

Cook, Kevin

From: Menzies, Lois
Sent: Wednesday, July 15, 2020 8:58 PM
To: Cook, Kevin
Subject: Public Comment -- Kitzmiller

From: Chris Gregory <chrisgregory6341@gmail.com>
Sent: Tuesday, July 14, 2020 1:51 PM
To: MT Supreme Court,
Subject: [EXTERNAL] Public Comment for Eric Kitzmiller's Application for 18th Judicial District Court Judge

Dear Judicial Nomination Commission Members,

My name is Christopher Gregory, and I have been the City Prosecutor in Belgrade for the past two years. Before taking my position in Belgrade, however, I had the pleasure of working under Mr. Kitzmiller in the Gallatin County Attorney's Office for over five (5) years. In those five years, I observed many qualities in Mr. Kitzmiller, which make him a terrific fit for the role of a District Court Judge.

First, Mr. Kitzmiller's integrity is above reproach. While the general public often jokes about the world being a better place without attorneys in it, I believe that perception would be different if all attorneys were as careful and as concerned with ethics as Mr. Kitzmiller is. Mr. Kitzmiller understands more than most that the role of prosecutors (and judges) is to follow the law and make sure that justice is done, no matter if justice means a conviction or a dismissal. As a supervisor, Mr. Kitzmiller required those working for him to act ethically and intelligently. He will demand the same of those appearing in his courtroom, as any good judge should.

Second, it is essential to note that Mr. Kitzmiller has a varied resume that makes him well-suited for the role of a District Court Judge. That resume (which you obviously have) includes an engineering degree, time spent as a clerk, experience with civil law, time spent working with county commissioners, and it includes the training of young prosecutors. I can personally attest that Mr. Kitzmiller trained me and others in the process of involuntary commitments, youth court proceedings, and Treatment Court proceedings. Mr. Kitzmiller even helped create templates for many of the orders that are used in these sorts of proceedings. Given this knowledge and experience, there should be little to no learning curve for Mr. Kitzmiller in these areas if he were sworn in as judge.

Finally, you should know that Mr. Kitzmiller is a student of the law in a way that many criminal attorneys wish they could be. During my time in the County Attorney's Office, he was often counted on as the voice of reason when zealous prosecutors like myself would come to him with a problem, a frustration, or a concern. He was a calming presence who would always encourage you to take a seat, take out your Montana Code Annotated book, and look for answers (if he did not already know them) with him. This calm and legal based approach to any problem is precisely what you want from a District Court Judge.

In closing, I hope that you consider Mr. Kitzmiller as a strong contender to be the newest judge in the Eighteenth Judicial District Court. I believe he will quickly become an asset in all varieties of legal proceedings, but especially in criminal law. I have long thought that he would be a good fit for the bench, and I have told him so over the years. I was more than pleased when he told me he would be applying for this position, and I encourage you to take him seriously as a candidate.

Regards,
Christopher Gregory

From: [Menzies, Lois](#)
To: [Cook, Kevin](#)
Subject: Public Comment -- Kitzmiller
Date: Wednesday, July 22, 2020 8:32:07 PM

From: Steve Crawford <steve.crawford.mt@gmail.com>
Sent: Wednesday, July 22, 2020 6:11 AM
To: MT Supreme Court,
Subject: [EXTERNAL] Public comment for Eric Kitzmiller's application for 18th Judicial District Court Judge position

Dear Judicial Nomination Commission Members,

My name is Steve Crawford and I have been in law enforcement in southwest Montana for the last twenty six years. During my career I have had numerous occasions to work with Eric Kitzmiller over the last two decades in his professional capacity as a Gallatin County Prosecutor and more recently, as the Chief Deputy County Attorney in that office. I am writing to you today to provide public comment in support of his application for the upcoming vacant district court judge position in the 18th Judicial District.

I believe that Mr. Kitzmiller possesses many traits desirable for this position and that he would be a very capable district court judge. I have always found him to be of unquestionable integrity, thoughtful in his decisions, calm in demeanor, and empathic to both sides of an issue or case. I would also describe Mr. Kitzmiller as the consummate professional and a dedicated public servant. I also believe that Mr. Kitzmiller's education and broad range of experience make him very well suited for the district court position.

When working with Mr. Kitzmiller on cases that I was involved in, I always found him to be very well prepared and to know the case details intricately and would have a clear understanding of any legal issues a given case may have.

I believe Mr. Kitzmiller would be the ideal person for this position and also at this particular moment in time. As you are likely aware, the 18th Judicial District is extremely busy and operates a pace that I can only surmise is one of the busiest in the state. Mr. Kitzmiller brings experience to the table of operating in this environment successfully for many years, and I believe that this combined with his strong work ethic would make him an ideal candidate for this position.

Thank you for your consideration of my input as you evaluate these candidates for nomination for this very important position.

Respectfully,

Steve Crawford
Bozeman, Montana

CHRISTOPHER B. GRAY

GRAY LAW OFFICE

P.O. Box 1065

BOZEMAN, MT 59771

406-551-4511

CGRAY@CGRAYLAW.COM

WWW.CGRAYLAW.COM

July 23, 2020

VIA Email Only: mtsupremecourt@mt.gov

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

Re: Support for Nomination of Eric Kitzmiller-18th Judicial District Court Judge

Dear Commission:

I write in support of the nomination of Eric Kitzmiller for the upcoming vacancy on the Eighteenth Judicial District bench. Eric is an outstanding candidate who I am positive has the experience and demeanor necessary to be our next judge in Gallatin County.

I worked with Eric at the Gallatin County Attorney's Office for many years. What distinguishes his candidacy is his work ethic and legal intelligence. His experience in our profession is more comprehensive than one might think. His work as the Chief Criminal Deputy County Attorney in Gallatin County obviously allows him to bring decades of experience as a prosecutor but he also consistently appeared in civil matters such as involuntary commitments, guardianships and the like. These proceedings parallel any that he will encounter as a judge.

Based on my observations of Eric over the years, I have no doubt that he will follow the law in a steadfast manner. This is one of the most important facets of a Montana District Court Judge in my opinion. The other is demeanor. He is unflappable and will thrive under the autonomy as a District Court judge. His constant presence in the courtroom and work ethic over the years will allow him the flexibility to adapt to any type of case, motion or procedure that might be before him.

Eric Kitzmiller is a strong candidate and the Judicial Nomination Commission should pass his name on to Governor Bullock for appointment.

Sincerely,
GRAY LAW OFFICE



Christopher B. Gray

Magdalena C. Bowen
542 East Kagy Blvd.
Bozeman, MT 59715

July 23, 2020

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

Re: Application of Eric N. Kitzmiller for 18th Judicial District Court Judge Vacancy

Dear Judicial Nomination Commission,

I have had the pleasure of knowing and working professionally with Eric Kitzmiller for almost 20 years. Since his earliest days in Bozeman when he first joined the Gallatin County Attorney's office as a prosecutor I interacted with him weekly. I was a public defender in Justice Court and appreciated his ability to focus on the facts of each case and craft a fair offer for resolution; when a negotiated settlement was not possible we moved forward to a judge or jury trial in a straightforward and transparent way. He vigorously advocated his position but without hyperbole. In every sense of the word his conduct has always been professional. I know him to be direct, thoughtful, honest and guided by respect for the legal system and all of the necessary participants.

When I accepted the position as Standing Master for the 18th Judicial District Court in 2010, I had the opportunity to observe his work in a myriad of proceedings in District Court, including representing the interests of incapacitated persons in guardianship/conservatorship cases as well as representing the state in youth in need of care cases; involuntary mental commitments; drug treatment court; and felony criminal cases. He is thorough—always prepared and familiar with the applicable statutes, case law and procedural components of these proceedings, many of which are confidential.

Mr. Kitzmiller has the optimal temperament for a judicial officer; he possesses the ability to listen carefully, to be guided by the law and logic, to craft a workable solution, to be diligent and to calmly address difficult circumstances in an emotionally charged setting. Additionally, Mr. Kitzmiller has a keen

sense of humor, which is helpful in diffusing conflict. He balances his legal responsibilities with personal enjoyment in the out of doors, which allows him to stay fresh and engaged.

Eric Kitzmiller has the necessary skills and experience to excel at this demanding position and I fully support his nomination.

Sincerely yours,

A handwritten signature in black ink, reading "M.C. Bowen". The signature is written in a cursive style with a large, stylized "M" and "C".

Magdalena C. Bowen

From: [Menzies, Lois](#)
To: [Cook, Kevin](#)
Subject: Public Comment -- Kitzmiller
Date: Sunday, July 26, 2020 8:07:49 PM

From: bernie.driscoll@yahoo.com <bernie.driscoll@yahoo.com>
Sent: Friday, July 24, 2020 12:10 PM
To: MT Supreme Court,
Subject: [EXTERNAL] 18th Judicial District Judge Vacancy; Eric Kitzmiller, Applicant

Dear Judicial Nomination Committee Members,

My name is Bernie Driscoll. I am a Gallatin County resident. I am retired. I worked from 1974 to 2008 for the Montana Department of Corrections (DOC) as a Probation and Parole Officer and later in administrative capacities with DOC. During that time I had ongoing interaction with the District Courts in Gallatin County. I have great respect for the roles District Court Judges have in Montana and the extent to which they impact individual lives, businesses and the workings of government agencies.

I am enthused that Eric Kitzmiller has applied for the position of District Court Judge in Gallatin County. I think he is an ideal candidate for that position. I believe that he will be completely successful in serving our community in that capacity if selected as District Court Judge.

Mr. Kitzmiller is a known commodity in the criminal justice community and the legal community in Gallatin County. Those of us who have worked with him know that he is intelligent, principled and even tempered. He has a strong work ethic and is always prepared for the task at hand. He is respectful of others and he is respected in turn. He is a competent leader in situations requiring any degree of collaboration. He is professionally experienced and that experience coupled with his competence, his work ethic and his personal and professional ethical standards have culminated in a very respected professional reputation. He would serve us well as a District Court Judge.

Thank you for considering my comments.

Sincerely,

Bernie Driscoll

Bjorn E. Boyer
2007 Pine Martin Ct.
Belgrade, MT 59714

July 29, 2020

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

Re: Letter of Recommendation for Eric Kitzmiller – 18th Judicial District Judge Vacancy

Dear Ms. Menzies,

I write this letter of support for Eric Kitzmiller to become the next 18th Judicial District Court Judge. I have been a Deputy Gallatin County Attorney for almost six years. Eric has been the Chief Deputy County Attorney that entire time. I have often gone to Eric for advice, and consider him a mentor. Eric is well-liked by everyone at the County Attorney's Office and I believe his nomination is universally supported by the many attorneys and staff that presently work here. There are many reasons that I believe he would be a good judge, but would like to focus this letter of recommendation in three areas.

First, Eric is one of the hardest working individuals I have ever met. Eric carries a full prosecutor's case load. He handles involuntary commitments and occasionally abuse and neglect cases. Eric covers part of the Youth Court cases. He has been the Gallatin County Attorney's Office representative to the treatment court. Eric handles this workload on top of his administrative duties as the chief deputy and the personnel issues that come with that assignment. Eric seems to work almost every weekend, yet never seems to tire. Quite simply, Eric is a workhorse, which is a vital and important quality for any judge who takes over in the overburdened 18th Judicial District.

Second, Eric is principled, yet compassionate, and second to none when it comes to integrity. Prior to the law, Eric was an engineer. I believe he approaches the law in a formulaic manner that takes out potential passion or prejudice. For that reason, I believe he has two of the most important characteristics a judge can have – consistency and predictability. When lawyers know a judge will be consistent and predictable, they can better advise their clients and settlements increase. At the same time, Eric understands the human element of the law. For example, Eric has worked closely with victims of serious crimes and knows how the criminal justice system affects them. Eric has also worked closely with treatment court participants and understands how addiction affects individuals and how the justice system can help in rehabilitation. Eric has a deeply rooted moral compass. This moral compass will ensure that litigants are fairly heard, that

victims have a voice in the criminal justice system, and that Defendants are fairly treated and their constitutional rights upheld.

Finally, Eric is experienced. I believe it is safe to say that Eric has spent more time in the court room in the 18th Judicial District than any of the other candidates. Eric has the experience needed to hit the ground running.

For these reasons, I strongly recommend that the commission pass Eric's name on to Governor Bullock for appointment.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Boyer", with a stylized flourish at the end.

Bjorn E. Boyer

July 28, 2020

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

Dear Ms. Menzies,

I am writing this letter of support for Eric Kitzmiller. He has applied for the position of District Court Judge for the 18th Judicial District. I have interacted professionally with Mr. Kitzmiller for many years and I feel that I have learned and benefitted from this. I have had occasion to observe Mr. Kitzmiller in the courtroom and have always been impressed by his knowledge of the law, his steady demeanor, and his interactions with the judges and others in the court. I have had the chance to witness many difficult situations and have never seen Mr. Kitzmiller at a loss of words or professionalism. I have seen him treat everyone with dignity, courtesy, and respect.

I believe that he has the temperament and mastery of the law to make a positive contribution to the 18th Judicial District and to follow in the tradition of outstanding judges that have served before and currently in this position.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dave Wysoski', with a large, stylized initial 'D'.

Dave Wysoski
Bozeman MT

To whom it may concern,

I am writing today in support of the appointment of Eric Kitzmiller to the Eighteenth Judicial District Court. By way of introduction my name is Chuck Watson and I have practiced law in Bozeman, MT for twenty-eight years. Prior to moving to Montana, I practiced law for several years in Southern Appalachia. During that time, the recently deceased C.T. Vivian and I received a NAACP criminal justice award at the same event in 1991. I also received the Pro Bono award for the State of Montana during that time. In 1998, I founded the Montana Association of Criminal Defense Lawyers. That organization now has several hundred members and is one of the largest bar organizations in the State of Montana. I served as chairman of the Criminal Section of the Montana State Bar Association for ten years and during that time I conducted a number of successful CLE conferences pertaining to criminal justice issues, such as the death penalty and criminal ethics. In 1999 I was co-founder of the first adult drug treatment court in Montana, which has been extremely successful, and there are now many such courts across the state. I am a provisional member of the American Academy of Forensic Sciences and a full fellow of the American Board of Criminal Lawyers, an organization consisting of two hundred of the top criminal defense lawyers in the United States, Canada, and Europe. I have handled a number of the most significant criminal cases in the history of Montana, and I have appeared in at least thirty-three counties in Montana. Recently I had a defendant on the American side in the largest drug case in the history of Canada. I

regularly speak at public events pertaining to criminal justice issues and in 2011 I was invited to emcee a roast of the Honorable Monroe Freedman in Washington, D.C., an event that was attended by a number of distinguished lawyers and judges, and then Vice President Joe Biden.

I have known Eric Kitzmiller since he arrived in Bozeman over twenty years ago. We have fished and hiked together regularly, and I consider Eric to be a friend. As you know, he is a career prosecutor, and we have handled many criminal cases together, including trials. It's time for lawyers and judges in Gallatin County to pull together to ensure both dignity and integrity in our justice processes. I believe that Eric's institutional knowledge contributes significantly to a unified vision for the future of Gallatin County Justice System. Eric is the hardest worker in the Gallatin County Justice System, and that is undebatable. As far as I can tell, Eric's intentions as a lawyer have been good, and his instincts are good. He has exhibited the patience as a prosecutor and a lawyer that is paramount to being a good judge. Eric also possess the qualities of humility and modesty, which are precursors to good character. He has been an example to other people in the justice system, and we have all benefited from him being at the County Attorney's Office for the last twenty years. His ethic for hard work and his common sense are exactly what is required and his knowledge of the inner workings of the system is invaluable. Eric is well liked and well respected here in the Gallatin Valley and he is imminently electable.

There was a time in this county when lawyers and judges were working together to build a sustainable, humane and humanistic justice model here in Gallatin County based on progressive concepts like restorative justice, and moving away from a strict punishment and retribution model. One of the products of that era was the adult treatment court I mentioned earlier. Justice systems around the country are struggling to move out of the antiquated 1980's justice model that has resulted in mass incarceration and inhumane practices like the ones we have had here in Gallatin County where non-violent first offenders, mostly women, were being routinely sentenced to five years in the state penitentiary property crimes. I believe Eric is inclined and intellectually capable of looking at what has developed in other justice systems over the last twenty years and getting our county back on track with positive trends and progressive models that are readily available for adoption at a time when incarceration has lost its appeal. The pro prosecution slant of the Montana courts and legislature has effectively nullified the voice of criminal defense as evidenced by the strategically underfunded state public defender system.

I don't know what happens when a court can't process its cases but unless we get our focus off punishment and supervision and back on helping people move on from their mistakes, we are going to find out in short order in Gallatin County. Unfortunately, we have taken on unnecessary burdens like a for profit corporate jail seven times the size of the facility it replaced. We have also adopted a pretrial supervision program in spite of warnings from former district court judges that it would outgrow its efficacy and cripple the administration of justice.

Hopefully we can now get back to what we were working on twenty years ago and get a new justice center, a youth court and a youth probation office that is adequately funded and get away from pet prosecution projects, before we go under. We cannot count on a fourth judge. It is time to cut some budgets and reallocate resources in this county.

I would encourage you to commend Eric Kitzmiller to Governor Bullock for appointment to the Eighteenth Judicial Court, which I believe will bring a result in his being a refreshing presence on the bench, a model for other judges in every respect and a judge for all the people.

Sincerely,

A handwritten signature in blue ink that reads "Chuck W" with a stylized flourish at the end.

Herman A. Watson III

Assessment & Psychotherapy Services

James P. Murphey, Ph.D.
Licensed Clinical Psychologist
333 Haggerty Lane, Suite #1
Bozeman, MT 59715

(406) 582-1918

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

August 1, 2020

Dear Commission Members;

I am writing in support of Eric Kitzmiller's application for the soon-to-be vacated district court judge position in the Eighteenth Judicial District. I have known Eric for about 20 years, during which time we have served together on the Gallatin County Treatment Court team. I am a clinical psychologist who serves as the Mental Health Coordinator for the Treatment Court team, which also includes the Court Coordinator, Defense Attorney, Treatment Coordinator, Case Manager (i.e., probation officer) and Prosecutor (i.e., Eric). In our positions, we have essentially met on a weekly basis during the vast majority of the time I have known Eric. Accordingly, I believe that I know Eric well.

I can honestly say that I have been impressed with Eric during the entire time I have known him. He is an individual who takes his responsibilities very seriously, but does so in a notably fair and compassionate way. That has not been my impression of the majority of prosecutors I have dealt with over the years, and it has been something that I have very much valued in Eric. He is thoughtful in his consideration of various aspects of the cases that we have in Treatment Court, and he is willing and able to take our participants' contextual issues into consideration, as opposed to always seeing things in a black and white manner. As a psychologist, whose job it is to understand the underpinnings of the behavior of the clients that I work with, I am heartened to see a prosecutor take these things into account. I strongly believe that the best judges also take these things into account in making their rulings, and that is one of the primary factors behind my support for Eric's application for the judge position. Other traits that I value in him are his level-headedness, humility and consistently respectful attitude towards others.

Thank you for your consideration of my observations. As you know, judges have a great deal of power over the lives of our citizens, and it is so important to have people in that position who wield that power with fairness.

Sincerely,



James P. Murphey, Ph.D.
Licensed Clinical Psychologist

GALLIK, BREMER & MOLLOY, P.C.

Attorneys at Law
777 East Main Street, Suite 203
PO Box 70
Bozeman, Montana 59771-0070

August 3, 2020

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

VIA USPS & EMAIL: mtsupremecourt@mt.gov

RE: Recommendation for Eric Norman Kitzmiller, 18th Judicial District Judge Applicant

Dear Members of the Judicial Nomination Committee:

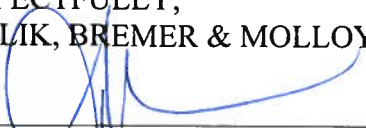
Eric Kitzmiller is an ideal candidate for 18th Judicial District Judge. I have known Eric for thirteen years and was fortunate to work with him for over six years at the Gallatin County Attorney's Office, when I was a Civil Deputy County Attorney. During that time, we were co-counsel in two jury trials, and he trained me in civil guardianship proceedings. Observing his courtroom demeanor and level of preparedness was invaluable and I could not have asked for a better mentor or co-counsel. Eric's dedication as a public servant is evident by his twenty years serving the people of Gallatin County, his work with the Treatment Court, in addition to his responsibilities with the County Attorney's Office.

In the courtroom, in the office, and in person, Eric is a man of impeccable integrity and fairness, and he treats others with respect. His calm demeanor, methodical and disciplined legal mind, breadth of experience in both criminal and civil proceedings, professionalism, dedication to fairness, exceptional work ethic, and compassion for humanity – qualities that make him an excellent attorney, will also make him an excellent judge. Our courts in Gallatin County shoulder a heavy case load. Eric's familiarity with our courts, commitment to the practice of law, and management experience will be indispensable.

Beyond his legal experience, he is a thoughtful, generous, and trustworthy community member, who I am also privileged to call a friend. During and after my work with Eric at the Gallatin County Attorney's Office, I have had the pleasure of joining Eric and his wife Stella on hikes. I have had heard many of Eric's modest tales of fishing, which I know is one of his great joys in life. Eric's time commitment to the Gallatin County Attorney's Office extends beyond normal 8:00 AM to 5:00 PM office hours, and is balanced with hiking, fishing, and other endeavors, resulting in his balanced temperament and grace under pressure.

With certainty and the utmost confidence, I highly recommend Eric Kitzmiller as the next 18th Judicial District Judge. I encourage the Judicial Nomination Commission to forward his nomination to Governor Bullock. Please do not hesitate to contact me if you have any further questions, (406) 404-1728.

RESPECTFULLY,
GALLIK, BREMER & MOLLOY, P.C.



Jecyn N. Bremer
Attorney at Law

Judicial Nominating Commission
c/o Lois Menzies
Officer of Court Administrator
PO Box 203005
Helena, MT 59620
Via e-mail at mtsupremecourt@mt.gov

August 2, 2020

RE: Eric Kitzmiller

Dear Judicial Nominating Committee and Governor Steve Bullock,

It has been my privilege to work with Eric Kitzmiller at the Gallatin County Attorney's Office for the last eleven plus years. I believe Eric possess the character and temperament necessary to be a District Court Judge. During the majority of my time with the office, Eric has been the Chief Criminal Deputy County Attorney. Eric is one of the most dedicated public servants that I have ever worked with. Eric cares deeply about his community and doing what he can to ensure that community is protected. Sometimes that means working to sending a dangerous criminal to prison for a lengthy period of time, but more often, it means trying to find a resolution of a case that will hold an offender accountable, but also provide means for that person to be successful. Eric's work with on the Gallatin County Treatment Court Team, with Mental Health cases and Juvenile cases, demonstrates his desire to help people succeed.

In a time where it seems like civility in the practice of law and public discourse in general is hard to find, Eric stands out as a person of integrity and civility. Eric treats every person he works with and has contact with, with dignity and respect, from opposing counsel, to victims, to law enforcement, to pro se defendants. Eric also works to teach new prosecutors to do the same.

Eric is one of the hardest working people I know, spending most weeks in the office to keep up with an ever growing case load. Given this, I believe Eric is uniquely positioned to step into the busy court calendar and case load that our District Court Judges currently maintain. Additionally, Eric is one of the most talented trial attorneys I have ever worked with or watched in court. Eric is always prepared and professional, regardless of whether he is trying a DUI case or a Deliberate Homicide. I believe an essential quality of a District Court Judge is trial experience and the ability to think quickly on your feet and make evidentiary decisions in the middle of complex litigation. Eric has this experience. Department One has an extremely busy trial calendar and Eric's vast experience in trial and work ethic will allow him to seamlessly step in and manage that trial calendar.

I know one of the main reasons why Eric is stuck working on the weekends is that he has deputy county attorneys in and out of his office with questions all day long. Eric is always willing to sit down and discuss a legal issue or resolution of a case and provide thoughtful suggestions and

guidance. In my first few years with the office, I am sure I asked a lot questions that Eric immediately knew the answer to. But instead of just giving you the answer, Eric spends the time to point you in the right direction and walk through a statute or case with you. As I have gained more experience, I find myself going to Eric with complex questions or questions on new statutes or case law. Again, Eric always takes the time to discuss the issue and look at all angles of the issue. Eric has a very logical, thoughtful approach to the law and analyzes every issue from all sides to ensure he reaches the right conclusion and helps all of us he works with do the same. This quality will make him an excellent District Court Judge, one who is thorough, fair, thoughtful and strives to look at each case and every issue, analyzing and reaching a conclusion based on applying the law to the facts.

Thank you for taking the time to read this letter. I strongly encourage you to select Eric Kitzmiller as the next District Court Judge for the Eighteenth Judicial District.

Sincerely,

A handwritten signature in blue ink, appearing to read "Erin R. Murphy". The signature is stylized with a large "E" and a long, flowing underline.

Erin R. Murphy

Cook, Kevin

From: Menzies, Lois
Sent: Tuesday, August 4, 2020 8:37 PM
To: Cook, Kevin
Subject: Public Comment -- Kitzmiller

From: Sidders Appraisals Inc <siddersappraisals@mtopticom.net>
Sent: Tuesday, August 4, 2020 5:09 PM
To: MT Supreme Court,
Subject: [EXTERNAL] 18th Judicial District Judge Applicants

Steven and Shawn Box
78 W Katina Ct
Bozeman, MT 59718

August 4, 2020

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

Dear Mr. Menzies,

Our names are Steven and Shawn Box. We have been residents of Gallatin County for the past 16 years. I am a retired Sheriff's Deputy from Los Angeles County. My wife, Shawn's father, was retired from the Los Angeles Police Department. We currently own a Real Estate Appraisal company here in Bozeman as well as run a larger Appraisal company for a local family. Throughout our lives, we have been involved in law enforcement in one way or another.

It is with great enthusiasm that my wife and I endorse Eric Norman Kitzmiller for consideration for the office of Judge for the 18th Judicial District. We have know Mr. Kitzmiller both personally and professionally for the past few years and can say without hesitation or reservation that he would make an outstanding Judge. He has both the knowledge and temperament required to allow him to truly excel in this position. He has been the Chief Deputy County Attorney here in Bozeman for some time now and has diligently excelled in his duties in this position. He takes his position and role in the judicial system very seriously, while never making the case about him, but about the victims involved, always striving for the best outcome possible for all involved. Through the time we have gotten to know him, he has displayed a very thorough and thoughtful understanding of the law, court rules and procedures as well as warm personal caring that would greatly assist him in this position. His firm faith and dedication to the rule of law is unwavering and his sense of caring is unmatched. His integrity and work ethic above reproach.

It is our great hope and desire that Mr. Kitzmiller be selected as the next Judge for the 18th Judicial District, to best represent our Court and our great County.

Thank you for your time and consideration,

Sincerely,

Steven & Shawn Box

Certified Residential Appraiser/Owners
Box Appraisals Inc.
78 W Katina Ct.
Bozeman, MT 59718

As iron sharpens iron, so a friend sharpens a friend
Proverbs 27: 17 NLT



COK KINZLER_{PLLP}



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35 North Bozeman
Bozeman, Montana 59715
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Michael D. Cok
Travis W. Kinzler
Jonathan M. Cok

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Bozeman, Montana
59771-1105

ph: 406.587.4445
fx: 406.587.9465

August 4, 2020

SENT VIA E-MAIL

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

RE: *Application of Eric Kitzmiller*

Dear Judicial Nomination Commission,

Eric Kitzmiller is one of the applicants for the 18th Judicial District judge who deserves to be placed on the list of nominees for the governor's consideration. Mr. Kitzmiller demonstrated remarkable work ethic throughout his life, including working laboring jobs in his youth and during his schooling. In his job as Deputy County Attorney he handles a multitude of cases, managing a docket that is very busy.

Mr. Kitzmiller has the experience to step in and perform the job. He has tried multiple cases, many of them complicated felonies. He is in court almost every week. He is familiar with the courtroom and has learned to make important decisions expeditiously.

Mr. Kitzmiller's work with Youth Court and Drug Treatment Court has given him an understanding of the human and social problems that a District Court judge must deal with.

Mr. Kitzmiller's record establishes that he is qualified to be a District Court judge and deserving to be on the list of applicants sent to the governor for consideration.

Thank you for your consideration.

Yours very truly,

COK KINZLER PLLP

Michael D. Cok
mikecok@cokkinzlerlaw.com

August 4, 2020

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

Re: 18th Judicial District Judge Position – Applicant Eric Norman Kitzmiller

Dear Judicial Nomination Commission:

We are trial lawyers and the founding members of the law firm Avignone, Banick & Williams PLLC, with offices in Bozeman. Collectively, we have practiced criminal and civil law in Montana and New Jersey for almost 100 years. We endorse Eric Kitzmiller for the 18th Judicial District Judgeship vacancy.

We have known Eric since he began to practice law in Bozeman twenty years ago. We have been vigorous adversaries with Eric in a good number of high profile, emotionally charged criminal cases, some involving homicide charges. Eric has displayed excellent litigation skills and a passion for representing the State of Montana. Notwithstanding our long history of litigation with Eric as an adversary, we have consistently maintained a courteous and professional relationship that has allowed us to resolve difficult cases.

Perhaps the most outstanding qualities Eric possesses that qualifies him to be an outstanding, effective district court judge are his absolute sense of fairness and adherence to good ethics. He also has the intelligence and legal skills required of a good district court judge.

It is for these reasons that we support Eric for the 18th Judicial District Judge position.

Very truly yours,

Al Avignone
Lisa A. Banick
Christopher K. Williams

August 4, 2020

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

Re: Letter of Recommendation for Eric Kitzmiller – 18th Judicial District Judge vacancy

Dear Ms. Menzies,

I met Eric Kitzmiller 20 years ago when we both started working for Gallatin County. Eric was a new Deputy County Attorney and I was a Deputy Clerk for the District Court Clerk's office. I was immediately impressed by Eric's sincerity and calm demeanor. As a courtroom clerk, I had the opportunity to witness Eric in court more times than I can count. Whether it was law and motion, Treatment Court, Youth Court or involuntary commitments, Eric was always prepared, focused and well informed.

I started working for the Gallatin County Attorney's Office in 2013 and have the pleasure of being Eric's primary legal assistant. The level of thought and care he pours into everything he does is beyond compare. Anytime I have a question, Eric is available to provide an answer and patiently and thoroughly explains his reasoning. Eric also has a great sense of humor and has the innate ability to inject levity into situations when it's needed most.

Eric is the epitome of a public servant. He not only serves the citizens of the State of Montana he also protects the rights of the accused. Eric recognizes his position of holding people accountable while also taking into consideration their individual circumstances. Eric's steadfast commitment to the justice system makes him the best candidate to become the next 18th Judicial District Court Judge.

There are few people I respect more than Eric. Even though he didn't grow up in Montana, Eric embodies the Montana spirit and embraces Montana values. His ethics are above reproach and you would be hard-pressed to find anyone who does not respect him. Eric's moral code is only matched by his kindness and decency. Eric is not just my boss, he is my friend.

Sincerely,



Rhonda L. Hoyem
2225 Remington Way #304
Bozeman, MT 59718

8-5-2020

Joe Skinner
Gallatin County Commissioner

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

Dear Judicial Nominating Committee and Governor Bullock,

Please accept my full support for Eric Kitzmiller's nomination to fill Judge Holly Browns position for the 18th Judicial District Court. I have been a Gallatin County Commissioner since 2004 and met Mr. Kitzmiller soon after taking office. I have observed Eric in his roll as Deputy County Attorney all of these years and have found him to be talented and proficient prosecutor for Gallatin County.

Eric has proven to be a very hard worker with a superb work ethic, who many times can be found working after hours and weekends to prepare for trials. He has always carried a large number of criminal cases and proven he can deal with a very busy court docket. Besides managing this heavy work load, Eric has for years managed many day to day operations within the Attorney's Office demonstrating his administrative skills.

Besides being an effective and efficient prosecutor, Eric has for many years been a member of the Gallatin County Treatment Court team. As a supporter and frequent visitor to Treatment Court, I have watched Eric through the years as he deals with the treatment court participants. He has been a significant benefit to the participants and their families showing concern, empathy, and a true interest in their sobriety, and a keen desire for their recovery and future betterment. Besides knowing the law very well, Eric has a genuine compassion for everyone which is important in administering justice fairly and equitably.

Eric is dedicated to serving people and doing his best to see that everyone is treated fairly with respect and dignity. I honestly cannot think of a better candidate for 18th Judicial Court Judge. Please accept my comments and wholehearted support for Eric Kitzmiller.

Regards,

Joe Skinner

Gallatin County Commissioner

James H. Goetz
Robert K. Baldwin
J. Devlan Geddes
Trent M. Gardner
Kyle W. Nelson
Jeffrey J. Tierney
Katherine B. DeLong
Braden S. Murphy

GOETZ, BALDWIN & GEDDES, P. C.
Attorneys at Law
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P. O. Box 6580
Bozeman, MT 59771-6580

Telephone
(406) 587-0618
Facsimile
(406) 587-5144
rbaldwin@goetzlawfirm.com

August 5, 2020

Via Email

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

Re: Eric Kitzmiller

Ladies & Gentlemen:

I am writing to express my unwavering support for Eric Kitzmiller as the next Gallatin County District Judge in Montana.

I moved to Bozeman in 2003 to practice law at the firm then known as Goetz, Gallik & Baldwin, P.C. I first encountered Eric shortly thereafter while defending a handful of criminal cases and quickly understood why Eric had such a positive reputation. He was fair, knowledgeable, and responsive to phone calls from defense attorneys.

From 2007 through 2019, I had the distinct pleasure of serving as law clerk for the Honorable John C. Brown in the 18th Judicial District Court. Over the course of these past 12 years, I came to know Eric quite well, as he routinely appeared in Judge John Brown's court and tried numerous jury trials before the court. I recently transitioned back into private practice and am now working again at Goetz, Baldwin & Geddes, P.C.

I do not take my endorsement of Eric lightly. Given my broad experience with most local attorneys through my 12-year clerkship, I know nearly all of the current applicants for Gallatin County District Judge fairly well, both personally and professionally. I certainly have no concerns about any one candidate in the pool and likely each one would be a competent judge. Nonetheless, Eric rises to the top and is my first choice. I say this for several reasons.

First, Eric has a wealth of experience in the courtroom, having served as a prosecutor for 20 years. He is extremely capable, always prepared, efficient, and an excellent trial attorney. This would serve him well on the bench, especially given the majority of the judge's caseload stems from criminal matters, abuse and neglect proceedings, and other cases handled by the Gallatin County Attorney's Office.

Second, given his extensive experience at the Gallatin County Attorney's Office, Eric intimately understands the innerworkings of the justice system. He is undoubtedly the best prepared candidate to jump in, quickly get up to speed on the position, and start efficiently and thoughtfully adjudicating cases. This is particularly important, given the majority of case filings and hearings are criminal in nature or other matters handled by prosecutors. He is best suited to preside over such cases and would do so with a high level of expertise, energy and care.

Third, Eric is a devoted public servant and has an incredibly strong work ethic. He is known to work long hours, and I would often see his car parked outside the county attorney's office after hours and on weekends. I am confident he would capably assume the overwhelming workload in the 18th Judicial District and give it his all.

Fourth, Eric is an analytical thinker, which I have witnessed in both in the courtroom and in his work product. His legal writing is solid and informed. Although he does not have years of civil practice under his belt, I have no doubt he will thoughtfully adjudicate civil cases, given his intellectual and legal research abilities.

Fifth, Eric is fair, collegial, and would promote the dignity of the judicial office in his professional and personal life. He has an excellent reputation amongst the local bar, the judiciary, law enforcement, and court service entities. My direct experience reviewing and working on cases that Eric prosecuted has only reinforced my positive opinion of him.

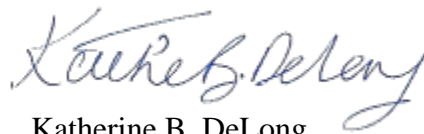
Sixth, although the majority of his career has been spent prosecuting cases, I believe Eric would dispense justice with impartiality, fairness, and with the goal of helping give people second chances. His focus on helping defendants rehabilitate themselves is evident in his even-handed sentencing recommendations, as well as his many years of service on the Gallatin County Treatment Court. In short, Eric is a true believer in our legal system and preserving the principles of justice and the rule of law.

Finally, Eric is truly a good human being and upstanding citizen of Gallatin County. He gets along well with both sides of the bar, prosecutors and defense attorneys alike, and treats people with respect and dignity. Eric's integrity is impeccable.

Thank you for your time and consideration.

Sincerely,

GOETZ, BALDWIN & GEDDES, P.C.

A handwritten signature in blue ink, reading "Katherine B. DeLong". The signature is fluid and cursive, with the first name "Katherine" being more prominent.

Katherine B. DeLong

James H. Goetz
Robert K. Baldwin
J. Devlan Geddes
Trent M. Gardner
Kyle W. Nelson
Jeffrey J. Tierney
Katherine B. DeLong
Braden S. Murphy

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August 5, 2020

Via Email

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

Re: Eric Kitzmiller

Ladies and Gentlemen:

We are writing to express our support for Eric Kitzmiller and strongly recommend he be appointed as the next Gallatin County district judge for the state of Montana.

We are partners at the law firm of Goetz, Baldwin & Geddes, P.C., a boutique Bozeman law firm that specializes in complex civil and commercial litigation. Collectively, we have over 60 years of practice in Montana state and federal courts. As attorneys practicing in one of the busiest judicial districts in our state, we understand the importance of having district court judges with extensive litigation and trial experience and the right qualifications for this important position. We believe that Eric is the right candidate to fill the shoes of Judge Holly Brown.

A review of Eric's application evidences that he is a dedicated public servant and has the necessary experience for this job. Furthermore, although we do not personally know Eric, his outstanding reputation amongst the local bar precedes him. He is known as an attorney with an incredibly strong work ethic, a dedication to serving the public, and a fair, even-handed person with the right temperament and demeanor to serve as a district court judge.

Eric is undoubtedly the most experienced candidate for this decision, and we highly recommend him to you.

Sincerely,



Robert K. Baldwin



J. Devlan Geddes



Trent M. Gardner

August 5, 2020

Dear Judicial Nomination Commission,

I write today to recommend the nomination of Eric Kitzmiller for the vacant position in the 18th Judicial District. I have had the privilege of working with Mr. Kitzmiller since October of 2018 at the Gallatin County Attorney's Office.

During my tenure at the Gallatin County Attorney's Office, Mr. Kitzmiller has always conducted himself with the utmost professionalism. He has also demonstrated exceptional legal acumen and has been an exemplary supervisor and mentor during my legal career as a prosecutor. I believe his experience as a prosecutor and legal prowess demonstrated make him the best candidate for a District Court Judge.

Though he has primarily been a prosecutor through his career, from what I have seen, he analyzes cases through an objective and fair lens, which will only enhance what he brings to the table if appointed as a judge.

I will certainly be sad to lose him as my supervisor at this office, as I have learned immensely from his mentorship, but I firmly believe the citizens of Gallatin County and the State of Montana would benefit greatly from his years of experience, dedication, and the fair administration of justice.

Sincerely,


Ashley N. Carroll

August 5, 2020

Dear Judicial Nomination Commission,

I write today to recommend the nomination of Eric Kitzmiller for the vacant position in the 18th Judicial District. I have had the privilege of working with Mr. Kitzmiller since October of 2017 at the Gallatin County Attorney's Office. During that time, Mr. Kitzmiller has mentored me throughout my time as a prosecutor and is a fair, respectful, and humble individual. Mr. Kitzmiller's years of experience and familiarity with the courtroom make him the most qualified applicant for this position. Though I would be saddened to lose him as a supervisor, I firmly believe the citizens of Gallatin County and the State of Montana would benefit greatly from his years of experience, dedication to the rule of law and the fair administration of justice.

Thank you for your consideration.



Jaydan D. Johnson



COK KINZLER PLLP



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35 NORTH BOZEMAN AVENUE
BOZEMAN, MONTANA 59715-3627

PH: 406.587.4445

WWW.COKKINZLERLAW.COM

MICHAEL D. COK
TRAVIS W. KINZLER
JONATHAN M. COK

MAILING ADDRESS
P.O. Box 1105
BOZEMAN, MONTANA
59771-1105

FX: 406.587.9465

August 5, 2020

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

SENT VIA USPS and EMAIL to:
mtsupremecourt@mt.gov

RE: Montana Eighteenth Judicial District Court Judge

Dear Judicial Nomination Commission:

Please accept this letter of support for Eric Kitzmiller for the position of District Court Judge, Montana Eighteenth Judicial District.

I have known Eric for over 15 years. Throughout all my dealings with Eric, I have gained great respect for him as a lawyer and as a person.

Eric has the utmost respect for everyone in the community, which is clearly demonstrated through his work at the Gallatin County Attorney's Office. His strong work ethic and caring demeanor are shown in his day-to-day activities as well as his many years at the County Attorney's Office. Eric's caring disposition and ability to stay calm in stressful situations would be great attributes to have as a District Court Judge. His even temperament also makes him well-suited for the judiciary. He is hard-working and dedicated to serving the citizens of Gallatin County.

Thank you for considering Eric Kitzmiller as the next District Court Judge.

Sincerely yours,

COK KINZLER PLLP

Travis W. Kinzler
twkinzler@cokkinzlerlaw.com
kl

From: [Menzies, Lois](#)
To: [Cook, Kevin](#)
Subject: Public Comment -- Kitzmiller
Date: Wednesday, August 5, 2020 8:42:56 PM

From: Ted Ethridge <ted.ccbozeman@gmail.com>
Sent: Wednesday, August 5, 2020 4:31 PM
To: MT Supreme Court,
Subject: [EXTERNAL] Recommending Eric Kitzmiller

Dear Judicial Nomination Commission,

I am writing to recommend Eric Kitzmiller to you for the position of district court judge in Gallatin County.

I know Eric personally and have also had the privilege of observing a number of cases he has prosecuted.

I have been a pastor in the valley for nearly twenty years and Eric and his wife, Stella, have attended our church over the last few years. Eric has been ready to give me sound and balanced advice when I have needed it. He is well-respected, kind, and comfortable conversing with others.

Professionally, I have always observed Eric to be thoroughly prepared, well-spoken, and not easily rattled. In his career as a prosecuting attorney, he has been remarkably fair, often working with the defense team toward rehabilitation for a defendant when possible and profitable.

As a resident of the Gallatin County since 1997, I would wholeheartedly recommend Eric to you. I believe he will serve the community well as a district judge known for his sound and unbiased judgment, calm yet collected demeanor, and passion to see individuals helped and their lives stabilized in difficult situations when they need it most.

Thank you for taking the time to consider my comments.

Sincerely,

Pastor Ted Ethridge
Senior Pastor
Calvary Chapel Bozeman
2270 Boot Hill Ct.
Bozeman, MT 59715

--

Ted Ethridge
Calvary Chapel Bozeman
406-580-8390

GALLIK, BREMER & MOLLOY, P.C.

Attorneys
777 East Main Street
P.O. Box 70
Bozeman, Montana 59771-0070

August 6, 2020

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

By Electronic Mail

mtsupremecourt@mt.gov

RE: *Recommendations for Lawyers for Appointment
as District Judge for the Eighteenth Judicial District*

Dear Judicial Nomination Commission:

Gallatin County is fortunate to have so many qualified applicants to replace the Honorable Holly Brown as District Court Judge. Your task, of recommending several lawyers from these applicants to the Honorable Steve Bullock, will be difficult. However, in my judgment, having practiced in this county for 30 years, two (2) applicants, stand out from the rest of the field and are deserving of your recommendation: Peter Ohman and Eric Kitzmiller. Either would be an excellent judge for this District.

1. Peter Bengt Ohman

I've known and worked with Peter for many years in his capacity as the Chief Public Defender for Gallatin County, both as a practicing attorney and when I was a member of the Montana Public Defender Commission.

Peter is passionate about individual rights and protection of those rights. He and I worked together in defending two (2) individuals in a case where the Supreme Court reconciled prior conflicting opinions and held that under Montana's constitution law enforcement must seek and obtain a search warrant

before sending undercover informants into the home of a suspect to record that conversation for use as evidence. *See, State v. Goetz*, 2008 MT 296, 345 Mont. 421, 191 P.3d 489.

Peter regularly appeared before the Montana Public Defender Commission, where I was a member for several years. In that capacity, he argued for the employees under his supervision, as well as others in districts located in Montana, not just his own. Peter was always well-prepared, knowledgeable and provided invaluable insight into the day-to-day issues confronting public defenders. His testimony helped me, and I know other members of the Commission, in making decisions that we believed were in the best interest of all members of the public defender system and their clients.

While a Public Defender for Gallatin County, I know Peter spent countless hours in the courtroom where he displayed the qualities of patience, respect, while zealously advocating for his clients. He now manages the trial division of the Office of the Public Defender. It is these qualities that I believe make him an excellent district court judge.

I've also been impressed with Peter's dedication to family. He raised his children in this community, where he has lived for nearly 20 years. He often spoke about them during our conversations that began with a legal problem and then, having discussed that issue, steered to family and community.

These traits will serve Peter well as a district court judge, where the case load is filled with family and criminal law cases. He is an asset to the community and I strongly urge you to forward his name to Governor Bullock.

2. Eric Norman Kitzmiller.

I have known Eric since his early days as a prosecutor in the Gallatin County Attorney's office. Our first case against each other was in Justice Court in a high profile case involving the accidental death of several horses on Montana State University's farm. It was a difficult case for all involved, but Eric was a professional throughout the case, including after the trial when the jury returned a verdict in favor of my client, and he went up to my client and shook his hand.

I have had other cases against Eric since that time. At all times he was a strong advocate for the State of Montana but also reflected the qualities of

compassion and understanding recognizing that there often much good in the individuals he was responsible for prosecuting. Those qualities were often apparent during sentencing when he reflected not simply upon the misdeeds of the defendant, but also gave credit when credit was due.

Eric has also been an highly ethical attorney committed to the rule of law and the rights of individuals charged by the State. I knew I could always take Eric at his word.

He, too, has extensive experience in the courtroom which will also serve the district well.

In sum, as I stated at the start of this letter, you have several fine candidates to fill Judge Brown' vacancy. I respectfully submit that while all would do a fine job, the two (2) candidates discussed above should be nominated to Governor Bullock for his consideration to be the next judge in the Montana Eighteenth Judicial District.

Sincerely,

/s/ Brian K. Gallik

Brian K. Gallik

August 6, 2020

Marty Lambert

1611 Willow Way

Bozeman, MT 59715

SENT BY SCANNED EMAIL ATTACHMENT

TO mtsupremecourt@mt.gov;

Dear Members of the Judicial Nomination Commission:

Re: Eric Kitzmiller, applicant for District Judge in the 18th Judicial District

Eric Kitzmiller has worked for me as a Deputy Gallatin County Attorney since August 1, 2000. Eric has served as my Chief Criminal Deputy since 2013. I know him well, personally as well as professionally.

Eric is the most conscientious lawyer I've worked with in my 37 years of practicing law. Through his service as my Chief Criminal Deputy I've watched him sort out some of the most difficult circumstances dealt with by my Office. He was and is well-respected by every one of the District Judges before whom he's practiced law. He has the respect of every lawyer he's ever dealt with – no exceptions.

I ask this Commission to focus on just one aspect of his varied duties with my Office: his service as my representative to Gallatin County's Treatment Court. Eric began his work as the County Attorney's representative to our Treatment Court shortly after he started in my Office – I would estimate around December, 2000, or January, 2001. Eric has served as my Treatment Court representative ever since.

Eric is assiduously fair and that has been demonstrated time and again through his participation on the Treatment Court Team. On several occasions over the years Eric has convinced me to take a different view of a "participant" – a person who is being supervised by the Treatment Court Judge. Eric has shown great investment in the progress and well-being of the participants. There are many, many participants over the years who have benefited from Eric's concern for them, as they have become productive citizens due in part to his dedication to them. I know the Treatment Court Team greatly values his input on all the Treatment Court matters – the administrative matters as well as those that deal with individual participants.

Eric's fairness and demeanor have resulted in my asking him to take the role of a "go-to" person for personnel matters in my Office. He is trusted and respected by everyone and he provides me with invaluable insight as to how to deal with the inevitable personnel issues that come with running an office with twenty-plus employees.

The caseload in the 18th Judicial District has greatly increased over the past decade, and that will continue in this decade. Our next district judge must be a hard-worker, and must have considerable dedication to public service. Eric has demonstrated over 20 years that he possesses both of those characteristics, and we can be assured he will earn everyone's respect with the hours he will put into the job.

There is no doubt that Eric Kitzmiller would serve with distinction as a district court judge, and that he would bring honor to this important position. I recommend him to you without hesitation, and I ask that you vote to advance his name to the Governor.



Marty Lambert
1611 Willow Way, Bozeman
(406) 570-7414

WHIPPLE LAW OFFICES, PLLC
Experienced advocacy. Creative solutions.

Via Email Only: mtsupremecourt@mt.gov

Judicial Nomination Commission
c/o Lois Menzies
Office of Court Administrator
PO Box 23005
Helena, Montana 59620-3005

Re: Montana 18th Judicial District Court Candidate Eric Kitzmiller

Dear Commission Members,

I write to you in support of Eric Kitzmiller's candidacy for the position of District Court Judge for the 18th Judicial District of Montana. I worked with Eric in the Gallatin County Attorney's Office as a prosecutor for 10 of the 15 years that I served in that Office. In 2012, my husband Todd (who at that time had served as Chief Deputy Gallatin County Attorney for over 12 years) and I decided to enter private practice. We chose to specialize in criminal defense. In all, we have worked with Eric from both sides of the criminal justice system for roughly 20 years, and during that time we have had ample opportunity to observe Eric's work ethic, temperament, and ethical disposition.

Simply put, I have never encountered another attorney with a work ethic that compares to Eric's. Despite the rather minimal pay that Eric received (and continues to receive) as a Deputy County Attorney, he was always the first Deputy into the office and the last to leave. Scheduled work hours meant nothing to him – he stayed until the job was done. I am not certain if any of the Commission Members have served as prosecutors, but I can assure those who have not that our caseloads are overwhelming. Eric never missed a single filing or motions deadline. He never missed a court date. He regularly covered for other attorneys in Court without complaint. One of the major concerns that I hear from members of the local Bar is that orders, both civil and criminal, are not timely issued from the bench. I can assure you that that will not be a concern if you choose to appoint Eric as Judge.

I would also like to note that Eric took a scholarly approach to each case he handled – I have never seen him at a loss regarding the facts of a case or the law applicable to it. Eric is and was always open and eager to engage in debate about whatever issue with which he was confronted, and he does so without ego or emotional investment. He wants to arrive at the correct answer – not *his* answer. That is a rare trait in our legal community... wanting to be correct, not just right.

Finally, and most importantly, the Commission should be aware of Eric's ethics. Prosecuting can be an emotional undertaking. Over the years, it becomes increasingly difficult to separate your emotions from the facts of the case you are handling. For myself, I knew it was time to leave the County Attorney's Office once my own children had aged into their early teens; I specialized in the prosecution of sex crimes, and most of my victims were ages 5 to 15. Once I began to see my own children's faces superimposed upon the faces of my victims, it was time to go. A prosecutor cannot perform their job ethically if emotion is involved.

In contrast to myself and many other practitioners, Eric has a unique ability to view each and every case with absolute objectivity, even after twenty years of prosecuting. He unfailingly revisits the sentencing guidelines for the State of Montana in cases that result in conviction. He refuses to prosecute those cases in which there is not a reasonable likelihood of conviction, despite whatever political or publicity issues are adherent to the case. He guides even the most lost of defendants toward rehabilitation and healing whenever he can, but does not hesitate to argue for the protection of our community when it's necessary. He is careful, deliberate, and compassionate in every action he takes. I could not hope for more from a Judge – nor, I suggest, could you.

Respectfully,



Ashley Whipple
Whipple Law Offices, PLLC

WHIPPLE LAW OFFICES, PLLC
Experienced advocacy. Creative solutions.

Via Email Only: mtsupremecourt@mt.gov

Judicial Nomination Commission
c/o Lois Menzies
Office of Court Administrator
PO Box 23005
Helena, Montana 59620-3005

Re: Montana 18th Judicial District Court Candidate Eric Kitzmiller

Dear Commission Members,

I write to express my strong support for the appointment of Eric Kitzmiller as the next Judge of the 18th Judicial District Court. It has been my privilege to have known Eric for almost 20 years. I first knew Eric as a fellow Deputy County Attorney, and then was his supervisor as Chief Deputy Gallatin County Attorney from 2001 through 2013. I have most recently practiced with him as defense counsel in my private practice with my wife, Ashley. We have dealt with Eric in numerous cases over the last 7 years. When I retired as the Chief Deputy County Attorney in 2013, I strongly recommended that Eric assume the role of Chief Deputy despite the burdens and stresses of that job. He was the natural choice as leader of the office, and he has performed admirably in that role for the past 7 years. I consider him a friend and legal colleague of whom I have the utmost respect.

Throughout my career I have appeared before dozens of District Court Judges across this state. In my opinion, good judges all exhibit similar characteristics. Good judges are even tempered, deliberative in their rulings and are unafraid to take the time to reflect on issues that are unfamiliar to them. They are legal interpreters and not law makers, and are never influenced by politics or public opinion.

Eric has demonstrated throughout his career that he possesses all of these qualities. Although he has been a prosecutor and has been employed by an elected official, he has approached every one of his cases in a thoughtful manner with less concern about public opinion and more concern about adhering to his ethical responsibilities as a prosecutor. Although Eric has developed a reputation as a tough prosecutor, he has also demonstrated that he is a legal scholar and an

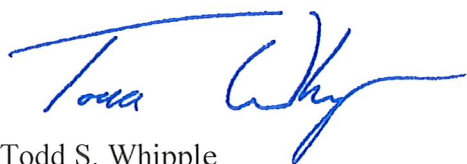
attorney who has never failed to consider the effects that the criminal justice system can have upon an accused's family and life.

For many years, in addition to his regular prosecutorial duties, he has been the County Attorney's designated representative for the Gallatin County Treatment Court. He assumed this role with enthusiasm and with no regard for the additional burden that the position would involve. He has been the primary Youth Court prosecutor for many years, and has handled many of Gallatin County's involuntary commitments. I believe that all of these roles have formed Eric into a well-rounded and compassionate attorney.

I am very much aware that District Court Judges do not just handle criminal cases, Youth Court matters and involuntary commitments. Much of their time is focused on matters they may have never dealt with in their previous careers. I note that none of the current 18th Judicial District Court Judges had any substantive criminal experience prior to taking the bench, but their inherent intelligence, good character, and beliefs in our system of justice enabled them to fulfill their obligations and to serve our community well.

In short, I write to support Eric's appointment to the bench not only because of his experience as an attorney, but also because he is a good man who holds true to the very highest aspirations that all of us should seek to meet in our legal careers.

Respectfully,

A handwritten signature in blue ink, appearing to read "Todd Whipple", with a stylized, flowing script.

Todd S. Whipple
Whipple Law Offices, PLLC

ELISABETH
MONTTOYA
P L L C

35 North Bozeman Ave. | BOZEMAN, MT

P: 406-585-3300 F: 406-794-0799

EMONTTOYA.LAW@GMAIL.COM

August 6, 2020

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

RE: Application of Eric Kitzmiller

Dear Judicial Nomination Commission,

I urge the Commission to recommend Eric Kitzmiller to Governor Bullock for the position of District Court Judge.

I am a criminal defense attorney. I have practiced law opposite Eric Kitzmiller for almost 10 years. We have been (and still are) opponents on numerous cases from youth court matters up to serious felony cases, including a homicide. Although our respective positions require us to be fierce adversaries, I have a great deal of respect for Eric. He is consistently honest, fair and is often willing to join me in seeking second (and sometimes third and fourth) chances on behalf of my clients. Eric has an even keel. He does not react, but instead takes a thoughtful approach in his work. I believe Eric's strong adherence to ethics, his calm approach and his commitment to fairness will make him the district court judge the residents of Gallatin County deserve.

Very truly yours,



Elisabeth Montoya

August 6, 2020

Dear Judicial Nomination Commission:

I am currently a Deputy Gallatin County Attorney, which is how I've come to know Eric Kitzmiller. Eric is the Chief Deputy County Attorney and has been in his position for all the time I've been in Gallatin County—approximately 4 years.

I know many people have hesitations with a former prosecutor become a District Court Judge. I can appreciate that concern as many would assume a prosecutor could not see “both sides” to a case. I can unequivocally say that assumption does not apply to Eric. Eric is one person who looks for justice in any case. He understands that cases do not just call for the “stick”, but also the “carrot”. I've asked for advice on cases where he has suggested a more lenient approach based on things I would not have otherwise considered. Additionally, Eric has been the prosecutor in the Gallatin County Treatment Court since its inception, or very close to its inception. As such, he has been a part of one of the best rehabilitation programs in Gallatin County for years.

Another assumption is that any former prosecutor would be too easy on law enforcement. I can appreciate that concern, but again, that assumption does not apply to Eric. When there are cases where discovery comes in late or other issues arise involving law enforcement, Eric does not accept excuses from anyone. If there were mistakes made or violations of policies, laws, etc. it is not swept aside, it is dealt with head on with Eric. This includes law enforcement and anyone in our office. I have no doubt as a district court judge, Eric would continue to hold people accountable.

There is something to be said about experience, both in practicing law, but also in having trial experience. A large portion of any District Court judge's docket is criminal. The 18th Judicial District is no exception to that and arguably is one of the busiest in the state. Having someone on the bench that understands issues such as hearsay, what evidence does and does not fall under 404(b), and numerous other “everyday” issues is priceless. Cases can be won or lost on rulings on evidentiary admissibility and also the basis for cases being overturned. Having a Judge that understands the rules of evidence—not just “knows” them, but actually understands every little nuance—is indescribably important to both sides in any case. Having someone who is experienced with trials, motions hearings, bail modification hearings, revocation hearings, and everything in between is not just preferential but should be required before taking the bench. Whomever is selected for this position will have little to no time to get up to speed on the court's calendar and without the necessary courtroom experience they would undoubtedly struggle. Eric has the crucial experience needed to take the bench and not miss a beat.

In addition to the criminal experience, Eric also has experience with Dependency and Neglect cases as well as Involuntary Commitments. These types of cases also take up a good portion of the district courts calendars. As stated above, having someone who is familiar with these different types of cases/proceedings is invaluable coming into such a packed docket. Having a slight learning curve is

expected in any position, but having someone with little to no experience with these types of cases would create a mountain, not a curve. The added experience in these areas of the court's docket as well as the criminal background gives Eric a clear advantage and better footing to take on such a demanding position as this one.

Additional characteristics that make Eric well suited for this position are his even temper and patience. He is one of the most patient people I have ever met. Eric has the responsibility of keeping all of the support staff in our office moving forward, as well as all of the Deputy County Attorneys. With so many different personalities in one office, it never ceases to amaze me how well Eric deals with everyone in our office. These are two desirable characteristics for a judge to possess, as there are a multitude of personalities coming into the courtroom on any given day. Eric has endured countless issues in our office and in the courtroom for more than 20 years and I have yet to see him lose his composure or handle any issue unprofessionally.

Another personality trait that is necessary for a district court judge is the ability to examine details closely. Eric has the largest felony caseload in our office and is able to effectively manage all of his other responsibilities in addition to that caseload. His attention to detail is paramount to keeping his schedule on track. Eric also oversees all the different court schedules and makes sure all hearings are covered by our office. Having someone that is used to a hectic and unpredictable schedule is something that cannot be taken in stride by just anyone. The ever-changing calendar of a district court requires a person that is organized and disciplined enough to keep the calendar orderly. Eric has the experience and practice juggling multiple courts' calendars and would be able to carry this forward as a district court judge.

People may assume being a judge in any court would be "easy" because the attorneys do the work. However, anyone who spends time in a courtroom knows this assumption is false. A judge has to be diligent, dedicated, and willing to put in hard work with long hours. Eric's work ethic is unquestionable. He can usually be found in the office working on the weekends in order to keep up with his caseload and other duties. As I write this letter in support of Eric seeking the appointment, I shudder to think of the amount of work that will be "left over" if he is selected to take this position. Eric handles more than just a felony case load. As mentioned above, he helps cover DN hearings, DI hearings, keeps our support staff in order, as well as all the Deputy County Attorneys. If there is a case that has to be covered for trial or a complicated hearing, he is always the first to step up and cover it. Eric is a great leader and a tremendous asset, which would carry over to the courtroom as a district court judge. Knowing we would be losing Eric in the office, but gaining a district court judge with all of these qualities and characteristics makes the "sacrifice" worth it.

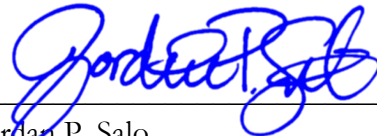
The last example I will give in support of Eric for this appointment is his willingness to learn and being open to new ideas. Recently Eric and I tried State v. DeWise (homicide and attempted homicide) together. I was pleasantly surprised when he asked me to prosecute the case with him. It was an invaluable experience for me in many ways. Eric took me under his wing, but also gave me room to grow and learn. On major decisions—even if we did not agree—I always felt heard and respected. When preparing for trial we had nearly 100 exhibits for our case in chief. In order to keep things

moving at a good pace in trial, we agreed to have the majority of the exhibits displayed electronically for the jury (body cam video, pictures, audio recordings, etc.). Eric has been around long enough to remember passing around physical copies of crime scene pictures and other evidence to the jury. In this case, he was open to publishing these exhibits on a large television screen and the idea of allowing technology to be utilized for many aspects of the trial. Having a person that is willing to change and adapt, rather than continuing to do things because “that’s the way it’s always been done”, is a true benefit to the position.

The above is only the tip of the iceberg as to how and why Eric is the best candidate for the Eighteenth Judicial District Court position. I honestly believe Eric is the most qualified, well suited, competent, fair, experienced, hardworking, and reliable person for this judgeship.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jordan P. Salo", is written over a horizontal line.

Jordan P. Salo

Deputy Gallatin County Attorney