

Cook, Kevin

From: Menzies, Lois
Sent: Thursday, June 6, 2019 9:19 PM
To: Cook, Kevin
Subject: Public Comment -- Marks

From: Patrick Erbacher <skippyfiveo@hotmail.com>
Sent: Wednesday, June 5, 2019 6:03 PM
To: mtsupremecourt@gmail.com
Subject: Jason Marks

Your Honors,

I wanted to give my full support to Jason Marks to fill the upcoming vacancy in the Missoula District Court. I have worked closely with Marks for over a decade and have nothing but good things to say about his fairness and integrity. I would love to see a person of his caliber filling this seat.

Patrick Erbacher
Missoula, Montana

Sent from my iPhone

June 7, 2019

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

RE: Jason Marks

Dear Judicial Committee:

I am writing this letter of reference on behalf of Jason Marks for consideration for appointment as the Fourth Judicial District Judge, created by the pending retirement of the Honorable District Court Judge Karen Townsend's retirement.

As a side note, I believe the choice of both District Court Judge Leslie Halligan and District Court Judge Shane Vannatta as District Court Judges for Missoula County were well thought out and excellent selections to fill the vacant Judicial positions each was appointed. They are both proving to be thoughtful, fair and competent judges.

As a preliminary matter, I am Paul Ryan, born and raised in Missoula, Montana. My formal education consists of a Business Administration degree from the University of Montana in 1988, and a Juris Doctorate from Gonzaga School of Law in 1993. I worked for Boeing Commercial Airlines in Seattle prior to entering Law School. I was a partner and owner of the law firm of Datsopoulos, MacDonald and Lind in Missoula. I was with this firm for 14 years. In 2007, I opened my own law firm and practice in the area of Civil and Criminal litigation, while continuing to reside in Missoula. I also act as a Justice of the Peace and handle criminal and civil matters as a Judge in the Missoula community. During my years of practice, I have had the opportunity to work closely with many practicing attorneys in the State of Montana, including Jason.

I have known Jason for over 20 years, during that time, I have had the opportunity to observe her character traits and his work habits. With this background, I feel qualified to have objective opinions concerning his character and potential capabilities.

Jason is an incredibly hardworker, he is a talented lawyer and has committed himself to a career in the legal profession. He is honest, ethical, thorough and professional in all aspects of his personal and professional life. In addition to his work skills he has an incredibly likeable personality. He is very well rounded, stable, and responsible. In addition to his hard work ethic and intellect he is extremely thoughtful. He is not

Paul Ryan & Associates, PLLC

June 7, 2019
Page 2

hindered by any negative habits. His reputation, throughout the community, is that he is honest, fair, reasonable and diligent in his work. He can be tough when he needs to be, yet balances that toughness with the empathy and fairness to properly deal with all issues of a case. Along with all those qualifications he has a balanced home life and is an excellent father and husband.

I have been litigating both civil and criminal cases for over 26 years in various Montana Courts, I am in Court almost every day, often multiple times a day. I have taken the time to analyze what I believe the characteristics of an effective and quality Judge. I believe Jason exceeds all the requirements necessary to be a fair, competent and impartial Judge. He has the proper temperament and superior legal skills to be a very good Judge. He is a long time Missoula resident and is fully in touch with the issues in this community.

I hope you will consider all the above information and many other factors, in making your decision. I without hesitation believe Jason Marks has the characteristics, professionalism and personality traits that should afford him the opportunity to be considered a strong candidate for appointment as the Fourth Judicial District Judge opening.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

PAUL RYAN & ASSOCIATES, PLLC

Paul T. Ryan

PTR/ik

Missoula Offices

Central Square Building
201 W. Main Street, Suite 201
Missoula, MT 59802

Phone: 406.728.0810
Fax: 406.543.0134

www.DMLlaw.com

Hamilton Offices

Hamilton Center
1920 N. First Street, Suite C
Hamilton, MT 59840

Phone: 406.961.9003
Fax: 406.961.9004

www.DMLlaw.com

Milton Datsopoulos

Dennis E. Lind
William K. VanCanagan
▲ **Terance P. Perry**
◦ **Molly K. Howard**
Trent N. Baker
Peter F. Lacny
Nathan G. Wagner
Joseph R. Casillas
George H. Corn
◦ **Brian M. Lebsock**
• **Jason A. Williams**
Gregory A. McDonnell
Jenna P. Lyons

Darla J. Keck [Of Counsel]
Zane K. Sullivan [Of Counsel]

Ronald B. MacDonald [1946-2002]

June 6, 2019

Via Electronic Mail

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

▲ Also admitted in Massachusetts
▶ Also admitted in North Dakota
◦ Also admitted in Washington
• Also admitted in Idaho

Re: ***Jason Marks***

Dear Members of the Judicial Nomination Commission:

I write to express my enthusiastic support for Jason Marks being appointed as District Court Judge for the Fourth Judicial District. I have known Jason since I graduated law school in 2006. Criminal defense is a major part of my practice, and it is in the criminal law arena that Jason and I have gotten to know one another. We first met when he was a public defender in Missoula. Our careers continued to parallel when he became a deputy Missoula County Prosecuting Attorney and then the Chief Deputy County Attorney of that office. From our years working against each other, I have gotten to know his character, his work ethic, his values, and his experience very well. I am proud to write this letter for him.

First and most importantly, Jason has always been completely honest and forthright when working a case against him. Jason is a prosecutor that keeps his word, is tough but fair, and again, is always honest. His reputation amongst the defense bar is impeccable. I have never heard another attorney

Datsopoulos, MacDonald & Lind, P.C.

Members of the Judicial Nomination Commission

June 6, 2019

Page 2

or person speak badly of Jason. He takes his heavy ethical obligations as a prosecutor seriously, and he would do the same as a Judge.

Second, Jason's trial experience is impressive and broad. A trial judge must know the rules of evidence, know substantive law, and be prepared to make important rulings quickly. Jason's application shows the number of cases he has tried in the last decade (70+) and he appears daily in the Missoula Courts. In the last decade Jason has tried more cases than most lawyers will try in a career. With this trial experience, there is little that will come up in a case before him he will not be prepared and ready to adjudicate immediately. Jason will come to the bench ready to run the docket efficiently and fairly.

Third, Jason's temperament and work ethic will make him a great Judge. I have had difficult cases against Jason, but he has always shown the utmost professionalism in our interactions, even when we did not see eye to eye on issues. Jason always extends professional courtesies to his opponents, calls or emails you back, and is always prepared and up to speed on his cases. In short, Jason takes his job and his cases seriously. I know he will do the same as a Judge. Jason's disposition will make him a Judge all attorneys will enjoy appearing before, and litigants can expect the same fair and patient treatment.

Jason's legal career has been wholly dedicated to public service. This is commendable. I hope that he continues on this path serving as the Fourth Judicial District's next Judge. Missoula County and Mineral County would be gaining a first-rate jurist if Jason is appointed to the position.

Thank you for considering my comments.

Respectfully,

DATSOPOULOS, MacDONALD & LIND, P.C.

/s/ Peter F. Lacny

Peter F. Lacny



Chief Operating Officer
MISSOULA COUNTY
200 WEST BROADWAY ST.
MISSOULA, MT 59802-4292
PHONE: (406) 258-3293
FAX: (406) 258-3943

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

Dear Judicial Nominating Commission:

I am honored to provide a recommendation for Jason Marks for the position of District Court Judge for the Fourth Judicial District. The character of a person can be measured in many ways, no matter the method that is chosen Jason Marks would receive top marks. The qualities needed in a District Court Judge can all be found in abundance in Mr. Marks who is both an outstanding attorney and public servant.

Mr. Marks experience in the area of criminal law and procedure is expansive and would be hard to find in any other candidate. Mr. Marks serves as the Chief Deputy County Attorney in the Missoula County Attorney's Office. In that role, he provides guidance, oversight, mentoring and support to not only the attorneys and staff in the office but to countless law enforcement officers in the field. Mr. Marks keen mind, knowledge of precedent and ability to analyze situations makes him the first call for the most complex cases that come through the office. Mr. Marks also has the ability to synthesize vast amounts of information and data, tracking cases that are not part of his caseload but those of the attorney's he oversees. On more than one occasion Mr. Marks has been called upon to stand in for another attorney at the last minute, his thorough knowledge of these cases, court procedure makes the change in counsel unnoticeable to all.

As Chief Deputy Mr. Marks also serves as one of the chief advisors on civil matters for the County. He brings to civil practice the same passion and insight he is known for in criminal matters. Mr. Marks has worked on several of the most daunting challenges facing local governments, complex personnel issues, Human Rights Complaints, to liability exposures and leases. Mr. Marks ability to not only research and review case law but also to synthesize that information into opinions and guidance for the County has helped to bring a successful conclusion to numerous cases.

All of the above reasons would make Mr. Marks qualified for the opening for a District Court Judge, yet what perhaps makes him the most qualified candidate is his heart for public service. Whether Mr. Marks is working with staff, elected officials, other county agencies or the public Mr. Marks stands apart for his willingness to go above and beyond for the citizens of Missoula County. It is not uncommon to see Mr. Marks taking extra time when meeting with citizens on issues large and small, truly listening to their concerns and wherever possible helping them navigate to what many seems like a complex and daunting system.

I highly recommend that the committee recommend Mr. Marks for the position of District Court Judge.

/s/ Christian Lounsbury



June 11, 2019

(406) 258-4877
bcc@missoulacounty.us

Judicial Nomination Commission
c/o Lois Menzies
Office of Court Administrator
Po Box 203005 Helena, MT 59620-3005
mtsupremecourt@gmail.com

Dear Judicial Nomination Commission:

I am writing today in support of Jason Marks' application for the Fourth Judicial District Judgeship vacancy. I have worked closely with Jason in my role as a Missoula County Commissioner and have greatly appreciated the many strengths and talents he brings to the County Attorney's Office.

Jason possesses skills and characteristics imperative for a judge; integrity, compassion, fairness, steadiness, intelligence, and a solid work ethic. However, it is likely that all the esteemed candidates for this position share these qualities. Therefore, I write to impart what I think makes Jason unique. First and foremost, his collaborative spirit and willingness to work through difficult multi-jurisdictional, systems-level change with multiple partner agencies and community groups. Missoula has received statewide and national attention for being on the forefront of criminal justice reform. Jason has played an integral role by building relationships, synthesizing data, understanding the law and macro-level analyses, and ensuring functional administration to move towards maximum efficiency, effectiveness, and equitability across the system. His ability to guide the big picture while also working on the minute details that make the vision happen is a rare gift.

Second, Jason has a vast breadth of experience. Not only has he worked in both defense and prosecution, on civil and criminal cases, but has had the opportunity to become well-versed in many areas of law due to his service at the County, including but not limited to: road, subdivision, planning/land use, personnel/human resource issues, human rights complaints, elections, health code, youth in need of care, involuntary commitments, and citizen- and inmate-generated litigation. Jason's work in such diverse fields has repeatedly demonstrated his aptitude for quickly acquiring and assimilating complex new information to arrive at thorough, thoughtful legal opinions.

Finally, Jason's deep commitment to public service sets him apart. He was born and raised in a spirit and culture of service; his dad has worked for the County for over 45 years and continues to inspire those around him and grow future generations of servants. The apple didn't fall far from the tree. The Attorney's Office often has pro-se litigants walk in, and Jason will take the time in his extremely full schedule to help them because he truly cares. He is always willing to assist the Commission on any number of diverse projects and is a leader in broader community justice efforts. Jason consistently goes above and beyond to help us make our communities better for our children than it is for us.

Thank you for your consideration of this remarkable man.

Sincerely,

Nicole "Cola" Rowley, PhD
Missoula County Commissioner

Cook, Kevin

From: Menzies, Lois
Sent: Saturday, June 15, 2019 8:33 PM
To: Cook, Kevin
Subject: Public Comment -- Marks

From: Jean Curtiss <jcurtiss53@gmail.com>
Sent: Wednesday, June 12, 2019 4:29 PM
To: MT Supreme Court,
Subject: District judge appointment- Missoula

Hello,

I am writing to in support of Jason Marks for the District Judge appointment to replace retiring Judge Townsend.

I serve as Missoula County Commission for 18 years and had the privilege of working with Jason Marks as a Deputy County Attorney for 11 years and as Chief Deputy Attorney for the Criminal and Civil sections for 4 years before I retired. County Commissioners are faced with legal issues on a regular basis and count on counsel from the County Attorneys office.

Jason is a dedicated public servant and dedicated to the law. He has served in many roles from mental health commitments, to felony cases. As Chief Deputy he supervised new and experienced attorneys in the office. When he accepted the role of Chief Deputy, he quickly learned about the various areas of civil law involving the many county departments. At the same time, the Missoula County Attorneys office also accepted the role of representing the various departments in civil litigation rather than Missoula County using outside counsel. Jason's background in civil law made that a successful transition. He personally represented Missoula County in some cases but was involved in all cases as the Chief Deputy.

As you know, drug use has affected many families in Montana so he has experience in dealing with families in crisis -lost jobs, addictions, child abuse and neglect, etc. Missoula County has a large detention facility and with that comes the opportunity for lawsuits. Jason represented the County in many cases.

He has compassion but also recognizes the need to protect the public. I see Jason Marks as skilled in finding that balance in making recommendations and making decisions.

Jason Marks has my strong support to fill this open seat for District Judge in Missoula County.

Jean Curtiss, retired Missoula County Commissioner
1419 Howell Street
Missoula, MT 59802
406-721-1705



DAVID R. PAOLI
PAUL M. LEISHER

257 WEST FRONT STREET, SUITE A
P.O. BOX 8131
MISSOULA, MONTANA 59802
PHONE: 406-542-3330
FAX: 406-542-3332

DAVIDPAOLI@PAOLI-LAW.COM
PAULLEISHER@PAOLI-LAW.COM

June 17, 2019

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

RE: Jason Marks

Dear Judicial Nomination Commission:

I am writing in support of Jason Marks' application for the Fourth Judicial District Judgeship vacancy.

I have known Jason for many years and am aware of his extensive commitment to public service. He is dedicated to the Missoula County Attorney's office and the people of Montana.

As one of Missoula County's top prosecutors, Jason has always conducted himself professionally and has fairly prosecuted all types of cases. Where some prosecutors may become consumed by the significant power they wield, I have not found that to be the case with Jason. Quite the opposite. Jason understands his important role as a prosecutor but does not cross the line in pushing the limits of proper prosecutorial conduct.

I believe Jason Marks will make a fine District Court Judge for the Fourth Judicial District. I highly recommend him for your consideration.

Very sincerely yours,

David R. Paoli

DRP/mmi

To: Judicial Nomination Commission

c/o Lois Menzies

Office of Court Administrator

P.O. Box 203005

Helena, MT 59620-3005

From: Mitchell Duane Lang Missoula, Montana

Reference: Mr. Jason Marks / Office of Montana Judge in the Fourth Judicial District

Date: June 17th 2019

Good day, my name is Mitchell Lang and I am writing to express my support for Jason Marks for the appointment of the Office of Montana Judge in the Fourth Judicial District in Missoula Montana, specifically, the to-be vacant office of Judge Karen Townsend.

My support and recommendation for Mr. Marks is based upon my working relationship with him over the past 10 years. Mr. Marks has served as a mentor to me in the role, practice, and interpretation of the law as I myself learned and developed professionally. Although I could provide an extensive list of traits which I feel makes Mr. Marks a highly qualified candidate, I will take a moment to outline a few of the most compelling and invite you to reach out for further discussion.

As previously mentioned, Mr. Marks has served as a mentor to me. Expanding on this, he has made himself available to me both during the working hours and during his private life when I had questions regarding the applicability of law and has acted as an objective and reasonable voice during my investigations when my co-workers or I required additional guidance in how to proceed. This demanding work ethic has become something that is expected of Judges, as search warrants have been sought after hours on an increasing basis. I have little doubt Mr. Marks will continue to abide by this work standard, putting his community first when situations arise.

Mr. Marks has exhibited a high degree of knowledge of not only the body of law but is also well-versed as to its applicability in regards to criminal court. My professional discussions with Mr. Marks involved objectively reviewing the totality of the investigation and determining if these meet not only a black-and-white requirement of the law but also the reasonable course of the case based on the numerous elements. Mr. Marks is able to not only see a case from a vantage point attained from great knowledge and experience but is also able to effectively articulate it. This displayed to me a sense of maturity in the profession and the ability to confidently see the larger picture in the light of not only the law, but also the appropriate applicability of it in regards to the will of the community and other factors.

The greatest trait I will close with is Mr. Mark's leadership style of that of cooperation and collaboration. I have felt over the past 10 years Mr. Marks has never been beyond approach and has been available when I needed guidance. The decision to appoint Mr. Marks to the Office of Montana Judge, in the Fourth Judicial District, would be in keeping with the expected high conviction and wisdom required to accomplish the mission as a magistrate in our community.

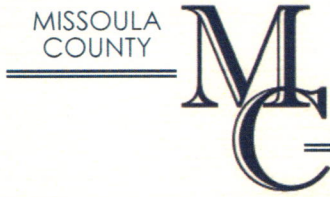
Please feel free to contact me as I am willing to expand or add detail to the previously discussed points regarding Mr. Mark's eligibility.

Best regards,

Mitchell Duane Lang

5851 Prospect Drive

Missoula, MT 59808



Board of County Commissioners
Mailing Address: 200 West Broadway
Physical Address: 199 West Pine
Missoula, MT 59802-4292

(406) 258-4877
bcc@missoulacounty.us

June 17, 2019
Judicial Nomination Commission
c/o Lois Menzies
Office of Court Administrator
P.O. Box 203005
Helena, MT 59620-3005

Dear Judicial Nomination Commission,

I write to offer my enthusiastic support for Jason Marks to fill the open judgeship position in Montana's Fourth Judicial District. As a member of the Missoula Board of County Commissioners, I've had the privilege of working with Jason on a host of issues within Missoula County government and believe he would be an ideal fit as a district court judge.

Missoula County is the second largest county in Montana and, as such, the workload of our County Attorney's Office is significant and requires from its attorneys a high degree of competency, proficiency, knowledge, and coordination in our local and state criminal justice system. In his role as deputy county attorney, Jason displays all these attributes. Moreover, he serves as a primary point of contact between the County Attorney's Office and the county commissioners. Not only is Jason a very good attorney, with a solid track record in civil and criminal law, but he is also a great communicator and well-versed in the complex relationships between executive, legislative, and judicial branches of government and the interplay between independently elected officials who oversee these branches.

But stellar technical, legal, administrative, and managerial skills are not enough in and of themselves. Rather, a mark of a good judge includes a commitment to public service, justice, fairness, humility, and, above all, respect for all who enter the courtroom. If my day-to-day interactions with Jason in local government are any indication, he'll exemplify these qualities as a judge, just as he has in his current role.

Thanks for the opportunity to provide input, and don't hesitate to contact me if you have any additional questions.

Best,

David Strohmaier
Missoula County Commissioner

Anna C. Conley
1519 Dickinson Street
Missoula, MT 59802

June 18, 2019

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

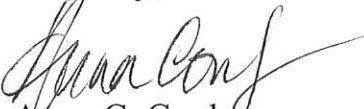
Re: Jason Marks Judicial Nomination

Dear Lois Menzies,

I write in support of Jason Marks' application for the district judge position in the Fourth Judicial District. As a civil deputy in the Missoula County Attorney's office, I work directly with Jason in his capacity as Chief Deputy County Attorney. Jason's command of both civil and criminal law is remarkable and valuable. It is rare for an attorney to have Jason's wide-ranging knowledge of so many areas of law. Few people have experience in both defending and prosecuting criminal cases, complex civil cases, dependent neglect cases, guardianships and civil commitments. This experience especially qualifies Jason to be a district court judge in a court of general jurisdiction like ours.

I have practiced civil litigation for fifteen years, and I understand the importance of having judges who appreciate the unique complexities of civil practice. Jason certainly has this appreciation. I have also observed Jason to be fair, reasonable, responsive, and dedicated. He is well-respected by his colleagues and the Missoula legal profession generally. I cannot think of a better candidate for a district judge in Missoula County.

Sincerely,


Anna C. Conley



Datsopoulos, MacDonald & Lind, P.C.

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Missoula Offices

Central Square Building
201 W. Main Street, Suite 201
Missoula, MT 59802

Phone: 406.728.0810
Fax: 406.543.0134

www.DMLlaw.com

Hamilton Offices

Hamilton Center
1920 N. First Street, Suite C
Hamilton, MT 59840

Phone: 406.961.9003
Fax: 406.961.9004

www.DMLlaw.com

Milton Datsopoulos
Dennis E. Lind
William K. VanCanagan
▲ Terance P. Perry
◦ Molly K. Howard
Trent N. Baker
Peter F. Lachy
Nathan G. Wagner
Joseph R. Casillas
George H. Corn
◦ Brian M. Lebsock
• Jason A. Williams
Gregory A. McDonnell
Jenna P. Lyons
Darla J. Keck [Of Counsel]
Zane K. Sullivan [Of Counsel]

Ronald B. MacDonald [1946-2002]

- ▲ Also admitted in Massachusetts
- Also admitted in North Dakota
- Also admitted in Washington
- Also admitted in Idaho

June 19, 2019

Via Electronic Mail

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

Re: *Jason Marks*

Dear Members of the Judicial Nomination Commission:

I am providing this correspondence in support of Jason Mark's application for the position of District Court Judge in the Fourth Judicial District of Montana. I have practiced law in Missoula since 1968 and started my own firm in 1974. My practice has been varied, working primarily in the area of general litigation, including but not limited to personal injury, medical malpractice, felony criminal cases, and business litigation matters. I have also practiced in many jurisdictions throughout the state of Montana during my nearly fifty years litigating cases. In those years I have observed and appeared in front of many trial judges, which has provided me the opportunity to observe and interact with Judges from all geographical areas in Montana.

Datsopoulos, MacDonald & Lind, P.C.

Members of the Judicial Nomination Commission

June 19, 2019

Page 2


In my career I have also served on multiple nominating committees, primarily for appointments to the federal bench. Based on my personal experience as an attorney specializing in litigation, I fully appreciate the seriousness of the responsibility entrusted to you as a member of the Judicial Nomination Commission and appreciate your service on the committee.

In my opinion, Jason Marks will make a tremendous Judge. I have known Jason since he started at the County Attorney's Office, and I have watched his progress as he ascended to the Chief Deputy County Attorney position. After reviewing all the applicants, it is my opinion that Jason is the best choice to replace Judge Townsend and he has exhibited the intellect and temperament that is required by a trial Judge. Jason has handled many serious complex cases in a highly professional manner, and he exhibits strong technical skills. Additionally, unlike many lawyers, he has a steady and calm demeanor in high stress situations. Jason always treats everyone he encounters with the utmost respect.

If any members of the Commission have any individual questions, I'm available via phone at my law office. I can be reached at (406)728-0810. Thank you again for your time and service.

I remain, very truly yours,

DATSOPOULOS, MacDONALD & LIND, P.C.



Milton Datsopoulos



KIRSTEN H. PABST
MISSOULA COUNTY ATTORNEY
200 W. BROADWAY
MISSOULA, MONTANA
59802-4292
(406) 258-4737
kpabst@missoulacounty.us

June 20, 2019

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

RE: JASON MARKS & the FOURTH JUDICIAL DISTRICT JUDGESHIP VACANCY

Dear Members of the Judicial Nomination Commission,

I write to recommend the nomination and appointment of Jason Marks as Missoula County's next district court judge. Jason is a skilled trial attorney, hard worker and even-tempered leader—qualities prompting my decision to appoint him as my Chief Deputy five years ago, overseeing both the civil and criminal divisions of my 42-employee office.

Like all good judges, Jason is able to maintain a healthy equilibrium of being professional and respectful of his colleagues while firmly holding people accountable when necessary. His background brings the balance of having worked in prosecution and defense, in addition to practicing in both the criminal law and civil law arenas.

Without doubt Jason's shoes will be difficult to fill. He's been a critical part of this office and important leader for our team, department heads, and local law enforcement. However, it is my firm belief that his work here has been in preparation for this next role as district judge. From the bench, Jason will be able to serve the Missoula community in an even greater capacity.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. H. Pabst", is written over a horizontal line.

Kirsten H. Pabst
Missoula County Attorney

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

Re: Jason Marks

Dear Judicial Nomination Commission:

I am writing this letter in support Jason Marks for the position of District Court Judge of the Fourth Judicial District

For the past five years I have had the privilege of serving as Honorable Karen S. Townsend's court clerk. I am sad to see our working relationship come to an end, but I strongly feel that Jason would be the best candidate to take her seat on the bench.

During my time in court and in the Clerk of Court office I have had the pleasure to get to know Jason and observe him in the courtroom. I believe it is important to note that I am employed by Missoula County and work not for the judge, but for Shirley Faust, Missoula County's Clerk of District Court. However, when our court schedule is busy, which is quite often, I am working beside the judge more than I am in my own office.

In my many dealings with Jason I have found him always prepared for court. I have never seen him get flustered or be at a loss for words. When he is present in the courtroom, I know the hearing will be expeditious yet productive. He is also thoughtful in his arguments and creative with solutions on how to move forward with challenging cases.

One trait of Jason's that I find most impressive is that he is always respectful to all sides, including when he addresses some very trying defendants. In the past, we have had cases where a defendant insists on proceeding pro se and Jason treats that person with the same level of respect that he shows to opposing counsel and the judge.

My ability to work with the judge is critical and in my many dealings with Jason, I have no concerns that the solid relationship I have with Karen would continue with Jason.

Thank you for taking the time to consider my letter of support.

Sincerely,

/s/ Susie Wall

Deputy Clerk of Court

Court Clerk for the Honorable Karen S. Townsend

Cook, Kevin

From: Menzies, Lois
Sent: Monday, June 24, 2019 12:51 PM
To: Cook, Kevin
Subject: Public Comment -- Marks

From: Josh Slotnick <jslotnick@missoulacounty.us>
Sent: Sunday, June 23, 2019 11:35 AM
To: mtsupremecourt@gmail.com
Subject: nomination recommendaiton

Judicial Nominating Committee,

My name is Josh Slotnick, I am a County Commissioner from Missoula County. I am writing in recommendation of Jason Marks, who has applied to replace Karen Townsend as a Missoula District Court Judge. In his five years as the Chief Deputy to the Missoula County Attorney, Jason has distinguished himself. He continually demonstrates a razor-sharp intellect and an even-handed and calm temperament. As a Commissioner I have met with Jason while speaking on intense matters of litigation where the County is exposed to high-degrees of risk, both financially and in terms of reputation. Jason unfailingly displays seriousness and calm, as well as understanding. He is formal, yet empathetic, and ultimately unflappable. In short, he inspires confidence in our County Attorneys. As a District Judge, these characteristics will not only serve him well, they will allow him to effectively meet the public's expectation of justice for all.

Jason became the Deputy County Attorney in part due to the characteristics outlined above, but also because of his absolute fluency on legal matters both criminal and civil. His complete skill set, solid judicial temperament, and impeccable reputation make him an ideal choice to replace Judge Townsend. Additionally, in an election to come, Jason's name recognition and years of good work in the community set him up for success.

District Judges represent us all and work for us all— rural and urban, and across the partisan divide. Jason embodies the broad understanding required to engender respect throughout the County. We live in a time of unfortunate distrust in government, and that apprehension adds a layer of intensity to all of our work. As a Commissioner I can say clearly, when people like Jason Marks occupy the bench, all of our work becomes easier. He inspires trust, and that spreads across local government.

Thank you so much for your consideration.

Best,

Josh

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June 20, 2019

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

Re: Letter of Support sent via email and mail for Jason T. Marks for Fourth Judicial District Court Judge

Ms. Menzies:

Please accept this letter of support for Jason T. Marks for consideration and appointment to the Fourth Judicial District Court of Missoula County.

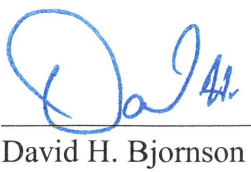
We have worked with Jason for over eight years and have found him to be an exceptional attorney and an upstanding member of our community. In his role as Deputy Chief Prosecutor, he has both practiced and supervised the criminal and civil divisions for Missoula County. This has afforded him the opportunity to appear in court on a daily basis and in our opinion he approaches his role as a public servant with the utmost integrity.

As a native Montanan and local attorney, Jason is committed to supporting our community. He is a member of the Kiwanis Club and served on the Board of Directors from 2014-2016. He is also a member of the Backcountry Hunters and Anglers Organization.


We feel that Jason's extensive exposure to various areas of law as well as his large amount of trial experience will make him an excellent candidate for District Court Judge. We also believe that Jason is capable of quickly learning new areas of law and are confident that he will be dedicated to holding the position to the highest of standards for the good of our community and the people he serves. Jason has always had the mindset to find the best resolution approach to resolve matters with a win-win attitude.

Please contact us if you have any questions regarding Jason's application or our letter.

Sincerely,


David H. Bjornson


R. Nick Jones


Craig Mungas



Datsopoulos, MacDonald & Lind, P.C.

LAW OFFICES | EST. 1974

Missoula Offices

Central Square Building
201 W. Main Street, Suite 201
Missoula, MT 59802

Phone: 406.728.0810
Fax: 406.543.0134

www.DMLlaw.com

Hamilton Offices

Hamilton Center
1920 N. First Street, Suite C
Hamilton, MT 59840

Phone: 406.961.9003
Fax: 406.961.9004

www.DMLlaw.com

Milton Datsopoulos

Dennis E. Lind

William K. VanCanagan

▲ **Terance P. Perry**

◦ **Molly K. Howard**

Trent N. Baker

Peter F. Lacny

Nathan G. Wagner

Joseph R. Casillas

George H. Corn

• **Jason A. Williams**

Jenna Lyons

Edward "Jake" Miller

Darla J. Keck [Of Counsel]

Zane K. Sullivan [Of Counsel]

Ronald B. MacDonald [1946-2002]

▲ Also admitted in Massachusetts

▶ Also admitted in North Dakota

◦ Also admitted in Washington

* Also admitted in Idaho

June 25, 2019

Via E-Mail Only:

Judicial Nomination Commission

c/o Lois Menzies

Office of Court Administrator

P.O. Box 203005

Helena, MT 59620-3005

mtsupremecourt@gmail.com

Re: Jason Marks

Dear Judicial Nomination Commission Members:

I am writing to provide my support for the appointment of Jason Marks to the position of Judge in the Fourth Judicial District. I first met Jason when I was an intern in the Missoula County Attorney's office during Law School. Jason was working as a Public Defender at that time, and I was prosecuting misdemeanor cases for the County. Despite the adversarial nature of our roles, Jason was always completely professional in his dealings with me and my colleagues. I admired his ability to simultaneously advocate for his clients while maintaining a friendly and courteous demeanor in his dealings with our office.

After Law School I went into private practice which included some criminal defense work, and Jason took a position with the County Attorney's Office as a prosecutor. The same qualities I had observed when he was a Public Defender continued in his new role as a prosecutor. I found him to be fair, reasonable, and professional in every way, and while our roles had reversed, our relationship didn't change in any way. I truly believe that his experience serving as both a prosecutor and defender has uniquely prepared him to serve the needs of our community as a district court judge.

Datsopoulos, MacDonald & Lind, P.C.

Judicial Nomination Commission

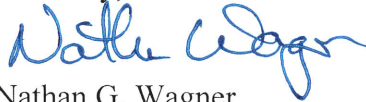
June 25, 2019

Page 2

I now practice primarily as a plaintiff's personal injury attorney handling civil litigation in courtrooms around Montana. I have had the opportunity to observe the qualities that make for a good judge, including even temperament, patience, an agile mind, and a passion for justice. Jason exemplifies all of these qualities, and I have no doubt that he will make an excellent judge.

Above all else, however, I would like you to know that Jason is a man of integrity. I have never known him to break his word, attempt to take unfair advantage of opposing counsel, or use his authority improperly in any way. It is his integrity that will be his most important trait as a district court judge. Please accept my wholehearted endorsement of Jason Marks for district court judge. If I can be of any assistance to the Commission during these deliberations, please do not hesitate to contact me.

Sincerely,



Nathan G. Wagner

BOONE KARLBERG P.C. ATTORNEYS AT LAW

W.T. BOONE (1910-1984)
KARL R. KARLBERG (1923-1988)
JAMES J. BENN (1944-1992)
THOMAS H. BOONE, of Counsel
WILLIAM L. CROWLEY
RANDY J. COX
ROBERT J. SULLIVAN
DEAN A. STENSLAND
CYNTHIA K. THIEL
ROSS D. TILLMAN
JAMES A. BOWDITCH

MATTHEW B. HAYHURST
SCOTT M. STEARNS
NATASHA PRINZING JONES
THOMAS J. LEONARD
JULIE R. SIRRS
TRACEY NEIGHBOR JOHNSON
CHRISTOPHER L. DECKER
RANDY J. TANNER
ZACHARY A. FRANZ
JOHN M. NEWMAN
TYLER M. STOCKTON

June 26, 2019

Via Email

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

Re: Jason Marks

Dear Members of the Judicial Nomination Commission:

I write to state my unqualified support for Jason Marks as an applicant for the position of District Court Judge for the Fourth Judicial District. My support for him is based on his impeccable reputation and credentials and also on law-related personal experiences involving people and things that matter greatly.

First, without disclosing names, I point out that a relative of mine was dealing with prescription drug addiction. He made a mistake resulting in a felony charge. Jason was the prosecuting attorney. He looked into and listened to the circumstances and the young man's character. Jason ultimately made a decision that gave this young man a chance – and, ultimately, gave him back his life. What Jason offered was a deferred imposition of sentence that required the young man to remain on the straight and narrow for a period of years. Those years have passed and the charges have been expunged. The young man has now returned to college, has accepted an appointment as a lay minister in rural churches and will be attending seminary in the 2020 academic year. For our family, for our relative, this was a major turning point. Jason did not have to do what he did, but his instinct and professionalism told him this defendant had potential to make the world a better place. And he is doing just that. I shall remain forever grateful to Jason Marks.

The second matter arises from my periodic work as a coach of the University of Montana School of Law competition trial team - something I have enjoyed doing and have had the pleasure of coaching over the years with Judge Townsend, Katie DeSoto, Tim Dailey and Randy Bishop. One of the ways the trial teams practice for regional and national competition is to do practice trials, on Saturday and/or Sunday mornings, against experienced trial lawyers. Each and every time I have asked Jason Marks to participate and come try the case against one of the teams, he has agreed. This past year, in mid-January, was of particular note. I had arranged for two other lawyers to try the case starting at 8:00 a.m. on a Saturday morning. At the last minute, both canceled. On Friday morning, I contacted Jason and he agreed to come try the case. Typically, two lawyers try a practice trial against the two-member law school trial team members. Jason showed up on his own, dressed in courtroom attire, and tried the case by himself. That was impressive. More impressive was that when the trial was over, I asked Jason if he had any comments on the performance of the students. He initially demurred, saying he did not think he would have anything of value to say. I urged him to pass along whatever he thought might be of value. At that point, he talked the students through the trial with a focus on the facts that really and truly mattered and taught them ways to use those facts in the most persuasive way. Jason's practice pointers were, in my judgment, some of the very best comments we received from practicing lawyers. His comments made the students better lawyers. It was remarkable.

My last comment has to do with temperament. Everyone talks about "judicial temperament." Some judges have it and some did have it until it got lost in the day-to-day of handling the pressure and difficulties that come with being a state district court judge - especially in busy judicial districts. The one thing that has always struck me about Jason is that he does a serious job without taking himself seriously. That ability to handle difficult situations with aplomb and even humor will serve him well as a district court judge in the Fourth Judicial District. I respectfully ask that you regard Jason's application with favor and forward his name to Governor Bullock. Thank you.

Respectfully,



Randy J. Cox

June 26, 2019

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

RE: Applicant Jason Marks

Members of the Judicial Nomination Commission:

The undersigned are writing in support of the appointment of Jason Marks as a Fourth Judicial District Court judge, to fill the vacancy left by the Honorable Karen S. Townsend's retirement, effective August 30, 2019. We are Jason's colleagues, collaborators and friends who have spent the last several years working with and operating under Jason during his time as both a Deputy County Attorney and as the Chief Deputy County Attorney for the Missoula County Attorney's Office. Throughout that time, Jason has continuously demonstrated to us his unflappable resolve, his keen sense of justice and his ability to craft evenhanded solutions to the inherently thorny issues that present themselves in the cases that cross our desks.

In his current position as Chief Deputy County Attorney, Jason is tasked with an incredible range of responsibilities, to include: the management of both the criminal and civil attorneys in the office; budget formation and presentation to the Missoula County Commissioners, hiring of new employees; coordination of policy with our law enforcement and community partners; effective communication with both the Office of the Public Defender and private defense attorneys; and overseeing his own caseload, to name a few. Jason is exceptional at discharging those duties. While his workload is substantial, Jason's hard-working nature and enduring commitment to the public that he serves allows him to fulfill those obligations with aplomb.

Despite his considerable breadth of responsibility, Jason's willingness to tackle difficult problems and the unpretentious nature with which he goes about his work has established him as a leader to the members of our office. He is honest, decisive and fair. Jason excels at offering careful consideration to the issues his staff brings before him and at providing clear direction as to the appropriate path to take. He displays uncommon poise when confronted with situations that might leave other attorneys unbalanced, such as a challenging trial, an unhappy community member or an unfavorable decision from a judge.

To our view, Jason's levelheaded demeanor and dedication to fairness make him the ideal applicant for this appointment. Being a judge is strenuous and complicated work, work that is often rewarded with little fanfare and subject to significant public scrutiny. The job requires courage, conviction and humility. It requires decisiveness after thorough contemplation of the issues. It requires empathy, compassion and effective communication with the litigants who appear before the court. It requires a person who recognizes that fidelity to the impartial administration of the law is a public good of the highest order.

Jason is that person. He was born and raised in Missoula, and has continuously demonstrated the depth of his commitment to the people of the Fourth Judicial District through his work at

both at the Office of the Public Defender and the Missoula County Attorney's Office. Jason has devoted his life to helping our community members find justice in some of the world's most forbidding corners. Now, we ask that the Judicial Nomination Commission and Governor Bullock appoint Jason Marks to continue that service from the bench.

Sincerely,

/s/ _____
Brian Lowney
Deputy County Attorney

/s/ _____
Ryan Mickelson
Deputy County Attorney

/s/ _____
Amber Henning
Deputy County Attorney

/s/ _____
Meghann Paddock
Deputy County Attorney

/s/ _____
Kelley Henkel
Deputy County Attorney

/s/ _____
Mac Bloom
Deputy County Attorney

/s/ _____
Brittany Williams
Deputy County Attorney

/s/ _____
Matt Jennings
Deputy County Attorney

/s/ _____
Caitlin Williams
Deputy County Attorney

/s/ _____
Lacey Lincoln
Deputy County Attorney

/s/ _____
Mark Handelman
Deputy County Attorney



Missoula County Sheriff's Office
200 W. Broadway
Missoula, MT 59802

T.J. MCDERMOTT
SHERIFF

**Missoula County Sheriff's
Office**

(406) 258-3303

(406) 531-0301

e-mail: tjmcdermott@missoulacounty.us

FAX: (406) 721-8575

June 26, 2019

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

Reference: Jason Marks

Dear Members of the Judicial Nomination Committee:

I am writing this letter in support of Jason Marks, who has applied to fill the vacant judge position created by the pending retirement of Judge Karen Townsend of the Fourth Judicial District. Without hesitation, I offer my full support and endorsement of Jason Marks for this very important position.

Throughout my law enforcement career, I have had the opportunity to work with a variety of prosecutors and defense attorneys. Jason Marks stands out as one of the most talented attorneys that I have ever worked with in my 20 plus law enforcement year career.

Jason is very intelligent, kind and hard working. Jason is committed to the highest standards of honesty and integrity. Jason has the proper temperament to be a great judge and has consistently demonstrated throughout his career that he is able to objectively listen to both sides of an issue before making any decisions.

Jason is very well liked, respected and trusted by those working in law enforcement. Jason is often the first person called when a significant incident occurs in the county; he answers the phone and responds to crime scenes to offer his assistance regardless of the hour. He is very dependable and always there when you need him.

Jason is able to objectively review the details of an incident. He isn't afraid to speak up if he feels something additional needs to be done to ensure the individual rights of those involved are protected. Jason has earned a high level of credibility and trust with law enforcement. When he makes a suggestion or offers legal guidance, we follow that guidance with confidence that he has evaluated the entire situation and considered all aspects of the issues.

Finally, Jason is a great person, a loving husband to his wife and an excellent father to his children. I cannot think of a more deserving person than him. Therefore, I strongly urge you to forward Jason Marks' name to Governor Bullock for his consideration to fill the judge vacancy.

Please feel free to contact me with any questions.

Respectfully,

A handwritten signature in blue ink that reads "T.J. McDermott".

TJ McDermott
Sheriff

Cook, Kevin

From: Menzies, Lois
Sent: Thursday, June 27, 2019 8:17 AM
To: Cook, Kevin
Subject: Public Comment -- Marks

From: Colin Stephens <colin@smithstephens.com>
Sent: Thursday, June 27, 2019 6:00 AM
To: MT Supreme Court,
Subject: Jason Marks comment

To: The Montana Judicial Nomination Commission
From: Colin M. Stephens
Re: Nomination for Fourth Judicial District Court

Members of the Judicial Nomination Commission and Gov. Steve Bullock:

I write in support of Jason T. Marks as a candidate to replace Judge Karen Townsend.

For the majority of our legal careers Jason and I have been on opposite sides in many cases. I cannot speak highly enough of Jason as a prosecutor and as a person. Criminal cases have a tendency to become heated because each side deals with parties experiencing raw emotion. Consequently, the attorneys who practice on both sides have to exercise caution to maintain both professional diligence and collegiality. No matter how heated the debate gets, Jason brings his prosecutorial A-game to court but remains a truly likable person. While this may not sound like much but I have many colleagues in the criminal defense bar who express unprofessional vitriol for many prosecutors. I have never heard them express anything but praise for Jason.

Recently, I have become embroiled in a number of federal habeas corpus cases dealing with a particular prosecutor from the United States Attorney's Office in Billings. It turns out that for decades (I am presently working on a case from 1994 involving that prosecutor), the prosecutor had been engaging in unethical and unconstitutional discovery violations. A number of defendants convicted by this prosecutor have later had their convictions overturned after his misdeeds were revealed, but not after having spent years in a federal prison. These cases have highlighted the need for decent, honest prosecutors who understand that their duty is to do justice and not win a fight. Jason wants to win, no question, but would never ever put that competitive spirit above his inherent decency and duty to the constitution.

In his application Jason suggests that he has not engaged in any pro bono work. I have to correct him. This year I have worked on two pro bono cases in which Jason has been my opposing counsel. In both cases, Jason and I were able to achieve a resolution that was both morally and legally just. I claim both cases in my pro bono hours. Just because Jason "opposed" me doesn't mean that he should not take just as much credit for working for the public good to achieve justice.

This is all a long way of saying that Jason would be an excellent, neutral, and legally driven judge. He would hold each side to the highest standard of professionalism and render decisions that were consistent with the law. He is both a good person and a good lawyer. The combination will make for a great judge.

Regards.

/s/ Colin M. Stephens

Colin M. Stephens
SMITH & STEPHENS, P.C.
315 W. Pine
Missoula, MT 59802
Phone: (406) 721-0300
Cell: (406) 531-7724
Fax: (406) 721-5370
colin@smithstephens.com
www.smithandstephenspc.com

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Cook, Kevin

From: Menzies, Lois
Sent: Thursday, June 27, 2019 8:16 AM
To: Cook, Kevin
Subject: Public Comment -- Marks

From: Jim Taylor <jptaylor50@gmail.com>
Sent: Wednesday, June 26, 2019 5:14 PM
To: mtsupremecourt@gmail.com
Subject: District Judge Application of Jason Troy Marks- Fourth Judicial District

Dear Ms. Menzies,

I am writing in support of the application of Jason Troy Marks. I knew Jason first when he was a public defender, have dealt with him as a prosecutor, and have had the opportunity to hunt with him. All those experiences have been good ones. He was a zealous advocate as a criminal defense lawyer and has also always been fair in my dealings with him in his role as a prosecutor. When I recently was offered a position as a prosecutor, I sought his advice and perspective (and Jordan's) on making the transition from defense attorney to prosecution. Although Jason seeks justice on behalf of the public as a prosecutor I have never seen make the issues unreasonably personal. He understands that both sides in litigation are doing their best on behalf of their respective clients.

I have also hunted with Jason and his extended family. You learn a lot about someone when you hunt with them, and Jason is someone I would always be glad to hunt with. There aren't a lot of States where that is a consideration for district judge, but I still think it matters in Montana.

The bench would be well served by having someone with Jason's balanced perspective.

Thank you for consideration of my comments.

Sincerely,

James Park Taylor
Attorney at Law

Cook, Kevin

From: Menzies, Lois
Sent: Thursday, June 27, 2019 10:40 PM
To: Cook, Kevin
Subject: Public Comment -- Marks

From: Stacy Lear <stacy.lear@gmail.com>
Sent: Thursday, June 27, 2019 6:14 PM
To: mtsupremecourt@gmail.com
Subject: Jason Marks

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

June 27, 2019

RE: JASON MARKS

Dear Judicial Committee:

I am writing to offer my unequivocal recommendation for Jason Marks for the position of District Court Judge for the Fourth Judicial District.

I have served as a Detective with the City of Missoula Police Department since 2010, where I have been employed since 2006. Prior to joining law enforcement, I worked as a paralegal for Mae Nan Ellingson at Dorsey & Whitney, LLP, a Missoula branch involved in public finance.

In my nearly 13 years in law enforcement, I have investigated hundreds of cases ranging from misdemeanor thefts to multiple homicides. My support for Jason comes from my professional experiences working closely with him on everything from search warrants to criminal trials. There have been countless times during my career when I have turned to Jason for legal guidance and advice.

I have found Jason to be a patient educator, steady under pressure, firmly grounded in his knowledge of the law, and unwaveringly ethical. Jason's impeccable professionalism has served as an inspirational example to me, and I credit him for much of my own professional growth. He has a reputation among the members of the police department as a prosecutor with a heart for fairness and integrity; a prosecutor whom you can always trust to give you the correct advice on the most reasonable, legal course of action in any investigation.

In my experience working in both the private and public sectors over the past 20 years, I have found that individuals who possess the perfect combination of empirical pragmatism and 'do the right thing' values are

both incredibly rare, and incredibly valuable in organizations. I can think of no better example of this combination than Jason Marks, and no better candidate for this position.

Sincerely,
Stacy Lear

Cook, Kevin

From: Menzies, Lois
Sent: Thursday, June 27, 2019 10:39 PM
To: Cook, Kevin
Subject: Public Comment -- Marks

From: Dwight Schulte <dwright@jschultelaw.com>
Sent: Thursday, June 27, 2019 4:20 PM
To: MT Supreme Court,
Cc: Dwight Schulte
Subject: Jason Troy Marks

Dear Nominating Committee:

I have known Jason Marks since I graduated law school in 2008. Over the years, Jason and I have worked numerous cases as opposing counsel. Jason is a great attorney with experience both defending and prosecuting criminal cases. He brings his experience to bear in his analysis and is not afraid to take a difficult or unpopular position.

As Chief Deputy County Attorney for Missoula County, Jason has substantial trial experience and enjoys a reputation amongst his colleagues that is second to none. Jason is honest, forthright, and always keeps his word. Jason is always professional and sets the bar for civility in the practice. In short, Jason has the right skill set and temperament for the bench.

Jason appears in the Missoula Courts daily and understands what it takes to run a court efficiently and fairly. Jason would make a top notch judge should he be appointed to the position.

Thank you for your consideration.

Dwight J. Schulte
Schulte Law Firm P.C.
2425 Mullan Road
Missoula, MT 59808

Telephone: 406.721.6655

Facsimile: 406.543.5023

Email: dwright@jschultelaw.com

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June 27th, 2019

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

Re: Support of Jason Marks for Missoula County District Court Judge

Dear Commissioners,

I am contacting you to express my support for Jason Marks as Missoula County District Court Judge.

I am a Detective with the Missoula Police Department, assigned to the Montana Internet Crimes Against Children (ICAC) Task Force investigating the online sexual exploitation of children. I have been in law enforcement for nearly 18 years, I spent 5 years working as a patrol officer and the last 13 years have been primarily investigating sexual crimes against children. My job has required working with agencies and individuals on the most sensitive investigations involving our most vulnerable population.

I met Jason Marks many years ago after he began prosecuting cases for the Missoula County Attorney's Office. He quickly became a respected resource in my investigations and his experience as a defense attorney gave him a perspective that was extremely valuable when making prosecution decisions. He has helped me become a better detective, pushing me to see both sides of an investigation and gain empathy for not only the children and non-offending caregivers in these cases, but also the defendants and their rights as humans in our society. A solid case gives children and families the justice they seek, and defendants the accountability they require.

Jason has become known for his ability to make fair, impartial, level headed decisions in difficult cases. He takes home calls from officers and detectives at all hours, he responds to crime scenes, he offers advice and support, and is very diplomatic to work with. Jason is reliable, hard working, honest, approachable, and a leader.

Jason takes the time to explain his reasoning behind decisions, makes people feel heard, he is fair and impartial to both victims and suspects. He is the person so many officers call when they need legal guidance, and we trust him. Jason is willing to consider differing opinions, open to hearing dissenting perspectives, and takes all the information in to consideration when making decisions.

Over the years, Jason has also become a friend. As a fellow Montanan and parent, we share common interests in friends, family, conservation, and recreation. I have enjoyed watching him marry a woman who would become another trusted colleague and one of my best friends, raise his children, and interact in our community.

Jason has deep roots in both ranching and hunting in Montana, as do I, and his ethics and integrity shine through in his behavior and stories. I spent many years as a ranger in backcountry and rivers of Montana and appreciate others who also see themselves as stewards of our State.

In the last year I have written more search warrants than any other law enforcement officer in Missoula which requires frequent interaction with the District Court Judge. This interaction has given me perspective on the skills needed to make a good judge from a law enforcement perspective.

Jason stands out as the logical choice to fill the vacancy left by the respected District Court Judge Karen Townsend. We will dearly miss Judge Townsend and her calm, thoughtful, intelligent, impartial presence, and I cannot think of anyone better to fill her shoes than Jason Marks.

Jason is truly a wonderful person, has the experience needed to ensure a seamless transition, and will represent his hometown with honor and integrity. Please select Jason Marks as the next Missoula County District Court Judge.

Respectfully,

Detective Katie Petersen
PO Box 633
Missoula, MT 59806

David M. McLean
dave@mcleanlawmt.com

Ryan C. Willmore
ryan@mcleanlawmt.com



McLEAN
&
ASSOCIATES, PLLC

3301 Great Northern Ave.
Suite 203
Missoula, MT 59808

Phone: (406) 541-4440
Fax: (406) 540-4425
www.mcleanlawmt.com

June 28, 2019

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

RE: Jason Marks

Dear Commission Members:

I write to express my full support for Jason Marks as District Judge in Montana's 4th Judicial District Court. I met Jason several years ago in a professional context. When he became a member of the County Attorney's Office, we were also adversaries. However, our relationship evolved to include both a professional and a personal relationship. I hold Jason in the highest regard as a person, husband, father and as an attorney. Jason has proven a desire to serve the public and make Montana a better place not only through his professional endeavors in the County Attorney's Office, but also through his service to Kiwanis. Quite simply, Jason has dedicated his adult life to public service, and his commitment and dedication to serving the public cannot be questioned. Given this demonstrated dedication, the 4th Judicial District and those it serves would be rewarded with Jason's appointment to the bench.

While Jason has received his share of publicity in pursuit of protecting the public as a member of the Missoula County Attorney's Office, his work ethic has not been publicized, nor has his exposure to civil law in advising Missoula County. Jason's dedication to the public is reflected in part by the fact he does not work "traditional hours" but instead is available at nearly any time on any day. This work ethic is a significant factor in Jason's success in his role in the County Attorney's Office. More importantly, however, Jason's work ethic will result in success as a Judge in the 4th Judicial District Court where the caseload is heavy and complaints are ripe about the amount of time it takes for cases to proceed to trial or decisions to be issued. With Jason's exposure to both criminal and civil law, he has the knowledge and ability to grasp concepts and make decisions. With confidence, I do not believe Jason would generate complaints about the number of hours he spends on the bench, in the office working, or in getting decisions issued. This is yet another reward the 4th Judicial District and those it serves would enjoy should Jason be appointed.

Judicial Nomination Commission
June 28, 2019
RE: Jason Marks
Page 2

Jason's professional, commitment, dedication and work ethic will serve all Montanans well. He does not jump to conclusions, but is measured in his decision making and seeks to make a decision based on all the information available. As a result, all those who would appear in front of Jason are guaranteed fairness and opportunity.

When it comes to being successful as a Judge, Jason possesses all of the necessary qualities. Jason is committed, dedicated, hard-working, honest, fair, professional, and has integrity. As a Judge, Jason is not going to change, and will give Montanans a Judge all can be proud of.

I strongly recommend Jason's name be forwarded to Governor Bullock for consideration. Jason is more than qualified to continue his service to the public with commitment and distinction as a District Judge.

Very truly yours,

McLEAN & ASSOCIATES, PLLC

By 
David M. McLean

June 28, 2019

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

Dear Judicial Nomination Commission:

I am writing to urge Jason Marks's nomination to be our next district court judge. I have known Jason professionally and personally since he first began practice in Missoula as a county public defender nearly a decade and a half ago. Jason would make an exceptional judge.

Many of Jason's qualities are obvious from his application: his years of service to our community, his courtroom skill and experience, his dedication to improving justice in Montana. Others—his intelligence, poise, and candor—you can assess for yourselves when you interview him. I am writing to add three, more personal observations from my years knowing Jason.

Jason is kind. It's not loud or showy, but if help is needed, Jason is there. As a friend, if Jason is tired and hurting, and you are tired and hurting, the conversation is about you and helping you, not him. He is a better friend than I. As a prosecutor, Jason has sometimes sought harsh sentences, but always out of responsibility, not malice. I have never, in life or law, seen him to be mean, not to anyone, not ever.

Jason is humble. No case, no issue, no argument is ever about Jason. Prosecutors have unmatched discretionary power, and that power changes a lot of people. Not Jason. He is applying to be a judge out of the same sense of service and duty. He would wear the robes with humility.

Jason can be wrong. In my years as an appellate defender, I have read hundreds of transcripts from dozens of Montana's judges. Those that I most respect have all shared a common attribute: they are capable of being persuaded of their own errors. They are demanding of the attorneys before them, they push, they challenge, but they are driven by intellectual integrity, not pride. They seek to find the best answer, not to prove themselves right. Jason is smart, confident, and decisive. He never shies from an argument, but he is capable of being persuaded; he is capable of seeing and acknowledging his own errors. We have had countless legal disagreements over the years. Sometimes I have persuade him of my position, sometimes I have conceded his, sometimes we have agreed to disagree, but never once have I seen Jason maintain a flawed position out of pride or personal investment.

Not every great attorney is suited to be a great judge. Jason is. Montana would be privileged to have him in our service.

Sincerely,



Koan Mercer
P.O. Box 8804
Missoula MT, 59807
406-207-1943

Cook, Kevin

From: Menzies, Lois
Sent: Friday, June 28, 2019 10:17 PM
To: Cook, Kevin
Subject: Public Comment -- Marks

From: Robin Turner <robinturn@gmail.com>
Sent: Friday, June 28, 2019 7:01 PM
To: mtsupremecourt@gmail.com
Subject: Recommendation for Jason Troy Marks - Fourth Judicial District Court

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

To the Judicial Nomination Commission:

I write this recommendation on behalf of the application of Jason Troy Marks for appointment as Fourth Judicial District Judge. I have known Jason personally and professionally for over seven years.

I write this as a private citizen and resident of Missoula County, although, I think it is helpful that the Commission know my background. I am the Public Policy & Legal Director at the Montana Coalition Against Domestic and Sexual Violence. In this position, I represent survivors of sexual violence through our statewide Sexual Assault Legal Services (SALS) Project. I have represented survivors of domestic and sexual violence during most of my career.

In 2014, the Missoula County Attorney office entered into an agreement with the Montana Department of Justice. In this agreement, the MCAO agreed to improve its response to sexual and domestic violence survivors in criminal prosecution. Jason was the Assistant Chief Deputy County Attorney at the time that a Special Victims Unit was created in the office. Jason's leadership led to the development of best practices for working with survivors of violence, including oversight of a best practices manual for prosecution of sexual violence crimes (which is used around the state), the hiring of in-office victim/witness specialists, specialized training for prosecutors, and better coordination with system partners on these prosecutions.

Jason has proven that he will provide judicial leadership when the needs of Missoula's citizens require changes to the structures and procedures of the court. He is not afraid to

handle opposition, and to incorporate feedback into the work of his office. There are times when I have represented a client who did not receive the justice they wished for from the system. In those situations, Jason has taken the time to speak with the survivor – even if he was not the assigned prosecutor. In those meetings, he explains to the client a prosecutor’s responsibility as well as the decisions that were made in a compassionate, straight-forward manner. Criminal matters make up a large percentage of the cases in our district courts. Jason has demonstrated skill and experience as a public defender and as a prosecutor and a high capacity to solve systemic problems in our system response.

Jason can be relied upon to provide thoughtful, accurate, and clear legal advice on a variety of legal matters. He is honest, decisive, and fair.

I have the good fortune of being friends with Jason and his wife, Jordan. In the years that I have known Jason, I have been impressed by his commitment to his work and to his family. Jason can be trusted with sensitive decisions. He understands that clarity and honesty is kindness and models that value in all of his relationships. He understands the realities of our society and the impacts that has on the most vulnerable. He approaches his work and his life in a thoughtful, measured, and ethical way, with a good dose of humor.

Thank you your consideration. Please feel free to contact me at this email address if I can be of assistance.

Robin Turner
robinturn@gmail.com

Cook, Kevin

From: Menzies, Lois
Sent: Friday, June 28, 2019 10:17 PM
To: Cook, Kevin
Subject: Public Comment -- Marks

From: Mike Brady <mkbrady9@gmail.com>
Sent: Friday, June 28, 2019 1:36 PM
To: mtsupremecourt@gmail.com
Subject: Support of Jason Marks

Judicial Nomination Commission
Office of the Court Administrator
Helena, MT 59620

Dear Judicial Committee:

I am writing today in support of Jason Marks. I have been in law enforcement for over 30 years which has provided me the ability to work with many great people in the Missoula area. I have had the opportunity to serve as Chief of Police in Missoula for over 5 years. During that time I have had numerous occasions to work with Jason Marks. I have found him to be extremely professional, understanding, responsive and knowledgeable. The ability to work together in an effort to ensure the cases provided to the Missoula County Attorney's Office are thorough and complete is essential. Jason has been available to assist, no matter time of day or night, providing expertise and guidance. Jason has responded during the middle of the night when requested and has developed a reputation of being competent and understanding of all aspects of those crisis situations.

Jason is also open to discussing cases as concerns arise between agencies. The effort and thought he uses to become fully engaged in understanding all points of view is obvious in his work. Jason is also a competent person when it comes to guiding others in an effort to be better at what we all do. He will make sure the work being done by local law enforcement is of the highest standard and will provide guidance when appropriate. The ability to seek advice from the County Attorney's Office has clearly been easier and more productive for me since I have had Jason to rely on for expertise.

Jason understands all sides of any given situation and he has demonstrated the ability to make sure the victims, as well as those alleged to have committed a crime, get the best service from all involved.

For these reasons I would encourage you to select Jason Marks as a candidate for the the next District Court Judge in Missoula County.

Mike Brady

June 25, 2019

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

RE: Applicant Jason Marks

Members of the Judicial Nomination Commission:

The undersigned are writing in support of the appointment of Jason Marks as a Fourth Judicial District Court judge, to fill the vacancy left by the Honorable Karen S. Townsend's retirement, effective August 30, 2019. As support staff, we are the backbone of the department who have worked for and with Jason during his time as both a Deputy County Attorney and as the Chief Deputy County Attorney for the Missoula County Attorney's Office. During our time with Jason we have seen and experienced his ability to resolve and improve situations both for the staff and the department as a whole. He truly makes us feel as we are all part of a team working together, and not in just a boss/staff situation. He has been supportive, empathetic and direct in the various issues staff has brought before him. He is able to keep the vision of what is best for the department as a target, but still be creative to meet the needs of staff. His door is always open to us and he will always listen and meet with any of us. His openness and flexibility to hear our ideas about improving our methods allows us to take ownership in our positions here and feel validated.

Jason has some incredible responsibilities in his position as Chief Deputy County Attorney but is always able to be flexible and quickly move his focus to the problem at hand, be it in an immediate issue or crisis having to do with Criminal, Civil, Involuntary Commitments, or a Dependent Neglect situation. He seems to make the switch effortlessly and gives his full attention to the matter at hand regardless of the countless other issues simmering in the background that we may not be aware of.

Jason also maintains vision as to the future growth of the department and how we can best meet the needs for the future of Missoula County. He does his due diligence and works with the Missoula County Commissioners as well as various departments to stay informed of what future challenges we may be facing as a community.

While he is admired for his fairness and abilities as a leader in our department, and his absence will be greatly missed, we support his endeavor to further serve the community and the people of the Fourth Judicial District. We are asking that the Judicial Nomination Commission and Governor Bullock appoint Jason Marks to further serve from the bench.

Respectfully,

Support Staff of the Missoula County Attorneys Office

Sue Stanley
~~Sue Stanley~~
Paralegal, Civil Division

Cathy Dork - CATHY DORK
Victim/Witness Coordinator
~~Cathy Dork~~
Crystal Zimmerman
Criminal Paralegal


Rosalee Murphy - Rosalee Murphy
Civil Paralegal

~~Aimee Wicks~~ - Aimee Wicks
Civil Paralegal

Cathleen Blackbird Cathleen Blackbird
Victim/Witness Coordinator
Cheryl Patch - Cheryl Patch
Victim/Witness Coordinator

Corette Koller Corette Koller
Criminal Paralegal
Niki Kercher Niki Kercher
Criminal Paralegal

~~Niede Ivankovich~~ Niede Ivankovich
PARALEGAL

Mike Dominick 
Investigator
Retired Missoula County Undersheriff & Captain

Laura Cook - Laura Cook
Legal Admin. Asst.

Emily White - Emily White
Legal Admin. Asst.

Anji Reyner
Administrative Assistant

Andrea Laine,
ON Paralegal

Levi Proctor - Levi Proctor
Legal Admin. Asst.



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

Re: Jason Marks

Dear Judicial Committee;

It is with much pleasure and enthusiasm that I write this letter in support of Jason Marks and his application for the 4th Judicial District Judge vacancy. I have had the honor of working for and alongside Jason for 5 years as his paralegal and now as the Administrator for Missoula County Justice Court.

I began my work for the Missoula County Attorney's Office in 2014, where I quickly learned that Jason was one that everyone went to for sound advice and guidance. With his promotion to Chief Deputy County Attorney, Jason excelled in leadership of both the criminal and civil divisions of the County Attorney's Office as well as numerous support staff. Even if he was pacing the halls thinking of his upcoming presentation to the Board of County Commissioners or in the middle of preparing for a big trial, Jason always made time to visit and give an undistracted ear and advice. Jason has maintained a full case load and still found time to be a devoted father and loving husband. I believe the ability to balance work and home life is a very important quality in a leader; an ability in Jason I've admired.

I have always respected Jason's calm approach to difficult situations and been impressed with his fair-mindedness in making tough decisions. I believe a good judge needs to have a cool and even disposition, the ability to practice discernment and to make the hard choices even in the face of adversity. Jason demonstrated this recently, when he showed compassion and understanding for a defendant struggling with PTSD from Afghanistan, who wanted to die by suicide by cop. Jason extended leniency and allowed the Defendant to enter into much needed treatment instead of seeking a win in the case.

As a Court Administrator, I really appreciate the Jason's collaborative efforts in dealing with the many departments in the County. Jason has always been fair and honest, and this has earned him the respect of not only his colleagues, but his staff and others among the County and community.

It has been an honor to work with Jason and I hold him in the highest regard. I would not be where I am today without Jason's example and guidance. Jason's knowledge of the law and his incredible leadership skills make him the perfect candidate to fill the vacant District Court judge position.

Sincerely,

Amy McGhee

Administrator

Missoula County Justice Court

Smith Law PLLC

P.O. Box 8121, Missoula, MT 59807 - (406) 274-0087 - bsmith@montanalaw.com - www.montanalaw.com

June 28, 2019

SENT VIA EMAIL

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

Re: Fourth Judicial District Judgeship Vacancy
Jason Troy Marks

Dear Commission:

I write in support of Jason Marks' application to replace Karen Townsend as a Judge in the Fourth Judicial District. Missoula and Mineral County would be well served by his appointment to the bench. I have worked with Mr. Marks since he started at the Missoula County Public Defender's Office in 2005. Since that time, I have seen first-hand that he has the qualities and qualifications to be an excellent judge.

Mr. Marks has a practicality and patience that a judge must have to be successful. Mr. Marks has been on both sides of a criminal case and knows what it is like to represent a client. In addition, in his administrative capacity, he has dealt with other aspects of civil law and local government. Mr. Marks has extensive experience in most of the types cases that he would hear as a Judge. He is smart and a quick study. It will take him no time to be up to speed in all types of case that will come before him.

It is imperative that a district court judge be able to sit with impartiality and respect for those coming before them. Mr. Marks has demonstrated over the years his ability to work and move seamlessly within the judicial system. He has worked with the indigent population as their representative, he has worked with victims as an advocate, he has worked with law enforcement agencies as their voice and he has worked in the government bureaucracy as a balancing factor. Mr. Marks' ability to listen non-judgmentally and move forward in a reasoned manner will translate well onto the bench.

Mr. Marks' 14 years of public service is not only impressive, it is a commitment to a higher calling. His commitment and priority to service is proven and it is clear he would bring the same qualities to serving as a district court judge. The Fourth Judicial District would be improved with his appointment to the bench.

Best Regards,

A handwritten signature in blue ink, appearing to read "B.C. Smith", enclosed within a large, loopy blue oval.

Brian C. Smith

Smith Law PLLC

STATE OF MONTANA
FOURTH JUDICIAL DISTRICT
DEPARTMENT 5
shane.vannatta@mt.gov



MISSOULA COUNTY COURTHOUSE
200 WEST BROADWAY
MISSOULA, MT 59802-4292
(406) 258-4765
(406) 258-3456 (FAX)

SHANE A. VANNATTA
DISTRICT COURT JUDGE

June 29, 2019

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

RE: Letter of Support for Jason Troy Marks

Dear Members of the Commission and Governor Bullock:

I am pleased to write this letter of support for the nomination and appointment of Jason Marks to the judicial position soon-to-be-vacated by Judge Karen Townsend (Department 1). I believe Jason is a highly-qualified, capable, and worthy candidate for appointment. Indeed, among this well-qualified field of applicants, Jason stands out for many reasons.

I first met Jason many years ago while I was serving as a Justice of the Peace *Pro Tem*. Jason repeatedly appeared before me as a public defender. Time and again I was impressed with Jason's practical, common-sense approach to his advocacy. His clients understood his intentions and approach, knowing that they were in a difficult position, Jason was on their side, but maintained a realistic approach would serve the client's interest best. Jason pressed the case when the facts and law warranted, but also had honest conversations with his clients about the strength of their case when the outcome looked grim.

Years later, I had the joy of seeing Jason as prosecutor after his switch to the Missoula County Attorney's Office. Again, he brought his practical, even-mannered approach with him to his new position. Jason proved to be eminently fair, and defendant-centered in approaching each case. Where there may have been a victim, he used the opportunity to help resolve the personal offense, as well as the legal charge.

Through these exchanges, I recognized Jason's ability to engender trust – trust among his clients, the bench, and the bar. He has an amazing capacity to explain the law clearly and concisely, and his form of advocacy demonstrates his intuitive sense of equity.

Jason's straight-forward, transparent, equitable approach to the practice of law convinces me that he would be an outstanding judge. New areas of practice and unfamiliar procedures can be

June 29, 2019

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learned or acquired. Character, however, is something that is earned and consciously developed. How a person treats people – especially those over whom one has authority or control – is the true measure of that person's character. I can attest that Jason has the character to be a good judge.

If appointed, I am confident that Jason would be consist, fair, and measured. Based upon my experience with Jason, I know he will be diligent, hard-working and thoughtful.

Without reservation, I highly recommend Jason for this position. I urge you to forward his name to Governor Bullock for appointment.

Sincerely,

A handwritten signature in blue ink that reads "Shane A. Vannatta". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Shane A. Vannatta

From: Henry, Robert
Sent: Sunday, June 30, 2019 4:02 PM
To: 'mtsupremecourt@gmail.com' <mtsupremecourt@gmail.com>
Subject: Jason Troy Marks

Dear Judicial Nomination Commission:

I am writing to recommend the appointment of Jason Marks as Fourth Judicial District Judge to fill the vacancy left by the retirement of Judge Karen S. Townsend. I have known Jason since 2005 when he hired on with the Public Defender's Office in Missoula. We worked together as public defenders for two years and became personal friends, a friendship that has continued even after he became a prosecutor and I remained a public defender. Jason has excelled as both a public defender and a prosecutor due to his intelligence, work ethic, and unflappable demeanor.

I believe that Jason Marks would make an excellent judge because he is a proficient and experienced trial attorney who has a strong command of the law and the rules of evidence. As a public defender, he was never afraid to go to trial and was also very good at spotting issues, doing legal research, and writing briefs. As a prosecutor, I've found him to be a formidable but always reasonable and ethical adversary. He has also proven to be very able at administration and management in his role as Chief Deputy Missoula County Attorney. However, what really sets Jason apart from many other attorneys I've worked with and against is his temperament, which I think makes him very suited to be a judge. Working on either side in practicing criminal law can be very emotional and stressful, yet Jason has always managed to strike a balance between being passionate about his job while at the same time always remaining even tempered and not letting his emotions cloud his judgment and logic.

In conclusion, I heartily recommend Jason Marks for the judicial vacancy created by Judge Townsend's retirement. I strongly believe that the people of the Fourth Judicial District and the state of Montana as a whole would be ably served by District Judge Jason Marks. Thank you for the opportunity to comment.

Sincerely,

/s/Rob Henry
Office of the Public Defender
610 N. Woody St.
Missoula, MT 59802
406-370-5844