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September 23, 2021

Town of Stevensville
206 Buck Street
Stevensville, MT 59870

Via Email to clerk@townofstevensville.com

Dear Town of Stevensville:

Please accept my Statement of Qualifications in response to the Town's 2021 Request for Qualifications to Provide Legal Services for the Town of Stevensville ("RFQ").

My Statement of Qualifications covers providing legal services both as City Attorney and City Prosecutor.

Introduction

I am a new attorney in Stevensville – but not a new attorney. I have been practicing law, much of which involved governmental entities – for 28 years. Partly to enjoy a slower pace of life, I recently moved from Washington state and have settled down in the amazing town of Stevensville. I am licensed to practice law in Montana.

I am semi-retired but want to contribute by serving as the City Attorney because of all the interesting legal issues that confront a town. Municipal law work is mentally stimulating and very interesting. I enjoy it.

As a semi-retired attorney, I am very selective about the work I accept. I don't want to – or need to – take every client that comes along. If I am selected as the City Attorney, the Town would be my main client. (I currently have some clients but do very little work for them. I also have an emerging mediation practice, but mediations are not time consuming. I can't imagine mediations

or minor work for my other clients would interfere with work for the Town.) I would not become “too busy” to give the Town the attention and thorough legal advice it deserves.

I have been an in-house for two large entities (a financial services company and a multi-state security company) and have developed an approach to advising them: I am simply there to describe the legal landscape and what the entity can or cannot do. I do not make policy; I merely advise about the law. The entity decides what it wants to do – but it has comprehensive legal advice about the legal advantages or risks involved in their decision.

A question sometimes arises in municipal law of “Who is the client?” A city attorney represents the municipality as a whole, not individuals within the municipal leadership structure. There cannot be advice to parts of the city’s leadership with others in leadership being excluded. My client would be the “Town” – and the Town is embodied by the Mayor and all the Council members.

To ensure that I am giving legal advice to all of the Town’s leadership, I would ask the Town to establish a single email address through which all of my legal advice would flow. Emails from this address would go to the Mayor and all Council members. This will ensure that the Town as whole gets my legal advice.

I am not political. I am not an elected official. I have no “constituents”; I only have a client, which is the Town. I have no opinion on policy decisions made by elected officials (except to the extent they might clearly violate the law). I will be the straight shooter who calls balls and strikes. I have no agenda, except providing the best possible legal advice. I remember a conversation with one of my past clients who was the Attorney General of my former state. I was working on a very politically charged legal issue. He told me, “Leave the politics to me. That’s what I get paid for.” Those words have stuck with me throughout my career.

Experience

The most important thing for the Town to consider when evaluating me is my legal experience. It is vast. My legal experience is available on my web site at <https://overstreetlawgroup.com/legal-experience/>, but allow me to present it here for your convenience:

Bar Admissions

- Montana
- Washington
- Illinois (inactive status)
- Missouri (inactive status)

- United States Supreme Court
- Ninth Circuit Court of Appeals
- United States District Court (District of Montana) (pending)
- United States District Court (Western District of Washington)
- United States District Court (Eastern District of Washington)
- United States District Court (Southern District of Illinois)

Experience

- 2021 to Present: General Counsel – Strategic Technologies and Analytics Group (www.stag.technology)
 - Corporate law, employment law, government contracts
- 2021 to Present: Special Deputy Prosecuting Attorney for Jefferson County (Washington)
 - Open government law
- 2017 to Present: General Counsel – Security Services Northwest (www.ssnwhq.com)
 - Civil commercial litigation, civil rights, land use, environmental law, contracts, real estate
- 2016 to 2017: General Counsel – Freedom Foundation (www.FreedomFoundation.com)
 - Constitutional litigation
 - Managed six attorneys
- 2012 to 2016: Regulatory Counsel – Moneytree (www.MoneyTreeInc.com)
 - Financial industry regulations, contracts
- 2007 to 2012: Partner – Allied Law Group (www.AlliedLawGroup.com)
 - Open government law, media law
 - Managed two attorneys and one paralegal

- 2005 to 2007: Special Assistant Attorney General for Government Accountability – State of Washington
 - Open government law, administrative law, lobbying, public policy development
- 2001 to 2005: Of Counsel – Perkins Coie (www.PerkinsCoie.com)
 - Regulatory litigation, administrative law, lobbying, land use, water law, Indian law
- 1997 to 2001: General Counsel – Building Industry Ass’n of Washington (www.biaaw.com)
 - Lobbying, constitutional litigation, land use, corporate law
- 1993 to 1997: Associate – Suelthaus & Walsh (St. Louis)
 - General civil litigation
 - City Prosecutor for Webster Groves, Missouri
 - City Attorney for Marissa, Illinois

Education/Law Review

- 1993: Juris Doctorate – Seattle University School of Law
- 1991: Editor – Harvard Journal of Law & Public Policy
- 1989: Bachelor of Arts – University of Washington (Russian and Eastern European Regional Studies)

Judicial

- 2006 to 2007: Judge Pro Tem – Thurston County (Washington) District Court

Legal Publications and Statutes/Regulations Authored

- 2021: “Montana Rules of Statutory Interpretation” (as-yet unpublished)
- 2007: Drafted and lobbied passage of Washington media privilege statute, Revised Code of Washington 5.68.010

- 2007: Drafted and lobbied passage of statute requiring notice of pending eminent domain, Revised Code of Washington 8.25.290
- 2006: Editor-in-Chief – Washington State Bar Association Public Records Act Deskbook: Washington’s Public Disclosure and Open Public Meetings Laws
- 2006: Drafted and oversaw adoption of Attorney General’s Model Rules on Public Records, Washington Administrative Code chapter 44-14
- 2005 to 2007: Drafted and lobbied passage of various amendments to the Washington Public Records Act, Revised Code of Washington chapter 42.56
- 2001: Author – “The Nuts and Bolts of Amicus Curiae Briefs in Washington,” Washington State Bar News (October 2001)
- 2000: Co-Author – “The Quest for the Best Test to Vest: Washington’s Vested Rights Doctrine Beats the Rest,” 23 Seattle University Law Review 1043 (2000)
- 1997: Author – “Update on the Continuing and Dramatic Effect of the Ripeness Doctrine on Federal Land Use Litigation,” 20 Zoning and Planning Law Report 25 (1997)
- 1994: Author – “The Ripeness Doctrine of the Taking Clause: A Survey of Decisions Showing Just How Far Federal Courts Will Go to Avoid Adjudicating Land Use Cases,” 10 Florida State Journal of Land Use and Environmental Law 91 (1994)
- 1993: Author – “Re-empowering the Native American: A Conservative Proposal to Restore Tribal Sovereignty and Self-Reliance to Federal Indian Policy,” 14 Hamline Journal of Law and Policy 1 (1993)

City Attorney Responsibilities

This table lists the city attorney’s responsibilities from the Town’s RFQ and my response to each one:

Responsibility	Response
<p>“Providing clear and concise legal advice and consultation as requested, to the Council and staff. Response is required within a mutually-agreed upon timeframe.”</p>	<p>My legal analysis and writing is very clear and concise (because I’ve done it so much). Given my semi-retired status and that I’m not taking on many (if any) other clients, my response times would be very quick.</p>
<p>“Attending regular and special Town Council meetings and occasional advisory board meetings and advising the Council on agenda items and procedural matters.”</p>	<p>This would be easy to do. I note that I would not bill the Town to attend meetings unless the Town specifically asked me to attend and authorized billing for the meeting.</p>
<p>“Providing guidance and training with regard to the legal requirements imposed by statute and common law.”</p>	<p>This, too, would be easy. I love teaching and have presented numerous legal classes. I have volunteered to teach Law 101 at the Stevensville High School and am waiting on word from the school if they would like me to proceed.</p>
<p>“Providing designated hours or times of availability, as agreed to with the Mayor and/or the Town Council.”</p>	<p>This would not be a problem. Given my semi-retired status, I would be very available.</p>
<p>“Drafting, reviewing or revising documents such as legal memos, contracts, ordinances and resolutions.”</p>	<p>I have extensive experience doing this for clients of the various law firms I’ve been in (legal memos), the companies I’ve served as in-house counsel (contracts). I routinely work with ordinances and resolutions in the litigation I have done with municipalities.</p>

Responsibility	Response
<p>“Representing the Town in litigation.”</p>	<p>I have been litigating, often in cases involving government entities, for decades. I am familiar with working with insurance companies who might be taking on the defense of a case and giving timely and accurate reports on the status of the litigation to my client.</p>
<p>“Providing legal advice and assistance to operating departments with regard to employee workers’ compensation, employee disciplinary actions, and bargaining unit MOUs.”</p>	<p>I represented a trade association that operated one of the largest workers compensation programs in that state. I have provided employment-law advice to the companies I have represented as in-house counsel.</p>
<p>“Performing legal research and advising on issues related to land use.”</p>	<p>I have extensive land use experience. I litigated a large land use case for one of my clients and was general counsel for a home builder’s association. I have written scholarly legal publications on land use matters.</p>
<p>“Providing legal advice and assistance to Mayor, Council, and Staff with regard to interaction with local and state agencies.”</p>	<p>This would not be difficult. I have been navigating through state and local agencies in most of the work I’ve done in the past 28 years.</p>

Responsibility	Response
“Researching and advising on municipal and other legal matters as requested by the Mayor or Town Council.”	I enjoy legal research and writing, especially on the wide-ranging and interesting legal issues a municipality encounters. Municipal law is directly or indirectly involved in the many of the litigation matters I’ve had.
“Representing the Town in City Court as the prosecuting attorney.”	I have been a city prosecutor before. It was a number of years ago, but city-court cases are very straight forward.

Areas of Law to Be Covered

This table presents the Areas of Law to Be Covered in the Town’s RFQ and my responses to them.

Area of Law to Be Covered	Response
“General municipal law advisory”	As previously noted, I have been working with municipal law, directly or indirectly, for several years.
“Labor/employment, training and personnel investigations”	I have done this work for the companies at which I served as in-house counsel.
“Tax (federal, state, local)”	I am somewhat familiar with this topic, but do not claim to be an expert on it.

Area of Law to Be Covered	Response
“Housing Authority/HUD”	I am somewhat familiar with this topic, but do not claim to be an expert on it.
“Workers compensation (public entity employer)”	As previously noted, I am familiar with workers compensation laws.
“Election procedures and law”	I have worked on an election-law audit of a municipality.
“Urban Run-off”	I am somewhat familiar with this topic, but do not claim to be an expert on it.
“Solid waste/recycling”	I am familiar with this area of law. I worked on permitting a solid waste facility when I was the city attorney for Marissa, Illinois many years ago.
“Telecommunications (advisory and administrative proceedings)”	I have no experience in this area of law.
“Bankruptcy”	I am somewhat familiar with this area of law from my work as in-house counsel for a financial institution.
“Code enforcement”	I am familiar with this area of law, having represented land owners and a municipality (Marissa, Illinois) on it. I conducted a jury trial in a code enforcement case.
“Disability issues/FEHA/ADA”	I am somewhat familiar with this topic, but do not claim to be an expert on it.

Area of Law to Be Covered	Response
“Bidding and Procurement”	I have done bidding and procurement work before for clients at my former firm, Perkins Coie.
“Montana Public Records”	I am extremely experienced in public records matters, but in Washington not Montana. I suspect the concepts are very similar and my previous experience would largely transfer over to representing the Town on these matters.
Litigation Defense of:	
“Public entity tort claims”	I am very experienced with municipal tort claims.
“Labor and employment matters”	I have worked on a municipal labor issue.
“Public safety defense”	I have no experience with this type of litigation.
“Construction law/public works/prevaling wage matters”	I have litigated construction law cases and worked on a prevailing wage matter.
“Writ litigation and appellate procedures”	I am very experienced in this area. I have filed approximately a dozen writ cases and worked on dozens of appeals.

Area of Law to Be Covered	Response
Real property:	
“Condemnation/eminent domain”	I am somewhat familiar with this topic. I have drafted and lobbied for passage of a statute on notice of pending eminent domain actions by local governments.
“Unlawful detainer/eviction (commercial)”	I have litigated a case on this area of law.
“Development/redevelopment”	I have worked on development cases.
“Land use/environmental/hazardous materials/brownfields	I have extensive land use experience and have litigated a hazardous materials case.
“Storm water discharge”	I am somewhat familiar with this area of law from my work as the general counsel for a state home builder’s association.
“Water Use, including laws, regulations and local issues”	I worked on a case involving water law.
“Real estate transaction/commercial document preparation”	I am somewhat familiar with this area of law.
“Foreclosure”	I have no experience in this area of law.
Criminal Prosecution:	
“Trail Litigation”	I have one criminal case to a jury. I have been a city prosecutor for numerous non-jury trials.

Area of Law to Be Covered	Response
“Appellate Litigation”	I have no experience in criminal appeals.
“Investigation”	I have no experience in criminal investigations.
“Legal Writing”	I have no experience in legal writing concerning criminal law, but I am extremely experienced in all aspects of civil-law legal writing.
“Enforcement”	I have no experience in criminal-law enforcement.

Identification of Attorneys

The attorney who would be providing legal services to the Town is me. I have no other attorneys at my firm.

The RFQ asks for a recommendation from three to five municipal attorneys. I don’t currently know any municipal attorneys well enough to ask for a recommendation.

However, I note that very recently a municipal attorney who I litigated against asked me to represent his municipality in limited matters after I obtained a successful outcome for my client against him. I am now a Special Deputy Prosecuting Attorney for Jefferson County, Washington after litigating against Jefferson County in a large civil rights and land use case. (I do very little work for Jefferson County so it would not prevent me from devoting my full attention to Town legal matters.)

Support Staff

The RFQ asks for information on the support staff I would utilize. I have no support staff, but I have found that I don’t need any. I would not charge for support staff tasks.

Description of Services

The RFQ asks for a description of services I would provide. I would provide all the services listed in the sections of the RFQ entitled “City Attorney Responsibilities” and “Areas of Law to Be Covered.” If I were unfamiliar with an area of law, I would – to keep the legal bill as low as possible – first contact city attorneys in surrounding towns and see if they had materials on the topic (assuming the topic wasn’t confidential). If that didn’t work, I would research the topic. I have a very extensive law library in my Stevensville office and am very good at finding legal answers from legal research. I’ve been doing it for several decades.

Rates and Charges

I would charge the Town my deeply discounted billing rate of \$150 per hour. This is substantially lower than my regular rate.

Tax dollars are finite; money does not grow on trees. With my extensive experience, I often know answers off the top of my head or can research them quickly. Unlike an inexperienced attorney, I do not need to invent the wheel each time. Therefore, I can get much more done in an hour than an inexperienced attorney.

The past City Attorney’s hourly rate was, frankly, shockingly below market rates. Eighty dollars per hour cannot be the benchmark against which to compare other attorneys. My billing rate 28 years ago was \$95.

Availability and Commitment to Provide Legal Services

This criterion is a strength for me. Since I am semi-retired and not really looking to take on other clients, I would be very available and able to provide timely legal advice. I might have a few mediations and, conceivably, a few other cases but, as previously mentioned, I am very selective on the cases I take nowadays.

Another reason I would be very available to the Town is that my office is in Stevensville, a few blocks from Town Hall. I can easily walk over and meet with elected officials or staff. Similarly, Town officials or staff can easily come by my office.

Knowledge to Stevensville Government Issues

I have been reading local newspapers for months now to familiarize myself with my new town. I have a basic understanding of the issues facing the Town.

But I can do more. If I were selected to be the City Attorney, I would (at no charge) meet with each elected official, department heads, and anyone else the Town suggested to come up to speed on the issues they face.

Actual or Perceived Conflicts

This is another criterion that is a strength for me. I don't have any clients or business relationships in the Town. Since I just moved here, I don't represent anyone here, so I have no conflicts of interest. I note that since I only know a handful of people in the Town, I cannot be biased or favor anyone. I don't know anyone well enough to be biased.

Conclusion

This Statement of Qualifications to the Town's RFQ has been very detailed and, hopefully, presents the Town with all the information it needs. If not, please contact me.

In sum, I have extensive legal experience in many of the most important issues facing the Town, or I at least am familiar with most of the topics. When I do not have any experience in a particular topic, I have candidly admitted so – but I can find answers to things I don't currently know. That's how I gained experience on so many topics.

Given my semi-retired status, I can easily give the Town the attention it deserves. I am right here in town so I am very accessible.

My hourly rate is reasonable; in fact, it's deeply discounted. My experience allows me to solve legal problems more quickly – which means more inexpensively – than many other attorneys who have less experience.

Finally, I have no conflicts of interest whatsoever.

I hope to be the Town of Stevensville's next City Attorney.

Sincerely,



Greg Overstreet