce annual dues/fees/taxes for retired attorneys.

#### **Rural lawyers**

- Concentrate a little more on rural areas of the State. Many rural areas are stretched thin trying to combat rising crime rates.
- Offer more services to rural attorneys and have more trainings in rural areas.
- Provide more services/ opportunities in rural communities.

#### **Sections**

- Keep me more informed about my sections. I pay dues, but have not heard from the School Law section in years.
- Make section membership meaningful.
- Create a collection law section.
- Explain the different sections of the Bar offered at yearly membership and what membership in those sections entail (especially for us newbies).

- Support Bankruptcy Law Section activities and programs.
- Make section websites accessible to non-members who are thinking about joining. It is hard to find information on sections without paying the dues and joining.
- Have more robust practice sections.
- I'm a member of the BETTR section and don't receive really any communication or correspondence except the occasional CLE notification. I wish there were more opportunities to get together with other section members.
- Give sections more authority to do things that would better the practice of law without having to abide by so many rules and restrictions on how things can and cannot be done and how funds can be used. If this is not possible, then reduce the fees and mission of the bar so people can form private legal associations to get projects accomplished for their members and for providing legal services to the people of Montana.
- Don't charge so much to join a section.
- Don't focus on some sections of the bar and not the others. They all should be given equal weight and equal opportunity to be effective resources.
- Don't look to the Bankruptcy Law Section for general funding for the State Bar activities, but would support activities promoted by the Bankruptcy Law Section.

#### **Senior lawyers**

- Adopt a rule for members over 70 with limited practices to do away with the need for CLE or to accept more excess credits in prior years. It costs me a lot of money to participate in pro bono activities to save Montana consumers from being overcharged by local utilities.
- Provide CLE courses to senior lawyers (65+) at same or similar costs as to young lawyers.
- Don't charge senior lawyers so much.

#### **Size of bar**

- Be smaller.
- Accept the fact that Montana has a very small bar.

**Solos/small firms** – Provide more support for solos.

**Specialization** – Implement legal specializations, with testing, experience, and certification requirements, to designate attorneys who are certified experts in particular fields of law. This would aid the public in identifying attorneys with experience and knowledge.

#### **Student loans**

- Offer some sort of solid information to those with substantial amounts of student loan debt with information/resources for ways to tackle this issue.
- Address debt relief for graduates of the law school who have committed to serving the public interest and increase support for networking and fundraising outside of Montana among UM Law grads.

**System abuse** – Have more emphasis on the abuse of the system and its effect on opposing counsel and opposing clients.

#### **Technology**

- Provide more information on information security and cybersecurity.
- Do more for technology education.
- Offer hands on training on new technologies in the practice particularly with respect to e-filing
- Continue to investigate and recommend practice-appropriate technology.
- Provide a private forum for MT attorneys. One good subtopic is cyber security software. Many good articles recently but still a leap between articles and reducing and streamlining to practice. Individual's discussing their set-ups would be helpful.
- Remember that all lawyers are not on the same on the same page when it comes to technology.

**Unified status** – Don't require membership. (2)

**Visibility** – Be more visible in the community.

**Website**

- Update the website to make it more searchable.
- Spruce up its website. I rarely sign in to my "profile" at montanabar.org. I do not see a reason or need to do so. I see limited functionality to the website. And why did the State Bar spin off the CLE functions, complete with its own website and login profile? It's just yet ANOTHER website and login profile to have to manage/remember.
- Improve the State Bar website for better ease of use and accessibility. Provide access to secondary source materials, templates, etc. Provide recommendations for starting a new business. Provide a list of all CLEs available throughout the coming year so I can plan which CLEs to attend in advance. (Or if these services are available, make them more apparent so I can find them. Current formats are not user-friendly).
- Develop a more interactive website with additional resources and opportunities for new lawyers.
- Get the website right, especially in terms of navigability, and then leave it alone
- Stop redesigning the website.
- Don't make the website difficult to use with different user names and passwords for different functions.

**Unauthorized practice of law** - Investigate unauthorized practice of law by law clerks who are writing opinions for judges but who are not licensed to practice law. This is a truly serious issue. Get on it or quit collecting dues.

## 56. What else do you wish the State Bar would do with its dues dollars?

**Accolades** - Just keep doing what you're doing. (2)

**Administration** - Less administration.

### Advocacy

- Advocate for lawyers. Too much emphasis is placed on the impossible task of improving the rest of society's impressions about lawyers and the bar has a tradition in Montana of making lawyers' difficult lives more difficult instead of fighting for us.
- Advocate for the right to effective counsel for the indigent.
- Promotion of profession.
- Fight every new infringement on the private practice of law. And start advocating for the constitution instead of sitting on your hands while your beloved Obama used it for toilet paper. What will you do now with Trump?
- Advocate for lawyer's getting paid for their services.
- Get more involved at the legislature in fundamental justice issues.
- You should not take positions on political issues.

**Attorney demographics** - I'd like to see an assessment of the perceived need for attorneys broken down by practice area and region of the state.

**CLE cost** - More free or reduced cost CLE. (17)

### CLE – miscellaneous

- More CLE (6)
- Convenient CLE opportunities. That means little or no travel and nominal cost.
- More CLE I am able to attend as a Billings attorney.

### CLE online

- Help provide free online CLE.
- More online/webcast CLE opportunities. Seems I routinely see great topics offered in towns I can't reasonably travel too.

### CLE topics

- More ethics CLE available (2)
- More criminal defense CLE would be awesome.
- Put on more interesting CLE.
- Native American legal education scholarship.
- Networking opportunities/CLE for advanced estate planning, elder law, and business/commercial/transactional attorneys.
- CLE offered in my fields.
- Better variety of CLE topics and areas of law.

**Collaboration with other state bars** - Integration with bar associations of other states.

### Communication

- Better communication with members.
- Create constructive dialog.

**Consolidation** - If anything else, then please work on integrating MT Bar Association dues and CLE requirements with other states in a consolidated national association.

### **Dues/costs**

- Lower bar dues/fees, charge less. (10)
- Provide more opportunities for recouping costs (i.e. discounted CLE, etc.).
- Less wining and dining.
- Spend less.
- If you have a small solo practice or are a part-time judicial employee as I am, the expense of CLE and licensing to keep an active license is prohibitive. It is good to see more and more CLE credits by webinar available which saves some travel expenses.
- At one time the Bar president said he would look into the possibility of state attorneys paying a reduced due because of the disparity in wages between state attorneys and those in private practice. To my knowledge, that was not done.
- Be careful not to violate developing First Amendment limitations on compelled dues (since Keller).
- Refund them.
- They should reduce my dues because they do not provide valuable or usable services.
- Consider a senior status at a much deducted rate -- other states allow an active status be retained with no annual dues upon reaching age 70.

### **Directory/Deskbook**

- I would like a free copy of the bench and bar directory.
- Written directory.

### **Discipline/ethics/ODC**

- Reduce fee for ODC (2)
- If we have to pay a disciplinary counsel fees, the bar should also provide defense counsel services from those same fees.
- Make the sanctioned attorneys pay more for ODC so the rest of us don't have to pay! Considering the SBOM operates way more projects on \$200/yr., I resent having to pay \$125 for ODC and wish the offending attorneys carried this burden.
- More emphasis on lawyer conduct besides ethical responsibilities.
- Not have an office of disciplinary counsel assessment.
- Not put so much into the lawyer disciplinary council.
- Professional ethics enforcement.
- Provide legal assistance for lawyers dealing with ethics complaints.

**Diversity** - This state bar association needs to implement a better diversity and inclusion program.

**Employment** - Job opportunities.

**Federal lawyers** - The Bar provides nothing for federal lawyers in the admin practice area. It seems we subsidize shoestring sole practitioners.

### **Focus**

- Honestly, I would pull back services and reduce fees. I think the State Bar should focus on doing a few things very well--attorney support, CLE management, ethics hotline---and don't try to do it all.
- Please focus on enhancing the services you already provide and don't expand. If anything else, then please work on integrating MT Bar Association dues and CLE requirements with other states in a consolidated national association.
- Provide more services to lawyers in public practice.
- Stop spending it on pet projects of committee members, and focus on issues that make our lives easier.

### **Government lawyers**

- Government lawyers feel like outsiders as members of the state bar. There are very little opportunities for government lawyers to interact with other bar members because of the subject matter of the state bar CLE. I receive very little benefit from paying the high bar dues. Bar dues are just a means for me to be licensed to do my job, kind of like a city permit fee to build an attached porch on your home.
- I'm a government employee and have limited funding for CLE, professional materials, etc. Maybe provide additional discounts for books, materials, etc.?

**Health insurance** - Health insurance options for small or solo firms.

### **Judiciary**

- Educate the public about judges - people are voting blindly for the most part, it seems to me.
- Change our system from electing judges to appointments based upon qualifications, with retention elections.

### **Lawyer image**

- Institutional advertising.
- More marketing that lawyers are neither bad nor scary.
- PSAs regarding the profession and its accomplishments.
- Publicize how great lawyers are instead of apologizing for us and offering free legal. Try that on doctors/create online public access to judicial complaints.
- Show good things lawyers do; meritorious cases where it is the principle or where the little guy perseveres and changes things for the better.
- More emphasis on public relations if possible.

**Lawyer population** - Use the funds to determine a method of reducing the number of attorneys in Montana.

**Legal research** - Fastcase is terrible.

**Legal updates** - More legal updates.

**Mediation** - Perhaps provide additional support for non-profit mediation services.

### **Member services/discounts**

- More services for members (2)
- Make things as easy as possible for me to do my job.
- Provide services I can actually use.
- I do not get much from the State Bar other than the magazine and CLE.
- Look for savings on insurance and practice costs for members.

**Mentoring** - Mentorship/practice assumption opportunities.

**New attorneys** - More training materials for new attorneys.

### **Pro bono**

- More pro bono opportunities. (2)
- Do some real research into the effect of requiring the average attorney to furnish 50 hours of "pro bono." Make state bar employees and government employees furnish "pro bono" on time that is deducted from their hourly pay.
- More pro bono facilitation.
- Offer support for pro bono practice.
- Pay for attorneys to do pro bono work.
- Provide a broader range of pro-bono activities and more reasonably priced CLE.

**Public education/outreach**

- More public education by bar members including in the schools and universities. I have been involved in programs in another state where lawyers visited schools by prearrangement. I always got good responses from the students and even one or two who became lawyers.
- Promote public education about law and civics.
- More public outreach.

**Public protection** - I don't see the dues myself, but I think that the public is occasionally protected or reimbursed with these funds if a lawyer goes bad, that feels fair and just.

**Publications**

- Cut the printing and postage costs of the *Montana Lawyer*. It can be delivered electronically for much cheaper.
- Provide discounted subscription to Montana-related publications, e.g. Montana Law Review

**Resources**

- Help get an online version of Montana Code Annotated that is not restricted to a section at a time. Need to have format where you can review statute as a whole.
- Provide more online resources for training and subject matter growth.
- Develop low-cost training solutions (webinars).

**Rule of law** - Promote the rule of law.

**Sections** - Engage more with members, for one thing with sections. Whenever I have joined sections in the past, I have received nothing, as in zilch. No newsletter, no meetings, no phone calls, nada. I found them useless. They should not be. They could have meetings, write papers or articles, do community service, sponsor CLE, and have parties, something.

**Social activities** - Provide more social activities, maybe without alcohol.

**Social justice** - Rededicate to a social justice mission and work to remove the debt burden for law school grads who work on social justice issues.

**Staff**

- Help make sure the employees are well paid? No idea about the budget.
- Mike Larson at LAP is doing great!
- Pay for good, supported staff that works at a high level.
- Pay Jill Diveley adequately.
- Staff actually present and answering phones.
- State Bar seems pretty heavy on administrative staff--especially when CLE prep work by staff is so unsatisfactory.

**Technology**

- App would be great.
- Help attorneys who have been practicing for over 20 years acquire the technology skills required by many employers so we can apply for new jobs. I can't believe that I've been practicing for 30 years and can't apply for a job because I don't know how to create an Excel spreadsheet, or update social media platforms. I have plenty of legal training and experience, but lack the technology skills to be competitive.
- Recognize and work on the perils presented by abuses of technology by the State.

**Transparency**

- Many of the services offered are nice, but not strictly necessary for my practice. I would love to see a good allocation/explanation of why ours dues amount to what they do and what the bar is doing to keep those costs low or to allocate them in an efficient manner. (3)
- Provide a collective impact report of the additional fees.

**Unauthorized practice of law**

- Actively police and prosecute the unauthorized practice of law.
- Stop the unlicensed practice of law by Judge's clerks that are not licensed to practice law. Make them attend CLE. Make them furnish pro bono.

**Unaware**

- I guess I'm not sure what it's used for (2)
- I have only a vague idea of what exactly the State Bar does with my dues. Might be helpful to have a piece on that in the Montana Lawyer.

**Website**

- Better website.
- Build a more user friendly website.

**Wellness** - Expanded wellness section, do something to support the well-being of those in practice, especially solo practice

## 62. What are the two most significant changes you've seen in your practice within the last three years?

### **Aging of the profession/retirements**

- Many lawyers and judges are aging/retiring. (6)
- Aging of law firm tied to costs insurance.
- Baby Boomer Retirement/Large and Medium Firm Restructuring.
- I personally have cut back my time as I step down into retirement on a five or six year schedule.
- Partners retiring.
- Trying to slow down in anticipation of retirement in 2018.
- Lack of upward mobility (old practitioners not retiring, not mentoring, not transitioning).

### **Associates**

- Associate impatience and scarcity.
- Associates priorities.
- Inability to find and retain good staff/associate attorneys.
- Less work for associates.

**Business practices** - More attempts to regulate the minutiae and form over substance in the legal profession.

### **Competency/quality of work**

- Decrease in the quality of legal services provided. (3)
- Growth of unqualified or unsupervised attorneys.
- People with less experience/knowledge in positions of authority.

### **Licensing/admissions**

- Anti-trust liability for state professional licensing boards.
- Changing nature of bar with bar admission waiver.
- Law has fallen behind other industries in mobility with bar admission restrictions.
- Lower bar passage rate which equates to less qualified attorneys being admitted to practice.

**Bar services** - Lawyers seem less committed to bar service

### **Law as a Business**

- From a profession to a dog eat dog business.
- Lawyers seem less able or willing to talk about political justice and much too concerned about "law as a business" and other money-making concerns which should have only a very limited role in our field. We are not businesspeople. I know many lawyers in private practice are fond of saying that they are, and I think it's a mistaken view.
- Modification of company business structures.

### **Work/caseload**

- Work/caseload has increased (15)
- Decreased volume (3)
- Bankruptcy Case filings have decreased (2)
- The legal work is growing with Bozeman.

**Child protection** - Explosive growth of child protection/mental health cases.

**Civility/professionalism/ethics**

- Decrease in civility between lawyers. (34)
- Attorneys being unethical. (3)
- A generational shift in how attorneys treat one another.
- Distrust and danger from clients and other attorneys.
- More complaining by lawyers.
- Lower ethics --lots of young lawyers will do/say anything (even lie) for a client.
- The de-emphasis of legal ethics at all levels the law.
- Unfounded ethics complaints at the drop of a hat.
- People are less honest.
- People have no values.

**Collegiality/camaraderie**

- Collegiality
- Decrease in personal interaction within profession.
- Decreasing level of camaraderie.
- Increased hostility between counsel in litigation.

**Young/new lawyers**

- Incivility of young attorneys (2)
- Lack of professionalism in "new lawyers"
- Lack of competence and civility, there are too many lawyers and they are not being adequately vetted prior to admission to law school and not being properly educated once admitted.

**Public opinion/reputation of profession**

- Growing disrespect/disregard for lawyers. (5)
- Public disrespect for the judicial branch and the Constitution by politicians.
- Public hates the legal profession.
- Somewhat general disrespect/lack of knowledge of our system of government and role of law.

**CLE**

- Accessibility to CLE.
- Difficulty in obtaining sufficient CLE credits.

**Client demands/expectations**

- Clients expectations of 24/7 availability, instant access, quicker turnaround due to technology, email, etc. (18)
- Client expectation regarding time period for delivery of work product.
- Client's impatient with length of litigation.
- Increased expectations of clients without increased willingness to compensate.
- More clients with unrealistic expectations of what a lawyer can do for them.
- Clients just want to fight about everything - fewer folks seem able to assess situations with any level of reasonableness.
- Fickle clients.
- More clients seek limited scope representation.

**Client billing/compensation**

- Client's wanting to negotiate billed time after services provided.
- More clients seek to cap legal fees on a particular matter in advance.
- More flat fee arrangements with clients
- More flat fees and fee caps for services rendered.
- Reduced fees.

- Large firms more concerned with billable hours than dollars billed.
- I am making much less money than at any time in my legal career.
- Lack of adequate pay for my staff attorneys.
- Sadly, increased hourly rates.
- Salary demands are increasing.
- Stagnant wages.
- Took huge pay cut by moving from Arizona to Montana.

#### **Client relations**

- I have less contact with clients.
- Clients using ODC as a retaliatory weapon against attorneys who are not me.
- Increase in client complaints.
- I perceive that there is less interest in doing what the client wants/needs.
- Increase of noncompliant clients.
- Upset clients.

#### **Client base**

- Client mix.
- More clients.
- Fewer clients, but more to do for each one.
- More cold calls.

#### **Clients – other**

- Higher oversight by clients of practice.
- Impact of changes in personnel who work for client.
- So harder to get good result for clients.
- 

#### **Collegiality**

- Less congeniality among lawyers. (2)
- Less congeniality from attorneys outside my area.
- Lack of collegiality within the bar.

**Colleagues** - I don't know all of the lawyers in town any more.

#### **Competition**

- Increased competition (6)
- Competition from online firms like Upright Law.
- Competition from out of state attorneys.
- Increased competition from national firms.
- Increased competition within the field.
- Less competition.
- Non attorney competition.

#### **Complexity of work/law**

- Complexity of the work in all fields has increased. (2)
- Difficult cases.
- Broad scope of discovery requests.
- The number of documents in cases.
- Law becoming more challenging.

**Conflict** – Increased conflicts (2)

**Connections** - It's not what you know - it's who you know.

**Control** - More control over my practice and the time it takes.

**Politics** - More control/misdirection by politicians

**Costs/economy**

- More emphasis on cost and less on relationships and trust.
- Rapidly increasing costs.
- Improved economics.
- Increased cash flow requirements due to growth.
- Lack of money from the legislature.
- Lack of political will to raise revenues in Alaska has led to a recession and a downturn in the economy and the practice of law.
- Monetary cost of practicing law.
- Oil bust impacted income.
- Stagnant economy.
- The cost increases of practice.
- The cost of living in Missoula has gone up while my salary has stayed fairly flat, with only small COLA raises.
- Tighter budgets.
- Cost of overhead has risen too much.
- Costs of maintaining a practice.
- Downturn in economy, more doing own work &/or cannot afford quality representation; ignorance in client population.
- Eroding budget.
- No budget from the Legislature/Governor.

**Court backlog/issues**

- Court backlog (3)
- Slowdown from the Courts in getting decisions out. (3)
- Our Court system is slow and broken - in Bozeman.
- The lack of Court resources. The judiciary is significantly understaffed and underfunded. The quality of the Courts inevitably suffers. I have difficulty explaining to my clients why their cases are being decided by an un-elected special master rather than an actual judge. Special masters were never intended to be a substitute for District Court Judge, but in many cases that is how they are being used. This is a poor, band aid, solution to the actual problem of funding. The Judicial Branch of the State government is allocated less than 1% of the state budget, yet the Court's languish, the public is not well served, and public trust in the Court's is diminishing.
- Lack of available court time and judges.
- Increased number of hearings in courts of limited jurisdiction.

**Criminal law/clients**

- Increase in the volume of criminal matters.
- Increased pre-trial supervision of criminal clients.
- Lack of resources in criminal law on both sides.

**Defense attorneys**

- Decrease in autonomy/discretion for defense attorneys.
- Hostility toward public defense and the presumption of innocence.

**Discipline/regulation/ODC**

- ODC's efforts to eliminate minimum fee contracts.
- Ongoing drama with state funding of OPD contract attorneys.
- The use of the ODC as a litigation tool.
- Too many rules, too much complications.
- Trend toward de-regulation of professional licenses.
- More focus on sanctions and fines.

#### **Drugs**

- Impact of drugs.
- Meth use among family members of clients.

#### **E-discovery** – Prevalence of e-discovery. (6)

##### **Electronic filing/communications**

- More electronic communications/document filing/less paper. (14)
- Trend toward electronic filing. (9)
- Increased use in email communication rather than paper or personal correspondence. (3)
- The clerk's offices should not charge a fee for electronic filing or providing information electronically.
- Need to manage increasing amounts of electronically stored documents and data

#### **Employment**

- Decreased employment prospects, lower associate pay (in proportion to student loans especially).
- Fewer jobs.

#### **Estate planning**

- More young clients getting estate work than expected.
- Commoditization of estate planning services.

#### **Experience/knowledge/increased responsibility**

- Better knowledge and capability of handling own cases.
- Greater experience brings higher expectations.
- I'm more comfortable because I'm more knowledgeable.
- Better writing and time management personally.
- Greater responsibility.
- Increased responsibilities and demands.
- More responsibility in handling cases.
- Greater skill.

#### **Law firm closing/dissolution**

- Firms closing for lack of business planning.
- Turnover in my firm.
- Other similar firms in town closing up.

#### **Transitions/employment setting**

- Left large practice due to family needs.
- Change of firms.
- Added a law partner.
- An additional attorney joined my office.
- Shift into governmental work.
- Beginning a new job.
- Better job.

- Change of job.
- Change of roles within the firm.
- Change to judicial perspective from private practice
- Changed jobs
- Change of substantive legal areas
- Changed focus of practice to consumer oriented
- Changed from private solo practice serving individual clients to working as a contract attorney for 3 different government entities.
- Changing practice areas.
- Focus on attempting other areas of practice.
- From government sector to private sector.
- From law to mediation.
- Going from a multi-lawyer firm to a solo practice.
- I became a partner rather than an employee.
- I have become the senior partner in this firm. I am expected to be able to mentor my younger colleagues
- I have earned more due to switch to private practice
- I have moved toward more personal injury work and less real estate work.
- I left Big Law and formed my own firm
- I moved from private practice to government employment
- I moved out of litigation
- I switched from a non-profit to a solo practitioner law firm
- I switched from private practice to public government service
- I've recently switched from private to gov't - hard to compare
- Limited my practice areas
- Move from public to private practice
- Narrowing of my practice to areas I enjoy
- narrowing of specialty practices
- Started my own firm (3)
- switching from government lawyer to private practice solo
- Type of work (2)
- Went from Public to Private
- Went solo (3)
- Moved practice to MT from another state (3)
- Closing my practice due to changes in practice area
- An increase from litigation to management
- It has become significantly more traditional, actually. I'm more of a country lawyer now, despite technology, rather than a narrow specialist.
- Adjusting to private practice from government practice

#### **Pace**

- Everything is getting faster, particularly in client communications.
- Pace of practice has increased dramatically.
- Reduced stress by voluntarily cutting back on billable work, accepting less income.

#### **Government/politics**

- Budget issues in government (2)
- Government practice has become politicized at every level and what is right for state public policy no longer matters to decision makers.
- Government unwilling to pay fees after losing in court.
- My primary client is a government which changed in the last year due to an election. I have not had business from that client since that time.

- Overreach by the government.
- The government agency I practice before has become increasingly difficult to work with.
- Dealing with the politics involved in my newly acquired government contracts

**Indian law** - Tribal disenrollment on the rise.

**Insurance**

- Insurance billing issues.
- Insurance companies acting in bad faith.
- More restrictions imposed by insurance carriers.
- Cost of insurance.
- Increased set-ups for insurance for bad faith.
- Auditing by insurance defense firms.

**Intellectual property**

- Globalization of IP.
- Increase in need to understand IP law.

**Judiciary/judges**

- Judicial turnover. (4)
- Increasing lack of competence in judiciary. (2)
- Overworked and underpaid judges (2)
- Poor quality of Montana's federal judiciary. (2)
- Assault on the judiciary by Federal Executive.
- Judges are having more telephonic hearings.
- Judges declining to grant dispositive motions for fear of being overturned on appeal contributes to increased costs and increased delays.
- Judges have become less flexible and less reasonable.
- Judges have lost independence and the Supreme Court is not helping.
- Judges not holding people accountable.
- Judges that seem to be overworked making short sighted decisions.
- Judicial harshness and inexperience.
- Judiciary is less inclined to hide their prejudices/incompetence.
- Less predictability from the bench.
- The changing outlook of the Montana Supreme Court
- The Judiciary trying to become involved in the outcome of jury cases by using their pre-trial rulings, and threatening attorneys, to force an outcome.
- Treatment of dissolution by judges
- Unpredictable judges.
- Too many ex prosecutors, and bureaucrats in judgeships.

**Juries**

- Civil juries continue to become more conservative.
- Lack of jury trials.

**Landlords** - A lot of terrible landlords out there.

**Landownership** - Landownership becoming more concentrated,

**Law school/legal training**

- Less good law school training.

- Lower quality of recent graduates.

**Lawyer population**

- Too many attorneys - not enough work to go around. (6)
- There are too many lawyers and they are not being adequately vetted prior to admission to law school and not being properly educated once admitted.

**Leadership** - I am being asked to take leadership roles.

**Legal services**

- Government and bar providing free legal services; I can't compete with the government, which I am forced to support myself.
- Increased need for legal services.
- The increase in people of modest means needs legal help.

**Legislation** - State bars unwillingness to support legislation that effects the practice of law.

**Limited scope**

- More limited scope advice opportunities.
- The limited scope portion of my practice has grown which is nice as 3 years ago a lot of clients/potential clients could not afford full representation but I did not know to offer anything else.

**Litigation**

- Increase in litigation (2)
- Less litigation, too expensive.
- Montana lawyers continuing to adopt national "gotcha" practices in litigation.
- More administrative tasks in solving problems through litigation or otherwise.
- More contentious litigation.
- Unnecessary litigation due to incompetence or failure to understand the law.
- Unreasonable litigation tactics.
- Increase in gamesmanship/significant increase in costs of litigation.

**Management issues**

- Increased management difficulties due to growth.
- Management issues.

**Alternative dispute resolution/mediations**

- Continuing ignorance about alternative dispute resolution.
- Greater demand for mediation services.
- Unwillingness of lawyers to attempt to resolve a dispute before significant litigation costs accrue.

**Physicians** -Treating physicians are becoming more adverse and hesitant to cooperate with their patient's attorney.

**Mentoring**

- I have received less mentoring as my expertise outgrew that of many of the attorneys I know.
- Limited access to mentorship.

**Misdemeanor cases**

- Proliferation of the number of hearings in misdemeanor cases.
- Pretrial services for misdemeanors.

**New/young lawyers**

- Increase in new attorneys.

- The influx of new lawyers to our area – I don't know any of them!
- Changes in recruiting young attorneys (harder with improving economy).
- Lack of collegiality from young lawyers.
- Lack of respect/decorum from new lawyers. (2)
- Reluctance of younger attorneys to work long hours.
- Uncooperative young attorneys that are not being mentored.
- Unethical behavior by new attorneys. (2)
- Unethical discovery practices by young hot shot attorneys.
- Unprepared behavior by new attorneys.
- Work ethic of young lawyers has decreased significantly.
- Young attorney attitudes.
- Young lawyers seem reluctant to make a commitment to the practice and move from firm to firm much more than they did.
- Young lawyers with "entitlement" attitude.
- Younger attorney's use of time.
- Younger lawyers seem to value the importance of work/life balance more than my older colleagues.

#### **Online research/resources**

- Electronic research. (4)
- Emergence of online legal news outlets.
- Google legal answers.
- Research technology.

#### **Out of state lawyers**

- Influx of out of state lawyers to Montana (3)
- Rules allowing attorneys to be admitted from other states (2)
- Increase of non-Montana-based lawyers doing routine work in Montana

#### **Jails/incarceration/offenders**

- Poverty, lack of education and how that results in crime and incarceration.
- Overcrowding of jails.
- Repeat offenders.

#### **Paralegals**

- A decline in the quality of graduates from paralegal programs.
- Lack of senior level paralegal positions.

#### **Politics**

- Greater political polarization driving legal decisions. (2)
- My practice is much more influenced by politics
- Political developments in state & political subdivisions.
- Political landscape is concerning for the future of the practice of law.
- Trump election--possibility of gutting consumer protections
- Trump presidency making planning much more difficult because of uncertainty of the stability of our country and the rule of law.
- Use of courts for political ends/politicization of courts.

**Family law** - Drastic decrease in the number of attorneys doing family law.

#### **Pro bono**

- Increase of need for free legal help (pro bono or MT Legal Services Assoc.) (2)

- Increase in low/pro-bono expectations.

#### **Pro se/self-help/do-it-yourself**

- Increase in self-represented litigants. (8)
- Proliferation of pro se civil litigation (non-family law).
- The increased dependence on following instructions on websites and portals and less time to practice law in the traditional sense.
- The increasing prevalence of pro se litigants and the resulting detrimental results upon the Courts and opposing counsel
- Use of internet for information for pro se representation.
- The availability of self-help clinics and forms.
- Shift in competition with Legal Zoom and online accessible resources for DIY legal work.
- Phasing lawyers out of the practice with self-help clinics.
- Internet access to legal sites which provide legal documents and 'snap shots' of the law - however this leaves clients usually more confused and in worse shape than had they simply contacted an attorney initially
- More people with issues because they used online resources instead of an attorney.

#### **Real estate**

- Failure of real estate development market to rebound.
- The foreclosure crisis ended.

#### **Lawyer referral**

- Increased amount of referrals.
- Volatility in referral volume.

#### **Remote work**

- More remote work (both remotely for clients and remotely managing employees). (2)
- Teleworking

**Rural** - Diminishing legal community within a rural area.

**Self-reliance** - Greater self-reliance by lawyers for document production and shift away from hiring a lot of secretarial support staff.

**Solo practitioners** - Many more solo practitioners.

#### **Specialization**

- Less contact local attorneys due to increased specialization.
- Necessity to specialize in a very narrow area of law.
- Over-specialization of profession; clients cannot use one lawyer for multiple issues.

#### **Staffing/personnel**

- Hired another legal assistant.
- Hired good help that increased productivity.
- Incapable colleagues and inadequate staff.
- Lack of team work in office.
- Much harder to find committed, smart, capable support staff. (2)
- Obtaining good employees.
- Turnover of staff (3)

#### **Student debt**

- New lawyer's student debt is enormous.
- Student loan debt among young lawyers.

- It is becoming increasingly harder to overcome student loan debt and be in the public attorney.
- The debt load is ridiculous and unfair and is ruining the profession.

#### **Social media**

- Increased use of internet and social media. (3)
- Social media use vs. home address and phone to locate.

#### **Technology**

- Increase in technology use and/or reliance. (69)
- Increased emphasis on cybersecurity. (6)
- People are more comfortable with technology, email (4)
- Technological advances/changes (4)
- The importance of technology in the practice of law. (3)
- Law firm management is more complicated from software.
- More cloud-based.
- Technology and its impact on discovery.
- Technology continues to change the way services can be delivered and the cost, both raw and finished, of that work in ways that continue to change the landscape entirely.
- Technology demands on the profession.
- Technology is confusing and difficult to understand how it works, especially in marketing.
- Technology outpacing ethical practice considerations.
- The increased importance of technology of all kinds.
- The rise of smartphones and use to find attorneys.
- The slow rate of adoption by Montana lawyers of technological advancements in legal practice compared to lawyers across the nation are already adopting. Montana courts, too! Why haven't all Montana courts gone digital yet?
- With rapid technological developments, areas of the law will slowly decline and be non-existent.
- The apparent growing prevalence of technological incompetence among attorneys, paralegals, and legal staff in relationship to the growth of technological advancements in the legal world and the world in general.
- "Going Paperless".
- "Instant" communications.
- Advances in technology have greatly assisted my practice.
- Artificial intelligence.
- Computerization of office practice.
- Importance up keeping updated with latest technology.
- Importance/risk of technology and social media.
- Increase in need to understand technology-based implications (tools and concerns for violating rules).
- Telephone/video conferencing instead of in person.

**Time** - I seem to have less and less time.

#### **Water law**

- More water law cases going up to the MTSC with potential doctrinal changes.
- Eminent domain acquisition of community water system.