

Dean Candidates visit UM Law

Four finalists, each hoping to serve as the next dean of the School of Law, visited campus in November at the invitation of UM Provost Perry Brown. Prof. Robert Ackerman of Wayne State University Law School, Prof. Andrew King-Ries of UM Law, Norman Bay, Director of the Office of Enforcement of the Federal Energy Regulatory Commission, and Associate Dean and Assoc. Prof. Oren Griffin of Mercer University Walter F. George School of Law, each set out their visions for the School in a public presentation: "What is the University of Montana School of Law's future in legal education?" (Videos of the presentations are available at:

<http://www.umt.edu/law/about/openings.php>)

The law dean search committee, chaired by Roberta D. Evans, Dean and Professor at the Phyllis J. Washington College of Education and Human Sciences, was pleased to have had the opportunity to introduce the finalists to many groups on campus and beyond. "Through meetings with Montana Law faculty, staff, and students—as well as vital stakeholders representing the Montana Bar Association and Judiciary and including sessions with UM executives and administrators representing the Foundation, International Programs, and deans—each finalist was critiqued multiple times. In the end, insight from every group will greatly benefit Provost Perry Brown as he considers vital next steps for the School of Law."

UMSL ABA Negotiation Team Invited To National Competition



The University of Montana Law School ABA Negotiation Competition Team has been invited to compete at the National ABA Negotiation Team Competition in Chicago in February. National competition is held annually in conjunction with the mid-winter meeting of the ABA. UM Team Members Clare Hansen, 3L, [Tofte, MN] and Nick VandenBos, 1L, [Bozeman, MT] placed second at the Regional Competition in Portland in November. Hansen and VandenBos advanced to the Final Round at Lewis and

Clark Law School with the best score among the competing teams.

National competition will bring together the top teams from 10 Regional Competitions at the February 2014 ABA event, along with the top placing teams from Canadian Provinces.

Fall Recruiting at the University of Montana School of Law

Applications to law schools around the country have suffered a dramatic drop over the past three years and every indication is that they will drop again this year. Overall applications fell 10.9% in 2011, an additional 12.5% in 2012, and another 17.9% in 2013 (as of 8/8/2013). The number of LSAT takers this past June fell 4.9% from the year before and most of the summer and fall LSAC Forums have shown a substantial decrease in attendance by prospective law school applicants.

Many law schools have slashed enrollment by 30 – 40% and are struggling to stay afloat. While the University of Montana School of Law has weathered the storm so far, and actually saw a 12% increase in applications between 2012 and 2013, we continue to work hard on our recruiting efforts. Students, faculty, and the admissions director have traveled to Chicago, D.C., Houston, New York, Alaska, and eastern Washington, and will soon be travelling to law school fairs and LSAC Forums in Los Angeles, Atlanta, Colorado, Utah, Arizona, Oregon, Washington and Idaho to recruit top students for the law school class entering fall of 2014.

In this difficult time, it is more important than ever before to spread the word about the University of Montana School of Law. We embrace our alumni support and encourage you to talk to prospective law students about our program and the unique culture here at UM. We also have exciting opportunities for alumni living in recruiting areas to attend law school fairs with our representatives or host open houses for alumni and prospective students to share their experience.

Student Section

Mike Pasque (1L)

Phi Delta Phi led the charge for the “Canned Immunity Food Drive” this fall breaking past records. Law students started the week with a total of 388 cans total. By the end of the week UMSL raised a little over 1,768. As of 5:00 pm on Friday, the University of Montana School of Law exceeded our aggregate donation to the Missoula Food Bank. Other law school students worry about the competition in their class regarding their grades. This our students chose to give back to their community. Students came together and demolished our previous donation. We have provided food for over 16,900 people in the Missoula area; 5,500 local households; and all to work toward a hunger-free Missoula. As the Missoula Food Bank says, “Together, we nourish community.”



1Ls: 2,021 cans + \$483.90 cash = 2,504.90

2Ls: 2,780 cans + \$680.50 cash = 3,460.50

3Ls: 3,031 cans + \$422.00 cash = 3,453.00

UM Law grand total

7,832 cans + \$1583.40 cash = 9,418.40 total donation (Last year's total donation = 3,572)

While you can see from the above totals that the 2Ls “won” this year, there is no way the donations would have come in the way they did without the effort from all the students.

A donation of 9,418.40 items to the Missoula Food Bank – in the name of Chris Tucker, a friend lost but never forgotten.

Phi Delta Phi is the oldest international legal honors society in the United States, dedicated to the promotion of legal ethics, scholarship, and justice. Formed in 1869 at the University of Michigan, Phi Delta Phi has grown immensely in the last 143 years to include Inns (local chapters) all over the United States. The University of Montana's own Clayberg Inn hosts the annual Canned Immunity Food Drive every year in November to encourage relationships between the law students and Missoulians, and to give back to the community who has given us so much.

UM Law's 3L Emily Lucas receives Student Pro Bono Award



Montana Legal Services Association (MLSA) and the University of Montana School of Law are proud to announce third year law student Emily Lucas as this year's recipient of the Montana Law Student Pro Bono Service Award. The award-including a \$500 check donated by Crowley Fleck, PLLP- was given to Ms. Lucas on Friday, October 18th at the Missoula County Courthouse.

A deserving candidate, Ms. Lucas has donated an estimated 200 hours to volunteer legal work outside classroom over the last three years. Her involvement in pro bono has ranged from implementing a Domestic Violence clinic, working with Crime Victim's Advocate Office, DOVES, the YWCA, and Rubin & Ries Law Offices. Emily's passion when it comes to the law is to work with victims of domestic violence. She says access to legal services is important in all areas, but when domestic violence is present, civil legal representation can create an avenue for victims to leave. "The ability to leave reduces the overall prevalence of violence within a community."

Although pro bono benefits the community, Ms. Lucas says she feels just as rewarded about the experience as those she has helped. "I think it's important to remember that providing pro bono services is not only beneficial to those who are served, it is personally rewarding. It can provide an unparalleled opportunity for career development through direct supervision by practicing attorneys and meaningful client interactions."

The Montana Law Student Pro Bono Service Award is handed out annually in October to a third year law student who has demonstrated extraordinary commitment to public service and pro bono legal work during their law school career.

Faculty Row



Professors Eduardo Capulong, Anna Conley, and Andrew King-Ries presented a series of workshops in Vietnam this summer and fall. Sponsored by the Institute for Policy, Law, and Development, the People's Police University and U.S. Embassy of Vietnam. Professors Capulong, Conley, and King-Ries spoke on U.S. models for access-to-justice and pro bono programs, clinical legal education, criminal defense, and civil rights litigation. The conference, Legal Aid for Marginalized Peoples, was attended by legal scholars, lawyers, law professors, community activists, and law enforcement. The exchange was made possible by the UM Mansfield Center. Professor Capulong visited Ho Chi Minh City; Professor Conley, Hanoi; and Professor King-Ries, Da Nang.

Assist. Professor Martha Williams and Wildlife Law are going on a field trip November 19. Very exciting because we are teaming up with Professor Drietz's Wildlife Habitat Management class in the College of Forestry and Conservation. Both classes are looking at wildlife habitat and the extraordinary success of the Blackfoot Challenge's model of community based conservation, we are collaborating to understand the immense scale of conservation in the Blackfoot Valley and the broad array of partners is to see it in person. The class will tour with Jim Stone, rancher and Chair of the Board of Directors of the Blackfoot Challenge and Greg Neudecker, Vice Chair and United States Fish and Wildlife Service employee - both have played integral roles in spearheading and leading this remarkable effort. Students are looking forward to meeting Jim and Greg and hear about what it takes to pull large and small scale conservation together.

Assist. Professor Jon Byington students Practice Deal-Making Skills in his Real Estate Transactions Course. On the second day of class, students were given a fact scenario and asked to draft an appropriate deed. Similar to an attorney's task in practice where forms from other deals are used as the starting point, several deed sample forms were provided to the students as examples. The assigned reading for the day had explained the various types of deeds and the professor's lecture had highlighted aspects that were unique to Montana, such as the implications of using the word "grant" in a conveyance under M.C.A. § 70-20-304. The students submitted their deeds by email to Professor Byington prior to the next class session. The following class session began with PowerPoint slides containing clauses from the deeds the students drafted. The clauses were then used to teach not only drafting skills, but also substantive concepts. For example, students learned how to reconcile, both conceptually and from a drafting

perspective, the interplay between the warranty against encumbrances and the matters of record that were contained in the fact scenario. "Using the work-product of the students raises their engagement and also brings home the relevance of what they are learning" explained Professor Byington. Throughout the semester, student exercises have focused on document reviewing skills, drafting techniques, and negotiation approaches in a transactional setting. Various documents from actual deals have been used as vehicles to teach these skills, including provisions from purchase and sale agreements, leases, estoppel certificates, promissory notes, mortgages, and deeds of trust. The students took a field trip to tour the Missoula County Clerk and Recorder's office and also had the president of a title and escrow company guest lecture on title insurance policies and escrows.

Assist. Professor Sam Panarella has 17 students working on seminar papers. The topics they have selected to explore are truly remarkable and could not be more timely or relevant to our state and the key role it plays in the country's energy future, both renewable and fossil-based. For example, students are grappling with the fine legal points of state regulation of shale gas drilling in the Bakken, Montana's continuing experiment with distributed generation and net metering, and legislative and legal impediments to solar energy development in Montana. The students are also actively engaging with some of the key players in Montana's current and future energy market. Guest speakers in class have included the CEO of one of the country's largest renewable energy developers and the Montana policy manager for a leading renewable energy advocacy group. Students have also interacted directly with the general counsel of Northwestern Energy, Montana's largest regulated utility, and a commissioner of the Montana Public Service Commission.

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