INTRODUCED BY Tungl Per 1 2

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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."

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

9 Section 1. Definitions. As used in this act, the 10 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 nauligent act or for error or omission in the person's practice must be commenced within 3 years after the 25 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

3 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-

58354

45th Legislature

\$8 0356/02

Approved by Committee on Judiciary

STATUTE OF LIMITATIONS FOR LEGAL MALPRACTICE ACTIONS AN PROVIDING AN-IMMEDIATE EFFECTIVE DATE TO CLARIFY THE EFFECT OF DISABILITIES ON STATUTES OF LIMITATIONS: AMENDING SECTION 23-2703; RaCaMa 1947." BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1: Definitions As used in this acty to following definitions apply: (1) "Attorney" means a person who is licensed to practice law by the supreme court of the state of Montana person employed to an attorney within the state of Montana who has successfull completed a program of study in paralegal training and hale himself out to be a paralegal: (3) "Legal intern" means a person attending a legal school—accredited—by the American bar association who is school accredited—by the American bar association who is school accredited. 22 Section 1 IHERE IS A NEW R. C. M. SECTION NUMBERS 93-2625 THAT READS AS EDLLOWS:		
A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR STATUTE OF LIMITATIONS FOR LEGAL MALPRACTICE ACTIONS AN PROVIDING AN IMMEDIATE EFFECTIVE DATE TO CLARIFY THE REFECT OF DISABILITIES ON STATUTES OF LIMITATIONS: AMENDING SECTION BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Definitions As used in this acty to following definitions apply: (1) "Attorney" means a person who is licensed to practice law by the supreme court of the state of Montanas (2) "Paralegal assistant" means a person employed to completed a program of study in paralegal training and hold himself out to be a paralegal. Completed a program of study in paralegal training and hold himself out to be a paralegal. Section 1. IHERE IS A NEH R.C.H. SECTION NUMBERS 93-2625 THAT READS AS FOLLOWS:	ı	SENATE BILL NO. 356
A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR STATUTE OF LIMITATIONS FOR LEGAL MALPRACTICE ACTIONS AS PROVIDING AN IMMEDIATE EFFECTIVE DATE TO CLARIFY THE EFFECT OF DISABILITIES ON STATUTES OF LIMITATIONS: AMENDING SECTION 32-2702; 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 in practice law by the supreme court of the state of Montana; (2) "Paralegol assistant" means a person employed to an attorney within the state of Montana who has successfull completed a program of study in paralegal training and hold himself out to be a paralegal. (3) "Legal intern" means a person attending a legal malpractice and action section 1. THERE IS A NEH R.C.H. SECTION NUMBERS 93-2625; Actions for legal malpractice. An action	2	INTRODUCED BY TURNAGE, TOWE, ROBERTS
STATUTE OF LIMITATIONS FOR LEGAL MALPRACTICE ACTIONS AN PROVIDING AN-IMMEDIATE EFFECTIVE DATE TO CLARIFY THE EFFECT OF DISABILITIES ON STATUTES OF LIMITATIONS: AMENDING SECTION 93-2703; RaCaMa 1947." BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1s Definitions As used in this acty to following definitions apply: (1) "Attorney" means a person who is licensed to practice law by the supreme court of the state of Montanas (2) "Paralegol assistant" means a person employed to an attorney within the state of Montana who has successfull completed a program of study in paralegal training and hold himself out to be a paralegal. (3) "Legal intern" means a person attending a legal school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited.	3	
PROVIDENCE AN IMMEDIATE EFFECTIVE DATE TO CLARIFY THE EFFECT OF DISABILITIES ON STATUTES OF LIMITATIONS: AMENDING SECTION 193-2703** RaCaMa 1947*** BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1** Definitions* As used in this acty 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 to an attorney within the state of Montana who has successfull completed a program of study in paralegal training and halo himself out to be a paralegal* (3) *** "Legal intern** means a person attending a legal school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the American bar association who is school accredited by the State of Montanav Section 1. IHERE IS A NEW RaCaMa SECTION NUMBERS 93-2625 THAT READS AS FOLLOWS:	4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A
OF DISABILITIES ON STATUTES OF LIMITATIONS: AMENDING SECTION 93-2703. ReCeMa 1947." BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11	5	STATUTE OF LIMITATIONS FOR LEGAL MALPRACTICE ACTIONS AND
8 23-2703. R.C.M. 1947." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Definitions. As used in this acty of following definitions apply: 12 following definitions apply: 13 (1) **Attorney** means a person who is licensed of practice law by the supreme court of the state of Montana. 15 (2) **Paralegal assistant** means a person employed to an attorney within the state of Montana who has successfull. 16 employed a program of study in paralegal training and halo demonstrated and intern** means a person attending a law of the state of Montana who has successfull. 19 (3) **Legal intern** means a person attending a law of the state of Montana. 20 Section 1. IHERE IS A NEW R.C.M. SECTION NUMSERS 23 23-2625 THAT READS AS FOLLOWS:	5	PROVIDENG-AN-IMMEDIATE-EFFECTIVE-DATE TO CLARIFY THE EFFECT
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1	8	93-2703. ReC.M. 1947."
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13 (1)—"Attorney" means a person who is licensed—14 practice law by the supreme court of the state of Montanas 15 (2)—"Paralegal assistant" means a person employed to 16 an attorney within the state of Montana who has successfull 17 completed a program of study in paralegal training and hold 18 himself out to be a paralegal 19 (3)—"Legal intern" means a person attending a law 20 school—accredited—by—the—American bar association who is 21 employed by an attorney with the state of Montanas 22 Section 1. THERE IS A NEW R.G.M. SECTION NUMSERS 23 93—2625 THAT READS AS FOLLOWS: 24 93—2625. Actions for legal malpractice. An action	11	Section-la-Definitions - As -used-in-this-acty - the
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19 (3)-"Legal intern" means a person attending a la 20 school accredited by the American bar association who is 21 employed by an attorney with the state of Montanav 22 Section 1. THERE IS A NEW R.C.M. SECTION NUMBERS 23 93-2625 THAT READS AS FOLLOWS: 24 93-2625. Actions for legal malpractice. An action	17	completed-a-program-of-study-in-paralegal-training-and-holds
20 school—accredited—by—the—American bar-association—who—i 21 employed—by an attorney with the state of Montanav 22 Section 1. IHERE IS A NEW R.C.M. SECTION NUMSERS 23 93-2625 THAT READS AS FOLLOWS: 24 93-2625. Actions for legal malpractice. An action	18	himself-out-to-be-a-paralegal *
21 employed by an attorney with the state of Nontanav 22 Section 1. IHERE IS A NEW R.C.M. SECTION NUMBERS 23 93-2625 THAT READS AS FOLLOWS: 24 93-2625. Actions for legal malpractice. An action	19	(3)"Legal-intern"-meansapersonattendingalaw
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23 93-2625 THAT READS AS FOLLOWS: 24 93-2625. Actions for legal malpractice. An action	21	employed-by-an-attorney-with-the-state-of-Montanav
24 <u>93-2625.</u> Actions for legal malpractice. An actio	22	Section 1. THERE IS A NEW R.C.M. SECTION NUMBERED
	23	93-2625 THAT READS AS FOLLOWS:
25 against an attorney <u>LICENSED TO PRACTICE LAW IN MONTANA</u> . S	24	93-2625. Actions for legal malpractice. An action
	25	against an attorney <u>LIGENSED TO PRACTICE LAW IN MONTANA</u> . <u>OR</u>

a paralegal assistanty or a legal intern EMPLOYED BY AN 1 ATTORNEY: based upon the person's alleged professional 3 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 5 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. errors or omission. SECTION 2. SECTION 93-2703. R.C.N. 1947. IS AMENDED TO 10 READ AS FOLLOWS: 11 #93-2703. Exception as to persons under disabilities. 12 13 If a person entitled to bring an action, mentioned in 14 sections-93-2601-to-93-2609-or-sections-93-2613-to--93-2610+ 15 <u>litle 93. chapter 26.</u> be, at the time the cause of action

- Within the age of majority; or,
- 18 2. Insane; or,

accrued. either:

- 19 3. Imprisoned on a criminal charge, or in execution
- 20 under the sentence of a criminal court for a term less than
- 21 for life;

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

-2- \$8 356

\$8 0356/02

- 1 or, in any case, more than one year after the disability
- 2 ceases.*
- 3 Section-3w--Effective-datew-This-act--is--effective--on
- 4 its-passage-and-approvalw

-End-

-3-

45th Legislature SB 0356/02

1	SENATE BILL NO. 356
2	INTRODUCED BY TURNAGE, TOWE, ROBERTS
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A
5	STATUTE OF LIMITATIONS FOR LEGAL MALPRACTICE ACTIONS AND
5	PROVIDING-AN-IMMEDIATE-EFFECTIVE-DATE TO CLARIFY THE EFFECT
7	OF DISABILITIES ON STATUTES DE LIMITATIONS: AMENDING SECTION
8	93-2703. Relete 1941."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section-leBefinitionseAsusedinthisactythe
12	following-definitions-apply:
13	(1)"Attorney"-meansapersonwhoislicensedto
14	practice-law-by-the-supreme-court-of-the-state-of-Montana*
15	{2}*Paralegalassistant*means-a-person-employed-by
15	an-attorney-within-the-state-of-Montana-who-hos-successfully
17	completed-a-program-of-study-in-paralegal-training-and-holds
18	himself-out-to-be-a-paralegal*
19	(3)
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21	employed-by-an-attorney-with-the-state-of-Montanev
2?	Section 1. IHERE IS A NEW Relade SECTION NUMBERED
23	93-2625 THAT READS AS FULLOWS:
24	93-2625. Actions for legal malpractice. An action
25	agains* an attorney <u>LICENSED TO PRACTICE LAW IN MONTANA</u> . <u>OR</u>

THIRD READING

a paralegal assistanty or a legal intern EMPLOYED BY AN 1 2 ATIORNEY: 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. 10 SECTION Z. SECTION 93-2703. R.C.M. 1947. IS AMENDED TO 11 READ AS FOLLOWS: 12 *93-2703. Exception as to persons under disabilities. If a person entitled to bring an action, mentioned in 13 14 sections-93-2601-to-93-2609-or-sections-93-2613-to--93-2618-15 <u>litle 93. chapter 26.</u> be, at the time the cause of action 16 accrued, either:

1. Within the age of majority; or,

2. Insane: or.

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for life;

58 0356/02

-2- SB 356

3. Imprisoned on a criminal charge, or in execution

under the sentence of a criminal court for a term less than

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;

\$8 0356/02

- 1 or, in any case, more than one year after the disability
- 2 ceases.*
- 3 Section-3w--Effective-datew-This-act--is--effective--on
- 4 its-possage-and-approvate

-End-

-3-