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11/05/2019

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

NOV 05 2019

Case Number: PR 06-0422

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

## **Petition for waiver of Rule III.J.6.**

### **I. Request**

Mr. Chief Justice and Honorable Justices of the Montana Supreme Court, I respectfully submit this petition requesting a waiver of Rule III.J.6 of the Rules for Admission to the Bar of Montana. I have utilized the allowable three deferrals under Rule III.J.6 but believe that unforeseeable and extenuating circumstances should allow me to defer a fourth and final time.

### **II. Background**

I graduated from the University of Montana Alexander Blewett III school of law in May 2018. I was an active member of the law school community, participated and doing well on the negotiations team, as well as being selected for the Promising Native American Law Student Scholarship. In my 3L year I completed the paperwork, and paid the fees, to sit for the July 2018 Bar exam, without giving much thought to the other pertinent factors in my life. I knew it was the course of action that most students took, and I followed the crowd. Sometime after successfully submitting my bar application I decided to complete my MBA which I had started during law school but, because of administrative requirements, could not finish during my time in law school. During my 3L year I thought I would not complete the MBA but by the end of the semester I decided I had already spent a significant amount of money on the degree and that I should continue it. I had hoped that I could both study for the bar exam and complete my summer MBA courses. Quickly it became clear in the early part of the summer, that trying to

study for the bar with my preparation program, Themis Bar Review, and learn my MBA courses (mostly math and finance which is not my strength in the MBA program) would not be viable. Given that I was committed to finishing the MBA at that point and had already paid tuition it made sense to defer until the February 2019 bar exam and complete my summer MBA courses. While I would still be in the MBA program come the February bar exam, I figured that, since I would be done with the finance and math classes, the program would be a little easier and at the very least I would have Christmas break to study for the bar.

I began studying for the bar in November 2018 to prepare for the February 2019 bar exam. The timing, given that it was the beginning of the end of the Fall semester and finals were concurrent was not ideal and the start of my studying was stilted and jittery but I hoped to catch up over the Christmas break and did not give much thought to my being somewhat behind schedule on studying. Then, on December 4, 2018, a traumatic event threw my world into a tailspin. On December 4, my partner of eleven years called me in a completely devastated state while on a trip visiting her father who lives outside of Montana to tell me that her father had just sexually assaulted her. Police were called and she returned home to Missoula. She was shortly thereafter diagnosed with Post Traumatic Stress Disorder and then with Bi-Polar Disorder. She became suicidal and was checked into a St. Patrick's Hospital. Upon her departure from the hospital I became her primary care giver, which involved paying her bills, preparing her food, completing all house work, scheduling medical appointments, making healthcare decisions, and taking her to multiple medical appointments per week. She had no other network in Missoula or anyone capable of caring for her other than myself. I would not trade the opportunity to care for her during that time for anything, but it did, necessarily, require me to defer the bar exam until July 2019, which was my final deferment under Rule 111.j.6.

I began to study for the July bar exam on schedule in May. I was a little over a week into study and just starting to get my feet under me and feel good about the process of studying when I got word from my landlord that I needed to vacate my home as it had sold. My landlord had put the house on the market just the month before and had given me the chance to move out, but they had also told me that they did not think the house would sell before August. My landlord told me that they were confident that the sale could be conditioned upon me being able to maintain the residence until after the bar. I had long and personal relationship with the landlord and I took them at their word, I also did not have any place to move at the time and wanted to have my house to study for bar exam. I was absolutely shocked when I got the call from my landlord informing me that they had gotten a full cash offer contingent upon a expedited escrow period and fast closing and they would not allow me to continue to live in the house. I had no money to move into a new rental and nowhere to go so I began disposing of the belongings that I had acquired after a very long time living in the same place. I spent two weeks selling as much as I could in a garage sale, taking multiple loads to goodwill, and taking the rest to the landfill, other than what I could afford to move into a very small storage unit. With very few options I moved in with my significant other despite my concerns about the effect of such living situation on my own mental health. I figured since I was still caring for her daily and she still had several, although much fewer, appointments it would make sense anyway and I might get more studying done than if I was commuting to and from her residence. I did not realize at the time what a terrible choice this would be for me.

Shortly after moving in she began a hard backslide into depression, anxiety, and suicidal tendencies. She suffered from a feeling of worthlessness as a result of several months of unemployment. Furthermore, she was a highly independent person so the need for constant

support from me hit her hard. Within one hour of beginning my daily study routine she would come to me crying and shaking and in a very bad place. I had no choice but to cease studying and console her. I ended up spending most of my time trying to keep her solid and keep her mind away from her debilitating depression.

Evidently, I was not very good at consoling her. I watched as she sunk deeper and deeper away from reality, eventually she ended up having a psychotic episode, becoming suicidal, and eventually ended up back in St. Patrick's hospital. All of this led me into a very severe depression of my own. I began seeing a therapist twice a week to try and cope with my depression. I started taking prescription medications to attempt management of the depression. In the heart of this, in early July, I contacted Kathy Lynch at the State Bar to let her know that I would once again need to defer as I was in no mental state to study or take the exam. The conversation I had with her is somewhat important to this request for waiver of Rule III.J.6.

Before committing to defer from the bar exam for a third time, knowing it was my final deferral, I told Ms. Lynch that I was concerned about committing to the February bar because my future was somewhat unknown. At the time, and as I told Ms. Lynch, I had been accepted into, and had committed to attend, the University of Washington School of Law's LL.M. in Taxation program. My understanding from Kathy was that if I did not pay the deferral fee, I could change my deferral date to July instead of February if, once in the LL.M. program, I realized that I could not reasonably accomplish both studying for the bar and passing the LL.M. program. I want to be clear that I do not assign blame to Ms. Lynch for my misunderstanding, nor do I think that she intentionally misled me. Ms. Lynch has been helpful and caring in all my dealings with her and I should have double checked to make sure that I understood her correctly. I accept fault here, but

the fact is that I cannot succeed in both my current course of study at The University of Washington and study for and take the February 2022 bar. I certainly cannot do both while partaking in the opportunities that the University of Washington offers for practical, hands-on, experience that I plan on taking full advantage of such as the Federal Low-Income Tax Clinic. If I am unsuccessful in receiving a fourth deferral from the Bar Exam I would be forced to drop out of the LL.M. program of which I am invested in at \$48,000, of which I have already received funds and spent much of for the first quarter costs of attendance here in Seattle, in order to be able to afford the cost of completing the bar study program and taking the exam itself.

### **III. Changes for July Success**

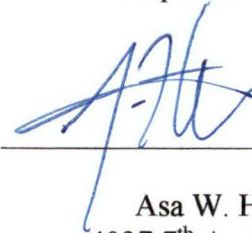
Much has changed that I think will allow me to successfully complete the requisite study for the bar exam if given a final deferral. First, after the trials of this last summer my significant other was prescribed electro-convulsive therapy and while this series of treatments that took several months was scary, and a tribulation in its own right, it seems to have been extremely effective. She is largely back to her old self and what is left to be treated seems to be improving with therapy. Secondly, upon my need to leave Montana for school, her mother was able to finally come up and take over her care. Her mother has been amazing and taken a lot of pressure off me. Finally, since the lease on my apartment in Seattle is for a 12 months ending August 31, I plan to live here over the summer (away from distractions, and friends and family) and study for the bar where I am confident, I will have the ability to complete the bar preparation program and score a 266 on the exam.

#### **IV. Conclusion**

I grew from a very small and poor family in a very small and poor reservation community and with my family history, which includes much trauma not needed to be expounded upon in this letter, I am somewhat shocked that I went to college, let alone law school, and hopefully will become a prominent member of the Montana Bar. I have overcome every obstacle in my path and while the bar exam has been a challenge for me to complete, I am confident in my ability to excel on the exam as soon as I take it. While I do not have the money to reapply to the Montana Bar with a wholly new application, and my family is not in the financial position to help me with those fees, I am confident that I will not need a further deferral. It is with the foregoing information in mind that I now respectfully request that the Court grant permission for me to defer from the Montana Bar Exam for a fourth time, to be taken in July of 2020.

DATED this 1<sup>st</sup> day of November, 2019.

Respectfully submitted,



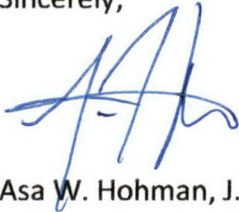
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Asa W. Hohman, J.D.  
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## REQUEST FOR ANY REASONABLE CONFIDENTIALITY OF THE FORTHCOMING INFORMATION

I recognize the attached petition may need to be open for some reason or that it may be read by multiple people. Given that Montana is a small community in which I am highly active, and that the legal community is even smaller, and considering that the attached document contains highly personal and emotional information that concerns me and others I request that it be as limited as is possible in its disclosure or ability to be seen by non-relevant parties.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Asa W. Hohman', with a stylized, cursive script.

Asa W. Hohman, J.D.