

1631 ½ 19th St., N.W., #C
Washington, D.C. 20009
Sept. 15, 2013

Dean Roberta Evans
Chair, Law Dean Search Committee
University of Montana
32 Campus Dr.
Missoula, MT 59812

Dear Dean Evans,

It is an honor for me to apply for the deanship at the University of Montana School of Law. I am excited to have the opportunity to lead the law school, as it enters its second century. I am impressed with the law school's many strengths, including its strong faculty, innovative skills-based curriculum and required clinical program, state-of-the-art facility, incomparable location in the Northern Rocky Mountains, the exceptional value it offers students, history of distinguished service, esteem in which it is held in Montana, and the close ties it enjoys with the Montana bench and bar. As Dean, my vision would be to build on those considerable strengths and to leverage them, so that the law school achieves excellence in every respect and is recognized as being best in class.

I have spent my life in public service. I have extensive leadership experience and a background in academia, with a record of sustained achievement wherever I have been. In 2000, I was appointed the U.S. Attorney in New Mexico, where I led a staff of about 132 located in two different offices in New Mexico. At the time, I was 39 and one of the youngest U.S. Attorneys in the country. In 2002, I began teaching at the University of New Mexico School of Law, where I received tenure in 2009. Along the way, I was named Regent Lecturer and Dickason Professor of Law, received numerous awards from law students, excelled in the classroom, engaged in service in the broader community, and published four works, one of which has been cited by four state courts of appeal.

In 2009, I was named Director of the Office of Enforcement (OE) at the Federal Energy Regulatory Commission. OE's mission is to protect consumers in the wholesale natural gas and electricity markets. OE has about 195 staff divided among four Divisions. Over the last four years, I have significantly strengthened our capabilities and effectiveness. Among other things, I have enhanced the transparency of what we do by creating penalty guidelines based on the corporate fine provisions of the U.S. Sentencing Guidelines, established a cutting-edge Division of Analytics and Surveillance that uses algorithmic screens to detect market anomalies, and deepened our bench by recruiting extremely talented staff, while also improving our diversity. We have also brought a series of high-profile anti-manipulation cases that have resulted in significant settlements for consumers, including Constellation for \$245 million (2012) and J.P. Morgan for \$410 million

(2013), or Commission penalty assessments such as Barclays for \$469.9 million (2013).

As a result of our enforcement actions, FERC has developed an international reputation as an effective and energetic agency. The Financial Times has described FERC as “a small but potent regulator.” Gregory Meyer, *JP Morgan at Centre of U.S. Power Market Probe*, FINANCIAL TIMES, July 3, 2012. Similarly, Reuters has reported that “FERC’s Office of Enforcement, run by Norman Bay, has stepped up its game lately, taking the lead among regulators in cracking down on trades that cross both physical and financial markets.” Scott DiSavino and David Sheppard, *JP Morgan Probed over Possible Power Market Manipulation*, REUTERS, July 3, 2012. Similar comments have appeared in the New York Times and Wall Street Journal. See Ben Protess and Michael J. de la Merced, *An Energy Regulator vs. Wall Street*, NEW YORK TIMES, Nov. 2, 2012; Ryan Tracy, *Clashes Coming on Energy Trades*, WALL STREET JOURNAL, Nov. 19, 2012. Congress has noticed as well. Senator Maria Cantwell issued a press release on November 16, 2012 in which she publicly praised FERC. In a Reuters interview, she gave FERC an “A” for its enforcement activity and said that she has changed from being one of FERC’s “most fervent critics” to becoming a “fan.” Roberta Rampton, *How U.S. Senator Maria Cantwell Came to Love the FERC*, REUTERS, Nov. 29, 2012.

I also believe that I more than meet each of your selection criteria. Over the course of my legal career, I have compiled a record of distinguished professional achievement both as a practicing lawyer and as an academic. I have substantial administrative experience, as I have successfully led two different organizations with large staffs and budgets. My leadership style is based on strong listening, communication, and consensus-building skills. I have a commitment to legal scholarship, as I have published myself and understand its joys and challenges. I am deeply committed to diversity and have promoted diversity wherever I have been. Finally, there is an intangible factor here, not listed in the selection criteria, that is nonetheless important: I believe there is a good fit between the University of Montana and me. Having grown up in New Mexico, I view myself as being a westerner at heart and love big blue skies and the outdoors. As it turns out, one of my passions in life is flyfishing.

I look forward to having the opportunity to meet with you and your colleagues on the Search Committee and am enthusiastic about applying to be the Dean of the University of Montana School of Law. Please do not hesitate to contact me if you have any questions or if there is any other information I could provide.

Sincerely,

Norman C. Bay