

APPLICATION FOR

**DISTRICT COURT JUDGESHIP  
Fifth Judicial District**

**A. PERSONAL INFORMATION**

1. Full Name: William A. Chambers
  - a. What name do you commonly go by? Bill
2. Birthdate: [REDACTED] Are you a U.S. citizen? Yes
3. Home Address: [REDACTED]  
Phone: [REDACTED]
4. Office Address: 7 West 6<sup>th</sup> Ave, Helena, MT 59601  
Phone: 406.457.5300
5. Length of residence in Montana: 1975-1998, 2011-Present
6. Place of residence for the last five years:

<u>Dates</u>	<u>City</u>	<u>State</u>
Previous Five Years	Helena	Montana
_____	_____	_____
_____	_____	_____

**B. EDUCATIONAL BACKGROUND**

7. List the names and location of schools attended beginning with high school:

<u>Name</u>	<u>Location</u>	<u>Date of Degree</u>	<u>Degree</u>
C.M. Russell H.S.	Great Falls, MT	1994	H.S. Diploma
American U. in Cairo	Cairo, Egypt	1997	Arabic Proficiency
Wabash College	Crawfordsville, IN	1998	B.A.
Willamette College of Law	Salem, OR	2011	J.D.
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

8. List any scholarships, awards, honors and citations that you have received:

Wabash: President’s Scholarship, NCAA All-Conference Swimming.

Willamette: Order of Barristers; Dean’s Scholarship; High Paper in Contracts, Contract Drafting, Gaming Law, and Legal Research and Writing; First Year Appellate Competition Champion.

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9. Were you a member of the Law Review? If so, provide the title and citation of any article that was published and the subject area of the article.

Writer for Willamette Law Online.

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**C. PROFESSIONAL BACKGROUND AND EXPERIENCE**

10. List all courts (including state and federal bar admissions) and administrative bodies having special admission requirements in which you are presently admitted to practice, giving the dates of admission in each case.

<u>Court or Administrative Body</u>	<u>Date of Admission</u>
Montana State Courts	Fall 2011
United States District Court for the District of Montana	Fall 2011
_____	_____
_____	_____
_____	_____

11. Indicate your present employment. (List professional partners or associates, if any.)

Solo Practice, Chambers Law PLLC.

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12. State the name, dates and addresses of law firms with which you have been associated in practice, governmental agencies or private business organizations in which you have been employed, periods you have practiced as a sole practitioner, and other prior practice:

<u>Employer's Name</u>	<u>Position</u>	<u>Dates</u>
Solo – Chambers Law	Attorney	Mar. 2014-Present
Crowley Fleck	Assoc. Attorney	Aug. 2012-Feb. 2014
Dix, Hunt & McDonald	Assoc. Attorney	Sep. 2011-Jul. 2012
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_____	_____	_____
_____	_____	_____

13. If you have not been employed continuously since completion of your formal education, describe what you were doing.

Not applicable.

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14. Describe the nature of your present law practice, listing the major types of law that you practice and the percentage each constitutes of your total practice.

Employment/Civil Rights – 75%

Pro bono/Family Law - 25

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15. List other areas of law in which you have practiced, including teaching, lobbying, etc.

Medical Malpractice, plaintiff and defense

Personal Injury, plaintiff and defense

Contract Disputes/Landlord Tennent

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16. If you specialize in any field of law, what is your specialty?

None.

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17. Do you regularly appear in court? Yes

What percentage of your appearance in the last five years was in:

Federal court	10%
State or local courts of record	60%
Administrative bodies	30%
Other	_____ %

18. During the last five years, what percentage of your practice has been trial practice? 60%

19. How frequently have you appeared in court? < 1 times per month on average.

20. How frequently have you appeared at administrative hearings?  
< 1 times per month on average.

21. What percentage of your practice involving litigation has been:

Civil	100%
Criminal	_____ %
Other	_____ %

22. Have you appeared before the Montana Supreme Court within the last five years? If so, state the number and types of matters handled. Include the case caption, case citation (if any), and names, addresses and phone numbers of all opposing counsel for the five most recent cases.

No.

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23. State the number of jury trials that you have tried to conclusion in the last ten years. 0

24. State the number of non-jury trials that you have tried in the last ten years. 0

25. State the names, addresses and telephone numbers of adversary counsel against whom you have litigated your primary cases over the last two years. Include the caption, dates of trial, and the name and telephone number of the presiding judge. If your practice does not involve litigation, provide the same information regarding opposing counsel and the nature of the matter.

Rebecca Dockter, FWP Counsel - case confidential

John C. Schulte - *In re Estate of Robert Griffin*  
SCHULTE LAW FIRM P.C.  
2425 Mullan Road  
Missoula, Montana 59808  
Telephone: (406) 721-6655

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26. Summarize your experience in adversary proceedings before administrative boards or commissions during the last five years.

I have participated in several Montana Medical Legal Panel hearings, currently have cases before the Montana Human Rights Bureau and Montana Board of Personnel Appeals.

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27. If you have published any legal books or articles, other than Law Review articles, list them, giving citations, dates, and topics involved. If you lectured on legal issues at continuing legal education seminars or otherwise, state the topic, date, and group to which you spoke.

I wrote for the Willamette Law Online Journal, where I wrote summaries of Supreme Court Cases.

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**D. PROFESSIONAL AND PUBLIC SERVICE**

28. List all bar associations and legal professional societies of which you are a member. Provide the titles and dates of any office that you have held in such groups and committees to which you belong. These activities are limited to matters related to the legal profession. List the dates of your involvement.

Montana Bar Association

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29. List organizations and clubs, other than bar associations and professional societies, of which you have been a member during the last five years. State the title and date of any office that you have held in each organization. If you held any offices, describe briefly your activities in the organization.

Prickly Pear Sportsmen's Association

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30. Have you ever run for or held public office? If so, provide the details.

No.

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31. Explain your philosophy of public involvement and practice of giving your time to community service.

Our system of justice is only as good as the trust it earns from the people of Montana. As a private attorney, I believe this begins with personal integrity and continues through pro bono work. Access to justice is one of biggest problems facing our system today. I have been committed to access to justice by providing pro bono service. As a judge you are dedicating your career to public service, and the commitment to community service, including access to justice, must be a driving force.

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**E. PROFESSIONAL CONDUCT AND ETHICS**

32. Have you ever been publicly disciplined for a breach of ethics or unprofessional conduct (including Rule 11 violations) by any court, administrative agency, bar association, or other professional group? If so, provide the details.

No.

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33. Have you ever been found guilty of contempt of court or sanctioned by any court for any reason? If so, provide the details.

No.

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34. Have you ever been arrested or convicted of a violation of any federal law, state law, or county or municipal law, regulation or ordinance? If so, provide the details. Do not include traffic violations unless they also included a jail sentence.

No.

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35. Have you ever been found guilty or liable in any civil or criminal proceedings with conduct alleged to have involved moral turpitude, dishonesty and/or unethical conduct? If so, provide the details.

No.

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36. Is there any circumstance or event in your personal or professional life that would, if brought to the attention of the Commission, Governor or Montana Supreme Court, affect adversely your qualifications to serve on the court for which you have applied? If so, provide the details.

No.

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**F. BUSINESS AND FINANCIAL INFORMATION**

37. Since being admitted to the Bar, have you ever engaged in any occupation, business or profession other than the practice of law? If so, provide the details, including dates.

No.

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38. If you are an officer, director, or otherwise engaged in the management of any business, provide the name of the business, its nature, and the nature of your duties. If appointed as a district court judge, state whether you intend to resign such position immediately upon your appointment.

Chambers Law PLLC – sole member; yes will transition current practice.

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39. State whether during the last five years you have received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise or organization. If so, identify the source and the approximate percentage of your total income it constituted over the last five years.

No.

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40. Do you have any personal relationships, financial interests, investments or retainers that might conflict with the performance of your judicial duties or that in any manner or for any reason might embarrass you? If so, please explain.

None.

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41. If appointed by the Governor, are you prepared to disclose the information required under 2-2-106, MCA (i.e., the name, address and type of your business; any present or past employer from which you currently receive benefits; any business or professional entity or trust in which you hold an interest; any entity in which you are an officer or director; and any real property, other than a personal residence, in which you hold an interest)?

Yes.

42. Have you filed appropriate tax returns as required by federal, state, local and other government authorities?  Yes  No

If not, please explain.

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43. Do you have any liens or claims outstanding against you by the Internal Revenue Service (IRS)?  
 Yes  No

If yes, please explain.

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44. Have you ever been found by the IRS to have willfully failed to disclose properly your income during the last five years? If so, provide the details.

No.

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**G. WRITING SKILLS**

45. In the last five years, explain the extent to which you have researched legal issues and drafted briefs. State if associates or others have generally performed your research and the writing of briefs.

As an associate attorney at the beginning of my practice, my job was mainly legal research and writing.

As a solo practitioner, I do all my own legal research and writing.

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46. If you have engaged in any other types of legal writing in the last five years, such as drafting documents, etc., explain the type and extent of writing that you have done.

I have drafted contracts, parenting plans and settlement agreements.

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47. Attach a writing sample of no more than ten pages that you have written yourself. A portion of a brief or memorandum is acceptable.

48. What percentage of your practice for the last five years has involved research and legal writing?  
90 %

49. Are you competent in the use of Westlaw and/or Lexis?

Yes, both.

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## H. MISCELLANEOUS

50. Briefly describe your hobbies and other interests and activities.

Metal work, stone masonry, auto restoration, target shooting, hiking and camping.

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51. Describe the jobs that you have held during your lifetime.

After college, I lived in Las Vegas and worked as a blackjack dealer. I then moved to Baltimore and managed a pizza shop, and then moved to the southwest and worked as a landscaper.

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52. Identify the nature and extent of any pro bono work that you have personally performed during the last five years.

I have personally handled several pro bono family law cases and issues, as well as participated regularly in Montana Legal Services Association's pro bono clinics and their modest means program.

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57. What items or events in your career have distinguished you or of which you are most proud?

I am most proud of my pro bono work. I feel my life and employment experience prior to law school allows me to better understand and work with people from all walks of life.

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58. Provide any pertinent information reflecting positively or adversely on you that you believe should be disclosed to the Judicial Nomination Commission.

I was chair of the moot court board in law school.

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59. Is there any comment that you would like to make that might differentiate you from other applicants or that is unique to you that would make you the best district court judge applicant?

My work as a plaintiff's lawyer, as well as a defense lawyer, gives me a good perspective on the even application of the law.

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**CERTIFICATE OF APPLICANT**

I understand that the submission of this application expresses my willingness to accept appointment as District Court Judge for the 5<sup>th</sup> Judicial District, if tendered by the Governor, and further, my willingness to abide by the rules of the Judicial Nomination Commission with respect to my application and the Montana Code of Judicial Conduct, if appointed.

10/31/2016  
(Date)

  
(Signature of Applicant)

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A signed original **and** an electronic copy of your application and writing sample must be submitted by **5:00 p.m. on Monday, October 31, 2016.**

**Mail the signed original to:**

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

**Send the electronic copy to: [mtsupremecourt@mt.gov](mailto:mtsupremecourt@mt.gov)**

# Writing Sample



calculations regarding the date Blake's reply is due are flawed. She does not add the appropriate number of days for service by mail, or when to begin counting the 14 days.

In pertinent part, Rule 6, Montana Rules of Civil Procedure states:

(a) Computing Time. The following rules apply in computing any time period specified in these rules, or court order, or in any statute that does not specify a method of computing time.

(1) Period Stated in Days or a Longer Unit. When the period is stated in days or a longer unit of time:

(A) exclude the day of the event that triggers the period;

...

(d) Additional Time after Certain Kinds of Service. When a party may or must act within a specified time after service and service is made under Rule 5(b)(2)(C), (D), or (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

Thus, Blake's reply is timely because it is due on June 22, 2015 (June 5 + 14 days + 3 days = June 22).

### ARGUMENT

Under the Order at issue, Sarah had two obligations: 1) register and title the car in her name within 20 days; and, 2) make timely payments on the car's loan. Sarah chose to disregard both obligations in direct defiance of the Court. Sarah only recently registered and titled the car in her name - more than 400 days after she was obligated to do so, and admittedly did not make loan payments on time. Essentially, Sarah was driving a car without paying for it and with expired registration. She argues, however, that full compliance with the Order was not a priority for her and her circumstances and her contempt should be excused.

Sarah cites *Heath v. Heath*, 272 Mont. 522, 901 P.2d 590 (1995), for the proposition that substantial compliance is enough. *Response to Motion for Order of Contempt*, 2 (Jun. 4, 2015). The *Heath* case, in fact, reversed the lower court's

substantial compliance theory, and actually supports holding Sarah in contempt. *See Heath*, 901 P.2d at 953 (“The District Court refused to hold Gregory in contempt, finding instead that Gregory had substantially complied with the decree and agreement. We conclude that the evidence does not support that finding.”).

The *Heath* decision explains:

Section 40-4-201(4), MCA, provides that if the court finds that the separation agreement is not unconscionable, “its terms shall be set forth in the decree of dissolution ... and the parties shall be ordered to perform them... .”

Montana courts are required by statute to interpret dissolution of marriage agreements by the law of contracts. If the language used in a contract is clear and explicit, it controls the contract's interpretation. If the parties find the terms of an agreement unreasonable or not in the best interests of the parties' children, the proper procedure is to move the court to modify the agreement.

Once an obligor's payments become due under a decree of divorce they are fixed and absolute, and the law puts the burden upon the obligor to make a positive act if he desires to modify these obligations.

*Id.* (citations and emphasis omitted). The *Heath* decision does not endorse the idea of “substantial compliance.” Rather, the decision confirms that it is the obligation of the noncompliant party to have the decree modified. *See id.* (“Here, Gregory has never filed a motion to modify the agreement contained in the court's decree of dissolution nor made any other positive act toward modification. Instead, he unilaterally has decided which provisions of the agreement to honor and the extent to which he will perform others.”)

Here, parallel to *Heath*, Sarah did not file a motion to modify, instead she unilaterally decided the timing and extent of her compliance. In fact, Sarah did not even attempt to contact the Court or Blake to give notice of her difficulties. She simply decided that compliance with the Order was not a priority for her and her financial

situation, and thus, compliance was unnecessary. See Affidavit of Sarah Kathleen Geppert (Jun. 3, 2015). Sarah's "substantial compliance" was not enough for Chase Auto Financing, with her breach of the loan agreement resulting in several negative reports on Blake's credit report. Her "substantial compliance" should not be enough for this Court either.

Although the damage to Blake's credit is done, the extent of the financial damage is still unknown. The negative reports from Chase will remain on Blake's credit report for several years to come. Should he need credit, he will end up paying a higher interest rate due to Sarah's noncompliance with this Court's Order. With an order of contempt in his hand, Blake may be able to mitigate any future damage by providing proof that it was Sarah's nonpayment that impacted his credit. In the alternative, an order of contempt will aid in the efficient litigation of any actual damages.

### **CONCLUSION**

Sarah's theory of "substantial compliance" is not supported by the facts. Her obligations under the Order were clear, she did not attempt to modify the Order or work with Blake, and she unilaterally decided noncompliance was acceptable. Sarah was in contempt of this Court's Order, and the Court should so find.

Dated this 22d day of June, 2015.

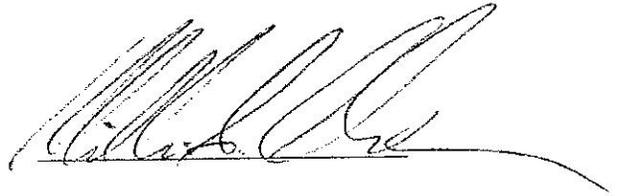
Chambers Law PLLC

By   
William A. Chambers

CERTIFICATE OF SERVICE

I hereby certify that on this 22d day of June, 2015, I served a true and correct copy of the foregoing Reply Brief by email and first class mail, postage prepaid, on the following *Attorney for the Petitioner*:

Jessica Wilkerson  
1005 N. Warren Street  
Helena, MT 59601  
*Jessica.wilkerson@gmail.com*

A handwritten signature in black ink, appearing to read 'Jessica Wilkerson', with a long horizontal flourish extending to the right.