

Alexander Blewett III

# SCHOOL OF LAW

UNIVERSITY OF MONTANA

## Jordan Gross

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### Legal Experience

#### *Professor of Law*

University of Montana Blewett School of Law  
Missoula, Montana

08/2010-Present  
(Tenured 08/2016)

Courses taught include Criminal Justice in Indian Country, Interdisciplinary Criminal Justice Reform, Criminal Law, Criminal Procedure: Adjudicative, Criminal Procedure: Investigative, Environmental Crime, Federal Courts, Professional Responsibility, and White Collar Crime.

I supervise the Law School's external Criminal Defense and Civil Rights Clinics, which include the ACLU of Montana and the Montana Innocence Project placements. I supervised the Law School's external city, state and federal Prosecution Clinics from Fall 2010 to Spring 2019.

I founded the Law School's Pro Bono Program and serve as its Faculty Supervisor. In collaboration with Montana Legal Services Association, I founded the Law School's monthly low-income Family Law Clinic, which I also supervise.

#### *Fulbright Scholar Award Recipient*

Research Chair in Indigenous Public Policy and Criminal Justice  
University of Guelph, Ontario, Canada

*forthcoming, 02/2021*

#### *Litigator*

Yarmuth Wilsdon Calfo, PLLC  
Seattle, Washington

11/1999-05/2010  
(Partner 01/2005)

I represented individuals and organizations in complex litigation and appeals involving federal criminal allegations, contract disputes, fraud allegations, securities law, federal billing practices, whistleblower allegations, and constitutional issues, with a particular expertise in complex motions, appellate litigation, and oral advocacy. While in private practice, I volunteered with the ACLU of Washington as a Cooperating Attorney and served on its Legal Committee.

#### *Judicial Law Clerk*

Hon. Barbara Jacobs Rothstein  
U.S. District Court for the Western District of Washington  
Seattle, Washington

08/1996-10/1999

#### *Judicial Law Clerk*

Hon. Susan Agid  
Washington State Court of Appeals, Division I  
Seattle, Washington

08/1993-07/1996

## **Education**

Howard University School of Law, J.D., *cum laude*, 1993

Honors:

Merit Scholar, 1990-93

National Dean's List, 1992-93

Employment, Activities, and Societies:

Research Assistant to Professor Andrew E. Taslitz

Intern, Ayuda Clinica Legal Latina, Washington, D.C

Howard Law Journal, staff member

Organization of Women Law Students, founding member and co-chair

Public Interest Law Society

University of Washington, B.A. Political Science, 1989; B.A. English Literature, 1989

Balboa High School, Panama City, Republic of Panama, 1983

## **Admissions to practice**

State Bar of Montana

United States Supreme Court

United States Court of Appeals for the Ninth Circuit

United States District Court for the District of Montana

United States District Court for the Western District of Washington

## **Languages**

Proficient in written and spoken Spanish

## **Community Service**

- Law School Low Income Family Law Clinic, Founder, Attorney Volunteer & Supervisor, 2016-Present
- Fourth Judicial District DUI Treatment Court Steering Committee, November 2018-Present
- State Bar of Montana Ethics Committee (by appointment), March 2019-Present
- Montana Innocence Project, Board of Directors, August 2019-Present
- Western Montana Bar Association Pro Bono Committee, 2010-2019
- Montana Legal Services Association, Board of Trustees, 2016-May 2019
- Montana Law Student Pro Bono Award Committee, 2014-2018

## **University of Montana Service**

- Admissions Review Committee, 2011-Present
- President's International Council (formerly UM Internationalization Committee), 2019-Present
- Justice, Policy and Public Service Transdisciplinary Community of Excellence, Steering Committee, 2019-Present
- Academic Conduct Board, 2012-2017
- University Appeals Committee, 2011-2014
- University Conduct Board, 2011-2013

## Law School Service

- Judicial Clerkship Committee, Spring 2011-Present
- Faculty Co-Advisor, Criminal Law Group, Fall 2012-Present
- Honor Code Counsel, Fall 2016-Present
- Faculty Supervisor, Pro Bono Program, 2018-Present
- Chair, Faculty Perquisites & Merit Pay Review Committee, Fall 2019-Present; member Fall 2011-Spring 2014
- Curriculum Committee (*formerly Clinical and Curriculum*), Fall 2012-Spring 2013; Fall 2014-Spring 2017; Fall 2018-Present
- Independent Study Sub-Committee of Curriculum Committee, 2014-2017; Fall 2018-Fall 2019
- Ad Hoc Grade Appeal Committee, January 2019
- Faculty Development Committee, Fall 2012-Spring 2013; Fall 2015-Spring 2018
- Promotion and Tenure Committee, Fall 2015-Spring 2018
- Chair, Ad Hoc Committee on Assessment and Transparency, 2011-2014
- Pro Bono Committee, Fall 2011-Spring 2012
- Ad Hoc Committee on Character and Fitness, Fall 2011-Spring 2012
- Library, Technology & Facilities Committee (*formerly Library & Technology*), Fall 2011-Spring 2012; Fall 2013-Spring 2014
- Honor Code Committee, Fall 2010-Spring 2011

## Publications

### Law Review Articles

*Pretrial Justice in Out-of-the-Way Places – Including Rural and Tribal Jurisdiction in the Bail Reform Conversation*, work in progress

*Taking Stock: Open Questions, New Provisions, and Unfinished Business Under the TLOA and VAWA 2013 Amendments to the Indian Civil Rights Act*, work in progress

*Incorporation by Any Other Name? A Comparative Analysis of Congress' Federalization of Tribal Court Criminal Procedure under the Indian Civil Rights Act with the Supreme Court's Regulation of State Courts under the Fourteenth Amendment*, forthcoming, 109 Kentucky L.J. (2020)

*Devil Take the Hindmost – Reform Considerations for States with a Constitutional Right to Bail*, 52(4) Akron Law Review 1043 (2018)

*Through a Federal Habeas Corpus Glass, Darkly – Who Is Entitled to Effective Assistance of Counsel In Tribal Court and How Will We Know If They Got It?* 42 American Indian Law Review, Univ. of Oklahoma 1 (2017)

*VAWA 2013'S Right to Appointed Counsel in Tribal Court Proceedings – A Rising Tide That Lifts All Boats or a Procedural Windfall for Non-Indian Defendants?* 67 Case Western Reserve Law Review 379 (2016)

*Let the Jury Fit the Crime: Increasing Native American Jury Pool Representation in Federal Judicial Districts with Indian Country Criminal Jurisdiction*, 77 Montana Law Review 281 (2016)

*The Upside Down Mississippi Problem: Addressing Procedural Disparity Between Federal and State Criminal Defendants as the Federalization, Nationalization and Standardization Tide Recedes*, 38 Hamline L. Rev. 1 (2015)

*An Ounce of Pretrial Prevention is Worth More Than a Pound of Post-Conviction Cure: Untethering Federal Pretrial Criminal Procedure From Due Process Standards of Review*, 18 Berkeley J. Crim. L. (2013)

*If Skilling Can't Get a Change of Venue, Who Can? Salvaging Common Law Implied Bias Principles from the Wreckage of the Constitutional Pretrial Publicity Standard*, 85 Temp. L.R. 575 (2013). [Excerpt reprinted in: Alisa Smith, LAW, SOCIAL SCIENCE, AND THE CRIMINAL COURTS (2nd ed. 2020), at 309]

*A Reasonable Expectation of Privacy? Homelessness and the Fourth Amendment – State v. Mooney*, Student Note, 36 Howard Law Journal 75 (1993)

### Book Chapter

Ethical Considerations in Environmental Crime Prosecution and Defense, ISSUES OF LEGAL ETHICS IN THE PRACTICE OF ENVIRONMENTAL LAW (ABA 2017)

### **Awards and Commendations**

Garlington, Lohn & Robinson Faculty Merit Teaching Award 2020 – *recognizing excellence in teaching*

University of Montana Faculty Merit Award 2012, 2014 & 2018 – *recognizing outstanding institutional performance*

Margery Hunter Brown Faculty Merit Award 2018 – *recognizing spirit of professionalism and professorial qualities for which Margery Hunter Brown was known*

Law School Merit Award 2017 – *recognizing outstanding service to the School of Law*

2016 Graduation Luncheon Speaker & Graduation Ceremony Reader – *selected by student vote; akin to “Teacher of the Year” Award*

Robert and Pauline Poore Law Faculty Service Award 2016 – *recognizing service to the profession and the public that is particularly noteworthy*

James C. Garlington Teaching Award 2015 – *recognizing excellence in teaching*

Thomas H. and Ann Boone Law Faculty Scholarship Award 2014 – *recognizing excellence in scholarship*

University of Montana School of Law Advanced Trial Advocacy Program Certificate of Participation and Appreciation 2014 – *recognizing dedication and invaluable service as a faculty member*

Native American Law Students Association Excellence in Teaching Award 2014 – *recognizing efforts to significantly incorporate Indian Law concepts throughout teaching*

Margery Hunter Brown Faculty Merit Award 2013 – *recognizing spirit of professionalism and professorial qualities for which Margery Hunter Brown was known*

## **Presentations & Public Appearances (selected)**

*Ethical Considerations for Family Law Attorneys*, Montana Bar Association Family Law Section Webinar, April 17, 2020

*Ethics in Pro Bono*, Montana Legal Services Association Webinar, March 11, 2020

*Pretrial Detention and Mass Incarceration*, Panelist – National Lawyers Guild Week Against Mass Incarceration, University of Montana School of Law, March 3, 2020

*Criminal Justice in Indian Country, featuring Fort Peck Tribal Court Chief Judge FourStar*, Panelist – Native American Law Students Association Forum, University of Montana School of Law, November 18, 2019

*Meeting our Pro Bono Responsibilities Under the Montana Rules of Professional Conduct*, Co-organizer and Presenter – United States District Court, Federal Bar Association & Law School Power Act Event, Missoula, August 2, 2019

*Women and the Legal Profession* – Montana New Leadership 2019, Missoula, June 25, 2019

*Case Introduction* – Montana Supreme Court 2019 Law Day Oral Argument, Missoula, April 18, 2019

*Ethics in Criminal Defense* – Montana Association of Criminal Defense Lawyers and Office of Public Defense, Bozeman, September 22, 2018

*What's Going On with Bail Reform?* – University of Montana School of Law, Missoula September 20, 2018; video available at: <https://www.youtube.com/watch?v=sQL9Tsb43w>

*Government Lawyer Ethics: Client-Constituent Communications* – Montana Municipal Interlocal Authority, Jim Tillotson Service Program, Billings, May 11, 2018

*Case Introduction* – Montana Supreme Court 2018 Law Day Oral Argument, Bozeman, April 5, 2018

*Pro Bono Ethics* – Montana Legal Services Association Webinar, March 21, 2018

*Fact, Fiction and Unintended Consequences in Criminal Justice Reform* – University of Montana Community Lecture Series, Missoula, March 13, 2018

*Ethics for the Government Lawyer* – Montana League of Cities and Towns, Great Falls, September 29, 2017

*Ethics in Criminal Defense* – Montana Association of Criminal Defense Lawyers and Office of Public Defense, Missoula, September 23, 2017

*Know Your Rights*, Panelist – Associated Students of the University of Montana Community Forum, Missoula, April 27, 2017

*Incorporating Pro Bono Into Practice*, Panelist – Montana Public Interest Law Coalition, Missoula, April 27, 2017

*New Rules: From Technology to Harassment and Discrimination, What You Do Not Know Can Hurt You* – State Bar of Montana 2017 Annual Ski & CLE, Big Sky, January 14, 2017

*What's a Judge to Do? Pro Se Litigants & Incompetent Counsel - Ethics and Best Practices* – Montana Judges' Association Fall Conference, Polson, October 7, 2016

*Rules and Best Practices of Limited Scope Representation* – CASA CLE, Kalispell April 13, 2016

*Limited Scope Representation* – Montana Legal Services Association, Webinar January 29, 2016

*Career Discussion, Facilitator* – Women’s Law Caucus, September 2015

*Mentoring and Supervising in Trial Practice: Ethical Rules and Responsibilities* – Montana Trial Lawyers’ Association 2015 Annual Convention, Missoula

*Ethics of Mentoring* – Montana Legal Services Association and State Bar of Montana, Webinar April 2015

*Ethics of Limited Scope, Pro Bono, and Modest Means, Panelist* – State Bar of Montana, New Lawyers Section Annual Toolkit CLE, University of Montana School of Law, April 2015

*Pro Bono Ethics* – National Association of Pro Bono Professionals, Executive Committee, Webinar March 2015

*Ethics Update* – Road Show CLE, Yellowstone Area Bar Association, Billings, February 2015

*Women in the Law, Moderator* – Criminal Law Student Group, October 2014

*Limited Scope Representation, Panelist* – State Bar of Montana Bankruptcy Section, Missoula, September 2014

*Search and Seizure Update* – Montana Judges’ Association 2014 Annual Conference, Helena

*Entity and Supervisory Ethics* – Clinical Supervisors Meeting, University of Montana School of Law, February 2014

*Representing the Low-Income Family Law Client in Montana: Ethical Considerations* – Montana Legal Services Association, Webinar March 2014

*CLE for a Cause – Substance Abuse & Mental Illness* – State Bar of Montana, Missoula, March 2013

*Views from the Bench, Moderator* – Judicial Ethics Panel, Spring 2012 Reunion CLE, University of Montana School of Law

*Alcohol Abuse and Addiction in the Legal Profession: Case Studies and Resources* – State Bar of Montana, Helena, May 2012

*Ethical Responsibilities of Supervisory Lawyers* – 2011 Clinical Supervisors Meeting, University of Montana School of Law

*Civil and Criminal Enforcement of Environmental Law, Organizer and Co-instructor* – University of Montana School of Law, October 2011

*Social Media and Legal Ethics: What Lawyers Should Know About Communicating, Advertising and Socializing on the Internet* – State Bar Women Lawyers Section 2011 Annual Meeting, Chico Hot Springs

*You Are Your Brother’s/Sister’s Keeper: Responsibility for Impaired Lawyers under the Rules of Professional Conduct* – Montana Defense Trial Lawyers 2011 Annual Meeting, Missoula

*High Tech Ethics: Meeting the Duties of Competence, Communication, and Confidentiality in the Digital World* – Montana Defense Trial Lawyers 2011 Annual Meeting, Missoula

## Media (selected)

*COVID-19 Motivates Policy Overhaul For County Jails In Montana*, MTPR, 6/24/20

<https://www.mtpr.org/post/covid-19-motivates-policy-overhaul-county-jails-montana>

*Defense attorneys push for council critic's case to be dismissed*, NBC Montana News, 2/20/20

<https://nbcmontana.com/news/local/defense-attorneys-push-for-council-critics-case-to-be-dismissed>

*Billings district judge facing misconduct counts including 'misstatements under oath'*, Billings Gazette, 1/31/20

[https://billingsgazette.com/news/state-and-regional/crime-and-courts/billings-district-judge-facing-misconduct-counts-including-misstatements-under-oath/article\\_d5de1a66-20f0-5bed-8081-f4d5fad1f90b.html](https://billingsgazette.com/news/state-and-regional/crime-and-courts/billings-district-judge-facing-misconduct-counts-including-misstatements-under-oath/article_d5de1a66-20f0-5bed-8081-f4d5fad1f90b.html)

*35% fine on having dangerous drugs ruled unconstitutional, Montana Supreme Court rules*, Billings Gazette, 11/16/19

[https://billingsgazette.com/news/state-and-regional/crime-and-courts/fine-on-having-dangerous-drugs-ruled-unconstitutional-montana-supreme-court/article\\_446d11ab-323b-5000-9e18-e812bd9b39d3.html](https://billingsgazette.com/news/state-and-regional/crime-and-courts/fine-on-having-dangerous-drugs-ruled-unconstitutional-montana-supreme-court/article_446d11ab-323b-5000-9e18-e812bd9b39d3.html)

*The Navajo Nation Opposed His Execution. The U.S. Plans to Do It Anyway*, The Marshall Project, 9/17/19

<https://www.themarshallproject.org/2019/09/17/the-navajo-nation-opposed-his-execution-the-u-s-plans-to-do-it-anyway>

*Man pleads not guilty to assaulting youth at rodeo*, Clark Fork Valley Press/Mineral Independent, 08/21/19

[https://www.vp-mi.com/front\\_page\\_slider/20190821/man\\_pleads\\_not\\_guilty\\_to\\_assaulting\\_youth\\_at\\_rodeo](https://www.vp-mi.com/front_page_slider/20190821/man_pleads_not_guilty_to_assaulting_youth_at_rodeo)

*Gianforte to appear in court Monday to plead no contest to assault charge*, Missoulian, 6/8/17

[https://missoulian.com/news/state-and-regional/gianforte-to-appear-in-court-monday-to-plead-no-contest/article\\_5d4e9348-8c36-5570-a8c7-eb52d4cf598e.html](https://missoulian.com/news/state-and-regional/gianforte-to-appear-in-court-monday-to-plead-no-contest/article_5d4e9348-8c36-5570-a8c7-eb52d4cf598e.html)

*Gianforte Could Appear In Court Wednesday*, Montana Public Radio, 5/31/17

<https://www.mtpr.org/post/gianforte-could-appear-court-wednesday-may-31>

*'The Dead Zone': Is there a perfect place to commit a crime?* Fox Montana, 01/10/17

[https://www.abcfoxmontana.com/news/the-dead-zone-is-there-a-perfect-place-to-commit/article\\_579ee322-4bd0-55d5-b5d9-a99fd419eb0d.html](https://www.abcfoxmontana.com/news/the-dead-zone-is-there-a-perfect-place-to-commit/article_579ee322-4bd0-55d5-b5d9-a99fd419eb0d.html)

*Judicial candidate support proper? You be the judge*, Great Falls Tribune, 10/24/16

<https://www.greatfallstribune.com/story/news/local/2016/10/24/judicial-candidate-support-proper-judge/92703638/>

*Newlywed murder case unusual for federal court; sentencing is Thursday*, Billings Gazette, 03/23/14

[https://billingsgazette.com/news/state-and-regional/montana/newlywed-murder-case-unusual-for-federal-court-sentencing-is-thursday/article\\_7c7c8cfc-144e-59a2-a4f5-3aac3873d2ae.html](https://billingsgazette.com/news/state-and-regional/montana/newlywed-murder-case-unusual-for-federal-court-sentencing-is-thursday/article_7c7c8cfc-144e-59a2-a4f5-3aac3873d2ae.html)