

**ORIGINAL**

**FILED**

November 19 2015

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: AF 07-0393

Michelle Bryan, Clinic Co-Director  
Ariel Overstreet-Adkins, Clinic Student  
LAND USE & NATURAL RESOURCES CLINIC  
Alexander Blewett III School of Law  
Room 119  
Missoula, MT 59812-6552  
(406) 243-6753  
[michelle.bryan@umontana.edu](mailto:michelle.bryan@umontana.edu)  
[ariel.overstreet-adkins@umontana.edu](mailto:ariel.overstreet-adkins@umontana.edu)

Attorneys for *Amicus Curiae* Applicant, Land Use & Natural Resources Clinic

---

**IN THE SUPREME COURT OF THE STATE OF MONTANA**

**DA 15-0469**

---

JACK AND BONNIE MARTINELL,  
husband and wife; THOMAS AND HAZEL  
MCDOWALL, husband and wife; THOMAS  
SHAFFREY; and BARRETT AND KARI  
KAISER, husband and wife,

Plaintiffs and Appellants,

-VS-

BOARD OF COUNTY COMMISSIONERS  
OF CARBON COUNTY, the governing  
body of the County of Carbon, acting by and  
through JOHN GREWELL, JOHN  
PRINKKI, AND DOUG TUCKER; DOUG  
AND DENISE AISENBREY, husband and  
wife; WILLIS AND THERESE HERDEN,  
husband and wife; DUANE AND DENA  
HERGENRIDER, husband and wife;  
KAREN HERGENRIDER; RUDOLPH  
HERGENRIDER; SHELLEY BAKICH  
LECHNER, as personal representative of the

**FILED**

**NOV 19 2015**

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Milovan Bakich estate; and STEVEN AND  
MONICA THUESEN, husband and wife,

Defendants and Appellees.

---

PETITION TO PERMIT STUDENT PRACTICE  
UNDER THE MONTANA STUDENT PRACTICE RULE

---

Pursuant to the Montana Student Practice Rule, the LAND USE & NATURAL RESOURCES CLINIC, through its Co-Director Professor Michelle Bryan, respectfully requests that the Court allow Ariel Overstreet-Adkins to practice before this Court in the above-entitled case, subject to the restrictions of the Rule. As grounds for this Petition, the undersigned submits supporting documents, attached herein, and states:

1. I am an attorney admitted to practice in this Court and I am a professor of law and Co-Director of the Land Use & Natural Resources Clinic at the Alexander Blewett III School of Law at the University of Montana, proposed *Amicus Curiae* in the above-entitled case.
2. Should the Court grant leave for the Clinic to appear as *Amicus Curiae*, I am requesting that clinic student Ariel Overstreet-Adkins of Helena, Montana, be permitted to appear and practice in this case pursuant to the Montana Student Practice Rule. See Montana Student Practice Rule §§ II.E.2 and F (preparation of appellate briefs and participation in appellate oral argument).

3. I certify that Ariel Overstreet-Adkins:

a. is duly enrolled at the Alexander Blewett III School of Law at the University of Montana, a law school approved by the American Bar Association;

b. has completed her second year of law school and thus has completed legal studies amounting to at least two-thirds (2/3) of the total credit hours required for graduation;

c. has been certified by the dean of the law school as being of good character, of competent legal ability, and adequately trained to perform as a legal intern (Dean's Certificate, attached); and

d. has certified in writing that she has read, is familiar with, and will abide by the Montana Rules of Professional Conduct (Student Certificate, attached).

3. On behalf of the Land Use & Natural Resources Clinic, I give consent to Ariel Overstreet-Adkins' appearance on the Clinic's behalf (Supervising Attorney's Approval of Student Appearance, attached).

4. I will assist and counsel Ariel Overstreet-Adkins in all work performed in this case.

5. I accept full personal and professional responsibility for the Clinic's work in this case and for all of the student's work.

6. I will ensure that at least one supervising attorney signs all written submissions in which the student participates.

7. I will ensure that at least one supervising attorney is present in person throughout the student's presentations in open court and will introduce Ariel Overstreet-Adkins in such appearances.

Respectfully submitted this 17 day of November, 2015.

LAND USE & NATURAL RESOURCES  
CLINIC

Alexander Blewett III School of Law at the  
University of Montana

A handwritten signature in cursive script, reading "Michelle Bryan", written over a horizontal line.

Michelle Bryan, Clinic Co-Director

## CERTIFICATE OF SERVICE

I, the undersigned, Co-Director of the Land Use & Natural Resources Clinic at Alexander Blewett III School of Law at the University of Montana, certify that a true and correct copy of the foregoing was mailed, postage prepaid, on November 17, 2015 to the following:

Jenny K. Harbine  
Katherine K. O'Brien  
Earthjustice  
313 East Main St.  
Bozeman, MT 59715  
(406) 586-9699 | Phone  
(406) 586-9695 | Fax  
[jharbine@earthjustice.org](mailto:jharbine@earthjustice.org)  
[kobrien@earthjustice.org](mailto:kobrien@earthjustice.org)


*Attorneys for Plaintiffs-Appellants Jack and Bonnie Martinell, et al.*

Alex Nixon  
Carbon County Attorney  
P.O. Box 810  
Red Lodge, MT 59068  
(406) 446-3300  
[anixon@carboncomt.com](mailto:anixon@carboncomt.com)

*Attorney for Defendant-Appellee Board of Carbon County Commissioners*

Raymond G. Kuntz  
Attorney at Law  
23 N. Broadway  
P.O. Box 2187  
Red Lodge, MT 59068  
(406) 446-3725  
[Ray@RedLodgeLaw.com](mailto:Ray@RedLodgeLaw.com)

*Attorney for Defendants-Appellees Aisenbreys, 'Herdens, Hergenriders, Bakich Lechner, and Thuesens*

  
\_\_\_\_\_  
Michelle Bryan, Clinic Co-Director