

CURRICULUM VITAE

University of Idaho

NAME: Jordan Gross

DATE: August 14, 2023

RANK OR TITLE: Professor

DEPARTMENT: College of Law

OFFICE LOCATION AND CAMPUS ZIP: Boise

OFFICE PHONE:

FAX:

EMAIL: jordangross@uidaho.edu

WEB:

DATE OF FIRST EMPLOYMENT AT UI: August 14, 2023

DATE OF TENURE: 2016 (University of Montana Blewett School of Law)

DATE OF PRESENT RANK OR TITLE: 08/2016 (University of Montana); 08/2023 (University of Idaho)

EDUCATION BEYOND HIGH SCHOOL:

Degrees:

Howard University School of Law, J.D., cum laude, 1993
University of Washington, B.A. Political Science, 1989; B.A. English Literature

Certificates and Licenses:

Admitted to practice law in

- State Bar of Montana (2010) (inactive)
- Washington State Bar Association (1993)
- 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

EXPERIENCE:

Teaching, Extension and Research Appointments:

- Professor of Law, University of Idaho College of Law, 08-2023-Present
- Professor of Law, University of Montana Blewett School of Law, 08/2010-08/2023 (tenured 08/2016)
- Affiliated Professor, University of Montana American Indian Governance and Policy Institute, 08/2021-Present
- Affiliated Professor, University of Montana Department of Public Administration and Policy, 08/2018-08/2023
- Research Chair in Indigenous Public Policy and Criminal Justice, Fulbright Canada, University of Guelph, Ontario, 01/2022-08/2022
- Research Assistant, Professor Andrew E. Tazlitz, Howard University School of Law, 05/1992-05/1993

Academic Administrative Appointments:

- Director, Rural Justice Initiative, 08/2020-Present
- Associate Dean for Academic Affairs, University of Montana Blewett School of Law, 07/2022-08/2023
- Faculty Supervisor, Student Pro Bono Program, University of Montana Blewett School of Law,

01/2018-08/2023

Non-Academic Employment including Armed Forces:

- Litigation Attorney, Yarmuth Wilsdon Calfo, PLLC, Seattle, Washington, 11/1999-05/2010 (Partner 01/2005-05/2010)
- 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 R. Agid, Washington State Court of Appeals, Division I, Seattle, Washington, 08/1993-07/1996

TEACHING ACCOMPLISHMENTS: (Academic and Extension teaching)

Areas of Specialization:

- Criminal Law and Procedure
- Criminal Jurisdiction
- Criminal Justice in Indian Country
- Professional Ethics

Courses Taught:

Current

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

Previously Taught (at Montana Law)

- Criminal Procedure-Adjudicative
- Environmental Crime
- Federal Courts
- Interdisciplinary Criminal Justice Reform
- Professional Responsibility
- Criminal Defense External Clinics, Faculty Supervisor
- Prosecution External Clinics, Faculty Supervisor

Non-credit Classes, Workshops, Seminars, Invited Lectures - Selected Public Presentations

Pretrial Justice in Indian Country and Bordertowns—Including Tribal Communities in the Bail Reform Conversation, 2024 AALS Annual Meeting, Criminal Procedure Section Works In Progress, January 6, 2024

Sovereignty and Partnership: Understanding the intersection between Tribal and State Courts (Panelist), Idaho Judicial Conference, Boise, September 25, 2023

Idaho Tribal State Court Forum, Boise (Presenter), Idaho Supreme Court, Boise (Presenter), Case Law Update: Castro Huerta (U.S. Supreme Court case re: Indian Country criminal jurisdiction), October 20, 2023

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 Places – 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 (co-presented 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* (Panelist with Fort Peck Tribal Court Chief Judge FourStar) – 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, University of Montana School of Law, 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, University of Montana School of Law, 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 – Judicial Ethics Panel (Moderator) , 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 (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

Honors and Awards:

University of Montana School of Law 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*

Publications:

Law Review Articles

Pretrial Justice in Out-of-the-Way Places – Including Rural Communities in the Bail Reform Conversation, Montana Law Review, Summer 2023 *forthcoming*.

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).

SERVICE:

Major Committee Assignments:

University of Idaho College of Law

- Curriculum Committee, 08/2023-Present
- Strategic Planning Financial Planning and New Program Development Group, 08-2023-Present

University of Montana (2010-2023)

Montana School of Law Service

- Dean's Advisory Group, Fall 2022-August 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 Montana Service

- Admissions Review Committee, 2011-2023
- President's International Council (*formerly Internationalization Committee*), 2019-2023

- Faculty Senate Student Conduct Code Committee, May 2020-2023
- 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

Outreach Service:

- State Bar of Montana Ethics Committee (*by appointment*), March 2019-August 2023
- Montana Innocence Project, Board of Directors, August 2019-June 2023
- Fourth Judicial District DUI Treatment Court Steering Committee, November 2018-June 2023
- Law School Low Income Family Law Clinic–Founder & Attorney Volunteer, 2016-2023
- 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