

bmclaughlin@mt.gov
Montana Water Court
State of Montana

Date: Nov. 23, 2024

In accordance with the notice of October 1, 2024, this comment regards Judge Stephen Brown and his appointment as the Chief Water Judge.

We, the undersigned, support the appointment of Judge Stephen Brown without reservation for the following reasons:

1). Judge Brown has been in charge of the review of the CSKT Water Compact since the process began. Changing his ability to continue with that, or appointment of a different Chief Water Judge, may jeopardize the ongoing process. As a result, we may face delays or changes in direction relating to the review process. This will be a detriment to Montana.

2). Judge Brown has demonstrated his extraordinary ability to successfully and efficiently accommodate Pro-Se, as well as Lawyers represented parties through a very complicated and controversial water compact process. This skill and his focus on preserving and providing a procedure that is fair to all involved is in and of itself a good reason to appoint him to the Chief Judge position.

3). In all of the instances we have seen in the Compact review, Judge Brown's demeanor and patience in dealing with all of the parties appearing has been admirable and appropriate in all instances. This includes his willingness to explain the process and procedure, while expressing good reasons why the review process works the way it does, and why the directions of the court need to be adhered to by all.

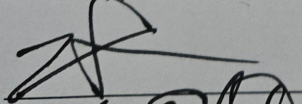
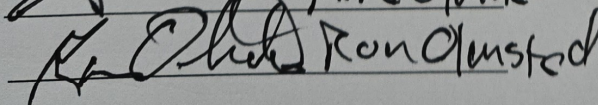
4). Judge Brown's approach with Pro-Se parties is in, in our opinion, a good reason for him to move up and continue on. In this regard, the legislature contemplated many Pro-Se litigants in Water Court proceedings. Previously, Judge WW Lesley, Judge Bruce Lobel and Judge Russ McElyea have all acknowledged and respected that reality and circumstance. Judge Brown has demonstrated his willingness to accomplish and excel at accommodating this circumstance.

5) It is my understanding that Judge Brown's opinions and decisions in contested cases are well founded, reasonable and respected by both successful and unsuccessful litigants.

6). We believe his appointment will ensure that the groundwork set by his predecessors in that position will be preserved, respected and perhaps better memorialized by him, while educating future Water court personnel regarding these circumstances.

We support his appointment and hope you will do so for all of these reasons.

Signed:


Mike Olmsted

Ron Olmsted