

LIMITED PRO BONO LEGAL SERVICES RETAINER AGREEMENT

(As allowed under Montana Rules of Professional Conduct Rule 1.2(c) "Scope of Representation")

This Limited Pro Bono Legal Services Agreement ("Agreement") is entered into between _____ ("Client") and _____ ("Attorney").

They agree as follows:

1. Attorney's Explanation of the Terms of This Agreement

As Attorney has explained to Client, **this Agreement is for limited legal services.** There is NO FEE because the scope of the legal services that the Attorney has agreed to provide to the client is limited and provided on a fully pro bono basis.

2. Scope of Limited Legal Representation.

The Attorney has agreed only to provide the following specific limited legal services and no other legal services:

The Attorney will not provide: _____

or

any other legal service not specifically agreed to in this document.

3. Effective Date of Agreement.

This Agreement will take effect when both parties have signed it.

4. Automatic Termination of Agreement.

This Agreement automatically will terminate when Attorney has provided the services set forth in Paragraph 2 without any further act or communication by either Attorney or Client. If Attorney requests Client to do so, Client will support Attorney's right to stop representing Client when Attorney has met his obligations under Paragraph 2.

5. Costs, Expenses, and Other Expenditures.

There may be costs and expenses in this matter for which the client is responsible. Examples of some possible costs and expenses are filing fees; fees for the service of court documents on other parties; document reproduction expenses; and the costs of transcribing testimony taken at a hearing or trial. Every attempt will be made to waive costs and expenses when appropriate.

6. Obligations of Client.

Client agrees be truthful to the Attorney at all times. The Attorney will not undertake an independent analysis of the case status or facts. To help Attorney best represent Client, Client agrees to keep the Attorney advised of his/her current address and phone number(s); agrees to cooperate fully with the Attorney and be available for appointments, meetings, and court dates; and agrees to immediately inform Attorney about any new developments or information regarding client's case. The Client agrees to comply with all reasonable requests for information in connection with the matter for which Client is requesting services. The Client agrees to provide Attorney with copies of all correspondence to and from Client relevant to the case. The Client is responsible for all remaining obligations in the case including but not limited to: Meeting all court ordered deadlines, Filing all the necessary pleadings, Fully complying with all discovery requests, Obeying all court orders, and Communicating with the court and opposing counsel.

7. Possible Conflicts of Interest.

If Attorney determines that he represents another client whose interest conflict, or are likely to conflict, with Client's interests, Attorney reserves the right to terminate this Agreement, while protecting the confidentiality of any privileged information that Client has provided to Attorney.

8. Amendments and Additional Services. This written Agreement governs the entire relationship between Client and Attorney. All amendments shall be in writing, signed by both Attorney and Client and attached to this Agreement.

9. Grounds to Terminate This Agreement.

Client may terminate this Agreement for any or no reason, although Client will still be legally obligated under this Agreement to meet Client's obligations to Attorney. Attorney may terminate this Agreement if, in Attorney's sole judgment, Client has failed to fulfill a material obligation under this Agreement, or for other good cause, or for any other reason authorized by law (including the ethical rules that govern lawyers).

10. Client's Informed Consent.

Client has carefully read this Agreement, or has had it explained, and understands and voluntarily agrees to its terms.

Attorney

Date:

Client

Date:

[Attorney name]
[Attorney address]
[Attorney City State Zip]
[Attorney phone]

In the ____ Judicial District Court of _____ County,
State of Montana

<div data-bbox="237 577 553 621">[Name of petitioner]</div> <div data-bbox="617 623 784 663">Petitioner,</div> <div data-bbox="237 669 303 707">and</div> <div data-bbox="237 768 574 812">[Name of respondent]</div> <div data-bbox="591 819 789 861">Respondent.</div>	<div data-bbox="868 581 1339 625">Cause No.: _____</div> <div data-bbox="868 667 1261 753">Notice of Limited Scope Appearance</div>
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I, [Attorney Name], agree to provide limited scope representation to the Respondent, [Client Name]. Pursuant to Rules 4.2 and 4.3 of the Montana Rules of Civil Procedure, the scope of my representation is limited to [Description of Limited Scope Services] on [Date]. M.R.Civ.P. 4.2-4.3. My representation of [Client] shall terminate upon my filing notice of completion of limited appearance following representation.

Dated this [Day] day of [Month], [Year].

Date: _____

Attorney Signature _____
[Attorney Name]

Certificate of Service

I certify that on [Date], I sent a copy of this Notice of Limited Scope Appearance to the following individuals by using the United States Postal Service, postage prepaid or personal service.

[Client Name]

[Address]

[City, State, Zip]

[Phone #]

[Opposing Counsel or Party]

[Address]

[City, State, Zip]

[Phone #]

Signature

Limited Scope Attorney for [Petitioner/Respondent]

[Attorney name]
[Attorney address]
[Attorney City State Zip]
[Attorney phone]

In the _____ Judicial District Court of _____ County,
State of Montana

<div data-bbox="238 579 555 623">[Name of petitioner]</div> <div data-bbox="618 625 784 665">Petitioner,</div> <div data-bbox="238 672 305 709">and</div> <div data-bbox="238 770 574 814">[Name of respondent]</div> <div data-bbox="592 821 789 863">Respondent.</div>	<div data-bbox="872 583 1341 627">Cause No.: _____</div> <div data-bbox="872 669 1292 756">Consent to Limited Scope Appearance</div>
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[Attorney Name] has agreed to represent me in connection with [Description of Scope of Services]. I acknowledge that the scope of [Attorney Name] representation is limited to these matters. I consent to the limitation on the scope of [Attorney]'s representation.

Dated this [Day] day of [Month], [Year].

Client Signature _____
[Client Name]

Attorney Signature _____
[Attorney Name]

[Attorney name]
[Attorney address]
[Attorney City State Zip]
[Attorney phone]

**In the _____ Judicial District Court of _____ County,
State of Montana**

<p>[Name of petitioner]</p> <p>Petitioner,</p> <p>and</p> <p>[Name of respondent]</p> <p>Respondent.</p>	<p>Cause No.: _____</p> <p>Notice of Completion of Limited Scope Representation</p>
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I, [Attorney name] filed a Notice of Limited Scope Representation in this case on [Date], and agreed to provide limited scope representation to [Client] whose last known contact information is:

[Party's Name]
[Address]
[City, State, Zip]
[Phone #]

This notice accurately states that the work under the limited scope representation is complete. I, [Attorney's name], am no longer the attorney for [Client].

Date: _____ Client Signature _____
[Client Name]

Date: _____ Attorney Signature _____
[Attorney Name]

Certificate of Service

I was the attorney for [Client Name]

I certify that on [Date], I sent a copy of this Notice of Completion of Limited Scope Representation to the following individuals by using the United States Postal Service, postage prepaid or personal service.

[Client Name]

[Address]

[City, State, Zip]

[Phone #]

[Opposing Counsel or Party]

[Address]

[City, State, Zip]

[Phone #]

Signature

Limited Scope Attorney for [Petitioner/Respondent]

STATE BAR OF MONTANA PRO BONO

FREQUENTLY ASKED QUESTIONS

*Created by the Justice Initiatives Committee
and approved by the Executive Committee*

1. What defines *pro bono publico* under [Rule 6.1 of the Montana Rules of Professional Conduct](#) and what are some examples that would qualify under the definition?

Rule 6.1 states: Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should render at least (50) hours of pro bono publico legal services per year.

The rule can most easily be explained as a “tiered” approach to describing pro bono publico service.

*Under 6.1(a) a lawyer should provide a **substantial majority** of the (50) hours to*

*(a)(1) **persons of limited means,***

Examples:

1. Representing a person of limited means in a family law matter without an expected fee.
2. Representing a disabled client referred by a pro bono program in a Social Security overpayment.
3. Providing legal advice to an individual living in poverty at a free neighborhood legal clinic

OR

*(a)(2) to charitable, religious, civic, community, governmental and educational organizations that address **the needs of persons of limited means.***

Examples

1. Preparing incorporation documents for a new nonprofit health care clinic for low income persons
2. Assisting a church in acquiring a zoning variance for a homeless shelter

Note: Serving on the board of a local civic organization would ordinarily *not* qualify under Rule 6.1.

Under 6.1 (b) a lawyer should provide additional services as follows:

(b)(1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization’s economic resources or would be otherwise inappropriate;

Examples:

1. Representing low-income/elderly persons before the Public Utility Commission regarding a need for lifeline utility services
2. Lobbying the Montana legislature for comprehensive educational services for the disabled

Note: Appearing at the Montana legislature on behalf of an organization at no charge would ordinarily *not* qualify under Rule 6.1, unless that organization's primary purpose is to benefit persons of limited means.

(b)(2) delivery of legal services at a substantially reduced fee to persons of limited means

Examples:

1. Representing a person of limited means in a landlord-tenant issue at a pre-defined rate substantially less than what you would otherwise charge the client in your normal practice.

Note: Providing services to a friend or colleague at a reduced fee would normally *not* qualify, unless that friend or colleague is a person of limited means.

(b)(3) participation in activities for improving the law, the legal system or the legal profession.

Examples:

1. Developing an ADR program designed for Montanans living in poverty
2. Developing a pro bono CLE or mentoring program for new lawyers
3. Serving on the Board of Montana Legal Services Association or another legal nonprofit
4. Recruiting attorneys or raising money for a pro bono program

2. Who are “persons of limited means”? *Rule 6.1 does not specifically define this phrase. That decision is left to the individual program or attorneys. Many programs, such as those funded by the Legal Services Corporation or the Montana Justice Foundation, people living in poverty or “person of limited means” refers to those within 125% of [federal poverty guidelines](#)¹. Clients referred by an organized pro bono project generally have been screened for income eligibility according to the local guidelines. Attorneys accepting independent pro bono cases are encouraged to use the poverty guidelines, but they may also use their own judgment regarding who is a person living in poverty.*

3. Do legal services staff attorneys, public defenders, county attorneys and prosecutors count their work time as pro bono, since they provide free legal services to people living in poverty? *No. Although the services are free to the clients, the attorneys are paid for their work at salaries or with benefits they have accepted. However, if these attorneys provide volunteer legal assistance to the people living in poverty outside their regular work, they may report those hours as pro bono service.*

4. Do legal services to people living in poverty need to be provided through an organized pro bono project to qualify? *In most cases, services do not have to be provided through an organized pro bono project to qualify as pro bono. Many attorneys provide substantial amounts of qualifying pro bono legal services to people living in poverty on an independent basis. There are some situations*

(e.g. Emeritus status) in which pro bono services must be provided to a “qualified” pro bono program.

5. Why is the standard 50 hours? *The 50-hour goal is based on the pro bono standard established by the American Bar Association in 1988. 50 hours represents a little over 2% of an annual full time job.*

6. What happens if an attorney does not satisfy the 50-hour expectation? *Each Montana attorney is expected to provide 50 hours of qualifying services each year. To date, no attorney has faced discipline for failure to comply. For more information about pro bono opportunities, please visit the Montana Supreme Court’s [pro bono webpage](#).” Will be linked.*

7. Are attorneys expected to report their pro bono hours? How is this done?? *There is an annual voluntary pro bono reporting system and each attorney is encouraged to report qualifying hours. Attorneys are asked to report their pro bono service and financial contributions on-line in conjunction with the mandatory IOLTA Compliance Certificate due December 1 of each year. Links to online reporting can be found at the Montana State Bar website at www.montanabar.org.*

8. If substantially reduced fees are received directly from low income clients, do the services provided still qualify under Rule 6.1? *The Rule provides that the **substantial majority** of your pro bono hours should be without expectation of fee. But additional hours providing substantially reduced fee work for people of limited means is included in the second “tier” of the definition. Free and reduced fee services are separated for reporting purposes.*

9. What is the definition of “substantially reduced fee”? *The Rule does not specifically define “substantially reduced fee.” However, Lawyer Referral Services – including Montana - that offer reduced fee panels for people living in poverty, often use \$50-60/hour as the maximum that panel lawyers may charge. Lawyers doing reduced fee*

¹ Federal Poverty Measures - Department of Health and Human Services

work may use that fee or may use their own judgment in setting the fee.

10. Are there services in addition to representing a criminal defendant for free or for a substantially reduced fee that criminal law attorneys may count as pro bono? *Yes, criminal law attorneys can play an important role in “preventive law.” Many pre-teens, juveniles and their families are unfamiliar with the juvenile justice system until they are involved in the system. Community education, e.g., speaking at schools, community centers, etc., about the juvenile justice system counts as pro bono, so long as the audience is predominately comprised of people living in poverty.*

11. What if I accept a client on a fee-paying basis and later determine that, due to the client's income, services should be provided on a pro bono basis? *The definition includes legal services provided “without an expectation of fee.” Attorneys must use their discretion to determine what services are provided “without an expectation of fee.”*

12. What if my employer prohibits outside practice of law? *While some employers still prohibit the outside practice of law in pro bono matters, many employers, such as various government employers, are relaxing such restrictions. The State Bar attempts to work with those who have such restrictions to encourage them to remove or modify them. Attorneys whose employers currently prohibit the outside practice of law are encouraged to participate in the kinds of services that do not constitute the practice of law, such as those included under part (b) of the definition. No attorney is expected to comply with the Rule if absolutely prohibited by the employer. You may not be aware that your employer does in fact have a policy permitting pro bono and outlining the parameters in providing those services. If you aren't sure, check with your employer or visit the [Court's pro bono page](#)² and*

follow the attorney link for available or published policies.

13. Transactional attorneys often provide legal assistance to non-profit organizations such as schools, churches, and social service agencies by doing such things as drafting by-laws, handling contract negotiations, and providing legal advice. Do these services count under the definition? *Yes, where the population benefiting from or comprising the non-profit organization is serving predominately low income people and families. Examples may be legal services provided to Head Start educational program or a provider of social services to the homeless or persons of limited means as outlined under (c) of the Rule.*

14. Are there any other non-litigation services that transactional and other attorneys can provide that count as pro bono under the definition? *Yes. There are many kinds of pro bono opportunities that do not involve litigation or court work that would qualify as direct legal services to people living in poverty. Included are various real estate transactions (such as assistance with clearing title), explaining the terms of a contract drafting a will or other estate planning documents, probating a will, appealing the denial of SSI or other public benefits. Most pro bono programs provide volunteer attorneys with specialized training, materials and mentors to help guide volunteer attorneys through simple family law matters. Participation in a legal clinic or free legal seminar for the public, such as a legal awareness for the elderly clinic, also qualifies as pro bono so long as the audience is primarily comprised of people living in poverty. Simply providing free legal advice over the phone to a person of limited means qualifies, as does conducting intake interviews through organized pro bono programs.*

15. Legal services provided to other kinds of non-profit organizations and non-legal volunteer services provided to a non-profit organization or a low-income person are not included in the definition. Why not? *Montana attorneys provide countless hours of civil services in various kinds of community activities. The legal profession should*

²

http://courts.mt.gov/cao/ct_services/probono/default.mcp

be commended for its voluntary contributions to society. However, the Rule contemplates that lawyers have a special talent and license to provide a unique service that non-lawyers are prohibited from providing. The Rule history reflects that the legal needs of people living in poverty are only minimally being met and that it is an attorney's responsibility to provide equal access to justice to even our lowest income level citizens or residents. Montana Rules of Professional establish an ethical obligation of Montana attorneys to provide pro bono services to those otherwise unable to pay.

16. Do mediation services provided by an attorney count under the Rule? *Mediation services provided at no cost when at least one party is low-income qualify pro bono definition under the Rule.*

17. Can an attorney contribute money to a legal services program in lieu of providing 50 hours of pro bono legal services to people living in poverty? *The Rule provides "In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means." While the Rule does not outline a contribution in lieu of providing hours, the value of your time is equal to what you would otherwise charge a client for 50 hours of the work performed. Financial contributions to other nonprofit organizations that do not provide legal services to person of limited means do not appear to be contemplated by the Rule.*

18. Do law related lectures/education to the public count as pro bono activity? *When the law related lecture/education is provided to an audience of people of limited means, it is likely a pro bono activity under the "substantial majority" tier one. Other presentations, such as those for Bar-specific activities, are contemplated under lower tiers as "additional" hours.*

19. When pro bono work is done by one attorney at the request or direction of another, who should count the hours? *In the case of a subordinate attorney doing pro bono work as part of his/her job, at the direction of a supervising attorney, either attorney may count the hours, as long as the*

work is not reported twice. In the case of a law firm system whereby designated attorney/s do all of the firm's pro bono work as part of their job, the firm should equitably allocate the reportable hours amongst firm attorneys, making sure not to count such services twice. If one attorney pays another attorney to perform legal services to people living in poverty and assures that the work is done competently, the referring attorney may claim the pro bono hours. Of course, the paid attorney may not.

20. What if an attorney provides more than 50 hours of pro bono legal services? *Many Montana attorneys do provide more than 50 hours of pro bono legal services each year. These attorneys should be highly commended for their outstanding efforts. Many local bar associations present annual pro bono awards for outstanding efforts and the State Bar of Montana annually presents one or more pro bono service awards from a statewide pool of nominations.*

21. How can an attorney find out about local pro bono opportunities? *Many communities in the state of Montana have at least one organized pro bono project that can assist attorneys in identifying clients that need their services. Montana Legal Services Association is the largest referring entity in the state and often work with partnering local pro bono programs to refer eligible clients to willing attorneys. Visit the [Court's pro bono opportunities page](#) to find a recognized program in your area. One of the important benefits of one of the organized pro bono programs is the provision of primary or secondary professional liability insurance.*

Full Scope Representation

Full scope representation for a fee will not end until the client chooses to end the representation or the case ends.

Pro Bono

"Pro bono" is a term to describe legal assistance from a lawyer to a people who cannot otherwise afford to pay the regular fee. Montana Legal Services Association or a local pro bono program will screen for financial eligibility to receive these services. You may also try to find your own pro bono lawyer by requesting that a lawyer represent you without charging a fee.

Contact a Self Help Law Center or Montana Legal Services.

Reduced Fee

A lawyer may be willing to represent you at a reduced fee. Often called "modest means," a lawyers may charge you less based on your financial situation. Some lawyers set up a "sliding scale" to determine, based on your income, what fee you will be charged. The State Bar Modest Means Program is a great way to find a modest means lawyer.

Call Montana Legal Services Association or See Lawyer Referral Service for lawyers that provide "reduced fee" representation.

Standard Fee

The three most common types of fee arrangements are: hourly billing, contingent fee (lawyer is not paid directly by client until after the case is successful), or flat fee. Lawyer fees are based on the area of law and experience and vary greatly. Most lawyers in Montana charge between \$100 and \$250 dollars per hour. A lawyer may charge an amount of money up front, called a "retainer." Contact the State Bar Lawyer Referral Service to find a lawyer.

Limited Scope Representation

A lawyer assists with a specific task or tasks including legal advice, document preparation or review, limited court appearances, or another part of your case. The client and lawyer agree upon and clearly define specific tasks to be performed by the lawyer and by the client.

If you plan to handle most of your case on your own but need assistance only for legal advice, drafting, your court appearance, or another part of your case, pro bono limited scope representation may be right for you. Montana Legal Services Association or a local pro bono program will screen you for financial eligibility to receive these services. You may also find a lawyer willing to help you on a limited scope basis for no fee.

Contact a Self Help Law Center or Montana Legal Services.

Paying for only a certain amount of services may be an affordable way to hire a lawyer. Lawyers may already have a method to determine your eligibility for a reduced fee. Even if the hourly fee is the same, the overall cost may be less because you will handle some of your legal case on your own. The State Bar Modest Means Program is a great way to find a modest means lawyer.

Call Montana Legal Services Association or See Lawyer Referral Service for lawyers that provide "reduced fee" representation.

Lawyers may be willing to charge a standard hourly fee or flat fee for providing only a portion of legal services. You and the lawyer can have a binding written agreement that clearly outlines the legal services you will receive at a certain cost. Even if the hourly fee is standard, the overall cost to you may be less because you will handle the rest of your legal case on your own. Contact the State Bar Lawyer Referral Service to find a lawyer.

State Bar of Montana

The lawyer referral and Information Service provides referrals to lawyers and information regarding other legal resources

(406) 449-6577

www.montanabar.org

Court Help Program Self Help Law Centers

Walk-in legal information services for self represented litigants
www.courts.mt.gov/selfhelp

Great Falls 1 (406) 205-0347

Bozeman 1 (406) 582-2158

Billings 1 (406) 869-353

Butte 1 (406) 497-6417

Kalispell 1 (406) 758-2496

Missoula 1 (406) 258-3428

Helena 1 (406) 444-9300

Montana Legal Services Association

Direct civil pro bono representation and lawyer referrals based on your financial status, merits of your case, and location.

1 (800) 666-6899

www.montanalawhelp.org

STATEWIDE MONTANA LEGAL RESOURCES

State Bar of Montana	The Lawyer Referral and Information Service provide referrals to attorneys and information regarding other resources. 1 (406) 449-6577 www.montanabar.org		Walk-in legal information services for self represented litigants. Cascade County (and northern Montana counties) 1 (406) 205-0347 Flathead County 1 (406) 758-2496 Gallatin County 1 (406) 582-2158 Missoula County 1 (406) 258-3428 Yellowstone County (and eastern Montana counties) 1 (406) 869-353 State Law Library (Helena and southwest Montana counties) 1 (406) 444-9300 Butte Law Library 1 (406) 497-6417 www.courts.mt.gov/selfhelp
Montana Legal Services Association	Provides civil pro bono legal representation or referrals to pro bono and modest means representation based on client income eligibility. Help Line: 1(800) 666-6899 www.mtlsa.org and www.MontanaLawHelp.org	Court Help Program	
Legal Services Developer	Provides free legal information and assistance to seniors 60 or over. 1 (800) 332-2272 www.dphhs.mt.gov/sltc/services/aging/legal	Child Support	Financial and medical support orders, paternity, enforcing and modifying child support, and other resources. 1 (800) 346-5437 www.dphhs.mt.gov/csed
Aging Services	Intervention for elder abuse and protection. Elder Abuse: 1 (800) 551-3191 Senior Care: 1 (406) 444-4077 www.dphhs.mt.gov/sltc	Child Abuse and Neglect	Centralized Intake system for reporting suspected child abuse and neglect. (866) 820-5437 www.dphhs.mt.gov/cfsd/index.shtml
Public Defender's Office	Criminal defense representation for qualifying defendants. 1 (406) 496-6080 www.publicdefender.mt.gov	Consumer Protection Office	Assists with consumer problems, filing complaints, and education on consumer rights. 1 (800) 481-6896 or 1 (406) 444-4500 www.dojmt.gov/consumer
State Law Library of Montana	Provides legal reference and research assistance. 1(800) 710-9827 or 1(406) 444-3660 www.courts.mt.gov/library	Disability Rights Montana	Protects & advocates for Montanans with mental and physical disabilities. 1 (800) 245-4743 TDD: 1 (406) 449-2344 www.disabilityrightsmt.org
Veterans	Veterans' Affairs 1 (406) 324-3740 Montana Veteran's Administration Center (406) 442-6410 or 1(800) 827-1000 National Veterans Legal Services Program www.nvlsp.org	Victim Services	Provides direct services to victims and processes claims for compensation for innocent victims who have been injured or killed as a result of a crime. 1 (800) 498-6455 or (406) 444-1907 www.doj.mt.gov/victims/
Montana Medical Legal Panel	Required administrative review of medical malpractice claims. 1(877) 443-4000	Domestic Violence	National hotline connecting victims to local domestic violence programs. 1 (800) 799-7233
Office of Disciplinary Counsel	Investigates complaints of ethical violations by lawyers. 1(877) 442-1648 or 406-442-1648 www.montanaodc.org	Human Rights Bureau	Receives and investigates complaints of illegal discrimination. 1(800) 542-0807 or 406-444-2884 www.montanadiscrimination.com
Citizens Advocate Office	Assists with questions, problems or complaints related to state agencies. 1(800)332-2272 www.citizensadvocate.mt.gov	Montana Fair Housing	Support to consumers and investigation of housing discrimination violations. 1(406)782-2573 or 1-800-929-2611 www.montanafairhousing.org
Public Service Commission	Complaints regarding utility companies. 1(800) 646-6150 www.psc.mt.gov	ACLU	Resources on civil rights matters. 1(406) 443-8590 www.aclumontana.org

Legal Information v. Advice At-a-Glance

CAN	CANNOT
CAN give information	CANNOT give legal advice
CAN answer general questions about how the court works	CANNOT explain judicial decisions, let you speak to the judge outside of the courtroom or talk to the judge about what will happen on your case
CAN provide you with contact information for legal services programs	CANNOT refer you to specific lawyers, contact programs or lawyers for you, or give answers that involve legal advice
CAN give you general information about court rules, terminology, procedures, and practices	CANNOT advise you as to how the court rules and procedures will be applied to your case
CAN give you legal definitions	CANNOT give you legal interpretations
CAN give procedural definitions	CANNOT give you procedural advice
CAN give you cites of statutes, court rules, and ordinances	CANNOT complete research of statutes, court rules, and ordinances
CAN give you public case information	CANNOT give you confidential case information
	CANNOT deny access, discourage access or encourage litigation
CAN give you forms and instructions on how to complete them	CANNOT fill out forms for you
CAN review your form by checking for signatures, notarization, correct county name, and case number	CANNOT correct forms for you or tell you what corrections should be made
CAN usually answer general questions about court deadlines	CANNOT change an order issued by a judge

Office Guide to State Bar of Montana's Desk book Statewide and Regional Montana Legal Resources

State Bar of Montana

The State Bar of Montana hosts a lawyer referral list for people looking to hire an attorney. The referral list can be searched by region or area of law. Lawyerless clients can also call the Lawyer referral service phone line and state bar staff will provide attorney information.

The State Bar sponsors the Lawyer Referral and Information Service which is a list of attorneys by region, language, and area of practice. The State bar also sponsors the Modest Means Program. The Modest Means Program connects people within %200 of the federal poverty guidelines with an attorney for a substantially reduced fee. Client referrals to the Modest Means Program start with Montana Legal Services Association, which screens applicants for financial eligibility.

www.montanabar.org.

1 (406) 449-6577.

Court Help Program

The Court Help Program is an initiative of the Montana Supreme Court designed to assist people with civil legal problems by providing information on legal rights and responsibilities. Walk-in, phone, and remote services are provided through Self Help Law Centers located throughout the state. Self help centers provide legal forms, information, and referrals to community resources looking to resolve their legal issues on their own or represent themselves in court. Assistance is provided regardless of income.

www.courts.mt.gov provides a complete list of services by region, including remote services:

Great Falls:

(Across the street from Montana District Courthouse)
401 3rd Ave N.
Great Falls, MT 59401
(406) 205-0347

Helena (Open 8:00a-5:00p):

State Law Library
215 North Sanders
Helena, MT 59620
(406) 444-9300

Missoula (Open 8:30a-4:30p; closed Tuesday):

Missoula County Courthouse
200 West Broadway, Room 271
Missoula, MT 59802
(406) 258-3428

Billings (Open 8:30a-3:00p; closed Friday):

3021 3rd Ave North
Use North 31st Street Entrance
Billings, MT 59101
(406) 869-3531

Kalispell (10:00a-4:00p; closed Friday):

Flathead County Justice Center
920 South Main
Kalispell, MT 59901
(406) 758-2496

Bozeman:

Gallatin County Law and Justice Center
615 South 16th Avenue
Bozeman, MT 59715
(406) 582-2158

Montana Legal Services Association

Montana Legal Services has offices in Helena, Missoula, and Billings. When a lawyerless client contacts MLSA they will be financially screened. Eligible clients not represented by MLSA

staff attorneys may receive limited scope phone advice on their legal issues. If not assigned to one of the few staff attorneys, MLSA's Pro Bono Coordinator will attempt to place the client with a volunteer attorney.

Clients must be within 125% of the poverty level to be considered eligible for services. MLSA also provides income screening for the State Bar Modest Means Program as well as various local pro bono programs and advice clinics.

Additional legal information: www.montanalawhelp.org

Call HelpLine at 1-800-666-6899 M-F 7:30am-6:00pm or use an online application form.
www.mtlsa.org

Legal Services Developer Program

Attorney/Paralegal Advice program: The legal advice and advocacy program addresses one hundred fifty legal issues for Montanans over 60. They utilize legal volunteers and other advocates, for example, the program may collaborate with other agencies to work towards a resolution for each case needing advocacy assistance.

Legal Education Materials: The Legal Guide to Long Term Care Planning, Tenant Landlord Rights, Power Attorney Made Easy, Advance Directives Made Easy, Credit Card Debt Made Less Difficult. Legal information presentations are provided to seniors and attorneys. Legal Guide for Long Term Care Planning available at:

<http://www.dphhs.mt.gov/Portals/85/sltc/documents/legaldeveloper/FullLegalGuide1213.pdf>

Legal Presentations: The program provides legal education to attorneys and non attorneys.

Pro Bono – Modest Means: Cases requiring an attorney are evaluated and assigned to an attorney based on geography and the area of law. This program assist individuals over 60 who are below 250% of the federal poverty.

Legal Document Clinics: Three types of clinics are provided for persons sixty and older: On-site Clinics, Phone Clinics, and Indian Will Clinics. At the clinic, individuals can complete: beneficiary deeds, durable power of attorney for health care and financial, living will, declaration of homestead, and simple will and Indian Wills.

Justice Served: Provides advocacy and legal assistance in cases of financial exploitation, financial mismanagement, and fraud.

The program provides seniors with the legal and investigative resources to remedy the wrongs committed against them, while supporting individuals as they regain control of their financial and emotional well-being. Where appropriate, the program accesses resources to advocate for the replacement of exploited conservators and guardians.

Contact: 1-800-332-2272 or 444-7783/444-7787.

Disability Rights Montana

Investigates abuse and neglect in state run institutions. All other services are based on public input and may include: independent livings services, public access, special education, employment discrimination, access to benefits, and voting.

To get help from Disability Rights Montana, you can call our office, drop by our office, or complete and submit the Request for Services Form on the website.

If you would like to call and talk to one of our advocates, please call us at (406) 449-2344, or toll-free at (800) 245-4743. If an advocate is unavailable when you contact Disability Rights Montana, your call will be returned no later than the following business day.

You can also stop by and ask to speak with an advocate. Our office is open 8 a.m. to 5 p.m. Monday through Friday. We are located at 1022 Chestnut Street in Helena, near the intersection of Montana Avenue and Chestnut Street.

Contact: www.disabilityrightsmt.org. 1 (800) 245-4743.

Aging Services

Montana Senior and Long Term Care division manages a wide variety of programs and services guided by our mission, which is: “to advocate and promote dignity and independence for older Montanans and Montanans with disabilities by (1)Providing information, education, and assistance, (2)Planning, developing and providing for quality long-term care services; and (3)Operating within a cost-effective service delivery system.

Legal Services Developer Program: Offers clinics to assist in the drafting of probate and will documents for anyone over the age of 60 and within 215% of the federal poverty line.

Contact: www.dphhs.mt.gov/sltc. 1 (800) 332-2272.

Department of Health and Human Services

Department of Public Health and Human Services provides services and support in a wide range of areas which include, but are not limited to, public assistance, Healthy Montana Kids medical coverage, aging services, birth and death certificates, child support enforcement, public health benefits and education, and much more. Visit their website for more information at www.dphhs.mt.gov/.

Child Support Enforcement Division

Financial and medical child support order establishment, paternity establishment, enforcing and modifying child support, and other resources. Regional offices statewide:

Region Two:

201 First Street South, Suite 1A
Great Falls, MT 59405
(406) 727-7449
Fax: (406) 454-3106

Region Three:

1500 Poly Drive, Suite 200
Billings, MT 59102
(406) 655-5500
Fax: (406) 655-5545

Region Four:

17 West Galena
Butte, MT 59701
(406) 497-6600
Fax: (406) 782-9728

Region Five:

2675 Palmer Street , Suite C
Missoula, MT 59808
(406) 329-7910
Fax: (406) 329-5468

Region Eight:

Interstate Cases
2401 Colonial Drive, First
Floor
PO Box 202943
Helena, MT 59620-2943
(406) 444-9767
Fax: (406) 444-9626

Child & family Services (formerly Child Protective Services)

The division operates a toll-free child abuse hotline 24 hours a day, 7 days a week. Centralized Intake specialists screen calls, assess the level of risk to children, and prioritize reports of abuse, neglect, and abandonment according to the urgency with which social workers need to respond. The specialists forward reports of suspected child abuse, neglect, or abandonment to social workers in county offices for investigation.

To report a possible case of child abuse or neglect, call toll-free: 1 (866) 820-5437

Public Defender's Office

The primary mission of the statewide public defender system is to provide effective assistance of counsel to indigent persons accused of crime and other persons in civil cases who are entitled by law to the assistance of counsel at public expense. Mont. Code Ann. §47-1-102(1).

More resources and information on the Office of the Public Defender can be found at www.publicdefender.mt.gov

Victim Services

The goal of the Office of Victim Services is to provide tools and information to help crime victims recover from their experience and provide them with a range of services available. The criminal justice system can be confusing and intimidating for victims. To assist them as they go through the justice system, the Office of Victim Service is available to answer any questions they may have.

Phone: (406) 444-1907

Fax: (406) 442-2174

1-800-498-6455

dojovs@mt.gov

Office of Disciplinary Council

The Office of Disciplinary Counsel (ODC) is part of a comprehensive lawyer regulation system established by the Montana Supreme Court. The system consists of ODC and the Commission on Practice (COP). ODC performs central intake functions and processes, investigates and prosecutes complaints against lawyers that are within the jurisdiction of the Court. The Disciplinary Counsel is appointed by the Court. COP determines whether to approve Disciplinary Counsel's request to file a formal complaint, acts as a hearing body, and makes recommendations to the Court.

You may register a complaint by sending it in writing with the attached Complaint Cover Sheet to:

Office of Disciplinary Counsel
P.O. Box 1099
Helena, MT 59624-1099

More info: (406) 442-1648 or www.montanaodc.org

Citizen's Advocate

The Montana Citizens' Advocate is directly charged by the Governor with assisting Montanans in their interactions with state executive branch agencies. Folks often need a little help navigating the sometimes complex statutory and regulatory environment of state government. The Office, true to its name, advocates on behalf of Montanans and offers that direction and assistance.

The Citizens' Advocate is not able to intervene in matters restricted to the jurisdiction of federal, local or tribal governments, school districts, other state-wide elected officials or non-executive branch agencies. The Office of the Citizens' Advocate cannot intervene in judicial or quasi-judicial proceedings, or in criminal or civil legal matters within the jurisdiction of courts. The Citizens' Advocate is not able to intervene in disputes between private citizens and/or businesses. In all these cases, however, the Citizens' Advocate can refer people to the appropriate authorities. The Montana Citizens' Advocate Office is located in Room 232 in the Governor's Office in the Montana State Capitol. It is open 8-5 Monday through Friday. It may also be reached by calling (800) 332-2272 or (406) 444-3468 or by e-mail at citizensadvocate@mt.gov.

Public Service Commission

It is the responsibility of the PSC to ensure that public utilities in Montana provide adequate service to customers at reasonable rates. The PSC generally regulates private, investor-owned natural gas, electric, telephone, water and private sewer companies doing business in Montana. In addition, the PSC regulates intrastate railroads and certain motor carriers hauling regulated commodities. The PSC oversees natural gas pipeline safety regulations. Not all utilities in Montana are regulated by the PSC. Outside PSC jurisdiction are: rural electric and telephone cooperatives; cellular telephone companies; cable TV companies; the quality of municipal water and sewer services; and propane dealers.

Contact the Public Service Commission: 1(800) 646-6150 or www.psc.mt.gov

The Montana Consumer Counsel is charged by law to represent consumer interests in matters before the commission. The consumer counsel is located at 616 Helena Ave., Helena, Montana 59620. The phone number is 444-2771.

Montana Attorney General's office, Office of Consumer Protection

The Department of Justice Office of Consumer Protection has authority to prosecute companies and nonprofit organizations for unfair business practices. OCPVS also provides services for victims of crimes including Orders of Protection and the HOPE identification cards that can accompany them, address confidentiality which forwards mail to a victim's new address, a Forensic Rape Exam Payment Program, the Crime Victim Notification System for up-to-date notifications regarding a victim's case or the offender's status, Crime Victim Compensation that can help pay for medical costs, lost wages, funeral expenses, and counseling. There are also

Victim Support Services in the areas of counseling, criminal justice support, emergency legal advocacy, shelter/safe home, crisis hotline, and additional information or referrals to resources.

www.doj.mt.gov/consumer

Contact: (406) 444-4500 or 1 (800) 481-6896

Montana State Extension

Provides publication of helpful legal guides in the area of wills, probate, and estate planning. Physical walk-in office in every county in Montana, often located in the Courthouse.

www.msuextension.org/

Montana Fair Housing

Provides information and support to consumers and investigates allegations of discrimination in housing.

Contact: 1(406)782-2573 or 1-800-929-2611/www.montanafairhousing.org

Montana Medical Legal Panel

Administrative entity that receives and reviews claims against health care providers and their employees for professional liability.

Contact: 1(877) 443-4000 /www.montanamedicallegalpanel.org

State of Montana Law Library

The State Law Library website hosts numerous forms and legal information. The State Law Library reference librarian also provides in depth legal research assistance to legal professionals and the public.

Contact: www.courts.mt.gov/library/ "Ask a Librarian" 1 (406) 444-3660

Montana Human Rights Bureau

Investigates alleged human rights abuses. Provides consultation and mediation for potential human rights disputes and remedies. People may call the Human Rights Bureau to speak with an investigator. If the alleged discrimination is within the jurisdiction of the Human Rights Bureau, a telephone interview will be scheduled with an investigator. If the facts indicate that illegal discrimination may have occurred, an investigator will take the information by telephone and draft a formal complaint, for signature by the complainant. A formal complaint must be filed with the Bureau within 180 days of the alleged discriminatory action.

The Department of Labor and Industry, Human Rights Bureau, is a neutral administrative agency in the process. The person filing the complaint is referred to as the "charging party". The business or entity against whom the complaint is filed is called the "respondent".

The Montana Human Rights Bureau website has a survey for people considering whether filing a complaint is the right choice for their circumstances.

Contact: www.montanadiscrimination.com/ 1 (800) 542-0807

Regional Resources

Cascade County Law Clinic

The Cascade County Law Clinic is a pro bono clinic sponsored and supported by the Cascade County Bar Association. Cascade County Law Clinic only assist in family law, and limited landlord/tenant issues. There is a \$ 50.00 application fee for services. Applicants must be below %125 of the federal poverty guidelines and provide documentation of all income sources as part of the application for services.

Application can be downloaded or picked up at the Clinic: www.cascadelawclinic.org

Location is across the street from Montana District Courthouse.

401 3rd Ave N.

Great Falls, MT 59401

(406) 205-0347

Gallatin Legal Assistance Clinic

Legal assistance clinics take place on a regular schedule and are staffed by volunteer attorneys who provide their services at no cost to you or to GLAC. GLAC provides limited scope legal services only in family law matters. You must have an appointment to receive services from an attorney. The dates and locations of the Clinics vary from month to month and attorneys are available based on the appointment schedule.

To make an appointment, visit the Gallatin County Self Help Law Center. Then call 406.543.8343, Extension 207.

First Judicial District Limited Scope Advice Clinic

Legal assistance clinics are scheduled quarterly and are staffed by volunteer attorneys. Attorneys provide limited scope legal services at no cost to the client. Clinic is limited only to civil legal matters. Clients must qualify at %125 of the federal poverty guidelines in order to be eligible for the clinic. Clients must complete a clinic application and be financially screened by MLSA to qualify. To sign up, visit the State Law Library Self Help Law Center.

Yellowstone County Family Law Project

Legal assistance clinics are scheduled twice monthly and staffed by volunteer attorneys.

Attorneys provide limited scope legal services at no cost to the client. Clients must qualify at %125 of the federal poverty guidelines and be screened based on program requirements.

To apply, contact Montana Legal Services Association, 543-8343 ext. 310

Western Montana Bar Association legal Advice Clinic

The Western Montana Bar Association (WMBA) Pro Bono Program sponsors a monthly legal advice clinic for self-represented, low-income clients seeking assistance with a dissolution, parenting plan, or other family law matter. Typically, the clinic is staffed by 4 volunteer attorneys and one or two MLSA support staff members, and 10-12 clients are served. Clients meet with volunteer attorneys for 30 minutes each. Clients are screened for income eligibility by MLSA and MLSA provides malpractice insurance for all volunteer attorneys.

Clients can sign up for the clinic by calling MLSA or the WMBA Pro Bono Program. Some clients are referred to the clinic by MLSA intake staff based on their legal needs, while others specifically request an appointment. The Missoula SHLC provides volunteer attorneys with pro se forms. Clients are responsible for bringing all other relevant documents.

Community Mediation Center

Provides mediation services to low-income divorcing families. There is a sliding scale fee based on the amount of income of each party. The fee ranges from a minimum of \$35 per person per session up to \$175 per person per session.

Call: 406.522.8442

101 East Mendenhall Street, Suite A
Bozeman, MT 59715-3625

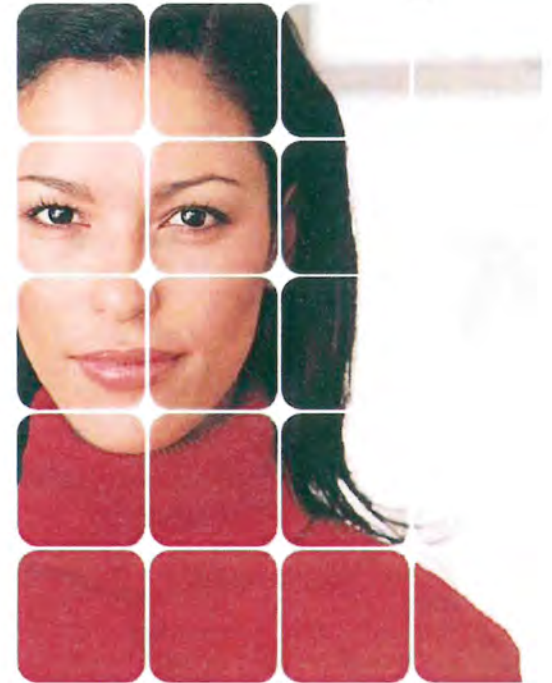
Community Dispute Resolution Center of Missoula County

Provides parenting mediation services at a reduced rate with a sliding fee scale.

Call 406-543-1157

Attachments:

1. State Bar Lawyer Referral Service Brochure
2. Modest Means Program Fee Schedule
3. Court Help Program Brochure
4. MLSA Brochure
5. Veterans Affairs brochures
6. Legal Services Developer brochures
7. Montana Attorney General Office of Consumer Protection Handouts
8. Gallatin Legal Assistance Clinic Information Sheet
9. First Judicial District Advice Clinic Flyer
10. Western Montana Bar Association Flyer
11. Montana Lawyer Article on Montana State University Extension Articles
12. Montana Medical Information Guide
13. Montana Human Rights Bureau Process



WHEN YOUR CLIENTS
ARE LOOKING FOR YOU
... THEY CONTACT US.



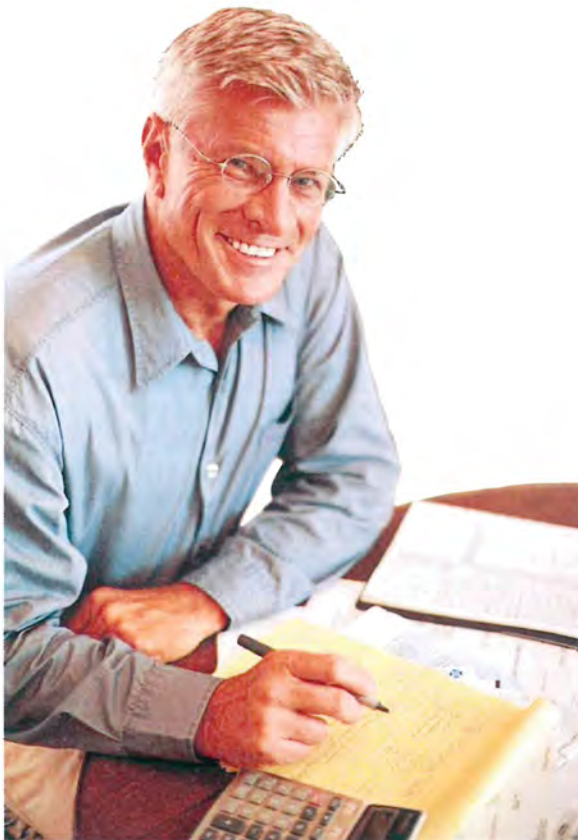
Lawyer
Referral &
Information
Service
(406) 449-6577

State Bar of Montana
Lawyer Referral & Information Service
PO Box 577
Helena, MT 59624



Connect with clients
through LRIS, the
State Bar of Montana's
Lawyer Referral and
Information Service.

The best advertising
dollar you can spend.



When Your Clients Are Looking For You ... They Contact Us
State Bar of Montana's Lawyer Referral & Information Service

MODEST MEANS REDUCED FEE PROGRAM

A cooperative program brought to you by Montana Legal Services and the State Bar of Montana
P.O. Box 577, Helena, Montana 59624



MONTANA MODEST MEANS REDUCED FEE SCHEDULE (In state residents only)

1. UNCONTESTED DIVORCE (total agreement) No children	\$500 retainer billed at \$60 per hour for out-of-court and \$70 p/h for in-court, plus costs
2. CONTESTED DIVORCE	\$1,000 retainer billed at \$60 per hour for out-of-court and \$70 p/h for in-court, plus costs
3. CONTESTED CUSTODY/ POST DIVORCE ISSUES	\$1,000 retainer billed at \$60 per hour for out-of-court and \$70 p/h for in-court, plus costs
4. SIMPLE WILLS WITHOUT TRUSTS	\$50, plus costs
5. GUARDIANSHIP	\$50, plus costs (uncontested); Contested: \$500 retainer billed at \$60 per hour for out-of-court and \$70 p/h for in-court, plus costs
6. IMMIGRATION	\$500 retainer billed at \$60 per hour for out-of-court and \$70 p/h for in-court, plus costs
7. POWER OF ATTORNEY	\$25, plus costs
8. UNCONTESTED ADOPTIONS	\$200, plus costs
9. NAME CHANGES	\$100, plus costs
10. CONSUMER – LANDLORD/TENANT	\$250 retainer billed at \$60 per hour for out-of-court and \$70 p/h for in-court, plus costs
11. BANKRUPTCY (Chapter 7 ONLY)	\$600, plus costs

Retainer & Hourly Fee: The retainer is the amount you pay to the attorney as a 'down payment' for your legal fees and is due at the time of your first meeting. The attorney will use the retainer to pay for legal fees and may require that the retainer be replenished if it appears that the fees will exceed the initial amount. The most common form of lawyer compensation is the hourly rate. Attorneys who accept Modest Means cases agree to accept \$60/hr for legal fees, which is roughly half the normal hourly rate for Montana attorneys. *(You will be billed hourly, unless the legal matter is for a flat fee as noted above.)*

Costs: Costs include, but are not limited to, filing fees, postage, travel, photocopying

Self Help Law Centers CAN:

- Give you information on Dissolution of Marriage (Divorce), Parenting Plans (Custody), Consumer Credit, Guardianship of a Minor, Step-parent adoption, Landlord or Tenant, Name change...and much more!
- Answer general questions about how the court works
- Tell you how to find state laws and regulations
- Review your forms for errors like missing signatures or pages

Self Help Law Centers CANNOT:

- Give you legal advice
- Explain a judicial decision
- Refer you to a specific lawyer
- Interpret the law or legal terms for you
- Tell you which laws apply to the specific facts of your case
- Fill out or correct forms for you
- Assist in criminal matters

Self Help Law Centers may also provide information on other community resources available.



For updated information, visit:

<http://courts.mt.gov/selfhelp>

The Court Help Program of the Judicial Branch provides reasonable accommodations and modifications for any known disability that may interfere with a person's ability to participate in or receive services from the Self Help Law Center. Individuals needing a reasonable accommodation or modification should notify the Self Help Law Center staff in person or call the Program Administrator as soon as possible to allow enough time to make arrangements. To make your request, you can call (406) 841-2975 or through the Montana Relay Service 711-841-2975.

Contact a center near you!

Cascade County Self Help Law Center

401 Third Avenue North, Great Falls, MT
(406) 205-0347
cascadecountyselfhelp@gmail.com

Flathead County Self Help Law Center

Flathead County Justice Center
920 South Main, Kalispell, MT
(406) 758-2496
flatheadcountyselfhelp@gmail.com, or
selfhelp@flathead.mt.gov

Gallatin County Self Help Law Center

Gallatin County Law and Justice Center
615 South 16th Avenue, Bozeman, MT
(406) 582-2158
gallatincountyselfhelp@gmail.com

Missoula Family Law Center

Missoula County Courthouse
200 W Broadway, Rm. 271, Missoula, MT
(406) 258-3428
missoulaselfhelp@gmail.com

State Law Library Self Help Law Center

Montana State Law Library
215 North Sanders, Helena, MT
(406) 444-9300
statelawlibraryselfhelp@gmail.com

Yellowstone County Self Help Law Center

3021 3rd Ave North
Billings, MT 59101
(406) 869-3532 or (406) 869-3532
yellowstonecountyselfhelp@gmail.com

What is the Montana Legal Services Association (MLSA)?

MLSA is a federally and privately funded program that provides free legal assistance in civil cases to low-income people.

What help can I find at MLSA?

- Legal advice and representation for clients,
- Referrals to pro bono attorneys and other providers,
- Self-help clinics,
- Self-help materials, and
- Educational brochures and information.

To qualify for our services, applicants generally must have income of 125% or less of the federal poverty level and limited assets. You must also be a U.S. citizen or an eligible alien.

We never charge a fee for our services. However, you may have to pay court costs and filing fees.

What areas of law can I find information on?

- Landlord/tenant law,
- Public benefits,
- Family law,
- Domestic violence,
- Bankruptcy,
- Indian law,
- Migrant workers' legal issues,
- Consumer matters, and
- Housing issues.

What does MLSA not handle?

MLSA does not handle auto accidents, personal injury, business-related matters or **any** criminal cases (including traffic citations). MLSA usually does not accept ongoing cases for representation, such as changes to parenting plans or existing custody decrees. We cannot accept cases where an attorney's fee may be available.

How can I get help?

Call the MLSA HelpLine at (800) 666-6899 to talk with an intake specialist. The HelpLine is generally answered 7:30am to 6:00pm (Mon – Fri). The intake specialist will ask you questions about your income, what possessions you own (cars, houses, land), and other personal information. The intake specialist needs this information to determine if you qualify for services.

If you do qualify for MLSA's help:

- We may schedule you an appointment to speak with an MLSA Advocate. We may also give you written information about your legal rights.
- We may ask you to send us more information about your case.
- We may refer you to a free attorney or a self-help clinic.
- MLSA will not tell anyone else anything about you unless you want us to.

MONTANA
VETERANS AFFAIRS DIVISION
WEBSITE

<http://montanadma.org>

or

Just type in "Montana veterans services" or
"Montana Veterans Affairs" and press
"search". We are typically the first listed
option.

Donations to the cemeteries can be sent to:

MONTANA VETERANS AFFAIRS DIVISION
P.O. BOX 5715
HELENA, MT 59604

(406) 324-3740

*"No man is entitled to the blessings of freedom unless he be vigilant in its
preservation". Gen Douglas MacArthur*

3/2014

State of Montana
Veterans Cemetery
Program

*"The people declare that Montana servicemen, service-
women, and veterans may be given special considerations
determined by the legislature"*

Article II, Section 35, Montana Constitution



AN INFORMATIONAL AID

**FOR MONTANA'S
VETERANS AND
FAMILY MEMBERS**

Arranging Burial

The next of kin or the family's funeral director of choice can make arrangements directly with the cemetery. Before burial can take place, cemetery staff must verify the veteran's eligibility. To enable the staff to do this, the next of kin or funeral director must provide the cemetery staff with a copy of the veteran's discharge papers; or the veteran's service, social security or VA claim numbers



Burial Flag Program

The VA provides a U.S. Flag to drape the casket. After the funeral service, the flag may be given to the next of kin. The flag is typically furnished by the mortuary.



MONTANA STATE VETERANS CEMETERY GUIDELINES

Any veteran with an "Honorable or "Under Honorable Conditions" discharge is eligible for interment in one of Montana's state veterans cemeteries. To confirm your eligibility for burial benefits, contact a veterans service officer (see back of pamphlet). A copy of the discharge form, (DD Form-214) is necessary to determine this eligibility.

Spouses and minor children under the age of 21 are also entitled to burial in the state veterans cemetery, as long as the veteran has been or will also be buried in the same cemetery. If the spouse is a veteran, he/she is entitled to his/her own plot and headstone. This is the only time plot reservations are made, and enable the veteran husband and wife to be side by side.

Veterans are entitled to a government provided headstone for the gravesite, whether it is in the state veterans cemetery or in a private cemetery. Certain basic information will be inscribed on the headstone or marker at government expense, such as the name of the deceased, years of birth and death, and branch of service. Optional items that may also be included at government expense are military service component, rank, period of war service, religious emblem, valor awards received, and the Purple Heart. The government also provides a headstone for the spouse if they are laid to rest in a state veterans cemetery where their spouse, the veteran, is already buried or will be buried upon demise. The government does not provide a headstone for the spouse in a private cemetery.

There is no charge for the plot in a state veterans cemetery; nor is there a charge for the opening and closing of the grave for the veteran. Should the spouse pass away before the veteran or after the veteran has been buried in the state cemetery, they may also be interned with the veteran, however, the family would be responsible for a \$500 opening and closing charge. The headstone will be updated when both veteran and spouse are deceased, it will include both names.

MONTANA
VETERANS AFFAIRS DIVISION
WEBSITE

<http://montanadma.org>

or

Just type in "Montana veterans services" or
"Montana Veterans Affairs" and press "search".
We will usually be the first listed option.



MONTANA VETERANS AFFAIRS DIVISION
P.O. Box 5715
HELENA, MT 59604
(406) 324-3740

"No man is entitled to the blessings of freedom unless he be vigilant in its preservation". Gen Douglas MacArthur

August, 2014

State of Montana
Montana Veterans Affairs

"The people declare that Montana servicemen, servicewomen, and veterans may be given special considerations determined by the legislature"

Article II, Section 35, Montana Constitution



AN INFORMATIONAL AID

FOR MONTANA'S
VETERANS AND
FAMILY MEMBERS

Montana's "Veteran" and "Patriot" License Plate Program

As a veteran, you are eligible to purchase a "Veteran" vehicle license plate. The Veteran license plate costs \$10 annually, and its statewide sales are earmarked to maintain and operate our state veterans cemetery program. We currently have three veterans cemeteries: Fort Harrison (near Helena), Miles City, and Missoula. You can display your veteran pride with the plate, while keeping our cemeteries operated and maintained to National Shrine Standards. The "Patriot" vehicle license plate is available to all licensed drivers, and cost \$15 annually. The proceeds help fund our veterans services program, which includes all our statewide service offices.

FEDERAL VA – MONTANA INFORMATION

FORT HARRISON VA CENTER
(406) 442-6410

FEDERAL VA WEBSITE
www.montana.va.gov

2012 Federal Benefits for Veterans Handbook
http://www.va.gov/opa/publications/benefits_book.asp

HEALTHCARE INFORMATION

1-877-4MT-VETS (1-877-468-8387)

Press 1: Medication Refills

Press 2: Appointment Scheduling

Press 3: DAV Office

Press 4: Outpatient

Healthcare Eligibility & Enrollment:
442-6410 ext. 7460; 7468 or 7457

Billing Inquiries or Patient Account Information: 447-7844

Medication Dial-A-Refill: 1-877-468-8387
Outpatient Pharmacist: 447-7584

Prosthetic Services: (wheel chairs, canes, oxygen supplies; hearing aids and glasses): 447-6118

Patient Travel Office: 447-7626

Homeless Veteran Program Coordinators: 447-6045

Disabled American Veteran Transport Program to VA Medial Facilities
Ft. Harrison: 447-7760 Billings: 373-3690

**"Veterans Crisis Hotline" 1-800-273-8255-press 1 or
chat on-line @ www.VeteransCrisisLine.net or send text
Message to 838255**

Veterans Mental Health Info: www.MakeTheConnection.net

Homeless Veteran Program: 1-877-424-3838

**Family Members Care Site: 1-888-823-7458
www.mirecc.va.gov/coaching**

MONTANA VETERANS AFFAIRS DIVISION VETERANS BENEFITS OFFICES

BELGRADE
350 Airport Road
Belgrade, MT 59714
(406) 388-4601
imahn@mt.gov

BILLINGS
2795 Enterprise Ave.
Billings, MT 59102
(406) 248-8579
cheald@mt.gov

BUTTE
600 Gilman Avenue
Butte, MT 59701
(406) 533-0910
davidwilliamson@mt.gov

GREAT FALLS
600 Central Plaza #300
Great Falls, MT 59401
(406) 452-2265
danarnold@mt.gov

HAVRE
232 1st St. W., PO Box 20
Havre, MT 59501
1-877-265-8387 (toll free)
(406) 265-4225
iloendorf@mt.gov

LEWISTOWN
505 W. Main
Lewistown, MT 59459
(406) 538-3174
suefoster@mt.gov

KALISPELL
2989 Highway 93 North
Kalispell, MT 59901
(406) 755-3795
carolcollins@mt.gov

MILES CITY
210 S. Winchester
Miles City, MT 59301
(406) 232-1203
keitholson@mt.gov

MISSOULA
1911 Tower Street
Missoula, MT 59804
(406) 542-2501
rblanche@mt.gov

HELENA
VARO Ft. Harrison, Room 110 E
3633 Veterans Drive
Ft. Harrison, MT 59636
(406) 495-2081 or (406) 495-2082
kelly.ackerman@va.gov

State of Montana Veterans Nursing Homes

Montana Veterans Home
PO Box 250
Columbia Falls, MT 59912
(406) 892-3256

Eastern Montana Veterans Home
2000 Montana Avenue
Glendive, MT 59330
(406) 345-8855

STATE VETERANS CEMETERIES

MONTANA STATE VETERANS
CEMETERY
PO Box 5715
Helena, MT 59604
(406) 324-3742
thall@mt.gov

EASTERN MONTANA
STATE
VETERANS CEMETERY
Highway 59 & Cemetery
Road
Miles City, MT 59301
(406) 951-1325
kholmilund@mt.gov

WESTERN MONTANA
STATE VETERANS
CEMETERY
1911 Tower Street
Missoula, MT 59804
(406) 531-1105
caasved@mt.gov

Legal Service Developer Program Services

Attorney/Paralegal Advice program: The legal advice and advocacy program addresses one hundred fifty legal issues. The primary, or "hot button," issues require legal advice in the areas of powers of attorney, simple wills, beneficiary deed, homestead exemptions guardianships, landlord/tenant rights, debt collection, conservatorships, contracts, exploitation, family law, trusts, probate, quit claim deeds, real estate, social security, banking, public housing, bankruptcy, and various aging issues. We utilize our legal volunteers in addressing advice for the caller. If needed, we may assist in providing legal advocacy to help resolve the issue. Many times persons sixty and older may not know how to proceed with the legal advice they received from the legal volunteers supervised by the attorney. The program may assist in developing a strategy and working with the caller to empower them to become their own advocate or collaborate with other agencies to work towards a resolution for each case needing advocacy assistance.

The program decides if the issue is strictly an advocacy issue or is an issue that is better served by an agency that specializes in areas of law or Administrative Rules of Montana such as People's Law Center which addresses Social Security issues or Medicaid in which the advocate may work with the client and the Medicaid Policy Specialist or specific area of fraud which may involve collaborating with Secretary of State Notary and Certification Services. Possibly the issue may involve legal advice and advocacy strategies to assist in resolving the issue. This may also lead to one of the other key programs which is the Pro bono-Modest Means program. The Attorney/Paralegal Advice program is the core of what we do in supporting persons sixty and older.

Legal Education Materials: Based on "hot button" issues received from the Area Agencies on Aging, Senior Centers, professionals and the public, the Legal Service Developer program has developed the following legal educational materials to assist persons sixty and older in addressing their legal needs: The Legal Guide to Long Term Care Planning, Tenant Landlord Rights, Power Attorney Made Easy, Advance Directives Made Easy, Credit Card Debt Made Less Difficult. Education materials are distributed to persons sixty and older, Area Agencies on Aging, Senior Center, many public agencies, hospitals, nursing homes, financial institutions, self-help law centers, attorneys and paralegals throughout the state as well as individuals living out of State who may have loved ones residing in Montana. This has been a major source of learning that provides a direct impact on ourselves, our loved ones, our neighbors and our friends.

Indian Will Clinics: The Legal Service Developer program (LSDP) is working in collaboration with Montana AAA Legal Services Grant Advisory Committee (GAC) and will be working with representatives of the tribes to design the tools necessary to implement the Indian Wills project. LADP and GAC plan to implement the project by the Fall of 2015.

Justice Served: The Justice Served program provides advocacy and legal assistance to combat cases of high end financial exploitation, financial mismanagement, and fraud.

If an individual has been a victim of fraud, exploitation, or financial mismanagement, Justice Served will work with you to determine what legal remedies exist. The Justice Served program will assist with cases while encouraging and facilitating private attorney support.

The program provides seniors with the legal resources to remedy the wrongs committed against them, while supporting individuals as they regain control of their financial and emotional well-being.

WHAT IS FINANCIAL ELDER ABUSE?

Theft, fraud, misuse, or neglect of authority used to leverage or gain control over an older person's finances or property.

SIGNS OF EXPLOITATION

- Bills are not being paid.
- Money that, without accounting, is disappearing.
- Caregivers, service providers, friends or family members taking money for products or services that are not received.
- Unusual purchases not previously made by you or a loved one.
- Increased use of credit cards.
- More frequent withdrawals of cash by the elder, caregivers, friends, or family members.
- Addition of someone new to bank or credit card accounts.
- Requests for signature on Quit Claim Deed or other legal documents.
- Request or suggestion for change in Powers of Attorney or Will.



**You can contact us and send
donations to:**

**Montana AAA Legal
Services, Inc.
P.O. Box 1408
Helena, Montana 59624
mtaaalegal@gmail.com**

**Legal Services Developer
P.O. Box 4210
Helena, MT 59604-4210
jmccrea@mt.gov
1-800-332-2272**

*This publication was paid for by Montana AAA Legal
Services, Inc.*

JUSTICE SERVED



**Legal support in the fight
against fraud, exploitation,
and financial mismanagement**



MONTANA LEGAL DOCUMENT CLINICS

Medical and financial emergencies don't just happen to other people. The legal support provided by Montana AAA Legal Services helps give you and your loved ones the peace of mind that comes from knowing your wishes and assets are being protected during the most vulnerable of times.



Declaration of Homestead:

This document provides the legal means to protect inhabited homes and land from unsecured debt collection up to \$250,000.

Beneficiary Deed:

This document provides the legal means to transfer Montana real property to another person upon the death of the property owner.

Simple Will:

This document legally expresses your wishes as to how your personal property will be distributed upon your death.

Bringing pro-bono lawyers, paralegals, and notaries to rural and frontier communities, our legal document clinics provide a much needed service for seniors living at 250% of the poverty level, to prepare important financial and medical documents at no cost.

Financial Power of Attorney:

This document provides the legal means for your agent to make certain financial decisions on your behalf.

Medical Power of Attorney:

This document provides the legal means for your agent to make certain medical decisions on your behalf.

Living Will:

This document spells out the types of medical treatments and life-sustaining measures you do and do not want in a medical emergency.

You will leave our Legal Documents Clinic with completed and notarized legal documents, copies to file or give family members, instructions on where to file each document, and the peace of mind that comes from knowing your affairs are in order.

LEGAL ACCESS FOR SENIORS

ADVOCACY

To access the Attorney-Paralegal Program call:
1-800-332-2272

The program coordinates with the local Area Agencies on Aging (AAAs) and provides you with a local advocate to assist you with your legal issues. Your legal advocate will discuss both short and long-term strategy and help you decide what course of action is in your best interest. Your advocate will also help you navigate the other program resources

LEGAL CLINICS

The program provides legal document clinics at various communities throughout the state including rural and frontier locations.

Legal Document Clinics:

We coordinate with attorneys to help you prepare legal documents such as Power of Attorneys, Wills, and Beneficiary Deeds. We provide you with an opportunity to get your affairs in order, and safeguard your assets from fraud and exploitation.

- Small clinics: 25-30 participants
- Large clinics: 40-60 participants
- Remote clinics in frontier communities
- Phone clinics: 1-on-1 statewide via the phone

LEGAL ADVICE

The program contracts with attorneys and paralegals who will provide:

- Legal advice
- Research
- Document preparation assistance

The program provides quality service with a quick response time, and explains your legal issues and options in easy to understand terms.

The program does not provide assistance for family, criminal law, medical malpractice, or Medicaid issues, but it does provide referrals to programs that provide assistance in those areas.

LEGAL EDUCATION

The program provides legal presentations throughout Montana to persons 60 and older as well as to local advocates at the Area Agencies on Aging. Presentations emphasize educational materials and events available to the public. The materials made available are:

- The Legal Guide for Long-Term Care Planning
 - A thorough and detailed explanation of elder law for laypersons
- Single-topic Pamphlets on Specific Legal Issues
 - Advanced Directives Made Easy
 - Power of Attorney Made Easy
 - Consumer Debt Made Less Difficult
 - Renting a Home: What Every Tenant Should Know

LEGAL RESOURCES

The program collaborates with other statewide and federal programs to resolve legal issues presented by seniors and their families. This may include programs such as SNAP and TANF.

PRIVATE ATTORNEY SUPPORT

Pro Bono-Modest Means

Attorneys have a professional and ethical obligation to provide free or low cost services to persons in need. As such, the Pro Bono-Modest Means program will assist with cases to encourage and facilitate private attorney support:

- Factual investigation of and liaison for the case, resulting in a memo detailing relevant facts, evidence, and witnesses in the matter.
- Research legal issues resulting in a memorandum, citing cases, and statutory and administrative law.
- Evaluate the merit and feasibility of potential legal action in a case; the alternatives to legal action; and determine the cost-benefit of attorney involvement. These evaluations are performed prior to referring the matter to an attorney.
- Provide ongoing support services for attorneys including paralegal services and elder law information and resources.



Simple steps to help keep your personal information safe

- 1** Don't provide your Social Security number unless it's absolutely necessary. It's the key to your identity.
- 2** Remove extra information from your checks. Merchants cannot require you to write your Social Security number, date of birth or phone number on a check.
- 3** Check your bank and credit card statements as soon as you get them. Report any discrepancies immediately.
- 4** Never give out bank or credit card information over the phone unless you initiated the call and know the business to be reputable.
- 5** Never respond to an e-mail or pop-up message asking you to confirm or verify account information, even if it looks official. Instead, call the customer service number on the company's billing statement to check an account.
- 6** Shop online only with reputable businesses and make sure the site is secure before providing credit card information.
- 7** Shred or destroy any documents that contain account or personal information, including prescriptions, receipts, bank deposit slips, pay stubs, expired credit cards, insurance policies and credit card applications.





10 Tips for Choosing a Contractor

To protect yourself and make sure you find the best contractor for your job:

- 1 Research your project.** Know what the job involves. Prepare a detailed list of the work to be done and the types and costs of materials that should be used.
- 2 Get the names of several contractors.** Friends and neighbors who have undertaken similar projects, trade associations, and hardware, building supply and home improvement stores may be good sources of reputable contractors.
- 3 Check references.** Try to get at least three references from actual customers, not just from people who know the contractor personally.
- 4 Get written bids on your job.** Get at least two or three written bids for your project. Never accept a verbal estimate.
- 5 Compare bids.** Check carefully to be sure each bid includes everything you want. Remember, less reputable contractors may cut corners to lower their bids.
- 6 Make sure the contractor is registered.** You can check online at http://erdcr.dli.mt.gov:8910/CR_Parms.htm. However, registration is not an endorsement or a guarantee of good work. ►►

You're not alone
out there.

**The Montana Office of
Consumer Protection works
to make sure you don't become
a swindler's next victim.**

Arming yourself with knowledge,
and learning about available
resources are the first lines of
defense against fraud and deception.

The advice and resources in
this guide will help you make
well-informed decisions to protect
your privacy, your purchases,
and your peace of mind.



Talk to your family.
Talk to your friends.
Talk to us.



Attorney General Tim Fox
Montana Office of Consumer Protection
P.O. Box 200151
Helena, MT 59620-0151

Phone: 1-800-481-6896
E-mail: contactocp@mt.gov

www.consumerprotection.mt.gov

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Your rights. Your privacy.
Your peace of mind.



Credit Card Debt

College students and young adults are bombarded with credit card offers—usually at high interest rates. Because credit cards are so convenient, it is easy to spend more than you realize.

Even with a low interest rate, if you only pay the minimum monthly payment, that “bargain” will cost far more than you realize.

If you buy something for \$200 on a credit card with an 18.5% interest rate:

Amount charged:.....	\$200
Minimum monthly payment:	\$5
Time to pay off balance:.....	5 years, 3 months
Interest paid:	\$113.37
Total cost of item:	\$313.37

If you make double the minimum payment:

Monthly payment:.....	\$10
Time to pay off balance:.....	2 years, 1 month
Interest paid	\$40.97
Total cost of item:	\$240.97

If you buy something that costs \$2,000 and pay only the minimum:

Amount charged:.....	\$2,000
Minimum monthly payment:	\$35.55
Time to pay off balance:	11 years
Interest paid:	\$2,700
Total cost of item:	\$4,700

Online payment calculator:

webwinder.com/wwhtmbin/java_cci.html





Credit Counseling Services

Are you overwhelmed by debt and looking for help?
Be cautious. Not all credit counseling services are legitimate.
In Montana, two types of credit counseling services must
be licensed:

- pre-bankruptcy credit counseling
- debt management plan services, which can be
an alternative to bankruptcy by helping consumers
develop a structured repayment plan.

Pre-Bankruptcy Credit Counseling

To file for bankruptcy, an applicant is usually required to go
through pre-bankruptcy credit counseling. Agencies that provide
this service are licensed by the U.S. Department of Justice.

A list of licensed credit counseling agencies is available at
www.usdoj.gov/ust/eo/bapcpa/ccde/cc_approved2.htm.

Debt Management Plan Services

Under a debt management plan, you agree to deposit
money each month into an account with a credit counsel-
ing company. The company then distributes this money to
your creditors to repay your debts. The repayment plan may
take several years to complete. ►►



Do-Not-Call Lists

Are you fed up with having your evenings interrupted by calls from telemarketers?

You can stop almost all telemarketing calls by registering on the Montana Do-Not-Call list.

Registering is free and easy.

You can register your home and cell phone numbers.

Your numbers will stay on the list for five years, unless you remove them.

Montana's Do-Not-Call list is shared with the Federal Trade Commission (FTC), which operates the national registry. If you sign up on one, you are automatically placed on the other list as well.

How to sign up

- 1** Call (888) 382-1222 or TTY (866) 290-4236 from the phone number you wish to add. For example, to add your home phone number, you must call using your home telephone.
or
- 2** You can add up to three numbers by signing up online with the National Do Not Call Registry at www.donotcall.gov.

Three months after you sign up, telemarketers can no longer call you. ►►



End-of-Life Registry

The End-of-Life Registry helps Montanans convey their wishes for end-of-life care. The online Registry stores these instructions, known as advance directives, and makes them easily accessible to health care providers.

The Registry is secure, free and available 24 hours a day, 7 days a week.

Advance Health Care Directives provide instructions about the level of health care someone wants or does not want in the event that they become terminally ill and unable to speak for themselves.

Your advance directive can be a short, simple statement expressing your values and choices. It may be handwritten or typed, or on a form provided by:

- a hospital
- other organizations such as Hospice or Caring Connections
- the Consumer Protection website

To be valid, your directive must be signed by two witnesses.

The Registry does not provide legal advice or legal services.

Consumers should consult their doctor, family, attorney or agencies that specialize in end-of-life care choices about any questions they may have. ➡



Fair Debt Collection

Your rights

Under the Fair Debt Collection Practices Act, within five days after you are first contacted, the debt collector must send you written notice telling you:

- the amount of money you owe
- the name of the creditor to whom you owe the money
- what action to take if you believe you do not owe the money

The debt collector cannot contact you if, within 30 days after you receive the written notice, you send the collection agency a letter stating that you do not owe the money. However, if the collection agency sends you proof of the debt, like a copy of the bill for the amount owed, it can continue the collection process.

If you are summoned to appear in court regarding a debt, go. If you do not appear, the creditor will get a default judgment against you that includes court costs and collection fees.

What Debts are Covered?

Personal, family and household debts are covered under the Act. This includes money owed for medical care, charge accounts, credit cards and car loans.

What is a Debt Collector Allowed to Do?

If you have an attorney, the debt collector must contact the attorney rather than you. If you do not have an attorney, a debt collector may contact other people, but only to find out where you live, what your phone number is, and where you work.

Debt collectors can add fees, interest and other charges. If a judgment is made against you, they may also garnish your wages or file liens against you for repayment.





Junk Mail Lists

Every day the mail box is stuffed full of junk—unsolicited catalogs, special offers, sweepstakes entries, “pre-approved” credit offers and more.

Marketers get names and addresses from other mail order companies, compile them from market survey forms and product registration cards, or use the names of customers of “affiliated” businesses.

The more information you make available, the more likely you will be a target for junk mail, telemarketers, spam e-mail and scams.

To reduce the availability of your information:

- Provide only the necessary information on incentive, rebate and warranty registration forms. Don’t answer the marketing questions or include your phone number or e-mail address.
- Be cautious about responding to “surveys.” Some may be just a con artist’s way of stealing your identity.
- Never respond to e-mails or telephone calls asking you to provide or confirm personal or account information.

To remove your name from junk mail lists, contact the Privacy Rights Clearinghouse at:
www.privacyrights.org.





Phishing Scams

E-mail scams and “phishing” are attempts to trick consumers into disclosing their personal or financial information. While online banking and e-commerce are generally safe, as a rule you should be very careful about giving out your personal financial information over the Internet.

Fake websites instruct consumers to “reenter” their credit card numbers, Social Security numbers, bank PINs or other personal information. If consumers provide the information requested, the data goes straight to the scammers, not to the legitimate company.

How to spot a phishing e-mail

Always be suspicious of any urgent, unsolicited e-mail that requests your personal financial information.

Typically, phishing e-mails:

- appear to come from companies with whom consumers may regularly do business.
- include upsetting or exciting (but untrue) statements. They may even threaten to close an account unless consumers act immediately.
- contain links to look-alike or “spoof” websites that use the legitimate company’s trademarked logos and images. They might include features you see on secure sites, like an address that begins with “https://” and the yellow lock symbol.





Predatory Lending

Millions of Americans dream of owning a home. Unfortunately, some lenders take advantage of this situation by preying on unsuspecting consumers through “predatory lending.”

What is Predatory Lending? Predatory lending refers to the deceptive practices some lenders use to convince borrowers to agree to loans with unfair or hidden terms.

While some lenders may promise economic independence, they are really offering financial ruin.

Consumers may find that what seems like an easy payment plan doesn’t take into account things like:

- costly “balloon” payments
- unreasonable front-end fees
- high prepayment penalties

Not only do unscrupulous lenders make money on these hidden costs, they may intentionally sell you a loan you cannot afford in the hope that they can take the property that secures the loan when you fail to make the payments.

Avoid Being a Victim. Know your loan. Get it in writing, read it and ask questions. Make sure all terms are spelled out in the written contract. Do not leave any blank spaces in the contract. Make sure you understand what you are signing. If you don’t understand something, get help from a banker, accountant, lawyer or investment advisor. ►►

10



Tips for Renters

To protect yourself, know your rights and responsibilities as a renter:

- 1** Put it in writing. Your rental agreement or lease should include all the terms you discuss with your landlord.
- 2** Read your rental agreement. Know what the landlord expects of you and what you can expect from the landlord, before you sign.
- 3** Get a signed statement of the property's condition. This way damage caused by previous tenants cannot be withheld from your security deposit.
- 4** Promptly report any needed repairs in writing. Landlords are responsible for maintaining the property so it is safe and livable.
- 5** Document any unauthorized entry by the landlord. Landlords are required to give 24 hours notice except in emergencies. However, you cannot change the locks without getting the landlord's permission and providing a copy of the new key.
- 6** Pay rent and utilities on time. Not paying your rent can lead to eviction. However, a landlord cannot shut off your utilities or change your locks to force you to move.
- 7** Be a responsible renter. Montana law allows tenants who cause damage or destruction to be evicted. ➤➤

How to temporarily lift a freeze

To open a new credit account, take out a new loan or allow a background check, consumers need to temporarily lift the security freeze on their credit files. It can be lifted for a specific period of time or for a specific creditor.

- Call each of the credit bureaus and use your PIN.
- Specify whether you want to temporarily lift the freeze for a specific date range or creditor.
- Pay the \$3 lift fee to each credit bureau.

How to permanently remove a security freeze

You can permanently remove a security freeze at any time by calling the credit bureaus and using your PIN. There is no fee for permanently removing a security freeze.

Fraud alerts

People who suspect they may be identity theft victims can have a special message called a fraud alert placed on their credit reports. It tells credit issuers there may be fraudulent activity on an account.

A fraud alert is not the same as a security freeze. While a fraud alert may slow down issuing new credit, it does not stop it. A security freeze will stop someone else getting new credit in your name.



Security Freeze

A security freeze allows Montana consumers to proactively “lock up” their credit information so no one can access it without their permission. This prevents a thief from falsely using someone else’s identity to take out a new mortgage, apply for a credit card or get financing.

The freeze is easily lifted if consumers plan to make a major purchase, open a new credit card or take out a loan.

Cost

There are three major credit bureaus—Experian, Equifax and TransUnion. You must freeze your credit file with all three bureaus for the freeze to be effective.

- \$3 per credit bureau, for a total cost of \$9 for a freeze with all three credit bureaus.
- For married couples, both spouses have to freeze their separate credit files for a total cost of \$18.
- For identity theft victims who provide a copy of a police report of identity theft, a freeze is free.
- To temporarily lift a freeze also costs \$3 per credit bureau.
- There is no fee to permanently remove a security freeze.



Your rights.
Your privacy.
Your peace of mind.

**Montana Office of
Consumer Protection**
www.doj.mt.gov/consumer
(406) 444-4500 • (800) 481-6896





Sweepstakes

**"Congratulations, You have won \$100,000!
You are hereby notified that you are a winner..."**

We all dream about winning big and how we would spend the winnings. Sweepstakes scams thrive because they make you believe your dreams might have come true.

Remember these tips:

- **Don't be fooled by official-looking mail.** It's not legitimate just because the envelope is marked "urgent" and the contents look impressive.
- **Don't give out personal information.** No legitimate company will ever need your Social Security, bank account or credit card numbers to declare you a winner.
- **Don't pay to win.** Buying goods or services won't increase your chances of winning, and you cannot be required to buy something before you collect a prize.
- **Don't send money for taxes.** If you win a prize, you will never pay taxes directly to the sweepstakes company. Only the government collects taxes.

Remember, prizes are always free.



- Before you sign anything, make sure you read and understand it. Watch for and correct any blank spaces left in the contract.
- On your loan, know:
 - amount of monthly payment
 - interest rate
 - duration
 - total amount owed
- Get any spoken promises in writing and insist on copies of all paperwork.

USE CAUTION: If you are buying a used car advertised in the newspaper or that was parked with a for-sale sign in the window, be especially cautious. Vehicles that have been stolen, flooded or wrecked may be sold this way by con artists posing as the original owners.



Buying a Used Car

Before you go shopping for a vehicle:

- Consider the price range that fits your budget. Set a limit you can afford and stick to it. Remember to add in insurance and license costs.
- Decide what kind of vehicle you want and what features are important to you—like fuel economy, towing or cargo capacity and other options. Visit online car buying sites to review vehicles that interest you.
- Get your credit report and credit score. You can get this information from the credit bureaus. The higher your score, the better the interest rate you qualify for.
- Check with your bank. Find out the current interest rate for car loans and whether you qualify for a loan. Your bank may be able to provide a better loan than one you'd get from a car dealer.
- Check the “blue book” value of the car you might buy, as well as the value of the one you presently own. You can review used car values in:

Kelley Blue Book: www.kbb.com

NADA Guide: www.nadaguides.com



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GLAC



Gallatin Legal Assistance Clinic

Providing direct legal assistance to Montana's low-income families

What is GLAC?

The Gallatin Legal Assistance Clinic (GLAC) is an independent program organized by a group of Gallatin County volunteer legal professionals. GLAC provides free legal assistance to people with limited income who are representing themselves in family law legal matters.

The legal assistance clinics take place on a regular schedule and are staffed by volunteer attorneys who provide their services at no cost to you or to GLAC. This is why GLAC services are only available to people who meet certain income requirements.

People who wish to receive services of an attorney through GLAC must follow some steps first. Those steps will improve your chance of getting the help you need and from whom you need it. You will receive information about what you need to do after you make an appointment.

GLAC is not a self-help legal service center. You should first visit the [Gallatin County Self-Help Law Center](#) to receive assistance in finding available resources, information or paperwork about your family law matter. See below panel for information about the Self-Help Law Center and other legal resources.

What types of legal issues can GLAC help me with and how?

GLAC provides legal assistance only in family law matters. This includes dissolutions (divorce) and matters relating to children of a marriage or relationship (parenting plans and child support). Volunteer attorneys can answer your questions and give you advice about your legal options; review and answer questions about the legal paperwork you have already prepared or assist you in deciding on the correct information to include in the parts of your documents you aren't sure about. You cannot receive services from GLAC if you are already represented by a lawyer. If you were previously represented by a lawyer and aren't sure if you still are, make sure you mention this when calling to make an appointment.

How do I qualify for GLAC services?

Because GLAC services are provided to you for free by volunteer attorneys, you must be income eligible. When you call to make an appointment, you go through a brief financial screening before you are able to schedule a time.

What will happen at the Legal Clinic?

Legal Assistance Clinics are scheduled on a regular basis, but how often and where the Clinics take place may change from time to time. When you call to make an appointment, you will be informed about available dates and times as well as the Clinic location.

When calling to make an appointment, make sure you know for certain when you cannot make an appointment. If you do not show up for your appointment, you may not get a chance to reschedule.

Montana Legal Services Association (MLSA) provides financial screening for the GLAC. The number below is for appointments only. If you wish to contact MLSA for other legal assistance, call the MLSA Helpline (see below).

When calling to make an appointment, have your income information available. You cannot make an appointment with an attorney at GLAC until you have been financially screened.

Can I come back to the Legal Clinic for additional help?

LEGAL ADVICE CLINIC – FAMILY LAW



Monthly every third Wednesday from 5-7PM

211 N. Higgins, 4th Floor
Missoula, Montana

SPACE IS LIMITED, YOU MUST REGISTER TO PARTICIPATE

Advice will be limited to family law matters, including adoption, guardianship, parenting and dissolution of marriage

Contact:

Western Montana Bar Association Pro Bono Coordinator
406-240-3548

- Inform the Coordinator that you would like an appointment for the free legal advice clinic – specify the date
- You must qualify financially (150% of federal poverty guidelines)

MontGuides: Priceless Resources to All Montanans

by Twyla Sketchley

Dr. Marsha Goetting is an Extension specialist in Family Economics at Montana State University (MSU), which is housed in the Department of Agriculture Economics and Economics in the College of Agriculture. MSU is a land grant institution with a mandate to provide teaching, research, and service to the people of Montana. Goetting is part of a network of Extension agents based in Montana's counties, Indian reservations and tribal colleges, and specialists who are based on MSU's campus. The focus of extension is to empower individuals, families and communities to apply unbiased, research-based information to make informed decisions. The work of an Extension specialist, like Goetting, seems an odd subject to profile for attorneys. However, Goetting's work can be a great resource for attorneys and clients, particularly those with elder law related questions.

Goetting develops MontGuides. MontGuides are fact sheets to educate the public on topics ranging from Montana Medical Care Savings Accounts to Medicaid and long-term care Costs. MontGuides started with the help of Montana attorneys.

More than three decades ago, Goetting approached the State Bar of Montana's Section on Taxation and Probate to ask members to review a 13-lesson study-at-home course about estate planning she was developing for Montana Extension Agents. She was apprehensive appearing before such an auspicious group in her new position. She sought the assistance of these attorneys to respond to Extension agents' requests to provide programming in an area she had no background -- estate planning. Her goal was to pilot the study-at-home course with Extension agents and then revise the individual lessons for distribution to the general public, emphasizing that the publications were NOT intended to be a substitute for legal advice. Rather these guides would be designed to help families become familiar with Montana and federal laws in the estate planning area. The Section formed a Public Service Committee. This committee reviewed the lessons for legal accuracy and made suggestions for improvement.

A revised 10-lesson study-at-home course with weekly mailings was made available in 1980. Over 6,000 Montanans signed up for the course, overwhelming the Extension publication budget. This demand prompted Dr. Goetting to again approach the Montana State Bar for help, requesting \$6,000. The Board of Trustees approved the request and MontGuides were born.

Since 1980, many members of the Business, Estates, Trusts, Tax and Real Property Section and in more recent years, members of the Elderly Assistance Committee, have been involved in the review of 36 different MontGuides that provide information to the general public in the estate planning arena. Dedicated Montana State Bar members have provided excellent suggestions and valued knowledge for improvement in content in the MontGuides as changes in state and federal laws necessitated revisions. These MontGuides are now all available online at <http://www.montana.edu/estateplanning/eppublications.htm>. Those of particular interest to Elder Law attorneys include:

[Accessing a Deceased Person's Financial Accounts.](#) (MT200301HR) (2012)

Describes how heirs of a deceased person can access his/her financial accounts, depending on whether the accounts were owned jointly with other individuals, had payable-on-death or transfer-on-death designations, or had no designated beneficiary.

[Annuities.](#) (MT199213HR) (2013)

Outlines how to shop for and choose an annuity and how one can help individuals achieve retirement and estate planning goals.

[Beneficiary Deeds in Montana.](#) (MT200707HR) (2014)

Long-Term Care Partnership Insurance in Montana (MT201202HR) (2014)

Provides basic information about the Montana long-term care partnership insurance program, tax benefits, and shopping tips.

Medicaid and Long-Term Care Costs. (MT199511HR) (2014)

Outlines the legal and tax ramifications, as well as impacts on emotional and physical health of financing long-term care.

Montana's End-of-Life Registry. (MT200602HR) (2014)

Answers commonly asked questions about the Montana End-of-Life Registry.

Montana Rights of the Terminally Ill Act. (MT199202HR) (2012)

Describes how a person can choose to terminate his/her medical treatment, should the person have an incurable and irreversible condition that would lead to death without treatment.

Nonprobate Transfers. (MT199509HR) (2011)

Describes the various forms of ownership that allow the deceased's property to bypass probate and transfer directly to beneficiaries.

Personal Representative. (MT199008HR) (2012)

Explains Montana law covering personal representatives in settling estates (often called "executor" in other states).

Power of Attorney. (MT199001HR) (2013)

Explains how to give another person authority to make financial decisions for you through a legal document known as a power of attorney. Information about the Montana Uniform Power of Attorney Act that was passed by the 2011 Montana Legislature is provided. Features of the new Statutory Power of Attorney form are also explained.

Probate in Montana. (MT199006HR) (2012)

Provides guidelines and costs for the process of settling the estate of a deceased person.

Provider Orders for Life-Sustaining Treatment (POLST). (MT201112HR) (2011)

Gives control over medical treatments near the end of life. Once signed by you and your physician, nurse practitioner, or physician assistant, the POLST form is recognized as an actual medical order that will be honored by all Montana health care providers.

Revocable Living Trusts. (MT199612HR) (2010)

Defines and explains the benefits, shortfalls, costs and tax consequences of living trusts, including how it may affect nursing home care costs.

Settling an Estate: What Do I Need to Know. (MT201004HR) (2010)

Designed to help survivors start the process of settling an estate and ease the burden following the death of a loved one. It discusses tasks in the order they are commonly completed.

Transferring Your Farm or Ranch to the Next Generation. (EB 149) (2014)

Includes sections on starting a conversation with family members who are in denial or reluctant to discuss the situation; how to pinpoint your own and family members' expectations; identifying what is important to each generation; and options for ownership. Several worksheets are included to help both parents and adult children identify their goals and expectations.

MONTANA MEDICAL LEGAL PANEL

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MONTANA MEDICAL LEGAL PANEL INFORMATION GUIDE

1. INTRODUCTION: The Montana Medical Legal Panel (MMLP/Panel) was enacted into law effective April 19, 1977, with the strong support of the Montana Medical Association, Montana Hospital Association and the State Bar of Montana. Before 1977 medical malpractice suits were often filed unnecessarily. There was also a complete absence of data about malpractice incidents in Montana, which is relevant to risk prevention and the quality of health care delivery. After enacting the MMLP Rules of Procedure, approved by the Montana Supreme Court, the Panel administrative office began processing claims in 1978. Jurisdiction of the Panel was extended to Long Term Care Facilities in 1980; Dentists were added to the Panel in 1987 and Podiatrists in 1997. The Panel has always been funded solely by assessments levied on health care providers and is audited annually by the State Legislative Audit Committee.

The Montana Medical Legal Panel Rules of Procedure can be viewed online at:

www.montanamedicallegalpanel.org.

2. PURPOSE OF THE PANEL: Rule 3 of the MMLP Rules of Procedure states:
“The purpose of the Panel is to prevent, where possible, the filing in court of actions against health care providers and their employees for professional liability in situations where the facts do not permit at least a reasonable inference of malpractice and to make possible the fair and equitable disposition of such claims against health care providers as are or reasonably may be well founded.”

3. PANEL COMPOSITION: Six panel members are selected to review each claim: three attorneys (one designated as Chairperson) and three health care providers generally from the same specialty as the named health care providers. However, under certain circumstances parties may stipulate to a different composition of panel members.

4. ROLE OF PANEL MEMBERS: A Panel Member must be impartial and be prepared to hear the case by reviewing the materials provided prior to hearing. Claim materials will arrive approximately one month prior to the date set for hearing on a CD and will be password protected. You must call the MMLP at (406) 443-1110 during office hours (8:00 a.m. – 5:00 p.m. M-F) to obtain your password. Please note all records referred to at the hearing will be projected on a screen for everyone to view. Panel members should keep record of the time spent reviewing claim materials. Expense Reimbursement Request forms will be distributed at the hearing. Be certain to bring all claim materials with you as everything will be collected and secured by MMLP staff when the hearing has concluded.

5. ROLE OF A PANEL CHAIRPERSON: The Chairperson may occasionally be required to make a ruling if the parties are unable to agree on a matter. The Chairperson may consult with the MMLP Director for guidance if an Order is to be drafted. A Panel hearing is an important process for all parties but is an informal proceeding. During a Panel hearing there are no set procedural or evidentiary rules, unlike a jury trial where there are both rules of procedure and evidence. The goal is to allow both sides to present their case. There is no transcript of the proceeding unless the parties stipulate to the contrary. The process calls for a great deal of good judgment by the Chairperson.

subject to the Rules of Evidence and the Chairperson needs to exercise a good deal of discretion before deciding to exclude any testimony.

11. CLAIMANT'S TESTIMONY - CROSS EXAMINATION BY THE OPPOSING PARTY: After the direct-examination of each witness called by the claimant, counsel for the health care provider may ask cross-examination questions.

12. CLAIMANT'S TESTIMONY - QUESTIONS BY THE PANEL MEMBERS: After each witness has offered direct examination, and has been asked the cross examination questions by the health care provider, the Panel members may ask questions of the witnesses.

13. CLAIMANT'S TESTIMONY - REDIRECT AND RECROSS EXAMINATION: After questioned by the Panel members, further questions may be asked of the claimant or other witnesses called by the claimant, followed by further cross examination questions by the health care provider and also by the Panel members. Once the claimant has presented all of the claimant's evidence the claimant will advise the Chairperson that they have concluded their case.

14. HEALTH CARE PROVIDER'S TESTIMONY - DIRECT EXAMINATION---CROSS EXAMINATION---AND QUESTIONS BY THE PANEL: After the claimant's testimony has been concluded the health care provider will present their testimony which will then be subject to cross examination by the claimant and questions by the Panel members in the same manner as outlined above for evidence presented by the claimant.

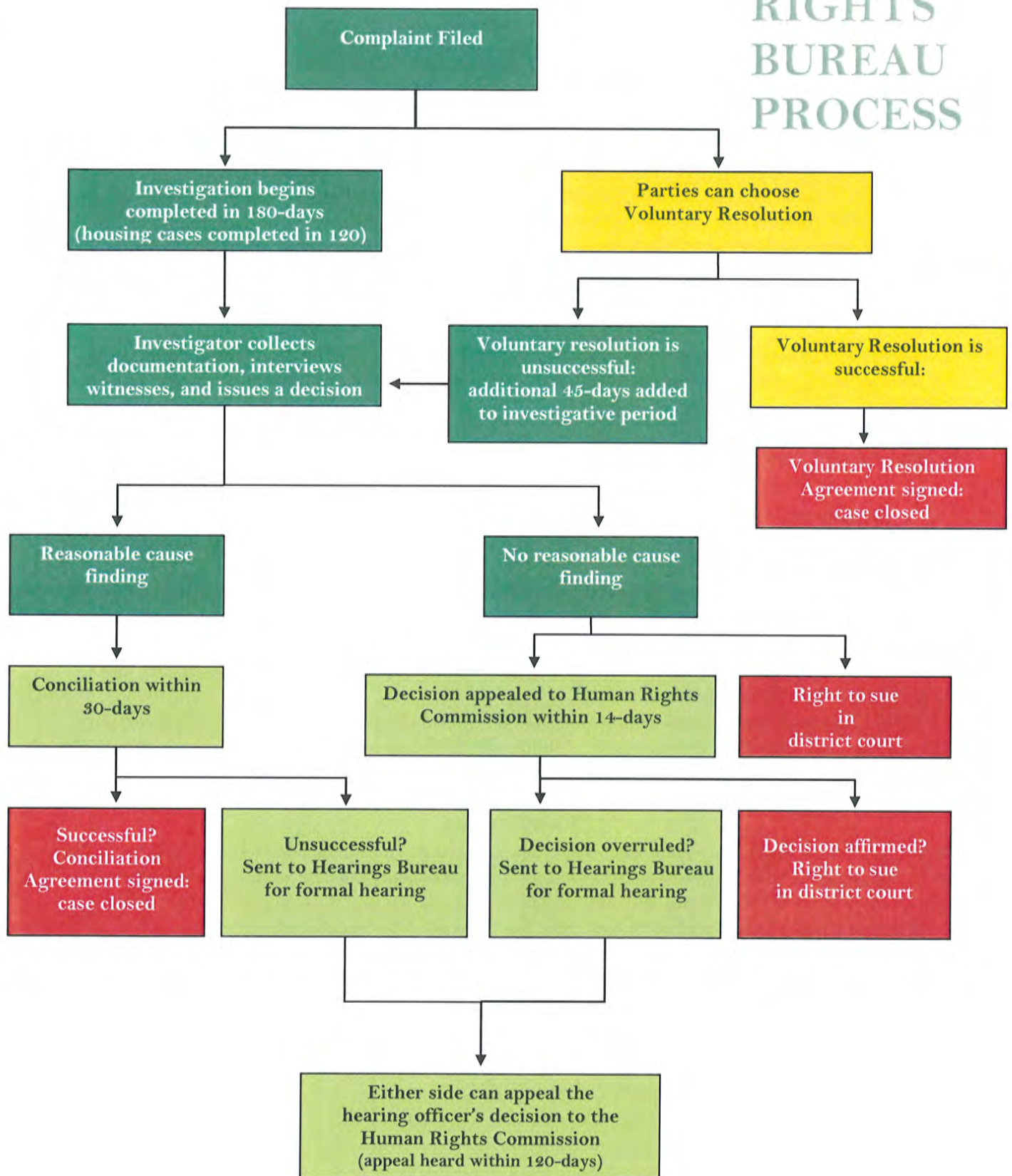
15. EXHIBITS: All exhibits must be identified during the prehearing telephone conference call and are to be submitted to the MMLP and exchanged between the parties two weeks prior to the date set for hearing, unless a different timeline is stipulated to at the time of the call. The MMLP will provide copies to the Panel members. Any other exhibits offered by a party, which were not identified at the prehearing teleconference and exchanged by the parties, shall not be admitted unless by agreement of the parties at the hearing.

16. OBJECTIONS MADE DURING PANEL HEARING: Any party may make objections during the Panel hearing and those must be ruled on by the Chairperson. In doing so, the Chairperson should keep in mind that the Panel hearing is not subject to the Rules of Evidence and exercise good judgment in terms of what seems to be fair and reasonable under the circumstances.

17. CLOSING ARGUMENTS: After the parties have submitted their evidence, closing arguments may be made by the parties if they choose to do so but should be kept short, as the Panel members will have heard the presentations by both claimant and health care providers and will have a good understanding of the case. Therefore, any closing arguments should be in summary form rather than a detailed review and recitation of all of the evidence that has been presented, as might be done in a jury trial. Parties and their attorneys need to keep in mind that following the presentation of all the evidence in the claim, the Panel members stay and deliberate, where the parties must leave the hearing room. Also, unlike a jury trial where the plaintiff argues, followed by the defendant arguing and then the plaintiff has a rebuttal argument, at the Panel hearing the claimant will first argue and that will be followed by the health care provider's closing argument and that will end the closing arguments.

18. CLOSING PROCEDURE: Once the closing arguments are finished the Chairperson will advise the parties that the Panel will now deliberate. The parties and their attorneys are then excused and must leave the hearing room. To learn of the Panel's decision, the parties may call the Medical Legal Panel office rather than asking or talking to any of the Panel members. None of the Panel members should be placed in a position where they are asked to engage in conversations with any of the parties or their attorneys. Upon request the Decision may be emailed to the parties the same day as the hearing, or if time does not permit, the following work day.

HUMAN RIGHTS BUREAU PROCESS



Please note Montana Human Rights Bureau does not award damages.