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Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: PR 20-0072

From: Michele Braukmann <michele@meridianlawmt.com>
Sent: Monday, March 23, 2020 5:38 PM
To: Court, SCclerk
Subject: [EXTERNAL] In the Matter of Judge Ashley Harada

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Bowen Greenwood
Clerk of Supreme Court
State of Montana

Dear Honorable Supreme Court Justices:

I write this letter in support of Judge Ashley Harada, of the Thirteenth Judicial District. I write this as a lawyer who practices in the State of Montana, including primarily in the Thirteenth Judicial District Court. I represent disadvantaged individuals in our courts, including children, families, recovering addicts, the abused, and those injured. I would like to provide you my personal experiences with Judge Harada, both as a Judge, as well as in my time in private practice for the past 20 years, during which I practiced next to Judge Harada, before she was a Judge.

I have reviewed the pleadings in this case. I legally understand the objections raised to the Commission's decision. However, I disagree with those objections. I believe the Commission had significant opportunity to review all of the confidential issues in this case, and in doing so, it made a reasoned and seasoned decision about allowing our judiciary to continue in this County.

I would like to not necessarily speak to the objections, but instead speak to the confidence that I believe our County holds in Judge Harada as a Judge. This is a "standard" that has been routinely cited by the Complainants in this matter -- suggesting that our community has compromised perspectives of Judge Harada, because of the issues raised in the Commission's Complaint. From my perspective, as a 20 year lawyer in Yellowstone County, I find that to be very far from the truth.

As this Court knows, just over four years ago, I myself faced very similar judgment, because of unfortunate and mistaken actions that I had taken, resulting in a felony DUI for me. Since that time, I have been actively working to rebuild my legal practice, as well as have been extremely active in the recovery community. As a result of both my personal and professional work, I come into contact, almost daily, with individuals who are in front of our local Judges dealing with various legal challenges. They usually volunteer to me what Judge they are in front of, and they are very candid with me about their experiences. They do this, in part, because I am a lawyer, and they do this, as well, because they want to share what their experiences are like. On NOT A SINGLE OCCASION have I heard a litigant complain about their treatment in front of Judge Harada. In fact, the opposite is so true -- it is hard to quantify. They describe her as being compassionate, fair, recognizing their humanity, allowing them the chance to enter diversionary programs, and showing them love and kindness, while they were facing very difficult legal circumstances in their lives.

So many people feel "beaten down" in our judicial system. I am not suggesting, at all, that responsibility should not attach to individual's actions. But, there are a lot of first-time offenders, especially related to alcohol and drug abuse, in our systems that face legal problems because they are struggling with an addiction. These are not legal issues that they would deal with, but for this deadly disease of addiction that millions in our country suffer with, including myself, as a lawyer. When compassion and grace is given in the judicial authority allowed these individuals, they are given the chance to prove themselves through treatment, rehabilitation, and reunification with their families. I myself have been in recovery for four years now. Had I not been given the opportunity, through our system and the professional governance system of lawyers, to prove that I was seeking help, could maintain sobriety, and was willing to make the necessary changes -- I would be a single Mom trying to support four children with no income. Instead, I was gifted the opportunity to build my own law firm, where I am now trying to help others in similar circumstances. These are the gifts that, as humans, we receive from our Judges. The gift to prove ourselves, even after our mistakes.

Judge Harada is a graceful, compassionate, fair, and kind Judge. Most recently, a fellow addict in recovery relayed this story to me. I hope you will take the time to consider it.

This is a woman that was 11 years sober. She faced some exceptionally difficult circumstances in her life that allowed her emotional sobriety to lapse. She used, one night. And, on that night, she overdosed. But, by the grace of God, she did not die. But, her child was taken from her by CPS. She understood why. But, she felt utterly and completely defeated. She felt at a loss of how to move forward. She could not afford a lawyer, so she went into Judge Harada's courtroom unrepresented. She was crying and heartbroken. By this point, she had been in treatment for several weeks, was going to parenting classes, and was on a drug patch. She had complied with everything that CPS asked, yet she felt like she would never get her child back. Judge Harada, she described, was the first "smile" she had seen through this entire process. She raised her hand tentatively in the courtroom, because she was unsure how to be heard, since she was unrepresented, and Judge Harada pulled her forward. Judge Harada then told her with kindness that, if she did what she needed to do, and could prove she was sober and healthy, that she would fairly evaluate all of those circumstances. This was all that this woman needed -- some incentive to know that she had it within her to change the course of her life. She has since completed 7 weeks of IOP at Rimrock, regular drug testing, and parenting classes -- and Judge Harada has expedited all of the hearings, to see if, when the circumstances are appropriate, this woman can be reunified with her child.

I would be happy to provide you this woman's name and contact information, should you wish to speak with her. I can also tell you that this is absolutely the kind of information I gain from those seeking a better life through recovery -- that Judge Harada takes time, is patient, listens to all sides, and genuinely cares about those in our community.

I am also very aware that the programming that Judge Harada and Judge Fehr have put into place is allowing parents to reunify with children much more rapidly than our system previously allowed. This is crucial, as separation of children from parents, who are seeking help, is dramatically harmful to children's emotional and psychological beings. Putting into place an expedited program to allow these cases to be heard is hard work, yet Judge Harada did not shy away from it, and instead, embraced her challenges as a Judge.

I have personally spoken with many in the courthouse about Judge Harada's interactions. I have been personally told that she is kind, treats everyone equally, and promotes a positive and supportive space. I know clerks that have worked with her, and I know how much they have valued the time and expertise that they have gained.

It is up to this Court to decide whether a sitting Judge, who is admired and respected by many for her work in Yellowstone County, should be forced off the bench by complaints raised about judicial campaign issues. I can say, I am a lawyer, and I'd be hard-pressed to fully understand all of the logistics, practicalities, and details involved in running a judicial campaign. We can often try to make situations, as lawyers, "black and white." But, little is "black and white" in the law -- and we learn that, the longer we practice. We have to ask ourselves if our motivations, as Judges and lawyers, is to recognize that we are all flawed humans, truly see when someone is admitting a mistake, and allow us all -- as imperfect humans -- to move forward. Judge Harada needs to be given the chance to move forward as a Judge, serving our community so compassionately. We all deserve these opportunities -- because we are all humans that make mistakes.

Most of all, I fully believe and know why Judge Harada was elected. People who have worked with her know the character of her person. The real threat, I believe, to "perceptions of Judges" are the people that continue to threaten to overturn this election. Of course, if we all put ourselves up to a microscope, imagine how all of us would fail? It is not Judge Harada's actions that have, if they have, created distrust in our community -- it is the continued attack and barage upon her, that threatens our judicial perception. This is a Judge that has been subjected to unprecedented attacks by the local media and some lawyers, constantly distracting from the time she can serve our citizens. At some point, we have to believe that "enough is enough."

Moreover, as a society, we have seen Judges confirmed, even to the US Supreme Court, under much, much greater scrutiny. Yet, our judicial process continues, with these Judges in place, who are proving themselves everyday.

We are all humans. Just like the constituents that Judges serve, and just like the clients we serve as lawyers. We will make many mistakes in life. Judge Harada is attempting to move this matter forward in a positive way, so that she can serve our community, and I would hope that other "Complainants" would do the same. Our community spoke, in the election. There will be those that disagree. And, there may be some that never accept Judge Harada as a Judge. But, that is the fact of our culture. Some humans are never able to extend grace and compassion, even when they are challenged to do so the most. But, for me, personally, I know how many thousands of people in our community respect and admire Judge Harada, who has faced unprecedented attacks as a sitting Judge. We support her, and we ask that this matter be put to a close, so that Judge Harada can continue doing the important work in our community that she is.

Please consider this in your determinations, as a lawyer in our community, about my professional experiences with Judge Harada, and bring this matter to an end, so that all of us in this County can move on with faith, courage, and love in our legal community.

Best Regards,



Michele L. Braukmann

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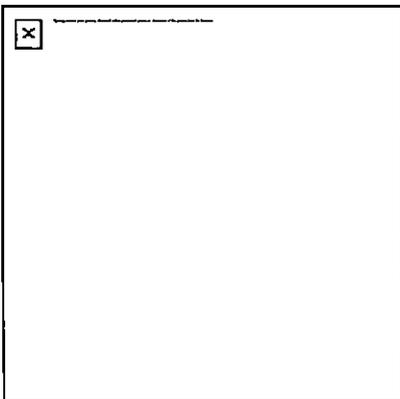
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