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*	**Court Help Program**	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*		
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/csea*
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*

To provide new or additional resource information, please contact Kathie Lynch @ State Bar of Montana by e-mail at klynch@montanabar.org or by phone at (406) 447-2210 Last update – 4/27/2015

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 victims 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

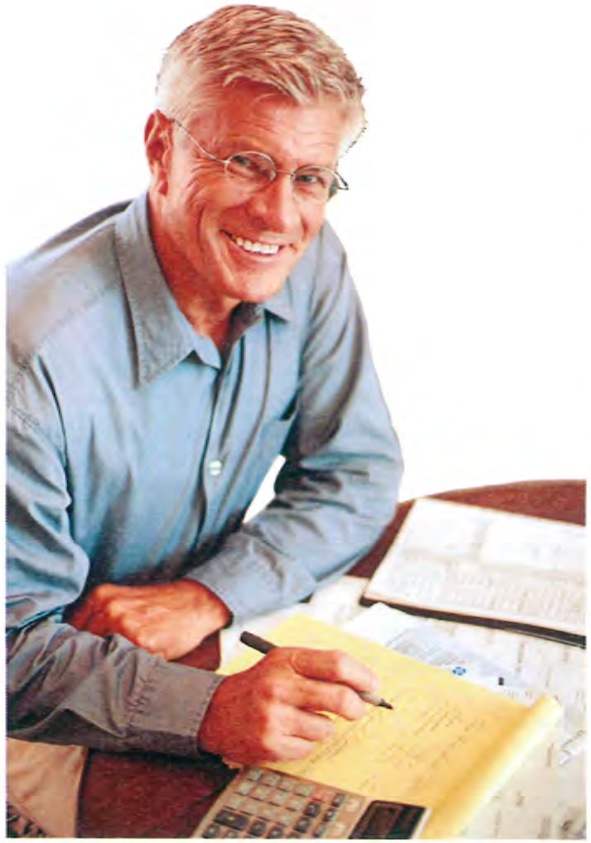
Provides parenting mediation services at a reduced rate with a sliding fee scale.
Call 406-543-1157

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

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

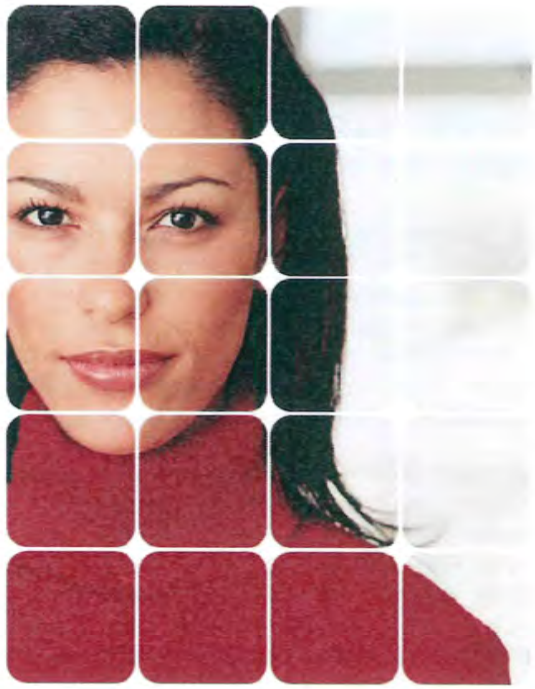
The best advertising dollar you can spend.



When Your Clients Are Looking For You ... They Contact Us

State Bar of Montana's Lawyer Referral & Information Service

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



When Your Clients are Looking for You ... They Contact US.

Lawyer Referral & Information Service

(406) 449-6577

The State Bar's Lawyer Referral Service / Greater opportunities to promote your firm.

The Lawyer Referral Service has been a service at the State Bar that has evolved over the years in an effort to provide referrals for the member attorneys as well as the public. We're evolving again and believe that you'll be happy with the opportunities these changes will bring.

The State Bar has recently converted to a new web provider, which allows us to offer greater choices to our members. Members of the Bar are now assigned an attorney profile where you can log in and keep track of all your Bar information. LRIS Attorneys will also be able to have a public profile on the Bar's website, with contact information, your professional background and experience, areas of practice, a link to the firm webpage and a photo if you choose. To see the online referral, check out the "**Legal Help**" button on our website at **http://www.montanabar.org**.

Public profiles on the Bar's website are only available to LRIS attorneys.

When Your Clients are Looking for You ... They Contact US.

Calls coming into the LRIS represent every segment of society with every type of legal issue imaginable. Many of the calls we receive are from out of State or even out of the country, looking for a Montana attorney. Experienced legal assistants answer thousands of calls per year. Prior to making a referral, the assistants assess the potential clients' needs for attorney services. They ask questions, listen carefully, and guide the caller to the most suitable resource. A referral is made only when there's a need for an attorney and an indication of ability to pay for legal services. Low-income callers are directed to alternative sources of help, such as governmental agencies, free legal services or the Modest Means Program.

We Bring Your Clients to You

You CAN market yourself effectively and we can help. The State Bar of Montana's Lawyer Referral and Information Service provides one essential service that no other advertising vehicle can provide ... prescreened clients.

Expand your reach!

Now your clients can find you 24/7 by referrals through LRIS online. Our Internet program is part of the State Bar's website. Legal assistants do not screen these referrals, but potential clients are provided information and direction to assist them in finding the attorney or resource that best meets their need. Internet referrals are assigned in rotation, the same as legal assistant referrals.

How is LRIS marketed?

LRIS promotes its services throughout the State, targeting people who are in search of legal services. We advertise statewide in yellow page listings and we've developed a strong network with agencies and courts that people frequently turn to in search of legal assistance. Every year we reach thousands of potential clients through one-on-one communications and advertising. As mentioned above, we are also available 24/7 on the Internet through the State Bar's website.

How do I join LRIS?

LRIS is a members-only benefit of the State Bar of Montana. The first year is free for new attorneys and a nominal yearly fee for more experienced attorneys. For more information on becoming an LRIS panel member, contact the State Bar at (406) 447-2210 or download the registration form at www.montanabar.org.

Lawyer Referral & Information Service
State Bar of Montana
PO Box 577
Helena, MT 59624
(406) 447-2210 or (406) 442-7660

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

"Courts of Justice shall be open to every person."

Montana Constitution, Article II, Section 16

Other Statewide Resources Include:

www.MontanaLawHelp.org

Montana Legal Services Association
www.mtlsa.org
1 (800) 666-6899

State of Montana Law Library
courts.mt.gov/library/

Office of Consumer Protection
doj.mt.gov/consumer/
1 (800) 481-6896

Child Support Enforcement Division
1 (406) 655-5500

Montana State Extension
www.msuextension.org/

Child and Family Services Division
1 (866) 820-5437

Disability Rights
www.disabilityrightsmt.org
1 (800) 245-4743

Montana Human Rights Bureau
www.montanadiscrimination.com
1 (800) 542-0807

Lawyer Referral & Information Service
www.montanabar.org
(406) 449-6577

Aging Services
www.dphhs.mt.gov/sltc
1 (800) 332-2272

MONTANA SUPREME COURT

COURT HELP PROGRAM

Assisting Self Represented Litigants with Access to Montana Legal Resources and Information.

The Court Help Program is an initiative of the Montana Supreme Court designed to assist people with civil (non-criminal) legal problems.

The Court Help Program cannot give you legal advice or represent you in court. The goal of the program is to provide the information you need to understand your legal rights and responsibilities and to help you resolve legal problems on your own. Self Help Law Centers are located throughout the state to provide you with information and direct you to resources that will help you help yourself.

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.

Where else can I find information or advice?

www.MontanaLawHelp.org

Need legal information? Go online. Visit www.MontanaLawHelp.org.

You can find information about legal problems such as divorce, parenting plans, landlord and tenant issues, and public benefits. You can also find information about the legal system, community resources and courts.

Can't find what you want? Use LiveHelp. Click on the LiveHelp picture and get help finding the information you need.

Montana State Bar Association Lawyer Referral and Information Service
LRIS refers people to Montana lawyers.
(406) 449-6577.

State Law Library
Information about all areas of the law, including the Montana Code, legal forms, and the option to ask research questions.
www.courts.mt.gov/library.
1-800-710-9827

MLSA HelpLine: (800) 666-6899

Need legal help? Call the HelpLine Monday-Friday 7:30am to 6:00pm.

MLSA staff will help you apply over the phone. After you apply, MLSA may:

- Refer you to resources you can use to help yourself,
- Give you some legal advice, or
- Refer you to an attorney who will assist you for free or at a reduced cost.

www.MTLSA.org

Find copies of all our brochures online. They are all available for free download!

This pamphlet is meant to give basic legal information, not legal advice about your problem. The law changes often and each case is different. This pamphlet may not apply to your problem. You should not rely on it only. Please talk to an attorney about your problem.

Montana Legal Services Association

Overview of Services

MLSA
Montana Legal Services Association
®

Providing, protecting, and enhancing access to justice

Rev. 05/2012

LSC

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

Did you know that…

There are about 108,000 Montana veterans, with many eligible for benefits due to their military service. The State of Montana and the federal VA has an extremely wide spectrum of benefits. However, many veterans are not aware of the benefits and assistance available to them; and will not attain any unless they personally apply for the benefits.

The Montana Board of Veterans Affair's goal is to inform as many people as possible that there is assistance available; and that assistance is provided – at no charge – by the State of Montana's Veterans Affairs Division, which has service offices located throughout the state.

Each service officer is fully trained, accredited and certified, to provide the best service possible for the veteran or veteran family member client. All it takes is a phone call or an e-mail message.

Federal and State Programs and Benefits Offered to Veterans:

- **Health Care**
- **Service-Connected Disability Compensation**
- **Pension**
- **Education and Training**
- **Burial and Survivor Benefits**
- **Employment Services**
- **Vehicle Registration Waiver**
- **Property Tax Waiver**
- **Home and Business Loans**

Every program or benefit has specific qualifying eligibility criteria. It is very important that veterans contact the nearest State of Montana Veteran Service Office to determine specific benefits or entitlements attainable. Each and every veteran's military experience is singular, and the benefits available are specific to the veteran.

Federal VA Veterans Service Facilities

Anaconda VA Primary Care Clinic
118 East 7th St., 2nd Floor
Anaconda, MT 59711
(406) 496-3000 or 1-877-468-8387

Billings VA Community Based Clinic
2345 King Avenue W.
Billings, MT 59102
(406) 373-3500 or 1-877-468-8387
or
1775 Spring Creek Lane
Billings, MT 59602
(406) 373-3500 or 1-877-927-8387

Billings Vet Center
2795 Enterprise Ave. Ste. 1
Billings, MT 59102
(406) 657-6071

Bozeman VA Primary Care Clinic
300 N. Willson, Ste. 703G
Bozeman, MT 59715
(406) 582-5300 or 1-877-468-8387

Cut Bank VA Primary Care Clinic
8 2nd Ave. SE
Cut Bank, MT 59427
(406) 873-9047 or 1-877-468-8387

Glasgow VA Primary Care Clinic
630 Second Ave. S., Ste A
Glasgow, MT 59230
(406) 228-4101 or 1-877-468-8387

Glendive VA Primary Care Clinic
2000 Montana Avenue
Glendive, MT 59330
(406) 377-4755 or 1-877-468-8387

Great Falls VA Primary Care Clinic
1417 9th St. S. Ste. 200 & 300
Great Falls, MT 59405
(406) 791-3200 or 1-877-468-8387

Great Falls Vet Center
615 2nd Avenue North
Great Falls, MT 59401
(406) 452-9048 or 1-877-927-8387

Havre VA Primary Care Clinic
130 13th Street, Ste. 1
Havre, MT 59501
(406) 265-4304 or 1-877-468-8387

Kalispell Vet Center
690 N. Meridan, Suite #101
Kalispell, MT 59901
(406) 257-7308

Kalispell VA Primary Care Clinic
31 Three Mile Drive, Ste. 102
Kalispell, MT 59901
(406) 758-2700 or 1-877-468-8387

Lewistown VA Primary Care Clinic
629 NE Main Street, Ste. 1
Lewistown, MT 59457
(406) 535-4790 or 1-877-468-8387

Libby VA Primary Care Clinic
211 E. 2nd St.
Libby, MT 59923
(406) 293-8711 or 1-877-468-8387

Miles City VA Primary Care Clinic & Nursing Home
210 S. Winchester
Miles City, MT 59301
(406) 874-5675 or 1-877-468-8387

Missoula VA Primary Care Clinic
2687 Palmer Street, Ste C
Missoula, MT 59808
(406) 493-3700 or 1-877-468-8387

Missoula Vet Center
500 N. Higgins, Ste. 202
Missoula, MT 59802
(406) 721-4918 or 1-877-927-8387

VA Medical Center
3687 Veterans Drive
P.O. Box 1500
Ft. Harrison, MT 59636-1500
(406) 442-6410 or
1-877-468-8387

VA Regional Office
3633 Veterans Drive
Ft. Harrison, MT 59636
1-800-827-1000

Telehealth Appointments:
Hamilton (406) 363-3352
Plentywood (406) 765-3718

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
jmahn@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
jloendorf@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

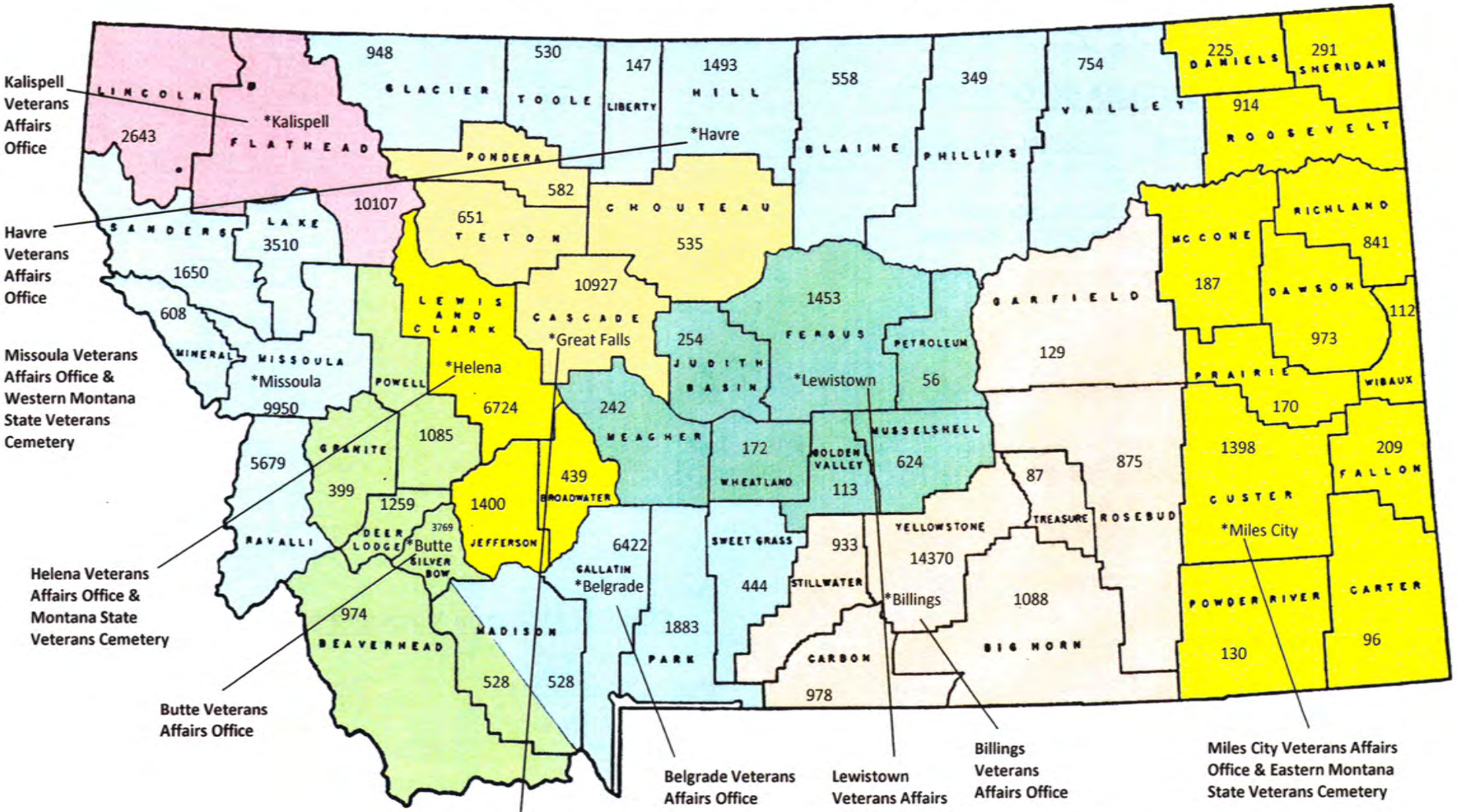
STATE VETERANS CEMETERIES

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
kholmlund@mt.gov

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

Montana Veterans Affairs Division Services Offices and Montana State Veterans Cemeteries



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

HISTORY OF MONTANA'S STATE VETERAN CEMETERIES

In 1985, the Montana State Legislature authorized the first state veterans cemetery to be located on Fort Harrison, near Helena. Rule making authority was authorized, and funds were appropriated to support the cemetery.

In I986, the United States Congress authorized the transfer of 62.5 acres of Federal land to the State of Montana for this new cemetery. Applications were submitted to the federal Department of Veterans Affairs for federal matching funds, which would fund an irrigation system, a well, roads and design a Master Plan. In I987, the legislature passed a one time revenue check off in the state income tax return to raise funds. This enabled a part-time Cemetery Sexton to be hired. The first burial was a World War I veteran on September 8, 1987.

In I991, legislation created the "Veteran" license plate. A motor vehicle owner and resident of Montana, who is a veteran or his/her surviving spouse (if not remarried), may be issued a "Veteran" license plate. National Guard and Reserve retirees or those with a "20 year letter", or surviving spouses (if not remarried), may also have the "Veteran" plate. The plate costs $10 for original issue and all renewals. The entire $10 supports the State Veterans Cemetery Program.

Legislation was passed for a second state veterans cemetery, which opened in 2002 at Miles City. A third state cemetery—to be located in Missoula County—was legislatively authorized in 2005. The Western Montana State Veterans Cemetery was constructed and became operational October 6, 2008.

In 2013, additional columbaria were added to the Missoula Cemetery through a Federal VA expansion grant.
In 2014, a committal shelter and columbaria were added to the Ft.Harrison (Helena) cemetery through a Federal VA improvement grant.

All State veterans cemeteries are operated in accordance with National Shrine Standards—the same standard as Arlington National Cemetery.

Presidential Memorial Certificate Program

A Presidential Memorial Certificate is inscribed with the veteran's name and bears the President's signature to honor the memory of honorably discharged, deceased veterans. Authorized recipients include next of kin and loved ones. Please send your written request to:

Presidential Memorial Certificates
Department of Veterans Affairs
5109 Russell Road
Quantico, VA 22143-3909

****

The Department of Veterans Affairs is making available a new medallion to be affixed to an existing privately purchased headstone or marker to signify the deceased's status as a veteran. If requested, the medallion will be furnished in lieu of a traditional Government headstone or marker for veterans that died on or after November 1, 1990, and whose grave is marked with a privately purchased headstone or marker. The medallion is currently available in three sizes, 5 inches, 3 inches, and 1 ½ inches. Each medallion will be inscribed with the word VETERAN across the top and the Branch of Service at the bottom. Appropriate affixing adhesive, instructions and hardware will be provided with the medallion.

Important: This benefit is only applicable if the grave is marked with a privately purchased headstone or marker. In these instances, eligible veterans are entitled to either a traditional Government-furnished headstone or marker, or the new medallion, but not both. **Note: These medallions are not applicable to headstones or markers located in a state veterans cemetery.**

For more information, call (406) 324-3743.

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.

Documents Required for Burial

VETERAN:

<> Copy of the death certificate.
<> Discharge papers. (DD Form-214 or equivalent)
<> Burial transit permit for full burial and cremation burial and a cremation certificate for cremation burial. These will be provided by the mortuary.

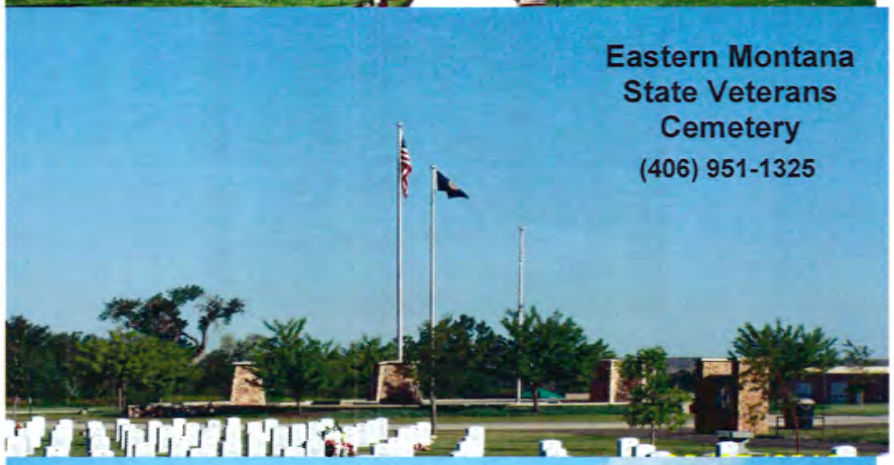
The headstone is furnished by the government as a benefit to the veteran, at no cost. A headstone application will be filled out by the Cemetery Sexton. There is a $115.00 charge to set the headstone. The veteran's county of residence in Montana will pay $70.00 of this amount. The family is responsible for the remaining $45.00.

Out Of State residents and spouses must pay the full $115.00.

SPOUSE:

<> Copy of death certificate.
<> Veteran spouse's discharge papers. (DD-Form 214 or equivalent)
<> $500.00 fee for opening and closing the grave.
<> Burial transit permit for full burial and cremation burial and a cremation certificate for cremation burial. These will be provided by the mortuary.

The headstone is furnished by the government as a benefit to the veteran/spouse, at no cost. However, the family will be responsible for the $115.00 setting fee cost. The Cemetery Sexton will complete the headstone application.



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 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.
- 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.

Montana AAA Legal Services for Montana Seniors

You can contact us and send donations to:

Montana AAA Legal Services, Inc.
P.O. Box 1408
Helena, MT 59601
mtaaalegal@gmail.com

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2,000 copies of this public document were published at an estimated cost of $0.00 per copy for a total cost of $000 which includes $000 for printing and $0.00 for distribution.

JUSTICE SERVED

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

ARE YOU OR A LOVED ONE BEING EXPLOITED?

If you or a loved one have been exploited by a professional, a trusted friend or a family member, our team of advocates, investigators, attorneys and financial experts is here to help.

OUR TEAM

Our program is staffed by personnel with a combined experience of 129 years in advocacy, financial management and investigation of fraud and exploitation.

- Investigators: 31 years
- Attorney: 28 years
- Financial Managers: 35 years
- Advocacy: 35 years

OUR PROGRAM PROVIDES

No Charge Consultation

Tell us who you are, what is happening, and how long the suspected abuse has been occurring.

Limited Investigation

Our skilled investigators will conduct an initial investigation into the circumtances. This may be accomplished through phone or in-person investigations. If your case fits within the parameters of our program, we will begin our formal work together.

Memorandum of Understanding

Our team will develop a contract to fit your needs. Fees vary by case and are determined by the depth and scope of the services needed. Your contract may require a retainer. The contract, a collaborative effort between you and our team, will outline all options available to you in pursuit of financial justice.

Pursuit of Action

Our action may involve filing civilly. Civil actions can include:

A civil suit

- A court appointment for conservatorship
- Revocation of Power of Attorney
- Termination of a conservator

WRAPAROUND SERVICES

Our program provides detailed advocacy. As we follow your case to its resolution, our team will work closely with you to suggest and/or provide resources to fit your needs.

If needed, we may assist in coordinating resources for housing, medical care, financial help and other needs with state, federal and private programs.

Our goal is to work diligently with you until justice is served.

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.

Financial Power of Attorney:

This document provides the legal means for your agent to make certain financial decisions on your behalf, should you be unable to act.

Medical Power of Attorney:

This document provides the legal means for your agent to make certain medical decisions on your behalf should you be unable to act.

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.

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 or below 250% of the poverty level. We help you prepare important financial and medical documents at no cost.

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

CLINIC FEEEDBACK

"Because of my very limited financial resources, I deeply appreciate the willingness of the attorneys, paralegals, etc., to donate their time and services."

- *Missoula Participant*

"I am getting up in years and want to make sure everything is in order. I want to make it easy for my son. My peace of mind is my children's peace of mind."

-Noreen Paquette, 68

"This is a big check off our bucket list."

–Dillon Participant

DOCUMENT CLINICS PROVIDE:

-Checklist of information to bring to clinic
-Appointments with legal volunteers to complete estate planning documents
-Attorneys to review documents and provide advice on issues separate from completion of documents
-Paralegal support for attorneys
-Notaries and witnesses
-Copying services
-Printed information on where to file each of your documents
-Malpractice insurance for legal volunteers

You can contact us and send donations to:

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

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LEGAL DOCUMENT CLINICS

Coordinated for Montanans by:

THE LEGAL SERVICES DEVELOPER PROGRAM

With support from:

THE STATE BAR OF MONTANA

&

AREA AGENCIES ON AGING

LEGAL ACCESS FOR SENIORS

LEGAL ADVICE

To acess the Attorney-Paralegal Program call:

1-800-332-2272

We offer 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.

ADVOCACY

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 other program resources explained in this brochure.

LEGAL CLINICS

We coordinate with attorneys to help you prepare legal documents such as powers of attorney, wills, and beneficiary deeds. We provide you with an opportunity to get your affairs in order, and safeguard your assests from fraud and exploitation.

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

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

LEGAL EDUCATION

We offer legal presentations throughout Montana to persons 60 and older and local advocates at the Area Agencies on Aging. The materials 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:

- Evaluate the merit and feasability 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 factual investigation of the case, resulting in a memo detailing relevant facts, evidence, and witnesses in the matter.
- Research legal issues and write a memorandum citing cases, and statutory and administrative law.
- Provide ongoing support services for attorneys, including paralegal services and elder law information and resources.

JUSTICE SERVED

If you or a loved one have been a victim of fraud, exploitation or financial mismanagement, Justice Served will work with you to determine what legal remedies exist. We assist with cases while encouraging and facilitating private attorney support.

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

- **No Charge Intake**
  Tell your story and let the Justice Served team discover the facts of your case.

- **Limited Investigation**
  Investigators conduct follow-up phone calls, visits, and interviews to determine what services the program can provide and the feasability of legal action.

- **Memorandum of Understanding**
  A contract of services and associated fees is drawn up and a course of action is determined based on the presentation of legal options.

- **Pursuit of Action**
  Legal action may be taken in the form of a civil suit or court appointment.

- **Advocacy Services**
  Your case is followed to its resolution with comprehensive advocacy.

LEGAL SERVICES DEVELOPER PROGRAM

Providing seniors in Montana with fast and easy access to the legal advice, information and advocacy they need.

You can contact us at:

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

MONTANA DPHHS

Healthy People. Healthy Communities.

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LEGAL SERVICES DEVELOPER PROGRAM

LEGAL RESOURCE FOR SENIORS AND THEIR FAMILIES

9 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.
8. Opt out of unsolicited credit and insurance offers by calling (888) 5-OPTOUT (567-8688). This won't prevent you from getting a loan or credit card, but it will stop pre-screened applications.
9. Order a copy of your credit report at least once a year and check it carefully for fraudulent accounts. You are entitled to a free copy from each of the three credit bureaus every 12 months.

Credit Bureau Contact Information

Equifax
P.O. Box 740241
Atlanta, GA 30374-0241
(800) 525-6285
www.equifax.com

Experian
P.O. Box 9532
Allen, TX 75013
(888) EXPERIAN (397-3742)
www.experian.com

TransUnion
Fraud Victim Assistance Division
P.O. Box 6790
Fullerton, CA 92834-6790
(800) 680-7289
www.transunion.com

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

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. ▸▸

CONSUMER PROTECTION

7. Check that the contractor has liability and workers' comp insurance. Otherwise, you may be liable for injuries to workers or others on your property.
8. Check that the contractor is bonded. Ask to see the actual bond document and call the bonding company to confirm what it covers.
9. Get a written contract. The contract should specify:
   - when the work will begin, how long it will take and what it will involve
   - the type, grade, quality and cost of the material to be used
   - whether subcontractors will be used and, if so, who
   - any guarantees and warranties
   - who will get the necessary licenses and permits
10. Inspect the project and communicate with the contractor. Make sure all changes, problems or complaints are recorded in writing.

Report suspected fraud to:

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

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

Your Credit

Your credit history can have a long-lasting effect on your financial and personal future. It can help open doors to a new job, apartment or car—or keep them locked.

One way to build a good credit history is to get a major credit card and use it responsibly. Responsible use means paying on time and according to the terms and conditions of the card.

Excessive credit debt is a serious problem. Shop around and compare offers. Understand the terms of the plan you select. Read all details and pay extra attention to the fine print.

Credit Card Terms

Interest Rates—Interest rates can be fixed or variable:

Fixed rates do not change, but be careful—even rates advertised as fixed can go up if you make a late payment.

Variable rates can increase or decrease based on the terms of the contract. Most credit card rates are variable.

Annual Fees—Many cards charge no annual fee or waive a fee for the first year, but start charging fees after the first 12 months.

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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 counseling company. The company then distributes this money to your creditors to repay your debts. The repayment plan may take several years to complete. ▸▸

CONSUMER PROTECTION

Consumer Responsibilities

A payment plan may reduce the stress that comes from dealing with overdue bills. However, you are still responsible for:

- repaying the remaining debts
- paying off any creditors whose accounts are not included in the plan

Licensed Credit Counseling Companies

Any credit counseling or debt settlement company that wants to provide debt management plans in Montana must be licensed by the Office of Consumer Protection.

This license is not an endorsement. It simply means that a company has met the legal requirements to provide debt management services in Montana.

For a list of licensed companies, go to: www.doj.mt.gov/consumer/consumer/creditcounselingservices.asp.

Complaints

If a company claims to be licensed but is not on the list, or to register a complaint against a credit counseling or debt management agency, call the Office of Consumer Protection.

TAKE CONTROL

Helpful advice and resources for Montana consumers.

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

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. ▸▸

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Who can still call?

Even after you have registered, some organizations can still legally call, including:

- a person or business that has established a business relationship with you during the past two years
- charities and non-profits
- political parties, organizations or candidates
- organizations conducting political polling and opinion research

If your phone number is not on the do-not-call list:

- you still can ask a company to put you on its own do-not-call list. The company must honor your request.
- it is against the law for any telemarketer to call you before 8 a.m. and after 9 p.m.

To file a complaint

If telemarketers continue to call three months after you signed up, you may file a complaint against them. If you don't know where the telemarketer is calling from, call the FTC at (888) 382-1222.

If you know the telemarketer is calling from Montana, call the Office of Consumer Protection.

TAKE CONTROL

Helpful advice and resources for Montana consumers.

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

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. ▸▸

How to file an advance directive with the Attorney General's Office

1. Go to www.endoflife.mt.gov and click on "How to File an Advance Directive."
2. Print and fill out the Consumer Registration Agreement.
3. Mail the agreement and your signed advance directive to:

End-of-Life Registry
PO Box 201410
Helena, MT 59620-1410

Once your directive has been registered, you will get a letter containing:

- a wallet card with the access code you use to check your directive through the online Registry Service at: www.endoflife.mt.gov
- four labels—two to place on the back of your driver's license and insurance card—and two extra.

You may also wish to provide a copy of your advance directive to your family members and physician.

For further information, call the End-of-Life Registry at (406) 444-0660 or (866) 675-3314.

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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.

▸▸

How May a Debt Collector Contact You?

A debt collector may contact you by mail, telephone, telegram or fax. A debt collector may NOT contact you:

- at inconvenient places or times (such as before 8 a.m. or after 9 p.m. local time) unless you specifically agree
- at work if the collector knows your employer disapproves of such contacts

To stop debt collectors from contacting you by phone, write a letter telling them not to call. But remember, the letter does not make a debt you owe go away or stop collection activities.

What Can't a Debt Collector Do?

Debt collectors cannot:

- use threats of violence or harm
- use profane or obscene language
- make false or misleading statements. They cannot imply you have committed a crime, pretend they are government representatives or attorneys, or use false names.
- send you anything that looks like an official legal or government document when it is not

Where to File a Complaint

You have the right to sue a debt collector in state or federal court within one year of the date the law was violated. However, you must have proof of the violation. To file a complaint against a debt collector, contact:

Montana Office of Consumer Protection

(address below)

Federal Trade Commission at www.ftc.gov

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.

Opt-Out Policies

To stop getting "pre-approved" credit card offers, remove your name from the mailing lists sold by the three main credit bureaus.

Call 1-888-5-OPTOUT (1-888-567-8688) or register at www.optoutprescreen.com.

This will not prevent you from getting a loan or credit card.

Opt Out/Privacy Policies

Banks, credit card companies and other businesses collect and sell your personal information.

This personal information may include your address, phone number, account balance, Social Security number, annual income, overdraft history, etc.

To stop these companies from selling your personal information to other businesses:

- use the form included with the company's privacy notice, or
- call customer service and tell them you want to "opt out."

You can opt out at any time. You only need to opt out once, but you must do it for each institution.

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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.

▸▸

Don't click on the link

Don't use the links in an e-mail, instant message or chat to get to any web page. Instead, call the company, or log onto the website directly. Don't fill out forms in e-mail messages that ask for personal financial information.

Be cautious and aware online

Be aware of where you are going online:

- Ensure that your browser and security patches are up to date.
- Look at the "address bar" at the top of the browser, not just the pictures on a web page.
- Consider installing a web browser toolbar to help protect you from known spoof websites.
- Regularly log into and check your online accounts. And regularly check your bank, credit and debit card statements.

If anything is suspicious or you don't recognize a transaction, immediately contact your bank and/or the card issuer.

How to report a phishing e-mail

When reporting spoofed messages, always include the entire original e-mail with its original header information intact. To report phishing e-mails, forward them to:

- reportphishing@antiphishing.org
- Federal Trade Commission at spam@uce.gov
- the legitimate company that was spoofed. Many larger companies have e-mail addresses specifically for phishing reports (e.g. spoof@ebay.com)

You can also report them to the FBI's Internet Crime Complaint Center at www.ic3.gov.

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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. ▸▸

Know your lender. Be wary of lenders who guarantee you a loan regardless of your credit history or income. Shop around and compare rates, references and reputations.

For advice, contact:

- Division of Banking and Financial Institutions (406) 841-2920 or http://banking.mt.gov.
- Better Business Bureau www.thelocalbbb.com.

Know your limits. Be realistic. Know what you can afford to pay each month:

- Don't borrow more than you need.
- Research your credit history and how your credit score affects your loan.
- Never allow yourself to be pressured into signing an agreement you are not comfortable with or you don't fully understand.
- Remember that borrowing money comes with a cost. If you default on a loan, you may lose far more than you bargained for.

TAKE CONTROL

Helpful advice and resources for Montana consumers.

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

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. ▸▸

CONSUMER PROTECTION

8. Be a quiet neighbor. Under Montana law, tenants who disturb their neighbors can also be evicted.
9. Provide proper notice before moving out. Renters are required to give 30 days notice on a month-to-month agreement. If you move out before a lease is up, you may be charged part or all of the remaining months' rent.
10. Complete any required cleaning and make sure all utilities are paid. This will ensure your security deposit is returned.

Resources

For legal advice contact:

Montana Legal Services Association
(800) 666-6899
www.mtlsa.org

Report suspected discrimination to:

Montana Fair Housing
(800) 929-2611 or (406) 542-2611
www.fairhousing.montana.com

The Office of Consumer Protection does not process complaints related to landlord-tenant disputes and cannot provide legal advice.

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Helpful advice and resources for Montana consumers.

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

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.

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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.

▸▸

How long does it take?

Once they receive your request, the credit bureaus must:

- place the freeze on your files within five business days
- place the freeze within 24 hours if you are a victim of identity theft
- lift or remove a freeze within three business days

How to request a security freeze

To place a security freeze on your credit files, you must write to each of the three credit bureaus.

A sample request letter is available at
www.doj.mt.gov/consumer/consumer

Provide identifying information including, at a minimum, your name, address and Social Security number.

Enclose the $3 fee unless you are an identity theft victim. If you are a victim, provide a copy of the police report of identity theft.

Send separate letters to each of the three credit bureaus. For married couples, both spouses must request a freeze on their credit files via separate request letters:

Equifax Security Freeze
P.O. Box 105788
Atlanta, GA 30348
(800) 525-6285

Experian Security Freeze
P.O. Box 9554
Allen, TX 75013
(888) EXPERIAN (397-3742)

TransUnion Security Freeze
P.O. Box 6790
Fullerton, CA 92834-6790
(800) 680-7289

Each of the credit bureaus will send you written notice that the freeze is in place within five days of it going into effect. This confirmation will include:

- a Personal Identification Number (PIN)
- instructions on how to lift or remove the freeze

A security freeze will not lower your credit score or prevent you from getting a copy of your own credit report.

▸▸

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.

Foreign Lotteries

These are always scams. Scam operators use the telephone, mail and e-mail to entice U.S. consumers to buy chances at high-stakes foreign lotteries in countries around the world.

Remember:

- You cannot win a lottery when you have not bought a ticket.
- It is illegal to play a lottery in another country from the United States.
- Legitimate lotteries only sell their lottery products within their own areas—Montana businesses can only sell Montana lottery tickets.

Legitimate Lotteries

A legitimate lottery will:

- never send money orders or cashiers' checks and ask the winner to wire some of the money back
- never require:
  - shipping and handling fees
  - up-front, cash payment of taxes
  - a "good faith" showing—they won't ask you to send money up front to confirm your identity

To find out if you have won a lottery in Montana, check at no cost at any business that sells lottery tickets. If you are a victim of a sweepstakes or lottery scam, contact:

Office of Consumer Protection (contact below)

Montana Lottery

(406) 444-5825 | www.montanalottery.com

Your rights.
Your privacy.
Your peace of mind.

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

- 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.

Your rights.
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Your peace of mind.

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(406) 444-4500 • (800) 481-6896

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

At the Dealers

Buying a car is exciting ... but keep your emotions in check. If a salesperson knows you can't live without a particular car, you've lost your bargaining power.

- Look under the hood for anything obvious, like oil leaks or heat damage.
- Carefully check the body and paint—differences may mean it was damaged.
- Check for any signs that the vehicle has been wet for an extended period, like mold, mildew or rust inside the car or in the trunk where the spare tire sits.
- Test drive the vehicle. Check for smoke, fumes and odd noises, and that all the lights, windows, wipers, air conditioner/heater and gauges work.

When You Find the Car You Want

- Don't be rushed. Don't give in to high pressure, "this offer is only good today" pitches. Any legitimate deal will be there tomorrow. Be prepared to walk away if the price is not fair.
- Take the car to a mechanic you trust and have it checked for any major repairs needed now or in the near future. An "inspection" performed by the dealer is no replacement for having your own mechanic look at it.
- For a small fee, you can get the vehicle's complete history, including major damage or title defects from:

AutoCheck: www.autocheck.com

Carfax: www.carfax.com

You may want to require that the seller provide this report to you before you complete the purchase.

BEFORE YOU SIGN ON THE DOTTED LINE:
Understand the details of the sale, and correct any blank spaces left in the contract.

- Read and understand the warranty—it may be full, limited or as is. An "as is" warranty means you have no warranty at all.
- Extended service contracts (or after-market warranties) will cost you extra. For information on potential problems with extended service contracts, go to: www.consumer.ftc.gov/articles/0240-extended-warranties-and-service-contracts/
- Make sure you see the vehicle's title. The title may show:
  - any liens
  - statements or "brands" such as flood damage, an insurance determination that the vehicle was a "total loss" or that it was rebuilt
  - the odometer reading when last sold

Verifying that the seller has the title before you buy may save prolonged legal problems and difficulties should you want to resell the vehicle.

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.

Growing up, my folks owned several small businesses in Hardin. Through their example, I learned how important it is for businesses to earn the trust of their customers. Times have changed how Montanans make purchases large and small, and the store fronts they visit are just as likely to be found on the Internet as they are on Main Street.

It can be difficult to know whom to trust when you sign up for cell phone service or purchase a home. The Montana Office of Consumer Protection at the Montana Department of Justice is here to help, whether you need tips on protecting your personal financial information, or reporting a telemarketing scam.

Our Montana Office of Consumer Protection is here to help business owners, too. We want to make sure the playing field is level for folks on both sides of a transaction. Call, e-mail, or stop by if we can help.

Montana Attorney General Tim Fox

TAKE ACTION

1) Get a security freeze on your credit. This is one of the best ways to protect yourself from identity theft. Go to **www.consumerprotection.mt.gov** or call the Office of Consumer Protection to learn more about how to freeze your credit. We cannot freeze your credit for you, but we do provide sample letters and instructions so you can easily do it yourself.

2) Register with the Federal Do Not Call Registry. This will cut back on the number of unwanted calls you receive. It's easy. Just go to **www.donotcall.gov** or call **1-888-382-1222** to sign up. (Of course, scammers don't abide by the Do Not Call list, but once you're on the list, you'll be better able to weed out who is a legitimate caller and who is not).

3) Sign up for Scam Alerts from our office. We'll send you email alerts as new or re-emerging scams become active in Montana. Go to **www.consumerprotection.mt.gov** to sign up.

4) Shred any financial documents or other documents that contain personal information. That includes Social Security numbers, birth dates, personal contact information, bank account or credit card information.

5) Stop pre-approved credit card offers. ID thieves can steal these out of the mail or the trash and apply for credit cards in your name. To stop most pre-approved credit offers, call **888-5OPTOUT (888-567-8688)** or go online to **www.optoutprescreen.com**. You can choose to opt out for five years or permanently.

6) Reduce unwanted mail. Sometimes when you're inundated with catalogs and unwanted mail, it's hard to decipher what's legitimate and what's not. By getting on this list, you'll eliminate unwanted mail from legitimate businesses – making mail from illegitimate businesses easier to spot. Register with the Direct Marketing Association's Mail Preference Service. Go to **www.dmachoice.org**, or mail your request with a $1 processing fee to:

DMAchoice
Direct Marketing Association
P.O. Box 643
Carmel, NY 10512

STAY INFORMED

7) Get your free annual credit report. This is a great way to stay on top of your finances. If someone has filed a bad debt against you or has taken out a line of credit in your name, this is the way to find out. You are entitled to receive one free credit report every 12 months from each of the nationwide consumer credit reporting companies—Equifax, TransUnion, and Experian. These free credit reports can be requested through the website **www.annualcreditreport.com** or by calling **1-877-322-8228.**

8) Keep an eye on your bank and credit card statements. Be alert to small charges that may appear insignificant, but will add up over time. Talk to your local banker or credit union representative if you ever have any questions or concerns about your accounts.

TRUST YOUR GUT

IF IT SOUNDS TO GOOD TO BE TRUE, IT PROBABLY IS.

9) NEVER give out information to someone soliciting it from you over the phone or the Internet. Your bank will never call or email you to ask for your personal information.

10) NEVER wire or give money to someone you don't know. Even if you think it's someone you know, follow up to make sure. Remember, scammers are tricky – they can use masked phone numbers, stolen email addresses, and familiar but phony website addresses to trick you into trusting them.

11) Ignore postcard advertisements for free products, sweepstakes wins, or magazine sales. If you did not enter into the lottery or sweepstakes that is contacting you, you did not win. And remember, legitimate lotteries will never ask you to pay upfront fees on your winnings.

consumerprotection.
mt.gov

GLAC

Gallatin Legal Assistance Clinic

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

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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?

You may return to the clinic for follow-up appointments to help you complete your case, but only if you need the advice of an attorney. If you have questions about what to do next or need additional paperwork, visit the Self-Help Law Center. You'll still need to call and make an appointment for GLAC return visits.

Can I just walk into the Legal Clinic? How do I make an appointment?

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 call 406.543.8343, Extension 207.

Are there other helpful hints if I am considering a family law case and making an appointment with the GLAC?

Yes there are.

- If you are in danger, do not wait for a Clinic. Contact MLSA or your local domestic violence program. (See below).
- It's worth it to wait. If you are not sure of your legal options or what might happen if you take certain legal actions, you might be better off waiting to talk with an attorney. It can be more difficult to undo something you've already done.
- If you have been served with legal paperwork or have a deadline prior to an available clinic date, do not wait until your appointment to take action. Consult with an attorney. If you cannot afford an attorney, visit the Gallatin Self-Help Law Center.
- If you have not filed a case but are planning to, visit the Gallatin County Self-Help Law Center first to obtain and receive assistance in completing family law forms. Clinic attorneys will help you with the parts you aren't certain about. Completing paperwork first allows the attorney more time to help you with your legal issue on the day of the Clinic.
- If you are seeking a dissolution of marriage (divorce) with children or a parenting plan, you should contact Child Support Enforcement Division (CSED) right away to obtain a child support order. Contact information is below.

What are some other helpful resources for my family law case?

Gallatin Self-Help Law Center
615 South 16th Ave.
Bozeman, MT 59715
(406)582-2158

Community Mediation Center
(Low Income Family Mediation)
101 East Mendenhall Street, Suite A
Bozeman, MT 59715
406-522-8442

Haven—Bozeman
Domestic Violence Hotline
406-586-4111

Montana Legal Services Association
Helpline
1-800-666-6899

Child Support Enforcement Division
Region 4 (Butte)
406-497-6600

The Pro Bono Committee of the First Judicial District presents

Limited Scope Legal Advice Clinic

Do you have a civil legal problem you would like help with? **Apply today** for help through the Limited Scope Legal Advice Clinic! If you qualify financially, you can meet with a volunteer attorney (**at no cost**) to:

- Go over your documents,
- Talk about your options under Montana law, and
- Get advice on how to proceed.

The clinic is held once a month. To apply, contact:

Montana Legal Services Association

616 Helena Avenue, Suite 100

OR

The Self-Help Law Center at the State Law Library

215 North Sanders Street

Call **1-800-666-6899** for more information.

*PLEASE NOTE: The Clinic cannot assist with criminal matters.

Montana Legal Services Association

1-800-666-6899
www.mtlsa.org
www.MontanaLawHelp.org

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. Geotting 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)

Explains how Beneficiary deeds allow owners of real property in Montana to transfer their property to one or more beneficiaries without probate.

Cremation. (MT200201HR) (2012)
Explores personal and family concerns, state and federal regulations, and costs of cremation.

Designating Beneficiaries through Contractual Arrangements. (MT199901HR) (2009)
Focuses on transferring assets through contractual arrangements, such as those commonly found with insurance policies, IRAs and employee benefit plans.

Dying Without a Will in Montana: Who Receives Your Property? (MT198908HR) (2014)
Includes legal terms and detailed examples of possible scenarios for distribution of property should a person die before writing a will.

Estate Planning for Families with Minor and/or Special Needs Children. (MT199117HR) (2012)
Explains how to provide for children's physical and financial care in case of parents' death. Includes special instructions concerning special needs children and stepchildren.

Estate Planning in Montana: Getting Started. (MT199508HR) (2009)
Explains how--and why---to arrange for the future use and distribution of your property.

Estate Planning Tools for Owners of Pets & Companion Animals or Service Animals. (MT201405HR) (2014)
Outlines legal options for owners who plan to name a caregiver for their companion animals, service animals and/or pets in case of the owner's death or incapacitation.

Federal Estate Tax. (MT199104HR) (2014)
This publication describes how federal tax laws affect individual estates, including changes resulting from the American Taxpayer Relief Act of 2012.

Gifting: A Property Transfer Tool of Estate Planning. (MT199105HR) (2014)
This MontGuide explains how to use laws that allow gifts of real and personal property to reduce federal income taxes, federal gift taxes and potential federal estate taxes. Included are changes resulting from the American Taxpayer Relief Act of 2012.

Glossary of Estate Planning Terms. (MT200202HR) (2013)
Provides definitions of some of the estate planning terms used in MSU Extension Estate Planning MontGuides. Keep this glossary close by in case you come across an unfamiliar term.

Letter of Last Instructions. (MT198904HR) (2011)
Explains what should be included in a letter of last instructions to assist survivors after the death of the writer.

Life Estate: A Useful Estate Planning Tool. (MT200510HR) (2009)
Explains how to allow someone to possess property during his/her lifetime before the estate passes on to another person or organization.

Life Insurance: An Estate Planning Tool. (MT199211HR) (2013)
Explains when life insurance should be part of a family's estate plan.

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.

What Are Your Rights Over Your Remains? (MT200918HR) (2011)
The 2009 legislature passed the Montana Right of Disposition Act that allows a person to provide instructions for disposing of his or her remains or to designate an agent with authority to make such decisions.

Who Gets Grandma's Yellow Pie Plate? Transferring Non-Titled Property. (MT199701HR) (2011)
Explains how to deal with some of the issues that may arise with the transfer of non-titled property such as photographs and other family heirlooms among family members.

Wills. (MT198906HR) (2012)
Outlines why and how to construct a will, including costs, restrictions and changes after its completion.

Understanding Mineral Rights (MT201207HR) (2012)
Designed to help land and mineral owners understand mineral rights. Understanding what mineral property is, how it is defined, what a mineral interest is, and some of the basic rules associated with mineral ownership are fundamental to understanding the process of mineral development and its effects on land that you may own or have an interest in.

There are additional MontGuides available on the subjects of Retirement Savings and Inheriting Indian Lands. A complete list of MontGuides is available at: http://www.msuextension.org/health/msu_montguides.html.

MontGuides are not the only educational methods Dr. Goetting utilizes. She also gives hundreds of presentations throughout the state, including one at the Governor's Conference in May 2013 in which she combined her passion for wildflower photography and obsession about estate planning into "Wildflower Reflections: Families, Legacies and Estate Planning." To see this presentation in 2014, visit Dr. Goetting's speaking schedule at: http://www.montana.edu/extensionecon/countypresentations.html. For more information on the MSU Extension and the many services it provides to Montanans, visit http://www.msuextension.org/.

MONTANA MEDICAL LEGAL PANEL

2021 Eleventh Avenue, Suite 1, Helena, Montana 59601-4890
Telephone (406) 443-1110 · FAX (406) 443-4042

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.

6. **PREHEARING TELEPHONE CONFERENCE:** No less than fourteen (14) days prior to the date set for hearing the Director, the Panel Chairperson and the parties (either through their legal counsel or on their own behalf if appearing on a pro se basis) will conduct a prehearing telephone conference where the following issues are discussed:

A. Simplification and identification of issues;
B. Obtain admissions to or stipulations of facts not remaining in dispute and the authenticity of documents;
C. Limitation of the number of witnesses to be called and scheduling of their appearances;
D. Estimation of length of hearing and, if applicable, consideration of any transcript request;
E. Any other matter that might aid in expeditious consideration and determination of the claim.
F. Any exhibits to be submitted by the parties.

7. **HEARING PROCEDURE:** MMLP hearings are confidential, informal and provide a screening process with an advisory opinion. The hearings start at 10:00 a.m. and typically last approximately three hours. Unless there are special needs which must be met for anyone attending the hearing, once started the hearings run continuously without taking a break for lunch except for short stretch breaks as needed. If a hearing is going to be longer than three hours the Panel members, the parties and their attorneys shall decide whether to take a break for lunch or have lunched ordered in.

8. **INTRODUCTIONS AT THE BEGINNING OF THE HEARING:** It is important that everyone in the hearing room know who everyone else is. The Panel members, the parties, and their attorneys, are provided with a one-page listing of the names and city of residence of each participant. However, at the very outset of the Hearing the Chairperson should introduce him/herself followed by the other Panel members introducing themselves. After the introduction of the Panel members the Chairperson should ask everyone to introduce themselves or ask the attorneys to introduce themselves and their clients.

9. **OPENING STATEMENTS:** Following the introductions the claimant has the opportunity to make an opening statement or to waive the opening statement. Following the claimant's opening statement the health care provider can make an opening statement or reserve it until the claimant has presented claimant's evidence and then make the opening statement.

The opening statement in a Panel Hearing is different than an opening statement made in a jury trial. Panel opening statements are typically more of a combination of opening statement/closing argument for the attorneys to explain their case in as much detail as they choose. Because a Panel Hearing is an informal and relatively brief process, the parties oftentimes make lengthy opening statements in which they refer to selected portions of the medical record, anatomical illustrations, medical literature, reports of experts, etc., and in the process try to explain how all of that adds up to a favorable result for their client. Such an opening statement/closing argument is usually helpful because at the end of those statements everyone should have a good idea of what each party is claiming.

Following the opening statements, and before witness testimony is presented, the Chairperson will administer an oath to each witness who will be testifying. The oath to be given is: "Do you promise to tell the truth and nothing but the truth in your testimony in this case?"

10. **CLAIMANT'S TESTIMONY - DIRECT EXAMINATION:** After the opening statement, the testimony of the claimant, and any other witnesses called by the claimant, will be presented in a question and answer format. Unlike a jury trial where the witness takes the witness stand, at a Panel hearing the witnesses remain seated at their table and the questioning is done in that fashion. The testimony of the Panel hearing is not

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.

19. PANEL DELIBERATIONS AND THE PANEL BALLOTS: Following the Panel members' deliberations each member will complete their ballot. In that respect: (a) how each Panel member votes is confidential and does not need to be shared with any other Panel members; (b) the ballots are not to be signed by any member; (c) any member voting "no" on the first question, that is voting that there was not a violation of the accepted standard of care by the health care provider, does not need to vote on the second question, that is the question of damages; (d) the Panel members may, but are not required to, write any comments on their ballot which they feel are appropriate; (e) at the hearing the primary emphasis is on the question of standard of care. It is the claimant's responsibility also to present "some evidence" on the question of damages. However, that evidence can be short and summary in nature and does not need to be the kind of damage evidence that would be presented in a jury trial.

20. QUESTIONS TO BE ANSWERED BY THE PANEL MEMBERS: Upon consideration of all the relevant material presented and following the Panel members' deliberations, each member shall answer the following two questions by secret ballot.

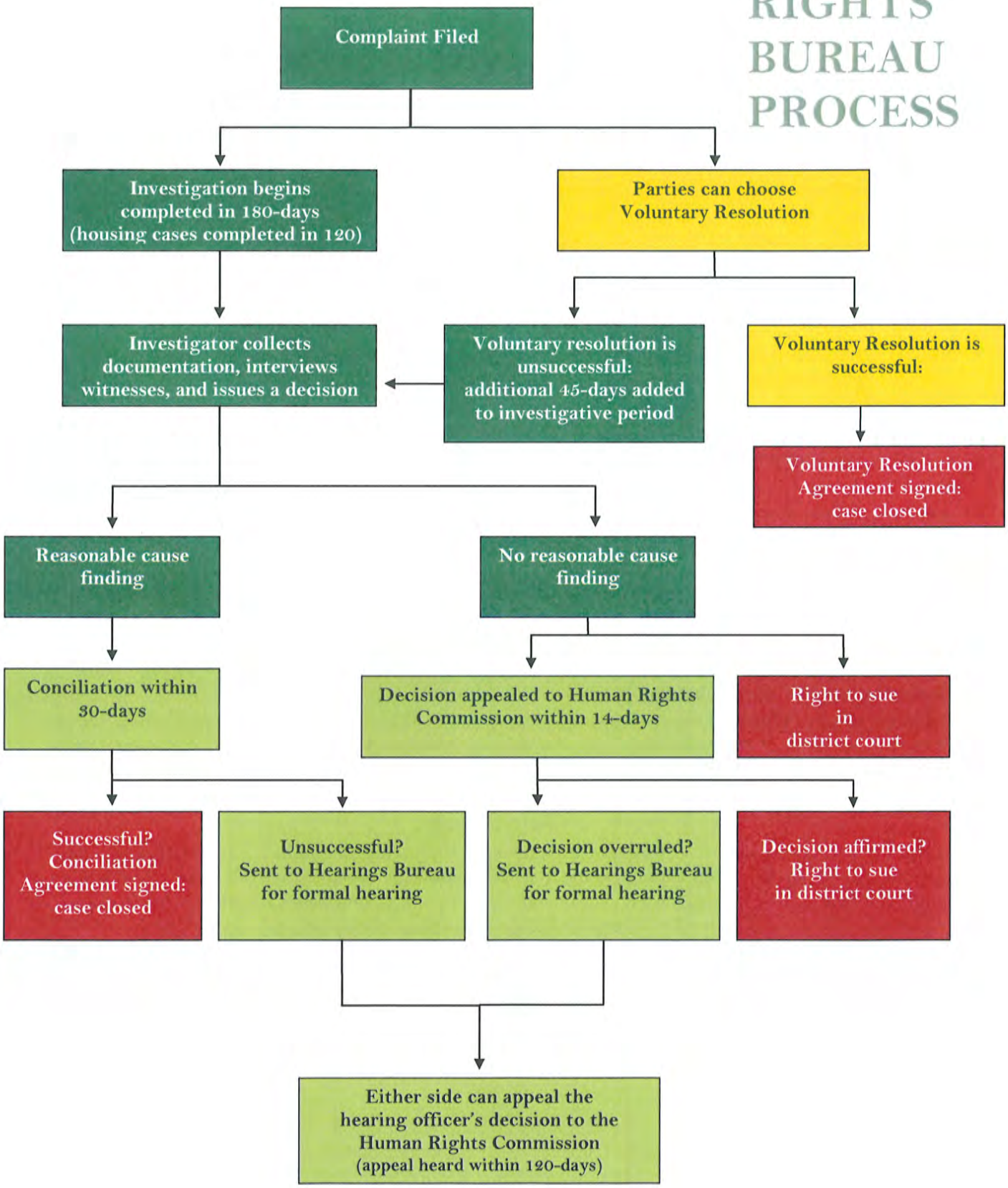
> **Question #1:** Is there substantial evidence* such acts or omissions (claimed against the health care provider) constitute a departure from the accepted standards of health care?
>
> **Question #2:** Is there is a reasonable probability that the patient was injured (as a result of the acts or omissions) thereby?
>
> *Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, or, stated another way, enough evidence to justify a refusal to direct a verdict on a factual issue in a jury trial.

The Chairperson shall tally votes for the Panel Decision. A copy of the Decision, along with any ballot comments, shall be mailed to the parties and their attorneys by the office of the MMLP. The decision and reasoning for the decision of the Panel members is not admissible as evidence in any action subsequently brought in any court of law. Panelists and witnesses are immune from civil liability for all communications, findings, opinions and conclusion made in the course and scope of the duties prescribed by the Montana Medical Legal Panel Rules of Procedure. The Panel's decision is without administrative or judicial authority and is not binding on any party.

21. THE PANEL CHAIRPERSON'S DUTIES ONCE THE DELIBERATIONS AND BALLOTS HAVE BEEN COMPLETED: Following the Panel's deliberations, and the vote of each Panel member, the Panel Chairperson shall: (a) collect the Ballots; (b) tally the results to determine the decision and record that on a separate Decision form to be signed by the Panel Chairperson; (c) collect all exhibits and any other materials distributed for the Panel hearing; (d) call the Panel office at 443-1110 to have a MMLP staff member come to the hearing room to pick up the equipment and all of the materials; (e) if a hearing is held outside of Helena or by another means, all claim materials must be returned to the MMLP office at 2021 11th Avenue, Helena, MT, 59601.

22. REIMBURSEMENT: Panel Members are provided with a MMLP Expense Reimbursement Request form at the hearing. Preparation for the hearing and actual hearing time is paid at $40/hr. Travel to and from the hearing is paid at $25/hr. Mileage, meals and lodging are paid at the State rate of reimbursement. All receipts for meals and lodging must be submitted with the request form. The form may be submitted to the Chairperson at the conclusion of the hearing or mailed to the MMLP office shortly thereafter.

HUMAN RIGHTS BUREAU PROCESS



Please note Montana Human Rights Bureau does not award damages.

A Guide to the Complaint Process

Montana Human Rights Bureau
P.O. Box 1728, Helena, MT 59624-1728
1-800-542-0807

The Montana Human Rights Bureau is a neutral administrative agency charged with enforcement of state laws prohibiting employment and other types of discrimination on the basis of sex, race, color, religion, national origin, age, disability, creed, political belief, familial status, or marital status.

Initial Process

- Within 10 days of the filing of a complaint, we will send a copy of the complaint and documentation submitted with the complaint to the respondent. Within 10 business days of receipt of the complaint, the respondent must submit an initial answer.
- During this stage of the process, both parties have the right to request copies of any information related to the complaint, which has been filed in our office.
- Within 45 days of filing a complaint, the case is assigned to an investigator.

Voluntary Resolution as an Alternative

- Voluntary resolution can expedite your case. It's a faster alternative and the parties retain control. If you are considering voluntary resolution or would like more information, please discuss this with your investigator.
- If the parties wish to discuss voluntary resolution, the Bureau has the option of adding up to 45 days to conduct its informal investigation.

Investigation

- The investigator will complete a neutral, informal investigation based on information provided by both parties. It is in both parties' best interests to provide as much information to the investigation as possible.
- By law, investigations into complaints of discrimination must be completed within 180 days from the filing date. Within that time frame, the investigator will make a finding of ***reasonable cause*** or ***no reasonable cause*** based upon the preponderance of evidence.
- A finding of ***reasonable cause*** simply means that, based on the evidence provided, it appears more likely than not that discrimination occurred.
- A finding of ***no reasonable cause*** means that, based on the evidence provided, it appears more likely than not that discrimination did not occur. Complaints that receive a finding of ***no reasonable cause*** are dismissed and the charging party is advised of his/her right to file a civil action in district court or appeal the decision to the Human Rights Commission.

Conciliation

- If there has been a finding of reasonable cause, the case will go to conciliation in an attempt to resolve the complaint prior to an administrative hearing. Any settlements reached at this stage must include additional affirmative relief, designed to eliminate discriminatory practices identified in the finding.
- If settlement is not reached within 30 days, the case is certified for an administrative hearing.

Hearing

- If there has been a finding of reasonable cause and conciliation is not reached, a Hearing Examiner will conduct a formal hearing, subject to the rules of evidence and civil procedure.
- Each party must present his/her own case through witness testimony and/or documentary evidence.
- The Hearing Examiner will issue a decision as to whether or not discrimination occurred and, if discrimination is found, can award appropriate damages.

Appeals to the Commission

- Within 14 days of any decision by the Human Rights Bureau or Hearing Examiner, either party may appeal the order to the Human Rights Commission, a five-member body appointed by the Governor to hear appeals of discrimination cases.
- The Human Rights Commission will hear the appeal and issue the final agency decision.