

FILED

04/01/2021

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 21-0125

IN THE SUPREME COURT OF THE STATE OF MONTANA
OP 21-0125

DOROTHY BRADLEY, BOB BROWN, MAE NAN ELLINGSON, VERNON
FINLEY, and the LEAGUE OF WOMEN VOTERS OF MONTANA,

Petitioners,

v.

GREG GIANFORTE, Governor of the State of Montana,

Respondent.

FILED

APR 01 2021

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORIGINAL

DECLARATION OF DEREK J. OESTREICHER

APPEARANCES:

AUSTIN KNUDSEN
Montana Attorney General
DEREK OESTREICHER
General Counsel
215 N. Sanders
P.O. Box 201401
Helena, MT 59620-1401
Tel: (406) 444-2026
Fax: (406) 444-3549
derek.oestreicher@mt.gov

ANITA MILANOVICH
General Counsel
Office of the Montana Governor
P.O. Box 200801
Helena, MT 59620
Tel: (406) 444-5554
anita.milanovich@mt.gov

ATTORNEYS FOR RESPONDENT

A. CLIFFORD EDWARDS

Edwards & Culver

1648 Poly Drive, Suite 206

Billings, MT 59102

JAMES H. GOETZ

Goetz, Baldwin & Geddes, P.C.

P.O. Box 6580

35 North Grand Avenue

Bozeman, MT 59715

ATTORNEYS FOR PETITIONERS

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Montana Department of Justice, Office of the Attorney General.
2. Attached hereto as *Exhibit A* is a compilation of emails exchanged between Montana Supreme Court Administrator, Beth McLaughlin, and every Montana Supreme Court Justice and District Court Judge, utilizing government email accounts.
3. I am disclosing *Exhibit A* consistent with my ethical obligations under the Montana Rules of Professional Conduct, Rule 8.3(b).
4. Pursuant to Rules 12(10) and 29(1), M. R. App. P., the extraordinary circumstances presented by *Exhibit A* justify the overlength combined motions and supporting argument filed herewith by the Governor.
5. I hereby declare under penalty of perjury under the laws of the United States of America and the State of Montana that the foregoing is true and correct.

Respectfully submitted this 1st day of April, 2021.

By: /s/ Derek J. Oestreicher
Derek J. Oestreicher

**DECLARATION OF
DEREK J. OESTREICHER
EXHIBIT A**

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing document by email to the following addresses:

A. Clifford Edwards Edwards & Culver
1648 Poly Drive, Suite 206
Billings, MT 59102
Ph: (406) 256-8155
Fax: (406) 256-8159
Email: cliff@edwardslawfirm.org

James H. Goetz
Goetz, Baldwin & Geddes, P.C. PO Box
6580
35 North Grand Avenue Bozeman, MT
59715
Ph: (406) 587-0618
Fax: (406) 587-5144
Email: jim@goetzlawfirm.com

Date: April 1, 2021

/s/ Rochell Standish
ROCHELL STANDISH

From: McLaughlin, Beth
Sent: Friday, January 29, 2021 7:27 AM
To: McGrath, Mike; Rice, Jim; McKinnon, Laurie; Baker, Beth; Shea, Jim; Sandefur, Dirk; Gustafson, Ingrid; Abbott, Chris; Allison, Robert; Berger, Luke; Best, Elizabeth; Bidegaray, Katherine; Brown, John; Brown, Stephen; Christopher, Deborah; Cuffe, Matthew; Cybulski, David; Davies, Colette; Dayton, Ray; Deschamps, Dusty; Eddy, Amy; Fehr, Jessica; Gilbert, Brenda; Halligan, Leslie; Harada, Ashley; Harris, Donald; Hayworth, Michael; Judge Holly Brown; Judge Mike Salvagni; Knisely, Mary Jane; Krueger, Kurt; Kutzman, John; Laird, Yvonne; Larson, John; Levine, Michele; Lint, Jennifer; Manley, James; Marks, Jason; McElyea, Rienne; McElyea, Russ; McMahon, Michael; Menahan, Michael; Moses, Michael; Murnion, Nickolas; Ohman, Peter; Oldenburg, Jon; Olson, Robert; Parker, John; Recht, Howard; Rieger, Olivia; Seeley, Kathy; Snipes Ruiz, Kaydee; Souza, Rodney; Spaulding, Randal; Todd, Gregory; Ulbricht, Heidi; Vannatta, Shane; Wald, Matthew; Whelan, Bob; Wilson, Dan
Subject: SB 140
Attachments: LC1094 (1).pdf

Folks,

Attached is a bill that Judge Todd has asked MJA to review and take a position on. Please take a look at it – sorry to do this to you again but use the voting buttons (accept/reject) on your toolbar. If you can't find the voting button, just shoot me a note.

Thanks,

Beth McLaughlin
Supreme Court Administrator
406-841-2966

From: Haligan, Leslie
Sent: Friday, January 29, 2021 8:04 AM
To: Best, Elizabeth
Cc: McLaughlin, Beth; McGrath, Mike; Rice, Jim; McKinnon, Laurie; Baker, Beth; Shea, Jim; Sandefur, Dirk; Gustafson, Ingrid; Abbott, Chris; Allison, Robert; Berger, Luke; Bidegaray, Katherine; Brown, John; Brown, Stephen; Christopher, Deborah; Cuffe, Matthew; Cybulski, David; Davies, Colette; Dayton, Ray; Deschamps, Dusty; Eddy, Amy; Fehr, Jessica; Gilbert, Brenda; Harada, Ashley; Harris, Donald; Hayworth, Michael; Judge Holly Brown; Judge Mike Salvagni; Knisely, Mary Jane; Krueger, Kurt; Kutzman, John; Laird, Yvonne; Larson, John; Levine, Michele; Lint, Jennifer; Manley, James; Marks, Jason; McElyea, Rienne; McElyea, Russ; McMahon, Michael; Menahan, Michael; Moses, Michael; Murnion, Nicholas; Ohman, Peter; Oldenburg, Jon; Olson, Robert; Parker, John; Recht, Howard; Rieger, Olivia; Seeley, Kathy; Snipes Ruiz, Kaydee; Souza, Rodney; Spaulding, Randal; Todd, Gregory; Ulbricht, Heidi; Vannatta, Shane; Wald, Matthew; Whelan, Bob; Wilson, Dan
Subject: Re: SB140

I'm in opposition to the bill
Judge Haligan

Sent from my iPhone

On Jan 29, 2021, at 7:39 AM, Best, Elizabeth <EBest@mt.gov> wrote:

I can't find the button but I oppose.

Elizabeth A. Best
District Court Judge
415 Second Ave. No., Room 203
Great Falls, MT 59401
Phone: 406.771.3950
Email: ebest@mt.gov
Zoom: [https://mt-
gov.zoom.us/j/91958457110?pwd=O2FLUDRvNTdMcjFwVXhYV000dTBkZz09](https://mt.gov.zoom.us/j/91958457110?pwd=O2FLUDRvNTdMcjFwVXhYV000dTBkZz09)

<image001.png>

From: Brown, John
Sent: Friday, January 29, 2021 9:05 AM
To: McLaughlin, Beth; McGrath, Mike; Rice, Jim; McKinnon, Laurie; Baker, Beth; Shea, Jim; Sandefur, Dirk; Gustafson, Ingrid; Abbott, Chris; Allison, Robert; Berger, Luke; Best, Elizabeth; Bidegaray, Katherine; Brown, Stephen; Christopher, Deborah; Cuffe, Matthew; Cybulski, David; Davies, Colette; Dayton, Ray; Deschamps, Dusty; Eddy, Amy; Fehr, Jessica; Gilbert, Brenda; Halligan, Leslie; Harada, Ashley; Harris, Donald; Hayworth, Michael; Judge Holly Brown; Judge Mike Salvagni; Knisely, Mary Jane; Krueger, Kurt; Kutzman, John; Laird, Yvonne; Larson, John; Levine, Michele; Lint, Jennifer; Manley, James; Marks, Jason; McElyea, Rienne; McElyea, Russ; McMahon, Michael; Menahan, Michael; Moses, Michael; Murnion, Nickolas; Ohman, Peter; Oldenburg, Jon; Olson, Robert; Parker, John; Recht, Howard; Rieger, Olivia; Seeley, Kathy; Snipes Ruiz, Kaydee; Souza, Rodney; Spaulding, Randal; Todd, Gregory; Ulbricht, Heidi; Vannatta, Shane; Wald, Matthew; Whelan, Bob; Wilson, Dan
Subject: RE: SB140

Beth, I definitely oppose this bill.

From: McLaughlin, Beth <bmclaughlin@mt.gov>
Sent: Friday, January 29, 2021 7:27 AM
To: McGrath, Mike <mcmgrath@mt.gov>; Rice, Jim <jrice@mt.gov>; McKinnon, Laurie <LMcKinnon@mt.gov>; Baker, Beth <bbaker@mt.gov>; Shea, Jim <JimShea@mt.gov>; Sandefur, Dirk <dsandefur@mt.gov>; Gustafson, Ingrid <IGustafson@mt.gov>; Abbott, Chris <Chris.Abbott@mt.gov>; Allison, Robert <RAAllison@mt.gov>; Berger, Luke <Luke.Berger@mt.gov>; Best, Elizabeth <EBest@mt.gov>; Bidegaray, Katherine <kbidegaray@mt.gov>; Brown, John <JBrown3@mt.gov>; Brown, Stephen <Stephen.Brown@mt.gov>; Christopher, Deborah <dchristopher@mt.gov>; Cuffe, Matthew <Matthew.Cuffe@mt.gov>; Cybulski, David <dcybulski@mt.gov>; Davies, Colette <Colette.Davies@mt.gov>; Dayton, Ray <RDayton@mt.gov>; Deschamps, Dusty <d-deschamps@mt.gov>; Eddy, Amy <AEddy@mt.gov>; Fehr, Jessica <Jessica.Fehr@mt.gov>; Gilbert, Brenda <BGilbert@mt.gov>; Halligan, Leslie <LHalligan@mt.gov>; Harada, Ashley <Ashley.Harada@mt.gov>; Harris, Donald <Donald.Harris@mt.gov>; Hayworth, Michael <MHayworth@mt.gov>; Judge Holly Brown <hbbpc@aspenproof.com>; Judge Mike Salvagni <msalvagni@aol.com>; Knisely, Mary Jane <MKnisely@mt.gov>; Krueger, Kurt <kkrueger@mt.gov>; Kutzman, John <JKutzman@mt.gov>; Laird, Yvonne <YLaird@mt.gov>; Larson, John <Johlarson@mt.gov>; Levine, Michele <Michele.Levine@mt.gov>; Lint, Jennifer <Jennifer.Lint@mt.gov>; Manley, James <JManley@mt.gov>; Marks, Jason <Jason.Marks@mt.gov>; McElyea, Rienne <Rienne.McElyea@mt.gov>; McElyea, Russ <RMcElyea@mt.gov>; McMahon, Michael <Michael.McMahon@mt.gov>; Menahan, Michael <MMenahan@mt.gov>; Moses, Michael <MMoses@mt.gov>; Murnion, Nickolas <NMurnion@mt.gov>; Ohman, Peter <Peter.Ohman@mt.gov>; Oldenburg, Jon <JOldenburg@mt.gov>; Olson, Robert <ROlson3@mt.gov>; Parker, John <John.Parker@mt.gov>; Recht, Howard <Howard.Recht@mt.gov>; Rieger, Olivia <Olivia.Rieger@mt.gov>; Seeley, Kathy <KSeeley@mt.gov>; Snipes Ruiz, Kaydee <KSnipesRuiz@mt.gov>; Souza, Rodney <RSouza@mt.gov>; Spaulding, Randal <rspaulding@mt.gov>; Todd, Gregory <GTodd@mt.gov>; Ulbricht, Heidi <HUlbricht@mt.gov>; Vannatta, Shane <Shane.Vannatta@mt.gov>; Wald, Matthew <Matt.Wald@mt.gov>; Whelan, Bob <Robert.Whehan@mt.gov>; Wilson, Dan <Daniel.Wilson@mt.gov>
Subject: SB140

Folks,

Attached is a bill that Judge Todd has asked MJA to review and take a position on. Please take a look at it -- sorry to do this to you again but use the voting buttons (accept/reject) on your toolbar. If you can't find the voting button, just shoot me a note.

From: Whelan, Bob
Sent: Friday, January 29, 2021 10:18 AM
To: McLaughlin, Beth; McGrath, Mike; Rice, Jim; McKinnon, Laurie; Baker, Beth; Shea, Jim; Sandefur, Dirk; Gustafson, Ingrid; Abbott, Chris; Allison, Robert; Berger, Luke; Best, Elizabeth; Bidegaray, Katherine; Brown, John; Brown, Stephen; Christopher, Deborah; Cuffe, Matthew; Cybulski, David; Davies, Colette; Dayton, Ray; Deschamps, Dusty; Eddy, Amy; Fehr, Jessica; Gilbert, Brenda; Halligan, Leslie; Harada, Ashley; Harris, Donald; Hayworth, Michael; Judge Holly Brown; Judge Mike Salvagni; Knisely, Mary Jane; Krueger, Kurt; Kutzman, John; Laird, Yvonne; Larson, John; Levine, Michele; Lint, Jennifer; Manley, James; Marks, Jason; McElyea, Rienne; McElyea, Russ; McMahon, Michael; Menahan, Michael; Moses, Michael; Murnion, Nickolas; Ohman, Peter; Oldenburg, Jon; Olson, Robert; Parker, John; Recht, Howard; Rieger, Olivia; Seeley, Kathy; Snipes Ruiz, Kaydee; Souza, Rodney; Spaulding, Randal; Todd, Gregory; Ulbricht, Heidi; Vannatta, Shane; Wald, Matthew; Wilson, Dan
Subject: RE: SB140

Beth

I am opposed.

*Hon. Robert J. Whelan
2nd Judicial District, Dept. 2*

From: McLaughlin, Beth <bmclaughlin@mt.gov>
Sent: Friday, January 29, 2021 7:27 AM
To: McGrath, Mike <mmcgrath@mt.gov>; Rice, Jim <jrice@mt.gov>; McKinnon, Laurie <LMcKinnon@mt.gov>; Baker, Beth <bbaker@mt.gov>; Shea, Jim <JimShea@mt.gov>; Sandefur, Dirk <dsandefur@mt.gov>; Gustafson, Ingrid <IGustafson@mt.gov>; Abbott, Chris <Chris.Abbott@mt.gov>; Allison, Robert <RALlison@mt.gov>; Berger, Luke <Luke.Berger@mt.gov>; Best, Elizabeth <EBest@mt.gov>; Bidegaray, Katherine <kbidegaray@mt.gov>; Brown, John <JBrown3@mt.gov>; Brown, Stephen <Stephen.Brown@mt.gov>; Christopher, Deborah <dchristopher@mt.gov>; Cuffe, Matthew <Matthew.Cuffe@mt.gov>; Cybulski, David <dCybulski@mt.gov>; Davies, Colette <Colette.Davies@mt.gov>; Dayton, Ray <RDayton@mt.gov>; Deschamps, Dusty <ddeschamps@mt.gov>; Eddy, Amy <AEddy@mt.gov>; Fehr, Jessica <Jessica.Fehr@mt.gov>; Gilbert, Brenda <BGilbert@mt.gov>; Halligan, Leslie <LHalligan@mt.gov>; Harada, Ashley <Ashley.Harada@mt.gov>; Harris, Donald <Donald.Harris@mt.gov>; Hayworth, Michael <MHayworth@mt.gov>; Judge Holly Brown <hbbpc@aspenproof.com>; Judge Mike Salvagni <msalvagni@aol.com>; Knisely, Mary Jane <MKnisely@mt.gov>; Krueger, Kurt <kkruieger@mt.gov>; Kutzman, John <JKutzman@mt.gov>; Laird, Yvonne <YLaird@mt.gov>; Larson, John <JohLarson@mt.gov>; Levine, Michele <Michele.Levine@mt.gov>; Lint, Jennifer <Jennifer.Lint@mt.gov>; Manley, James <JManley@mt.gov>; Marks, Jason <Jason.Marks@mt.gov>; McElyea, Rienne <Rienne.McElyea@mt.gov>; McElyea, Russ <RMcElyea@mt.gov>; McMahon, Michael <Michael.McMahon@mt.gov>; Menahan, Michael <MMenahan@mt.gov>; Moses, Michael <MMoses@mt.gov>; Murnion, Nickolas <NMurnion@mt.gov>; Ohman, Peter <Peter.Ohman@mt.gov>; Oldenburg, Jon <JOldenburg@mt.gov>; Olson, Robert <ROlson3@mt.gov>; Parker, John <John.Parker@mt.gov>; Recht, Howard <Howard.Recht@mt.gov>; Rieger, Olivia <Olivia.Rieger@mt.gov>; Seeley, Kathy <KSeeley@mt.gov>; Snipes Ruiz, Kaydee <KSnipesRuiz@mt.gov>; Souza, Rodney <RSouza@mt.gov>; Spaulding, Randal <rspaulding@mt.gov>; Todd, Gregory <GTodd@mt.gov>; Ulbricht, Heidi <HUlbricht@mt.gov>; Vannatta, Shane <Shane.Vannatta@mt.gov>; Wald, Matthew <Matt.Wald@mt.gov>; Whelan, Bob <Robert.Whelan@mt.gov>; Wilson, Dan <Daniel.Wilson@mt.gov>
Subject: SB140

From: Cybulski, David
Sent: Friday, January 29, 2021 10:29 AM
To: McLaughlin, Beth; McGrath, Mike; Rice, Jim; McKinnon, Laurie; Baker, Beth; Shea, Jim; Sandefur, Dirk; Gustafson, Ingrid; Abbott, Chris; Allison, Robert; Berger, Luke; Best, Elizabeth; Bidegaray, Katherine; Brown, John; Brown, Stephen; Christopher, Deborah; Cuffe, Matthew; Davies, Colette; Dayton, Ray; Deschamps, Dusty; Eddy, Amy; Fehr, Jessica; Gilbert, Brenda; Halligan, Leslie; Harada, Ashley; Harris, Donald; Hayworth, Michael; Judge Holly Brown; Judge Mike Salvagni; Knisely, Mary Jane; Krueger, Kurt; Kutzman, John; Laird, Yvonne; Larson, John; Levine, Michele; Lint, Jennifer; Manley, James; Marks, Jason; McElyea, Rienne; McElyea, Russ; McMahon, Michael; Menahan, Michael; Moses, Michael; Murnion, Nickolas; Ohman, Peter; Oldenburg, Jon; Olson, Robert; Parker, John; Recht, Howard; Rieger, Olivia; Seeley, Kathy; Snipes Ruiz, Kaydee; Souza, Rodney; Spaulding, Randal; Todd, Gregory; Ulbricht, Heidi; Vannatta, Shane; Wald, Matthew; Whelan, Bob; Wilson, Dan
Subject: RE: SB140

I oppose.

Shouldn't this be something that is the product of several years of study and debate?

From: McLaughlin, Beth <bmclaughlin@mt.gov>
Sent: Friday, January 29, 2021 7:27 AM
To: McGrath, Mike <mcmgrath@mt.gov>; Rice, Jim <jrice@mt.gov>; McKinnon, Laurie <LMcKinnon@mt.gov>; Baker, Beth <bbaker@mt.gov>; Shea, Jim <JimShea@mt.gov>; Sandefur, Dirk <dsandefur@mt.gov>; Gustafson, Ingrid <IGustafson@mt.gov>; Abbott, Chris <Chris.Abbott@mt.gov>; Allison, Robert <RAllison@mt.gov>; Berger, Luke <Luke.Berger@mt.gov>; Best, Elizabeth <EBest@mt.gov>; Bidegaray, Katherine <kbidegaray@mt.gov>; Brown, John <JBrown3@mt.gov>; Brown, Stephen <Stephen.Brown@mt.gov>; Christopher, Deborah <dchristopher@mt.gov>; Cuffe, Matthew <Matthew.Cuffe@mt.gov>; Cybulski, David <dcybulski@mt.gov>; Davies, Colette <Colette.Davies@mt.gov>; Dayton, Ray <RDayton@mt.gov>; Deschamps, Dusty <ddeschamps@mt.gov>; Eddy, Amy <AEddy@mt.gov>; Fehr, Jessica <Jessica.Fehr@mt.gov>; Gilbert, Brenda <BGilbert@mt.gov>; Halligan, Leslie <LHalligan@mt.gov>; Harada, Ashley <Ashley.Harada@mt.gov>; Harris, Donald <Donald.Harris@mt.gov>; Hayworth, Michael <MHayworth@mt.gov>; Judge Holly Brown <hbhbc@aspenproof.com>; Judge Mike Salvagni <msalvagni@aol.com>; Knisely, Mary Jane <MKnisely@mt.gov>; Krueger, Kurt <kkruieger@mt.gov>; Kutzman, John <JKutzman@mt.gov>; Laird, Yvonne <YLaird@mt.gov>; Larson, John <johlarson@mt.gov>; Levine, Michele <Michele.Levine@mt.gov>; Lint, Jennifer <Jennifer.Lint@mt.gov>; Manley, James <JManley@mt.gov>; Marks, Jason <Jason.Marks@mt.gov>; McElyea, Rienne <Rienne.McElyea@mt.gov>; McElyea, Russ <RMcElyea@mt.gov>; McMahon, Michael <Michael.McMahon@mt.gov>; Menahan, Michael <MMenahan@mt.gov>; Moses, Michael <MMoses@mt.gov>; Murnion, Nickolas <NMurnion@mt.gov>; Ohman, Peter <Peter.Ohman@mt.gov>; Oldenburg, Jon <JOldenburg@mt.gov>; Olson, Robert <ROlson3@mt.gov>; Parker, John <John.Parker@mt.gov>; Recht, Howard <Howard.Recht@mt.gov>; Rieger, Olivia <Olivia.Rieger@mt.gov>; Seeley, Kathy <KSeeley@mt.gov>; Snipes Ruiz, Kaydee <KSnipesRuiz@mt.gov>; Souza, Rodney <RSouza@mt.gov>; Spaulding, Randal <rspaulding@mt.gov>; Todd, Gregory <GTodd@mt.gov>; Ulbricht, Heidi <HUIbricht@mt.gov>; Vannatta, Shane <Shane.Vannatta@mt.gov>; Wald, Matthew <Matt.Wald@mt.gov>; Whelan, Bob <Robert.Whehan@mt.gov>; Wilson, Dan <Daniel.Wilson@mt.gov>
Subject: SB140

Folks,

From:
Sent:
To:

Recht, Howard

Friday, January 29, 2021 8:05 AM

McLaughlin, Beth; McGrath, Mike; Rice, Jim; McKinnon, Laurie; Baker, Beth; Shea, Jim;
Sandefur, Dirk; Gustafson, Ingrid; Abbott, Chris; Allison, Robert; Berger, Luke; Best,
Elizabeth; Bidegaray, Katherine; Brown, John; Brown, Stephen; Christopher, Deborah;
Cuffe, Matthew; Cybulski, David; Davies, Colette; Dayton, Ray; Deschamps, Dusty; Eddy,
Amy; Fehr, Jessica; Gilbert, Brenda; Halligan, Leslie; Harada, Ashley; Harris, Donald;
Hayworth, Michael; Judge Holly Brown; Judge Mike Salvagni; Knisely, Mary Jane;
Krueger, Kurt; Kutzman, John; Laird, Yvonne; Larson, John; Levine, Michele; Lint, Jennifer;
Manley, James; Marks, Jason; McElyea, Rienne; McElyea, Russ; McMahon, Michael;
Menahan, Michael; Moses, Michael; Murnion, Nicholas; Ohman, Peter; Oldenburg, Jon;
Olson, Robert; Parker, John; Rieger, Olivia; Seeley, Kathy; Snipes Ruiz, Kaydee; Souza,
Rodney; Spaulding, Randa; Todd, Gregory; Ulbricht, Heidi; Vannatta, Shane; Wald,
Matthew; Whelan, Bob; Wilson, Dan

Subject:

RE: SB140

I am not sure if this bill is the right fix, but having been through the process of being considered for a judicial appointment twice, in my opinion the current process of screenings by the judicial nomination commission needs to be overhauled.

Ideally you would think the judicial nomination commission would make recommendations based upon objective criteria, ranking candidates by how they score in a matrix of accepted qualifications for a judicial position. You would think the commission would only pass along those candidates who scored above a certain base qualification score, and that the score of those who did score well enough to be recommended would go to the governor. You would also think that each member of the judicial nomination commission would be required to disclose her/his scoring for each candidate.

But that is not how it works. The commission does not conduct an independent investigation into the qualifications of candidates. The commission does not score candidates according to any disclosed objective criteria. No member is required to disclose why she/he votes a candidate up or down. A member of the commission can vote against a candidate based upon race, gender, religion, or perceived political affiliation. In my case (both times) I was grilled by certain commission members about my religion and little else. Although I was passed on to the governor both times, those commission members who voted against me were the same ones who grilled me about my religion.

In my opinion, this needs to change.

Howard F. Recht

From: Cuffe, Matthew
Sent: Friday, January 29, 2021 7:38 AM
To: McLaughlin, Beth; McGrath, Mike; Rice, Jim; McKinnon, Laurie; Baker, Beth; Shea, Jim; Sandefur, Dirk; Gustafson, Ingrid; Abbott, Chris; Allison, Robert; Berger, Luke; Best, Elizabeth; Bidegaray, Katherine; Brown, John; Brown, Stephen; Christopher, Deborah; Cybulski, David; Davies, Colette; Dayton, Ray; Deschamps, Dusty; Eddy, Amy; Fehr, Jessica; Gilbert, Brenda; Halligan, Leslie; Harada, Ashley; Harris, Donald; Hayworth, Michael; Judge Holly Brown; Judge Mike Salvagné; Knisely, Mary Jane; Krueger, Kurt; Kutzman, John; Laird, Yvonne; Larson, John; Levine, Michele; Lint, Jennifer; Manley, James; Marks, Jason; McElyea, Rienne; McElyea, Russ; McMahon, Michael; Menahan, Michael; Moses, Michael; Murnion, Nicholas; Ohman, Peter; Oldenburg, Jon; Olson, Robert; Parker, John; Recht, Howard; Rieger, Olivia; Seeley, Kathy; Snipes Ruiz, Kaydee; Souza, Rodney; Spaulding, Randal; Todd, Gregory; Ulbricht, Heidi; Vannatta, Shane; Wald, Matthew; Whelan, Bob; Wilson, Dan
Subject: RE: SB140

Has there been any discussion as to why the change?

Cuffe

Matthew J. Cuffe
District Court Judge

From: Best, Elizabeth
Sent: Friday, January 29, 2021 7:39 AM
To: McLaughlin, Beth; McGrath, Mike; Rice, Jim; McKinnon, Laurie; Baker, Beth; Shea, Jim; Sandefur, Dirk; Gustafson, Ingrid; Abbott, Chris; Allison, Robert; Berger, Luke; Bidegaray, Katherine; Brown, John; Brown, Stephen; Christopher, Deborah; Cuffe, Matthew; Cybulski, David; Davies, Colette; Dayton, Ray; Deschamps, Dusty; Eddy, Amy; Fehr, Jessica; Gilbert, Brenda; Halligan, Leslie; Harada, Ashley; Harris, Donald; Hayworth, Michael; Judge Holly Brown; Judge Mike Salvagni; Knisely, Mary Jane; Krueger, Kurt; Kutzman, John; Laird, Yvonne; Larson, John; Levine, Michele; Lint, Jennifer; Manley, James; Marks, Jason; McElyea, Rienne; McElyea, Russ; McMahon, Michael; Menahan, Michael; Moses, Michael; Murnion, Nicholas; Ohman, Peter; Oldenburg, Jon; Olson, Robert; Parker, John; Recht, Howard; Rieger, Olivia; Seeley, Kathy; Snipes Ruiz, Kaydee; Souza, Rodney; Spaulding, Randa; Todd, Gregory; Ulbricht, Heidi; Vannatta, Shane; Wald, Matthew; Whelan, Bob; Wilson, Dan
Subject: RE: SB140

I can't find the button but I oppose.

Elizabeth A. Best
District Court Judge
415 Second Ave. No., Room 203
Great Falls, MT 59401
Phone: 406.771.3950
Email: ebest@mt.gov
Zoom: <https://mt-gov.zoom.us/j/91958457110?pwd=Q2FLUDRvNTdMc0FwVXhYV000dTBkZz09>



From:
Sent:
To:

Eddy, Amy
Friday, January 29, 2021 10:48 AM
Recht, Howard; McLaughlin, Beth; McGrath, Mike; Rice, Jim; McKinnon, Laurie; Baker, Beth; Shea, Jim; Sandefur, Dirk; Gustafson, Ingrid; Abbott, Chris; Allison, Robert; Berger, Luke; Best, Elizabeth; Bidegaray, Katherine; Brown, John; Brown, Stephen; Christopher, Deborah; Cuffe, Matthew; Cybulski, David; Davies, Collette; Dayton, Ray; Deschamps, Dusty; Fehr, Jessica; Gilbert, Brenda; Halligan, Leslie; Harada, Ashley; Harris, Donald; Hayworth, Michael; Judge Holly Brown; Judge Mike Salvagni; Knisely, Mary Jane; Krueger, Kurt; Kutzman, John; Laird, Yvonne; Larson, John; Levine, Michele; Lint, Jennifer; Manley, James; Marks, Jason; McElyea, Rienne; McElyea, Russ; McMahon, Michael; Menahan, Michael; Moses, Michael; Murrion, Nicholas; Ohman, Peter; Oldenburg, Jon; Olson, Robert; Parker, John; Rieger, Olivia; Seelay, Kathy; Snipes Ruiz, Kaydea; Souza, Rodney; Spaulding, Randal; Todd, Gregory; Ulbricht, Heidi; Vannatta, Shane; Wald, Matthew; Whelan, Bob; Wilson, Dan
Subject: Re: SB140

All,

For almost 50 years, since the Montana Constitution was adopted, the Judicial Nomination Commission has been *the* only method provided by law for filling judicial vacancies. Its composition is balanced to maximize judicial competence, experience, and temperament. The individual members of the Commission evolve through new appointments by governors from both political parties, and different Supreme Court justices and district court judges.

It is my belief the JNC serves as an important insulating barrier from the Executive Branch that preserves the independence of the judiciary.

I have been through the JNC twice. Similar to Judge Recht, on the first time through I was asked inappropriate, in my mind, questions by the lay members--such as did my husband at the time approve of my application, and did I really think it was in the best interest of my children to move schools. I was also asked many sophisticated and nuanced questions about the law, public service and nonpartisanship. The JNC worked diligently to review applications and public comment, *conducted an independent investigation*, traveled to the local community to interview the candidates in a public forum, and then deliberated to a decision on the names to pass on to the Governor for appointment.

While undoubtedly messy at times, this process is the hallmark of a Constitution for the people. The JNC implements Article VII, Section 8 (2) of the Montana Constitution, as well as other Articles of the Montana Constitution that so clearly value public participation. A direct appointment to the Governor undermines this direct public participation and does not add any

transparency to the process. A better way may be to simply approach the JNC about its internal processes.

I do not support this bill.

Amy Eddy

From: Recht, Howard <Howard.Recht@mt.gov>

Sent: Friday, January 29, 2021 8:05 AM

To: McLaughlin, Beth <bmcLaughlin@mt.gov>; McGrath, Mike <mmcgrath@mt.gov>; Rice, Jim <jrice@mt.gov>; McKinnon, Laurie <LMcKinnon@mt.gov>; Baker, Beth <bbaker@mt.gov>; Shea, Jim <JimShea@mt.gov>; Sandefur, Dirk <dsandefur@mt.gov>; Gustafson, Ingrid <IGustafson@mt.gov>; Abbott, Chris <Chris.Abbott@mt.gov>; Allison, Robert <RALlison@mt.gov>; Berger, Luke <Luke.Berger@mt.gov>; Best, Elizabeth <EBest@mt.gov>; Bidegaray, Katherine <kbidegaray@mt.gov>; Brown, John <JBrown3@mt.gov>; Brown, Stephen <Stephen.Brown@mt.gov>; Christopher, Deborah <dchristopher@mt.gov>; Cuffe, Matthew <Matthew.Cuffe@mt.gov>; Cybulski, David <dcybulski@mt.gov>; Davies, Colette <Colette.Davies@mt.gov>; Dayton, Ray <RDayton@mt.gov>; Deschamps, Dusty <d-deschamps@mt.gov>; Eddy, Amy <AEddy@mt.gov>; Fehr, Jessica <Jessica.Fehr@mt.gov>; Gilbert, Brenda <BGilbert@mt.gov>; Halligan, Leslie <LHalligan@mt.gov>; Harada, Ashley <Ashley.Harada@mt.gov>; Harris, Donald <Donald.Harris@mt.gov>; Hayworth, Michael <MHayworth@mt.gov>; Judge Holly Brown <hbbpc@aspenproof.com>; Judge Mike Salvagni <msalvagni@aol.com>; Knisely, Mary Jane <MKnisely@mt.gov>; Krueger, Kurt <kkrueger@mt.gov>; Kutzman, John <JKutzman@mt.gov>; Laird, Yvonne <YLaird@mt.gov>; Larson, John <johlarson@mt.gov>; Levine, Michele <Michele.Levine@mt.gov>; Lint, Jennifer <Jennifer.Lint@mt.gov>; Manley, James <JManley@mt.gov>; Marks, Jason <Jason.Marks@mt.gov>; McElyea, Rienne <Rienne.McElyea@mt.gov>; McElyea, Russ <RMcElyea@mt.gov>; McMahon, Michael <Michael.McMahon@mt.gov>; Menahan, Michael <MMenahan@mt.gov>; Moses, Michael <MMoses@mt.gov>; Murnion, Nickolas <NMurnion@mt.gov>; Ohman, Peter <Peter.Ohman@mt.gov>; Oldenburg, Jon <JOldenburg@mt.gov>; Olson, Robert <ROlson3@mt.gov>; Parker, John <John.Parker@mt.gov>; Rieger, Olivia <Olivia.Rieger@mt.gov>; Seeley, Kathy <KSeeley@mt.gov>; Snipes Ruiz, Kaydee <KSnipesRuiz@mt.gov>; Souza, Rodney <RSouza@mt.gov>; Spaulding, Randal <rspaulding@mt.gov>; Todd, Gregory <GTodd@mt.gov>; Ulbricht, Heidi <HUlbricht@mt.gov>; Vannatta, Shane <Shane.Vannatta@mt.gov>; Wald, Matthew <Matt.Wald@mt.gov>; Whelan, Bob <Robert.Whegan@mt.gov>; Wilson, Dan <Daniel.Wilson@mt.gov>

Subject: RE: SB140

I am not sure if this bill is the right fix, but having been through the process of being considered for a judicial appointment twice, in my opinion the current process of screenings by the judicial nomination commission needs to be overhauled.

Ideally you would think the judicial nomination commission would make recommendations based upon objective criteria, ranking candidates by how they score in a matrix of accepted qualifications for a judicial position. You would think the commission would only pass along those candidates who scored above a certain base qualification score, and that the score of those who did score well enough to be recommended would go to the governor. You would also think that each member of the judicial nomination commission would be required to disclose her/his scoring for each candidate.

But that is not how it works. The commission does not conduct an independent investigation into the qualifications of candidates. The commission does not score candidates according to any disclosed objective criteria. No member is required to disclose why she/he votes a candidate up or down. A member of the commission can vote against a candidate based upon race, gender, religion, or perceived political affiliation. In my case (both times) I was grilled by

certain commission members about my religion and little else. Although I was passed on to the governor both times, those commission members who voted against me were the same ones who grilled me about my religion.

In my opinion, this needs to change.

Howard F. Recht

From: McLaughlin, Beth <bmcLaughlin@mt.gov>

Sent: Friday, January 29, 2021 7:27 AM

To: McGrath, Mike <mcmgrath@mt.gov>; Rice, Jim <jrice@mt.gov>; McKinnon, Laurie <LMcKinnon@mt.gov>; Baker, Beth <bbaker@mt.gov>; Shea, Jim <JimShea@mt.gov>; Sandefur, Dirk <dsandefur@mt.gov>; Gustafson, Ingrid <IGustafson@mt.gov>; Abbott, Chris <Chris.Abbott@mt.gov>; Allison, Robert <RAllison@mt.gov>; Berger, Luke <Luke.Berger@mt.gov>; Bast, Elizabeth <EBast@mt.gov>; Bidegaray, Katherine <kbidegaray@mt.gov>; Brown, John <JBrown3@mt.gov>; Brown, Stephen <Stephen.Brown@mt.gov>; Christopher, Deborah <dchristopher@mt.gov>; Cuffe, Matthew <Matthew.Cuffe@mt.gov>; Cybulski, David <dcybulski@mt.gov>; Davies, Colette <Colette.Davies@mt.gov>; Dayton, Ray <RDayton@mt.gov>; Deschamps, Dusty <d-deschamps@mt.gov>; Eddy, Amy <AEddy@mt.gov>; Fehr, Jessica <Jessica.Fehr@mt.gov>; Gilbert, Brenda <BGilbert@mt.gov>; Halligan, Leslie <LHalligan@mt.gov>; Harada, Ashley <Ashley.Harada@mt.gov>; Harris, Donald <Donald.Harris@mt.gov>; Hayworth, Michael <MHayworth@mt.gov>; Judge Holly Brown <hbhpc@aspenproof.com>; Judge Mike Salvagni <msalvagni@aol.com>; Knisely, Mary Jane <MKnisely@mt.gov>; Krueger, Kurt <kkruieger@mt.gov>; Kutzman, John <JKutzman@mt.gov>; Laird, Yvonne <YLaird@mt.gov>; Larson, John <johlarson@mt.gov>; Levine, Michele <Michele.Levine@mt.gov>; Lint, Jennifer <Jennifer.Lint@mt.gov>; Manley, James <JManley@mt.gov>; Marks, Jason <Jason.Marks@mt.gov>; McElyea, Rienne <Rienne.McElyea@mt.gov>; McElyea, Russ <RMcElyea@mt.gov>; McMahon, Michael <Michael.McMahon@mt.gov>; Menahan, Michael <MMenahan@mt.gov>; Moses, Michael <MMoses@mt.gov>; Murnion, Nickolas <NMurnion@mt.gov>; Ohman, Peter <Peter.Ohman@mt.gov>; Oldenburg, Jon <JOldenburg@mt.gov>; Olson, Robert <ROlson3@mt.gov>; Parker, John <John.Parker@mt.gov>; Recht, Howard <Howard.Recht@mt.gov>; Rieger, Olivia <Olivia.Rieger@mt.gov>; Seeley, Kathy <KSeeley@mt.gov>; Snipes Ruiz, Kaydee <KSnipesRuiz@mt.gov>; Souza, Rodney <RSouza@mt.gov>; Spaulding, Randal <rspaulding@mt.gov>; Todd, Gregory <GTodd@mt.gov>; Ulbricht, Heidi <HUIbricht@mt.gov>; Vannatta, Shane <Shane.Vannatta@mt.gov>; Wald, Matthew <Matt.Wald@mt.gov>; Whelan, Bob <Robert.Whele@mt.gov>; Wilson, Dan <Daniel.Wilson@mt.gov>

Subject: SB140

Folks,

Attached is a bill that Judge Todd has asked MJA to review and take a position on. Please take a look at it—sorry to do this to you again but use the voting buttons (accept/reject) on your toolbar. If you can't find the voting button, just shoot me a note.

Thanks,

Beth McLaughlin
Supreme Court Administrator
406-841-2966

From:
Sent:
To:

Best, Elizabeth
Friday, January 29, 2021 11:16 AM
Eddy, Amy; Recht, Howard; McLaughlin, Beth; McGrath, Mike; Rice, Jim; McKinnon, Laurie; Baker, Beth; Shea, Jim; Sandefur, Dirk; Gustafson, Ingrid; Abbott, Chris; Allison, Robert; Berger, Luke; Bidegaray, Katherine; Brown, John; Brown, Stephen; Christopher, Deborah; Cuffe, Matthew; Cybulski, David; Davies, Colette; Dayton, Ray; Deschamps, Dusty; Fehr, Jessica; Gilbert, Brenda; Halligan, Leslie; Harada, Ashley; Harris, Donald; Hayworth, Michael; Judge Holly Brown; Judge Mike Salvagni; Knisely, Mary Jane; Krueger, Kurt; Kutzman, John; Laird, Yvonne; Larson, John; Levine, Michele; Lint, Jennifer; Manley, James; Marks, Jason; McElyea, Rienne; McElyea, Russ; McMahon, Michael; Menahan, Michael; Moses, Michael; Murnion, Nickolas; Ohman, Peter; Oldenburg, Jon; Olson, Robert; Parker, John; Rieger, Olivia; Seeley, Kathy; Snipes Ruiz, Kaydee; Souza, Rodney; Spaulding, Randa; Todd, Gregory; Ulbricht, Heidi; Vannatta, Shane; Wald, Matthew; Whelan, Bob; Wilson, Dan
Subject:
RE: SB140

I agree with Judge Eddy. My observation of the Commission has been that each member has worked extremely hard to find well qualified judges. It is a constitutional body which is one of the few that gives voice to the people before politics come into play. This is in contrast to the federal model, which gives lip service to a citizens' commission and then disregards its recommendations.

Elizabeth A. Best
District Court Judge
415 Second Ave. No., Room 203
Great Falls, MT 59401
Phone: 406.771.3950
Email: ebest@mt.gov
Zoom: <https://mt-gov.zoom.us/j/91958457110?pwd=Q2FLUDRvNTdMc0FwVXhYV000dTBIZz09>



From: Laird, Yvonne
Sent: Friday, January 29, 2021 11:03 AM
To: Eddy, Amy; Recht, Howard; McLaughlin, Beth; McGrath, Mike; Rice, Jim; McKinnon, Laurie; Baker, Beth; Shea, Jim; Sandefur, Dirk; Gustafson, Ingrid; Abbott, Chris; Allison, Robert; Berger, Luke; Best, Elizabeth; Bidegaray, Katherine; Brown, John; Brown, Stephen; Christopher, Deborah; Cuffe, Matthew; Cybulski, David; Davies, Colette; Dayton, Ray; Deschamps, Dusty; Fehr, Jessica; Gilbert, Brenda; Halligan, Leslie; Harada, Ashley; Harris, Donald; Hayworth, Michael; Judge Holly Brown; Judge Mike Salvagné; Knisely, Mary Jane; Krueger, Kurt; Kutzman, John; Larson, John; Levine, Michele; Lint, Jennifer; Manley, James; Marks, Jason; McElyea, Rienne; McElyea, Russ; McMahon, Michael; Menahan, Michael; Moses, Michael; Murnion, Nickolas; Ohman, Peter; Oldenburg, Jon; Olson, Robert; Parker, John; Rieger, Olivia; Seeley, Kathy; Snipes Ruiz, Kaydeé; Souza, Rodney; Spaulding, Randal; Todd, Gregory; Ulbricht, Heidi; Vannatta, Shane; Wald, Matthew; Whelan, Bob; Wilson, Dan
Subject: RE: SB140

I am not in favor of dissolving the JNC. However, I certainly think it can be overhauled to be less political and more objective. It has been my experience and my observation that the JNC while not tied directly to the executive branch, certainly is political. This has resulted in very well qualified people not getting their names forwarded to the governor for consideration and names going forward that should not. My bottom line is, the JNC is not working as contemplated by the Montana Constitution and a hard look needs to be taken as to how it should continue to operate.

From: Bidegaray, Katherine
Sent: Friday, January 29, 2021 11:22 AM
To: Laird, Yvonne; Eddy, Amy; Recht, Howard; McLaughlin, Beth; McGrath, Mike; Rice, Jim; McKinnon, Laurie; Baker, Beth; Shea, Jim; Sandefur, Dirk; Gustafson, Ingrid; Abbott, Chris; Allison, Robert; Berger, Luke; Best, Elizabeth; Brown, John; Brown, Stephen; Christopher, Deborah; Cuffe, Matthew; Cybulski, David; Davies, Colette; Dayton, Ray; Deschamps, Dusty; Fehr, Jessica; Gilbert, Brenda; Halligan, Leslie; Harada, Ashley; Harris, Donald; Hayworth, Michael; Judge Holly Brown; Judge Mike Salvagni; Knisely, Mary Jane; Krueger, Kurt; Kutzman, John; Larson, John; Levine, Michele; Lint, Jennifer; Manley, James; Marks, Jason; McElyea, Rienne; McElyea, Russ; McMahon, Michael; Menahan, Michael; Moses, Michael; Murnion, Nickolas; Ohman, Peter; Oldenburg, Jon; Olson, Robert; Parker, John; Rieger, Olivia; Seeley, Kathy; Snipes Ruiz, Kaydee; Souza, Rodney; Spaulding, Randal; Todd, Gregory; Ulbricht, Heidi; Vannatta, Shane; Wald, Matthew; Whelan, Bob; Wilson, Dan
Subject: Re: SB140

I agree with Judges Recht and Laird.

From: Manley, James
Sent: Friday, January 29, 2021 11:49 AM
To: Bidegaray, Katherine; Laird, Yvonne; Eddy, Amy; Recht, Howard; McLaughlin, Beth; McGrath, Mike; Rice, Jim; McKinnon, Laurie; Baker, Beth; Shea, Jim; Sandefur, Dirk; Gustafson, Ingrid; Abbott, Chris; Allison, Robert; Berger, Luke; Best, Elizabeth; Brown, John; Brown, Stephen; Christopher, Deborah; Cuffe, Matthew; Cybulski, David; Davies, Colette; Dayton, Ray; Deschamps, Dusty; Fehr, Jessica; Gilbert, Brenda; Halligan, Leslie; Harada, Ashley; Harris, Donald; Hayworth, Michael; Judge Holly Brown; Judge Mike Salvagni; Knisely, Mary Jane; Krueger, Kurt; Kutzman, John; Larson, John; Levine, Michele; Lint, Jennifer; Marks, Jason; McElyea, Rienne; McElyea, Russ; McMahon, Michael; Menahan, Michael; Moses, Michael; Murnion, Nickolas; Ohman, Peter; Oldenburg, Jon; Olson, Robert; Parker, John; Rieger, Olivia; Seeley, Kathy; Snipes Ruiz, Kaydee; Souza, Rodney; Spaulding, Randal; Todd, Gregory; Ulbricht, Heidi; Vannatta, Shane; Wald, Matthew; Whelan, Bob; Wilson, Dan.
Subject: RE: SB140

It sounds like this bill should be studied and reconsidered in two years. It does appear some improvements in the process may be advisable, but if the main concern is politicization, this bill goes the other direction.

From: Bidegaray, Katherine <kbidegaray@mt.gov>
Sent: Friday, January 29, 2021 11:22 AM
To: Laird, Yvonne <YLaird@mt.gov>; Eddy, Amy <AEddy@mt.gov>; Recht, Howard <Howard.Recht@mt.gov>; McLaughlin, Beth <bmclaughlin@mt.gov>; McGrath, Mike <mmcgrath@mt.gov>; Rice, Jim <jrice@mt.gov>; McKinnon, Laurie <LMcKinnon@mt.gov>; Baker, Beth <bbaker@mt.gov>; Shea, Jim <JimShea@mt.gov>; Sandefur, Dirk <dsandefur@mt.gov>; Gustafson, Ingrid <IGustafson@mt.gov>; Abbott, Chris <Chris.Abbott@mt.gov>; Allison, Robert <RAllison@mt.gov>; Berger, Luke <Luke.Berger@mt.gov>; Best, Elizabeth <EBest@mt.gov>; Brown, John <JBrown3@mt.gov>; Brown, Stephen <Stephen.Brown@mt.gov>; Christopher, Deborah <dchristopher@mt.gov>; Cuffe, Matthew <Matthew.Cuffe@mt.gov>; Cybulski, David <dscybulski@mt.gov>; Davies, Colette <Colette.Davies@mt.gov>; Dayton, Ray <RDayton@mt.gov>; Deschamps, Dusty <ddeschamps@mt.gov>; Fehr, Jessica <Jessica.Fehr@mt.gov>; Gilbert, Brenda <BGilbert@mt.gov>; Halligan, Leslie <LHalligan@mt.gov>; Harada, Ashley <Ashley.Harada@mt.gov>; Harris, Donald <Donald.Harris@mt.gov>; Hayworth, Michael <MHayworth@mt.gov>; Judge Holly Brown <hbbpc@aspensproof.com>; Judge Mike Salvagni <msalvagni@aol.com>; Knisely, Mary Jane <MKnisely@mt.gov>; Krueger, Kurt <kkrueger@mt.gov>; Kutzman, John <JKutzman@mt.gov>; Larson, John <johlson@mt.gov>; Levine, Michele <Michele.Levine@mt.gov>; Lint, Jennifer <Jennifer.Lint@mt.gov>; Manley, James <JManley@mt.gov>; Marks, Jason <Jason.Marks@mt.gov>; McElyea, Rienne <Rienne.McElyea@mt.gov>; McElyea, Russ <RMcElyea@mt.gov>; McMahon, Michael <Michael.McMahon@mt.gov>; Menahan, Michael <MMenahan@mt.gov>; Moses, Michael <MMoses@mt.gov>; Murnion, Nickolas <NMurnion@mt.gov>; Ohman, Peter <Peter.Ohman@mt.gov>; Oldenburg, Jon <JOldenburg@mt.gov>; Olson, Robert <ROlson3@mt.gov>; Parker, John <John.Parker@mt.gov>; Rieger, Olivia <Olivia.Rieger@mt.gov>; Seeley, Kathy <KSeeley@mt.gov>; Snipes Ruiz, Kaydee <KSnipesRuiz@mt.gov>; Souza, Rodney <RSouza@mt.gov>; Spaulding, Randal <rspaulding@mt.gov>; Todd, Gregory <GTodd@mt.gov>; Ulbricht, Heidi <HUlbricht@mt.gov>; Vannatta, Shane <Shane.Vannatta@mt.gov>; Wald, Matthew <Matt.Wald@mt.gov>; Whelan, Bob <Robert.Whehan@mt.gov>; Wilson, Dan <Daniel.Wilson@mt.gov>
Subject: Re: SB140

I agree with Judges Recht and Laird.

From:
Sent:
To:

Deschamps, Dusty

Friday, January 29, 2021 1:52 PM

McLaughlin, Beth; McGrath, Mike; Rice, Jim; McKinnon, Laurie; Baker, Beth; Shea, Jim;
Sandefur, Dirk; Gustafson, Ingrid; Abbott, Chris; Allison, Robert; Berger, Luke; Best,
Elizabeth; Bidegaray, Katherine; Brown, John; Brown, Stephen; Christopher, Deborah;
Cuffe, Matthew; Cybulski, David; Davies, Colette; Dayton, Ray; Eddy, Amy; Fehr, Jessica;
Gilbert, Brenda; Halligan, Leslie; Harada, Ashley; Harris, Donald; Hayworth, Michael;
Judge Holly Brown; Judge Mike Salvagni; Knisely, Mary Jane; Krueger, Kurt; Kutzman,
John; Laird, Yvonne; Larson, John; Levine, Michele; Lint, Jennifer; Manley, James; Marks,
Jason; McElyea, Rienne; McElyea, Russ; McMahon, Michael; Menahan, Michael; Moses,
Michael; Murnion, Nickolas; Ohman, Peter; Oldenburg, Jon; Olson, Robert; Parker, John;
Recht, Howard; Rieger, Olivia; Seeley, Kathy; Snipes Ruiz, Kaydee; Souza, Rodney;
Spaulding, Randal; Todd, Gregory; Ulbricht, Heidi; Vannatta, Shane; Wald, Matthew;
Whelan, Bob; Wilson, Dan

Subject:

RE: SB140

I oppose this bill. Apart from being unconstitutional in violation of Mont. Const. Art. VII, 58(2) which requires a nomination commission, it requires at least 70 days or more, which is too long in some circumstances, and as others have noted would make the judicial selection process overly political. As Judges Recht and Laird have pointed out, the current process may need some reform, but this bill will not accomplish that objective.

From: Lint, Jennifer
Sent: Friday, January 29, 2021 3:57 PM
To: Recht, Howard; McLaughlin, Beth; McGrath, Mike; Rice, Jim; McKinnon, Laurie; Baker, Beth; Shea, Jim; Sandefur, Dirk; Gustafson, Ingrid; Abbott, Chris; Allison, Robert; Berger, Luke; Best, Elizabeth; Bidegaray, Katherine; Brown, John; Brown, Stephen; Christopher, Deborah; Cuffe, Matthew; Cybulski, David; Davies, Colette; Dayton, Ray; Deschamps, Dusty; Eddy, Amy; Fehr, Jessica; Gilbert, Brenda; Halligan, Leslie; Harada, Ashley; Harris, Donald; Hayworth, Michael; Judge Holly Brown; Judge Mike Salvagné; Krisely, Mary Jane; Krueger, Kurt; Kutzman, John; Laird, Yvonne; Larson, John; Levine, Michelé; Manley, James; Marks, Jason; McElyea, Rennie; McElyea, Russ; McMahon, Michael; Menahan, Michael; Moses, Michael; Murnion, Nicholas; Ohman, Peter; Oldenburg, Jory; Olson, Robert; Parker, John; Rieger, Olivia; Seeley, Kathy; Snipes Ruiz, Kaydee; Souza, Rodney; Spaulding, Randal; Todd, Gregory; Ulbricht, Heidi; Vannatta, Shane; Wald, Matthew; Whelan, Bob; Wilson, Dan
Subject: RE: SB140

I oppose the Bill, but do not disagree that the process can be improved. I concur with the comments about the import of citizen input, and loathe to place the power of review of potential judges in one person's hands.

However, as someone who heard some of the questioning of Judge Recht in person, and then also reported to me by completely appalled members of the local bar who sat in the hearings, many of the questions asked Judge Recht were way out of bounds. Sounds like Judge Eddy suffered the same. While I did not get posed offensive questions, many were smarmy and delivered in a demeaning manner. I also got many excellent, probative questions, and sound advice (Judge John Brown saying, "you have to decide, are you prepared to do that"). Bottom line is the inappropriate, baseless, offensive and argumentative questioning came from the non-attorney and non-judge members. Putting in for a judge position shouldn't be that you've now consented to being a punching bag and insulted, and you just smile and take it.

(stepping off soap box now)

Jennifer

From: Oldenburg, Jon
Sent: Friday, January 29, 2021 6:16 PM
To: Lint, Jennifer; Recht, Howard; McLaughlin, Beth; McGrath, Mike; Rice, Jim; McKinnon, Laurie; Baker, Beth; Shea, Jim; Sandefur, Dirk; Gustafson, Ingrid; Abbott, Chris; Allison, Robert; Berger, Luke; Best, Elizabeth; Bidegaray, Katherine; Brown, John; Brown, Stephen; Christopher, Deborah; Cuffe, Matthew; Cybulski, David; Davies, Colette; Dayton, Ray; Deschamps, Dusty; Eddy, Amy; Fehr, Jessica; Gilbert, Brenda; Halligan, Leslie; Harada, Ashley; Harris, Donald; Hayworth, Michael; Judge Holly Brown; Judge Mike Salvagni; Knisely, Mary Jane; Krueger, Kurt; Kutzman, John; Laird, Yvonne; Larson, John; Levine, Michele; Manley, James; Marks, Jason; McElyea, Rienne; McElyea, Russ; McMahon, Michael; Menahan, Michael; Moses, Michael; Murnion, Nickolas; Ohman, Peter; Olson, Robert; Parker, John; Rieger, Olivia; Seeley, Kathy; Snipes Ruiz, Kaydee; Souza, Rodney; Spaulding, Randal; Todd, Gregory; Ulbricht, Heidi; Vannatta, Shane; Wald, Matthew; Whelan, Bob; Wilson, Dan
Subject: RE: SB140

Having never been through the process, I must agree with those Judges that believe a through study is needed. I am against centering the appointment without public input. I am therefore against this bill. These appointments cannot be political.

Sent from Workspace ONE Boxer

From: Krueger, Kurt
Sent: Sunday, January 31, 2021 3:38 PM
To: Brown, John; McLaughlin, Beth; McGrath, Mike; Rice, Jim; McKinnon, Laurie; Baker, Beth; Shea, Jim; Sandefur, Dirk; Gustafson, Ingrid; Abbott, Chris; Allison, Robert; Berger, Luke; Best, Elizabeth; Bidegaray, Katherine; Brown, Stephen; Christopher, Deborah; Cuffe, Matthew; Cybulski, David; Davies, Colette; Dayton, Ray; Deschamps, Dusty; Eddy, Amy; Fehr, Jessica; Gilbert, Brenda; Halligan, Leslie; Harada, Ashley; Harris, Donald; Hayworth, Michael; Judge Holly Brown; Judge Mike Salvagni; Knisely, Mary Jane; Kutzman, John; Laird, Yvonne; Larson, John; Levine, Michele; Lint, Jennifer; Manley, James; Marks, Jason; McElyea, Rienne; McElyea, Russ; McMahon, Michael; Menahan, Michael; Moses, Michael; Murnion, Nickolas; Ohman, Peter; Oldenburg, Jon; Olson, Robert; Parker, John; Recht, Howard; Rieger, Olivia; Seeley, Kathy; Snipes Ruiz, Kaydee; Souza, Rodney; Spaulding, Randal; Todd, Gregory; Ulbricht, Heidi; Vannatta, Shane; Wald, Matthew; Whelan, Bob; Wilson, Dan
Subject: RE: SB140

I am also adamantly oppose this bill.

Kurt Krueger
District Court Judge
Butte, MT

From: Brown, John <JBrown3@mt.gov>
Sent: Friday, January 29, 2021 9:06 AM
To: McLaughlin, Beth <bmcLaughlin@mt.gov>; McGrath, Mike <mcmgrath@mt.gov>; Rice, Jim <jrice@mt.gov>; McKinnon, Laurie <LMcKinnon@mt.gov>; Baker, Beth <bbaker@mt.gov>; Shea, Jim <JimShea@mt.gov>; Sandefur, Dirk <dsandefur@mt.gov>; Gustafson, Ingrid <IGustafson@mt.gov>; Abbott, Chris <Chris.Abbott@mt.gov>; Allison, Robert <RAllison@mt.gov>; Berger, Luke <Luke.Berger@mt.gov>; Best, Elizabeth <EBest@mt.gov>; Bidegaray, Katherine <kbidegaray@mt.gov>; Brown, Stephen <Stephen.Brown@mt.gov>; Christopher, Deborah <dchristopher@mt.gov>; Cuffe, Matthew <Matthew.Cuffe@mt.gov>; Cybulski, David <dcybulski@mt.gov>; Davies, Colette <Colette.Davies@mt.gov>; Dayton, Ray <RDayton@mt.gov>; Deschamps, Dusty <ddeschamps@mt.gov>; Eddy, Amy <AEddy@mt.gov>; Fehr, Jessica <Jessica.Fehr@mt.gov>; Gilbert, Brenda <BGilbert@mt.gov>; Halligan, Leslie <LHalligan@mt.gov>; Harada, Ashley <Ashley.Harada@mt.gov>; Harris, Donald <Donald.Harris@mt.gov>; Hayworth, Michael <MHayworth@mt.gov>; Judge Holly Brown <hbbpc@aspenproof.com>; Judge Mike Salvagni <msalvagni@aol.com>; Knisely, Mary Jane <MKnisely@mt.gov>; Krueger, Kurt <kkrueger@mt.gov>; Kutzman, John <JKutzman@mt.gov>; Laird, Yvonne <YLaird@mt.gov>; Larson, John <johlarson@mt.gov>; Levine, Michele <Michele.Levine@mt.gov>; Lint, Jennifer <Jennifer.Lint@mt.gov>; Manley, James <JManley@mt.gov>; Marks, Jason <Jason.Marks@mt.gov>; McElyea, Rienne <Rienne.McElyea@mt.gov>; McElyea, Russ <RMcElyea@mt.gov>; McMahon, Michael <Michael.McMahon@mt.gov>; Menahan, Michael <MMenahan@mt.gov>; Moses, Michael <MMoses@mt.gov>; Murnion, Nickolas <NMurnion@mt.gov>; Ohman, Peter <Peter.Ohman@mt.gov>; Oldenburg, Jon <JOldenburg@mt.gov>; Olson, Robert <ROlson3@mt.gov>; Parker, John <John.Parker@mt.gov>; Recht, Howard <Howard.Recht@mt.gov>; Rieger, Olivia <Olivia.Rieger@mt.gov>; Seeley, Kathy <KSeeley@mt.gov>; Snipes Ruiz, Kaydee <KSnipesRuiz@mt.gov>; Souza, Rodney <RSouza@mt.gov>; Spaulding, Randal <rspaulding@mt.gov>; Todd, Gregory <GTodd@mt.gov>; Ulbricht, Heidi <HUIbricht@mt.gov>; Vannatta, Shane <Shane.Vannatta@mt.gov>; Wald, Matthew

<Matt.Wald@mt.gov>; Whelan, Bob <Robert.Whehan@mt.gov>; Willson, Dan <Daniel.Wilson@mt.gov>
Subject: RE: SB140

Beth, I definitely oppose this bill.

From: McLaughlin, Beth <bmclaughlin@mt.gov>

Sent: Friday, January 29, 2021 7:27 AM

To: McGrath, Mike <mcmcerath@mt.gov>; Rice, Jim <jrice@mt.gov>; McKinnon, Laurie <LMcKinnon@mt.gov>; Baker, Beth <bbaker@mt.gov>; Shea, Jim <jimShea@mt.gov>; Sandefur, Dirk <dsandefur@mt.gov>; Gustafson, Ingrid <IGustafson@mt.gov>; Abbott, Chris <Chris.Abbott@mt.gov>; Allison, Robert <RAllison@mt.gov>; Berger, Luke <Luke.Berger@mt.gov>; Best, Elizabeth <EBest@mt.gov>; Bidegaray, Katherine <kbidegaray@mt.gov>; Brown, John <JBrown3@mt.gov>; Brown, Stephen <Stephen.Brown@mt.gov>; Christopher, Deborah <dchristopher@mt.gov>; Cuffe, Matthew <Matthew.Cuffe@mt.gov>; Cybulski, David <dcybulski@mt.gov>; Davies, Colette <Colette.Davies@mt.gov>; Dayton, Ray <RDavton@mt.gov>; Deschamps, Dusty <ddechamps@mt.gov>; Eddy, Amy <AEddy@mt.gov>; Fehr, Jessica <Jessica.Fehr@mt.gov>; Gilbert, Brenda <BGilbert@mt.gov>; Halligan, Leslie <LHalligan@mt.gov>; Harada, Ashley <Ashley.Harada@mt.gov>; Harris, Donald <Donald.Harris@mt.gov>; Hayworth, Michael <MHayworth@mt.gov>; Judge Holly Brown <hbbpc@aspenproof.com>; Judge Mike Salvagni <msalvagni@aol.com>; Knisely, Mary Jane <MKnisely@mt.gov>; Krueger, Kurt <kkrueger@mt.gov>; Kutzman, John <JKutzman@mt.gov>; Laird, Yvonne <YLaird@mt.gov>; Larson, John <johlson@mt.gov>; Levine, Michele <Michele.Levine@mt.gov>; Lint, Jennifer <Jennifer.Lint@mt.gov>; Manley, James <JManley@mt.gov>; Marks, Jason <Jason.Marks@mt.gov>; McElyea, Rianne <Rienne.McElyea@mt.gov>; McElyea, Russ <RMcElyea@mt.gov>; McMahon, Michael <Michael.McMahon@mt.gov>; Menahan, Michael <MMenahan@mt.gov>; Moses, Michael <MMoses@mt.gov>; Murnion, Nickolas <NMurnion@mt.gov>; Ohman, Peter <Peter.Ohman@mt.gov>; Oldenburg, Jon <JOldenburg@mt.gov>; Olson, Robert <ROlson3@mt.gov>; Parker, John <John.Parker@mt.gov>; Recht, Howard <Howard.Recht@mt.gov>; Rieger, Olivia <Olivia.Rieger@mt.gov>; Seeley, Kathy <KSeeley@mt.gov>; Snipes Ruiz, Kaydee <KSnipesRuiz@mt.gov>; Souza, Rodney <RSouza@mt.gov>; Spaulding, Randal <rspaulding@mt.gov>; Todd, Gregory <GTodd@mt.gov>; Ulbricht, Heidi <HUlbricht@mt.gov>; Vannatta, Shane <Shane.Vannatta@mt.gov>; Wald, Matthew <Matt.Wald@mt.gov>; Whelan, Bob <Robert.Whehan@mt.gov>; Wilson, Dan <Daniel.Wilson@mt.gov>
Subject: SB140

Folks,

Attached is a bill that Judge Todd has asked MJA to review and take a position on. Please take a look at it – sorry to do this to you again but use the voting buttons (accept/reject) on your toolbar. If you can't find the voting button, just shoot me a note.

Thanks,

Beth McLaughlin
Supreme Court Administrator
406-841-2966

From:
Sent:
To:

Dayton, Ray
Monday, February 1, 2021 7:01 AM
Olson, Robert; Whelan, Bob; McLaughlin, Beth; McGrath, Mike; Ricé, Jim; McKinnon,
Laurie; Baker, Beth; Shea, Jim; Sandefur, Dirk; Gustafson, Ingrid; Abbott, Chris; Allison,
Robert; Berger, Luke; Best, Elizabeth; Bidegaray, Katherine; Brown, John; Brown, Stephen;
Christopher, Deborah; Cuffe, Matthew; Cybulski, David; Davies, Colette; Deschamps,
Dusty; Eddy, Amy; Fehr, Jessica; Gilbert, Brenda; Halligan, Leslie; Harada, Ashley; Harris,
Donald; Hayworth, Michael; Judge Holly Brown; Judge Mike Salvagné; Knisely, Mary Jane;
Krueger, Kurt; Kutzman, John; Laird, Yvonne; Larson, John; Levine, Michele; Lint, Jennifer;
Manley, James; Marks, Jason; McElyea, Rienne; McElyea, Russ; McMahon, Michael;
Menahan, Michael; Moses, Michael; Murnion, Nickolas; Ohman, Peter; Oldenburg, Jon;
Parker, John; Recht, Howard; Rieger, Olivia; Seeley, Kathy; Snipes Ruiz, Kaydee; Souza,
Rodney; Spaulding, Randa; Todd, Gregory; Ulbricht, Heidi; Vannatta, Shane; Wald,
Matthew; Wilson, Dan
Subject: RE: SB140

I oppose.

Ray J. Dayton
District Judge
3rd Judicial District Court
800 S. Main
Anaconda, MT 59711
406-563-4044



From:
Sent:
To:

Gilbert, Brenda

Monday, February 1, 2021 10:35 AM

McLaughlin, Beth; McGrath, Mike; Rice, Jim; McKinnon, Laurie; Baker, Beth; Shea, Jim; Sandefur, Dirk; Gustafson, Ingrid; Abbott, Chris; Allison, Robert; Berger, Luke; Best, Elizabeth; Bidegaray, Katherine; Brown, John; Brown, Stephen; Christopher, Deborah; Cuffe, Matthew; Cybulski, David; Davies, Colette; Dayton, Ray; Deschamps, Dusty; Eddy, Amy; Fehr, Jessica; Halligan, Leslie; Harada, Ashley; Harris, Donald; Hayworth, Michael; Judge Holly Brown; Judge Mike Salvagni; Krisely, Mary Jane; Krueger, Kurt; Kutzman, John; Laird, Yvonne; Larson, John; Levine, Michele; Lint, Jennifer; Manley, James; Marks, Jason; McElyea, Rienne; McElyea, Russ; McMahon, Michael; Menahan, Michael; Moses, Michael; Munion, Nickolas; Ohman, Peter; Oldenburg, Jon; Olson, Robert; Parker, John; Recht, Howard; Rieger, Olivia; Seeley, Kathy; Snipes Ruiz, Kaydee; Souza, Rodney; Spaulding, Randal; Todd, Gregory; Ulbricht, Heidi; Vannatta, Shane; Wald, Matthew; Whelan, Bob; Wilson, Dan
Subject:
RE: SB140

Beth, I am apposed to this bill. Brenda

From:
Sent:
To:

Murnion, Nickolas

Monday, February 1, 2021 10:39 AM

McLaughlin, Beth; McGrath, Mike; Rice, Jim; McKinnon, Laurie; Baker, Beth; Shea, Jim;
Sanderfur, Dirk; Gustafson, Ingrid; Abbott, Chris; Allison, Robert; Berger, Luke; Best,
Elizabeth; Bidegaray, Katherine; Brown, John; Brown, Stephen; Christopher, Deborah;
Cuffe, Matthew; Cybulski, David; Davies, Colette; Dayton, Ray; Deschamps, Dusty; Eddy,
Amy; Fehr, Jessica; Gilbert, Brenda; Haligan, Leslie; Harada, Ashley; Harris, Donald;
Hayworth, Michael; Judge Holly Brown; Judge Mike Salvagny; Knisely, Mary Jane;
Krueger, Kurt; Kutzman, John; Laird, Yvonne; Larson, John; Levine, Michele; Lint, Jennifer;
Manley, James; Marks, Jason; McElyea, Rienne; McElyea, Russ; McMahon, Michael;
Menahan, Michael; Moses, Michael; Ohman, Peter; Oldenburg, Jon; Olson, Robert;
Parker, John; Recht, Howard; Rieger, Olivia; Seeley, Kathy; Snipes Ruiz, Kaydee; Souza,
Rodney; Spaulding, Randal; Todd, Gregory; Ulbricht, Heidi; Vannatta, Shane; Wald,
Matthew; Whelan, Bob; Wilson, Dan
RE: SB140.

Subject:

I also adamantly oppose.