

Jordan Gross
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Boise, Idaho
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Academic Experience

Professor of Law (tenured) – University of Idaho College of Law Boise, Idaho	08/2023-Present
Director , Rural Justice Initiative (RJI) @ the University of Montana Missoula, Montana <i>The Rural Justice Initiative collaborates with local, Tribal and State stakeholders to support evidence-based criminal justice policy that integrates the experiences and needs of rural and Indigenous communities.</i>	08/2020-Present
Affiliated Faculty Fellow , American Indian Governance and Policy Institute University of Montana	08/2020-Present
Professor of Law – University of Montana Blewett School of Law Missoula, Montana	08/2010-08/2023 (tenured 08/2016)
<i>Administrative Appointments:</i>	
Associate Dean for Academic Affairs	07/2022-08/2023
Faculty Supervisor , Student Pro Bono Program	01/2018-08/2023
Affiliated Professor , Department of Public Administration and Policy University of Montana Blewett School of Law	08/2015-08/2023
Research Chair in Indigenous Public Policy and Criminal Justice Fulbright Canada, University of Guelph, Ontario	01/2022-08/2022

Scholarly Agenda

My scholarship focuses on the distribution, exercise, and regulation of criminal adjudicatory power in federal systems and on interdisciplinary criminal justice reform. Areas of inquiry include: (1) allocation of criminal jurisdiction among federal, Tribal, State, and local governments; (2) comparative federal, Tribal, State, and international criminal law and procedure; (3) disproportionate representation of Indigenous persons, especially women and girls, in settler-colonial criminal adjudicatory systems; and (4) incorporating the experiences and needs of rural and Indigenous communities in criminal justice reform.

Current Courses

- Criminal Justice in Indian Country
- Criminal Law
- Criminal Procedure-Investigations

Previously Taught

- Criminal Procedure-Adjudications
- Environmental Crime
- Federal Courts
- Interdisciplinary Criminal Justice Reform
- Professional Responsibility

- White Collar Crime
- Criminal Defense External Clinics, Faculty Supervisor
- Prosecution External Clinics, Faculty Supervisor

Academic Awards and Commendations

Maylinn Smith Native American Law Students Association (NALSA) Excellence in Teaching Award 2022 – *recognizing efforts to significantly incorporate Indian Law concepts throughout teaching*

Heman Faculty Award 2022 – *recognizing excellence in teaching, especially innovation in the classroom and creative approaches to remote and online learning*

University of Montana Faculty Merit Award 2021 – *recognizing outstanding institutional performance*

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

University of Montana Faculty Merit Award 2018 – *recognizing outstanding institutional performance*

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

Graduation Luncheon Speaker & Graduation Ceremony Reader 2016 (*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 Faculty Merit Award 2014 – *recognizing outstanding institutional performance*

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 (NALSA) Excellence in Teaching Award 2014 – *recognizing efforts to significantly incorporate Indian Law concepts throughout teaching*

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

University of Montana Faculty Merit Award 2012 – *recognizing outstanding institutional performance*

Legal Experience

Criminal and Civil Law Litigator 11/1999-05/2010
Yarmuth Wilsdon Calfo, PLLC (*now* Calfo Eakes, PLLC) (Partner 01/2005-05/2010)
Seattle, Washington

I represented individuals and organizations in complex criminal and civil litigation and appeals, including federal criminal allegations, contract disputes, fraud allegations, securities law, federal program billing practices, whistleblower allegations, and constitutional issues. While in private practice, I volunteered with the ACLU of Washington as a member of its Legal Committee and as a Cooperating Attorney.

Judicial Law Clerk 08/1996-10/1999
Hon. Barbara Jacobs Rothstein
U.S. District Court for the Western District of Washington
Seattle, Washington

Judicial Law Clerk 08/1993-07/1996
Hon. Susan Agid
Washington State Court of Appeals, Division I
Seattle, Washington

Education

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

Honors

- Merit Scholar, 1990-93
- National Dean's List, 1992-93

Employment and Activities

- Research Assistant to Professor Andrew E. Taslitz
- Howard Law Journal
- Volunteer Intern, Ayuda – Clinica Legal Latina, Washington, D.C
- 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
- Washington State Bar Association
- 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

Scholarly Publications and Works in Progress

Law Review Articles

Pretrial Justice in Indian Country and Bordertowns—Including Tribal Communities in the Bail Reform Conversation, work in progress.

Pretrial Justice in Out-of-the-Way Places – Including Rural Communities in the Bail Reform Conversation, Montana Law Review, forthcoming.

Making Space for Indigenous Justice Norms in Settler-Colonial Legal Structures: Criminal Procedure as a Vehicle and Boundary for Self-Determination Interests in Canada and the United States (Fulbright Canada research), work in progress.

Taking Stock: Open Questions and Unfinished Business Under VAWA Amendments to the Indian Civil Rights Act, 73(2) Hastings Law Journal 475 (2022).

Incorporation by any other Name? Comparing Congress' Federalization of Tribal Court Criminal Procedure with the Supreme Court's Regulation of State Courts, 109 Kentucky Law Journal 299 (2020/21).

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 (University 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) (invited submission).

The Upside Down Mississippi Problem: Addressing Procedural Disparity Between Federal and State Criminal Defendants as the Federalization, Nationalization and Standardization Tide Recedes, 38 Hamline Law Review 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 Journal of Criminal Law (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 Temple Law Review 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).

Presentations & Public Appearances (*selected*)

Criminal Justice in Indian Country (Panelist), Critical Indigenous Studies Symposium University of Idaho College of Law, Moscow, April 24, 2023

Jury Selection Reform—Research and Recommendations (with Dr. Laura Kirsch, University of Montana Department of Psychology), Montana State Bar Annual Meeting & CLE, Missoula, April 14, 2023

Training Lawyers and soon-to-be-Lawyers in Ethics, Fitness to Practice, and Bias in the Legal System with Dean Elaine Gagliardi), Montana State Bar CLE Institute, Butte, America, March 17, 2023

White Collar Crime: Why Corporations Should Not Be Punished For Anything They Do (Moderator), Criminal Law Student Group & The Federalist Society, Blewett School of Law, March 14, 2023

Pretrial Justice in Out-of-the-Way Place –Including Rural Communities in the Bail Reform Conversation, Law and Rurality Workshop, University of Nebraska, October 21, 2022

Making Space for Indigenous Justice Norms: Criminal Jurisdiction, Self-Determination, and the MMIP Crisis in Canada and the United States, University of Guelph, Fulbright Canada Public Lecture, April 6, 2022

Ethics in Pro Bono: Remote Practice, Montana Legal Services Association, April 12, 2022

Pretrial Justice in Out-of-the-Way Places: Including Small, Tribal and Rural Jurisdictions in the Bail Reform Conversation, Deason Criminal Justice Center, SMU Law School, March 3, 2022 (with Dr. Laura Kirsch, University of Montana Department of Psychology)

Social Media Infiltration: Investigating “Change of Venue” as a Case-In-Point, Thomas R. Kline Center for Continuing Judicial Education of the Duquesne University School of Law, April 6-7, 2021

NALSA/BALSA Social Justice Forum - Moderator, Blewett School of Law, November 11, 2020

Ethics and Criminal Justice, Montana Judges’ Association (MJA) Fall Conference, October 8, 2020

Juneteenth History, Montana Innocence Project, June 19, 2020

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

Service

Community Service

- State Bar of Montana Ethics Committee (*by appointment*), March 2019-August 2023
- Montana Innocence Project, Board of Directors, August 2019-July 2023
- Fourth Judicial District DUI Treatment Court Steering Committee, November 2018
- Law School Low Income Family Law Clinic–Founder & Attorney Volunteer, 2016-May 2023
- Montana Legal Services Association, Board of Trustees, 2016-May 2019
- Western Montana Bar Association Pro Bono Committee, 2010-2019
- Montana Law Student Pro Bono Award Committee, 2014-2018

Law School Service

- Dean’s Advisory Group, Fall 2022-Summer 2023
- Ad Hoc Attendance Policy Committee, Fall 2022
- Faculty Supervisor, Student Pro Bono Program (*Dean’s Appointment*), Spring 2018-August 2023
- Faculty Co-Advisor, Criminal Law Group, Fall 2012-August 2023
- Faculty Perquisites & Merit Pay Review Committee (*by election*), Fall 2011-Spring 2014; AY 2019-2020 (Chair); AY 2021-2022 (Chair Fall 2021); AY 2022-2023
- Curriculum Committee (*formerly Clinical and Curriculum*), AY 2012-2013; Fall 2014-Spring 2017; Fall 2018-Spring 2021
- Judicial Clerkship Committee (*discontinued*), Spring 2011-Spring 2021

- Library, Technology & Facilities Committee (*formerly* Library & Technology), AY 2011-2012; AY 2013-2014; AY 2021-2022 (Chair Fall 2021)
- Faculty Honor Code Counsel (*Dean's Appointment*), Fall 2016-Fall 2021
- Dean's Climate and Culture Advisory Group, Summer, 2020-Spring 2021
- Independent Study Sub-Committee of Curriculum Committee, 2014-2017; Fall 2018-Fall 2019
- Ad Hoc Grade Appeal Committee, January 2019
- Faculty Development Committee, AY 2012-2013; Fall 2015-Spring 2018
- Promotion and Tenure Committee (*by election*), Fall 2015-Spring 2018
- Ad Hoc Committee on Assessment and Transparency (Chair), 2011-2014
- Pro Bono Committee, AY 2011-2012
- Ad Hoc Committee on Character and Fitness, AY 2011-2012
- Honor Code Committee, AY 2010-2011

University of Service

- Admissions Review Committee, 2011-May 2023
- President's International Council (*formerly* Internationalization Committee), 2019-May 2023
- Faculty Senate Student Conduct Code Committee, May 2020-May 2023
- Justice, Policy and Public Service Transdisciplinary Community of Excellence, Steering Committee, 2019-2021
- Academic Conduct Board, 2012-2017
- University Appeals Committee, 2011-2014
- University Conduct Board, 2011-2013

Media (*selected*)

Directing residents to the year-round shelter, the city of Bozeman has begun clearing homeless encampments, Yellowstone Public Radio, 8/11/22

Oath Keepers Argue That Jan. 6 Hearings Taint Jury Pool, Law360, 7/19/22

U of G Shows Commitment to Education About Indigenous Criminal Justice, Says Visiting U.S. Scholar, University of Guelph News, 6/16/22

How Ashley Loring HeavyRunner's Disappearance Illustrates Issues With Investigating Crimes Against Indigenous Women, A&E True Crime Blog, 1/11/22

Fight over death penalty brewing in West Yellowstone murder case, Bozeman Daily Chronicle, 12/12/21

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

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

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

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

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

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

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

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

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

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