



### Mental Health First Aid Certification

On September 27th, the entire Clinical program received Mental Health First Aid training through the Mental Health Awareness Training program. The program is helmed by Ashley Trautman, a faculty-member in the School of Social Work at UM. Trautman received her Masters of Social Work from UM in 2011 and her Juris Doctor from UM in 2014, and works closely with the National Native Children’s Trauma Center.

The Mental Health Awareness Training emerged in Missoula in 2018, after Trautman and her colleagues received a grant through the Substance Abuse and Mental Health Services Association. The eight hour training is designed to teach participants how to support people who experience mental health issues. Trautman says that the program consists of two elements: knowledge and tools. “One of the most important goals of the training is to fill in the gap of misinformation around mental health issues. What Mental Health First Aid seeks to do is to provide some statistics around exactly how pervasive [mental health issues] are and to provide accurate information about what [they] actually look like.” She continues: “Mental Health First Aid gives participants tools to respond to somebody who is developing a mental health issue or having a mental health crisis.”

Mental Health First Aid is an internationally replicated program—according to [mentalhealthfirstaid.org](http://mentalhealthfirstaid.org), in the U.S. more than a 2 million people have been trained—backed by research. The training teaches participants to use the ALGEE framework—the mental health crisis equivalent to CPR. ALGEE stands for: Assess for risk of suicide or harm, Listen nonjudgmentally, Give reassurance and information, Encourage appropriate professional help, Encourage self-help and other support strategies. Trautman believes the strength of the program lies in its accessibility: “It doesn’t assume that you come with some kind of a background in mental health. Its for everyone.” She continues: “We know that everybody—from the receptionist to the teacher—has a role to play in being supportive to people who are experiencing mental health issues, and can have either a positive or a negative impact. Just knowing a different lens to come to your interactions with is huge, and it’s what Mental Health First Aid really seeks to do.”

Students and Faculty who completed the training were certified as a Mental Health First Aider by Mental Health First Aid U.S.A..

### IN THIS ISSUE

This issue of the Clinical Program Newsletter highlights the program’s collaboration and connection with the School of Law’s Pro Bono Program, including faculty and alumni successes that have grown out of this collaboration. The collaboration is a natural fit as both programs work to engage students in pro bono and public interest legal work that helps close the access to justice gap. Don’t miss the fun and inspiring highlights from various clinic placements, as well as the important work students did this fall to learn Mental Health First Aid skills that will benefit them, their colleagues, and their clients in practice.

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## Mental Health Training Cont.

*"[Through the training,] I gained more knowledge about the different types of mental illnesses and learned a significant amount on the symptoms. I believe this will help me better recognize individuals who are experiencing the symptoms of a mental illness. It also provided great direction on helpful ways to respond and support those individuals."*

*~Jon Byington, Law Professor*

*I now feel more confident in how I would assist a student in crisis and/or who is considering suicide. The more attention we pay to mental health as a major contributor to overall health and wellbeing, the better off our community will be. Attorneys may be privy to seeing first-hand how clients' mental health affects their lives. Attorneys also deal with a tremendous amount of stress and may resort to less-than-optimal coping mechanisms such as substance abuse. Awareness and education can help the lawyering community to confront these issues.*

*~Maria Mangold, Director of Student Services and Registrar*

*By training employees within the school on what signs to look out for, we can better recognize when a student or staff member may need extra assistance and help in trying times.*

*~Kit Edington, Director of Information Technology Services*

## Clinic Highlights and Student Experiences

- The Office of Appellate Defender recently won a case before the Montana Supreme Court regarding the particularized suspicion to conduct a DUI investigation at a community caretaker stop. Calder Thingvold, a former Clinic student, filed the opening brief for this case.
- Prof. Wandler attended the 244th Annual Marine Corps Ball in New Orleans. Her invitation came from ABIII alumni, Major Andrew Butler, who is currently an Aide-de-Camp for the 4th Marine Division Commanding General. Maj. Butler has been applying knowledge and skills he learned in the Veterans Advocacy Clinic to his work with the General and the Marines they command, and the trip gave Prof. Wandler a chance to see her first clinic student in action.
- The Department of Justice Indian Country Prosecution Clinic is closing its first semester of operation. Ryan Warner, the Clinic student, reviewed investigations, drafted prosecution memoranda and indictments, drafted questions for witnesses for grand jury, and prepared for and tried a felony case (among other accomplishments). In addition, he attended a community forum on the Crow Indian Reservation focused on Missing and Murdered Indigenous People.
- "This semester I had the opportunity to work with a client who does not speak any English. This presented complexities to legal proceedings that I could never have imagined. Communication was incredibly difficult, let alone legal document review before filings. However, the experience was also incredibly rewarding. Being able to work closely with a vulnerable client and empowering and guiding them through the complexities of a legal proceeding reminded me why I entered the profession. By the end of my work with the client, they told me they consider me family and because of my help they are able to breathe more easily at night." Ally Seneczko (Montana Legal Services Association)
- Students working with ASUM Legal Services have been handling a landlord-tenant issue involving a security deposit. A legal intern drafted a demand letter to send to the landlord. Supervising Attorney Jessie Lundberg reports that "the landlord continues to refuse to return the security deposit, so with the help of our legal interns, the case is set to proceed with litigation. This will be an excellent opportunity for the interns to see a case run its course from beginning to end, as well as likely gain experience appearing in court."

## CLINIC PROGRAM FACULTY SUPERVISORS

- Bari Burke (Judicial Placements)
- Jon Byington (Bankruptcy Court Placements)
- Craig Cowie (Consumer Protection Placements)
- Elaine Gagliardi (Transactional Placements)
- Jordan Gross (Defense/Civil Rights Placements)
- Anthony Johnstone (Judicial Placements)
- Andrew King-Ries (Prosecution Placements)
- Monte Mills (Interim Clinic Co-Director, Director Margery Hunter Brown Indian Law Clinic)
- Jessica Walker-Keleher (Director Mediation Clinic)
- Hillary Wandler (Interim Clinic Co-Director, Director Veterans Advocacy Clinic)
- Sandra Zellmer (Director Land Use & Natural Resources Clinic; Civil Placements)

## Only in Montana: A Clinical Attorney's Unique Experience with Milk Law and Herd Sharing.

ASMSU Legal Services, in partnership with MSU's Blackstone Launchpad, assists student entrepreneurs with myriad legal issues that are often novel, quite interesting, and *very Montana* in nature. Recently, ASMSU Legal Services and our Clinical Attorney, Josie Ray, were approached by a student with a dairy farming background who wanted to start a raw milk business. "Milk law" was definitely an area of first impression for our office, but Josie was up to the challenge of researching and understanding it. Josie analyzed the statutory and regulatory framework involved in starting such a business so that we can provide the most informed legal advice, advise on risks, and assist the client with moving forward (if doing so is even possible under the law). Here is Josie's story.

*As it turns out, humans have consumed raw milk for centuries and there is a recent nationwide movement for consumers to be able to consume tested, organic raw milk without added preservatives. Many states, like Idaho, have created regulatory procedures to allow farmers to sell their raw milk to consumers. The key is striking a healthy balance between oversight, specifically with regards to safety, and an individual exercising freedom of choice to consume raw milk. Currently, Montana's laws in this area are not entirely clear, but they do not appear to support the direct sale of dairy or cream that has not been processed. Researching "milk law" has been challenging and has involved research outside of the normal search engines (e.g. Westlaw and Lexis Nexis). To find the necessary information I had to go directly to the driving force behind attempts to legalize raw milk sales in Montana: Chris Rosenau, a "milk expert" of sorts. Chris is lobbying the legislature for updates to the law to allow for raw milk sales while also attempting to work within Montana's existing regulatory framework to sell it. Although Chris has speculated about permissible ways to sell raw milk, such as "herd sharing" (more on this below), this novel and emerging area of Montana law is not set in stone and will continue to change.*

*There are statutes that define what raw milk is and how the sale of it is illegal for "Grade A dairies," but Montana law doesn't necessarily cover its sale from small farms. Other states, such as Idaho, have developed programs to allow small farms to sell raw milk to consumers legally. These programs often involve employment of a concept called "herd sharing." Herd sharing, a.k.a. farm sharing, cow sharing, goat sharing, etc., involves a group of people buying shares of a milking animal or herd. The "shareholders" pay the farmer to care for the animals and milk them, and then the shareholders are entitled to the milk from their animals. Chris has an interesting argument to get around Montana's legal restrictions on selling raw milk to consumers; i.e. the herd sharers consuming the raw milk are owners, not consumers. Whether or not such an attempt to circumvent Montana's restrictions on direct sale raw milk is legal remains to be seen. It potentially triggers securities regulations and may still fall within the realm of Montana's raw milk restrictions.*

*It's clear raw milk and herd sharing regulation is a novel and emerging area of law in Montana. My research in this area will be ongoing and will likely include additional discussions with subject matter experts, regulators, and farmers (in addition to the traditional research methods). I'm excited to continue to learn more so that I can give the most informed legal advice to my client and ensure her business idea is set up for success.*

– Submitted by Charlie Cromwell, Co-Director and Supervising Attorney, ASMSU Legal Services.

### EXTERNAL PLACEMENTS

- ACLU of Montana
- ASMSU Legal Services
- ASUM Legal Services
- Federal Defenders of Montana
- Judicial Field Placements
- Missoula City Attorney
- MT DNR Conservation Forestry & Trust Land Management Divisions
- MT DNR Water Resources & Trust Lands Management Divisions
- MT Domestic Violence Field Placement
- MT Innocence Project
- MT Legal Services Assoc.
- MT Legal Services Assoc. Consumer Protection
- Office of Appellate Defender
- Office of Legal Affairs Child Support Division
- Office of State Public Defender
- Office of USDA General Counsel
- Powell County Attorney
- Rocky Mountain Elk Foundation
- U.S. Bankruptcy Court
- U.S. DOJ
- U.S. DOJ—Billings Office
- UM Legal Counsel's Office
- UM Office of Tech Transfer

## Faculty Spotlight: Jordan Gross

Professor Jordan Gross wears many hats in the Montana law community—she teaches Criminal law courses and Professional Ethics, supervises external clinics, supervises the ABIII Pro Bono Program, volunteers at the Free Family Law Clinic, serves on the Board of Directors for the Montana Innocence Project, and routinely publishes papers and speaks at conferences (to name a few). What unifies her diverse résumé? Service.



Gross' first volunteer job came when she was in high school and was for a summer program for children with intellectual disabilities. According to her, that's what started it all. In undergrad, Gross answered phones and worked as a legal investigator for the ACLU of Washington state and in law school, worked at a legal clinic for Latin American women who were at risk or had suffered from domestic violence. "My second summer in law school a lot of students went to law firms, and instead I chose to work at a clinic called Ayuda Clinica Legal Latina. All the women served were Latin American and very few spoke English. Since many of the lawyers there didn't speak Spanish, I would go with them and translate for the clients. I didn't have a law degree but I can speak Spanish, so I can help people. Something as simple as reading forms or translating for someone can make a difference in somebody's legal trajectory."

Today, she focuses on the access to justice gap in Montana, and developed the Pro Bono Program as a response. "The whole point for me is moving the needle, because we're never going to close the access to justice gap without attorneys willing to do pro bono work." The ABA's 2018 *Supporting Justice* report suggests that pro bono work in law school influences the likelihood of doing pro bono work in one's professional career. The program, designed to encourage volunteerism among law students, was developed in Prof. Gross' "ProRes" class and adopted by ABIII in 2019. According to her, the idea is to give students both opportunities and academic recognition. It's working. After one full year of activity, the numbers are in: From September 2018 to August 2019, students logged over 2300 pro bono hours.

In her own volunteer work, Gross primarily works at the ABIII's monthly Free Family Law Clinic, which she founded in partnership with Montana Legal Services Association. "It's the biggest need. We have such incredible privilege by virtue of having an education. So I think it's important to see where the need is and say 'well can I train myself or have somebody else train me?'"

Her many "hats" keep Gross grounded. "I love teaching, but I would be unhappy if I just taught textbook classes and didn't have clinic—which is my conduit to the practice—or my volunteer work—which keeps me more connected to the community."

### PRO BONO PARTNERS

- ACLU
- Aging Services, Wills, and Estates Clinic with MT DPHHS
- ASUM Legal Services
- Community Dispute Resolution Center
- Crowley Fleck Domestic Violence Project
- Court Appointed Special Advocates
- Free Family Law Clinic with MLSA
- International Rescue Committee
- Margery Hunter Brown Indian Law Clinic
- Missoula Housing Authority
- Montana Innocence Project
- Self-Help Law Center
- Veterans Advocacy Clinic



## Alumni Spotlight: Naomi Whitehead

Naomi Whitehead was one of the first ABIII students to complete the Pro Bono Program founded by Prof. Gross; she completed over 50 pro bono hours with the Indian Law Clinic and earned a certificate on her transcript as a result. Naomi now works for the Ho-Chunk tribe in Wisconsin as a staff attorney.

Whitehead made the decision to become an attorney in her undergrad. She was studying the Indian Child Welfare Act and learned through her Mother, who taught on a reservation, that the goals of the Act were not being put into practice. As put by Whitehead: “There’s a huge disparity between the law and what is being done with it.” She said that she immediately wanted to do something to correct this injustice, and her options were either to become a politician, or to become an attorney. She chose the latter.

Her 50 pro bono hours all came in her third-year; rather than do an internship, Whitehead chose to devote the summer before her third-year to Indian Law. She was heartened by the work she was able to do: “It was so nice to have real experience and actually help people. I wasn’t willing to stop doing Clinic. It felt like I was actually accomplishing something.” Thus, Whitehead continued with her work for the Clinic through the semester.

She says her Clinic and pro bono work was “one of the main reasons I was hired” with the Ho-Chunk. The skills she learned through Clinic and pro bono have translated well to her current work; using the research and analytical skills she developed in the Indian Law Clinic, Whitehead helped draft a precedent setting order dealing with administrative law. She has been with the Ho-Chunk for two months and has drafted over 80 orders, worked on Civil and Family Law cases having to do with child custody, child protection, and civil garnishments. In addition, she has worked on two criminal cases.

Her advice for students contemplating Clinic and pro bono work: “[they] will give you more experience and real experience working as an attorney than anything else at the law school.”

### ABOUT THE PROGRAM

Founded in 1966, the Clinical Program at the Alexander Blewett III School of Law at the University of Montana, offers four in-house clinics (the Margery Hunter Brown Indian Law Clinic, the Mediation Clinic, the Veterans Advocacy Clinic, and the Land Use & Natural Resources Clinic) and over two-dozen field placements. Under the supervision of faculty and experienced attorneys, third-year students practice law in a variety of settings, from criminal defense and prosecutors’ offices to environmental non-profits and government agencies. They prosecute civil rights claims; handle complex transactions; serve as law clerks to members of the judiciary, legislature, and corporate counsel; analyze and advocate policy; and intervene as third-party neutrals—making real differences in real people’s lives.

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 [Geri.Sturgill@mso.umt.edu](mailto:Geri.Sturgill@mso.umt.edu) or [jensen.lillquist@umontana.edu](mailto:jensen.lillquist@umontana.edu).

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