The Student Bar Association of the University of Montana School of Law
Resolution Adopting the Vote of the Law Student Body on Student Activity Fees

April 7, 2019

Authored By: Summer Carmack, SBA President; and Zac Hixson, ABA Representative;

Whereas, The Student Bar Association ("SBA") has operated as the official governing organization representing the students enrolled at the University of Montana School of Law since 1911;

Whereas, In Policy 940.3(4), the Montana University System ("MUS") Board of Regents designated a law student exemption from the regularly assessed Student Activity Fee at the University of Montana, and created the Law School Activity Fee instead. Policy 940.3(4)(B) reads:

"B. Students enrolled in the Law School are exempted from paying the regular student activity fee. Such students shall, however, pay the Law School activity fee as provided by Item 210-108, April 14, 1969."

Whereas, Item 210-108 of the April 14, 1969 Board of Regents minutes provides multiple justifications for the Law School Activity Fee assessment, including the "overwhelming[] approval by [law] student vote," and "provid[ing] greater participation in the Student Bar Association, a valuable experience in training for law students who are expected to become members of their professional organization—the Bar Association—upon being admitted to the practice of law;"

Whereas, SBA is charged with promoting the protection of the rights and privileges of all law students in policy-making deliberations of the University of Montana School of Law, and of governmental bodies on campus and at local, state, and national levels;

Whereas, SBA retains the power to communicate findings, inquiries, and resolutions concerning grievances to the appropriate authorities or individuals;

Whereas, The law student body recognizes that the Associated Students of the University of Montana ("ASUM") provides services to which law students are eligible;

Whereas, SBA retains the power to adopt and publish resolutions representing the position of law students on any issue relevant to a legal education, the legal profession, the legal system, School of Law policies, or University policies;

Whereas, Decisions made by simple majority vote of the law student body in a General SBA Meeting are controlling, and the SBA Executive Board is bound by the results of those decisions;

Whereas, On February 28, 2019, the President of the SBA called and provided notice of a General SBA Meeting to be held on March 13, 2019, from noon to 1pm in room 101 of the School of Law, the purpose of which was to vote on law students’ preferred option for payment of Student Activity Fees;

Whereas, A quorum of 47 law students of SBA membership, who are not members of the SBA Executive Board, and the 10 members of the SBA Executive Board, attended the General SBA Meeting on March 13, 2019;
Whereas, During the General SBA Meeting on March 13, 2019, the law student body was presented with four options for payment of student activity fees: (1) Striking the law student exemption in MUS Board of Regents Policy 940.3(4), thereafter paying the full student activity fee to ASUM and the full law student activity fee to SBA; (2) Striking the law student exemption in MUS Board of Regents Policy 940.3(4), and only paying the full student activity fee to ASUM; (3) Amending the law student exemption in MUS Board of Regents Policy 940.3(4) to state that law students pay the full student activity fee, 50% of which is allocated to ASUM, with the remaining 50% to be retained by SBA; and (4) Amending the law student exemption in MUS Board of Regents Policy 940.3(4) to state that law students pay the full student activity fee, 70% of which is allocated to ASUM, with the remaining 30% to be retained by SBA;

Whereas, During the General SBA Meeting on March 13, 2019, the law student body voted to approve amending the law student exemption in MUS Board of Regents Policy 940.3(4) whereafter law students pay the full student activity fee, as assessed by the University of Montana, with 70% being allocated to ASUM for services rendered, and 30% being allocated to SBA, in furtherance of the SBA’s status as the governing organization of the law school student body;

Therefore, Let it Be Resolved, That the University of Montana School of Law SBA adopts the decision of the law student body, as made in the General SBA Meeting on March 13, 2019, to amend the law student exemption in MUS Board of Regents Policy 940.3(4), whereafter law students are assessed the full student activity fee, with 30% of funds allocated to SBA and 70% of funds allocated to ASUM for services rendered.

Therefore, Let it Be Further Resolved, That the University of Montana School of Law SBA requests MUS Board of Regents Policy 940.3(4) be amended to read:

"B. In recognition of the history of the Student Bar Association as a semi-autonomous student government organization of the Alexander Blewett III School of Law at the University of Montana, students enrolled in the School of Law shall pay the regular student activity fee, with 30% of that fee allocated to the Student Bar Association and 70% allocated to the Associated Students of the University of Montana."

Therefore, Let it Be Further Resolved, That any change in MUS Board of Regents Policy 940.3(4) not in accordance this resolution is counter to the will of the law school student body as demonstrated in the law student vote on March 13, 2019.

Therefore, Let it Be Further Resolved, That this resolution be posted on the SBA website and sent to the following: the entire student body of the University of Montana School of Law; Paul Kirgis, Dean, Alexander Blewett III School of Law; Paul Lassiter, Vice President, Operations and Finance; Jon Harbor, Executive Vice President and Provost; John Mudd, Executive Director, Montana State Bar; Tyler Trevor, Deputy Commissioner for Budget & Planning, Chief of Staff, Office of the Commissioner of Higher Education; Ona Renner-Faehey, Faculty Advisor, ASUM; Alex Butler, Outgoing President, ASUM.

Passed by SBA Executive Board: April 11th, 2019.