

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

MARCH 28, 1986

The second meeting of the State Administration Committee of the 49th Legislature, Second Special Session, was called to order by Chairman Jack Haffey on Friday, March 28, 1986 at 9:30 a.m. in Room 331 of the State Capitol.

ROLL CALL: All members of the committee were present with the exception of Senator Manning. Senator Mohar arrived late. John McMaster, staff attorney, was also present.

CONFIRMATION OF LEIF BARTON ERICKSON: Senator Haffey explained that the purpose of the meeting was to consider the appointment of Mr. Leif Barton Erickson as district judge in the Eleventh Judicial District.

Mark W. Bisom, administrative assistant to the Office of the Governor, explained to the committee how a nomination comes to them. A Judicial Nominating Commission exists which accepts applications from the different attorneys. These applications are narrowed down to four names and then submitted to the Governor. The four candidates are then interviewed and one name is chosen and submitted to the Senate.

Mr. Erickson is a practicing attorney from Whitefish, Montana, partner in a law firm there, and a graduate of the University of Montana Law School. Before moving to Whitefish, Mr. Erickson practiced law in Helena. He is actively involved in community affairs.

Senator Haffey stated that he had reviewed Mr. Erickson's biography and had also made some calls regarding the same. Mr. Erickson is well respected as a person and also as an attorney. He is very involved in community affairs. The candidate is a well rounded person and appreciated by both sides.

One phone call to the Kalispell area resulted in the following comment, "he is one of the best things to happen to the judicial system in Kalispell".

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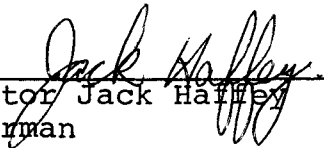
Senator Ethel Harding of Polson stated that Mr. Erickson is an ideal candidate.

Senator Ray Lybeck of Senate District 4 in Kalispell spoke in support of the confirmation. He stated that the candidate is very qualified and competent.

With no further proponents, the chairman called on the opponents. Hearing none, the meeting was opened to a question and answer period from the committee. There were no questions.

MOTION: A motion was made by Senator Lynch that the appointment of Leif Barton Erickson as district judge in the Eleventh Judicial District, be confirmed and concurred in.

ADJOURN: With no further business the meeting was adjourned.



Senator Jack Halley
Chairman

ROLL CALL

STATE ADMINISTRATION

COMMITTEE

49th LEGISLATIVE SESSION -- 1986

Date 3/28/86

STATE
SENATE

NAME	PRESENT	ABSENT	EXCUSED
# 9 SENATOR JACK HAFHEY, CHRMN.	✓		
#47 SENATOR LES HIRSCH, V. CHRMN.	✓		
#22 SENATOR JOHN ANDERSON	✓		
#29 SENATOR MAX CONOVER	✓		
#32 SENATOR WILLIAM FARRELL	✓		
#11 SENATOR ETHEL HARDING	✓		
15 SENATOR J. D. LYNCH	✓		
#49 SENATOR DICK MANNING		✓	
#28 SENATOR JOHN MOHAR	<i>late</i>		
# 3 SENATOR LARRY TVEIT	✓		

Each day attach to minutes.



State of Montana
Office of the Governor
Helena, Montana 59620
406-444-3111

TED SCHWINDEN
GOVERNOR

March 26, 1986

The Honorable Jack Haffey, Chairman
State Administration Committee
Montana State Senate
State Capitol
Helena, Montana 59620

Dear Senator Haffey:

I respectfully submit the attached biographical information for Senate confirmation of Leif Barton Erickson as District Judge of the 11th Judicial District.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark W. Bisom".

MARK W. BISOM
Administrative Assistant

Leif Barton Erickson
1435 Lakeview Lane
Whitefish, Montana 59937

Erickson is a partner in the Whitefish law firm of Fisher & Erickson. A 1967 graduate of the University of Montana law school, Erickson has been in private practice in Whitefish since 1975. Before moving to Whitefish, he practiced law in Helena.

He is a member of the Flathead County Bar Association and the State Bar of Montana. He is also actively involved in community affairs, serving currently as chairman of the North Valley Hospital Board of Directors and director of the Hockaday Center for the Arts in Kalispell. He is a former director of the Whitefish Chamber of Commerce.

March 26, 1986

The Honorable William J. Norman
President of the Senate
Montana State Senate
Capitol Building
Helena, Montana 59620

Dear Mr. President:

On October 19, 1985, I received the recommendations of the Judicial Nominating Commission relative to the replacement of District Judge James Salansky, who passed away on September 23, 1985. On November 11, 1985, pursuant to Section 3-1-1011, MCA, I appointed Mr. Leif Barton Erickson, 1435 Lakeview Lane, Whitefish, Montana 59937 to fill the judicial vacancy in the 11th Judicial District.

Pursuant to section 3-1-1013, I respectfully submit for your consideration and confirmation Mr. Leif Barton Erickson, the candidate most highly recommended by the Commission.

Because the Senate is sitting in special session, I believe it timely and appropriate to request the confirmation of Leif Barton Erickson.

Sincerely,

TED SCHWINDEN
Governor

cc: Senator Jack Haffey

QUESTIONNAIRE

SUBMITTED TO JUDICIAL NOMINATING COMMISSION NOMINEES

- 1. Give your full name. Give any other name by which you have been known; and the dates and places each was used.

ERICKSON LEIF BARTON
(Last Name) (First Name) (Middle Name)

- 2. State both your office and home addresses and phone number.

P. O. Box 238, 250 2nd Street, Whitefish, Montana 59937
(Office)

P. O. Box 238, 1435 Lakeview Lane, Whitefish, Mt 59937
(home)

862-4681 862-5469
(Office Phone) (Home Phone)

- 3. Give the date and place of your birth.

June 10 1942 Helena Montana
(Month) (Day) (Year) (City) (State)

- 4. If you are a naturalized citizen, please give the date and place of naturalization.

(Date) (Place)

- 5. Indicate your marital status; if married, the maiden name of your wife; and the names of your children. Please indicate the same information for all prior marriages.

Married Carole I. Hedlund
(Marital Status) (Wife's Maiden Name)

Kristin Joan Erickson
(Children)

Leif Trenton Erickson
(Children)

I was x was not previously married.

(Former wife's maiden name)

(Children by former marriage)

6. Discuss your educational background and list institutions, places, and degrees. Start with grade school. Give the geographical location of all institutions.

1st grade - Central School - Helena, Mt.

2nd - 8th grades - Hawthorne School, Helena, Mt.

9th grade - Helena Junior High School, Helena, Mt.

10th - 12th grades - Helena Senior High School, Helena, Mt.

4 years - University of Montana, Missoula, Mt., BA in
Political Science and History

3 years - University of Montana Law School, Missoula, Mt.,
JD degree

7. List all courts in which you are presently admitted to practice, including the dates of admission in each case. Give the same information for administrative bodies having special admission requirements.

Montana Supreme Court - 1967

U. S. Federal Court - 1967

8. Are you actively engaged in the practice of law at the present time? If you are connected with a law firm, a corporate law department, or a governmental agency, please state its name and indicate the nature and duration of your relationship.

I am actively engaged in the practice of law with the firm of Fisher & Erickson, a partnership. I began as an associate with Leo Fisher in 1975, and later we became partners.

9. If in the past you have practiced in other localities or have been connected with other law firms, corporate law departments or governmental agencies, please give the particulars, including the locations, the names of the firms, corporate law departments, or agencies and your relationships thereto, and the relevant dates. Indicate also any period in the past during which you practiced alone.

1967-1968 Clerk for the Montana Supreme Court

1968-1970 Partner in firm of Erickson & Erickson, Helena, Mt.

1970-1973 Partner in firm of Brazier, Dowling & Erickson, Helena, Mt.

1973-1975 Associate with Tom Dowling, Helena, Mt.

1975-1985 Associate and later partner in firm of Fisher & Erickson,
Whitefish, Mt.

As hereafter noted I was a public defender in Helena in 1969, a deputy county attorney in Helena from 1970 until 1975, and assistant city attorney for Whitefish from 1978 to the present.

In the 1968 and 1970 legislative sessions I worked with the Legislative Council drafting bills.

10. What is the general character of your practice? Indicate the character of your typical clients and mention any legal specialties which you possess. If the nature of your practice has been substantially different at any time in the past, give the details, including the character of such and the periods involved. (Use separate sheet, if necessary.)

See Attached Exhibit A

11. (a) Do you regularly appear in court? x Yes No
- (b) What percentage of your appearances in the last five years was in:
- (1) federal courts? 5%
 - (2) state courts of record? 50%
 - (3) other courts? 45% (in City Court as Assistant City Attorney handling all trial work)
- (c) What percentage of your litigation in the last five years was:
- (1) civil? 50%
 - (2) criminal? 50%
- (d) What percentage of your trials in the last five years was:
- (1) jury? 60%
 - (2) non-jury? 40%
- (e) State the names and judicial office held by up to five (5) judges before whom you have appeared the most during the last five (5) years.

Honorable Robert Sykes, District Judge
Honorable James Salansky, District Judge
Honorable Michael Keedy, District Judge
Honorable Robert Holter, District Judge
Honorable Richard Maddux, City Judge

- (f) State the names and addresses of the adversary counsel against whom you have litigated your primary cases over the last five (5) years.

James D. Moore, P. O. Box 1198, Kalispell, Mt., 59901
Gary G. Doran, P. O. Box 1198, Kalispell, MT., 59901
Scott Spencer, 503 California Avenue, Libby, Mt., 59923
Neil Halprin, 938 1/2 Longstaff, #1, Missoula, Mt., 59801
William E. Hileman, 204 Central Avenue, Whitefish, Mt., 59937

12. (a) Summarize your experience in court prior to the last five years. If during any prior period you appeared in court with greater frequency than during the last five years, indicate the periods during which this was so and give for such prior periods the same data which was requested in Question 11.

From 1969-1975 I appeared in District Court in Lewis and Clark County, initially as a public defender for a year representing indigent defendants and, for the remaining five years as a deputy county attorney. During the latter period I would estimate 30% of my appearances dealt with civil matters and 70% in criminal matters. As deputy county attorney I tried a number of felony criminal cases, as well as handling civil actions associated with the office, including dependent and neglected children, enforcement of child support, mental health commitments, and so forth. I appeared primarily before Judges Gordon Bennett and Peter Meloy in the latter years.

- (b) Summarize your experience in adversary proceedings before administrative boards or commissions prior to the last five years.

I did some work before the Flathead County Tax Appeals Board, but an insignificant amount. Within the past five years I have appeared before the County and State Tax Appeals Board on a case which is now on appeal to the Montana Supreme Court concerning valuation of the Whitefish Lake Golf Course.

13. Have you ever been engaged in any occupation, business, or profession other than the practice of law? If so, please give the details, including dates.

Other than summer jobs in high school and college which included irrigating, building fence, pushing boards around, and fixing trails, I have had no other occupation, business or profession.

14. If you are now an officer or director of any business organization or otherwise engaged in the management of any business enterprise, please give details, including the name of the enterprise, the nature of the business, the title of your position, the nature of your duties, and the term of your service in the event that you are appointed a judge. If it is not your intention to resign such positions and give up any other participation in the management of any of the foregoing enterprises, please so state, giving reasons.

1. Secretary & Director for P.I.E., Inc. which owns and operates Pioneer Pies Restaurant & Bakery in Missoula, Mt.
2. Secretary & Director for T.G.I.F., Inc., an investment company which owns the Palace Bar in Whitefish, Mt., which is currently for sale.

I am willing to resign my position with either or both corporations.

15. Have you ever held judicial office, or have you ever been a candidate for such office? If so, give the details, including the courts involved, whether elected or appointed, and the periods of service.

I was appointed to fill in as city judge in Helena for a few weeks in 1968 or so while the judge was on vacation.

16. Have you ever held public office other than a judicial office, or have you ever been a candidate for such an office? If so, give the details, including the offices involved, whether elected or appointed, and the length of your service.

I was appointed to the City-County Planning Board for Whitefish around 1978, and served several years.

I was appointed to the Whitefish Board of Adjustments for a year around 1977.

As earlier indicated, I have served as a public defender, deputy county attorney, and assistant city attorney, all of which were appointive offices.

17. Have you published any legal books or articles? If so, please list them, giving the citations and dates.

NO

18. List any honors, prizes, awards, or other forms of recognition which you have received.

North Valley Hospital Board of Directors -- Currently Chairman
Kiwanis Club of Whitefish -- Past President
Hockaday Center for the Arts -- Currently a Director
Whitefish Lake Golf Club, Inc. -- Currently Vice President
Whitefish Chapter of American Cancer Society -- Currently Vice President
• Whitefish Congenials -- Past President
Whitefish Chamber of Commerce -- Former Director
C.O.P.S. -- Currently Vice President
Whitefish Winter Carnival -- Prime Minister

19. List all bar associations and professional societies of which you are a member and give the titles and dates of any offices which you have held in such groups. List also chairmanships of any committees in bar associations and professional societies, and memberships on any committees which you believe to be of particular significance (e.g., judicial selection committee, committee of censors, grievance committee).

Montana Bar Association
Flathead County Bar Association
Formerly Chairman of the Flathead County Grievance Committee
I have worked for the Bar Examination Committee the past three years as a grader for bar exams.

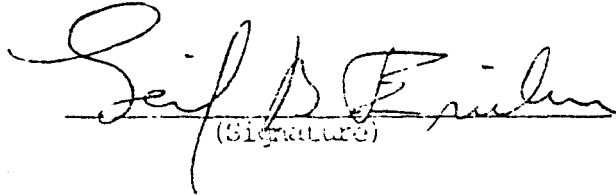
20. State briefly your attitude toward the law and why you consider yourself especially well qualified to be a judge.

My attitude toward the law is that our society functions as well as it does in large measure because of the rule of law rather than of the individual. Laws provide sound rules upon which citizens can rely in dealing with their daily affairs. To be effective, however, laws must be interpreted fairly, uniformly, and without undue delay.

I suppose I feel well qualified because of the wide range of experience I have had in almost all aspects of the practice of law. This has given me some good insights not only in the practical function of the court, but also in what people expect from the court. The primary complaints are lack of speedy access to the court, lack of a speedy decision, and a feeling that the judge may be aloof to the problems of the citizens. Recognizing these problems, I would strive to correct them. As you may have gathered from my response to question 18, I also feel quite strongly that an attorney or a judge should be involved in his or her community.

21. If your name is on the list submitted by the Commission and if the Governor selects you for nomination, would you accept such nomination?

YES


(Signature)

Date: 10-3-85

Return to:
C. W. Leaphart, Jr.
Secretary
Judicial Nominating Comm.
1 N. Last Chance Gulch, #6
Helena, MT 59601

22. Have you ever been sued by a client? If so, please give particulars.

NO

23. Have you ever been a party to or personally involved in any legal proceedings; or a witness in a grand jury proceeding; or named as a co-conspirator or co-respondent? If so, please give particulars.

NO

24. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group? If so, please give particulars.

NO

25. Have you regularly filed tax returns with the State of Montana and with the Internal Revenue Service of the United States Government?

Yes No

If requested will you submit a certified copy of your latest Federal Income Tax Statement?

Yes No

EXHIBIT A

Question 10.

I am currently engaged in the general practice of law with no particular emphasis. Accordingly, I handle a good deal of office work involving real estate transactions, business contracts, probate, and other typical "office" business. In addition, I appear in court on divorce and custody, child support and related matters. My current trial practice includes collections, contract disputes, a partnership dissolution, contested probate, wage claims, religious discrimination, and so forth.

As assistant city attorney I also currently handle a number of city court cases, including trials of DUI and other traffic related cases each year.

My typical clients include and have included governmental entities, financial institutions, a newspaper, a union, a hospital, various businessmen, realtors, ranchers and farmers, building contractors, and a large clientele that does not fit into any specific category other than they needed legal advice or assistance.

Since my practice has varied over the years, I will provide a chronological background with the areas of emphasis.

1967-1968 -- Clerk for the Montana Supreme Court for Justice Castles and later for Justice Haswell. I also worked on annotations for the then new Criminal Procedure Code for a three-month period.

1968-1970 -- Partner in firm of Erickson & Erickson with general office practice and trial work in highway condemnation cases and represented a client in a construction dispute with the Montana Highway Department. I also served as a public defender for Lewis and Clark County for a period of one year where I tried several felony criminal cases. I also represented the Montana Nurses Association in a bargaining unit case involving the hospital in Libby.

1970-1975 -- Partner in firm of Brazier, Dowling and Erickson which included general office work as well as some civil trial practice. I served as deputy county attorney for Lewis and Clark County during this period where I tried a number of criminal matters, including DUI's, deliberate homicide, arson, theft, assault, bad checks, and on and on.

1975-to present -- Associate and later partner with Leo Fisher in Whitefish, Mt. Our practice is as indicated earlier.

STANDING COMMITTEE REPORT

March 26

19 86

MR. PRESIDENT

We, your committee on **STATE ADMINISTRATION**

having had under consideration..... No.....

~~XXXXXX~~

reading copy (

color)

The Governor's appointment of LEIF BARTON ERICKSON, of Whitefish, Montana, as Judge of District Court, Eleventh Judicial District of the State of Montana, to serve until the next succeeding general election.

Respectfully report as follows: That..... ~~XX~~

said appointment be concurred in and confirmed by the Senate, and the attached resolution be adopted by the Senate.

DO PASS
~~XXXXXX~~

DO NOT PASS
~~XXXXXX~~

BE CONCURRED IN AND CONFIRMED

.....
Chairman.