

## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Thursday, November 10, 2016 11:19 AM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Johnson

**From:** Tony Prothero [<mailto:shedhornengineering@gmail.com>]  
**Sent:** Thursday, November 10, 2016 11:02 AM  
**To:** MT Supreme Court,  
**Subject:** Mathew Johnson Supreme Court Nomination

Judicial Nomination Commission, c/o Lois Menzies:

I am writing to express my support for the nomination of Mathew Johnson to the Montana Supreme Court. Having known Mr. Johnson for a few years both personally and professionally, I consider Mr. Johnson to be extremely knowledgeable and ethical. I feel his nomination to the Montana Supreme Court would be a valuable asset for the State of Montana for many years to come.

Thank you for the opportunity to comment.

Sincerely,

Tony J. Prothero, P.E.  
Shedhorn Engineering LLC  
[shedhornengineering@gmail.com](mailto:shedhornengineering@gmail.com)  
(406) 439-8027

November 11, 2016

Robert Sims  
1554 N HWY 69  
Boulder, Montana  
59632

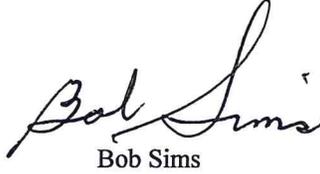
Judicial Nomination Commission  
c/o Lois Menzies  
P.O. Box 203005  
Helena, Montana  
59620-3005

(406) 287-5117

Dear Commissioners,

In regards to your nominations of Judge Loren Tucker's replacement.

I have worked with both Valerie Wilson and Matthew Johnson when they were County Attorneys for Jefferson County. Matt Johnson always acted in a professional manner and exhibited the characteristics I would expect in a District Judge. I can not say the same about Val Wilson.



Bob Sims

# WILLIAM E. HUNT, JR.

PO Box 569  
201 Main Street  
Shelby, MT 59474  
Hunt Law Firm, LLC

Attorney at Law

406-434-3900 Phone  
1-866-868-8943 Fax  
huntlaw@3rivers.net

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November 28, 2016

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

RE: Comments for Matthew Johnson, Montana Fifth Judicial District Court

Dear Judicial Nomination Commission:

I understand that Matthew Johnson submitted an application to fill the vacancy of district court judge in the Fifth Judicial District. I'm submitting my comments regarding my experiences and knowledge of him.

I've known Mr. Johnson for approximately 7 years, but we have had very little contact in the last 2 years. We met at an event where he encouraged me to apply for a position as Jefferson County Deputy Attorney when he was the County Attorney. At the time, I had an interest in returning to the Helena area. I submitted my application for the job, interviewed, and was not selected. Throughout the selection process, Mr. Johnson and his staff treated me fairly and respectfully. Mr. Johnson personally called me to tell me that I was not selected rather than by letter or not at all. The conversation is probably the best rejection I have ever had. I had only positive feelings about Mr. Johnson and respect for his reasons for not selecting me.

Coincidentally, a few years later we happened to work together as Judge Advocates in the Montana Army National Guard. Mr. Johnson had been a JA for a couple of years and I had just transferred from Logistics to the JA branch. Mr. Johnson's position was legal counsel or Trial Defense Services (TDS) for Soldiers facing administrative separation from the Guard for misconduct. My position was to represent the Government at these misconduct hearings. My experiences with Captain Johnson were, again, only positive. He was a thorough, professional, prepared, and zealous advocate who did not take things personally. He handled a demanding caseload in the Guard while maintaining his civilian personal and professional life. Unfortunately, he had to leave the Guard due to a shoulder injury that made it impossible for him to complete some military training requirements.

Approximately a year after Mr. Johnson medically retired from the Guard, I was assigned to the TDS position. After over 2 years in this assignment, I now have a great appreciation for the workload, loneliness, stress, and disruption to civilian life that a TDS JA faces. It is significantly more challenging than any other military assignment I have ever had. I had the benefit of being a senior field grade officer with over 28 years of experience in the military. TDS was Captain Johnson's first assignment as an officer in the military. He handled it extremely well. He did not let me or even higher ranking officers intimidate him by tactfully and calmly standing his ground. I deeply respect him for the abilities he showed while he was in TDS.

PAGE TWO

Matthew Johnson comments letter

November 28, 2016

The single thing about him that really stands out to me- and the reason I am writing this letter- is Captain Johnson's last 5 minutes in the Guard. It just really still impresses me. He had fought hard for over a year to obtain a medical waiver for his shoulder so he could continue to serve, but was ultimately denied. Although he did not show it, I think the denial of the waiver hurt him. The norm for Soldiers leaving the Guard, especially those who have to leave against their wishes, is to wind down during their last few weekend drills, hand off responsibilities, and basically coast out the door. However, he maintained his bearing and professionalism through the last moment of his military career. Specifically, he and I had been disputing an evidentiary issue in a separation board hearing that would take place after he left the Guard and with his replacement TDS JA. Rather than continue the issue and hand it off to his successor as he easily could have, Captain Johnson insisted on bringing the matter to the Legal Advisor for argument 15 minutes before the final formation on his last day. He advocated diligently for his client in that last hearing of his as though it were his first hearing. We missed final formation because the hearing ran a little long. I recall wondering to myself during the hearing if he had just miraculously gotten his medical waiver granted and would be remaining in the Guard. I have been struck by this level of attitude, dedication, and character only once before in 1999.

Mr. Johnson would make a superb district court judge.

If I can provide additional information, then please let me know.

Sincerely,



William E. Hunt, Jr.  
Attorney at Law

WEH/mv



**Montana City Realty, LLC**

Ken and Sue, Team Vivrette, LLC

3 Microwave Hill Road

Mt. City, Montana 59634

**406-439-8326**

11/28/2016

Judicial Nomination Commission

c/o Lois Menzie

Office of the Court Administrator

P.O. Box 203005

Helena Mt. 59620

Regarding Matt Johnson:

Dear Judicial Nomination Commission:

I have known Matt Johnson for about 12 years. I have worked with him when he was the Jefferson County Attorney. I saw him in action on the Planning Board, working on the Growth Policy, Wage Board, Zoning Board, and the Subdivision review process.

Matt Johnson has a good manner about him. When he was advising the Jefferson County Commissioners, he was always well prepared to answer their questions and all board committee members questions. He was always very professional and gave us all confidence that he knew what he

was talking about.

As an attorney in the private sector, my family has used him to argue our case. Matt Johnson is a great listener. He also is able to present both part of an argument, in order, to help us make a good decision moving forward.

I have also know Matt Johnson on a personal level. What stands out is his family dynamics. He has a great relationship with his wife both personally and professionally. He makes sure that he spends time with his children at home and on his days off.

I think he would be a perfect person to be a judge. He has the ability to pay attention to details, he is very careful and thoughtful in his deliberations, he is extremely fair and has a very even temperament. Matt Johnson will look at every case with an open mind and make a proper decision based on the facts.

Sincerely;

Ken Vivrette

7 Doe Mtn. Court

Clancy Mt. 59634

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

November 29, 2016

RE: Recommendations for Appointment as District Judge for Fifth Judicial District

Dear Judicial Nomination Commission:

I have known and worked with Matt from 2003 to December of 2015, primarily in his capacity as County Attorney for Jefferson County. Matt is hardworking, honest, fair-minded and would serve the citizens of the Fifth Judicial District with honor.

Matt worked closely with my office on a wide range of legal matters which included election issues, land use issues, zoning regulations and creation of rural special improvement districts as well as other civil matters for the County. In addition, Matt served as a member of the county survey review board, providing legal advice regarding subdivisions and certificates of surveys.

Although his office was busy with criminal matters, Matt was always available to other elected officials and department heads of the county.

I urge you to nominate Matt Johnson for consideration by Governor Bullock for District Judge.

*/s/Bonnie Ramey*

Bonnie Ramey  
Jefferson County Clerk and Recorder/Assessor/Election Administrator

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

Dear Ms. Menzies and members of the Judicial Nomination Commission,

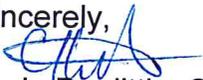
I am writing you in support of Mathew Johnson for the Judicial Nomination for the Fifth Judicial District consisting of Jefferson, Beaverhead and Madison Counties.

I have known Matt for the last fourteen years both as a friend and a professional as he served as the Jefferson County Attorney. Matt served in this position for many years and was elected to the office four times. Matt has effectively prosecuted hundreds of cases investigated by my office, participated in law enforcement trainings, assisted in teaching law enforcement classes to my deputies, and has consistently interacted and communicated effectively with my entire office, to include Reserve Deputies, Deputies, my staff (administration, dispatch, detention officers), my Under-Sheriff, and myself. He has also handled many civil actions and given sound advice to the county over his many years as the County Attorney.

Matt served the people of Jefferson County with passion, dignity and respect. He always took the time to listen and fully review things prior to making a decision. During this time I have always found him to be highly motivated, responsible, professional, trustworthy, honest and fair.

I highly recommend Mathew Johnson to be the next Fifth Judicial District Judge and I know he will be a great asset to the residents of Jefferson, Beaverhead and Madison Counties.

Sincerely,



Craig Doolittle, Sheriff  
Jefferson County

## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Wednesday, November 30, 2016 8:56 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Johnson

**From:** Leonard Wortman [<mailto:lwortman@jeffersoncounty-mt.gov>]  
**Sent:** Wednesday, November 30, 2016 2:10 PM  
**To:** MT Supreme Court,  
**Subject:** 5th Judicial District Judge nomination for Mathew Johnson

Dear Commissioners,

I am writing today to offer my support for the nomination of Mathew Johnson "Matt" to be District Judge in the 5<sup>th</sup> Judicial District.

Matt served as Jefferson County Attorney for thirteen years. During that time Matt did a great job with a vast array of issues that face Local Governments every day, many of which end up in District Court. He also has very valuable experience as a JAG Attorney for the Montana Army National Guard and in his private practice.

My experiences with Matt have always been positive. His decisions, that I am aware of, have been very well thought out and consistent with the law. He has never hesitated to face controversial issues when the need arises.

Finally, Matt is a resident of Jefferson County. I think it is very important that the District Judge has a strong connection to the area they serve. I believe it has been over forty years since the Fifth Judicial District Judge lived in Jefferson County, even though we have the highest case load of the three counties.

Thanks for your consideration of Matt Johnson for the Fifth District Judge.

Sincerely,

Leonard Wortman, Jefferson County Commissioner

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## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Wednesday, November 30, 2016 8:55 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Johnson

**From:** Bob Mullen [<mailto:bmullen@jeffersoncounty-mt.gov>]  
**Sent:** Wednesday, November 30, 2016 2:06 PM  
**To:** MT Supreme Court,  
**Subject:** Mathew Johnson 5th Judicial District Court Nomination

November 30, 2016

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

Commissioners:

This letter is in support of the nomination of Mathew Johnson (Matt) for the vacant judge seat in the 5<sup>th</sup> Judicial District.

I had the distinct pleasure of working with Matt Johnson when he was the Jefferson County Attorney, an elected position Matt held for more than 13 years. Matt was extremely courteous, always respectful and professional in dealing with the public and other county departments.

Matt has an excellent knowledge of the variety of legal matters experienced in the capacity of a county attorney. Additionally, Matt has practiced law privately and as a military attorney. I was particularly impressed with Matt's dedication to providing the county commission with prompt, quality advice on the myriad of issues we deal with ranging from conducting public hearings on land use and subdivision matters to the variety of questions surrounding county roads.

Further, I want to recommend Matt Johnson because he is a Jefferson County resident. I understand it has been more than 40 years since a Jefferson County resident has held this prestigious position for this judicial district. Since Jefferson County has the greatest caseload of this 3 county district, if any realignment of the district is done in the near future, a judge living in this county would be well positioned to take advantage of a potential district realignment.

Thank you for the opportunity to participate in this important decision.

Sincerely,

Bob Mullen,  
Jefferson County Commissioner



# BILLINGS LEGAL

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**Jeffrey A. Simkovic\***  
*jeff@billingslegal.net*  
**Timothy Baldwin\*\***  
*tim@billingslegal.net*

*\* also admitted in New York*  
*\*\*also admitted in Florida*

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December 1, 2016

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

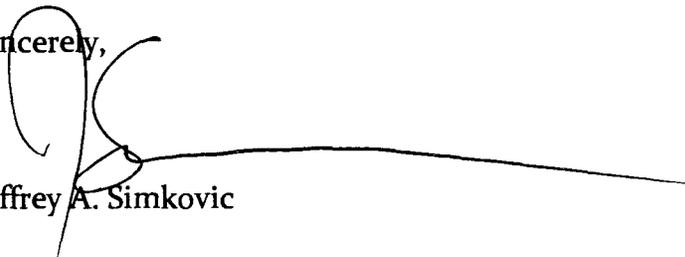
Sent via email only [http://courts.mt.gov/supreme/boards/jud\\_nomination](http://courts.mt.gov/supreme/boards/jud_nomination)

RE: Application of Mathew Johnson for 5<sup>th</sup> Judicial District Judgeship Vacancy

Dear Lois Menzies:

I have the privilege of sending this letter of recommendation for Matthew Johnson with whom I just have a short acquaintance. He has impressed me greatly with his toughness, kindness, and ability to get the work done, lately as co-counsel on a very difficult case with the Department of Public Health and Human Services.

Sincerely,



Jeffrey A. Simkovic

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

## Cook, Kevin

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**From:** MT Supreme Court,  
**Sent:** Thursday, December 1, 2016 4:49 PM  
**To:** Cook, Kevin  
**Subject:** Public Comment -- Johnson

**From:** tammy stuart [<mailto:mstechr@gmail.com>]  
**Sent:** Thursday, December 01, 2016 3:56 PM  
**To:** MT Supreme Court,  
**Subject:** Comments on judge candidates

Dear Judicial Commission,

My name is Tammy Stuart. I was just made aware that Matt Johnson, former County Attorney for Jefferson County, is being considered as a possible judge.

In 2014 my son died after taking oxycodone. Although credible, signed statements were provided to Mr. Johnson's office regarding what happened to my son, he took the stand that because my son had voluntarily taken the pill they did not want to prosecute. While I don't agree with Mr. Johnson's stance, stated to a state investigator at the beginning of the investigation, before all evidence was even collected, that is not my primary reason for writing this letter.

My primary reason for writing is that I feel strongly that Montana needs judges that respect the people they represent. We need judges that want to know all the evidence before they decide how to move forward. Although I've never met Mr. Johnson, he managed to make an extremely difficult period in our lives even worse. A couple of months after my son died I called Mr. Johnson's office and requested a meeting to discuss the status of my son's case. Mr. Johnson refused to meet with us and had his secretary tell us not to call the office again. If he wanted to talk to us he would call us. That was my first call to his office following the death of my son. This behavior is why I got involved with Marsy's Law. Montana needs judges that don't disregard victims based on personal beliefs. Montana needs judges that can enforce the law without making victims feel like their experience doesn't matter.

I called Matt Johnson's office many times for more than a year asking to meet with him. Each time I left a polite message with the secretary. Each time the meeting was declined. I finally put my wish to meet with Mr. Johnson in writing and sent it. I received a lengthy letter from Mr. Johnson stating he did not have any obligation to meet with me, he had no intention of meeting with me, and my request for a meeting was declined. Mr. Johnson was an elected official in my county and given the nature of the situation was completely insensitive and disrespectful and in my mind shirked the part of his duties that involved being responsive to his constituents. Mr. Johnson also made me doubt his respect for the law by determining in advance of all evidence being collected, that he did not intend to prosecute.

I am on vacation and was only made aware of this situation today. I cannot provide the letter Mr. Johnson wrote to me or provide other supporting evidence for what I've said here but would be happy to do so as soon as I return if anyone cares to review them.

Respectfully,  
Tammy Stuart

**Kellie Doherty-Doolittle**  
**PO Box 708**  
**Boulder MT 59632**

December 1, 2016

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

Re: Fifth Judicial District Candidate - Mathew J. Johnson

Dear Nomination Commission:

I have known Matt Johnson since 2003 when he won the election and assumed the position of Jefferson County Attorney. From the day he took office, Matt conducted himself with professionalism, honesty and kindness. No matter whom he dealt with during his years as our county attorney, Matt always treated everyone the same, with respect.

During his thirteen years as our county attorney, Matt dealt with many controversial cases. During those times, he always maintained his composure and respect for others. Matt handled several criminal cases which were factually and legally complex with many pre-trial motions and hearings. Matt prevailed and justice was served.

Matt is also personable and approachable; he has a common-sense and logical approach to matters and very often resolves issues prior to any need for litigation. I have known Matt on both a personal and professional level for thirteen years and believe he would make an excellent Judge.

Thank you for your time.

Sincerely,

Kellie J. Doherty