

Androlewicz, Kathleen

To: McLaughlin, Beth
Subject: RE: Public Comment on Stephen R. Brown nomination for Chief Water Judge

From: Ryan McLane <ryan@franzdriscoll.com>
Sent: Tuesday, October 15, 2024 3:48 PM
To: McLaughlin, Beth <bmclaughlin@mt.gov>
Subject: [EXTERNAL] Public Comment on Stephen R. Brown nomination for Chief Water Judge

October 15, 2024

Hon. Chief Justice Mike McGrath
Montana Supreme Court
c/o Beth McLaughlin, Office of the Court Administrator

Re: Nomination of Stephen R. Brown as Chief Water Court Judge

Your Honor:

I respectfully submit this letter of recommendation in support of Stephen R. Brown's appointment as Chief Water Judge of the Montana Water Court. I can truly think of no one better suited to be Montana's next Chief Water Judge.

I have had the privilege of appearing in front of Judge Brown during his tenure as the Associate Water Judge. I am primarily a water attorney, and I appear in water matters frequently. From personal experience I can attest that Judge Brown is knowledgeable, well-prepared, and fair. Most importantly, he shows genuine respect to those appearing and practicing before him. His performance as a judge has been exemplary.

Judge Brown's experience from private practice has also improved his role as a judge. The practice of water law is procedurally complex, often relies on long-stale or incomplete facts, and usually involves multiple parties (frequently *pro se*). Thus, the nature of the Water Court appears to be mostly triage, with frequent bouts of intense, complex, and precedent-setting litigation. While understanding the internal Water Court process and the general adjudication of water rights is incredibly important, a water judge who also understands the other side of the bar, and what water users have to navigate has been invaluable. This is seen in many of the orders Judge Brown has issued during his tenure as Associate Water Judge, which frequently exist at the intersection of a water adjudication and either a district court enforcement action or a DNRC permitting decision. Judge Brown's deep experience is self-evident in his case management and orders as a water judge.

I unreservedly recommend Judge Brown for appointment as Chief Water Judge.

Sincerely,
Franz & Driscoll, PLLP



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