

ORIGINAL

FILED

August 11 2011

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 11-0148

FILED

IN THE MATTER OF L.L.A.,

Petitioner and Appellant.

AUG 11 2011

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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

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, respectfully requests this Court allow Mr. Joshua van Swearingen 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 am the attorney of record for the Appellee State of Montana in the above-entitled case.
2. I am requesting Mr. Joshua van Swearingen, of Missoula, Montana, be permitted to appear and practice in this case pursuant to the Rule. See Rule § II. A. (student appearance in a civil 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 Supreme Court).

3. I certify that Mr. van Swearingen:
 - a. is duly enrolled at the University of Montana School of Law, a law school approved by the American Bar Association;
 - b. has completed his 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 and competent legal ability and as being adequately trained to perform as a legal intern (Dean's Certificate, attached); and
 - d. has certified in writing that he has read and is familiar with and will abide by the Montana Rules of Professional Conduct. (Student Certificate, attached).
4. I will assist and counsel Mr. van Swearingen in all work performed in this case.
5. I accept full personal and professional responsibility for my 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 Mr. van Swearingen in such appearances.

8. I have explained to Ravalli Deputy County Attorney Angela Wetzsteon, who handled the State's case in the trial court, the terms under which Mr. van Swearingen will participate in this case, and Ms. Wetzsteon has indicated her approval.

Respectfully submitted this 11th day of August, 2011.

STEVE BULLOCK
Montana Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

By: Mardell Ployhar
MARDELL PLOYHAR
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing Petition to Permit Student Practice Under the Montana Student Practice Rule to be mailed to:

Ms. Lisa Korchinski
Assistant Appellate Defender
139 North Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

Ms. Angela Wetzsteon
Deputy Ravalli County Attorney
Courthouse
205 Bedford Street
Hamilton, MT 59840

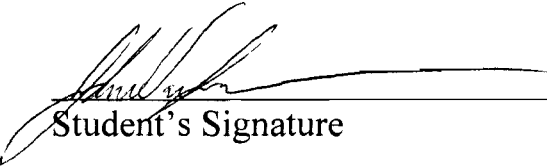
DATED 8/11/11

Maddalena Plogman

IN THE SUPREME COURT OF THE STATE OF MONTANA

STUDENT CERTIFICATION

I, Joshua van Swearingen, certify that I have read, am familiar with, and will abide by, the Montana Rules of Professional Conduct. I understand that these rules track the American Bar Association Rules of Professional Conduct and have been regularly interpreted by the Ethics Committee of the State Bar of Montana.



Student's Signature

7/26/2011

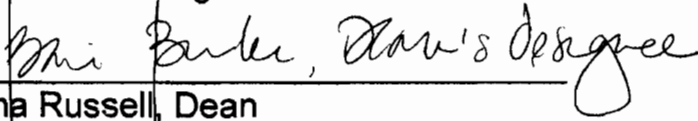
Date


Under the Montana Student Practice Rule, *Joshua van Swearingen* will be supervised by *Mardell Ployhar* of the Montana Attorney General's Office, P.O. Box 201401, Helena, MT 59620.

DEAN'S CERTIFICATION
OF STUDENT'S MORAL CHARACTER AND
LEGAL COMPETENCE ^B

SUBJECT TO SUCCESSFUL COMPLETION OF
SPRING SEMESTER COURSES

I hereby certify that, to the best of my knowledge, Joshua van Swearingen is duly enrolled in the University of Montana School of Law, which is approved by the American Bar Association; has completed legal studies amounting to at least two-thirds (2/3) of the total credit hours required for graduation (or is within five credit hours of meeting this requirement) **subject to successful completion of all spring semester courses**; is of good character; has competent legal ability; and is adequately trained to perform as a legal intern.


Irma Russell, Dean
School of Law
The University of Montana


Date