

ORIGINAL

FILED

October 17 2012

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 12-0343

L. REED WILLIAMS,

Plaintiff and Appellee,

-VS-

BOARD OF COUNTY COMMISSIONERS
OF MISSOULA CO., the governing body of
the County of Missoula, acting by and through
Michele Landquist, Bill Carey, and Jean Curtiss,

Defendants and Appellees,

-VS-

LIBERTY COVE, INC., PAUL ROSSIGNOL,
NORMA ROSSIGNOL, and PONDEROSA
DEVELOPMENT, INC.,

Intervenors and Appellants.

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

Pursuant to the Montana Student Practice Rule, the LAND USE CLINIC,
through its Director Michelle Bryan Mudd, respectfully requests that the Court
allow Benjamin S. Sudduth 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 Director of the Land Use Clinic, 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 Benjamin S. Sudduth, of Missoula, 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 Benjamin S. Sudduth:

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, of competent legal ability, and adequately trained to perform as a legal intern (Dean's Certificate, attached); and

d. has certified in writing that he 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 Clinic, I give consent to Benjamin S. Sudduth's appearance on the Clinic's behalf (Supervising Attorney's Approval of Student Appearance, attached).

4. I will assist and counsel Benjamin S. Sudduth 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 Benjamin S. Sudduth in such appearances.

Respectfully submitted this 16 day of October, 2012.

LAND USE CLINIC
University of Montana School of Law


Michelle Bryan Mudd, Clinic Director

CERTIFICATE OF SERVICE


I, the undersigned, a student of the Land Use Clinic at the University of Montana School of Law, certify that a true and correct copy of the foregoing was mailed, postage prepaid, on October 16, 2012 to the following:

Timothy M. Bechtold, Esq.
Bechtold Law Firm, PLLC
317 East Spruce Street
PO Box 7051
Missoula, MT 59807
tim@bechtoldlaw.com
Attorney for Plaintiff and Appellee

Christopher T. Carr, Esq.
517 E. Spruce Street
Missoula, MT 59802
Attorney for Plaintiff and Appellee

D. James McCubbin, Deputy County Attorney
Fred Van Valkenburg, Missoula County Attorney
200 West Broadway
Missoula, MT 59802
Attorney for Defendant and Appellee

Cory R. Gangle, Esq.
Milodragovich, Dale, Steinbrenner & Nygren, P.C.
620 High Park Way
PO Box 4947
Missoula, MT 59806
Attorney for Intervenors and Appellants


Michelle Bryan Mudd, Clinic Director



The University of
Montana

School of Law
The University of Montana
Missoula, Montana 59812-6552
Phone: (406) 243-4311
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October 16, 2012

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MONTANA SUPREME COURT
Justice Building
215 North Sanders
Helena, MT 59620-3001

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Re: Introducing Benjamin S. Sudduth under the Montana Student Practice Rule

May It Please the Court:

It is my pleasure to introduce Benjamin S. Sudduth to the Court under the Montana Student Practice Rule. Mr. Sudduth is a third-year student at The University of Montana School of Law, and he serves as a clinician in the Land Use Clinic. Before joining the Land Use Clinic, he successfully completed the prerequisite courses in Professional Responsibility and Land Use Planning Law.

Should the Court deem it appropriate to grant leave, Mr. Sudduth will be researching and writing an *amicus curiae* brief in *Williams v. Board of County Comm'rs of Missoula County* (DA 12-0343) on behalf of the Land Use Clinic. I will supervise and take responsibility for Mr. Sudduth's work on the case.

To ensure compliance with the Montana Student Practice Rule, a Petition to Permit Student Practice Under the Montana Student Practice Rule, and supporting paperwork, are enclosed with this letter. Should you require any additional information, please feel free to contact me.

Thank you for your consideration of this Petition. Mr. Sudduth, the Land Use Clinic, and The University of Montana School of Law greatly appreciate the availability of this educational opportunity.

Yours Very Truly,

Michelle Bryan Mudd
Associate Professor and Director, Land Use Clinic
University of Montana School of Law

Under the Montana Student Practice Rule, BENJAMIN SUDOUTH will be
supervised by MICHAEL BRYAN HODS of SCHOOL OF LAW, HELENA & SPOON, MISSOULA, MT
Supervising Attorney Supervising Attorney's mailing address city zip 59812

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

I hereby certify that, to the best of my knowledge, BENJAMIN SUDOUTH
is duly enrolled in the University of Montana School of Law, which is
approved by the American Bar Association; has completed 62 hours
of legal studies, which amount 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); that s/he is of good character; has competent legal ability;
and is adequately trained to perform as a legal intern.



Klaus Sitte, Director of Students
School of Law
University of Montana

9/5/12
Date

STUDENT'S CERTIFICATE

I, BENJAMIN S. SUDDUTH, hereby 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 Model Rules of Professional Conduct and have been regularly interpreted by the Ethics Committee of the State Bar of Montana.

BENJAMIN S. SUDDUTH
Name (please print)

B S Sudduth
Signature

10/15/12
Date

SUPERVISING ATTORNEY'S APPROVAL OF STUDENT APPEARANCE

L. REED WILLIAMS)
Plaintiff)
)

Court: SUPREME COURT OF 742
STATE OF MONTANA

vs.)
)

Case No.

BOARD OF COUNTY COMMISSIONERS)
OF MISSOULA CO.)
Defendant)

DA 12-0343

I, the undersigned, am the attorney of record in the above-entitled case. I represent
UMSL LAND USE CLINIC and have explained to the client that
(name of client)

s/he is being represented by a student practicing under my supervision.

I have supervised and counseled with BENJAMIN S. SODDUTH,
(name of student)

who is working under my supervision. I consent that the student may try this case and represent the client in this action, pursuant to the Student Practice Rules of the Supreme Court of Montana and the United States District Court for the District of Montana.

Michelle Bryan Mudd
Supervising Attorney's signature

10/16/12
Date