



ABILL School of Law
Clinical Program
NEWSLETTER
Pandemic Special 2020



CLINICAL PROGRAM

Founded in 1966, the Clinical Program at the Alexander Blewett III School of Law at the University of Montana, offers in-house clinics and field placements in which 3L students practice law, with supervision, in a variety of settings, making a real difference in real lives.

CLASS OF 2020

The Class of 2020 continued to serve clinic clients and strengthen skills for practice, despite unsettling circumstances.

FINISH READING ON PG. 2



STUDENT SPOTLIGHT

Clinical law students in the ASUM Legal Services field placement helped protect tenants' rights by advocating for security deposits.

FINISH READING ON PG. 4



ALUMNI SPOTLIGHT

"The first time I met with a client . . . it immediately changed my mind about direct work with clients. A person coming to me for help and entrusting me with a crucial aspect of her life made a big impression on me."

FINISH READING ON PG. 5



CELEBRATING

the Class of 2020

Service Highlights for Students in the Margery Hunter-Brown Indian Law Clinic, Alex Ames, Brett Berntsen, Dan Brister (Spring), Erika Colstad, Marissa Mahkuk Compton, Dylan Jaicks, Victoria Parker, Marthe VanSickle (Spring):

- ~ Started Tribal Court clerkship program with support from Montana Justice Foundation
- ~ Began a new MHBILC Blog: <https://www.umt.edu/law/newsevents/indian-law-blog/bozhocan-win-na-quah-nteshnekas-gigo-ndotem.php>
- ~ Participated in the 2019 summit of tribal cultural resource officers at UM and developed a NAGPRA/Cultural Resources training program for tribes in Montana
- ~ Conducted day-long training with Blackfeet Tribal Court (picture right)
- ~ Initiated partnership with the Bolle Center to analyze U.S. Forest Service planning process
- ~ Worked with National Wildlife Federation and Confederated Salish & Kootenai Tribes to prepare draft report for Rocky Mountain Tribal Leaders Council
- ~ Drafted revisions to the Blackfeet Children's Code
- ~ Partnered with ACLU to study data related to reporting of missing and murdered Indigenous people
- ~ In January, helped re-envision the law school by updating display cabinets: <http://www.umt.edu/law/newsevents/news/2020/02212020-um-law-school-hosts.php>

Praise for Students in Criminal Law & Civil Rights Placements:

- ~ **Robert Belle** (Office of the Public Defender): He maintained the quality of his work while doing so remotely and independently, effectively



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communicating and completing legal research on a novel legal issue in a homicide case.

- ~ **Britton Fraser** (Federal Public Defenders): He fit into the FPD office well, developed great rapport with supervising attorneys, and submitted consistently high quality work.
- ~ **Alicia Kelly** (Montana Appellate Defenders): Praised for her control over language and structure when making analytical arguments.
- ~ **Jory Knott** (Alaska Innocence Project): Praised for his ability to connect with other people—specifically clients with cultural differences.
- ~ **Joshua Thorton** (ACLU Montana): He earned the respect of his colleagues, partly due to his recognition of his privilege and ability to interact with a diverse staff. Also praised for approaching work from a position of humility.
- ~ **Tyler Waite** (Office of the Public Defender): Tyler is an efficient researcher who internalizes the meaning of what he’s researching; he discovered an updated breath advisory that changed the office’s perspective on an issue, and he thoroughly researched an issue to make a novel argument on timing of a written judgment.
- ~ **Riley Wavra** (Montana Innocence Project): Praised for engaging in thoughtful discussion on complex issues and having a visible passion for justice.

Service Highlights for Students in Veterans Advocacy Clinic:

- ~ **Adam Johnson**: Successfully argued motion to quash on behalf of Army Veteran who served three combat tours; Wrote argument in support of upgraded discharge on behalf of Navy Veteran who served during Operation Earnest Will; Presented VA Character of Discharge case to national experts.
- ~ **Rebekah Schaefer**: Supported family of incarcerated Air Force Veteran, helping them process an extremely stressful situation; Investigated and prepared evidence to support application for upgraded discharge on behalf of USMC Iraq Veteran.
- ~ **Elizabeth Webster**: Engaged in extensive record review and chronology for Montana Army National Guard Veteran who suffered military sexual trauma (MST); Wrote appellate argument on behalf of MST survivor seeking corrected effective date of service-connected disability benefits.
- ~ **Mitch L. Werbell V**: Wrote amicus brief to Federal Circuit, coordinating with national team of clinics; Researched toxic exposure issue for Fort Ord veteran and assisted with affidavit in support of claim.

Service Highlights for Students in Mediation Clinic:


- ~ **Brittney Mada**: Developed restorative justice youth mediation program pilot to serve local probation department; Mediated a range of matters, consistently highlighting the underlying principles of mediation and ensuring that agreements reached were both voluntary and self-determined; Bolstered the over-all capacity of the Clinic, drafting processes allowing for a greater level of organization, coordination, and quality control.
- ~ **Scotti Ramberg**: Collaborated with a local mediation non-profit to create legal forms that better served the needs of all stakeholders; Mediated and drafted clear and comprehensive mediated agreements appropriate to the context and representing the interests of all participants; Sparked important discussions in clinic seminar regarding different mediator styles as well as mediator ethics.



**ABIII Students could not have these experiences without Clinical Program Faculty and Staff.
Thank you!**

- ~ Bari Burke (Judicial Placements)
- ~ Jon Byington (Bankruptcy Court Placements)
- ~ Craig Cowie (Consumer Protection Placements; Civil Placements)
- ~ Elaine Gagliardi (Transactional Placements)
- ~ Jordan Gross (Defense/Civil Rights Placements)
- ~ Megan Johnson (Student Office Assistant, Clinical Program)
- ~ Anthony Johnstone (Judicial Placements)
- ~ Andrew King-Ries (Prosecution Placements)
- ~ Jensen Lillquist (AmeriCorps VISTA, Veterans Advocacy Clinic)
- ~ Monte Mills (Director Margery Hunter Brown Indian Law Clinic)
- ~ Geri Sturgill (Assistant Clinic Director)
- ~ Hillary Wandler (Clinic Director, Director Veterans Advocacy Clinic)
- ~ Sandra Zellmer (Director Land Use & Natural Resources Clinic)





Preparing
students for
the people-
oriented
practice of
law.

ASUM Legal Services

Protecting Tenants' Rights

Third year law students working at the ASUM Legal Services Clinic have been handling a number of landlord-tenant issues for University students.

Betina, a law student intern, worked on a case regarding a landlord's failure to refund a security deposit to UM student, Mallory.

Mallory moved into the property and paid a security and pet deposit totaling over \$1,000. Two years later, after one extension of the lease, she moved out without any indication from the property manager that the deposit might not be refunded. The property manager later sent a check to Mallory for the security deposit, but when the check bounced the property manager claimed that it had been written on the wrong account. It took weeks of emails and phone calls before a replacement check was issued, but when Mallory tried to deposit that check she discovered that a stop payment had been placed on the check without any explanation. Mallory tried for months to communicate with the property manager as well as

the property owner without success. When Mallory contacted ASUM Legal Services for assistance she was very frustrated.

Betina drafted a demand letter on behalf of Mallory that was sent to the both the property manager and property owner. Betina researched the laws and remedies for wrongful withholding of a security deposit, including that a landlord may be liable for twice the amount of the deposit, as well as risking an award attorney fees and costs. Betina also had to do some detective work to find the correct address for the property owner, thus ensuring the demand letter was promptly delivered.

After receiving the demand letter, the property owner responded with excuses, but ultimately made arrangements to refund the entire security deposit and even apologized. Mallory was thrilled and relieved that Betina was able to effectuate return of her security deposit without the need for court action.

Mallory has consented to the release of her name and case information.

Alumni Spotlight

Megan Eckstein



Interview by Jensen Lillquist

Prof. Wandler mentioned that through the VAC, you learned that you do want to work with clients. What work did you plan on doing before your time in the VAC?

Before my time in the VAC, I thought I wanted to do transactional work that focused on behind-the-scenes legal work. Although that did not preclude working with clients, I just didn't think direct work with clients would be a passion of mine. I tend to be a bit shy and reserved and, prior to working in the VAC, the idea of meeting with clients was intimidating to me.

What do you now do?

Currently, I am clerking for a state district court judge, which has been a great way to transition into legal work after law school. Although I do not work with clients as a legal clerk, my VAC experience has definitely influenced the way I approach legal issues and cases as a clerk. For example, I am more organized with my writing projects because of what I learned in the VAC. I also approach cases with more attention to the clients at the heart of them than I might have otherwise. I enjoy being in court to watch proceedings so I have a face to put with a name; the human element of law has become very important to me.

What changed your mind about direct work with clients?

The first time I met with a client and listened to her story, it immediately changed my mind about direct work with clients. A person coming to me for help and entrusting me with a crucial aspect of her life made a big impression on me. Every client I met reinforced this sense of compassion for the client as a person and a sense of the importance of the legal issue they were facing. By the end of the clinic, I knew that the client work I'd done in the VAC was the most rewarding part of my law school experience.

How did your client work change your perspective?

My work with Joe changed my perspective on the way pre-existing trauma can be aggravated by military service, and the unfortunate lack of recognition of this issue in general. I also learned how difficult it can be for military servicemen to advocate for themselves in a system that often discourages self-advocacy. Jerry's case also made me realize how veterans' issues can impact an entire family.

I know that several of these cases are ongoing, how did the lack of finality (a win or a loss) impact the way you view your time in the VAC?

The lack of finality makes it all feel a little unfinished. However, I also tell myself that every task students finish in the VAC helps build momentum toward a conclusion. Most importantly, however, I think the mere act of listening to veterans and making an effort to help them is worthwhile in and of itself. Many veterans seem to feel they have been ignored or cast aside by the bureaucratic systems they have to navigate. Having people in the VAC listen to their stories and try to help them problem-solve seemed to give them some peace of mind.

What was your time in the VAC like?

It was hard work at times, but very rewarding overall. I also had a lot of fun working with my fellow students and working with Professor Wandler, who is, in addition to being a brilliant attorney, an incredibly compassionate person. Other than meeting with clients, my favorite part of the VAC was our weekly meetings where we all brainstormed together. Being able to debrief with each other not only helped us ease any stress caused by clinic work (or even law school in general), but it also helped us gain new perspectives and approach VAC issues from different angles. The VAC's balance of individual work and group work was something I really enjoyed (and I say that as someone who was never a fan of group projects!).

How would you compare Clinic work to work in other classes?

Doctrinal classwork, while educational, is by definition artificial. You have set parameters and have to work within those parameters to obtain the grade you want. By contrast, Clinic work exposes you to real life issues and the practical side of law. I had to learn to be flexible and adaptable as I researched and learned more about the law. Additionally, as Professor Wandler showed me, an advantage of Clinic work is the ability to present drafts and ideas to your supervisor before you finish a document. Because the goal of your work is to make a good product for your client rather than to obtain a good grade for yourself, it's extremely helpful and worthwhile to run your work by your supervisor if you feel stuck or uncertain. Overall, hands-on work was more educational than doctrinal classes for me because applying the law to real cases and working for real people was much more motivating and rewarding than merely focusing on my grades.

We welcome submissions from Clinic supervisors or students for the next edition of the newsletter. If you have a story about Clinic that you would like published, please email hillary.wandler@umontana.edu.