
JUDICIAL NOMINATION COMMISSION
Meeting Minutes
Friday, August 28, 2020
Law and Justice Center
Bozeman, Montana

The Honorable John C. Brown, Chair, called the Judicial Nomination Commission to order at 10:10 a.m. on Friday, August 28, 2020, in the district court courtroom, Department #3 in the Law and Justice Center, 615 So. 16th Avenue in Bozeman, Montana. Commissioners Janice Bishop, Karl Englund, Elizabeth Halverson, Hal Harper, and Lane Larson appeared in person; Commissioner Nancy Zadick participated through videoconferencing. Lois Menzies, Office of Court Administrator, attended in person to provide staff services. The purpose of the meeting was to nominate applicants to fill an upcoming judicial vacancy in the 18th Judicial District (Gallatin County).

Applicant interviews were scheduled as follows:

10:00 a.m.	Andrew J. Breuner
10:35 a.m.	Audrey Schultz Cromwell
11:10 a.m.	Eric Norman Kitzmiller
11:45 a.m.	Peter Bengt Ohman
12:20 p.m.	Sheryl Wambsgans

Judge Brown provided an overview of the judicial nomination process. Questions from the Commission followed. Topics addressed during applicant interviews included challenges facing the 18th Judicial District; the impact of population growth on the district's caseload; management of the court's civil docket; views on separation of church and state; plans for running an effective campaign if appointed; bringing biases to the bench and controlling for those biases; setting dates certain for trials; addressing weaknesses in experience; ability to render criminal sentences; knowledge of water law;

methodologies that might be used to address capacity issues; responding to a political party endorsement; addressing partisan politics in a judicial campaign; changing relationships resulting from appointment as a judge; balancing precedent and necessary flexibility in the law; and qualities and characteristics of a good judge. Applicants made closing statements at the end of their interviews.

The Commission began deliberations following the last interview. The concurrence of at least four Commissioners is needed to nominate an applicant for the Governor's consideration. The Commission decided as follows:

- Andrew Breuner was nominated by one commissioner (Brown).
- Audrey Cromwell was nominated by all seven Commissioners (Brown, Bishop, Englund, Halverson, Harper, Larson, and Zadick). Her name will be forwarded to the Governor.
- Eric Kitzmiller was nominated by four Commissioners (Brown, Englund, Harper, and Zadick). His name will be forwarded to the Governor.
- Peter Ohman was nominated by all seven Commissioners (Brown, Bishop, Englund, Halverson, Harper, Larson, and Zadick). His name will be forwarded to the Governor.
- Sheryl Wambsgans was nominated by three Commissioners (Brown, Bishop, and Larson).

The reasons for nominating Ms. Cromwell, Mr. Kitzmiller, and Mr. Ohman are contained in the certificate and report submitted to the Governor, which are incorporated into these minutes and attached to them.

The Commission adjourned at 2:10 p.m.

CERTIFICATE

The Judicial Nomination Commission of the State of Montana hereby certifies to the Honorable Steve Bullock, Governor of the State of Montana that it has agreed and approved the qualifications of the following lawyers for appointment as District Court Judge for the Eighteenth Judicial District.

All of these we now certify are qualified for appointment under the laws of the State of Montana. We hereby certify the same to you, as required by law, and list them in alphabetical order:

Audrey Schultz Cromwell

Eric Norman Kitzmiller

Peter Bengt Ohman

REPORT

Pursuant to Section 3-1-1010, MCA, the Judicial Nomination Commission provides the following report:

On August 28, 2020, six Judicial Nomination Commission members were present in Bozeman, Montana and one member participated through videoconferencing to conduct applicant interviews and deliberations. The applications of and public comments regarding the above-listed nominees are attached to this certificate and also may be reviewed at: <http://www.courts.mt.gov>.

Audrey Schultz Cromwell received seven affirmative votes (unanimous) to recommend her appointment. The Commission's reasons for recommending this nominee are that Ms. Cromwell:

1. meets the minimum qualifications for the position of district court judge;
2. appears to be electable to the position within the judicial district;
3. has a depth and breadth of legal experience;
4. demonstrates judicial temperament; and
5. has significant support within the community for serving in the position of district court judge.

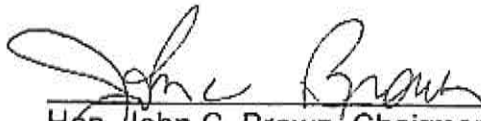
Eric Norman Kitzmiller received four affirmative votes to recommend his appointment. The Commission's reasons for recommending this nominee are that Mr. Kitzmiller:

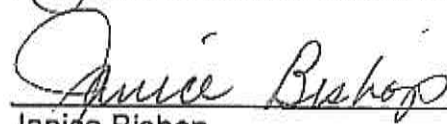
1. meets the minimum qualifications for the position of district court judge;
2. appears to be electable to the position within the judicial district;
3. has a depth and breadth of legal experience;
4. demonstrates judicial temperament; and
5. has significant support within the community for serving in the position of district court judge.

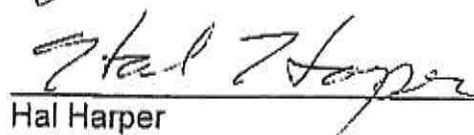
Peter Bengt Ohman received seven affirmative votes (unanimous) to recommend his appointment. The Commission's reasons for recommending this nominee are that Mr. Ohman:

1. meets the minimum qualifications for the position of district court judge;
2. appears to be electable to the position within the judicial district;
3. has a depth and breadth of legal experience;
4. demonstrates judicial temperament; and
5. has significant support within the community for serving in the position of district court judge.

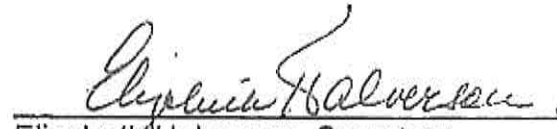
Done at Bozeman, Montana on the 28th day of August 2020.


Hon. John C. Brown, Chairman


Janice Bishop


Hal Harper

/Nancy Zadick/
Nancy Zadick*


Elizabeth Halverson, Secretary


Karl Englund


Lane Larson

*Participated through videoconferencing