

ORIGINAL

FILED

July 2 2014

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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JUL -2 2014

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

COUNSEL FOR PLAINTIFF AND APPELLEE

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 13-0728

STATE OF MONTANA

Plaintiff and Appellee,

v.

KERI ANN DANIELS,

Defendant and Appellant

**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. Colin Phelps 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. Colin Phelps, of Helena, Montana, be permitted to appear and practice in this case pursuant to the Rule. See Rule § II. B. (student appearance in 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 Supreme Court).

3. I certify that Mr. Phelps:

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;

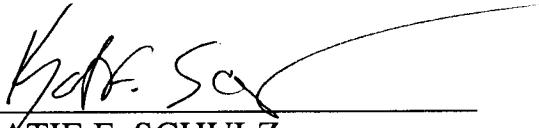
c. has been certified by the dean of the law school as being of good character and competent legal ability and as being adequately trained to perform as a legal intern (*see* Dean's Certificate, attached); and

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

4. I will assist and counsel Mr. Phelps 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. Phelps in such appearances.
8. I have explained to Mr. Fred Van Valkenburg, Missoula County Attorney, whose office handled the State's case in the trial court, the terms under which Mr. Phelps will participate in this case, and Mr. Van Valkenburg has indicated his approval.

Respectfully submitted this 2nd day of ^{July}~~June~~, 2014.

TIMOTHY C. FOX
Montana Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

By: 
KATIE F. SCHULZ
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. Johnna K. Baffa
Van de Wetering & Baffa, PC
815 E. Front Street, Ste. 3
P.O. Box 7575
Missoula MT 59807

Mr. Fred Van Valkenburg
Missoula County Attorney
200 West Broadway
Missoula MT 59802

DATED 7-2-14

Kyle S.

Under the Montana Student Practice Rule, Colin Phelps, will be
supervised by Kate Schurz of 215 N. Senate St. Helena 59601
Supervising Attorney Supervising Attorney's mailing address city zip

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

I hereby certify that, to the best of my knowledge, Colin Phelps
is duly enrolled in the University of Montana School of Law, which is
approved by the American Bar Association; has completed 61 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.

[Signature]

School of Law
The University of Montana

16/18/14
Date

IN THE SUPREME COURT OF THE STATE OF MONTANA

STUDENT CERTIFICATION

I, Colin Phelps, 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.

Colin Phelps
Student's Signature

6/17/14
Date