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COUNSEL FOR PLAINTIFF AND APPELLEE

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 18-0360

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CITY OF MISSOULA,

Plaintiff and Appellee,

v.

BRYAN ALLAN METZ,

Defendant and Appellant.

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**PETITION TO PERMIT STUDENT PRACTICE  
UNDER THE MONTANA STUDENT PRACTICE RULE**

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Pursuant to the Montana Student Practice Rule (Rule), the State of Montana, by and through the undersigned counsel for the Montana Attorney General's Office, requests this Court to allow Ms. Misty Gaubatz to practice before this Court in the above-entitled case, subject to the restrictions of the Rule. As grounds for this Petition, the undersigned counsel submits supporting documents, attached

herein, and states:

1. I am an attorney admitted to practice in this Court and am the attorney of record for the State of Montana in the above-entitled case.

2. I am requesting Ms. Misty Gaubatz, of Missoula, Montana, be permitted to appear and practice in this case pursuant to the Rule. *See* Rule § II. B (student appearance in a criminal matter on behalf of the State), § II.E.2 (preparation of briefs to be filed in appellate courts), and § II.F (participation in oral argument in the Supreme Court).

3. I certify that Ms. Gaubatz:

a. is duly enrolled at the University of Montana School of Law, 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 of the total credit-hours required for graduation;

c. has been certified by the dean of the law school as being of good moral character and competent legal ability and as being adequately trained to perform as a legal intern (see attached letter of good standing from the University of Montana School of Law); and

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

Student Certification.)

4. I will assist and counsel Ms. Gaubatz in all work performed in this case.

5. I accept full personal and professional responsibility for this case and for all of Ms. Gaubatz's work.

6. I will ensure that at least one supervising attorney is present in person throughout Ms. Gaubatz's presentations in open court and will introduce Ms. Gaubatz in such appearances.

7. I have explained to Mr. James Nugent, City Attorney for the City of Missoula, whose office handled the State's case in the municipal and district courts, the terms under which Ms. Gaubatz will participate in this case, and Mr. Nugent has indicated his approval.

8. I have contacted opposing counsel who poses no objection to the State's petition.

Respectfully submitted this 17th day of July, 2019.

TIMOTHY C. FOX  
Montana Attorney General Justice  
Building  
P.O. Box 201401  
Helena, MT 59620-1401

By: /s/ C. Mark Fowler  
C. MARK FOWLER  
Assistant Attorney General

## **CERTIFICATE OF SERVICE**

I, C. Mark Fowler, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed - Student Attorney Representation to the following on 07-17-2019:

Gem Koan Mercer (Attorney)  
Office of the Appellate Defender  
555 Fuller Ave.  
helena MT 59620  
Representing: Bryan Allan Metz  
Service Method: eService

James P. Nugent (Attorney)  
City Hall  
435 Ryman  
Missoula MT 59802-4279  
Representing: State of Montana  
Service Method: Conventional

Electronically signed by Janet Sanderson on behalf of C. Mark Fowler  
Dated: 07-17-2019