



Last year, Crowley lost a powerhouse attorney in Lori McMullen who leaves behind a legacy as a devoted mother, prolific oil and gas attorney, leader of the firm, and advocate of pro bono. In the winter of 2020, Lori wrote the opening statement to our newsletter, describing the history of the firm as we celebrated our 125th anniversary, announcing her desire to see the firm’s pro bono program expand its footprint, and proclaiming her belief that pro bono work is an absolute professional obligation. She closed her letter:

“We carry forward the principles of service exemplified through our pro bono program and commit ourselves to giving back to the communities in which we live and work.”

Lori, without question, exemplified good citizenship through her pro bono contributions. But when confronted with the idea that lawyers should be driven towards pro bono for altruistic reasons alone, that all attorneys should want to help people, Lori would be the first to say that an individual attorney’s motivation to do pro bono does not matter. All that matters is the act of doing.

Lori’s framing of pro bono work as something to do for a variety of reasons continues to mold not only how our program runs but how we talk about pro bono in every professional setting. As an integral part of firm culture, pro bono opportunities offer not only a pathway to give back to our communities, but also a pathway to develop professionally—to push our own comfort zones, to test our legal acumen, and to develop skills that might otherwise be non-existent or rusty.

In this issue we talk about the history of our program, the current work we are doing, and the future needs we anticipate meeting. Within this landscape of need, there is room for everyone to come to the table to and to join in for whatever reason they find driving.

For those of us who had the great fortune to practice alongside or under the tutelage of Lori, her voice will continue to be a part of that reason.

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Appearing Trends

On Marriage

On Parenting

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On Poverty

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What We're Seeing: Shifting Perspectives in Household Values

The legal transformation of families remains the highest demand in our tri-state area. To meet the demand, the pro bono program maintains an active family law litigation practice. However, we find that practicing “family law” implicates big questions regarding not only the optimal structure of a household but also how to protect people in any living situation.

On marriage, this year has invited participation in regular discussions with prospective clients and clients on the special nature of a marriage contract. The decision to marry or not marry is one on which we are hearing more and more nuance. Specifically, we are hearing about multi-decade engagements or partnerships with an array of boundaries either intentionally deployed or absolutely disregarded.

A foray into small claims court is the other remedy when the relationship fails:

Banking Attorneys Deployed: Our client’s ex-boyfriend had proposed marriage. She excitedly saved her money, giving every extra cent she had to him believing he was making down payments on the wedding venue, band, food. When he broke up with her months later, she contacted the various wedding companies for refunds, only to learn that he had made no downpayments. He instead pocketed all her hard-earned money. Our banking attorneys filed suit in small claims court, earning her a windfall judgment for the damages plus interest.

Litigation Attorneys Prevail: Our client signed over title to her vehicle so her child’s father could trade it in for a safer car for her to transport their child. When they broke up, he withheld the title for her car, which he had titled to himself. Our litigation attorneys prevailed in a lawsuit for fraud, returning our client her vehicle in the dead of winter.

With all the romantic muster available, we consistently advise that marriage is first and foremost a legal and economic tool. It is a contract that comes with consideration and protection. Marriage contracts evolved from an ancient family-based arrangement for alliances to a legal contract for property and inheritance. The joining of two into one is a consolidation legitimizing heirs, paving pathways to property control and transfer, and, most relevant to our work, equitable distribution of assets in a divorce. Without it, civil litigation is the only remedy to recover from an inequitable unmingling of lives.



On parenting, global, national, and local hardship has increased exposure to and frequency of stress responses in most people. Many of those stressed-out people are now engaged in high-conflict coparenting. Our practice is child-centered regardless of our role in a case. Being child-centered is statutorily supported by the respective “best interest of the child” elements contemplated in any specific case.

Children have immense potential; children also endure hardship in ways that may be hard to identify and understand for years to come. What we witness consistently is that children have tendencies toward thriving:

- When there is at least *one adult* consistently committed to their well-being, stability, and care;
- When basic needs are met in a way that uncertainty is not a burden on the child; and
- When a child’s origin is not tainted by the perspective of others.

This year, we have seen *that one adult* be realized through many different people attached to the children in our cases; it’s been mothers, fathers, aunts, uncles, adult siblings, teachers, and unrelated community members.

Attorney Guardians ad Litem: Tanner (8th grader) belonged nowhere. Since pre-K, he’d not received consistent schooling and had never been on a team. Tanner woke and slept at random. Tanner flowed between his addict-parents’ homes. In each transition, he reminded himself *who* he must be in that household. Tanner was quietly neglected. A child-protective legal system responded, and Tanner was appointed a Crowley guardian ad litem (“GAL”). His GAL advocated for him across several legal issues, providing multiple Courts a single lens through which to see Tanner, which allowed the system to teach Tanner what he had a right to expect from his parents, what consequences he should expect from his own choices, and that love does not hurt. Tanner is now attending a local, therapeutic school. He is developing routines and being evaluated for his specific needs.

On care for elders and other incapacitated persons, Project 2030, a research effort led by Montana State University's Department of Agricultural Economics and Economics, projects that Montana—likely consistent with surrounding states—is trending sharply toward an elder population with the percentage of 65+ individuals doubling between 2010 and 2030. This is a rare moment with the greatest access to lifetimes of experience and knowledge as well as a critical moment requiring an increase in legal initiatives ensuring the quality of care for our elders. There are many avenues to protect the elderly in our communities, from establishing guardianships, engaging in estate planning, and advocating to protect against financial abuse—both overt and coercive.

Protecting our Aging Community

Guardianship Councils: Right now, the Yellowstone County Guardianship Council, a program of Allies in Aging, is the only organized, volunteer response to the need for no-cost professional guardians across Montana, Wyoming, and North Dakota. The Council is comprised of professional volunteers who operate in tandem to serve as guardian for low-income elderly persons who have no family or friends qualified or willing to serve. As a team, members of the Council lean into one another's expertise and experience to provide a high level of protection to vulnerable adults. This is replicable model that we hope to see develop as the needs rise.

Where Housing and Employment Abut: Our attorneys settled a highly contested pro bono case for an elderly couple who were facing claims for wrongful holdover and significant damages after living in a ranch house for over 35 years as part of their employment. With representation available, the couple were able to greatly reduce the damage claim and obtain a great conclusion as they moved into their retirement.

Where a Caretaker Oversteps: Our client was an 86-year-old widowed, disabled veteran who was facing a civil complaint for battery, unjust enrichment, and conversion filed by a disgruntled in-home employee caregiver whom he was forced to formally evict from his home upon firing her. Our attorneys entered into representation of the client more than a year into litigation, and secured summary judgment in favor of the client within two months, resulting in a complete dismissal of the claims, such that the client earned back well-earned peace.

On wealth management, every cost of living is on the rise while earning remains flat. When there is a cap on potential access to money, wealth management becomes about the mechanics of maximizing sparse assets concurrent to almost impossible debt maintenance. Those with limited means are attributed to thinking about money in a way that is constant and consuming taking up a substantial portion of that individual's cognition and attentiveness toward other things. Sustained, multi-generational navigation of hardship is a challenging cycle to navigate. As such, the pro bono program endeavors to increase tangible access to the most funds available in any given situation. This year, the most successful wealth management done for our clients has been expressed through:

- Drafting effective Qualified Domestic Relations Orders for appropriate distribution of interests in retirement accounts;
- Requesting and receiving Temporary Maintenance to bridge financial continuity through a contested case;
- Executing on earned judgments against bad actors; and
- Advising on judgment protections for those with expired judgments or when a person's income is protected.

Securing Judgments Against Bad Actors

Our client, a seventeen-year-old high school student with no involved parents, contracted with a car sales company of ill-repute for a truck. He gave them his cash and continued to make payments based on their representations that they were holding the truck for him. When he came to understand the vehicle was no longer on the lot, the car salesman did a bait and switch, trying to get him to take a different truck with some suspicious VIN issues. When we tried to negotiate, explaining to the dealership that they had contracted with a minor, they disappeared with his money. Our attorneys filed suit in small claims court, and it took a team to arrange service through the secretary of state when the dealership proved impossible to serve. The judgment is in the process of being executed.

Commitment to Communities: The Making of Crowley Fleck's Pro Bono Practice

Institutional solutions providing legal services to those facing socio-economic scarcity are a remarkably modern phenomenon. It was not until the 1980s that the legal profession's ethical rules began utilizing the term "pro bono" in Rule 6.1, connecting a lawyer's public service responsibility to their practice. Lacking a formalized structure, private attorneys historically acted by representing clients they encountered on an ad hoc, individualized basis blending *free* work with *pro bono* work.



In the 1990s, big law was surging alongside internet-related technology advancements. The practice of law and delivery of service was tested and reimaged to scale with modernity. Amid that same transitional period, leadership of what we now know as Crowley Fleck PLLP identified that firm members had a persistent willingness to harness their trained minds, compassionate spirits, and top tier resources to help others. Firm members were regularly taking on free and pro bono work. As firms reorganized

their billable practice in tandem with innovation, it became increasingly clear that the previous informality around unbilled cases was unsustainable and exposed the firm to malpractice concerns. A solution was necessary to continue to support the efforts and outcomes of those cases.

An innovative idea arose: a designated in-house effort to institutionalize Crowley's commitment to community. In this way, there could be a quality control measure to distinguish pro bono service from donated, free service. In this way, culture and competency could be cultivated and grow.

In 1996, the same year the American Bar Association published its first *Making Pro Bono a Priority: A Bar Leader's Handbook*, Crowley recruited a known colleague experienced in poverty law, Gary Connelley, to be an in-house expert on issues arising in the spaces of the greatest need: access to justice systems, government benefits, family and elder law, consumer/contract disputes, and discrimination. These were recognized to be specialty areas of law outside of Crowley's traditional wheelhouse. Connelley became Montana's first full-time, pro bono counsel, and Crowley became one of the first firms in the nation to have a dedicated in-house pro bono program. While American big law has gradually followed suit institutionalizing pro bono into their business models, Crowley remains the only regional firm in North Dakota, Wyoming, and Montana modelled in this way.

2025 Brought Record-Breaking Participation from Associates

Crowley's associates, junior and senior alike, spent 2025 proving that pro bono service is an integrated part of firm life. Never balking at a difficult case, our associates took on civil litigation, nonprofit advising, family law, mediations and settlement conferences, emancipations, adoptions, guardian ad litem appointments, immigration matters, and guardianships. We saw them secure default judgments for clients caught up by creditors of ill-repute; help nonprofits update bylaws to meet best practices; secure long-term orders of protection to protect survivors of family violence from their abusers; conduct facilitative mediations to help parents come together for the benefit of their children; challenge guardians who failed in their fiduciary duties to their wards; and investigate the best interests of children as attorney guardians ad litem. This class of associates led by example and for all the right reasons. The "right reasons" being whatever motivated them to act.



For more information about our program, visit our website at:

<https://crowleyfleck.com/practice-areas/pro-bono/>