

## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Wednesday, November 2, 2016 3:40 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Berger

From: Michelle [[mailto:michiline\\_2001@hotmail.com](mailto:michiline_2001@hotmail.com)]  
Sent: Tuesday, November 01, 2016 10:10 PM  
To: MT Supreme Court,  
Subject: Luke Berger

I have known Luke Berger since he was in 5th grade. He has worked his whole life for this opportunity! My opinion is that he would do a terrific job!

Thank You  
Michelle Moore  
406 660 1173  
Sent from my iPhone

## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Wednesday, November 2, 2016 3:37 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Berger

From: Gail Fuglestad [<mailto:gfuglestad59725@gmail.com>]  
Sent: Tuesday, November 01, 2016 6:56 PM  
To: MT Supreme Court,  
Subject: Judgeship 5th Judicial District

Luke Berger would be a huge asset for the 5th Judicial District! This young man is a family man and has deep roots in the Dillon, Montana area. He cares about the law and about upholding the law in a fair and conscientious manner.

I live in Dillon and knew Luke as a child and young adult, know his whole family, and they are all good citizens and good people!!

I am hoping Luke is the one who gets the job, as he is up to it and would make an excellent judge.

Sincerely

Gail Fuglestad  
325 Freeman Lane  
Dillon, MT. 59725  
406-660-1230

Sent from my iPhone

Scott Holbrook  
PO Box 474  
Twin Bridges, MT 59754

November 5, 2016

Judicial Nomination Commission  
P.O. Box 203005  
Helena, MT 59620-3005

Dear Judicial Nomination Commission:

I am writing to show my support for Luke Berger and his application for the 5<sup>th</sup> district court judge position. Luke would be a great choice to fill the seat to be vacated by Judge Loren Tucker in January.

I have known Luke since I was a freshman at Carroll College where Luke was a senior. Luke and I worked for the college and lived in the same dorms. Luke and I have remained in contact through the years as our wives are good friends. This relationship with Luke was beneficial for me during my career as a police officer in a small jurisdiction in northern Montana with few resources. I was able to seek very sound advice and help from Luke even though he had a full case load at the time as a prosecutor with the City of Helena and Lewis and Clark County. Luke was always approachable, helpful, and professional.

Luke has strong ties to the communities being served by the 5<sup>th</sup> judicial district court. He grew up in Dillon and his family still lives there. Luke's wife and her family are from Twin Bridges. I cannot help but think that his ties to the communities that he wishes to serve would only benefit our communities.

As a resident and business owner within the 5<sup>th</sup> judicial district, I highly recommend Luke Berger for the 5<sup>th</sup> district court judge position. I believe Luke to be level headed, intelligent, and capable of making good decisions. Please consider him for the benefit of Beaverhead, Jefferson, and Madison counties.

Sincerely,

  
Scott Holbrook



November 9, 2016

Judicial Nomination Commission  
Office of Court Administrator  
c/o Lois Menzies  
P. O. Box 203005  
Helena, MT 59602-3005

I am writing to support Lewis & Clark County Deputy County Attorney Luke Berger in his effort to seek the 5<sup>th</sup> District Court Judge position. I feel that Luke is a responsible, dedicated public servant. He has done an excellent job as Deputy County Attorney in Lewis & Clark County. Luke has been responsible for performing commitment proceedings to the Montana State Hospital. As president of the National Alliance on Mental Illness in Helena, I have found Luke to be knowledgeable, compassionate and understanding. He has always made the effort to do the right thing and his efforts have been appreciated by many family members.

I have served on the Lewis & Clark County Local Mental Health Advisory Committee with Luke for the last three years. Luke's knowledge and experience has helped many people in the Helena community better understand the legal ramifications of mental illness and commitment. I would urge you to please consider Luke Berger as the 5<sup>th</sup> District Court Judge.

Sincerely,

Dr. Gary L. Mihelish, President  
NAMI Helena

# DOUBEK, PYFER & FOX, LLP

Attorneys at Law

JOHN C. DOUBEK  
RICK PYFER  
PATRICK T. FOX  
KEIF STORRAR

307 NORTH JACKSON • P.O. BOX 236  
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406-442-7830  
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CARL A. HATCH  
Retired  
FLOYD O. SMALL  
(1907 - 1995)

November 14, 2016

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

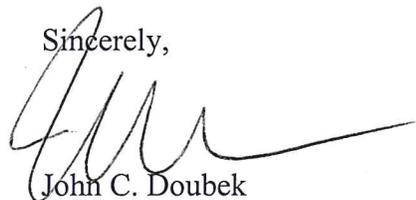
RE: Application for 5<sup>th</sup> Judicial District Judgeship

To Whom It May Concern:

This letter is submitted in strong support of Luke Berger who has applied for the open Judgeship position for the 5<sup>th</sup> Judicial District. I have worked on many cases with Luke and have found him to be extremely hardworking, conscientious, diligent and knowledgeable. On many cases that I have had with Luke where he is the prosecutor I have always found him to be fair and open minded. I think he would be an excellent addition to our judiciary.

I have also found that he is very organized which is a tremendous character trait for a Judge to possess. I strongly recommend Luke for this position.

Sincerely,



John C. Doubek  
Attorney at Law

JCD/nr

November 10, 2016

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

RE: Luke M. Berger

Members of the Commission,

It is our pleasure to submit this letter in support of Luke Berger for the position of judge in the Montana Fifth Judicial District. We know from our professional and personal interactions that Luke possesses the experience and temperament to be a fair and impartial judge.

Luke's credentials as a lawyer are beyond question. Following his service as a law clerk at the Montana Supreme Court, he has worked as a city and county prosecutor. He approaches his role as a prosecutor with distinction each day. Only in the most high-profile cases do the people in the community see the work of the prosecutor. But the prosecutor is always working to balance the law with the facts in an effort to keep the community safe while upholding the rights of the victim and honoring the rights of the accused. Luke understands this role and is always working to ensure this delicate balance is maintained.

Luke's service to his community and profession goes beyond his choice of employment. He has also been elected by his peers in the region to serve on the State Bar Board of Trustees and subsequently elected to serve as chair of that Board. Lawyers of all experience, and areas of practice, agree that Luke is an effective leader and advocate for the legal profession. Luke has served with distinction both as a member and leader of the Board since 2011.

Luke is dedicated to his friends and family. All signatories of this letter, whether lawyers or not, know Luke to be a good husband and father, a pleasure to be around and a model Montanan. He approaches his family life and personal friendships with the same passion he approaches his career and commitment to public service. He puts his family first. But he is always ready to assist a friend in need and knows the importance of making time for friendship. We are confident that you will see other letters that speak of Luke's easy going personality and how that temperament will help him serve the people of Jefferson, Madison and Beaverhead Counties.

Luke is committed to his profession, his community, his family and his friends. A career dedicated to service reflects his preparation for this position. His experience as a law clerk and prosecutor means he knows the law and the courtroom. But it's his personality away from work that makes us believe he is uniquely suited for the role of judge in the region where he and his wife were raised. Whether it is as a person with family in the Fifth Judicial District, a member of the bar, a small business owner, a rancher or simply a citizen concerned with justice and fairness in Montana, the signatories ask that the Commission give careful weight to Luke's credentials.

Thank you for considering Luke's qualifications for this important position. We are available to answer any questions about Luke's application.

Sincerely,

Chris McConnell  
Helena, MT

Brad Cederberg  
Butte, MT

Burt Hurwitz  
White Sulphur Springs, MT

Kris Goss  
Helena, MT

Mike Talia  
Helena, MT

Russ Van Paepeghem  
Helena, MT

Murry Warhank  
Helena, MT



# **Law Offices of Bruce M. Spencer, PLLC**

**PO Box 726**

**Helena, MT 59624**

**(406)459-2122**

**bruce@brucespencerlaw.com**

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November 3, 2016

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

RE: Fifth Judicial District Judge Vacancy

Dear Ms. McLaughlin:

I am writing in support of the application of Luke Berger for Montana Fifth Judicial District Judge.

Luke has served with me on the State Bar of Montana Board of Trustees and now the Executive Committee. I have found that he is insightful, dedicated, and innovative. Luke has genuine concern for the future of the legal profession.

I am confident that he will bring that same skill set to the roll of district judge.

Sincerely,

/s Bruce M. Spencer

**BRUCE M. SPENCER**  
Attorney at Law

## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Tuesday, November 15, 2016 3:55 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Berger

**From:** Steve Andersen [<mailto:mtcity@andersenlawoffice.com>]  
**Sent:** Tuesday, November 15, 2016 1:46 PM  
**To:** MT Supreme Court,  
**Cc:** 'Luke Berger'  
**Subject:** Public comment on application of Mr. Luke Berger for Fifth Judicial District

Judicial Nomination Commission  
Office of Court Administrator  
c/o Lois Menzies  
P. O. Box 203005  
Helena, MT 59602-3005

Please accept my enthusiastic endorsement of Mr. Luke Berger for Fifth Judicial District Court Judge. Mr. Berger and I have worked together on many criminal cases over the years, albeit as prosecutor and defense counsel respectively. In his role as Deputy City Attorney in Helena, and then as Deputy County Attorney of Lewis and Clark County, Mr. Berger always applied a steady, measured hand to the cases to which he was assigned. Despite the immense authority bestowed upon him as a prosecutor—to charge, amend, or dismiss—and the enormous potential consequences to people’s lives—Mr. Berger is never motivated by ego or power. He continually displays compassion for those charged and demonstrates a reasoned and balanced approach toward finding a viable resolution to complicated criminal cases.

Mr. Berger never ignores the very real people behind the crimes for which they are charged. He always considers the mosaic of serious mental health issues that are often the driving force and subsequent downfall of many defendants. Mr. Berger has consistently demonstrated character traits that are highly desirable for any judge at any level: patience, intelligence, common sense, personable, humble, fair but firm, a sense of humor, and the ability to self-reflect.

Mr. Berger hails from Beaverhead County, one of the three counties in the trifecta for which this particular district court judge is responsible. Jefferson, Madison, and Beaverhead Counties are rural areas even by Montana standards. They are populated by proud, hard-working, and often head-strong people who rely on a common sense approach to a rugged lifestyle and it’s unique challenges. As a home grown product of the Dillon community, Mr. Berger understands the needs and expectations of his fellow residents. Mr. Berger is capable of balancing their needs and expectations against what is fair and just—he is after all one of their own. The advantage here cannot be overstated. Not all judicial personalities are well suited to thrive in such an environment, particularly as our current climate has wrought heated debate about vital concepts like freedom, choice, and lifestyle. Luke Berger is the right man for the job.

Please don’t hesitate to call if you have any questions. Thank you for your consideration.

Sincerely,

*Steve Andersen*

## Andersen Law Office

Stephen M. Andersen

Attorney at Law

11 Friendship Lane

Montana City, MT 59634

Tel: 406-442-9700

Fax: 406-442-9709

[mtcity@andersenlawoffice.com](mailto:mtcity@andersenlawoffice.com)



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## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Tuesday, November 15, 2016 3:55 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Berger

**From:** Michael Swingley [<mailto:MSwingley@lccountymt.gov>]  
**Sent:** Tuesday, November 15, 2016 12:23 PM  
**To:** MT Supreme Court,  
**Subject:** Luke Berger

Greetings:

I wish to comment on the possible appointment of Luke Berger to the Fifth Judicial District Court seat, vacated by Judge Tucker.

I have known and worked with Mr. Berger for more than 6 years, both in my former employment as a Montana Highway Patrol Trooper and in my current capacity as the Justice of the Peace for Lewis and Clark County.

My opinion of Mr. Berger, both professionally and personally, has always been high. As a prosecutor, Mr. Berger practiced in the Justice Court for several years and still appears on some cases. He has always performed with a high level of professionalism. I have never seen him lose his temper, or act with less than respect for others. His professional demeanor has never been questioned by me. His cases are always well organized, reasonable and legitimate. Mr. Berger is not the kind of prosecutor that seeks to win at all costs and is always acting with common sense and a sound knowledge of the law. As a judge, I have come to realize that not every person or personality is right for the bench. It takes a person of high moral character that will serve as the neutral zone between the Plaintiff and Defendant and apply the basis of the law, defense rights and make the right decision, even if the decision made is not popular. Mr. Berger has the proper personality to do just that.

Another important consideration for a District Judge, is whether that judge can make good decisions in sentencing defendants. The first rule of sentencing and punishment is that it should be restorative, both for society, the victim and the defendant. It requires a person who is willing and able to accept that responsibility and apply it soundly. Mr. Berger would be a very good candidate in that regard.

Please consider Mr. Berger for the seat soon to be vacated by Judge Tucker. I wholeheartedly support Mr. Berger and feel he is an outstanding candidate.

Respectfully,  
Michael Swingley

## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Tuesday, November 15, 2016 3:54 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Berger

From: jeffrey sherlock [<mailto:mookster007@gmail.com>]  
Sent: Monday, November 14, 2016 11:50 AM  
To: MT Supreme Court,  
Subject: Fifth Judicial District

Ladies and Gentlemen:

I write this letter to support Luke Berger's application to become the District Judge for the Fifth Judicial District. I got to know Luke several years ago when he was a brand new lawyer appearing in front of me, when I was a District Judge in Helena. My practice was to advise all new attorneys that I expected them to treat every case as their most important case and that I also expected them to be prepared any time they appeared in front of me. This is the advice I gave to Luke. Over the years that Luke appeared in front of me, he was never once unprepared and always answered my questions honestly. He was always prepared, no matter how small or complex the case might be.

I also had the opportunity to note his temperament when appearing in front of me. Regardless of how hotly contested a case might be, Luke never once treated his opponent with anything but respect. In addition, he was always courteous to me and my staff, even when he disagreed with one of my rulings.

I feel it also important to note that Luke is an energetic young man who could well endure the rigors of covering a multi-county district. It should also be noted that both Luke and his wife have strong ties to the 5th District since they were both raised within its confines. It might also be of some interest to note that even his dog is from Twin Bridges.

I am sure that you will see his writing sample and be able to determine that he is a good writer. Most importantly, I feel a successful Judge must be energetic and have an appropriate temperament. These are the qualities that I see in Luke and I would urge you to send his name to our excellent Governor.

Thank you for your time,

Jeffrey Sherlock  
406-442-5984

# HOYT & BLEWETT PLLC

ATTORNEYS AT LAW

ALEXANDER (ZANDER) BLEWETT, III  
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JOSEPH P. COSGROVE  
DREW BLEWETT  
ANDERS BLEWETT  
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h&b@hoytandblewett.com

November 16, 2016

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

Re: Luke Berger ~ 5<sup>th</sup> Judicial District Court Judgeship Vacancy

Dear Nominating Committee:

I am writing to support Luke Berger for the appointment to the judicial vacancy in the 5th Judicial District created by the retirement of Judge Loren Tucker. I attended law school with Luke and am well aware of his strong character and intellect. Mr. Berger has distinguished himself as a competent and ethical trial lawyer who has demonstrated sound judgment in his position as a prosecutor. I have no doubt that Mr. Berger is fully prepared to effectively serve as a District Court Judge.

Thank you for your consideration.

Sincerely yours,



Anders Blewett

AB:jj

## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Friday, November 18, 2016 3:48 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Berger

From: Karen Hager [<mailto:khager8@gmail.com>]  
Sent: Thursday, November 17, 2016 7:59 PM  
To: MT Supreme Court,  
Subject: Luke Berger

My name is Karen Hager and I live in Dillon. I am writing to recommend Luke Berger for the opening in the 5th Judicial Court. I have known Luke for over 25 years. His work ethic is outstanding as is his tenacity. Luke is an outgoing, caring young man with a very positive attitude. I was very impressed with Luke when he went back east (the Washington, D. C. area) to work in soup kitchens. A great testimony to his caring and kindness towards all people, in all walks of life. Luke would be an tremendous asset to the judicial system.

Sent from my iPad

## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Friday, November 18, 2016 3:48 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Berger

**From:** Kalli Elford [<mailto:kalli.elford@gmail.com>]  
**Sent:** Thursday, November 17, 2016 6:10 PM  
**To:** MT Supreme Court,  
**Subject:** Public Comment

To whom it may concern,

I would like to offer my support for Luke Berger for 5th Judicial District Judgeship.

I grew up in Twin Bridges and have been very close friends with Luke's wife, Alexis Sandru, for many years. I have had the pleasure to come to know Luke very well over the last several years through my relationship with his wife.

Luke is first and foremost, a very honest and likeable individual. It is always a pleasure to engage in discussion with Luke, no matter the topic. Through our interactions, he has demonstrated an innate ability to see both sides of any issue and make a cogently crafted, well informed opinion that is always delivered in a very respectful manner. His demeanor is well suited for this position.

As a product of rural Southwest Montana, I have an intimate knowledge of what it takes to understand the culture and the values that this community represents. I am also well versed in the hardships and difficulties that are all too common in this area as well. My family has had first-hand experience with decisions handed down by Judge Loren Tucker, whose position Luke would be assuming. My brother was the victim of negligent homicide in 2002, so I thoroughly understand the weight, responsibility, and impact of the decisions that are conveyed with this position. I would not make a recommendation for this position lightly, and I thoroughly believe that Luke is an outstanding, competent candidate for this judgeship. Luke's character, experience, and knowledge of the community are tremendous assets the 5<sup>th</sup> Judicial District would be fortunate to benefit from.

Sincerely,  
Dr. Kalli Elford, DMD

## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Friday, November 18, 2016 3:47 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Berger

**From:** Melinda Reed [<mailto:melinda.r@thefriendshipcenter.org>]  
**Sent:** Thursday, November 17, 2016 2:02 PM  
**To:** MT Supreme Court,  
**Subject:** Luke Berger

Dear Judicial Nomination Commission Members - Luke Berger has served on the Board of Directors for The Friendship Center for over three years, and has shown his commitment to victims of domestic and sexual violence both as a board member and as a Deputy County Attorney.

Mr. Berger was instrumental in the re-formation of the Helena Domestic and Sexual Violence working group, which brings together stakeholders on a bi-monthly basis to identify gaps in services and ensure coordination among all partners. In addition, Mr. Berger has been a strong advocate for victims of domestic and sexual violence at the county attorney's office, working closely with our advocates to ensure that victims were supported throughout their legal proceedings. Mr. Berger has always been professional, respectful and committed to serving our clients. I would recommend Mr. Berger for the district court judge position in the fifth judicial court district without reservation.

Thank you for your consideration,

Melinda Reed  
\*\*\*\*\*

Melinda Reed  
Executive Director  
The Friendship Center  
[www.thefriendshipcenter.org](http://www.thefriendshipcenter.org)  
(406) 442-6800

## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Friday, November 18, 2016 3:47 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Berger

**From:** Mark A. Thieszen [<mailto:mark@prrlaw.com>]  
**Sent:** Wednesday, November 16, 2016 10:40 AM  
**To:** MT Supreme Court,  
**Subject:** 5th Judicial District Judge Comment - Luke Berger

To whom it may concern:

I first met Luke Berger when we were both clerking at the Montana Supreme Court. Our professional paths have occasionally crossed since then, both while I was working as a prosecutor and now in my role as a civil defense attorney. In my experience, Luke treats others professionally and respectfully, with a good-natured demeanor that is a good fit for Montana's Fifth Judicial District. In instances when we have not reached the same conclusion as to the appropriate interpretation or application of the law, Luke has been thoughtful in supporting and defending his position. He has also shown a willingness to keep an open mind and adjust his position in light of appropriate facts, law, and reasoning.

For these reasons, I think Luke Berger would be a good judge for the Fifth Judicial District.

Thank you,

Mark

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**Mark A. Thieszen**  
Poore, Roth & Robinson, P.C.  
1341 Harrison Avenue  
Butte, MT 59701  
Telephone: (406) 497-1200  
Fax: (406) 782-0043  
E-mail: [mark@prrlaw.com](mailto:mark@prrlaw.com)

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City of Helena

City of Helena

**Municipal Court**  
228 Broadway  
Helena, MT 59623  
Telephone 447-8465 Fax: 447-8265  
E-mail: bwood@helenamt.gov

November 22, 2016

**Montana Supreme Court**  
**Judicial Nomination Commission**  
Office of the Court Administrator  
P.O. Box 203005  
Helena, Mt. 59620

Re: Luke Berger  
Fifth Judicial District

Dear Commissioners:

I have known Luke Berger since he went to work as an intern in the Helena City Attorney's Office about 8 years ago. At that time, I was the City Prosecutor. I had a minor heart attack. Luke never missed a beat. As an intern he launched into the prosecution work under the supervision of the City Attorney. His work ethic then, as now, was tremendous. His demeanor then as now was professional and would be an asset to the bench. His intellect is unquestioned. Luke has actively involved himself in the community. He is one of the leaders of the Empty Bowl Benefit supporting the Friendship Center of Helena, an organization dedicated to helping victims of domestic violence and their families. He has on a number of occasions volunteered to help in mock trials and other training programs for young people. He is an active advocate for NAMI, an extraordinary organization dedicated to mental health.

Luke has family ties in the area served by the Fifth Judicial District. He would be an asset to the bench and the community as he has been here. I hope you will move him forward.

Respectfully,

Municipal Judge

## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Tuesday, November 22, 2016 5:44 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Berger

**From:** Jody Sandru [<mailto:jsandru@3rivers.net>]  
**Sent:** Monday, November 21, 2016 9:48 PM  
**To:** MT Supreme Court,  
**Subject:** Comment on Luke M. Berger for Fifth Judicial District Judgeship

Dear Judicial Nomination Commission Members:

I am supporting Luke M. Berger for District Court Judge for the Fifth Judicial District. Luke is a talented lawyer, and a focused prosecutor. After reviewing his application and resume, he is clearly qualified for this position.

Just as important, Luke is a conscientious, hard-working individual of unquestionable integrity. He is a great father to his children and a loving, supportive husband. Luke has strong ties to the District, as he was born and raised in Dillon, where his family members still reside. His wife is from a family ranch near Twin Bridges.

I urge you to give Luke M. Berger serious consideration.

Sincerely,

Rick R. Sandru

***LEWIS, SLOVAK, KOVACICH & SNIPES, P.C.***

*ATTORNEYS AT LAW*

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www.lsklaw.net

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Tom L. Lewis  
J. David Slovak  
Mark M. Kovacich

Ben A. Snipes  
Ross T. Johnson

November 23, 2016

**Via Email- [Imenzies@mt.gov](mailto:Imenzies@mt.gov)**

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

**RE: Nomination of Luke Berger for Fifth Judicial District Court Vacancy**

Dear Ms. Menzies and the Judicial Nomination Commission:

I write to recommend Lewis and Clark Deputy County Attorney and Dillon native, Luke Berger, as a nominee to Governor Bullock, to fill the Fifth Judicial District judgeship vacancy. I am vastly familiar with the Beaverhead area and surrounding communities, having spent four years attending the University of Montana-Western in Dillon. I am equally familiar with Luke, both personally and professionally, having known him for more than a decade. Luke possesses the intelligence, work ethic, and integrity required of a top-notch trial court judge.

As a practitioner, Luke has experience in a variety of legal arenas. While serving as a law clerk for our State's highest court, Luke drafted appellate legal opinions on a variety of topics. Since then his focus has been on public service, particularly in Lewis and Clark County, one of the most demanding criminal districts in the State. Luke has served with distinction in the criminal and mental-health arenas, making a district court position the most natural fit for his professional development and progression.

Luke has distinguished himself as a leader in the Montana State Bar. He has long served as a member of the Board of Trustees for the Montana State Bar. His recent tenure as Chair of the Board, is proof positive of his status as a respected leader in our legal community. Luke has proven he is truly committed to justice, and improving the legal profession.

In all of my dealings with Luke, I have found him to be honest and fair. He cares about Montana, and understands the importance of the law in protecting the rights of all Montanans. His experience as a resident and citizen of southwest Montana, provides him with a unique

perspective concerning the attributes of these communities and wisdom regarding their judicial needs. I am grateful that Luke has expressed the desire to serve the people of Beaverhead, Jefferson, and Madison Counties. I urge you to nominate Luke Berger for Governor Bullock's consideration when choosing our next Fifth Judicial District Court judge.

I thank you for your consideration of Luke and for your service on the commission.

Sincerely,

*Ben A. Snipes*

Ben A. Snipes

November 24, 2016

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

Dear Commission Members:

I am writing this letter to support Luke Berger's candidacy to serve as the next Fifth Judicial District Judge. I am certain there are several qualified applicants to select from, however, I know Luke to be an individual with great knowledge, experience, intelligence, and common sense which are all characteristics I that will ensure he will be effective in the position.

I have spent my career working in the substance abuse prevention and treatment field in Montana and currently work as the administrator of an inpatient treatment center for up to 50 incarcerated women in Jefferson county. Prior to moving into this position, I worked alongside Luke with the First Judicial District Treatment Court. During my involvement with that team Luke represented the County Attorney office and was very effective in that role.

I know that Luke's work as Deputy County Attorney has been varied, however, I know he has been responsible for addressing mental health related cases and as mentioned above, substance abuse related matters which are more commonly intertwined than not. I believe that if selected for the position he will champion efforts to improve services for those with co-occurring needs within the rural area of the Fifth Judicial District while making sound legal decisions.

In closing, I respectfully request that Luke Berger's name be submitted to Governor Bullock for consideration as the next District Judge in Montana's Fifth Judicial District.

Sincerely,



Dan Krause

**LEO J. GALLAGHER  
ATTORNEY AT LAW  
1222 Hauser Boulevard  
HELENA, MT 59601-2133  
[leogallagher5@gmail.com](mailto:leogallagher5@gmail.com)**

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Phone (406) 443-1291

November 23, 2016

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

**RE:** *Application of Luke Michael Berger to become Judge for the Fifth Judicial District*

Dear Commission Members:

With great pleasure I write to endorse the candidacy of Luke Berger to become the next Fifth Judicial District Judge. I have known Mr. Berger as a colleague and a friend for more than ten years and I believe he has the skills and judgment necessary to make a fine judge.

I met Mr. Berger in 2006 when hiring him to act as my Office's intern during the summer between his first and second years of law school at the University of Montana. I rehired him the next summer to litigate cases in justice, municipal and district courts under the *Student Practice Rule*. During his first summer, he helped to prepare for a complex homicide trial and returned that winter as a volunteer for the trial. *State v. Giddings*, 2009 MT 61, 349 Mont. 347, 208 P.3d 363, *cert. den.*, *Giddings v. Montana*, 2009 U.S. LEXIS 7059 (October 5, 2009).

I was honored to move his admission to the Montana Bar in 2008. Since then, I have watched and encouraged his professional growth as he clerked for the Montana Supreme Court, then prosecuted for the City of Helena, and finally came to my Office about 5 years ago as a Deputy County Attorney. Mr. Berger serves as a felony prosecutor and handles about a hundred mental health commitments a year while diverting even more from the courts in his role as the liaison between the court and the community mental health systems.

As a prosecutor, Mr. Berger enjoys a reputation of competence and fairness, not only among law enforcement where he is well-liked, but also with the criminal defense bar. As Mr. Berger's skills have grown, I have increasingly asked his help in the prosecution of major felony cases including several gruesome homicides, two of which have gone to judgment and another which is pending.

On a personal level, I attended his wedding and I've watched his family grow to include two handsome sons. He is an honored graduate of Carroll College; a leader in the Montana Bar Association where he serves as a Board Trustee; and his volunteerism has extended to Board Membership with the Helena's *Friendship Center* as it serves victims of domestic violence.

**JUDICIAL NOMINATION COMMISSION  
PAGE TWO**

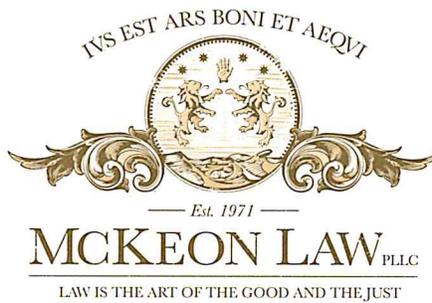
Importantly, both Luke and his wife were raised in Beaverhead County where their families continue to live and work. Having grown up in the Fifth Judicial District, he knows it; he knows its people; and he will know how to serve them.

I truly believe Mr. Berger is wise beyond his years and comes before you with all the qualities necessary to act as a great judge who is deserving of having his nomination put forward to the Governor.

Sincerely,



Leo J. Gallagher



600 DEWEY BLVD POST OFFICE BOX 3329 BUTTE, MT 59702  
TEL 406.494.8890 THEMCKEONLAW.COM FAX 406.494.7066

November 23, 2016

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

Re: Luke Berger - 5th Judicial District Judgeship Vacancy

Dear Members of the Judicial Nomination Commission:

It is my honor to support the application of Luke Berger for the position of Judge in the Montana Fifth Judicial District. I have known of Luke since our days as rivals at Butte Central High School and Beaverhead County High School. In the fall of 2005, I was happily surprised to see Luke sitting in the Castles Center of the Law School and discover he would be a part of the class of 2008. During our time at law school, Luke and I developed a very close friendship. Over the course of those three years, I was always impressed with his commitment to becoming an attorney, as well as improving not only the lives of his fellow students, but also those who he assisted during his clinical time with the ASUM Services.

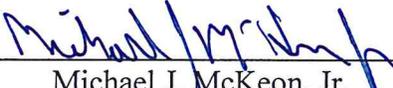
Following law school, Luke began his career as a law clerk at the Montana Supreme Court. His dedication to the law and his abilities to assist our Supreme Court Justices was unquestionable. After his time with the Montana Supreme Court, Luke went on to work as a city and county prosecutor for Lewis and Clark County. While there, he served the community fairly and judiciously. As a prosecutor, he has always performed his job with compassion for victims and the accused. Luke has always shown a level-headed willingness to work with opposing counsel to find resolution of a case that best serves the people of Lewis and Clark County, as well as the needs of those who are accused. An example of this is his significant involvement in the Lewis and Clark County Mental Health Local Advisory Committee, as well as with The Friendship Center, a role that assists those who have been involved with domestic violence.

Luke is also a dedicated family man. He and his wife have two wonderful little boys, who are growing up to be just as kind, compassionate and caring as their parents. Luke's family is always at the forefront, but his commitment to his profession and those he serves never waivers. Both Luke and his wife have strong ties to the Fifth Judicial District, as they were both born and raised there. As I said above, I have known Luke since his days at Beaverhead County High School. Being from one of the counties in Fifth Judicial District, Luke knows the people he would serve as the Fifth Judicial District Judge. His ties to the area can only be seen as a benefit to those he will serve.

Luke will serve as a fair judge, who will make the right decisions in both the criminal and civil arenas. I believe he is the best applicant for the position of the Fifth Judicial District Judge. I cannot stress any further how highly I recommend Luke and respectfully implore the Commission to strongly consider him to fill the seat vacated by the Honorable Judge Loren Tucker.

Sincerely,

McKEON LAW, PLLC

By  \_\_\_\_\_  
Michael J. McKeon, Jr.

MJM/ca

**TEAL MITTELSTADT**

**ATTORNEY AT LAW**

Judicial Nomination Commission  
Office of Court Administrator  
P.O. Box 203005  
Helena, MT 59620

Members of the Commission,

I am writing in support of Luke Berger's application for the Fifth Judicial District Judgeship. I have worked with Luke in Lewis and Clark County for the past four and a half years. It is important to note, that I have worked the entire time as an opponent of Luke's, first as a public defender, and now as a contract public defender. I have worked with him on countless matters, both criminal and civil, and regardless of the situation he is always rational and level-headed. He does not let his own feelings or personal opinions affect how he handles a case, no matter how difficult.

In Lewis and Clark County, Luke has a reputation among defense attorneys to be one of the most fair, level-headed and reasonable county attorneys in the office. He has an open mind, is honest and truly seeks to resolve any matter in the most just manner possible. He has respect for the system and the people. I believe he takes his role in the matter seriously and wants the best outcome for everyone involved, which is an important quality for both a county attorney and a judge.

In my role as both a public defender and a contract public defender, I have worked in Jefferson County for the past four and a half years. That county, as well as the Madison and Beaverhead counties would certainly benefit from a open, rational and just minded person such as Luke. I strongly believe that he would fulfill all the necessary qualities needed in a judge if he were to receive the judgeship. He has an understanding and respect for rural Montana, humanity and the judicial system.

I strongly urge you to consider Luke Berger for the Fifth Judicial District Judgeship, as he is abundantly qualified for the position and would make an excellent judge.

Everyone who works with Luke in Lewis and Clark County would be sad to see him go, but we would all rest assured that Montana now had another fair, just, rational and reasonable judge.

Thank you for your consideration.

Sincerely

Teal Mittelstadt

November 23, 2016

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

Re: *Application of Luke M. Berger for District Court Judge for the Fifth Judicial District*

Dear Judicial Nomination Committee:

I strongly urge you to nominate Luke Berger as District Court Judge for the Fifth Judicial District. I served as a deputy county attorney within the Fifth Judicial District in Jefferson County in 2009 to 2011, and from that vantage point, I believe Mr. Berger is particularly well-suited for the demands of that District Court.

I have had the pleasure of working directly with Mr. Berger on countless cases in my criminal law practice while Mr. Berger has served as Deputy County Attorney for Lewis and Clark County over the past several years. It has been my observation that Mr. Berger's dedication to justice is unwavering and that he would be an excellent choice as District Court Judge for the Fifth Judicial District.

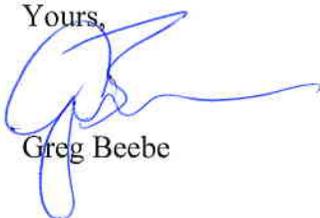
Mr. Berger has demonstrated an extraordinary ability as a prosecutor to examine issues from different sides and to resolve matters in a way that exemplifies fairness and justice for victims, society, and defendants. There are no other prosecutors, which I have worked with, that I have more respect for due to his exemplary fairness, thoughtfulness, and legal skills.

I have witnessed Mr. Berger's exceptional grasp of the most complicated legal issues in both oral argument and written briefs on countless occasions. Further, I find Mr. Berger's legal ethics to be beyond reproach. I am certain, without hesitation, that he would demonstrate quintessential impartiality on the bench.

I also believe Mr. Berger brings substantial administrative experience to the bench from managing a heavy case load as Lewis and Clark Deputy County Attorney. This experience will be invaluable to the operation of the Fifth Judicial District Court.

Mr. Berger has the temperament and legal acumen to be an excellent Fifth Judicial District Judge. His criminal law background, which is such a large portion of the Court's docket, will certainly benefit him as Fifth Judicial District Judge in his enduring commitment to justice.

Yours,



Greg Beebe

LAW OFFICES  
**HOOVESTAL LAW FIRM, PLLC**

PALMER A. HOOVESTAL  
Admitted in Washington, Montana  
and Idaho

608 LINCOLN RD. WEST  
HELENA, MT 59602  
POST OFFICE BOX 747  
HELENA, MONTANA 59624-0747

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E-MAIL:  
[palmer@hoovestall-law.com](mailto:palmer@hoovestall-law.com)  
[shelley@hoovestall-law.com](mailto:shelley@hoovestall-law.com)

November 23, 2016

PARALEGAL:  
SHELLEY HOOVESTAL

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

**Re: Nomination of Luke Berger for District Judge of Fifth Judicial District.**

Dear Members of the Judicial Nomination Commission:

I hereby offer this comment in support of Luke Berger who has applied for the vacancy in the Fifth Judicial District created by the retirement of Hon. Loren Tucker. I am a member in good standing and admitted to practice law in the following tribunals:

<b><u>Court or Administrative Body</u></b>	<b><u>Date</u></b>
Idaho State Bar	4/19/90
Idaho Supreme Court	4/19/90
United States District Court for Idaho	4/19/90
United States District Court for the District of Montana	5/4/90
Washington State Bar	7/25/90
Washington Supreme Court	7/25/90
Montana State Bar	9/13/90
Montana Supreme Court	9/13/90
Ninth Circuit Court of Appeals	1/28/93
United States Supreme Court	8/13/93
United States District Court for the Western District of Washington	10/29/93
United States Court of Federal Claims	1/20/99
United States District Court for the Eastern District of Washington	7/22/99
Fourth Circuit Court of Appeals	11/15/12

I have also been admitted to practice *pro hac vice* in state and federal trial courts in Alabama, Arizona, California, Maryland, New Mexico, Texas, Utah, and Virginia. I have argued before state and federal appellate courts on more than 29 separate occasions.

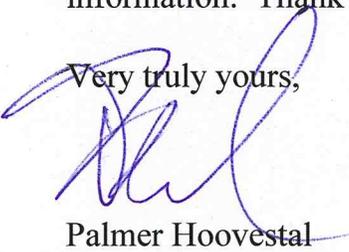
I regularly practice in state and federal courts litigating civil and criminal cases at both the trial and appellate levels. I am a former President of the Montana Association of Criminal Defense Lawyers. I received the *Trial Lawyer of the Year* award from MtACDL in 2011. I was also the 1998 recipient of the *Trial Lawyer of the Year* award by the Montana Trial Lawyers Association. I am in-house counsel to a federal government contractor that builds classified construction projects abroad. I was nominated by the Judicial Nomination Commission to fill the District Judge position that was available in the Montana 22nd Judicial District eventually filled by Judge Blair Jones. I am also a registered member of the Fort Belknap Indian Reservation and the Gros Ventre Tribe.

I offer my full support and request that you seriously consider nominating Luke Berger for the position vacated by Judge Tucker's retirement. I have worked with Luke as opposing counsel in many cases in state court. Having had that experience, I sincerely believe that Luke has the trial and legal experience that would make him an exceedingly fine district judge. He is patient, fair, unbiased and impartial. He is intimately acquainted with the rules of evidence and procedure and well-versed in the substantive law. He is originally from Dillon, and for that reason I believe that if he is appointed his incumbency would ensure success in subsequent elections.

In short, Luke has the legal mind, judicial demeanor, experience and wisdom – qualities that would make an exceptional district judge – and I recommend him and request that the Commission seriously consider nominating Luke for Judge Tucker's vacant position in the Montana Fifth Judicial District Court.

I welcome further inquiries if any member of the Commission desires additional information. Thank you for your consideration.

Very truly yours,



Palmer Hoovestal

c. Luke Berger

To whom it may concern:

I am writing you with regards to the judicial nomination to the Fifth Judicial District on behalf of Luke Berger. I want to front load my statements by stating I am an expert witness and I testify in many counties across Montana. I also want to make clear I have never been hired by Mr. Berger yet I have been cross examined by him and I have worked on cases for the defense in which he is prosecuting. My observations of Mr. Berger in his professional and personal life are supportive of his ability to be effective in the role of District Court Judge. Mr. Berger is diligent in his practice of prosecution, yet is balanced, fair, and always willing to be educated. I deeply respect his desire to learn and take new information into consideration. Personally I have ran into him in the community and he is always cheerful, respectful, and easy to engage. He clearly has the ability to balance his personal and professional responsibilities and I highly recommend him for the position of District Court Judge in the Fifth Judicial District.

B. Smelko, Psy.D., ABPP

Bowman Smelko, Psy.D, ABPP  
Licensed Psychologist  
Board Certified in Forensic Psychology

Capital City Consultants

25 S. Ewing St. Suite 416

Helena, MT 59601

P: 406-282-1744

F: 406-502-1197

## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Monday, November 28, 2016 2:32 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Berger

**From:** Terri Medina [<mailto:terri.medina@hotmail.com>]  
**Sent:** Tuesday, November 22, 2016 8:37 PM  
**To:** MT Supreme Court,  
**Subject:** Public Comment for Luke Berger c/o Lois Menzies

To Whom It May Concern:

I am writing in support of Luke Berger for the vacancy in the 5th Judicial District Judgeship vacated by Judge Loren Tucker.

I have had the privilege of getting to know Luke well over the past 6 years, as I consider he and his wife very close friends. I've come to know him as a very honest, fair, and respectful individual. He is approachable, kind-hearted, and very easy to communicate with, no matter what the topic of conversation is. Luke is calm, dedicated, and decisive while having the ability to survey opposing opinions thoughtfully and carefully.

With Luke's hometown being Dillon and his wife's hometown being Twin Bridges, he has strong ties to these communities and the surrounding area and is dedicated to serving in their best interests.

While I cannot vouch for his professional work as an attorney, I can vouch for his character as a husband to his wife, Alexis and father to his sons. I can also vouch for his character in which he treats others around him. With that being said, I would consider him a perfect fit for this judgeship position.

As a current resident of Beaverhead County and a family business owner in Madison County, it is with pleasure that I show my support for Luke Berger to succeed Judge Loren Tucker.

Sincerely,

Terri Medina

## Cook, Kevin

---

**From:** MT Supreme Court,  
**Sent:** Monday, November 28, 2016 2:30 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Berger

**From:** chris kraft [<mailto:chrisk18@gmail.com>]  
**Sent:** Monday, November 28, 2016 8:20 AM  
**To:** MT Supreme Court,  
**Subject:** Judicial Nomination Commission

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

It is with great pleasure that I write to support Luke Berger for the position of Judge in the Fifth Judicial District. Luke has the education, experience and temperament required to make a fine judge.

I have known Luke and his family since he was in grade school. I have always been impressed by his calm, steady demeanor and his willingness to work. He does not hesitate to express his opinion on a variety of topics, but always considers the opinions of others with sincerity.

Luke's year spent working in a soup kitchen in Baltimore, Maryland with the AmeriCorp program is an example of his character.

Sincerely,

Christopher H. Kraft

## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Monday, November 28, 2016 2:30 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Berger

**From:** Barbara Hall [[mailto:blhall\\_us@yahoo.com](mailto:blhall_us@yahoo.com)]  
**Sent:** Sunday, November 27, 2016 7:16 PM  
**To:** MT Supreme Court,  
**Subject:** Judicial Nomination Commission

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

It is with honor that I write in support of Mr. Luke Berger for the position of Fifth Judicial District Judge.

Throughout his life, Luke has comfortably and skillfully demonstrated fine abilities to explore varying perspectives and research the facts surrounding an issue in order to reach a thoughtful decision. Most pleasant is the fact that his articulate rationale leaves one knowing that all information has been taken into careful consideration, evidence of dignity and respect. People from all walks of life have benefited from Luke's interest and compassion. He clearly works toward the well-being and safety of others through his professional and volunteer services. His valuable community investment promotes a better society.

Luke's strong work ethic is guided by a high regard for the law, an even temperament, a keen sense of family and community, and his desire to be a lifelong learner for the benefit of all.

Mr. Luke Berger exemplifies the traits and demeanor that bestow an outstanding judge, therefore, I recommend him for the position of Fifth Judicial District Judge.

Sincerely,  
Barbara L. Hall



McDONALD LAW OFFICE PLLC

Jonathan McDonald  
Attorney at Law  
P.O. Box 1570  
Helena, MT 59624  
406.442.1493

November 28, 2016

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

RE: Luke Berger—Fifth Judicial District Court Vacancy

Dear Nominating Committee:

I write in enthusiastic support of Luke Berger's application for appointment to the bench in the Fifth Judicial District. I have known Luke for approximately seven years. I find him to be hard-working, thoughtful and possessed of an innate calm that suits the temperament expected from a district court judge.

Luke has family ties to Beaverhead and Madison Counties that would permit him to not only be readily accepted, but to actually be retained. I know from speaking with Luke that this appointment represents an opportunity for him to move home to the part of the state from where both he and his wife grew up.

The job of the Fifth Judicial District Court Judge is not an easy one—they have no colleague to share the bench with and must travel the circuit through three counties. Luke's personality and demeanor will allow him to readily integrate into the legal communities in each of those counties. His intelligence and hard-work will ensure him the respect of the attorneys who practice before him.

Luke would make a superb judge. In the law, we often hope that the best among us will elevate to the bench. Appointing Luke to the Fifth Judicial District will ensure that this time it actually happens.

Thank you for your consideration.

Sincerely,

McDONALD LAW OFFICE, PLLC

By: 

JONATHAN McDONALD

November 28, 2016

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

Members of the Commission:

We write to strongly encourage you to consider Luke Berger for appointment as Judge of the Fifth Judicial District Court. We have had the privilege to work with Luke at the Lewis and Clark County Attorney's Office or Helena City Attorney's Office. He possesses all the qualities necessary to be an excellent judge.

Luke has never been one to shy away from a challenge, and he has demonstrated a commitment to expanding his legal experience and knowledge whenever a new opportunity presents itself. He is also dedicated to improving the legal profession both here in our offices and in the greater legal community as evidenced by his work with the State Bar. We have no doubt he would continue to demonstrate dedication to the legal profession as a judge through his diligence, compassion, and integrity.

He has a rare ability to work and communicate well with everyone. Even in highly contentious or sensitive matters, Luke is cognizant of the real people and practical consequences involved. He is receptive to hearing others out and considering all the possible options to ensure a fair and just outcome. As evidenced by the letters you have already received on his behalf, Luke is well respected by the full array of individuals involved in our legal system including prosecutors, defense attorneys, medical and other professionals, law enforcement, and community members. As a judge, Luke would undoubtedly continue to be respectful of and respected by everyone who comes before him.

In addition to his contributions to the legal community, Luke is a valuable and involved member of the Helena community. He serves as a board member for the Friendship Center and the Lewis and Clark County Mental Health Local Advisory Committee, and is an avid supporter of his alma mater Carroll College. If appointed to the Fifth Judicial District Court, we believe Luke would demonstrate the same hard work and compassion for the people in those communities that we see every day. While we would be very sad to lose him, the Fifth Judicial District would be gaining a tremendous asset.

Sincerely,

Melissa Broch  
Deputy County Attorney

Katie Jerstad  
Deputy County Attorney

Thomas Jodoin  
City Attorney

Anne Peterson  
Deputy County Attorney

Stephanie Robles  
Deputy County Attorney

Jeff Sealey  
Deputy County Attorney

Kim Sell  
Paralegal, City Attorney

Fallon Stanton  
Deputy County Attorney

**CARLO CANTY  
4 ELKHORN DRIVE  
CLANCY, MT 59634**

November 30, 2016

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

Dear Ms. Zadick, Ms. Bishop, Ms. Halverson, Mr. Englund, Mr. Harper, Mr. Larson and Hon. Judge Simonton:

I write to give my highest recommendation to Luke Berger as successor to the Hon. Loren Tucker as District Judge for the Fifth Judicial District.

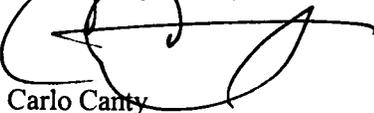
For the few of you I do not know personally, I am currently a Partner at the Helena law firm of Browning, Kaleczyc, Berry and Hoven. I have been in practice for 26 years and historically served Montana as an Assistant Attorney General and County Prosecutor in Butte. As residents of Jefferson County my family and I have much at stake in this appointment process. We are pleased that Luke wants to return to his own roots in the tri-county district and handle the responsibility of what must be one of the last true "circuit" judgeships in Montana. Having known Judge Tucker my entire career and even having the rare opportunity (for a lawyer) to serve as a juror in his Court, I am keenly aware of the eminent standards Judge Tucker so thoroughly established in this District that must be maintained.

I have known and practiced with Mr. Berger for approximately the past ten years. Although we usually find ourselves as adversaries on cases, I can always count on Luke to be fair in his assessment of evidence and reasonable concerning the consequences that should follow an unlawful act. As a former prosecutor myself, I can tell that he understands the power his decisions may hold over people's lives and appreciates the great responsibility of not abusing that power for personal or political gain. I am also fully confident that his legal acumen and common sense will also lead him to every success in managing civil litigation.

Luke is also the type of person who personifies what makes Montana great: Putting his young family first in all regards, but taking time when fortunate enough to appreciate and celebrate the beauty of our state. I have had the good fortune to float the Smith River with Luke on several occasions and can also attest to his trustworthiness, willingness and good humor in interactions with others – even in driving rainstorms of *extended* duration.

Once you've met with Luke, I have every confidence you will agree that he is truly worthy of the position he seeks and should be considered by Governor Bullock. I thank each of you for your service to the Judiciary and the State of Montana.

Respectfully Yours,



Carlo Canty

STATE OF MONTANA  
FOURTH JUDICIAL DISTRICT  
DEPARTMENT 1  
lhalligan@mt.gov



MISSOULA COUNTY COURTHOUSE  
200 WEST BROADWAY  
MISSOULA, MT 59802-4292  
(406) 258-4771

LESLIE HALLIGAN  
DISTRICT COURT JUDGE

November 30, 2016

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

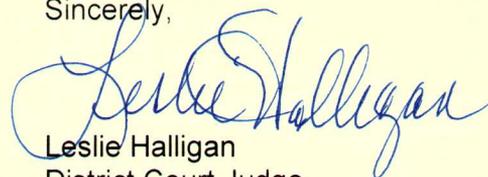
Re: Luke Michael Berger, Applicant for Fifth Judicial District Court Judgeship

Dear Members of the Judicial Nomination Commission,

I am writing to recommend Luke Berger as a nominee for appointment as District Court Judge in the Fifth Judicial District. I have come to know and work with Luke through our combined volunteer service with the State Bar of Montana. Luke demonstrates excellent judgment, communication and leadership skills. He has gained the respect of State Bar Trustees, so much so that he was recently elected unanimously to serve as Chair of the Board. More importantly, Luke is committed to improving the legal profession and our justice system, and has devoted his time to address State Bar issues, to educate the public on legal issues, and to advance appropriate changes in legislation and administrative rules. His diverse work and trial experience will provide him with a good foundation to preside over the cases that fill the District Court's docket. He has the education, strength of character and compassion that is essential for a Judge. His sound judgment, calm demeanor, humor, and strong work ethic will enhance his ability to serve effectively as a District Court Judge.

Luke has expressed a desire to return home to the communities where he and his wife were raised. I believe it is important that a District Court Judge have a connection to the people in his or her district who seek justice and who are thrust into the legal arena. Luke's connection to the Fifth Judicial District, his understanding of the values and experiences of people in the District further distinguishes him from other applicants. I trust that the people in these communities also will have a greater respect for the Court and embrace Luke as the successor to the Honorable Loren Tucker because of his connection to the area and his heartfelt desire to serve. I am confident that Luke will be able to meet the challenges of service as a District Court Judge with integrity and professionalism. I recommend him without reservation and recommend the advancement of his application for consideration by Governor Bullock.

Sincerely,

  
Leslie Halligan  
District Court Judge

## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Wednesday, November 30, 2016 8:11 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Berger

**From:** Ken and Edna Scalzone [<mailto:mtscalzone@yahoo.com>]  
**Sent:** Tuesday, November 29, 2016 7:51 PM  
**To:** MT Supreme Court,  
**Subject:** Luke Berger for Judge

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

I am writing to express my support of Luke Berger for the Montana Fifth District Court Judge position. I have known Luke for most his life; from his early childhood in Baker, MT to his high school and college years in Dillon and Helena. Luke is a high energy person with a strong work ethic and an outstanding Montana citizen. He demonstrates excitement for life and learning, both professionally and personally. He is a caring, respectful, responsible and giving human being raised in a family that practiced these same principles. I consider Luke and his family as close friends who I can count on; I think Montana can count on Luke Berger to serve the people of his home state. Thank you for he opportunity to comment.  
Respectfully,

Ken Scalzone  
Dillon, MT

## Cook, Kevin

---

**From:** MT Supreme Court,  
**Sent:** Wednesday, November 30, 2016 8:11 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Berger

From: Steven Kujala [[mailto:s\\_kujala@yahoo.com](mailto:s_kujala@yahoo.com)]  
Sent: Tuesday, November 29, 2016 5:55 PM  
To: MT Supreme Court,  
Subject: Public Comment for Luke Berger

I would like to offer my support for Luke Berger for 5th Judicial District Judgeship. Luke's honesty, integrity, and positive attitude always made supervising him easy. I think He would be a good fit for the position.

Sincerely;  
Steven Kujala

Sent from my iPhone

## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Wednesday, November 30, 2016 8:12 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Berger

From: Shelly Turner [<mailto:shellydturner@gmail.com>]  
Sent: Tuesday, November 29, 2016 8:30 PM  
To: MT Supreme Court,  
Subject: Fifth District Judicial Nomination

Dear Judicial Nomination Commission:

I am writing to show my support of Luke Berger and his application for the 5th district court judge position. It is my belief that Luke would be a great asset to fill the seat of the vacated Judge, Loren Tucker.

I have known Luke since 1992, when we moved into our house in Dillon. We have been neighbors and family friends since then. Luke has always had a strong work ethic and passion for all that he undertakes. He is a caring and kind person, who is always willing to help others. His out-going personality and positive demeanor would make him well suited for this important position.

Luke has always been professional and committed to serving those he works with and for. He has the ability to work well with others, showing respect for their opinions and ideas. He is qualified for this position, and being from Dillon, with his wife being from Twin Bridges, he is well versed with the issues he would be dealing with in the area.

Please give serious consideration to Luke Berger as a strong candidate for this position.

Sincerely,

Shelly Turner  
Sent from my iPad

## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Wednesday, November 30, 2016 8:13 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Berger

From: Shelly Turner [<mailto:shellydturner@gmail.com>]  
Sent: Tuesday, November 29, 2016 8:48 PM  
To: MT Supreme Court,  
Subject: Fifth Judicial Judge Position

Dear Judicial Nomination Commission:

I am writing in support of Luke Berger and his application for Fifth District Court Judge.

I have known Luke since 1992 and have watched him grow into a compassionate, hard working, honest and steadfast young adult. I believe Luke has the skills and tenacity to fulfill the duties as Judge.

Sincerely,

John S. Turner

Sent from my iPad

## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Wednesday, November 30, 2016 8:13 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Berger

From: Elizabeth Hines [<mailto:e.hines1201@gmail.com>]  
Sent: Wednesday, November 30, 2016 2:56 PM  
To: MT Supreme Court,  
Subject: Luke Berger

Dear Judicial Nomination Commission,

I am writing to show my support of Luke Berger and his application for the judgeship in the 5th Judicial District. I have had the pleasure of working with Luke at the Lewis and Clark County Attorney's Office for the last two years. In working with Luke I have learned that he is not only intelligent but also very knowledgeable of the Court system. He always performs his duties as a Deputy County Attorney with dignity, respect, and professionalism. Luke shows great pride in helping our community and making it a better place. In my opinion the work he has done has very much prepared him for anything he would deal with being on the bench, while performing with the same professionalism, dignity, and respect that I have seen in the last two years. As a resident of Jefferson County I believe that having Luke on the bench would benefit our District immensely.

Elizabeth Hines

Sent from my iPhone

December 1, 2016

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

*Re: Luke M. Berger*

Dear Judicial Nomination Commission Members,

I write this letter in support of Luke Berger for the position of district court judge in the Montana Fifth Judicial District. Through my professional and personal relationship with Luke, I know him to be an individual with the intellect, stamina, and passion who will succeed in this position.

Luke and I entered law school and the legal profession together. I consider him to be a trusted professional colleague as well as a dear friend. Since the day I met Luke in law school, he has consistently inspired me through his work ethic, commitment, and dedication to the legal profession. We served on the Student Bar Association. As President of the SBA, Luke represented the student body through difficult times, including litigation against the SBA and displacement of law school students during remodeling of the law school. Luke consistently made decisions and persisted on issues to ensure the law school was inclusive of all students and to ensure student needs were at the forefront of the administration's decisions related to the construction project. Luke's dedication and persistence resulted in a better place for the student body.

We have shared many professional experiences as we both currently serve as deputy county attorneys. For a portion of our careers, we both were assigned to handle involuntary commitment cases in our respective counties. Luke served as an invaluable resource and, in many ways, a mentor when I was assigned this duty. Each time I picked up the phone to ask Luke for assistance, I was reminded of his deep commitment to his community and his passion for his work. I strive to achieve the level of compassion he has for his work and the individuals involved. Luke not only works hard within the confines of the law as written, he is not afraid to work hard to change the law to improve his community and the state. He expended a tremendous amount of effort during the 2015 Legislature on bills related to mental health commitments as a means to improve the mental health system within the state. His insight and understanding of the law, as well as his desire to ensure the law is meeting the demands of the community, make him the best candidate for the bench.

While Luke's professional friendship has made me a better lawyer, his personal friendship certainly makes me a better person. Luke and I had a number of opportunities to travel when we finished law school before we each got married and started families. Luke's passion for adventure and uncanny ability to make even the most uncomfortable and stressful situations enjoyable will serve him and the citizens well should he be selected for the judge position. While Luke certainly works hard and takes great pride in the legal profession, he also knows that life is about his family, friends, and the

experiences he shares with those he loves and cares for. I have no doubt Luke will not only be respected as a smart and intellectual judge, he will also be well-loved by those in the Fifth Judicial District for his warmth and kindness.

In conclusion, I take great pleasure in urging the Commission to forward Luke's name on to the Governor as I know he is the best candidate for the job.

Sincerely,

A handwritten signature in blue ink, appearing to read 'ERG', with a stylized flourish extending to the right.

Erica R. Grinde

# **K. Paul Stahl**

ATTORNEY AT LAW

415 Hayes Avenue  
Helena, MT 59601

(406) 443-7360  
[stahlkp@msn.com](mailto:stahlkp@msn.com)

December 1, 2016

Office of Court Administrator  
P.O. Box 203005  
Helena, MT 59620-3005

Re: Luke Berger

Dear Commissioners,

I have known Luke since the days he served as a leader of the Student Bar at the University of Montana. I was a trustee of the State Bar of Montana at the time, and he represented and spoke for the students who were attending law school. He was quite impressive.

I knew about Luke years before that. Like Luke, I am from Dillon. My roots run deep in that my family have been ranchers and politicians in Beaverhead and Madison Counties since prior to the turn of the century (the 19<sup>th</sup> century). I believe Luke will be a very electable candidate when he runs for the position. People know him to be bright, thoughtful, and a successful prosecutor. No other applicant for this position has his connections. He lived in Dillon for more than 15 years.

He is a close acquaintance with many of his childhood friends. He has kept enough contact with them and others to be very cognizant of the customs and culture and ethic of his small hometown. His parents live in Dillon. His wife and in-laws are very well known ranchers in Madison County. He calves and irrigates and drives cattle to the Centennial Valley. He will not be viewed as a city slicker from Helena.

I also practice law with Luke. He is a bright and effective prosecutor, belying his age. Further, he is a good attorney in a general sense. He understands legal concepts and theories beyond criminal law. I have 37 years of civil experience, and I would not hesitate to hand him one of my cases.

I think he has the potential to someday be a leading jurist in Montana. I encourage the Commission to forward his name to Governor Bullock.

Sincerely,

K Paul Stahl

**T. A. Geist, Esq.**

1741 S. 5<sup>th</sup> St. W.

Missoula, MT 59801

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December 1, 2016

Judicial Nomination Commission

c/o Lois Menzies

Office of Court Administrator

P.O. Box 203005

Helena, MT 59620-3005

mtsupremecourt@mt.gov

Re: Montana Fifth Judicial District Court

To the Judicial Nomination Commission:

On November 1, 2016, you issued a press release asking for public comment regarding the upcoming vacancy on the Montana Fifth Judicial District Court. Please accept this letter as confirmation of my full support for Luke Michael Berger, and his appointment to succeed the Hon. Loren Tucker.

I have known Luke for well over 10 years. He and I attended law school at the University of Montana, School of Law, where he almost immediately stood out as a leader amongst his peers. Luke served as President of the Montana Student Bar Association, and helped oversee the school's expansion to its current facility.

After law school Luke began working as a prosecutor for the Helena City Attorney's Office, where he excelled at prosecuting misdemeanor cases before becoming a prosecutor for Lewis & Clark County, Montana. I can think of few others who have the right temperament and experience to serve on the judiciary, and I encourage you to submit his name to Governor Steve Bullock as a nominee.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. A. Geist', with a long horizontal flourish extending to the right.

T. A. Geist, Esq.

# State of Montana



Lewis and Clark County Courthouse  
228 Broadway, Second Floor  
Helena, MT 59601  
(406) 447-8205  
(406) 447-8209  
(406) 447-8421 (fax)

## First Judicial District Court

Broadwater County Courthouse  
515 Broadway  
Townsend, MT 59644  
(406) 266-9236  
(406) 266-4720 (fax)

December 1, 2016

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

Re: Luke Berger, Applicant for Fifth Judicial District Judgeship

Dear Judicial Nomination Commission,

I am writing to express my support for Luke Berger to fill the vacancy for District Court Judge in the Fifth Judicial District. Luke would make an excellent choice to succeed Judge Loren Tucker.

I have been a District Court Judge for nearly four years. Previously, I was a deputy Lewis and Clark County attorney for eighteen years. Over that time, I had an opportunity to come to know Luke, initially as a colleague and later as an attorney appearing in my courtroom. Luke is a skilled advocate whose experience includes numerous trials, hearings, and other court appearances. More important, however, is the calm professionalism and understanding with which he applies himself. For example, Luke has dedicated himself to helping victims and families of domestic violence gain access to the courts and to community services to assist them in rebuilding their lives. In addition to prosecuting crimes of domestic violence, Luke serves on the board of directors of the Friendship Center, a shelter for victims of domestic and sexual violence in Lewis and Clark, Jefferson, and Broadwater Counties.

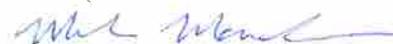
December 1, 2016

page 2

Luke also has a special interest in people with mental illness, particularly those in crisis who appear in court in civil and criminal matters. He has appeared at the legislature with advocates for Montanans with severe mental illness and their families to advance effective laws and adequate funding for mental health services. Moreover, Luke is a compassionate attorney who promotes understanding and awareness for those suffering mental illness. He serves on the Lewis and Clark County Mental Health Advisory Committee and provides crisis intervention training for law enforcement officers — all in an effort reduce conflict and improve the justice system.

Luke is a kind, patient, and diligent attorney whose thoughtful approach to resolving disputes and working through problems make him uniquely suited for a judicial role. Please accept this letter as my greatest recommendation of Luke Berger.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Menahan", written over a horizontal line.

MIKE MENAHAN  
District Court Judge

# HOYT & BLEWETT PLLC

ATTORNEYS AT LAW

ALEXANDER (ZANDER) BLEWETT, III  
KURT M. JACKSON  
JOSEPH P. COSGROVE  
DREW BLEWETT  
ANDERS BLEWETT  
JOHN C. HOYT  
1922-2001

501 SECOND AVENUE NORTH  
POST OFFICE BOX 2807  
GREAT FALLS, MT 59403-2807  
PHONE (406) 761-1960  
FAX (406) 761-7186  
h&b@hoytandblewett.com

November 30, 2016

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

Re: Luke Berger

Dear Ms. Menzies:

I am writing this letter in support of Luke Berger respectfully requesting that the Judicial Nomination Commission strongly consider him for Montana State District Court Judge in Beaverhead County. Throughout the course of Luke's eight year legal career, he has gained invaluable experience working as a law clerk for the Montana Supreme Court, an assistant city attorney for the City of Helena, and a deputy county attorney for Lewis and Clark County. This legal experience lends itself well to serving as a State District Court Judge where he would be responsible for making important and sometimes life-altering decisions for people in Beaverhead County.

During his time as a prosecutor, Luke has tried 24 jury trials and hundreds of bench trials over his relatively short but distinguished legal career. Few young attorneys around the State can say the same. Needless to say, his track record confirms that he is well prepared to take on the challenges inherent in serving as a State District Court Judge.

For these reasons, I wholeheartedly endorse Luke Berger for State District Court Judge in Beaverhead County and hope that the Judicial Nomination Commission takes into careful consideration his legal experience in making its decision.

Sincerely,



Drew Blewett

November 30, 2016

Re: Recommendation for Luke Berger

Dear Judicial Nomination Commission,

My name is Angie Sparks, Deputy Clerk of District Court (Clerk of District Court Elect). I have been working in the Clerk of District Court's office for 17 years. I am pleased to write this letter of recommendation for Luke Berger.

I have been working with Luke since he started here. Luke is young, energetic and very capable of working in multiple courts. Luke is easy to work with for all Court matters. Luke has always communicated well with Court staff as well as the public. Luke has a caring and compassionate personality and shows respect for others. Luke is polite, efficient, and prompt for all his Court appearances. Luke takes his job very serious and I believe he would be a fair and impartial Judge and a great asset to the Fifth Judicial District.

Sincerely,

Angie Sparks  
Deputy Clerk,  
First Judicial District Court

November 30, 2016

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

Members of the Commission:

I am writing to recommend that you nominate **Matthew Johnson** and **Luke Berger** for consideration by the Governor for the Fifth Judicial District Court judgeship.

I know Matt primarily from his time as the Jefferson County Attorney. Although my work is primarily in Helena, I have always enjoyed the opportunity to practice in Jefferson County. Not only is the district fortunate to have the erudition and experience of Judge Tucker, but in Matt it had a County Attorney who valued seeking justice and protecting the rights of everyone in the courtroom, including his adversaries.

I appeared in several serious and difficult criminal cases opposite Matt. No matter how grim the circumstances or contested the case, Matt was always courteous, professional, and pleasant. At the same time, he was willing to listen to my position with an open mind and understand the defense perspective. Matt has the temperament and perspective to be a great judge.

For many of the same reasons, I strongly recommend Luke. I have been fortunate to appear on many cases prosecuted by Luke in his time as a deputy county attorney. What stands out most about Luke is his constant focus on achieving the just result in his cases. He cares about protecting victims without being unduly punitive to the accused. He listens to all sides and is willing to be flexible and creative in reaching a resolution that balances the interests of all in a case. I've found Luke to be unfailingly reasonable and dispassionate in his work.

Luke, too, exhibits professionalism at all times. Luke is consistently unflappable: I don't think I've ever seen Luke show frustration in court, even under circumstances that would try the patience of most. Even after a hotly contested hearing on highly-charged issues, Luke will still chat cordially in the hallway once court is done. He is respectful of the time burdens on other attorneys, particularly public defenders. He always negotiates in good faith. He is both a worthy and fair opponent.

Above all, the most important aspect of good judging is good judgment. Time and again, both Luke and Matt have exhibited sound judgment. They are dispassionate, articulate, intelligent, resolute, and reasonable. Both would make a fine judge.

Sincerely,  
Christopher D. Abbott

Jonathan King  
139 N. Last Chance Gulch  
P.O. Box 200145  
Helena, MT 59620

December 1, 2016

Judicial Nomination Commission  
Office of the Court Administrator  
P.O. Box 203005  
Helena, MT 59620-3005

RE: Luke Berger – 5<sup>th</sup> Judicial District Judgeship

Dear Judicial Nomination Commission:

I am writing in support of Luke Berger's application for a judgeship in the 5<sup>th</sup> Judicial District. I have the highest respect for Luke, and I recommend him without reservation. Luke is uncommonly fair, thoughtful, and professional, and he would make a fine judge.

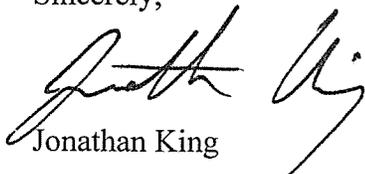
I am a public defender in Helena, Montana. I have practiced law for 8 years. For the past 6 years, I have worked in criminal defense. I have had the pleasure of working opposite Luke in his role as Deputy County Attorney for the last 3 years.

Luke's disposition makes him well suited to the position of judge. Above all, Luke is fair-minded. Among prosecutors, he stands out for his ability to exercise power wisely, with discretion and restraint where appropriate. Rather than rushing to conclusions, Luke is willing to listen to the other side and take time for a thorough consideration of each case to ensure that a fair and just result is achieved. He does not cling stubbornly to every initial assessment. Instead, he is willing to hear and thoughtfully consider other viewpoints. If necessary, he is willing to change his mind and decide that his initial reading of a case was wrong.

Additionally, in day-to-day adversarial situations, he is professional and courteous—perhaps more so than any other prosecutor I have worked with.

Luke has my unreserved recommendation. Should you have any questions about Luke, please do not hesitate to contact me.

Sincerely,

  
Jonathan King

## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Thursday, December 1, 2016 4:27 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Berger

November 30, 2016

Judicial Nomination Committee  
c/o Lois Menzies  
Office of Court Administrator  
PO Box 203005  
Helena, MT 59620-3005

[mtsupremecourt@mt.gov](mailto:mtsupremecourt@mt.gov).

Dear Committee,

As a resident of the 5<sup>th</sup> judicial district I would like to offer my support to Luke Berger for the current opening for judge.

I became acquainted with Luke several years ago at a friend's wedding. I was immediately impressed with Luke's quick wit. As I became better acquainted with Luke, I found him to be energetic, motivated, responsive, and very innovative. Above all I most impressed with Luke's integrity.

As you are aware the 5<sup>th</sup> judicial district is a diverse and large area. Luke comes from a background that makes him well aware and receptive to the areas needs. His knowledge and ability to administer the laws of our state, a well as his compassion to view a set of circumstances surrounding our diverse area will make him an excellent judge for this district.

My recommendation does not come lightly. My son was the victim of negligent homicide in 2002. Since then I have volunteered through the DOC as a victim speaker at many of the DOC facilities and contract facilities. Through these experiences and knowledge of Luke, I give him my highest recommendation for the position he has applied for. Please give him the utmost consideration for this judgeship.

Respectfully,

Mardi E. Elford  
P O Box 448  
Twin Bridges, MT 59754