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INTRODUCED BY Senate BILL NO. 356
Terrance J. Roberts

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A STATUTE OF LIMITATIONS FOR LEGAL MALPRACTICE ACTIONS AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Definitions. As used in this act, the following definitions apply:

(1) "Attorney" means a person who is licensed to practice law by the supreme court of the state of Montana.

(2) "Paralegal assistant" means a person employed by an attorney within the state of Montana who has successfully completed a program of study in paralegal training and holds himself out to be a paralegal.

(3) "Legal intern" means a person attending a law school accredited by the American bar association who is employed by an attorney with the state of Montana.

Section 2. Actions for legal malpractice. An action against an attorney, a paralegal assistant, or a legal intern based upon the person's alleged professional negligent act or for error or omission in the person's practice must be commenced within 3 years after the plaintiff discovers, or through the use of reasonable

diligence should have discovered the act, error, or omission, whichever occurs last, but in no case may the action be commenced after 10 years from the date of the act, error, or omission.
Section 3. Effective date. This act is effective on its passage and approval.

-End-

INTRODUCED BILL

SB-356

Approved by Committee
on Judiciary

SENATE BILL NO. 356

INTRODUCED BY TURNAGE, TONE, ROBERTS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A
STATUTE OF LIMITATIONS FOR LEGAL MALPRACTICE ACTIONS AND
~~PROVIDING AN IMMEDIATE EFFECTIVE DATE TO CLARIFY THE EFFECT~~
~~OF DISABILITIES ON STATUTES OF LIMITATIONS; AMENDING SECTION~~
~~93-2703, R.C.M., 1947."~~

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

~~Section 1. Definitions. As used in this act, the~~
~~following definitions apply:~~

~~(1) "Attorney" means a person who is licensed to~~
~~practice law by the supreme court of the state of Montana;~~

~~(2) "Paralegal assistant" means a person employed by~~
~~an attorney within the state of Montana who has successfully~~
~~completed a program of study in paralegal training and holds~~
~~himself out to be a paralegal;~~

~~(3) "Legal intern" means a person attending a law~~
~~school accredited by the American bar association who is~~
~~employed by an attorney with the state of Montana;~~

Section 1. THERE IS A NEW R.C.M. SECTION NUMBERED
93-2625 THAT READS AS FOLLOWS:

93-2625. Actions for legal malpractice. An action
against an attorney LICENSED TO PRACTICE LAW IN MONTANA, OR

a paralegal assistant, or a legal intern EMPLOYED BY AN
ATTORNEY, based upon the person's alleged professional
negligent act or for error or omission in the person's
practice must be commenced within 3 years after the
plaintiff discovers, or through the use of reasonable
diligence should have discovered the act, error, or
omission, whichever occurs last, but in no case may the
action be commenced after 10 years from the date of the act,
error, or omission.

SECTION 2. SECTION 93-2703, R.C.M., 1947, IS AMENDED TO
READ AS FOLLOWS:

"93-2703. Exception as to persons under disabilities.
If a person entitled to bring an action, mentioned in
sections 93-2601 to 93-2609 or sections 93-2613 to 93-2618,
Title 93, chapter 26, be, at the time the cause of action
accrued, either:

1. Within the age of majority; or,
2. Insane; or,
3. Imprisoned on a criminal charge, or in execution
under the sentence of a criminal court for a term less than
for life;
the time of such disability is not a part of the time
limited in sections 93-2401 to 93-2720 for commencing the
action; except that the time so limited cannot be extended
more than five years by any such disability, except infancy;

1 or, in any case, more than one year after the disability
2 ceases."

3 ~~Section 3e--Effective date. This act is effective on~~
4 ~~its passage and approval~~

-End-

SENATE BILL NO. 356

INTRODUCED BY TURNAGE, TOWE, ROBERTS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A STATUTE OF LIMITATIONS FOR LEGAL MALPRACTICE ACTIONS AND PROVIDING AN IMMEDIATE EFFECTIVE DATE TO CLARIFY THE EFFECT OF DISABILITIES ON STATUTES OF LIMITATIONS; AMENDING SECTION 93-2703, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. ~~Definitions. As used in this act, the following definitions apply:~~

(1) ~~"Attorney" means a person who is licensed to practice law by the supreme court of the state of Montana.~~

(2) ~~"Paralegal assistant" means a person employed by an attorney within the state of Montana who has successfully completed a program of study in paralegal training and holds himself out to be a paralegal.~~

(3) ~~"Legal intern" means a person attending a law school accredited by the American bar association who is employed by an attorney with the state of Montana.~~

Section 1. ~~THERE IS A NEW R.C.M. SECTION NUMBERED 93-2625 THAT READS AS FOLLOWS:~~

~~93-2625. Actions for legal malpractice. An action against an attorney LICENSED TO PRACTICE LAW IN MONTANA, OR~~

a paralegal assistant, or a legal intern EMPLOYED BY AN ATTORNEY, based upon the person's alleged professional negligent act or for error or omission in the person's practice must be commenced within 3 years after the plaintiff discovers, or through the use of reasonable diligence should have discovered the act, error, or omission, whichever occurs last, but in no case may the action be commenced after 10 years from the date of the act, error, or omission.

SECTION 2. SECTION 93-2703, R.C.M. 1947, IS AMENDED TO READ AS FOLLOWS:

"93-2703. Exception as to persons under disabilities. If a person entitled to bring an action, mentioned in sections 93-2601 to 93-2609 or sections 93-2613 to 93-2618, Title 93, chapter 26, be, at the time the cause of action accrued, either:

- 1. Within the age of majority; or,
- 2. Insane; or,
- 3. Imprisoned on a criminal charge, or in execution under the sentence of a criminal court for a term less than for life;

the time of such disability is not a part of the time limited in sections 93-2401 to 93-2720 for commencing the action; except that the time so limited cannot be extended more than five years by any such disability, except infancy;

1 or, in any case, more than one year after the disability
2 ceases.*

3 ~~Section 3. Effective date. This act is effective on~~
4 ~~its passage and approval~~

-End-