

BOZEMAN DAILY CHRONICLE

SUNDAY

SECTION

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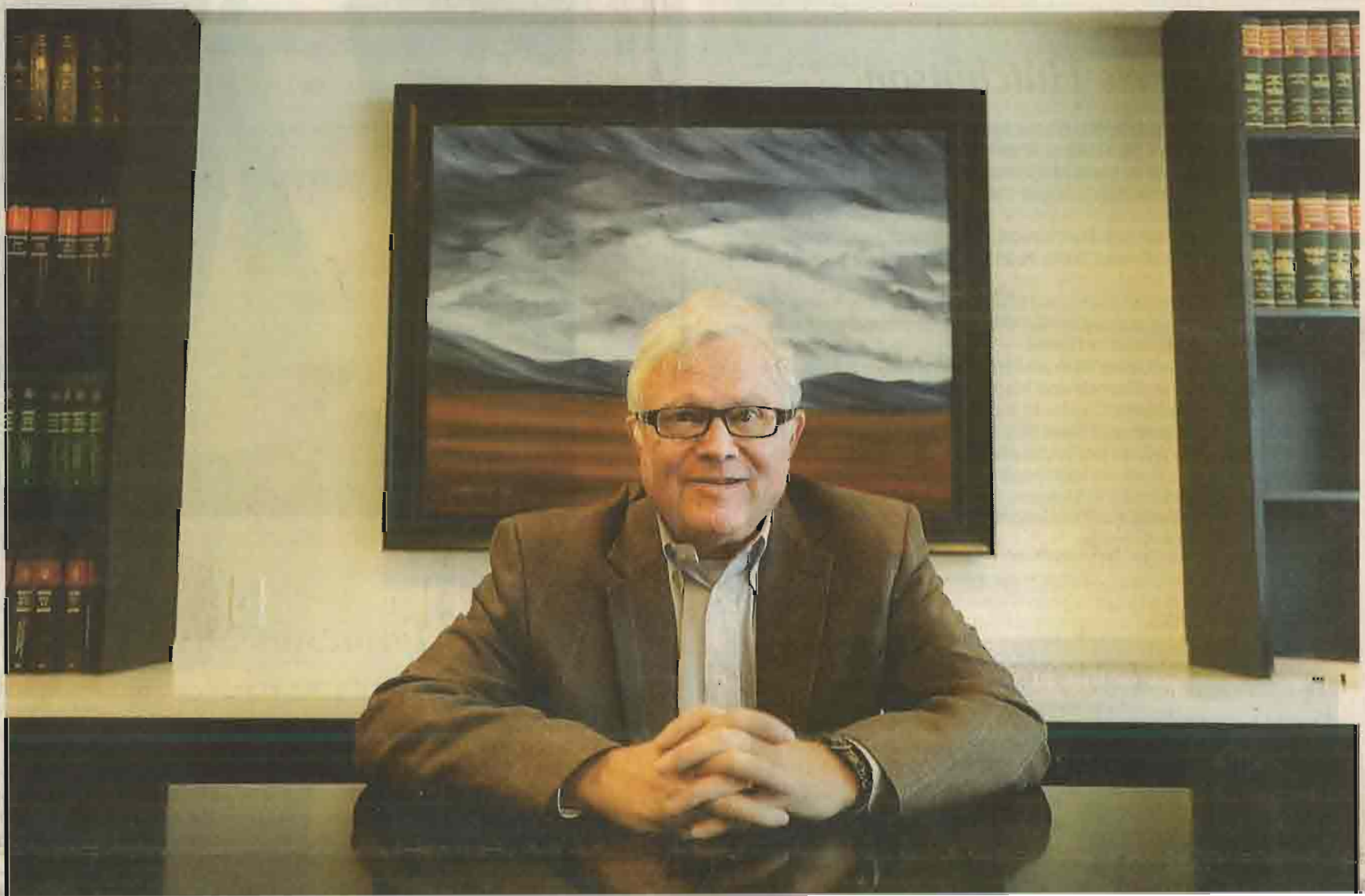
SUNDAY, DECEMBER 18, 2011



BOZEMAN DAILY CHRONICLE NEWSMAKERS

# Legendary lawyer

JIM GOETZ ONE OF STATE'S BEST-KNOWN ATTORNEYS



Attorney Jim Goetz poses for a portrait in his law firm Wednesday.

*Editor's Note: The year 2011 marks the 100<sup>th</sup> anniversary of Bozeman's only daily newspaper. To help mark the occasion, each week the Chronicle will devote this page to profiles of some of the major newsmakers in the history of Bozeman and the Gallatin Valley.*

By **CARLY FLANDRO**  
Chronicle Staff Writer

**A**t age 69, legendary Bozeman attorney Jim Goetz has no plans for retirement, which — for opposing lawyers — is bad news.

Goetz's reputation and record are enough to intimidate anyone challenging him in court.

"If you had to choose five of the top general practice lawyers in the state, you would have to include Jim Goetz," Gordon Bennett, a former district judge of Helena, said recently. "If you had to choose the top constitutional lawyer in the state, you'd have to choose Jim Goetz ... He's highly ethical and a terrific battler."

Goetz has been practicing in Bozeman for decades. In that time, he's helped secure stream access in Montana, ensured all schools receive fair funding for education and drafted the Montana Conservation Easement Law.

He's also been a central figure in well-known cases such as the Larry Moore murder trial and another involving property that the late famed CBS journalist, Charles Kuralt, had left behind.

Goetz has consistently made headlines throughout his career, and even today is working on a dozen cases that range from the legality of medical marijuana to the rights of same sex couples. He is currently a partner at the Goetz, Gallik & Baldwin law firm.

"It's been a really interesting occupation," he said. "I'm not ready to hang it up yet."

## His start

Goetz got an undergraduate degree in history from Montana State University after growing up in Ennis, then went on to Yale Law School.

There, one of his professors was Robert Bork, a conservative judge whom President Ronald Reagan nominated for the Supreme Court but whom the Senate rejected. The New York Times called it "one of the fiercest battles ever waged over a Supreme Court nominee."

"Although I wasn't in line with him politically, he was a very competent and interesting constitutional law professor," Goetz said of Bork. "He piqued my interest."

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— **Gordon Bennett**,  
former Helena district judge

After earning a degree from Yale, Goetz returned to Montana, where he would become one of the state's most respected constitutional lawyers.

But Goetz had to overcome an obstacle before becoming an attorney: the state bar exam.

He failed it the first time, but passed on his second try.

At the time, law students who graduated from Montana schools were exempted from the bar. Goetz didn't think that was fair, so in his first case, he challenged that "diploma privilege." Eventually, that privilege was abolished and all law students were required to pass the exam before practicing.

Goetz acknowledged that for a time he was not well liked by those at the University of Montana Law School. For several years, they had a roast at each year's end and wore "nasty T-shirts" with Goetz's name on them.

"That was kind of a mortal combat battle because the dean over there hated me," Goetz said. "And I reciprocated."

In another of his early cases, Goetz represented a client who was called to war but held that the U.S. Selective Service System was unconstitutional because it drafted only men and was sexually discriminatory. The court sided with Goetz, but "that case was quickly overturned in the Ninth Circuit," according to Goetz's website.

One of his favorites cases took place in 1979, when a court blocked the U.S. Army Corps of Engineers' construction of a quarter billion dollar "regulation dam" below the main Libby Dam on the Kootenai River. Had the dam been built, it would've flooded another seven miles of the waterway.

"That saved that part of the river," Goetz said. "That's a permanent contribution, so I'm pretty happy with that case."

Later, he and former law partner William Madden got the National Wildlife Federation Resource Defense Award, primarily because of that case.

## News-making cases

Goetz also represented famed author A.B. "Bud" Guthrie, author of "The Big Sky," who was contesting a proposed subdivision in Teton County.

And when CBS journalist Charles Kuralt died, Goetz handled a series of cases involving a piece of Kuralt's property near the Big Hole River. Kuralt had intended to deed the land to longtime friend Patricia Shannon. He never did so before he died, but penned a letter describing his wishes. Eventually, Shannon did get that land, but it took three trips to the Montana Supreme Court.

Goetz was also a defense attorney in the Larry Moore murder trial. Moore is currently imprisoned after being convicted with killing former Gallatin County sheriff's deputy Brad Brisbin in 1990. The case involved one of the longest, most complex murder investigations in the county's history and was the first in the state to use DNA evidence.

Goetz argued to dismiss the charges against Moore, saying there was no proof Brisbin was dead without a body. He called DNA evidence "very novel and controversial."

Moore was found guilty and on June 5, 1993, was sentenced to prison.

Goetz also handled the "seminal Montana cases on stream access," according to his law firm's website. The two cases, regarding the Dearborn and Beaverhead rivers, established that the waterways were public and accessible for recreationists and others up to the high water mark. The cases made clear that rafters, fishermen and others have access to Montana's rivers and streams.

"I think that's very important to a great many Montanans who have been used to fishing and floating for years," Goetz said.

He also helped ensure that all counties, regardless of their natural resources, receive adequate and equitable education funding. Previously, counties with great wealth from oil, gas and coal got extra funding from local tax sources. But poorer counties didn't have those types of funds available.

That issue remains a "constant struggle," Goetz said.

Goetz has also represented the Salish and Kootenai tribes for more than 25 years, mostly on litigation regarding water issues in state and federal courts.

John Carter, a tribal attorney who has worked with Goetz for years, said he's "one of the best, absolutely."

"His trial capabilities, knowledge and use of the rules that the courts put on litigation is impeccable," Carter said.

## Judge hears 'Sister Wives' challenge of U.S. law

SALT LAKE CITY (AP) — Attorneys for a polygamous family made famous on a reality television show on Friday asked a federal judge in the state of Utah not to block their challenge of the state's bigamy law.

Kody Brown and wives Meri, Janelle, Christine and Robyn filed a lawsuit in Salt Lake City's U.S. District Court in July.

The stars of the TLC show "Sister Wives" contend the law is unconstitutional because it violates their right to privacy — prohibiting them from living together and criminalizing their private sexual relationships.

Under Utah state law, people are guilty of bigamy if they have multiple marriage licenses, or if they cohabit with another consenting adult in a marriage-like relationship. Any couple of any sex living together in an intimate relationship is considered marriage-like under the law, and such a living

## Goetz/from E1

### Then and now

In his early years, Goetz worked as a constitutional and environmental law instructor at MSU. In 1972, he started a full-time solo law practice and had a reputation for taking on environmental suits for free or for reduced fees.

"That's kind of like beating your head against the wall," Goetz said of how often he worked on environmental cases. "If you win a case you're very lucky."

He said that's because the other side usually has more resources.

Eventually Goetz gained partners William Madden Jr. and Theodore "Russ" Dunn.

"James Goetz has made his name — and a tidy living — in Bozeman, Montana, taking on what one admirer calls 'lost causes that turned out to be not so lost,'" Kyle Chadwick wrote in a 1991 article in *The American Lawyer*.

Goetz said now he's able to be more selective and isn't as likely to take on so-called "lost causes."

"My practice has become more commercial,"

he said. "We do less of the maverick type work."

But he still takes on cases for free — such as an American Civil Liberties Union case on same sex couple's rights. Why?

"Because it's the right thing to do and they're interesting issues," Goetz said.

Looking back on his career, he said he's glad he returned to Montana to practice law, rather than staying on the East Coast in New York or Washington, D.C.

"I'm sure I could've made quite a bit more money if I'd stayed (there), but I would not have had the eclectic mix of cases I've been able to do out here," he said.

In the time he's practiced, he's certainly made an impact on other lawyers.

Bob Baldwin, a partner at his law firm, said Goetz is "one of the smartest people I've ever known" and is "very disciplined in his approach to legal issues."

Stan Bradshaw is now counsel for Trout Unlimited's Montana Water Project, but in previous work for other agencies and groups, he was both an opponent of Goetz and a lawyer alongside him.

"I never said this to

him, but he was a great role model," Bradshaw said. "He's shown time and again his mastery of not only the law but how to express (his point) to the decision maker he has to influence."

Bill Hunt, a former state Supreme Court justice, once said Goetz was the best appellate lawyer who ever appeared

in front of the court. His son, Jim Hunt, a lawyer in Helena, has also known Goetz for a long time.

Jim first met Goetz in 1983 when he was a clerk for former District Court Judge Joe Gary.

"I watched him try some of his first cases," Jim said. "He was a good trial lawyer back then, and developed into one of

the best in the state."

Jim said he remembered Gary had once told him, "(Jim Goetz) is going to be a star."

As it turns out, that premonition was correct.

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IF YOUR SNOWBLOWER  
ISN'T READY TO RUN,  
THE SNOWBLOWER IS YOU.

