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August 17, 2015

Judicial Nomination Commission
c/o Lois Menzies
mtsupremecourt@mt.gov

RE: Dan Wilson & Jim Cossitt

Dear Commissioners:

I am writing to provide input on the applications of Dan Wilson and Jim Cossitt to replace the Hon. Ted Lympus.

I have reviewed both applications and have had significant dealing with both applicants. Neither is qualified to be a judge, albeit for different reasons.

My observation of JP Wilson's performance is that he is able to apply the law to the facts, but often fails to be able to do so in a manner that achieves justice.

Although I have prevailed well before JP Wilson, there is one instance I will never forget. I was in the courtroom, but it was not my case. An elderly lady (in her 80s) from Whitefish was charged with misdemeanor assault for placing a kiss on her daughter-in-law's forehead during an argument-hardly a situation requiring prompt administration. The defendant was a long time resident of Whitefish, a former City Council member and a pillar of the community. Although I don't know, I strongly suspect this was the first and only time she had been charged with a crime. She retained a local attorney. Shortly before the bench trial, her lawyer's mother fell, broke her hip, and was dying. The attorney flew to Texas to be at his mother's bedside for her final moments. The defendant was terrified of going to trial without an attorney. I don't recall for certain, but my recollection is that her attorney had contacted me by email and asked me to request JP Wilson to continue the trial until he could return. I definitely recall that the defendant made the same request of me in the courtroom. I communicated the situation to JP Wilson and requested the matter be continued. JP Wilson denied the request on the basis that I was not the defendant's attorney. That was factually correct, and may have been the correct application of the law, but was clearly not justice. A judge who wanted to apply the law to the facts to achieve justice would have continued the matter on the court's own initiative to allow the defendant to have the benefit of counsel. The defendant was convicted, which may have been the result with or without counsel, but it was not a just administration of the case.

Judicial Nomination Commission
c/o Lois Menzies
August 17, 2015
Page 2 of 3

I have also observed that JP Wilson is verbally abusive to *pro se* parties. I have not observed the same lack of courtesy to attorneys. I know that JP Wilson aspires to, and ran for, the District Court bench. I think he views the JP position as a consolation prize and/or on-deck position, and he clearly evinces that he is not happy as JP.

Mr. Cossitt is fundamentally dishonest, and has anger management and personality issues that make him unqualified to be a judge in any capacity.

Shortly after Mr. Cossitt moved to Montana, I referred a case to him. Before doing so, I requested his hourly rates in writing and reviewed them with my client. Mr. Cossitt then billed the client at a higher rate. When I brought this to his attention, he claimed that he has sent the client and me an outdated fee schedule. I insisted that he honor the rates provided to the client and he agreed. Mr. Cossitt then missed a filing deadline in the case. He agreed move to have the default set aside at no cost to my client. Before filing, Mr. Cossitt sent me a copy of his Motion to Set Aside the Default. The draft Motion contained information that I knew to be false. After consulting with another attorney, I communicated to Mr. Cossitt that if he submitted the Motion as drafted, as an officer of the Court, I would have to bring the falsehood to the Court's attention. Mr. Cossitt described his plan as "a brain fart" and agreed not to submit the false information. The default was set aside, but Mr. Cossitt billed the client for those efforts despite his agreement not to. The client submitted the billing issue to the Bar's fee arbitration process. Mr. Cossitt refused to participate and the arbitrators ruled in the client's favor. A District Court Judge cannot have "brain farts," particularly involving dishonesty.

Mr. Cossitt's anger management/personality problems are well known among the local Bar. His 2001 felony assault with a weapon involved him firing at a person and/or the person's dog when the dog bumped him while skijoring. Although his application describes the charge as having been dismissed, I believe that was the result of a deferred prosecution agreement in which he tendered a plea of guilty. His application shows a subsequent 2008 conviction. He has had numerous angry conflicts with clients, employees and fellow attorneys that clearly evidence that he is unqualified to be a judge.

If you have any questions or concerns, please do not hesitate to contact my office.

Sincerely,

THOMAS T. TORNOW, P.C.

Thomas T. Tornow

By: Thomas T. Tornow

KENT P. SAXBY

Attorney at Law
309 Salish Court
Kalispell, Montana 59901
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August 17, 2015

Judicial Nomination Commission
Attn: Lois Menzies
Office of Court Administrator
P.O. Box 203005
Helena, MT 59620-3005

RE: Montana Eleventh Judicial District Court Judicial Vacancy

Dear Members of the Judicial Nomination Commission:

I am writing to you for the purpose of expressing my support for Dan Wilson who I believe is unquestionable the best applicant who is seeking to be appointed as a District Court Judge to fill the current judicial vacancy given the recent retirement announcement of Judge Ted Lympus. By way of background, I was admitted to the Montana Bar in 1981 and have now been in private practice with the same Kalispell law firm for more than 30 years. During much of that time Dan Wilson has also been in Kalispell; initially, I believe, with the Office of the Flathead County Attorney, then in private practice and most recently serving as a Justice of Peace in this County. I believe Dan's background and experience clearly make him the best candidate to be appointed as a District Court Judge. His experience serving as the Justice of Peace also makes him the only applicant who will be able to "hit the ground running" so to speak, which is a critical need given the significant number of matters pending before the Eleventh Judicial District Court, including the many matters which are assigned to the Judicial Department over which the newly appointed Judge will preside. During the time that Dan has served as the Justice of the Peace, he has also shown that he has the ability to keep his docket current, and has also demonstrated the right judicial demeanor. While my practice before the Justice Court has been very limited during the period that Dan has served as the Justice of the Peace, it is my understanding and belief that his judicial decisions are based on careful, appropriate legal analysis and are generally correct. In short, I believe Dan Wilson is far and away the best candidate and most qualified candidate for this District Court vacancy, and it is without any reservations that I am writing this letter in support of him.

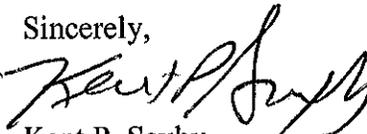
I would also like to take this opportunity to comment on one of the other applicants; specifically Jim Cossitt. I have also know Jim for many years, and unfortunately, I feel quite strongly that he would be a very poor District Court Judge. While I recognize that it likely quite unusual for comments to be submitted which oppose a particular applicant, in this instance I feel it is critical for the Commission to be aware of the reservations which I have (and which I am sure many other members of the local Bar have) about this particular applicant. During the time that Jim has practiced law here in the Flathead Valley he has experienced a great deal of difficulty in dealing with other members of the Bar. His personality, demeanor and his approach to the practice of law all combine to generally make any matter in which he is involved a difficult undertaking. If there is an easy way and a hard way to address or resolve a matter, Jim seems to relish pursuing the more difficult way. It also seems to be his practice to threaten the

opposing party, and/or his or her legal counsel, with sanctions or unethical conduct. I am not sure how often Jim has taken steps to file complaints with the Commission on Practice regarding purported ethical violations by opposing counsel, but I am sure that it has occurred on a number of occasions, and I am equally certain that most of those instances were without merit. Jim has also become embroiled in civil litigation with a neighbor, a former employee and, I believe, several other individuals. I can personally attest that the litigation with both his neighbor and his former employee were over quite trivial matters that a more reasonable individual would almost certainly not have pursued.

Simply stated, I do not believe Jim has the common sense and demeanor to be a Judge. This fact is quite clearly demonstrated by an altercation in which he became involved with another individual while both individuals were recreating at a County park. I do not know all of the particulars of that matter, but words were exchanged, the matter escalated, Jim returned to his vehicle and was followed there by the other individual, at which point Jim retrieved a gun from his vehicle and fired one or more shots. I do not believe that Jim was pointing the gun in the direction of the other individual at the time it was discharged, but the mere fact that he would respond in this manner speaks volumes about him. Additionally, it should be noted that Jim's conduct did result in criminal charges being filed against him, although I do not know how that criminal case was eventually resolved. The charges may have subsequently been dropped.

In closing, I hope these comments are of benefit to the Commission as it considers what names to forward to Governor Bullock for his consideration. Additionally, I would like to thank each member of the Commission for your time and service on this Commission. Please do not hesitate to contact me if anyone would like to discuss with me anything which is contained in this letter.

Sincerely,



Kent P. Saxby

Cook, Kevin

From: Menzies, Lois
Sent: Friday, August 21, 2015 2:47 PM
To: Cook, Kevin
Subject: Public Comment: Cossitt

From: R. Ashton [mailto:snoshoe_2@yahoo.com]
Sent: Tuesday, August 18, 2015 5:56 PM
To: MT Supreme Court,
Subject: Judicial Nominee James Cossitt

To Whom it May Concern:

Reviewing Mr. Cossitt's page in his app. for 11th Court Judge, I see the case(s) with the Cini's. I am somewhat familiar with these cases, and the pro se individual was walked all over.

This does not show a good demonstration of having the public's best, fair and equal rights in court in mind.

Sincerely,
Robin Ashton

Cook, Kevin

From: Menzies, Lois
Sent: Friday, August 21, 2015 2:48 PM
To: Cook, Kevin
Subject: Public Comment: Cossitt

From: Charles Lapp [<mailto:lapp.charles@gmail.com>]
Sent: Wednesday, August 19, 2015 4:00 PM
To: MT Supreme Court,
Subject: james cosset as Judge

To Whom it May Concern

I have been acquainted with james cosset for some time and observed his actions at Kalispell Planning Board, Impact Fee Board and City Council meetings. He is by far the most arrogant and egotistical human being that I have observed. He has no regards for meeting structure or civil dialogue. His attitude has always been "My way or to hell with you". If he were appointed it would be a grave disservice to not only Flathead County but the judicial system as a whole.

--



Charles Lapp

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[†]Also admitted in Michigan

*Also admitted in Maryland

August 25, 2015

RE: Recommendation for James Cossitt for the Eleventh Judicial District Judgeship

To Whom It May Concern:

I am writing to recommend James Cossitt for the Eleventh Judicial District Judgeship. I am an attorney licensed in Michigan and in South Carolina. I am also a part-time Probate Judge here in South Carolina where I also practice law full time. I have known Mr. Cossitt for several years. He is a frequent lecturer at NACBA (National Association of Consumer Bankruptcy Attorneys) seminars. I have also travelled to Montana and met with Mr. Cossitt on one occasion.

Since meeting him several years ago, we have collaborated on numerous litigation matters. While bankruptcy is mainly federal law, it incorporates significant amounts of state law in determining property of the bankruptcy estate, as well as exemptions in property. Litigation in bankruptcy is essentially the same as federal and state court litigation. (The Bankruptcy Rules governing litigation (called "adversary proceedings") are almost identical to the Federal Rules of Civil Procedure.)

Through my collaboration with Mr. Cossitt, I can attest to the fact that he has a first-class intellect and excellent command of the law. He also has a good temperament and sense of humor. He also mentors young lawyers, particularly on matters involving ethics. In addition to his knowledge of the law, he possesses good judgment and common sense, which are key attributes to being an effective judge. He knows the difference between a mountain and a molehill. He is confident, yet humble in his demeanor. I have no doubt in his ability to effectively administer his docket, treat lawyers and litigants with respect, and mete out justice in a thoughtful and reasoned manner. I wholeheartedly recommend him for this judgeship and strongly believe he will be a welcome addition to the Montana judiciary.

If you have any questions, I would be happy to discuss Mr. Cossitt's qualifications. I can be reached at (843) 695-0830.

Sincerely,



Russell A. DeMott

Cook, Kevin

From: Menzies, Lois
Sent: Tuesday, August 25, 2015 3:44 PM
To: Cook, Kevin
Subject: Public Comment: Cossitt

From: Richard Mooney [<mailto:richard.mooney@rimonlaw.com>]
Sent: Monday, August 24, 2015 9:08 AM
To: MT Supreme Court,
Subject: Comment on Application of James Cossitt

I write to support the application of James Cossitt. Although I am an attorney in San Francisco and not a member of the Montana bar, I wanted to add my perspective to the record.

Several years ago I worked with Jim for some time on a complex set of disputes involving intellectual property and bankruptcy issues venued in both California and Montana. Since then I have worked with Jim for brief periods on smaller matters involving either a Montana or a bankruptcy component. Throughout that period, I have found Jim to be an excellent attorney and an affable, good-natured person. He is smart, hard-working, and knowledgeable about the law, and shows good judgment and client relationship skills. I think he would be an excellent addition to the bench.

Regards,
Richard

--

[Richard Mooney](#)
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415 539 0443 (direct)
415 307 3021 (mobile)
[@richmooney](#)
www.linkedin.com/in/richardjamesmooney

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This e-mail is sent by a law firm and contains information that may be confidential or privileged. If you have received this communication in error, please reply to the sender (only) and then please delete this message from your inbox as well as any copies. Thank you.

Cook, Kevin

From: Menzies, Lois
Sent: Tuesday, August 25, 2015 3:44 PM
To: Cook, Kevin
Subject: Public Comment: Cossitt

From: Fred de Lepper [<mailto:freddelepper@gmail.com>]
Sent: Sunday, August 23, 2015 10:10 PM
To: MT Supreme Court,
Subject: nomination of Jim Cossitt

I am writing in support of Jim Cossitt. I have known Jim personally for 12 years and highly recommend him for the court judgeship position. Jim is a person of high moral character and sound judgement.

Fred de Lepper
ph: 406-407-5247

UNLV | Office of
**THE EXECUTIVE VICE PRESIDENT
AND PROVOST**

UNIVERSITY OF NEVADA, LAS VEGAS

August 27, 2015

Judicial Nomination Commission
c/o Lois Menzies
Office of Court Administrator
P. O. Box 202005
Helena, MT 59620-3005

RE: **James H. (Jim) Cossitt**

To the Judicial Selection Committee:

It is my pleasure to recommend Jim Cossitt for the position as a Montana District Court judge. I've known him for several years, and I've had the opportunity to work with him on several significant projects. I've learned that he's smart as a whip and is one of the hardest workers I know. Moreover, he's motivated to get things right, he's generous with his time, generous with his praise of others, and dignified without being at all stuffy.

In terms of his judicial temperament, he and I have had long conversations about how he'd address issues involving the level of attorney preparation and the need for speedy but fair justice. He also has a good sense of humor--one that's not mean-spirited in the least. And he has the organizational skills to manage a busy docket.

I know that you're going to have a superb set of highly qualified candidates. I hope that you'll agree with me that Jim belongs on your short list (and I hope that you choose him). I'd be happy to answer any questions about him that you might have.

Regards,



Nancy B. Rapoport
Acting Executive Vice President & Provost
Garman Turner Gordon Professor of Law, William S. Boyd School of Law
Affiliate Professor of Business Law and Ethics, Lee Business School

(Sent via email: mtsupremecourt@mt.gov; and hard copy)

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August 25, 2015

Judicial Nomination Commission
c/o Lois Menzies
Office of Court Administrator
P.O. Box 203005
Helena, MT 59620-3005

Dear Judicial Nomination Commission:

I am an attorney in private practice in Helena and have practiced here since 1977. I am pleased to be able to write this letter in support of the application of James Cossitt for the soon to be vacant District Court Judgeship position in Flathead county.

I first met Jim several years ago when he was a witness to a personal injury accident that I defended. I discussed the accident with Jim and eventually listed him as a witness and took his deposition. The case settled before going to trial. During that process I got to know Jim and to respect his legal abilities as well as his being willing to offer to involve himself in a matter in which he stood to have no financial gain and no actual interest in the outcome.

Since that occasion I have probably had occasion to correspond with or talk to Jim a couple of times a year. I have picked his brain on bankruptcy issues which is one of his specialities. I have had him contact me to offer his bankruptcy services to a client of mine, and we have just generally kept in touch and exchanged professional comments and pleasantries.

It is my opinion that Jim Cossitt would make a good Montana District Court Judge. He strikes me as being fair, knowledgeable, and hard working, all of which are attributes that District Court Judges need to have. Jim has been a member of the Flathead County Bar and the Kalispell community for many years. Hopefully, you will give Jim appropriate consideration when it comes to the nomination process.

If any of you have any questions you wish to direct to me personally, please do so.

Yours very truly,



Thomas Q. Johnson

TQJ/nh

cc: Jim Cossitt

Cook, Kevin

From: Menzies, Lois
Sent: Friday, August 28, 2015 3:13 PM
To: Cook, Kevin
Subject: Public Comment: Cossitt

From: sradford@strainbld.com [<mailto:sradford@strainbld.com>]
Sent: Thursday, August 27, 2015 4:11 PM
To: MT Supreme Court,
Subject: JUDICIAL NOMINATION COMMISSION (ID:53A93F900030DF89)

August 27th, 2015 (Thursday)

Judicial Nomination Commission
c/o Lois Menzies
Office of Court Administrator
Helena, MT

RE: The nomination of Atty Jim Cossitt to the Montana District Court Bench in Flathead County

Greetings:

For the last 34 years I have been an attorney in Great Falls, emphasizing in collections (retail and commercial) and bankruptcy. This is my comment on the potential nomination of Atty Jim Cossitt to the Montana District Court Bench in Flathead County. Prior to submitting this comment, I reviewed the other published comments (pro and con). I have known Atty Jim Cossitt for some fifteen years. We originally got to know each other as co-presenters at various Montana CLEs. Thereafter, he became a friend and confidant. I value his opinion.

Atty Jim Cossitt is a person who is extremely intelligent, professional, honest, hard working, and possesses a great sense of humor (he does not take himself very seriously). I believe he has a great judicial temperament and that he would be more than able to handle the case load of a Montana District Court Judge. The Montana District Court Bench (and the citizens of Montana as a whole) will be lucky to get him.

Yours Truly,

Scott M. Radford, esq.
Radford Law Firm, P.C.
410 Central Avenue, Suite 615
Great Falls, MT 59401

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Don N. Kersten (1925-1998)
swhendricks@kbhlaw.net

August 24, 2015

Judicial Nominating Commission
c/o Lois Menzies
PO Box 203005
Helena, MT 59620-3005
mtsupremecourt@mt.gov

Re: James H Cossitt

To Whom it May Concern:

I am writing in support of James H (Jim) Cossitt's nomination for the District Court Judgeship position including Flathead County, Montana.

I have practiced law in Iowa for 33 years. During that time, I had an opportunity to come to know Jim personally and professionally. Jim practiced in my Judicial District, Judicial District 2B, for 9 years, from 1986 to 1995.

Jim's practice was a general practice, but emphasized financial matters, including creditor and debtor issues, often involving bankruptcy matters. Jim's practice in Iowa occurred during an era many of us refer to as the "farm crisis" of the 1980's characterized by farmers and others facing diminishing asset values and negative cash flows. Farm foreclosures (real and personal property) and related financial litigation were the bread and butter of many young lawyers at during this period.

Jim was viewed by the public and his peers as an expert on the law and practice involving these matters. In addition to representing individuals and businesses, Jim was also a bankruptcy trustee. Bankruptcy trustees hold a quasi-judicial office as they handle cases, including the exercise broad discretionary judgment about asset administration, handling litigation, claim allowance and payment and related functions. Some of the discretionary

judgment is independent and court approval is needed for other judgments. As a trustee, he was often faced with the challenges that a district court judge faces on a day to day basis, such as determining the law applicable to various situations and determining the proper result. In his role as a bankruptcy trustee he also faced the more mundane challenges district court judges face on a day to day basis such as handling a busy schedule and attempting to resolve issues without the necessity of formal proceedings as is necessary to keep any judicial or administrative endeavor functioning efficiently.

During the years Jim practiced in this area, he was chapter 7 trustee in a major liquidation case: the involuntary Fort Dodge Creamery Company case. In that case, he undertook an extensive investigation of the conduct of corporate management, transfers of assets and other alleged misconduct. After the investigation, he commenced, prosecuted and successfully negotiated settlements in 3-4 major lawsuits involving multiple parties and complex claims. I recall that approval of the settlement was the subject of a 2 day hearing in Fort Dodge and that Jim spent most of 1 day on the witness stand as the proponent of the settlement. The court approved the settlement and the matter was successfully concluded.

Jim would be an effective District Court Judge and I am happy to support his application.

Kersten Brownlee Hendricks LLP

By:

Steven W Hendricks

Steven W Hendricks



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September 3, 2015

FILE NO:

Judicial Nomination Commission
c/o Lois Menzies
Office of Court Administrator
P.O. Box 203005
Helena, Montana 59620-3005
mtsupremecourt@mt.gov

Re: James H. (Jim) Cossitt

Dear Commissioners:

I am writing to recommend, in the strongest terms possible, the appointment of Jim Cossitt as a judge on the Montana District Court.

I have had the honor and privilege of working closely with Jim as a member of the National Ethics Task Force, formed by the American Bankruptcy Institute in 2011. (I served as co-vice chair of the Task Force.) From 2011 – 2013 the Task Force met in person many times, usually for much of the day reserved for the meeting, and additionally we had numerous lengthy telephone conferences.

Jim's contributions to the work of the Task Force (and to the development of the Final Report of the Task Force, which was published in 2013) were substantial. He was particularly knowledgeable about the ethics challenges of representing individual consumer debtors and small businesses, and he participated in all of our discussions with sensitivity, collegiality and leadership. He also distinguished himself by devoting substantial time to review of our draft reports and papers, with great attention to detail and focus on the ethics issues that were the overall subject of our Task Force and Final Report. Jim's contributions can be found throughout the Final Report.

It is important to note that our Task Force often engaged in lively, and sometimes even heated, discussions. In those situations, Jim acted as a collegial mediator whose deft touch cooled tempers. This is a special talent and one that makes Jim particularly well-suited to serve as a judge.

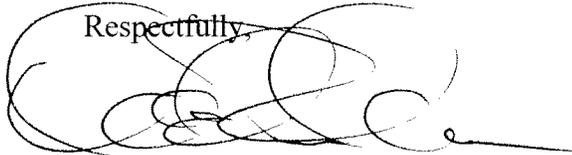
In part due to my admiration for Jim's intelligence and commitment, we became friends during our tenure on the Task Force, and outside of the Task Force I spent many hours in Jim's company at national meetings of the American Bankruptcy Institute (and our friendship

Judicial Nomination Commission
c/o Lois Menzies
September 3, 2015
Page 2

has continued to this day). Jim understands people, is expert in the law, is a master of the ethics, and has the temperament needed to excel as a judge.

I would be pleased to supplement this recommendation with anything further the Commissioners may wish.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael P. Richman", written over a large, circular scribble.

Michael P. Richman

Cook, Kevin

From: Menzies, Lois
Sent: Friday, September 4, 2015 2:17 PM
To: Cook, Kevin
Subject: Public Comment: Cossitt

From: David Sutherland [<mailto:grizcpa@yahoo.com>]
Sent: Friday, September 04, 2015 1:34 PM
To: MT Supreme Court,
Cc: jim.cossitt@gmail.com
Subject: public comment James Cossitt

To Whom It May Concern:

I am writing in support of James H. Cossitt's nomination for the District Court Judgeship. I have worked as a Certified Public Accountant for 30 years.

I have known and worked with Jim for 18 years and have found him to be extremely knowledgeable in his chosen expertise. I have collaborated with him on bankruptcy cases as well as one trial. While at my former firm, I hired Jim to represent us in a case against another attorney. He did this for us even though it put his own business interests at risk just because it was the right and moral thing to do.

I have found Jim to be confident, direct and principled. These are traits that would be an asset to a district court judge. Jim truly seems to care about the law rather than how the games are played. Therefore, I believe Jim would be an admirable choice.

If you have any questions, please let me know.

Sincerely,
David A. Sutherland
David A. Sutherland, CPA

65 Sussex Drive

Kalispell, MT 59901

406-250-5967

Cook, Kevin

From: Menzies, Lois
Sent: Friday, September 4, 2015 2:15 PM
To: Cook, Kevin
Subject: Public Comment: Cossitt

From: Steven.Oeth@iowacourts.gov [<mailto:Steven.Oeth@iowacourts.gov>]
Sent: Thursday, September 03, 2015 1:43 PM
To: MT Supreme Court,
Subject: Jim Cossitt Judicial Application

Dear Flathead County Nominating Commission Members,

I write in support of Jim Cossitt's application to become a District Court Judge in Flathead County. I worked with Jim in Ames, Iowa from 1991-1995 in a four person law firm. During that period we became friends. The observations from that period leave no doubt in my mind that Jim would be an excellent trial court judge. Jim is highly intelligent, extremely hard working, fair and highly ethical.

I have been a trial court judge in Iowa for 18 years so I know what it takes to be a good trial court judge. Jim has what it takes to excel at the position. His intelligence, work ethic and sense of what is fair and right will serve him well on the bench. The fact that Jim has practiced in a specialized area over his career should cause you no concern. I know from working with Jim that he will put in whatever time is needed and has the intellect to master the complexities of any case that would come before him. I strongly support his candidacy and urge you to forward his name to the Governor of Montana for further consideration. Feel free to contact me at 515 433 0568 should you have any questions regarding this letter.

Steven J. Oeth
District Court Judge
Second Judicial District

Cook, Kevin

From: Menzies, Lois
Sent: Tuesday, September 8, 2015 4:28 PM
To: Cook, Kevin
Subject: Public Comment -- Cossitt

From: Neil Harl [<mailto:harl@iastate.edu>]
Sent: Saturday, September 05, 2015 11:00 PM
To: MT Supreme Court,
Subject: Comments on the candidacy of James Cossitt for a judgeship

I am pleased and honored to provide commentary on the candidacy of James Cossitt for a judgeship in Montana (Flathead County, I understand). I should, for the record, indicate that I have a law degree from the University of Iowa College of Law (Coif, 1961) and earned a Ph.D in economics at Iowa State University where I served on the faculty for more than 40 years as Charles F. Curtiss Distinguished Professor in Agriculture and Life Sciences.

First I should explain how I became acquainted with Mr. Cossitt. He was in my Agricultural Law class as an undergraduate at Iowa State University in the early 1980s. I should add that Mr. Cossitt was a very good student. Later, after he had completed his legal education, he returned to Ames, Iowa to engage in private practice (1988 -1995). During that time, he was involved with our Center for International Agricultural Finance which was formed by action of the Iowa Board of Regents to develop and carry out programs to assist the countries transitioning to a market economy to move from central planning to a free market orientation. I had been asked in early 1990 to serve on the first "working group" (comprised of seven individuals) who were appointed by the United States Government to assess what the United States could do to be helpful in that transition for those countries in Central and Eastern Europe and the then Soviet Union that were contemplating that transition after the wall fell in late 1989.

That program was recognized as one of the most useful programs sponsored by the U.S. State Department and the U.S. Department of Agriculture. Mr. Cossitt fit perfectly with our small staff with respect to our view of how to be effective in working with individuals from the 33 countries then transitioning. He had (and I am certain he still displays) an unusually effective way of dealing with individuals who were different in upbringing, wealth position, language abilities, and levels of formal education. It struck me at the time that his personality and abilities in dealing with individuals with a lifetime of exposure to a totally different political and economic system than they began trying to emulate would fit him well to be a person involved with high level personnel issues or with a judicial system. Many aspire to be a judge but Mr. Cossitt has continually exhibited those qualities typically possessed by outstanding jurists.

Second, I should add that, seeing Mr. Cossitt in his easy interactions with different individuals, I concluded that he has the rare ability to put them at ease whether they be individuals whose speaking skills reflect a different language or not. We expect our judges to be sensitive to the fact that we are viewed by many in the world as the keepers of one of the greatest national treasures, our judicial system, without flaunting that fact with an attitude of superiority. Our Center worked diligently to get this across to visiting scholars who typically spent three to seven weeks in the United States, studying how our legal and economic systems function, with regular sessions with trial court judges in their courtrooms. Many from abroad who were in our classes in the United States were shocked that they could actually ask questions of a judge. We graduated something over 1600 individuals who returned to their countries to assume responsible positions in finance and in government even though their time of study in the U.S. was necessarily brief.

Mr. Cossitt assisted our Center in this mission by participating in programs abroad and hosting numerous visitors to Ames and Iowa State University (with internships arranged with financial institutions throughout Iowa). He was willing to give freely of his time and energy to help the Center provide valuable educational assistance in pursuit of the goals of the Center's programs. The feedback I received from the visitors reflected the effectiveness and ability of Mr. Cossitt to work with a broad range of personalities and backgrounds from a range of countries. Mr. Cossitt was a highly valuable member of our educational team and made important contributions of how we could be more effective as a Center.

In conclusion, I recommend Mr. Cossitt to you and urge his appointment to a judgeship, confident that he would serve in that position with distinction and bring honor to the judiciary and to the State of Montana.

Neil E. Harl

Charles F.

Curtiss Distinguished Professor in Agriculture and Life Sciences and
Emeritus Professor of Economics,
Iowa State University

GREENWELL LAW

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September 10, 2015

Judicial Nomination Commission

Attn: Lois Menzies

Office of Court Administrator

P.O. Box 203005

Helena, MT 59620-3005

mtsupremecourt@mt.gov

RE: Montana Eleventh Judicial District Court Judicial Vacancy

Dear Members of the Judicial Nomination Commission:

I am writing this letter in support of James Cossitt's appointment as the 11th Judicial District Court Judge. I worked for Mr. Cossitt between June 2008 and August 2011. During that time, I witnessed his supervisory skills, his legal acumen, his work ethic, and his ability to meet deadlines.

Despite managing a growing bankruptcy law firm during one of the largest recessions in recent history, Mr. Cossitt efficiently hired, trained, and supervised many new employees while managing his own strenuous caseload. He accomplished this by conducting daily meetings where he would identify and delegate tasks in a manner that would ensure all deadlines, both legal and internal, were met.

Mr. Cossitt has a unique ability to recite and explain both case law and statute as if he were reading from a book. He is also very principled in his application of both precedent and statutory authority. Beyond his career as an attorney, he has also spent a large amount of time working on different committees that have progressed the academics of law through their published papers and works.

Mr. Cossitt is one of the hardest working attorneys I know. I have no doubt that Mr. Cossitt will be a valuable addition to the 11th Judicial District Court. Based on his ability to manage an extensive case load, recite and apply law as if reading from a book, his strong work ethic, his refusal to miss a deadline, and his extensive experience in Federal Court, I believe that Mr. Cossitt will bring a unique perspective to the bench that will ensure expeditious and just rulings.

Respectfully,

A handwritten signature in black ink, appearing to read "Jeffrey K. Greenwell", written in a cursive style.

Jeffrey K. Greenwell, Esq.
Bar No. 9250



Consumer Debtor Attorneys
615 S. Dekalb Street
Post Office Box 1000
Shelby, North Carolina 28151-1000
Office: (704)487-0616 Fax: (888) 870-1647
Webpage: www.maxgardner.com

O. Max Gardner, III Attorney at Law ~ Kerry L. Balentine, Of Counsel

September 10, 2015

Via email to: mtsupremecourt@mt.gov
Judicial Nomination Commission
c/o Lois Menzies
Office of Court Administrator
P.O. Box 203005
Helena, MT 59620-3005

Re: James H. Cossitt
Applicant for Judicial Nomination Commission—11th Judicial District

Dear Ms. Menzies:

I am writing this letter of recommendation for Mr. James H. Cossitt as an applicant for a Montana District Court Judgeship position in the 11th Judicial District.

I have been practicing consumer bankruptcy law for over 40 years. Jim and I have cultivated a solid relationship over the last several years.

I find Jim to be a dedicated lawyer, knowledgeable about the law, possessing critical thinking and analytical skills regarding complex legal facts and doctrines, highly skillful at articulating legal arguments, and proficient at research and writing skills. Jim is a hard-working and professional attorney, who displays a genuine sense of duty, commitment and integrity when it comes to the law and the rights and responsibilities of all parties on both sides of a case.

Jim is one of the finest bankruptcy lawyers in the country, as evidenced by his experience as one the Members of the Committee that published the "Best Practices for Consumer Debtor Lawyers."

These attributes demonstrate that Jim is someone with an exceptional character and I highly recommend Mr. Cossitt for the position of Montana District Court Judge in Flathead County, MT.

With best regards, I remain

Very truly yours,

O. Max Gardner, III
OMGIII/cjh



September 8, 2015

Judicial Nomination Commission
c/o Lois Menzies
Office of Court Administrator
P.O. Box 203005
Helena, MT 59620-3005
mtsupremecourt@mt.gov

VIA FIRST CLASS AND ELECTRONIC MAIL

Re: James Henry (Jim) Cossitt

To the Members of the Judicial Nomination Commission:

The purpose of this letter is to support the application of James Henry (Jim) Cossitt for the Judgeship for the Eleventh Judicial District of Montana.

I have known Jim Cossitt for more than 15 years, through a number of national organizations, including the American Bankruptcy Institute. I was a member and officer of the American Board of Certification when he was certified and recertified in both business and consumer bankruptcy. I asked Jim to serve as editor of West's Bankruptcy Exemption Manual for Montana and I have since been privileged to work with him on that national publication and in a number of national and regional seminars. I have also consulted with Jim on several issues that have arisen in his cases, so I know he has extensive experience with both federal and state law.

I know Jim to be an extremely capable and ethical practitioner. Dual certification in business and consumer bankruptcy, for example, is a rare accomplishment. He has a remarkable ability to communicate and relate to others with civility, which is difficult in a national bankruptcy practice. He gives back to the community and profession with enthusiasm.

Many citizens have their only substantial contact with the government through the court system. Jim is a person who would make that experience a compliment to the state. His ability, temperament and demeanor would bring respect and credit to the court. I strongly recommend him for this seat, without reservation.

Please contact me (615-579-2542; LAhern@BrownAhern.Com), with any questions.

Sincerely,

A handwritten signature in blue ink that reads 'Lawrence R. Ahern, III'.

Lawrence R. Ahern, III

PO Box 2743 Brentwood, TN 37024

www.brownaahern.com

Reep Bell Laird Simpson & Jasper

ATTORNEYS AT LAW
a professional corporation

Phone 406.541.4100
Fax 406.541.4101

2955 Stockyard Road
P.O. Box 16960
Missoula, Montana 59808

September 4, 2014

Judicial Nomination Commission
c/o Lois Menzies
Office of Court Administrator
P.O. Box 203005
Helena, Montana 59620-3005

Re: James H. Cossitt

Dear Commission:

I am writing in connection with Jim Cossitt's application for a Montana District Court judgeship position in Flathead County.

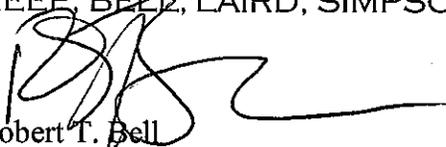
I have known Mr. Cossitt for many years as a professional colleague. Mr. Cossitt has worked for our firm as a consultant in connection with cases involving bankruptcy issues, and has served as bankruptcy counsel to some of our business clients. In my dealings with him, Mr. Cossitt has demonstrated a high level of technical knowledge, has always been well prepared, and is quick to grasp the legal issues in front of him. In my experience, one of the most important characteristics of a district court judge is the ability to understand and analyze new, and often technical, legal issues. I have no doubt Mr. Cossitt would do an exemplary job in this regard.

Mr. Cossitt is also an extremely hardworking individual. In a time of loaded court dockets and backlogged cases, I believe it is critically important to have judges who are willing to work hard to get decisions out and keep their dockets current. I have no doubt Mr. Cossitt would be exemplary in this regard as well.

I sincerely encourage the Committee to give Mr. Cossitt's application the strongest possible consideration.

Very sincerely,

REEP, BELL, LAIRD, SIMPSON & JASPER, P.C.


Robert T. Bell

RTB/sld

Reep Bell Laird Simpson & Jasper

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a professional corporation

Phone 406.541.4100
Fax 406.541.4101

2955 Stockyard Road
P.O. Box 16960
Missoula, Montana 59808

September 4, 2014

Judicial Nomination Commission
c/o Lois Menzies
Office of Court Administrator
P.O. Box 203005
Helena, Montana 59620-3005

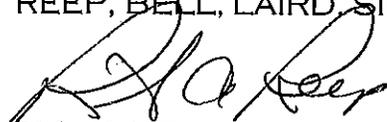
Re: James H. Cossitt

Dear Commission:

This letter is provided in support of Mr. Cossitt's application for a Montana District Court judgeship position in Flathead County. I have worked with Mr. Cossitt on multiple legal matters for approximately fifteen years. At least two of these matters proceeded to State District Court, U.S. District Court and Bankruptcy Court. I had multiple occasions to follow Mr. Cossitt's work and courtroom demeanor. In each and every case, Mr. Cossitt consistently demonstrated the highest level of preparation, thoroughness, and understanding of the applicable law. He has appeared with us and for our clients on multiple occasions and handled those proceedings professionally and effectively. While Mr. Cossitt's specialty is bankruptcy and federal law, his practice has extended into State District Court. From my observation, Mr. Cossitt adheres to the highest ethical and legal standards required of attorneys in the State of Montana. Mr. Cossitt is an extraordinarily qualified candidate and attorney. I offer my full support in favor of his nomination to fill a District Judge position in the County of Flathead.

Very sincerely,

REEP, BELL, LAIRD, SIMPSON & JASPER, P.C.



Richard A. Reep

RAR/sld

September 9, 2015

Judicial Nomination Commission
c/o Lous Menzies
Office of Court Administrator
P.O. Box 203005
Helena, MT 59620-3005

Dear Ms. Menzies and the Honorable Members of the Commission,

I write with respect to the nomination of James Henry Cossitt, Esq. to the position of District Court Judge.

I have known and worked with Mr. Cossitt for several years through our mutual membership in the American Bankruptcy Institute, as well as through work with mutual clients. I have also reviewed the public comments previously submitted relating to his nomination, as well as his application.

In my experiences in working with him, Mr. Cossitt has shown an understanding, appreciation and sensitivity to the realities and struggles of modern law practice and has displayed, in all of our dealings, a keen and well-balanced understanding of all sides of the issue at hand. Mr. Cossitt has been a steadfast advocate for his clients – but I have also witnessed firsthand his dealing with both clients and counterparties with reason, the utmost professionalism, sensitivity to the situation and an appreciation for the right and fair result.

In our work on Rules of Professional Conduct reform, which spanned several years, Mr. Cossitt displayed an expertise on the gamut of ethics issues that present themselves in legal practice. He was a necessary voice of the client, as well as the practicing attorney, in understanding both the impact of ethics rules as presently configured, as well as how existing rules can be modified to provide a better and more thorough ethics and regulatory framework for attorneys. Mr. Cossitt's concern for, and attention to, the potential unintended consequences of rule changes never wavered – he understood the necessity and importance of having the Task Force's work be done thoroughly and correctly, in the first iteration – knowing that one does not get a second bite at the apple is paramount in policy work, and I am sure he will bring this eye to the administration of justice.

September 9, 2015

Page 2 of 2

I believe Mr. Cossitt possess the knowledge, experience and temperament necessary for the position for which he has been nominated and will be well-suited to the appointment.

Sincerely,

Ted Gavin, CTP

Cook, Kevin

From: Menzies, Lois
Sent: Friday, September 11, 2015 8:01 PM
To: Cook, Kevin
Subject: Public Comment -- Cossitt

From: Edward (Ned) Sohl [<mailto:cty21931@centurytel.net>]
Sent: Wednesday, September 09, 2015 12:38 PM
To: MT Supreme Court,
Subject: Put James Cossitt on the bench

Judicial Nomination Commission

c/o Lois Menzies

Office of Court Administrator

P.O. Box 203005

Helena, MT 59620-3005

Put James Cossitt on the bench.

I write in support of James Cossitt's application for the District Judge Vacancy.

I met Jim Cossitt in 2001 on a hiking trip when I was visiting Kalispell, looking for an interesting place to live in my upcoming retirement. He was straightforward in telling me what the pitfalls were as well as opportunities to look for, and this put me in a much better position finding my future home.

Jim has kept turning up, in many public service situations. For example, Jim was the treasurer of the Flathead Nordic Ski Patrol while I was Patrol Director. As a member of the board, he made certain the rules of procedure and bylaws were properly observed. This made it easier for other officers to get their work done efficiently and properly. Jim has similarly been happy to contribute his insights to guide his other passions of hiking, cycling, and climbing, and contributed necessary legal input to local government deliberations.

All the time I've known him, Jim Cossitt has been applying his legal talents and breadth of interests in some way to help others, always fair and respectfully. I think that is what the role of our judges is all about. We would be well served to have Jim Cossitt among our judiciary.

PLEASE FORWARD HIS NAME TO THE GOVERNOR FOR CONSIDERATION.

Edward Sohl, Ph.D.

(Retired industrial scientist and manager)

533 Crestview Road

Kalispell, MT 59901

Cook, Kevin

From: Menzies, Lois
Sent: Friday, September 11, 2015 8:03 PM
To: Cook, Kevin
Subject: Public Comment -- Cossitt

From: Fimian, Keith [mailto:KFimian@usinspect.com]
Sent: Friday, September 11, 2015 6:44 PM
To: MT Supreme Court,
Cc: Fimian, Brian; Fimian, Keith
Subject: Public comments re: James H. Cossitt for Montana District Court judgeship

BRIAN P. FIMIAN
2409 Jackson Parkway
Vienna, Virginia 22180
571.236.9600

KEITH S. FIMIAN
3105 Wheatland Farms Court
Oakton, Virginia 22124
703.293.1411

September 10, 2015

Judicial Nominating Commission
c/o Lois Menzies
Office of Court Administrator
PO Box 203005
Helena, Montana 59620-3005

Sent via email to: mtsupremecourt@mt.gov

Re: James H. Cossitt

To Whom it May Concern:

Please accept this letter in support of the candidacy of James H. "Jim" Cossitt for the vacant Eleventh Judicial District (Flathead County) Judgeship position.

We first had the pleasure of meeting Jim back in 2004 as we commenced development of a real estate project known as Lookout Ridge in the town of Whitefish, Montana. At that point in time, we never dreamed that we would one day find ourselves working closely with Jim to wind down what ultimately turned out to be the single most humbling and distressing business endeavor of our professional careers.

For two brothers who had founded US Inspect in 1986 and grew the company from literally nothing to the leading property inspection services firm in the United States by 2002, it almost goes without saying that Lookout Ridge did not

turn out as we had hoped or planned. Indeed, it was not a pretty outcome for either of us, professionally or personally, but through all of the discord and discouragement, we can honestly say today that we are better men for having come to know and work with Jim as he skillfully and compassionately navigated us through this most unpleasant chapter of our careers.

By way of background, access to capital for projects like Lookout Ridge was drying up in 2006 when the time arrived for us to secure assistance in the form of a capable attorney with a firm grasp of the business and legal issues that intersect in a real estate workout environment. During our search, the one name that surfaced repeatedly in the Whitefish and Kalispell communities – as a competent, fair-minded, honest, and incisive attorney – was that of Jim Cossitt. The resounding praise persuaded us to engage the services of Jim and his law firm on retainer in 2006, and we can tell you – without reservation or qualification – that we were immensely well served by his representation for a period lasting into 2014.

Throughout the eight years that we engaged the Cossitt Law Firm and worked with Jim, we had meaningful and productive interactions with him on no less than fifty occasions either in-person or by telephone, usually every six to eight weeks and sometimes more often based on the circumstances we were facing as the veritable collapse of the United States housing and mortgage sector that began in 2007 nudged countless real estate projects like Lookout Ridge into a suspended state of uncertainty with respect to financing, compliance with land-use approvals and progress milestones, construction timetables, and myriad other issues.

Our dealings with Jim were not wasteful, empty, repetitive blocks of time mind you, but rather cut-to-the-core consultative sessions where it was plainly obvious to us that Jim was thoroughly prepared and informed regarding the particulars of our project and the mounting problems we were facing. Jim was well-versed on all of the facts and the facets of the law relating to our project and the two of us personally, and extraordinarily tactful and courteous in laying out our options and explaining how whatever particular set of facts at hand at that particular moment in time called for a particular course of action. More than that, his calm demeanor amid highly stressful circumstances and his ability to deftly introduce a touch of levity into our dealings served to break tensions without ever compromising the seriousness or the gravity of the matters at hand.

From our vantage point, and we have engaged the counsel and services of dozens of attorneys over a period spanning thirty-five years in support of the multiple business ventures we have founded and operated, Jim's keen intellect, command of the law, effectiveness, and genuine respect for the legal profession and for those with whom he interacts, is surpassed by none. We also know firsthand from the relationship we have with our brother-in-law Christopher Randall, the Presiding Judge of the Municipal Court for the city of Wheat Ridge, Colorado for more than a decade now, that Jim possesses the temperament and other attributes – competence, attentiveness, patience, discernment, kindness, humility – that one would absolutely hope to encounter in a judge, and we confidently assert that he would be a wonderful asset to the judicial branch of government in Montana. Consequently, we are honored and delighted to support Jim's candidacy for the vacant Eleventh Judicial District Judgeship position, and we would welcome the opportunity to field calls from any member of the Judicial Nominating Commission who might wish to speak with either or both of us about Jim and the lasting impressions he has made on our lives.

Respectfully,

Brian P. Fimian

Keith S. Fimian

Cook, Kevin

From: Menzies, Lois
Sent: Friday, September 11, 2015 8:02 PM
To: Cook, Kevin
Subject: Public Comment -- Cossitt

From: Claire Resop [<mailto:cresop@swansonresop.com>]
Sent: Wednesday, September 09, 2015 9:54 PM
To: MT Supreme Court,
Subject: James H. Cossitt Public Comment

Jim Cossitt is the kind of person I would want for the judge whether I was appearing in front of him as a practicing lawyer, or as a litigant. I have been fortunate to serve on education panels with him, and to have discussion with him on legal issues. His responses are always thoughtful, fair, and take into consideration appropriate application of statutes, case law, and the consequences. He is articulate and courteous. When preparing for a presentation, Jim is hard working, timely, and easily works well with others. Jim Cossitt honors his profession with his willingness to further excellence in the legal community and justice.

PO Box 29
West Glacier, MT 59936
Brenda Griswold

September 09, 2015

Judicial Nominating Commission
c/o Lois Menzies
PO Box 203005
Helena, MT 59620-3005

Sent via email to: mtsupremecourt@mt.gov

Re: Recommendation for James (Jim) Cossitt for the Eleventh Judicial District Court Judgeship position.

I am writing in support of Jim Cossitt's nomination for the District Court Judgeship. I have known Jim for over 12 years and have worked for him in the capacity of bookkeeper and office manager for almost 10 of those years. In my 40+ years in the employment arena, Jim's office has provided the most structured, organized, and efficiently run environment I have ever worked in.

Jim is very knowledgeable and has a forthright and direct approach. He is an expert at the law and nationally renowned for his contributions in the formulation of attorney ethics. I have observed Jim to be hard working, have high moral character and very sound judgment. Jim's character can be summarized by his fairness, honesty and integrity.

I have worked with other local attorneys on matters in the capacity of a client. In stark contrast to my experiences, Jim is solution based. He gives his clients undivided loyalty and is committed to accomplishing their goals in an expeditious manner, within the bounds of our legal system. Over the years, I have observed that his honesty, direct manner and loyalty to clients are not always welcome with the local bar. I have reviewed the comments previously submitted and have first-hand knowledge that the authors with seemingly negative reviews have been adverse to Jim's clients in certain matters. Jim is not a game player, but an advocate of his clients and a problem solver.

The justice system is designed to serve the interest of the public, those who seek fairness and justice. It is important for a lawyer seeking to become a judge, to understand the primary function of this position is to dispense justice to litigants. Not to run a system that benefits only the regular players. Jim has decades of experience working for justice for his clients.

I believe that is important to differentiate between those candidates with aspirations and those with hard and solid experience. A review of Jim's application will disclose not how he thinks the system should function, but his actual contributions over the decades. Because of his qualifications and experience, I request that you forward his name to the governor for further consideration.

Thank you.

Brenda Griswold