

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Senator Bill Yellowtail, on April 15, 1993, at 10:04 a.m.

ROLL CALL

Members Present:

Sen. Bill Yellowtail, Chair (D)
Sen. Steve Doherty, Vice Chair (D)
Sen. Sue Bartlett (D)
Sen. Chet Blaylock (D)
Sen. Bob Brown (R)
Sen. Bruce Crippen (R)
Sen. Eve Franklin (D)
Sen. Lorents Grosfield (R)
Sen. Mike Halligan (D)
Sen. John Harp (R)
Sen. David Rye (R)
Sen. Tom Towe (D)

Members Excused: NONE

Members Absent: NONE

Staff Present: Valencia Lane, Legislative Council
Rebecca Court, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HJR 28
SR 8
Executive Action: NONE

HEARING ON HJR 28

Opening Statement by Sponsor:

Representative Simon, District 91, told the Committee that nearly two weeks ago a fire bombing occurred at the Blue Mountain Clinic in Missoula, MT. Rep. Simon said the bombing was the reason HJR 28 was drafted. Acts of arson and violence across the State of Montana are acts that all Montanans' should condemn. HJR 28 is an opportunity for the legislators to speak as a body against that kind of action. Rep. Simon told the Committee that just because the bombing took place at a clinic that provided

abortions, HJR 28 was not an abortion issue, but rather an issue of terrorism. Rep. Simon said there have been other instances of terrorism and violence in the State of Montana. HJR 28 does not target any group. Rep. Simon said he believes the acts that are taking place are not acts of an organized group, but rather random acts by over zealous people which should not be tolerated.

Proponents' Testimony:

Representative Ream, District 54, told the Committee that he helped draft HJR 28 with Rep. Simon. Rep. Ream said when repeated acts occur at similar facilities around the State it is an act of violence and one of intimidation. Rep. Ream urged the Committee to support HJR 28.

Devon Burklund, Inter Mountain Planned Parenthood, read from prepared testimony. (Exhibit #1)

Beth Baker, Department of Justice, told the Committee that it does not matter WHO commits the crime, it is a criminal act of violence and should be pursued as such. Ms. Baker urged support for HJR 28.

John Connor, Montana County Attorney's Association, said arson in Montana is classified as a forcible felony because of the potential for destruction and harm to individuals. If an arson occurs and someone dies, the person responsible for the fire could be convicted of homicide even though that person may not have known that a death would of occurred. Prosecutors in Montana view their responsibility as assisting the criminal justice agency in accessing responsibility for criminal acts. Prosecutors cannot condone acts of violence or acts of a criminal nature against society in which they view arson to be. Mr. Connor strongly supported HJR 28.

Tootie Welker, Montana Lions Progressive Policy, supported HJR 28.

Ann Broksky submitted written testimony from Willa Craig. (Exhibit #2)

Debbie Hahn submitted written testimony from Dr. Armstrong. (Exhibit #3)

Opponents' Testimony:

Arlette Randash, Montana Right to Life, read from prepared testimony. (Exhibit #4)

Bill Fedda, Montana Right to Life, told the Committee that they objected to HJR 28 because it is pointing fingers to the pro-life groups. Mr. Fedda said he objected to the "terrorist" language in the resolution. Mr. Fedda submitted a resolution from the

State of Ohio which he feels would be a good bill to condemn the violence in Montana. (Exhibit #5)

Laurie Koutnic, Executive Director of the Christian Coalition, opposed the wording in HJR 28.

Representative Molnar submitted written testimony. (Exhibit #6)

Questions From Committee Members and Responses:

Senator Crippen asked Rep. Simon about the Blue Mountain Clinic bombing. Rep. Simon told the Committee that the catalyst that brought HJR 28 before them was the attack against the Blue Mountain Clinic in Missoula. Rep. Simon said the attack affected many lives because it provided health care needs to a lot of citizens in Montana. Rep. Simon said the Blue Mountain Clinic was bombed during this legislative session, therefore HJR 28 was drafted.

Senator Crippen asked Rep. Simon if HJR 28 was drafted because he was concerned about abortion clinics being targeted for violence. Rep. Simon said no, he was concerned with all acts of terrorism and violence. Rep. Simon said the Blue Mountain Clinic bombing was an isolated incident that brought HJR 28 forward, but the resolution speaks in broad terms to condemning all acts of violence and terrorism in Montana.

Senator Brown asked Rep. Simon about substituting the word "violence" for "terrorism." Rep. Simon told the Committee that the word "terrorism" is an important part of HJR 28.

Closing by Sponsor:

Rep. Simon asked the Committee to keep focused on the issue of HJR 28, which are the acts of terrorism and violence in Montana. Rep. Simon urged support for HJR 28.

HEARING ON SR 8

Opening Statement by Sponsor:

Senator Brown, District 2, told the Committee that it was a great pleasure to appear behalf of John Larson as a sponsor for SR 8, which was requested by the Judiciary Committee. SR 8 is confirming and consenting to the nomination and appointment of the Honorable John Walter Larson as District Court Judge, Fourth Judicial District, in Missoula, MT. Senator Brown said the nomination before the Committee was a result of an appointment by Governor Racicot.

Introduction by the Governor:

Governor Marc Racicot told the Committee that in nominating John Larson as District Court Judge in the Fourth Judicial District,

they went through a very objective process. The individuals were interviewed and writing samples were examined. Governor Racicot said they also looked at the background and experience of those individuals. Governor Racicot said it was extremely important to consider what a person had done in the past. John Larson served as Secretary of the Senate on three separate occasions and was Clerk to the Montana Supreme Court. Mr. Larson has been a sole practitioner since 1978, in Missoula, MT. Mr. Larson also served as a United States Magistrate for four years and an Assistant Attorney General. Governor Racicot said based upon interviews, experience, examinations of writing samples, and recommendations of members of the bar and public he settled upon the nomination of John Larson as a District Court Judge for the Fourth Judicial District.

Introduction by the Nominee:

John Larson told the Committee that served for three terms as the Secretary of the Senate and prior to that was an amendments clerk to the Senate. Mr. Larson told the Committee that he primarily practices as a sole practitioner and his clients are small business people. Mr. Larson said he has not exclusively represented either plaintiffs or defendants. Mr. Larson told the Committee that he had appeared in many administrative hearings in the Office of Public Instruction and the Department of Labor and Industry. Mr. Larson served as a special assistant Attorney General to the Office of Public Instruction and the Department of Health. Mr. Larson said being a sole practitioner in Montana is one of the best things a person can do, the next best thing is being a District Judge.

Proponents' Testimony:

Senator Crippen read from written testimony by Chief Justice Turnage. (Exhibit #7)

Mona Jamison told the Committee that she happily supports John Larson's appointment to the District Court Judge. Ms. Jamison said that while she was Chief Council for Governor Ted Schwinden, John Larson was the Secretary of the Senate. Ms. Jamison said Mr. Larson was extremely gracious, nonpartisan, and helpful. Ms. Jamison said personal qualities need to be taken into consideration in addition to legal backgrounds. Ms. Jamison told the Committee that Mr. Larson would serve Montana and its citizens well.

Gail Gohein, an Attorney in Hamilton, supported the nomination of John Larson. Ms. Gohein said Mr. Larson is an honest and fair person. Mr. Larson is a calm, kind, and pleasant person which is a very important quality for a judge. Mr. Larson would be nothing but respectful and has had extensive civil experience. Mr. Larson is intelligent and hardworking. Ms. Gohein highly supports the nomination of John Larson.

Sidney Makinna, general practitioner in Missoula, Mt. supported the nomination of John Larson. Ms. Makinna reiterated Mr. Goheins testimony.

Mark Connel, an Attorney in Missoula, highly recommended Mr. Larson to the Committee for the nomination of District Court Judge. Mr. Connel said he has known Mr. Larson for 10 years and feels Mr. Larson is a well organized, professional, and calm person.

Mike Sherwood read from prepared testimony. (Exhibit #8)

Paul Meisner, Secretary of the Montana Bar Association, told the Committee that there were 18 applicants for the position of District Court Judge for the Fourth Judicial District. Mr. Meisner urged the Committee, on behalf of civil practitioners who appear on behalf of defendants, to appoint and confirm John Larson to District Court Judge. Mr. Meisner said Mr. Larson brings experience to the civil litigant which is needed to dispense justice in the Fourth Judicial District.

Russell Hill, Montana Trial Lawyers Association, read from prepared testimony. (Exhibit #9)

Gary Spaeth, State Bar of Montana, told the Committee that the State Bar reviewed the qualifications of Mr. John Larson and found that he possess the highest professional, legal, and ethical qualifications and would do extreme justice to serving on the bench in the State of Montana. Mr. Spaeth told the Committee that he had known Mr. Larson for a number of years, and although they differ politically, he feels Mr. Larson is an excellent lawyer. Mr. Larson possess the highest ethical qualification and his integrity is beyond approach. Mr. Larson is a sensitive and decent person who would be a good judge.

Jim Mockler, Judicial Nomination Commission, told the Committee that the Commission received 18 applicants for the position of District Court Judge for the Fourth Judicial District. Four names were submitted to the Governor and then Mr. Larson was selected. Mr. Mockler said the Commission highly supports Mr. Larson's nomination and appointment.

Opponents' Testimony:

NONE

Questions From Committee Members and Responses:

Senator Crippen asked Mr. Larson about the case load in Missoula. Mr. Larson said there is a large County Attorneys Office in Missoula, in part because Montana is growing, as are the crimes. Mr. Larson said his approach to the large criminal case load would be to get specific dates and times for criminal actions to be handled, tried and disposed of so there is not a an overload

on the criminal calendar.

Senator Towe asked Mr. Larson if he would have any difficulty in setting aside his political views to make sure his decisions would be unbiased and fair. Mr. Larson said he would not have any difficulty in setting aside his political views. Mr. Larson said all of his decisions would be unbiased and fair. Mr. Larson said when he worked as the Secretary of the Senate 95% of the work was nonpolitical.

Senator Doherty asked Mr. Larson how much time he spent working on the Livingston cleanup as a Special Assistant Attorney General working for the Department of Health and Environmental Sciences. Mr. Larson said the case involved a vast array of information that needed to be studied and there were complex negotiations that had to be undertaken. Mr. Larson said a great deal of his time was involved in the case.

Senator Doherty asked Mr. Larson about the money that was paid to him by the State for his services for the Burlington Northern case. Mr. Larson said the Department of Health would have that information. However, the State was reimbursed by Burlington Northern so it did not cost the tax payers.

Senator Doherty asked Mr. Larson about his view towards Montana's open meeting laws. Mr. Larson said he believes there should be public access as long as a private personal matters are not involved.

Closing by Sponsor:

Senator Brown closed.

ADJOURNMENT

Adjournment: 11:19 a.m.



BILL YELLOWTAIL, Chair



REBECCA COURT, Secretary

BY/rc

ROLL CALL

SENATE COMMITTEE Judiciary

DATE 4-18-93

NAME	PRESENT	ABSENT	EXCUSED
Senator Yellowtail	X		
Senator Doherty	X		
Senator Brown	X		
Senator Crippen	X		
Senator Grosfield	X		
Senator Halligan	X		
Senator Harp	X		
Senator Towe	X		
Senator Bartlett	X		
Senator Franklin	f		
Senator Blaylock	X		
Senator Rye	X		



InterMountain
Planned Parenthood

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 1

DATE 4-15-93

BILL NO. HJR 28

721 North 29th Street
Billings, Montana 59101
406 248-3636

1844 Broadwater Avenue
Billings, Montana 59102
406 656-9980

926 Main Street, Suite 17
Billings, Montana 59105
406 248-2373

1220 Central Avenue
Great Falls, Montana 59401
406 454-3431

1500 Cannon Street
Helena, Montana 59601
406 443-7676

Senate Judiciary Committee Hearing
April 15, 1993

My name is Devon Burkland and I am an RN and manager of Planned Parenthood of Helena. I am here today representing Intermountain Planned Parenthood, which is seven clinics statewide, including two abortion clinics. Last year we provided medical services, education, and counseling to over 17,000 Montana men and women.

I am here today to talk about the terrorism, harassment, and intimidation that has occurred in Montana this past year. The definition of terrorism is derived from the latin word "terror" - to shake with fear. It is a feeling of "prolonged and intense fear" and we have certainly experienced that feeling. This year we have had toxic chemicals poured down our heating and ventilation equipment that caused \$17,000 worth of damage. We had an arson fire bomb destroy our clinic here in Helena in January 1992, causing \$120,000 worth of damage. We have had our clinics blockaded by Operation Rescue and assorted individuals. We have had our staff stalked and followed, including a physician that was followed to a private medical appointment. We have had countless death letters and threats. I have had hundreds of unauthorized magazines subscriptions, and mail order tapes, books, and plates sent to my home and to the clinic. We have had our clinic invaded by fanatics posing as patients and try to force their way onto a procedure room, where our physician had just completed an abortion on a patient. Our patients have to endure threats and intimidation when they enter our doors. Our staff lives with security systems and endures these threats in our homes. Wanted posters with the picture of our physician were circulated in Billings this August. Two weeks ago, while I was giving my testimony to the House Judiciary Committee, we received five bomb threats to our Billings clinics.

These tactics have been calculated to induce a state of fear or submission. We are dedicated to keeping our doors open serving all Montanans. We support this Resolution to call upon Montana law enforcement to strengthen protection for our clinics, staff, and patients. We also call for these agencies to apply all resources to the pursuit and bringing to justice all perpetrators of terrorist violence in Montana.

Devon Burkland

Senator Bill Yellowtail, Chair
Senate Judiciary Committee
Montana State Legislature
Helena, MT 59601

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 2
DATE 4-15-93
BILL NO. HR 28

April 14, 1993

Dear Senator Yellowtail and Members of the Committee,

My name is Willa Craig and I am the Executive Director of Blue Mountain Clinic in Missoula. Please accept my apology for not being able to be present today for the hearing of this important resolution.

The board, staff and patients of Blue Mountain Clinic are heartened by the outpouring of support we have received since the destruction of our clinic by an arsonist two weeks ago. We have always felt that the clinic was an extension of the community and recent events have certainly supported this belief.

Since the fire, our staff and board have been working long hours to ensure that our patient's needs continue to be met, but we are concerned about the future. It is no small irony that while Blue Mountain Clinic and other health care providers work daily to protect the privacy, safety, and health of many of Montana's citizens, we are unsure if we can guarantee those same basic needs to our own employees. Personal harassment of staff by anti-abortion protesters has increased, not decreased, since our facility was destroyed. In the past two years we have endured clinic blockades and attempted invasions, frivolous legal battles, hate mail and intimidating phone calls, vandalism, and death threats. We have sought, when necessary, the protection of Montana law, with only modest results. There is much evidence that this violent sector of the anti-abortion movement is systematically organized and that its leaders are often known. They receive financial and peer support for their brutality and have rarely met with any substantive penalties. It is also evident that the scope of this violence exceeds the resources and abilities of our local officials to prosecute and prevent these acts.

The state of Montana is at a crucial point in deciding how it will deal with these terrorists and those that will soon follow. Unless we act at the federal and state level we will, in effect, have chosen to allow this violent faction of the religious right to dictate public policy with guns and bombs.

I urge you to support the resolution of the Missoula County Legislative Delegation, and their efforts to regain peace and tolerance for the state of Montana.

Willa Craig, Executive Director
On behalf of the staff, board, and patients
of Blue Mountain Clinic

JAMES H. ARMSTRONG, M.D.

795 SUNSET BOULEVARD
KALISPELL, MONTANA 59901

Telephone (406) 752-8104

April 2, 1993

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 3
DATE 4-15-93
BILL NO. HR28

Judiciary Committee
House of Representatives
Helena, Montana

Dear Committee Members:

Since 1973 I have provided abortions in my office as part of my practice of Family Medicine in Kalispell where I opened my practice in 1964. I write to ask your support of a resolution condemning the illegal and violent acts committed against abortion providers in Montana.

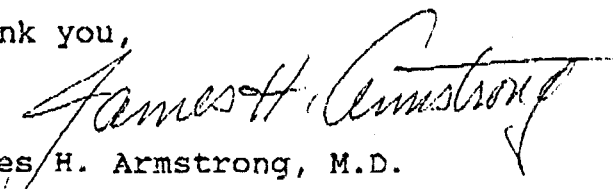
During the first 10 years of doing abortions, my office experienced no picketting nor threats. The first picketting occurred 9 or 10 years ago and was infrequent. However, in the past year it has become a regular thing two or three times a week, and now my home and the Church which I and my family attend, have both been picketted several times this winter. Last year the president of the local Right to Life organization told me they were going to "go all out against me".

In view of the nationwide escalation of violence which has spread into Montana I am increasingly concerned for my personal safety and also that of my family and employees.

The anti abortion spokespeople say they don't condone the violence and criminal acts, then add a "but" which expresses rhetoric that incites further violence by their less disciplined supporters.

For this reason a strong statement by our state leaders, both pro life and pro choice, is needed to set an example and show that these crimes are not to be tolerated.

Thank you,


James H. Armstrong, M.D.

JHA:dlb

House Joint Resolution 28
Arlette Randash
Montana Right to Life

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 4
DATE 4-15-93
BILL NO. HJR28

Montana Right to Life, an organization that has always used educational and political avenues to peacefully change public opinion, stands in opposition to all acts of violence including the arson at the Blue Mountain Women's Clinic in Missoula. This is consistent with our unwavering opposition to violence, specifically the violence that is being done routinely to children in the womb and their Mothers in abortion clinics in Montana such as the Blue Mountain's Women Clinic. And we stand in opposition to this resolution because it does violence to the integrity of Montana public policy by sensationalizing a singular act of arson into terrorism.

Before any suspect is even arrested let alone convicted, this resolution arrests rational public debate and convicts, of terrorism, those who oppose the violent destruction of innocent unborn children. This resolution monopolizes on the deplorable act of arson during an intensely emotional time to try to stampede the Montana legislature into sending a highly charged message to the United States Attorney General and the Montana delegation in W.D.C. This resolution that would be totally appropriate if it condemned the arson for the arson that it is, becomes a vehicle for the pro-death forces of Montana to urge the national passage of their clinic access bill that is now before Congress.

Words are significant. They are the stock in trade of this legislative process. To endorse a resolution that in one gigantic leap crosses the chasm from an act of arson to terrorism is typical of the pro-death agenda. Those in this country who have altered public policy by the manipulation of words have literally gotten away with murder:

Euthanasia today was the killing of the old and infirmed yesterday.

Physician assisted suicide today was murder yesterday.

Abortion today was the abhorrent destruction of a defenseless baby yesterday.

The withdrawal of nutrition and hydration today was yesterday's withholding of food and water, ordinary needs we all had the right to, made acceptable today because they have somehow become medical treatment.

Ladies and Gentlemen, If you are truly resolved to ending violence in Montana and your nation--deplore the arson in Missoula--but know that until you find the moral courage to rise above the terrorism of political correctness and protect all human life under law from the moment of conception until natural death--our society will experience an ever enlarging circle of violence and death funded by tax dollars under the protection and direction of our own government, made acceptable to the general public through word manipulation--acts of systematic violence that will render arson pale. I urge your rejection of this resolution as it is currently worded.

MESSRS. FISHER-MESHEL-PFEIFFER-SNYDER-WHITE-BOWEN-

MS. FURNEY-MESSRS. RAY-ZIMMERS

J O I N T R E S O L U T I O N

Deploing acts of violence against reproductive

health care facilities, and exhorting law

enforcement agencies to vigorously investigate

such acts and apprehend and prosecute those

responsible for their perpetration.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

WHEREAS, As elected representatives of our citizens in the
State of Ohio, we take pride in our diverse communities, their
historic respect for life and property, and the American
tradition of open and peaceful discussion of issues of public
policy; and

WHEREAS, Bombing, arson, and any form of violence cannot be
tolerated as an appropriate means of addressing issues of public
policy in the United States; and

WHEREAS, Since January, 1984 in the United States there
have been over four hundred incidents of criminal violence
directed against reproductive health care facilities, including
over forty bombings and arson; and

WHEREAS, Seven of those bombings and arsons occurred in the
State of Ohio, more than in any other state; and

WHEREAS, While over half of the bombing and arson cases
nationwide have been solved, resulting in over eighteen arrests,
none of the seven Ohio cases have been solved; and

WHEREAS, Such acts of criminal violence not only result in
the destruction of property, but more importantly terrorize the

lives of patients and medical staff, jeopardize the safety of the

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 5
DATE 4-15-93
BILL NO. HJR 28

community, and are designed to impede or block access of patients 2.13
to medical care; now therefore be it

RESOLVED, That the Ohio General Assembly deplores and 2.15
condemns any and all criminal acts of violence against 2.16
reproductive health care facilities, their patients, and medical 2.17
staff; and be it further 2.18

RESOLVED, That we exhort all state and local law 2.20
enforcement officials to take immediate action to vigorously 2.21
investigate all such acts and to identify, apprehend, and 2.22
prosecute all those who plan and perpetrate acts of violence 2.23
directed against reproductive health care facilities, their 2.24
patients, and medical staff; and be it further 2.25

RESOLVED, That the Clerk of the Senate transmit duly 2.27
authenticated copies of this Resolution to the Ohio Prosecuting 2.28
Attorneys Association and to the news media. 2.29

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 6
DATE 4-15-93
ROLL NO. HJR28

Members of the Committee:

It is with some trepidation that I oppose a resolution that is co-sponsored by so many of my fellow legislators.

We normally spend hours on the semantics of a bill, working for example, on whether someone "will" do something, or "shall" do something. That is how it should be.

We should always be as accurate as possible. That is the basis of my opposition. This Resolution, which accomplishes nothing, is nothing but politically sanctioned name calling with a very thin veneer.

There is evidence of arson. If there is a conviction, a judge will cause the person to be called an arsonist. If that person committed the arson to collect the insurance, he is just an arsonist. If he committed arson to bend political will, he is then a terrorist. A judge will make that determination; not the Montana Legislature.

Page 2, lines 14-18, claim that Montana is so overwhelmed by terrorists that we need federal help in controlling them. Montana has never had a trial for terrorism, let alone a conviction. How does that translate to the need for more security from terrorists?

Page 2, section 4, asks the FBI to investigate our "terrorist violence". If there was evidence of terrorism, or inter-state conspiracy, as claimed in the 6th obligatory "Whereas", they would investigate without our invitation. But they won't, unless the BATF says there's evidence of terrorism and they haven't said so.

The BATF hasn't called it terrorism, the State Fire Marshall hasn't called it terrorism, the Missoula Fire Marshall won't call it terrorism, the Governor hasn't called it terrorism.

The only people to call it terrorism are Representative Simon and 83 other anti-terrorism experts in the Montana House of Representatives.

THE SUPREME COURT OF MONTANA

J.A. TURNAGE
CHIEF JUSTICE



JUSTICE BUILDING
215 NORTH SANDERS
HELENA, MONTANA 59620-3001
TELEPHONE (406) 444-5490

April 14, 1993

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 7

DATE 4-15-93

ROLL NO. SB8

Honorable Bill Yellowtail, Chairman
Honorable Members
Senate Committee on the Judiciary
Capitol Building
Helena, MT 59620

Dear Chairman Yellowtail,
Members of the Senate Committee on the Judiciary:

In the past, I have always been able to attend confirmation hearings on appointment of District Court Judges and Supreme Court Justices.

Unfortunately, the confirmation hearing scheduled for 10:00 a.m., April 15, 1993, concerning the appointment of John W. Larson as District Judge of the Fourth Judicial District, Department No. 3, falls at a time when the full Court is in conference and thus preventing my attendance.

Please accept this letter as my recommendation for your Committee and the Montana Senate to confirm the Governor's appointment of John W. Larson to this judicial office.

I have known John W. Larson personally for many years, and have had the pleasure of working with him when I was president of the Senate and he was secretary of the Senate. John has always performed his duties diligently, fairly and efficiently. In his practice of law, I have also had the opportunity to observe his work while I have been on the Court, and I believe him to be a most capable attorney.

John W. Larson has the integrity, experience and ability to perform the duties of a District Judge and will be an asset to the Montana Judiciary.

Respectfully yours,

A handwritten signature in cursive script, reading "J.A. Turnage".
J. A. Turnage
Chief Justice

JAT:rap

Testimony of Michael J. Sherwood
Before the Senate Judiciary Committee

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 8
DATE 4-15-93
FILE NO. SR8

April 15, 1993

SUPPORTING the confirmation of the appointment of JOHN W. LARSON
as District Court Judge for the Fourth Montana Judicial District.

I have been engaged in the private practice of law for over 15 years. I reside in my home town of Missoula. I have known John Larson for the better part of my professional career. In the course of my practice I have dealt with John on two levels in particular: (1) involvement in the legislative process; and (2) representation of the criminally accused. In both areas, John conducted himself in a highly professional, ethical, and competent fashion.

When I acted as legislative counsel for the Montana Trial Lawyers in 1989, John was Secretary of the Senate. He did a fine job, as many of you know. In 1991, I worked with John on a particular piece of legislation. Again, he worked hard toward our common goal under the difficult circumstances often confronted in the waning hours of a legislative session. His judgment was sound and his dealings were always on a high plane.

While John served as United States Magistrate, I appeared before him on multiple occasions. He displayed exemplary judicial decorum and demeanor. He handled the ever growing federal criminal case load with admirable expediency, while taking care to protect the rights of the criminally accused. These latter qualities are particularly important in my support of John Larson's confirmation as the new judge in Missoula.

Montana Trial Lawyers ASSOCIATION

Directors:

Wade Dahood
Director Emeritus
Monte D. Beck
Thomas J. Beers
Michael D. Cok
Michael W. Cotter
Karl J. Englund
Robert S. Fain, Jr.
Victor R. Halverson, Jr.
Gene R. Jarussi
Peter M. Meloy
John M. Morrison
Gregory S. Munro
David R. Paoli
Paul M. Warren
Michael E. Wheat

Executive Office
#1 Last Chance Gulch
Helena, Montana 59601
Tel: 443-3124

Officers:

Thomas J. Beers
President
Monte D. Beck
President-Elect
Gregory S. Munro
Vice President
Michael E. Wheat
Secretary-Treasurer
William A. Rossbach
Governor
Paul M. Warren
Governor

April 15, 1993

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 9

DATE 4-15-93

ROLL NO. SR8

Sen. Bill Yellowtail, Chair
Senate Judiciary Committee
Room 325, State Capitol
Helena, MT 59624

Mr. Chair, Members of the Committee:

Thank you for this opportunity to express MTLA's unqualified support for the nomination of John Larson.

MTLA represents approximately 425 Montana attorneys who practice in diverse fields of law, from personal injury and family law to contract and criminal law. Many MTLA members practice defense as well as plaintiff's law. What cements them into a common association, however, is their shared conviction that juries provide the safest and surest administration of justice. For nearly two decades, John Larson has exemplified the same respect for and commitment to Montana's jury system.

It's virtually impossible to imagine a more qualified nomination to serve as district court judge. John Larson has reinforced his remarkable intellect and unquestioned legal expertise with a broad array of work experience: First, as a law clerk to the Montana Supreme Court; next as an active attorney in both a law firm and solo practice, representing both plaintiffs and defendants; frequently as special assistant attorney general and hearings examiner for various state agencies; for three legislative sessions, as Secretary of the Montana Senate; and most recently as a United States Magistrate and a Special Master for the U.S. Ninth Circuit Court of Appeals.

For MTLA president Tom Beers, for the numerous MTLA members who live and practice in the Missoula area, and for every MTLA member who has been privileged to

work with John Larson or benefitted from the dignity which he brings to his profession, I encourage you to approve this nomination.

If MTLA can provide additional information or assistance in this regard, please contact me.

Respectfully,

A handwritten signature in black ink, reading "Russell B. Hill". The signature is written in a cursive style with a large initial "R" and a distinct "H".

Russell B. Hill
Executive Director

DATE 4-15-93

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: H.J. 28 Simon

S.R. 8 Brown

Name	Representing	Bill No.	Check One	
			Support	Oppose

Tootie Welker	Self	HS 28	X	
Dawn Barklund	Intermountain Flower	"	X	
Ann Brodsky	self	HJR 28	X	
Debbie Halpern	self	"	X	
Amy Pfeifer	self	HJR 28	X	
John Connor	MT County Atty's. Ass	HJR 28	X	
Holly Franz	self	HJR 28	X	
Jim Mockler	Judicial Nomination Commission	SR 8	X	
Laurie Kohn	Chamber Building Mts	HJR 28	X	
Beth Baker	Dept of Justice	HJR 28	✓	
Diane Sells	MT Women Lobby	HJR 28	✓	
Michael Sherwood	Self	SR 8	X	
Justin / Whaler		SR 8	X	
Justin / Whaler		SR 28		X
Russell B. Hix	Mont Trial Lawyers	SR 8	✓	
Ann Jensen	WETC	SR 8		X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 4-15-93

SENATE COMMITTEE ON JUDICIARY

BILLS BEING HEARD TODAY: HJR 28

SR 8

Name	Representing	Bill No.	Check One	
			Support	Oppose
Channing J. Haristine	Self	8	✓	
Lynn O Baker	Self	8	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY