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Yellowstone County Attorney
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Daniel L. Schwarz
Chief Civil Deputy County Attorney

December 8, 2015

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

Re: Judicial Nomination of Kevin Peterson

Dear Nominating Committee:

I am writing this letter in support of the appointment of Kevin Peterson as the next District Judge of the Sixteenth Judicial District. Kevin has the right stuff to be fair, impartial and decisive.

Kevin knows both sides of a criminal case. Before he came to the Yellowstone County Attorney's Office, Kevin represented clients of the Yellowstone County Public Defender's Office with a firm resolve to preserve his clients' constitutional rights. He was prompt, knowledgeable and was a worthy opponent on the other side of my criminal prosecutions.

Impressed with his work as a public defender, I later hired Kevin and worked with him in the Yellowstone County Attorney's Office. I have remained friends with him ever since. While Kevin worked in our office, he tried numerous jury trials, presided over sentencing hearings, probation violations and various other criminal matters. Kevin also served in Yellowstone County's Civil Division, working on land use issues, contracts, civil litigation and involuntary commitment hearings. He dealt with all of these matters in a quick, efficient and competent manner.

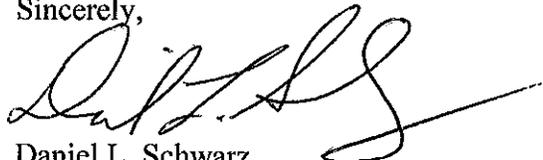
In addition to the myriad of legal matters, Kevin proved to be quite adept technologically. Kevin was at the forefront of designing the use of our case management software, JustWare. He also suggested routinely rotating and updating the computers in the office, which assured that the County's outlay for computer equipment was steady, helping with our budgeting. The rotation also prevented employee downtime in that computers were regularly serviced or replaced before real trouble began. Our office employs this rotation system yet today.

Kevin's experience since his time in our office is just as impressive. He competently represents the State of Montana in water issues as counsel for the Montana Department of Natural Resources and Conservation. He holds the honor of being licensed in the United States Supreme Court and represented Montana's interests in the "Powder River Water Litigation" before the country's highest court. He is a licensed patent attorney—indeed, a rare distinction for a rural state like Montana.

Kevin has an agricultural background that will be invaluable to the Sixteenth. I know the importance of being able to understand agricultural issues in that it was my honor to serve from 1984 through 1989 as the Powder River County Attorney. Kevin will be able to seamlessly relate with the issues facing Montana's agricultural community in serving this constituency. He will hit the ground running on some of the issues important to Montana's farmers and ranchers.

Being a District Judge is not an easy job. It takes energy, persistence, intelligence and honesty. These traits fit Kevin Peterson. The Sixteenth Judicial District and the State of Montana will be well served by Kevin. Please consider his appointment to the bench.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan L. Schwarz", with a long horizontal flourish extending to the right.

Daniel L. Schwarz
Chief Civil Deputy County Attorney

 **CAPP & JENKS, P.C.**
ATTORNEYS AT LAW 

J. WAYNE CAPP

JACK JENKS

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TEL: 406-549-2322
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December 14, 2015

Montana Judicial Nomination Commission
c/o Ms. Lois Menzies
P.O. Box 203005
Helena, MT 59620-3005

RE: 16th Judicial District Court

Dear Members of the Commission:

It is my pleasure to write in support of Kevin Peterson for District Court Judge for the 16th Judicial District. I have known Kevin since 1991 and believe that he would be an excellent choice for District Court Judge.

As you can tell from his application, Kevin would bring a broad range of legal and practical experience to the bench. His legal experience includes time in private civil practice, a stint as a public defender, work as the Deputy County Attorney for Yellowstone County, and most recently, Special Assistant Attorney General for the Department of Natural Resources. That legal background is good preparation for the wide range of cases that come before a District Court Judge. While most District Court Judges typically are county prosecutors with a limited range of legal experience, Kevin's broad legal background fits nicely into the range of cases found in district courts. In addition, Kevin has over seven years working in natural resource law and particularly in water law aside from the breadth of scope of the usual case types found in smaller practices.

In addition to his legal experience, Kevin also would bring a healthy dose of "real world" experience to the bench. His agricultural background dovetails nicely with the primary economic driver of the 16th Judicial District. His three years working in research at Fort Keogh near Miles City and his long-term connection to Eastern Montana make him a solid choice for this particular District. Likewise, his experience in the business world provides a good frame of reference for the day-to-day decisions required of a District Court Judge.

Two of the primary requirements of a District Court Judge are strong writing and analytical skills. Kevin has already demonstrated his strengths in those areas as the co-editor of the Public Land Law Review and the publication of a scholarly article in law school.

Finally, I know Kevin as someone that is fair and balanced in his approach to resolving disputes. His broad legal background provides the foundation for looking at a dispute from many different perspectives. Those are qualities that we all look for in a District Court Judge.

Thank you for your consideration and I strongly encourage you to consider Kevin for the open vacancy on the 16th Judicial District Court.

Sincerely yours,

CAPP & JENKS, P.C.



Jack Jenks

cc: Kevin R. Peterson, Esq.

Corbit S. Harrington
Senior Yellowstone Deputy County Attorney
217 N. 27th, Room 701
Billings, MT 49107
406 256 2870

December 15, 2015

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

Re: Judicial Nomination of Kevin Peterson

Dear Nominating Committee:

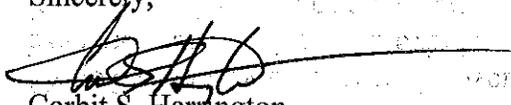
As a 5th generation Ekalakian rancher and attorney who has lived and practiced in the Sixteenth Judicial District, I am writing this letter in support of the appointment of Kevin Peterson as the Sixteenth's next District Court Judge.

I have known Kevin Peterson for over twenty-five years. I have tried cases against him, and I have tried cases with him. Kevin is an intelligent, conscientious, and ethical practitioner of the law. I know Kevin to be an experienced legal researcher, a talented writer, and an effective and successful trial attorney. I also know he is extremely tech savvy and very well organized. His depth and diversity of legal experience in both the civil and criminal areas of the law make him uniquely qualified to be a Montana district court judge.

What's more is that I know Kevin Peterson to be an Eastern Montanan, a man of the people and an agriculturalist. His education and experiences as a businessman, rancher, and an agricultural researcher makes him uniquely suited to serve as a judge in the Sixteenth District. His interests and hobbies involve water use, conservation, mining, fish and wildlife, and small businesses, all of which are the heart and soul of rural Eastern Montana. He has the competence to sit on cases as diverse as agricultural land use, products liability cases, personal injury, and criminal matters, and, all the while he will be impartial, fair, and respectful.

I have had the honor of practicing in front of such great judges as Day, Wilson, Hegel, and Rodeghiero in rural Montana. Kevin Peterson will fit in nicely in that history of intelligent, approachable, fair, and thoughtful justice. Please appoint him to the bench.

Sincerely,


Corbit S. Harrington
Ekalakian and Senior Yellowstone Deputy County Attorney

December 23, 2015

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

Re: Judicial Nomination of Kevin Peterson

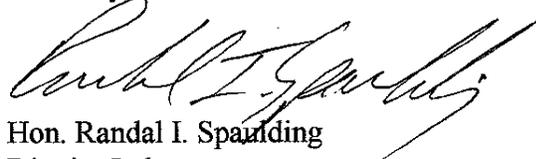
Ladies and Gentlemen,

I am the presiding district judge for the Montana Fourteenth Judicial District. I write to urge you to recommend Kevin Peterson to Governor Bullock for the soon to be vacant district judge position for the Sixteenth judicial district.

I have know Mr. Peterson some 25 years since first meeting him in law school. He was a classmate and is a personal friend. Kevin has a breadth of experience in the civil and criminal arenas which would serve him and the citizens of the Sixteenth Judicial District well were he appointed as district judge. He has a keen legal mind, profound analytical abilities, and exceptional research and writing skills which, like his breadth of experience, would also serve he and the citizens of the Sixteenth Judicial District well. Beyond this, I know Kevin to have an affinity for small town life and particularly eastern Montana where he spent a good part of his life. I have little doubt that he would fit in perfectly in the Miles City community and that he would devote himself wholeheartedly to that community and the role of judge.

I recommend Kevin to you and to Governor Bullock without reservation. Should you require any further information, please do not hesitate to contact me.

Sincerely



Hon. Randal I. Spaulding
District Judge

12/28/2015

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

Re: Judicial Nomination of Kevin Peterson

Dear Nominating Committee:

In 1985, Kevin Peterson worked for our family ranch at Ismay, Montana. I worked with him on a daily basis for the 6 months he was there.

Kevin was a self-motivated conscientious employee. I recall that he competently cared for the feedlot during this time.

I found him to be trustworthy and congenial. He left our ranch on good terms when he went back to college to pursue his Master's Degree.

Kevin would serve the Sixteenth District Court well as judge. Please give him due consideration.

Sincerely,



Curtis Almy

VP Keystone Ranches Inc.
28 N Montana Ave.
Miles City, MT 59301

406-234-0800

Cook, Kevin

From: MT Supreme Court,
Sent: Thursday, December 31, 2015 3:06 PM
To: Cook, Kevin
Subject: Public Comment -- Peterson

From: Candy [<mailto:candy@mt.net>]
Sent: Tuesday, December 29, 2015 3:54 PM
To: MT Supreme Court,
Cc: Peterson, Kevin
Subject: Judicial Nomination Commission

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

Dear Chairman Harper and Members of the Commission;

I am writing this letter in support of Kevin Peterson for the judicial position for the Sixteenth Judicial District. I have know Kevin for the past eight years after hiring him as an Assistant Attorney General to work on natural resource issues for the State of Montana Department of Natural Resources and Conservation. I urge your recommendation for Mr. Peterson as the most qualified and experienced jurist for the court.

During these past eight years prior to my retirement from the Montana Department of Natural Resources, Kevin and I served as co-counsel on many water right enforcement matters on behalf of the state as well as numerous trust land resource development issues. Kevin has an excellent work ethic and litigation record, has the ability to comprehensively identify the relevant facts and law in his legal analysis for both litigation and rule making, and is an affable team member in working with legal staff and support staff alike. He has a comprehensive knowledge of the technical aspects of both litigation and resource management and takes the lead on developing the computer assisted exhibits and presentations for trial. Indeed, he would be both a natural resource and technological asset to the Sixteenth Judicial District Court.

Kevin came to work for the DNRC with a wealth of experience: he held an undergraduate degree in agriculture and animal science, with a masters degree in range management. He served on an extensive range analysis and animal management team at Fort Keogh for several years and had a Suffolk sheep operation with his father out of the Glendive area. His resource knowledge and experience have been invaluable for the State as he has represented it in working on United States Supreme Court issues related to the conflicting water uses between Montana and the State of Wyoming in the Tongue River Basin of Montana.

Mr. Peterson has an even greater breadth of knowledge and legal experience from his work with the Yellowstone County Public Defender's Office and subsequently in his work as a Deputy County Attorney. He knows both views of the criminal case and can apply the constitution and statutes appropriately and fairly in his decisions. Furthermore, Kevin has also been in private practice in eastern Montana as well as in his home state of Minnesota.

I urge your support for Mr. Kevin Peterson to Governor Bullock. He would make an excellent judge for the people of the Sixteenth Judicial District.

Candace F. West

Attorney at Law
805 Franklin Mine Road
Helena MT 59602
candy@mt.net
406.475.5290

Cc: Kevin Peterson

Sent from [Mail](#) for Windows 10

ANNE W. YATES
929 HAUSER BLVD.
HELENA, MONTANA 59601

December 29, 2015

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

Dear Commission Members,

It is with great pleasure and enthusiasm I write to support Kevin Peterson for the Sixteenth Judicial District Judgeship. I have had the privilege to work with Kevin for the past seven years at the Department of Natural Resources and Conservation. Kevin would bring to the Judgeship a unique blend of experience including natural resource, civil, state administrative, real property, contract and intellectual property law, in addition to his criminal law background. Kevin has a strong sense of the law and yet is of a thoughtful and compassionate temperament. While he can clearly see the details in the law, the broader picture of the court system and those in it are not lost on Kevin.

Kevin has an extensive background in natural resources which would be beneficial to the eastern District he would serve. He has worked closely with water rights and a wide variety of property interests in his practice with the Department. In addition to water rights in general, Kevin's experience includes detailed knowledge of the Tongue River and the importance of community interests and economies supported by this resource, as gained through the U.S. Supreme Court case *MT v. WY*. This Judgeship would oversee the administration of this resource and a familiarity with the resource and surrounding legal constructs will be key. Kevin is also familiar with the sage grouse program through his work with the Department. Again, familiarity with the program will be of great importance to the District due to its location in sage grouse habitat. Not to be overlooked, Kevin's on-the-ground agricultural experience in eastern Montana has been valuable to understanding and assessing the nuances of many of the natural resource issues faced in his practice.

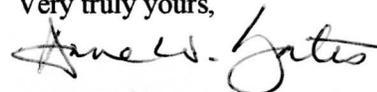
Kevin is the rare judicial candidate who would also bring a substantial background in state administrative law. While not routinely faced by district courts outside of the First Judicial District, precedent-setting administrative decisions arise from courts throughout the state. An understanding of the Montana Administrative Procedures Act, public information, the role of agencies, and burdens of each party will be important to ensuring good decisions that could ultimately be applied statewide.

Kevin's contracting skills would also be helpful to any district court. Kevin's practice includes reviewing hundreds of contracts for a wide variety of items and services, including grants and loans for infrastructure, intellectual property, product purchases, and contractor services. Contract construction would likely be a routine issue faced by district courts.

Of the intangible qualities advantageous to a district court judge, Kevin has many. He is a self-starter with initiative to do what needs to be done and timely. He is tech savvy, which would be important to district courts with limited resources. He is firm and yet patient with those who may lack understanding of a particular matter.

I believe that Kevin would make a fine district court judge. Thank you for opportunity to provide comment.

Very truly yours,



Anne W. Yates

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

December 30, 2015

Dear Commission,

I am writing in support of the appointment of Kevin Peterson as a district court judge for the 16th Judicial District. Kevin is highly qualified and the letters I have reviewed address his professional qualifications. He practiced in Glendive for a few years as an attorney but I have known Kevin since the mid-1980's in all his capacities from student to seasoned lawyer.

Kevin's parents both were natives of Beach, North Dakota on the Montana border. He has had extended family residing in Golden Valley County since settlement through the present. Kevin was a frequent visitor to Glendive in his college years while his father was the Dawson County Extension Agent. Kevin has worked in livestock and range research at Fort Keogh in Miles City along with having a farming ranch background throughout his life. Kevin has deep roots in the region and understands Eastern Montana living and the people who live in the area of Eastern Montana.

I have been an auxiliary member of a non-profit fraternal organization for many years. Kevin has been both a member and non-member volunteer putting in countless hours in the organization for as long as I have known him up until his father passed away and he moved to Helena. He was easy to work with and people enjoyed his participation.

Kevin has the character, experience, motivation and drive to be a good judge for many years. I encourage the Commission to give Kevin's appointment strong consideration and forward his name to Governor Bullock.

Sincerely,



Connie Udem
Glendive, Montana

Public Comment -- Peterson

MT Supreme Court,

Mon 1/4/2016 2:04 PM

To: Cook, Kevin <kcook@mt.gov>;

From: Lucy Richards [mailto:richards.lucy.k@gmail.com]
Sent: Friday, January 01, 2016 5:24 PM
To: MT Supreme Court,
Subject: Nomination of Kevin Peterson - 16th Judicial District Judge

January 1, 2015

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

RE: Nomination of Kevin Peterson - 16th Judicial District Judge

Members of the Nomination Commission:

I am writing to recommend appointment of Kevin Peterson as the next judge of the 16th Judicial District Court. As supervisor of the Department and Natural Resources and Conservation (DNRC) Legal Support Unit/DNRC Records Manager, I have worked with Kevin since he was hired by DNRC in June 2008. I have nothing but the highest level of respect for Kevin's legal knowledge, analytical and writing abilities, and professionalism.

Kevin's resume and the other letters of recommendation already posted on your website speak to his extensive legal background. I would like to specifically address his work as the attorney representative on my Records and Information Management Team for the last five years. This team is made of representatives from all divisions within the department and helps to guide DNRC in properly managing and maintaining its records.

Kevin's knowledge in the area of public records; open meetings; and public information requests has been an incredible asset to both the agency and me. He is well versed in the uses of technology and its implications for the types of records and information created in this era (i.e. electronic records and born digital information). This type of background would be an asset to the district court as e-discovery and public right-to-know are active areas of focus in the legal arena.

For all these reasons, I strongly recommend Kevin for appointment to this position. Please feel free to contact me if you have any questions.

Sincerely,

/s/ Lucy K. Richards
DNRC Records Manager
[406-444-6699](tel:406-444-6699) (work)