

December 23, 2024

Via email toni@teaselaw.com and mailbox@montanabar.org

Antoinette M. Tease, President Montana State Bar Box 1902 Billings, MT 59103

Re: Montana State Bar Partisan Seminars

Ms. Tease:

We write to object to the Montana State Bar's implicit endorsement of partisan attacks on the Republican Party and elected Republican officials. If the state bar was a private, voluntary organization, it would not be our concern. However, the state bar was created by order of the Montana supreme court. It is a government entity. Furthermore, the supreme court forces lawyers to join the state bar in order to practice law. Membership is not voluntary. As a result, partisan attacks sponsored by a judicially-created entity that lawyers must join is our legitimate concern.

On April 12, 2024, at its annual state convention, the state bar sponsored a continuing legal education panel for lawyers called "Portraits in Courage-Unpopular Causes and Representing the Unrepresentable." The panel was moderated by Montana supreme court justice Laurie McKinnon and featured Montana attorneys Randy Cox, Jim Goetz and Mark Werner, along with retired Billings district judge Michael Moses. We attach a transcript of this state bar-sponsored seminar.

In the course of the presentation, Mr. Goetz called a recent Montana supreme court decision on the Judicial Nomination Commission "a piece of shit." He labeled laws that Republicans

recently enacted as "just pieces of garbage...[that] should be stricken." He called our current Republican governor "Governor Gianforeskin."

Mr. Goetz also described his attempt to engage in a secret telephone conversation with a supreme court justice or a supreme court justice's clerk on a pending supreme court case involving the supreme court itself, without the other parties or their counsel being present (this is an *ex parte* communication that court rules prohibit). We note this is the same case in which Justice McKinnon refused to recuse herself and wrote the court's opinion, while fellow panelist Mr. Cox represented the judiciary. *See, McLaughlin v. Montana State Legislature*, 2021 MT 120-1.

In a continuing irony throughout this seminar, while Mr. Goetz himself was attacking the court, he implied that only the Republican Party attacks the courts. He proclaimed, "there's only one party that's really attacking the courts, and it's despicable." Apparently Mr. Goetz's "portrait in courage" is his willingness to engage in hypocritical attacks on the Republican Party at a state bar-sponsored event while surrounded by a sympathetic panel, including a supreme court justice, retired judge and several hand-picked lawyers.

In her introductory remarks, Justice McKinnon stressed that lawyers "as members of the judicial branch of government have an obligation to protect and defend [the judiciary's] integrity and independence." Yet as Mr. Goetz attacked all three branches of Montana's government, including the judicial branch, Justice McKinnon stood silent. She never objected to Mr. Goetz's attacks. To the contrary, she laughed at Mr. Goetz's statements and labeled him "a fierce defender of the Constitution," noting that she personally invited him to speak.

In a related matter worth comparing, the Montana Office of Disciplinary Counsel ("ODC") has filed a 35-page disciplinary complaint in the Montana supreme court against Attorney General Austin Knudsen. *See, In the Matter of Austin Miles Knudsen*, PR 23-0496. The statements that Attorney General Knudsen made (or that others in his office made) that the ODC considers rule-breaking are much less inflammatory than Mr. Goetz's own statements. For instance, the ODC alleges that the following statement in a letter to the Montana supreme court on attorney general letterhead violates Rule of Professional Conduct 8.4(d) because it "is prejudicial to the administration of justice":

The Court here lays claim to sole authority over provision of due process for all branches of government, which is ludicrous. The statement implies that the Legislature is not capable of providing a forum in which due process may be had by subjects of Legislative inquiry. This statement is wholly outside the bounds of rational thought, given that all branches and levels of government are bound to provide due process to citizens in every action taken, and which the Executive and Legislative branches do every day. *Id.*, Count 13, p. 18.

If statements that a court's position "is ludicrous" or "wholly outside the bounds of rational thought" are considered "prejudicial to the administration of justice," then certainly calling a

supreme court decision "a piece of shit" at a state bar-sanctioned event in front of a supreme court justice is similarly prejudicial. Accordingly, we are copying this letter to the Office of Disciplinary Counsel with a request that they investigate Mr. Goetz's conduct for violations of the Rules of Professional Conduct using the same standard they applied to the Republican attorney general.

Of course, while we should expect a non-partisan ODC analysis, we have little confidence this will occur. This state agency is a wholly controlled subsidiary of the Montana Supreme Court. As the ODC website itself makes clear:

The Office of Disciplinary Counsel (ODC) is part of a comprehensive lawyer regulation system established by the Montana Supreme Court. The system consists of ODC and the Commission on Practice (COP). COP and ODC are under the direct supervision of the Montana Supreme Court. The Court appoints the Disciplinary Counsel.

The court appointed the current chief disciplinary counsel, Pam Bucy, who was the 2012 Democrat candidate for Montana attorney general and staffer in previous Democrat administrations.

The Montana Supreme Court has a long history of hostility toward the Republican Party and conservatives, most clearly demonstrated in the court's appointments in the last three decades of known Democrat activists and donors to the redistricting commission. In each of at least the last three redistricting cycles, the Supreme Court-appointed member—not surprisingly–sided with the other two Democrat-appointed commissioners to draw state and house seats to favor Democrats. In the just concluded 2024 general election, Republicans lost nine house seats and two senate seats because of the new Democrat-drawn districts. Redistricting is the pinnacle of partisanship; the group who controls the redistricting pen controls election outcomes. The Supreme Court's undeniable, consistent and intentional appointment of Democratic donors in this hyper-political process renders assertions that the court is "non-partisan" as patently false.

Regardless whether the ODC takes action against Mr. Goetz's outrageous and offensive statements and partisan attacks on Republicans, the state bar certainly should not tolerate or sanction such conduct at its events. Accordingly, we call on the state bar to apologize to its members, the Republican Party and Governor Gianforte for Mr. Goetz's conduct. We also request that the state bar publish guidelines for future bar presentations that encourage a diversity of offered viewpoints, including speakers who argue that separation of governmental powers is central to our constitution and the judiciary's role is to say what the law is, not what it should be.

Given that the Montana Supreme Court forces lawyers to join your organization and pay dues in order to practice law, we think your membership should be made aware of how you intend to address Mr. Goetz's offensive conduct at an event they paid for. Accordingly, we ask that you:

- 1. Respond to this letter by January 6, 2025 with the state bar's apology and guidelines for future bar-sanctioned seminars;
- 2. Publish this letter and your response in the next issue of The Montana Lawyer;
- 3. Email this letter and your response promptly to all state bar members. We note this broadcast email would be consistent with your unusual December 10, 2024 membership email stating the state bar is "fully prepared to engage constructively and effectively on legislative matters" in the upcoming legislative session when numerous Republican judicial reform bills are expected; and
- 4. At Chairman Usher's request, attend the Senate Judiciary Committee's January 7, 2025 meeting to discuss this letter and the bar's response to it. This request to come to the committee is made specifically of Ms. Tease, not a lobbyist or other designee, for 10:00AM on 1/7/in Room 303 of the Montana State Capitol.

Sincerely,

John Fuller

Sen. John Fuller Sponsor of LC 44 to make membership in the State Bar voluntary

Matt Kegler

Sen.-Elect Matt Regier President-Elect of the Montana Senate

Sen. Ken Bogner Senate President Pro Tempore

SE Vinton

Sen.-Elect Sue Vinton Senate Majority Whip

son Ellswath

Sen. Jason Ellsworth President of the Montana Senate

my of the n

Sen. Barry Usher Chair, Senate Judiciary Committee Senate Majority Whip

Uma Rica

Sen.-Elect Vince Ricci

By Phale

Sen.-Elect Bob Phalen

fAJ. Rea

Sen. Forrest Mandeville

Shelley hance

Sen. Shelley Vance

aniel Emich

Sen. Daniel Emrich

Sen. Carl Glimm

Sen. Greg Hertz Sen. Jeremy Trebas Sen. Mike Cuffe

Office of Disciplinary Counsel c: Clerk of the Montana Supreme Court Speaker-elect Rep. Brandon Ler Attorney General Austin Knudsen Governor Greg Gianforte

Attachment:

Transcript of State Bar of Montana's Bench Bar CLE "Portraits in Courage-Unpopular Causes and Representing the Unrepresentable"

Try P. Tyk

Sen.-Elect Tony Tezak

Rebecca M. Beard

Sen. Becky Beard

Bruce Dillespie

Sen. Butch Gillespie

(Danselle

Sen. Theresa Manzella

Page 1

THE STATE BAR OF MONTANA

BENCH BAR CLE

* * * * * *

PORTRAITS IN COURAGE - UNPOPULAR CAUSES AND REPRESENTING THE UNREPRESENTABLE

> Friday, April 12, 2024 Bozeman, Montana

		1	David
	Page 2		Page 4
1	JUSTICE McKINNON: My name is Laurie	1	for the State of Montana; and Jim Goetz.
2	McKinnon, and good afternoon. Thank you for being	2	Mark, I had to look up a little bit of
3	here, and thank you for your interest in this very	3	information for you, and what I came across is, "I
4	important and relevant topic.	4	want to be I want to be Mark Werner when I grow
5	While we have titled the panel Portraits in	5	up". And that was the message from Tony Gallagher,
6	Courage, and indeed this is a panel that will discuss	6	previous Chief Federal Defender from Montana. Mark is
7	some of the challenges we face in defending the	7	recognized as one of the most effective criminal trial
8	Constitution, the Rule of Law. An unpopular cause for	8	lawyers in Montana and endeavors to be the most
9	the legally disadvantaged, our unifying message is the	9	prepared lawyer in the courtroom. Juries love him,
10	need to defend and protect the independence of our	10	judges respect him, and prosecutors admire his skill.
11	judiciary and its ability to make nonpartisan	11	Randy Cox to my right has 40 successful
12	decisions.	12	years with Boone Karlberg and serving the community.
13	While the other two branches of government	13	Randy retired from the private practice of law and
14	are by their very Constitution partisan, the judiciary	14	continued working as vice-president and general
15	protects the nonpartisan and guarantees the	15	counsel for the Bozeman-based company, Wildfire
16	fundamental rights of our social contract as embodied	16	Defense Systems, Inc., the largest company in the US
17	in the Montana and Federal Constitutions. Very	17	providing qualified insurance resources devoted to
18	simply, the judicial branch of government is our	18	wildfire mitigation in evacuation settings. As a
19	pillar of democracy, and you as members of the	19	lawyer though Randy focused on defense of claims
20	judicial branch of government have an obligation to	20	related to toxic exposure, product liability,
21	protect and defend its integrity and independence so	21 22	professional negligence, complex commercial
22	that democracy and the Republic can endure.	22	litigation, and railroad litigation. He represented
23 24	When we defend the unpopular cause, protect	24	the Court Administrator Beth McLaughlin in proceedings
24	the legally disadvantaged, or uphold the Rule of Law	25	involving the legislature and the scope of the legislature's subpoena power.
2.5	through our advocacy and decisions, we are protecting	2.5	legislature's subpoena power.
	Page 3		Page 5
1	Page 3 the integrity and independence of the judiciary as an	1	Page 5 Judge Mike Moses was appointed by Governor
1 2	-	1 2	-
	the integrity and independence of the judiciary as an	1	Judge Mike Moses was appointed by Governor
2	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of	2	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth
2 3	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of government. The judicial branch is the stabilizing	2 3	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth Judicial District in 2014. During his tenure Judge
2 3 4	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of government. The judicial branch is the stabilizing force when the pendulum swings in the other branches	2 3 4	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth Judicial District in 2014. During his tenure Judge Moses ruled on a number of high-profile cases, and I do want you to explain how they all got to you. Last year he temporarily blocked enforcement of a law that
2 3 4 5	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of government. The judicial branch is the stabilizing force when the pendulum swings in the other branches of government and threatens the terms of our social contract. Its independence and ability to make nonpartisan decisions is therefore critical to our	2 3 4 5	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth Judicial District in 2014. During his tenure Judge Moses ruled on a number of high-profile cases, and I do want you to explain how they all got to you. Last year he temporarily blocked enforcement of a law that required transgender people to have undergone a
2 3 4 5 6	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of government. The judicial branch is the stabilizing force when the pendulum swings in the other branches of government and threatens the terms of our social contract. Its independence and ability to make	2 3 4 5 6	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth Judicial District in 2014. During his tenure Judge Moses ruled on a number of high-profile cases, and I do want you to explain how they all got to you. Last year he temporarily blocked enforcement of a law that required transgender people to have undergone a surgical procedure before being allowed to change
2 3 4 5 6 7	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of government. The judicial branch is the stabilizing force when the pendulum swings in the other branches of government and threatens the terms of our social contract. Its independence and ability to make nonpartisan decisions is therefore critical to our state and our nation. Collectively and I have to add, Jim	2 3 4 5 6 7 8 9	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth Judicial District in 2014. During his tenure Judge Moses ruled on a number of high-profile cases, and I do want you to explain how they all got to you. Last year he temporarily blocked enforcement of a law that required transgender people to have undergone a surgical procedure before being allowed to change their sex on their birth certificate. He also struck
2 3 4 5 6 7 8 9 10	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of government. The judicial branch is the stabilizing force when the pendulum swings in the other branches of government and threatens the terms of our social contract. Its independence and ability to make nonpartisan decisions is therefore critical to our state and our nation. Collectively and I have to add, Jim Goetz I invited at the spur of the moment, but	2 3 4 5 6 7 8 9 10	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth Judicial District in 2014. During his tenure Judge Moses ruled on a number of high-profile cases, and I do want you to explain how they all got to you. Last year he temporarily blocked enforcement of a law that required transgender people to have undergone a surgical procedure before being allowed to change their sex on their birth certificate. He also struck down several laws regulating elections, saying they
2 3 4 5 6 7 8 9 10 11	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of government. The judicial branch is the stabilizing force when the pendulum swings in the other branches of government and threatens the terms of our social contract. Its independence and ability to make nonpartisan decisions is therefore critical to our state and our nation. Collectively and I have to add, Jim Goetz I invited at the spur of the moment, but collectively and I'm going to say we have 200 years	2 3 4 5 6 7 8 9 10 11	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth Judicial District in 2014. During his tenure Judge Moses ruled on a number of high-profile cases, and I do want you to explain how they all got to you. Last year he temporarily blocked enforcement of a law that required transgender people to have undergone a surgical procedure before being allowed to change their sex on their birth certificate. He also struck down several laws regulating elections, saying they severely burdened the right to vote, especially for
2 3 4 5 6 7 8 9 10 11 12	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of government. The judicial branch is the stabilizing force when the pendulum swings in the other branches of government and threatens the terms of our social contract. Its independence and ability to make nonpartisan decisions is therefore critical to our state and our nation. Collectively and I have to add, Jim Goetz I invited at the spur of the moment, but collectively and I'm going to say we have 200 years of legal experience here.	2 3 4 5 6 7 8 9 10 11 12	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth Judicial District in 2014. During his tenure Judge Moses ruled on a number of high-profile cases, and I do want you to explain how they all got to you. Last year he temporarily blocked enforcement of a law that required transgender people to have undergone a surgical procedure before being allowed to change their sex on their birth certificate. He also struck down several laws regulating elections, saying they severely burdened the right to vote, especially for native Americans, students, the elderly, voters with
2 3 4 5 6 7 8 9 10 11 12 13	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of government. The judicial branch is the stabilizing force when the pendulum swings in the other branches of government and threatens the terms of our social contract. Its independence and ability to make nonpartisan decisions is therefore critical to our state and our nation. Collectively and I have to add, Jim Goetz I invited at the spur of the moment, but collectively and I'm going to say we have 200 years	2 3 4 5 6 7 8 9 10 11 12 13	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth Judicial District in 2014. During his tenure Judge Moses ruled on a number of high-profile cases, and I do want you to explain how they all got to you. Last year he temporarily blocked enforcement of a law that required transgender people to have undergone a surgical procedure before being allowed to change their sex on their birth certificate. He also struck down several laws regulating elections, saying they severely burdened the right to vote, especially for native Americans, students, the elderly, voters with disabilities, which we recently affirmed in the
2 3 4 5 6 7 8 9 10 11 12 13 14	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of government. The judicial branch is the stabilizing force when the pendulum swings in the other branches of government and threatens the terms of our social contract. Its independence and ability to make nonpartisan decisions is therefore critical to our state and our nation. Collectively and I have to add, Jim Goetz I invited at the spur of the moment, but collectively and I'm going to say we have 200 years of legal experience here. JUDGE MOSES: No. There's only about 40 years.	2 3 4 5 6 7 8 9 10 11 12 13 14	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth Judicial District in 2014. During his tenure Judge Moses ruled on a number of high-profile cases, and I do want you to explain how they all got to you. Last year he temporarily blocked enforcement of a law that required transgender people to have undergone a surgical procedure before being allowed to change their sex on their birth certificate. He also struck down several laws regulating elections, saying they severely burdened the right to vote, especially for native Americans, students, the elderly, voters with disabilities, which we recently affirmed in the Montana Supreme Court. In his retirement Judge Moses
2 3 4 5 6 7 8 9 10 11 12 13 14 15	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of government. The judicial branch is the stabilizing force when the pendulum swings in the other branches of government and threatens the terms of our social contract. Its independence and ability to make nonpartisan decisions is therefore critical to our state and our nation. Collectively and I have to add, Jim Goetz I invited at the spur of the moment, but collectively and I'm going to say we have 200 years of legal experience here. JUDGE MOSES: No. There's only about 40 years. JUSTICE McKINNON: They are all standouts in	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth Judicial District in 2014. During his tenure Judge Moses ruled on a number of high-profile cases, and I do want you to explain how they all got to you. Last year he temporarily blocked enforcement of a law that required transgender people to have undergone a surgical procedure before being allowed to change their sex on their birth certificate. He also struck down several laws regulating elections, saying they severely burdened the right to vote, especially for native Americans, students, the elderly, voters with disabilities, which we recently affirmed in the Montana Supreme Court. In his retirement Judge Moses provides mediation services.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of government. The judicial branch is the stabilizing force when the pendulum swings in the other branches of government and threatens the terms of our social contract. Its independence and ability to make nonpartisan decisions is therefore critical to our state and our nation. Collectively and I have to add, Jim Goetz I invited at the spur of the moment, but collectively and I'm going to say we have 200 years of legal experience here. JUDGE MOSES: No. There's only about 40 years. JUSTICE McKINNON: They are all standouts in the law and in Montana because they have consistently	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth Judicial District in 2014. During his tenure Judge Moses ruled on a number of high-profile cases, and I do want you to explain how they all got to you. Last year he temporarily blocked enforcement of a law that required transgender people to have undergone a surgical procedure before being allowed to change their sex on their birth certificate. He also struck down several laws regulating elections, saying they severely burdened the right to vote, especially for native Americans, students, the elderly, voters with disabilities, which we recently affirmed in the Montana Supreme Court. In his retirement Judge Moses provides mediation services.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of government. The judicial branch is the stabilizing force when the pendulum swings in the other branches of government and threatens the terms of our social contract. Its independence and ability to make nonpartisan decisions is therefore critical to our state and our nation. Collectively and I have to add, Jim Goetz I invited at the spur of the moment, but collectively and I'm going to say we have 200 years of legal experience here. JUDGE MOSES: No. There's only about 40 years. JUSTICE McKINNON: They are all standouts in the law and in Montana because they have consistently defended the unpopular cause, the Constitution or the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth Judicial District in 2014. During his tenure Judge Moses ruled on a number of high-profile cases, and I do want you to explain how they all got to you. Last year he temporarily blocked enforcement of a law that required transgender people to have undergone a surgical procedure before being allowed to change their sex on their birth certificate. He also struck down several laws regulating elections, saying they severely burdened the right to vote, especially for native Americans, students, the elderly, voters with disabilities, which we recently affirmed in the Montana Supreme Court. In his retirement Judge Moses provides mediation services. And then we have Mr. Goetz, Jim Goetz. And we've already heard well, actually, Mr. Goetz,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of government. The judicial branch is the stabilizing force when the pendulum swings in the other branches of government and threatens the terms of our social contract. Its independence and ability to make nonpartisan decisions is therefore critical to our state and our nation. Collectively and I have to add, Jim Goetz I invited at the spur of the moment, but collectively and I'm going to say we have 200 years of legal experience here. JUDGE MOSES: No. There's only about 40 years. JUSTICE McKINNON: They are all standouts in the law and in Montana because they have consistently defended the unpopular cause, the Constitution or the Rule of Law, which has enhanced and protected the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth Judicial District in 2014. During his tenure Judge Moses ruled on a number of high-profile cases, and I do want you to explain how they all got to you. Last year he temporarily blocked enforcement of a law that required transgender people to have undergone a surgical procedure before being allowed to change their sex on their birth certificate. He also struck down several laws regulating elections, saying they severely burdened the right to vote, especially for native Americans, students, the elderly, voters with disabilities, which we recently affirmed in the Montana Supreme Court. In his retirement Judge Moses provides mediation services. And then we have Mr. Goetz, Jim Goetz. And we've already heard well, actually, Mr. Goetz, you'll have to tell us a little bit more as we get
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of government. The judicial branch is the stabilizing force when the pendulum swings in the other branches of government and threatens the terms of our social contract. Its independence and ability to make nonpartisan decisions is therefore critical to our state and our nation. Collectively and I have to add, Jim Goetz I invited at the spur of the moment, but collectively and I'm going to say we have 200 years of legal experience here. JUDGE MOSES: No. There's only about 40 years. JUSTICE McKINNON: They are all standouts in the law and in Montana because they have consistently defended the unpopular cause, the Constitution or the Rule of Law, which has enhanced and protected the integrity and independence of Montana's judicial	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth Judicial District in 2014. During his tenure Judge Moses ruled on a number of high-profile cases, and I do want you to explain how they all got to you. Last year he temporarily blocked enforcement of a law that required transgender people to have undergone a surgical procedure before being allowed to change their sex on their birth certificate. He also struck down several laws regulating elections, saying they severely burdened the right to vote, especially for native Americans, students, the elderly, voters with disabilities, which we recently affirmed in the Montana Supreme Court. In his retirement Judge Moses provides mediation services. And then we have Mr. Goetz, Jim Goetz. And we've already heard well, actually, Mr. Goetz, you'll have to tell us a little bit more as we get into discussion, but I have seen your name on briefs
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of government. The judicial branch is the stabilizing force when the pendulum swings in the other branches of government and threatens the terms of our social contract. Its independence and ability to make nonpartisan decisions is therefore critical to our state and our nation. Collectively and I have to add, Jim Goetz I invited at the spur of the moment, but collectively and I'm going to say we have 200 years of legal experience here. JUDGE MOSES: No. There's only about 40 years. JUSTICE McKINNON: They are all standouts in the law and in Montana because they have consistently defended the unpopular cause, the Constitution or the Rule of Law, which has enhanced and protected the integrity and independence of Montana's judicial branch.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth Judicial District in 2014. During his tenure Judge Moses ruled on a number of high-profile cases, and I do want you to explain how they all got to you. Last year he temporarily blocked enforcement of a law that required transgender people to have undergone a surgical procedure before being allowed to change their sex on their birth certificate. He also struck down several laws regulating elections, saying they severely burdened the right to vote, especially for native Americans, students, the elderly, voters with disabilities, which we recently affirmed in the Montana Supreme Court. In his retirement Judge Moses provides mediation services. And then we have Mr. Goetz, Jim Goetz. And we've already heard well, actually, Mr. Goetz, you'll have to tell us a little bit more as we get into discussion, but I have seen your name on briefs very frequently, and one case in particular was Senate
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of government. The judicial branch is the stabilizing force when the pendulum swings in the other branches of government and threatens the terms of our social contract. Its independence and ability to make nonpartisan decisions is therefore critical to our state and our nation. Collectively and I have to add, Jim Goetz I invited at the spur of the moment, but collectively and I'm going to say we have 200 years of legal experience here. JUDGE MOSES: No. There's only about 40 years. JUSTICE McKINNON: They are all standouts in the law and in Montana because they have consistently defended the unpopular cause, the Constitution or the Rule of Law, which has enhanced and protected the integrity and independence of Montana's judicial branch. So joining me today is retired Judge Mike	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth Judicial District in 2014. During his tenure Judge Moses ruled on a number of high-profile cases, and I do want you to explain how they all got to you. Last year he temporarily blocked enforcement of a law that required transgender people to have undergone a surgical procedure before being allowed to change their sex on their birth certificate. He also struck down several laws regulating elections, saying they severely burdened the right to vote, especially for native Americans, students, the elderly, voters with disabilities, which we recently affirmed in the Montana Supreme Court. In his retirement Judge Moses provides mediation services. And then we have Mr. Goetz, Jim Goetz. And we've already heard well, actually, Mr. Goetz, you'll have to tell us a little bit more as we get into discussion, but I have seen your name on briefs very frequently, and one case in particular was Senate Bill 144 which got rid of the Judicial Nomination
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of government. The judicial branch is the stabilizing force when the pendulum swings in the other branches of government and threatens the terms of our social contract. Its independence and ability to make nonpartisan decisions is therefore critical to our state and our nation. Collectively and I have to add, Jim Goetz I invited at the spur of the moment, but collectively and I'm going to say we have 200 years of legal experience here. JUDGE MOSES: No. There's only about 40 years. JUSTICE McKINNON: They are all standouts in the law and in Montana because they have consistently defended the unpopular cause, the Constitution or the Rule of Law, which has enhanced and protected the integrity and independence of Montana's judicial branch. So joining me today is retired Judge Mike Moses and I didn't know where everyone was going to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth Judicial District in 2014. During his tenure Judge Moses ruled on a number of high-profile cases, and I do want you to explain how they all got to you. Last year he temporarily blocked enforcement of a law that required transgender people to have undergone a surgical procedure before being allowed to change their sex on their birth certificate. He also struck down several laws regulating elections, saying they severely burdened the right to vote, especially for native Americans, students, the elderly, voters with disabilities, which we recently affirmed in the Montana Supreme Court. In his retirement Judge Moses provides mediation services. And then we have Mr. Goetz, Jim Goetz. And we've already heard well, actually, Mr. Goetz, you'll have to tell us a little bit more as we get into discussion, but I have seen your name on briefs very frequently, and one case in particular was Senate Bill 144 which got rid of the Judicial Nomination Commission, but Mr. Goetz has well represented
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of government. The judicial branch is the stabilizing force when the pendulum swings in the other branches of government and threatens the terms of our social contract. Its independence and ability to make nonpartisan decisions is therefore critical to our state and our nation. Collectively and I have to add, Jim Goetz I invited at the spur of the moment, but collectively and I'm going to say we have 200 years of legal experience here. JUDGE MOSES: No. There's only about 40 years. JUSTICE McKINNON: They are all standouts in the law and in Montana because they have consistently defended the unpopular cause, the Constitution or the Rule of Law, which has enhanced and protected the integrity and independence of Montana's judicial branch. So joining me today is retired Judge Mike Moses and I didn't know where everyone was going to be sitting from the Thirteenth Judicial District,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth Judicial District in 2014. During his tenure Judge Moses ruled on a number of high-profile cases, and I do want you to explain how they all got to you. Last year he temporarily blocked enforcement of a law that required transgender people to have undergone a surgical procedure before being allowed to change their sex on their birth certificate. He also struck down several laws regulating elections, saying they severely burdened the right to vote, especially for native Americans, students, the elderly, voters with disabilities, which we recently affirmed in the Montana Supreme Court. In his retirement Judge Moses provides mediation services. And then we have Mr. Goetz, Jim Goetz. And we've already heard well, actually, Mr. Goetz, you'll have to tell us a little bit more as we get into discussion, but I have seen your name on briefs very frequently, and one case in particular was Senate Bill 144 which got rid of the Judicial Nomination Commission, but Mr. Goetz has well represented litgants in high-profile cases and is a fierce
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the integrity and independence of the judiciary as an institution and a third nonpartisan branch of government. The judicial branch is the stabilizing force when the pendulum swings in the other branches of government and threatens the terms of our social contract. Its independence and ability to make nonpartisan decisions is therefore critical to our state and our nation. Collectively and I have to add, Jim Goetz I invited at the spur of the moment, but collectively and I'm going to say we have 200 years of legal experience here. JUDGE MOSES: No. There's only about 40 years. JUSTICE McKINNON: They are all standouts in the law and in Montana because they have consistently defended the unpopular cause, the Constitution or the Rule of Law, which has enhanced and protected the integrity and independence of Montana's judicial branch. So joining me today is retired Judge Mike Moses and I didn't know where everyone was going to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Judge Mike Moses was appointed by Governor Bullock and sworn in as a judge of the Thirteenth Judicial District in 2014. During his tenure Judge Moses ruled on a number of high-profile cases, and I do want you to explain how they all got to you. Last year he temporarily blocked enforcement of a law that required transgender people to have undergone a surgical procedure before being allowed to change their sex on their birth certificate. He also struck down several laws regulating elections, saying they severely burdened the right to vote, especially for native Americans, students, the elderly, voters with disabilities, which we recently affirmed in the Montana Supreme Court. In his retirement Judge Moses provides mediation services. And then we have Mr. Goetz, Jim Goetz. And we've already heard well, actually, Mr. Goetz, you'll have to tell us a little bit more as we get into discussion, but I have seen your name on briefs very frequently, and one case in particular was Senate Bill 144 which got rid of the Judicial Nomination Commission, but Mr. Goetz has well represented

	Page 6		Page 8
1	Part of the principle underlying independence of the	¹ the cases you I know you've litigated more	-
2	judiciary is its respect for the Rule of Law, and that	 high-profile cases how it worked and how ; 	vou felt
3	following the Rule of Law promotes consistency and	³ about some of the results.	/
4	reasonable precedent. How does a practitioner	4 MR GOETZ: Okay. First of all, I'm 1	0
5	continue with these precepts and principles when	⁵ years 10 days older than Joe Biden, and I'n	
6	they're faced with a situation which he or she	 ⁶ my vocal cords. I'm trying to retire, but I can 	
7	believes has (inaudible)?	 quite get there, but after that last presentation 	
8	MR. COX: So that's an interesting it's	 ⁸ know I should very quickly. 	-
9	an interesting question, and Justice McKinnon prompted	⁹ Just this week I filed I caught an	
10	me on a particular case where I was representing BNSF.	¹⁰ opponent, and I won't get into details because	e it's
11	The groundwork was being laid for an appeal to the	¹¹ pending, but just made a horrible mistake in l	
12	U.S. Supreme Court because no one other than me, like	 brief, mischaracterizing. And so I filed some 	
13	the night before the oral argument, thought that we	13 and the response from the opposing counsel,	
14	had much of a chance of winning, but by then I was	¹⁴ other things, is, Well, everybody makes mista	-
15	convinced.	¹⁵ I almost put this in the brief, but I didn't. By	
16	So I had to do a couple of things, one which	 way, one of the big mistakes it says, Every 	
17	was to make sure that the record was clear. Second,	¹⁷ makes mistakes; even you, meaning me. And	
18	draw out things out of the court that might come in,	18 with that. One of the biggest mistakes I've m	-
19	you know, through through answers, and see what	¹⁹ the years is not hiring Mr. Cox, who used to b	
20	came out in the judicial opinion. And ultimately then	 intern before he went to law school. 	
21	the case went to the Montana Supreme Court did in	²¹ MR. COX: I told you.	
22	fact rule against my position, my client's position.	²² MR GOETZ: But what I thought about	it putting
23	Justice McKinnon was the sole dissent, and it did get	²³ in brief after agreeing that, yes, everybody ma	
24	picked up on a petition for writ of certiorari to the	²⁴ mistakes, but one of my favorite sayings is, Y	
25	U.S. Supreme Court. The US Supreme Court I just	²⁵ everybody makes mistakes, but some are bigg	er than
	Page 7		Page 9
1	Page 7 have to say, my client should have had me argue it,	¹ others take my first marriage, for example	-
1 2	-		-
	have to say, my client should have had me argue it,	¹ others take my first marriage, for example	-
2	have to say, my client should have had me argue it, but they didn't.	 others take my first marriage, for example thought that might not be appropriate. 	but I
2 3	have to say, my client should have had me argue it, but they didn't. JUSTICE McKINNON: You'll have to explain. You told me something on the phone about that, but go ahead.	 others take my first marriage, for example thought that might not be appropriate. A couple things about the presentations earlier today, and one was, oh, the county attor from Townsend, and talking about two sides to 	but I ney
2 3 4 5 6	have to say, my client should have had me argue it, but they didn't. JUSTICE McKINNON: You'll have to explain. You told me something on the phone about that, but go ahead. MR. COX: Okay. You're going to have to	 others take my first marriage, for example thought that might not be appropriate. A couple things about the presentations earlier today, and one was, oh, the county attor from Townsend, and talking about two sides to these attacks on the courts. It's it's not 	but I ney this
2 3 4 5 6 7	have to say, my client should have had me argue it, but they didn't. JUSTICE McKINNON: You'll have to explain. You told me something on the phone about that, but go ahead. MR. COX: Okay. You're going to have to remind me.	 others take my first marriage, for example thought that might not be appropriate. A couple things about the presentations earlier today, and one was, oh, the county attor from Townsend, and talking about two sides to these attacks on the courts. It's it's not two-sided. There's one party that's really attack 	but I ney this
2 3 4 5 6 7 8	have to say, my client should have had me argue it, but they didn't. JUSTICE McKINNON: You'll have to explain. You told me something on the phone about that, but go ahead. MR. COX: Okay. You're going to have to remind me. JUSTICE McKINNON: All right. I will.	 others take my first marriage, for example thought that might not be appropriate. A couple things about the presentations earlier today, and one was, oh, the county attor from Townsend, and talking about two sides to these attacks on the courts. It's it's not two-sided. There's one party that's really attack the courts, and it's despicable. 	but I ney this
2 3 4 5 7 8 9	have to say, my client should have had me argue it, but they didn't. JUSTICE McKINNON: You'll have to explain. You told me something on the phone about that, but go ahead. MR. COX: Okay. You're going to have to remind me. JUSTICE McKINNON: All right. I will. MR. COX: But and it was argued there,	 others take my first marriage, for example thought that might not be appropriate. A couple things about the presentations earlier today, and one was, oh, the county attor from Townsend, and talking about two sides to these attacks on the courts. It's it's not two-sided. There's one party that's really attack the courts, and it's despicable. And the other thing that got my attention 	but I ney this cing
2 3 4 5 6 7 8 9	have to say, my client should have had me argue it, but they didn't. JUSTICE McKINNON: You'll have to explain. You told me something on the phone about that, but go ahead. MR. COX: Okay. You're going to have to remind me. JUSTICE McKINNON: All right. I will. MR. COX: But and it was argued there, and it was pretty clear I listened to the argument.	 others take my first marriage, for example thought that might not be appropriate. A couple things about the presentations earlier today, and one was, oh, the county attor from Townsend, and talking about two sides to these attacks on the courts. It's it's not two-sided. There's one party that's really attack the courts, and it's despicable. And the other thing that got my attention was Judge Wilson complimenting the court on 	but I ney this cing
2 3 4 5 6 7 8 9 10	have to say, my client should have had me argue it, but they didn't. JUSTICE McKINNON: You'll have to explain. You told me something on the phone about that, but go ahead. MR. COX: Okay. You're going to have to remind me. JUSTICE McKINNON: All right. I will. MR. COX: But and it was argued there, and it was pretty clear I listened to the argument. It was clear that the Supreme Court thought that what	 others take my first marriage, for example thought that might not be appropriate. A couple things about the presentations earlier today, and one was, oh, the county attor from Townsend, and talking about two sides to these attacks on the courts. It's it's not two-sided. There's one party that's really attack the courts, and it's despicable. And the other thing that got my attention was Judge Wilson complimenting the court on Judicial Nomination Commission case, which I 	but I ney this cing n the i and Cliff
2 3 4 5 6 7 8 9 10 11 12	 have to say, my client should have had me argue it, but they didn't. JUSTICE McKINNON: You'll have to explain. You told me something on the phone about that, but go ahead. MR. COX: Okay. You're going to have to remind me. JUSTICE McKINNON: All right. I will. MR. COX: But and it was argued there, and it was pretty clear I listened to the argument. It was clear that the Supreme Court thought that what the Montana Supreme Court had decided was just simple 	 others take my first marriage, for example thought that might not be appropriate. A couple things about the presentations earlier today, and one was, oh, the county attor from Townsend, and talking about two sides to these attacks on the courts. It's it's not two-sided. There's one party that's really attack the courts, and it's despicable. And the other thing that got my attention was Judge Wilson complimenting the court on Judicial Nomination Commission case, which I Edwards handled. And we made a couple mist 	but I ney this king n the and Cliff akes in
2 3 4 5 6 7 8 9 10 11 12 13	 have to say, my client should have had me argue it, but they didn't. JUSTICE McKINNON: You'll have to explain. You told me something on the phone about that, but go ahead. MR. COX: Okay. You're going to have to remind me. JUSTICE McKINNON: All right. I will. MR. COX: But and it was argued there, and it was pretty clear I listened to the argument. It was clear that the Supreme Court thought that what the Montana Supreme Court had decided was just simple nonsense, and they cited Justice but they cited 	 others take my first marriage, for example thought that might not be appropriate. A couple things about the presentations earlier today, and one was, oh, the county attor from Townsend, and talking about two sides to these attacks on the courts. It's it's not two-sided. There's one party that's really attack the courts, and it's despicable. And the other thing that got my attention was Judge Wilson complimenting the court on Judicial Nomination Commission case, which I Edwards handled. And we made a couple mist that case. Among other things, we filed the case 	but I ney this cing n the and Cliff akes in we on
2 3 4 5 6 7 8 9 10 11 12 13 14	 have to say, my client should have had me argue it, but they didn't. JUSTICE McKINNON: You'll have to explain. You told me something on the phone about that, but go ahead. MR. COX: Okay. You're going to have to remind me. JUSTICE McKINNON: All right. I will. MR. COX: But and it was argued there, and it was pretty clear I listened to the argument. It was clear that the Supreme Court thought that what the Montana Supreme Court had decided was just simple nonsense, and they cited Justice but they cited Justice McKinnon's dissent four times. 	 others take my first marriage, for example thought that might not be appropriate. A couple things about the presentations earlier today, and one was, oh, the county attor from Townsend, and talking about two sides to these attacks on the courts. It's it's not two-sided. There's one party that's really attack the courts, and it's despicable. And the other thing that got my attention was Judge Wilson complimenting the court on Judicial Nomination Commission case, which I Edwards handled. And we made a couple mist that case. Among other things, we filed the cass original jurisdiction before the Supreme Court at the set of the set	but I ney this the and Cliff akes in the on at a
2 3 4 5 6 7 8 9 10 11 12 13 14 15	have to say, my client should have had me argue it, but they didn't. JUSTICE McKINNON: You'll have to explain. You told me something on the phone about that, but go ahead. MR. COX: Okay. You're going to have to remind me. JUSTICE McKINNON: All right. I will. MR. COX: But and it was argued there, and it was pretty clear I listened to the argument. It was clear that the Supreme Court thought that what the Montana Supreme Court had decided was just simple nonsense, and they cited Justice but they cited Justice McKinnon's dissent four times. JUSTICE McKINNON: And it was Justice	 others take my first marriage, for example thought that might not be appropriate. A couple things about the presentations earlier today, and one was, oh, the county attor from Townsend, and talking about two sides to these attacks on the courts. It's it's not two-sided. There's one party that's really attack the courts, and it's despicable. And the other thing that got my attention was Judge Wilson complimenting the court on Judicial Nomination Commission case, which I Edwards handled. And we made a couple mist that case. Among other things, we filed the cass original jurisdiction before the Supreme Court a 	but I ney this the and Cliff akes in the on at a san
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	have to say, my client should have had me argue it, but they didn't. JUSTICE McKINNON: You'll have to explain. You told me something on the phone about that, but go ahead. MR. COX: Okay. You're going to have to remind me. JUSTICE McKINNON: All right. I will. MR. COX: But and it was argued there, and it was pretty clear I listened to the argument. It was clear that the Supreme Court thought that what the Montana Supreme Court had decided was just simple nonsense, and they cited Justice but they cited Justice McKinnon's dissent four times. JUSTICE McKINNON: And it was Justice Ginsburg. But, no. You said to me that, I think in a	 others take my first marriage, for example thought that might not be appropriate. A couple things about the presentations earlier today, and one was, oh, the county attor from Townsend, and talking about two sides to these attacks on the courts. It's it's not two-sided. There's one party that's really attack the courts, and it's despicable. And the other thing that got my attention was Judge Wilson complimenting the court on Judicial Nomination Commission case, which I Edwards handled. And we made a couple mist that case. Among other things, we filed the cass original jurisdiction before the Supreme Court at time when there was incredible legislative partition 	but I ney this this the and Cliff akes in the on at a san said
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	have to say, my client should have had me argue it, but they didn't. JUSTICE McKINNON: You'll have to explain. You told me something on the phone about that, but go ahead. MR. COX: Okay. You're going to have to remind me. JUSTICE McKINNON: All right. I will. MR. COX: But and it was argued there, and it was pretty clear I listened to the argument. It was clear that the Supreme Court thought that what the Montana Supreme Court had decided was just simple nonsense, and they cited Justice but they cited Justice McKinnon's dissent four times. JUSTICE McKINNON: And it was Justice Ginsburg. But, no. You said to me that, I think in a phone call after that, that the client had wanted a	 others take my first marriage, for example thought that might not be appropriate. A couple things about the presentations earlier today, and one was, oh, the county attor from Townsend, and talking about two sides to these attacks on the courts. It's it's not two-sided. There's one party that's really attack the courts, and it's despicable. And the other thing that got my attention was Judge Wilson complimenting the court on Judicial Nomination Commission case, which I Edwards handled. And we made a couple mist that case. Among other things, we filed the cass original jurisdiction before the Supreme Court at time when there was incredible legislative parti pressure on the court. And when Judge Wilson that that was a an even opinion, it's a piece of 	but I ney this the and Cliff akes in the on at a san said
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	have to say, my client should have had me argue it, but they didn't. JUSTICE McKINNON: You'll have to explain. You told me something on the phone about that, but go ahead. MR. COX: Okay. You're going to have to remind me. JUSTICE McKINNON: All right. I will. MR. COX: But and it was argued there, and it was pretty clear I listened to the argument. It was clear that the Supreme Court thought that what the Montana Supreme Court had decided was just simple nonsense, and they cited Justice but they cited Justice McKinnon's dissent four times. JUSTICE McKINNON: And it was Justice Ginsburg. But, no. You said to me that, I think in a phone call after that, that the client had wanted a particular attorney to argue it, and the junior	 others take my first marriage, for example thought that might not be appropriate. A couple things about the presentations earlier today, and one was, oh, the county attor from Townsend, and talking about two sides to these attacks on the courts. It's it's not two-sided. There's one party that's really attack the courts, and it's despicable. And the other thing that got my attention Judicial Nomination Commission case, which I Edwards handled. And we made a couple mist that case. Among other things, we filed the cass original jurisdiction before the Supreme Court at time when there was incredible legislative parti pressure on the court. And when Judge Wilson that that was a an even opinion, it's a piece of shit. And I can say that because I'm 10 years 	but I ney this the and Cliff akes in the on at a san said
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	have to say, my client should have had me argue it, but they didn't. JUSTICE McKINNON: You'll have to explain. You told me something on the phone about that, but go ahead. MR. COX: Okay. You're going to have to remind me. JUSTICE McKINNON: All right. I will. MR. COX: But and it was argued there, and it was pretty clear I listened to the argument. It was clear that the Supreme Court thought that what the Montana Supreme Court had decided was just simple nonsense, and they cited Justice but they cited Justice McKinnon's dissent four times. JUSTICE McKINNON: And it was Justice Ginsburg. But, no. You said to me that, I think in a phone call after that, that the client had wanted a particular attorney to argue it, and the junior attorney argued, and then during argument they didn't	 others take my first marriage, for example thought that might not be appropriate. A couple things about the presentations earlier today, and one was, oh, the county attor from Townsend, and talking about two sides to these attacks on the courts. It's it's not two-sided. There's one party that's really attack the courts, and it's despicable. And the other thing that got my attention yaddie Wilson complimenting the court on Judicial Nomination Commission case, which I Edwards handled. And we made a couple mist that case. Among other things, we filed the cass original jurisdiction before the Supreme Court at time when there was incredible legislative parti pressure on the court. And when Judge Wilson that that was a an even opinion, it's a piece of shit, And I can say that because I'm 10 years days older than Biden. 	but I ney this cing n the and Cliff akes in se on at a san said
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	have to say, my client should have had me argue it, but they didn't. JUSTICE McKINNON: You'll have to explain. You told me something on the phone about that, but go ahead. MR. COX: Okay. You're going to have to remind me. JUSTICE McKINNON: All right. I will. MR. COX: But and it was argued there, and it was pretty clear I listened to the argument. It was clear that the Supreme Court thought that what the Montana Supreme Court had decided was just simple nonsense, and they cited Justice but they cited Justice McKinnon's dissent four times. JUSTICE McKINNON: And it was Justice Ginsburg. But, no. You said to me that, I think in a phone call after that, that the client had wanted a particular attorney to argue it, and the junior attorney argued, and then during argument they didn't use their whole time on that	 others take my first marriage, for example thought that might not be appropriate. A couple things about the presentations earlier today, and one was, oh, the county attor from Townsend, and talking about two sides to these attacks on the courts. It's it's not two-sided. There's one party that's really attack the courts, and it's despicable. And the other thing that got my attention was Judge Wilson complimenting the court on Judicial Nomination Commission case, which I Edwards handled. And we made a couple mist that case. Among other things, we filed the cass original jurisdiction before the Supreme Court at time when there was incredible legislative parti pressure on the court. And when Judge Wilson that that was a an even opinion, it's a piece of shit. And I can say that because I'm 10 years days older than Biden. 	but I ney this ting n the and Cliff akes in the on at a san said 10 ce
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	have to say, my client should have had me argue it, but they didn't. JUSTICE McKINNON: You'll have to explain. You told me something on the phone about that, but go ahead. MR. COX: Okay. You're going to have to remind me. JUSTICE McKINNON: All right. I will. MR. COX: But and it was argued there, and it was pretty clear I listened to the argument. It was clear that the Supreme Court thought that what the Montana Supreme Court had decided was just simple nonsense, and they cited Justice but they cited Justice McKinnon's dissent four times. JUSTICE McKINNON: And it was Justice Ginsburg. But, no. You said to me that, I think in a phone call after that, that the client had wanted a particular attorney to argue it, and the junior attorney argued, and then during argument they didn't use their whole time on that MR. COX: I did not tell you that story. It	 others take my first marriage, for example thought that might not be appropriate. A couple things about the presentations earlier today, and one was, oh, the county attor from Townsend, and talking about two sides to these attacks on the courts. It's it's not two-sided. There's one party that's really attack the courts, and it's despicable. And the other thing that got my attention was Judge Wilson complimenting the court on Judicial Nomination Commission case, which I Edwards handled. And we made a couple mist that case. Among other things, we filed the cass original jurisdiction before the Supreme Court a time when there was incredible legislative parti pressure on the court. And when Judge Wilson that that was a an even opinion, it's a piece of shit. And I can say that because I'm 10 years days older than Biden. But what Judge and, by the way, Justi 	but I ney this ting n the and Cliff akes in the on at a san said 10 ce right.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	have to say, my client should have had me argue it, but they didn't. JUSTICE McKINNON: You'll have to explain. You told me something on the phone about that, but go ahead. MR. COX: Okay. You're going to have to remind me. JUSTICE McKINNON: All right. I will. MR. COX: But and it was argued there, and it was pretty clear I listened to the argument. It was clear that the Supreme Court thought that what the Montana Supreme Court had decided was just simple nonsense, and they cited Justice but they cited Justice McKinnon's dissent four times. JUSTICE McKINNON: And it was Justice Ginsburg. But, no. You said to me that, I think in a phone call after that, that the client had wanted a particular attorney to argue it, and the junior attorney argued, and then during argument they didn't use their whole time on that MR. COX: I did not tell you that story. It sounds I mean, it sounds like a really great story,	 others take my first marriage, for example thought that might not be appropriate. A couple things about the presentations earlier today, and one was, oh, the county attor from Townsend, and talking about two sides to these attacks on the courts. It's it's not two-sided. There's one party that's really attack the courts, and it's despicable. And the other thing that got my attention was Judge Wilson complimenting the court on Judicial Nomination Commission case, which I Edwards handled. And we made a couple mist that case. Among other things, we filed the cass original jurisdiction before the Supreme Court a time when there was incredible legislative parti pressure on the court. And when Judge Wilson that that was a an even opinion, it's a piece of shit. And I can say that because I'm 10 years days older than Biden. But what Judge and, by the way, Justi McKinnon filed a very cogent dissent, but she's But what Justice Shea did and I frankly can't 	but I ney this eing n the and Cliff akes in the on at a san said 10 ce right. fault
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	have to say, my client should have had me argue it, but they didn't. JUSTICE McKINNON: You'll have to explain. You told me something on the phone about that, but go ahead. MR. COX: Okay. You're going to have to remind me. JUSTICE McKINNON: All right. I will. MR. COX: But and it was argued there, and it was pretty clear I listened to the argument. It was clear that the Supreme Court thought that what the Montana Supreme Court had decided was just simple nonsense, and they cited Justice but they cited Justice McKinnon's dissent four times. JUSTICE McKINNON: And it was Justice Ginsburg. But, no. You said to me that, I think in a phone call after that, that the client had wanted a particular attorney to argue it, and the junior attorney argued, and then during argument they didn't use their whole time on that MR. COX: I did not tell you that story. It sounds I mean, it sounds like a really great story, but it's not one that I know, so	 others take my first marriage, for example thought that might not be appropriate. A couple things about the presentations earlier today, and one was, oh, the county attor from Townsend, and talking about two sides to these attacks on the courts. It's it's not two-sided. There's one party that's really attack the courts, and it's despicable. And the other thing that got my attention was Judge Wilson complimenting the court on Judicial Nomination Commission case, which I Edwards handled. And we made a couple mist that case. Among other things, we filed the cass original jurisdiction before the Supreme Court at time when there was incredible legislative parti pressure on the court. And when Judge Wilson that that was a an even opinion, it's a piece of shit. And I can say that because I'm 10 years days older than Biden. But what Judge and, by the way, Justi McKinnon filed a very cogent dissent, but she's But what Justice Shea did and I frankly can't the court. I think some of the members of the court. 	but I ney this eing n the and Cliff akes in se on at a san said 10 ce right. fault ourt
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	have to say, my client should have had me argue it, but they didn't. JUSTICE McKINNON: You'll have to explain. You told me something on the phone about that, but go ahead. MR. COX: Okay. You're going to have to remind me. JUSTICE McKINNON: All right. I will. MR. COX: But and it was argued there, and it was pretty clear I listened to the argument. It was clear that the Supreme Court thought that what the Montana Supreme Court had decided was just simple nonsense, and they cited Justice but they cited Justice McKinnon's dissent four times. JUSTICE McKINNON: And it was Justice Ginsburg. But, no. You said to me that, I think in a phone call after that, that the client had wanted a particular attorney to argue it, and the junior attorney argued, and then during argument they didn't use their whole time on that MR. COX: I did not tell you that story. It sounds I mean, it sounds like a really great story,	 others take my first marriage, for example thought that might not be appropriate. A couple things about the presentations earlier today, and one was, oh, the county attor from Townsend, and talking about two sides to these attacks on the courts. It's it's not two-sided. There's one party that's really attack the courts, and it's despicable. And the other thing that got my attention was Judge Wilson complimenting the court on Judicial Nomination Commission case, which I Edwards handled. And we made a couple mist that case. Among other things, we filed the cass original jurisdiction before the Supreme Court a time when there was incredible legislative parti pressure on the court. And when Judge Wilson that that was a an even opinion, it's a piece of shit. And I can say that because I'm 10 years days older than Biden. But what Judge and, by the way, Justi McKinnon filed a very cogent dissent, but she's But what Justice Shea did and I frankly can't 	but I ney this the and Cliff akes in the and Cliff akes in the and Cliff akes in the the and Cliff akes in the the the the the the the the

	Page 10		Page 12
1	authoring the opinion I was always taught you look	1	you've had just in the amount of time you've been a
2	at the words first of the statute or Constitution, and	2	district court judge some of the most incredible cases
3	maybe secondarily or tertiarily the legislative	3	in my view in terms of Constitutional issues. But
4	framer's history. Justice Shea started out with	4	and we just ruled on the voter rights cases. Are
5	framer history, and not only did he start out with	5	there any of those that you would like to highlight in
6	that instead of the words, but he used the wrong	6	particular?
7	legislative history, because he's a Butte guy and he	7	JUDGE MOSES: Yes. First of all, I
8	talked about Joyce and Colin from Butte on an issue	8	practiced law for 36 years in this state doing all
9	that really failed in the debates. But, nevertheless,	9	kinds of different things with the general practice.
10	I don't want to argue the merits of the case.	10	We had great judges. We have great judges. All of
11	But that was not a courageous decision by	11	you have appeared in front of a lot of great judges,
12	the court other than the dissent, and it's too bad.	12	most of who are a hell of a lot smarter than I am.
13	Again, I've said everybody makes mistakes; we should	13	And I shouldn't say "hell". I can't say "shit", and I
14	have gone to the district court, let the issue fester.	14	can't say "crap" either.
15	I learned about that, so we then filed in district	15	MR GOETZ: I didn't say "crap", I don't
16	court on the guns on campus issue, other issues.	16	think. That's a weak word.
17	But the main point I want to leave you with	17	JUDGE MOSES: It is pretty weak. So I have
18	is that, you know, there's a lot of attacks on the	18	to be a little bit careful. But I had the pleasure of
19	judiciary, but let's face it and I'm not a big fan,	19	sitting on a number of really interesting cases. What
20	as some of you may have guessed, of Attorney General	20	I know about Constitutional law what I knew about
21	Austin Knudsen. But, you know, you can say all you	21	Constitutional law four years ago was about this much
22	want about them, and they've lost a lot of cases,	22	of law school (indicating), but I had the privilege to
23	important cases, over the last couple years, but it's	23	sit on the voting rights case, which was just recently
24	not entirely that staff's fault because some of these	24	ruled on by the Montana Supreme Court what was it?
25	measures that have come out of the legislature are	25	Three weeks ago or so. Fascinating case.
	Page 11		Page 13

25

1 just pieces of garbage; they should be stricken. And 2 whatever the -- the legislators say, they should be 3 much more careful, much more informed about them. 4 For example, Cliff and I did the -- the 5 redistricting of the Supreme Court judges by seven 6 districts. Remember that case? And that case was 7 decided in 2011 against the legislature's position. I forget the name. What was the name of that woman who 8 9 was on the Con Con --10 MR. COX: (Inaudible.) 11 MR GOETZ: No. From Great Falls. Anyway, 12 she was leading that. There was a -- there was a 13 precedent exactly on point, but somehow the 14 legislature thought they should redo that. So I 15 thought it was a pretty easy case, and it was a pretty 16 easy case, and we won it. 17 But that's a waste of our time, it's a waste 18 of the court's time, but if you have obstinate 19 legislators, many who don't respect the courts, don't 20 respect the Rule of Law, that's what you're going to 21 get. And so I encourage all of you to pitch in, do 22 your part, because I see no sign of this letting up. 23 And Trump hasn't helped either. 24 JUSTICE McKINNON: (Inaudible.) Moving 25 right along. Mike, you -- I've said this to you, but

1 Interestingly enough, the two issues -- the 2 cases were consolidated in front of me. The native 3 American case issues were originally addressed almost 4 a year and a half before by another judge in the 5 Thirteenth Judicial District. Her ruling was about 6 the same as mine, or my ruling was about the same as 7 hers. 8 The others are issues with respect to -- the 9 native American voting rights issues was addressed by 10 Judge Harris, also in the Thirteenth Judicial District 11 Court, about a year and a half before I did my case. 12 We did nine days of hearings in that particular case, 13 and the question was really, really simple. 14 The question is, do the citizens of the 15 State of Montana who have a fundamental Constitutional 16 right to vote, should those voting rights be limited 17 by the legislature? One of them was the limit to 18 college students, so the ID that they could present, 19 because they tend to be more liberal. That was the 20 testimony at the legislature. That didn't seem very 21 Constitutional to me, and it seemed to me that our 22 rights to vote trump the legislature's right to make a

decision such as that because students tend to be moreliberal.

So I had a great opportunity to listen to

	Page 14		Page 16
1	really, really good lawyers for nine days, and, Jim,	1	JUSTICE McKINNON: So did Justice Gustafson.
2	this goes to your point. We were able to establish a	2	JUDGE MOSES: Notwithstanding, the Supreme
3	tremendous factual record for the Supreme Court,	3	Court was four for four correct on their decision in
4	because this is not a district court decision. I'm	4	the voting rights case.
5	not the last living word on Constitutional law and	5	And the background noise is just that; it's
6	voting rights, etc., etc. It ultimately is a Supreme	6	background noise. It does not, will not, should not,
7	Court decision and a Supreme Court question. And so	7	hopefully will never, affect the decision of judges
8	we laid nine days' worth of testimony, one side had	8	concerning very important questions such as these
9	six days, the other about five and a half days, and	9	Constitutional questions.
10	about three and a half days for the other side.	10	MR. COX: Can I put a point in right there?
11	Wonderful witnesses, wonderful testimony, wonderful	11	Because Judge Moses can will sit there and say that
12	questions by both sides, great lawyers presented that.	12	those comments, he didn't hear them, or if he would
13	It was a privilege to sit on that case, because I like	13	have heard them they wouldn't have affected him.
14	watching kids play in the sand box, especially really	14	That's not necessarily the case across the board when
15	good kids, and these guys were excellent. So they	15	there's a constant drumbeat of criticism. My concern
16	presented a spectacular record.	16	with that constant critic politically-driven
17	Great findings and conclusions that were	17	criticism is that it has a corrosive effect on the
18	presented to me, though I did my own, and 199 pages	18	public; the public begins to believe that judges are
19	later I filed my opinion with findings and conclusions	19	partisan, that judges are in somebody's pocket, that
20	finding these four issues unconstitutional.	20	judges can be bought, and/or that they're or that
21	My wife was a loves politics and loves	21	they're partisan. That's the danger, is that we then
22	all those sorts of kinds of things, and I haven't been	22	start to slide down that hill because the Rule of
23	involved in politics for a long, long time, got calls	23	Law if we don't have the Rule of Law, we're done,
24	from all kinds of people about all kinds of things	24	and there has to be a there has to be a flat
25	that were being said, some threatening things, some	25	commitment by everyone to say, I hate that decision
	Page 15		Page 17
1	-	1	-
1 2	other things, and I never heard any of that stuff. I	1 2	Page 17 but I'm going to follow it. JUDGE MOSES: To that point, us judges can't
	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called		but I'm going to follow it.
2	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge	2	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't
2 3	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge cannot listen to partisan comments one way or the	2 3	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't respond to that background noise, should not respond
2 3 4	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge	2 3 4	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't respond to that background noise, should not respond to that background noise. There just shouldn't be a response, but the bar association should. Lawyers should stand up and say what's real, and that is, Hey,
2 3 4 5	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge cannot listen to partisan comments one way or the other, and consider those in any way, shape, or form.	2 3 4 5	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't respond to that background noise, should not respond to that background noise. There just shouldn't be a response, but the bar association should. Lawyers should stand up and say what's real, and that is, Hey, these judges are being independent, they're being
2 3 4 5 6	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge cannot listen to partisan comments one way or the other, and consider those in any way, shape, or form. They cannot do that. That's not what judges do.	2 3 4 5 6	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't respond to that background noise, should not respond to that background noise. There just should not respond response, but the bar association should. Lawyers should stand up and say what's real, and that is, Hey, these judges are being independent, they're being fair, they're being non-biased, they're trying to make
2 3 4 5 6 7	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge cannot listen to partisan comments one way or the other, and consider those in any way, shape, or form. They cannot do that. That's not what judges do. We take into consideration the law, we take into consideration all of the facts, we put that record together and we tell them what we think is the	2 4 5 6 7 8 9	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't respond to that background noise, should not respond to that background noise. There just shouldn't be a response, but the bar association should. Lawyers should stand up and say what's real, and that is, Hey, these judges are being independent, they're being fair, they're being non-biased, they're trying to make the best decisions they possibly can, and support the
2 3 4 5 6 7 8	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge cannot listen to partisan comments one way or the other, and consider those in any way, shape, or form. They cannot do that. That's not what judges do. We take into consideration the law, we take into consideration all of the facts, we put that record together and we tell them what we think is the best decision that we can present to them. And that's	2 3 5 6 7 8 9 10	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't respond to that background noise, should not respond to that background noise. There just shouldn't be a response, but the bar association should. Lawyers should stand up and say what's real, and that is, Hey, these judges are being independent, they're being fair, they're being non-biased, they're trying to make the best decisions they possibly can, and support the judiciary, because without a fair and impartial
2 3 4 5 7 8 9 10 11	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge cannot listen to partisan comments one way or the other, and consider those in any way, shape, or form. They cannot do that. That's not what judges do. We take into consideration the law, we take into consideration all of the facts, we put that record together and we tell them what we think is the best decision that we can present to them. And that's what we did in the voting rights case.	2 3 4 5 7 8 9 10 11	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't respond to that background noise, should not respond to that background noise. There just shouldn't be a response, but the bar association should. Lawyers should stand up and say what's real, and that is, Hey, these judges are being independent, they're being fair, they're being non-biased, they're trying to make the best decisions they possibly can, and support the judiciary, because without a fair and impartial judiciary, it goes down, the whole thing goes down, as
2 3 4 5 6 7 8 9 10 11 12	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge cannot listen to partisan comments one way or the other, and consider those in any way, shape, or form. They cannot do that. That's not what judges do. We take into consideration the law, we take into consideration all of the facts, we put that record together and we tell them what we think is the best decision that we can present to them. And that's what we did in the voting rights case. The Supreme Court affirmed all four of my	2 3 4 5 6 7 8 9 10 11	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't respond to that background noise, should not respond to that background noise. There just shouldn't be a response, but the bar association should. Lawyers should stand up and say what's real, and that is, Hey, these judges are being independent, they're being fair, they're being non-biased, they're trying to make the best decisions they possibly can, and support the judiciary, because without a fair and impartial judiciary, it goes down, the whole thing goes down, as we've heard earlier today.
2 3 4 5 6 7 8 9 10 11 12 13	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge cannot listen to partisan comments one way or the other, and consider those in any way, shape, or form. They cannot do that. That's not what judges do. We take into consideration the law, we take into consideration all of the facts, we put that record together and we tell them what we think is the best decision that we can present to them. And that's what we did in the voting rights case. The Supreme Court affirmed all four of my decisions in that particular round. I disagreed with	2 3 4 5 6 7 8 9 10 11 12 13	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't respond to that background noise, should not respond to that background noise. There just shouldn't be a response, but the bar association should. Lawyers should stand up and say what's real, and that is, Hey, these judges are being independent, they're being fair, they're being non-biased, they're trying to make the best decisions they possibly can, and support the judiciary, because without a fair and impartial judiciary, it goes down, the whole thing goes down, as we've heard earlier today. JUSTICE McKINNON: Mark, I want to get in
2 3 4 5 6 7 8 9 10 11 12 13 14	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge cannot listen to partisan comments one way or the other, and consider those in any way, shape, or form. They cannot do that. That's not what judges do. We take into consideration the law, we take into consideration all of the facts, we put that record together and we tell them what we think is the best decision that we can present to them. And that's what we did in the voting rights case. The Supreme Court affirmed all four of my decisions in that particular round. I disagreed with them on two points. I believe because the right to	2 3 4 5 6 7 8 9 10 11 12 13 14	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't respond to that background noise, should not respond to that background noise. There just shouldn't be a response, but the bar association should. Lawyers should stand up and say what's real, and that is, Hey, these judges are being independent, they're being fair, they're being non-biased, they're trying to make the best decisions they possibly can, and support the judiciary, because without a fair and impartial judiciary, it goes down, the whole thing goes down, as we've heard earlier today. JUSTICE McKINNON: Mark, I want to get in and make sure we get to you. But on that point, Mike,
2 3 4 5 6 7 8 9 10 11 12 13 14 15	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge cannot listen to partisan comments one way or the other, and consider those in any way, shape, or form. They cannot do that. That's not what judges do. We take into consideration the law, we take into consideration all of the facts, we put that record together and we tell them what we think is the best decision that we can present to them. And that's what we did in the voting rights case. The Supreme Court affirmed all four of my decisions in that particular round. I disagreed with them on two points. I believe because the right to vote is a fundamental Constitutional right	2 3 4 5 6 7 8 9 10 11 12 13 14 15	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't respond to that background noise, should not respond to that background noise. There just shouldn't be a response, but the bar association should. Lawyers should stand up and say what's real, and that is, Hey, these judges are being independent, they're being fair, they're being non-biased, they're trying to make the best decisions they possibly can, and support the judiciary, because without a fair and impartial judiciary, it goes down, the whole thing goes down, as we've heard earlier today. JUSTICE McKINNON: Mark, I want to get in and make sure we get to you. But on that point, Mike, that you just made, Randy, in the McLaughlin case, you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge cannot listen to partisan comments one way or the other, and consider those in any way, shape, or form. They cannot do that. That's not what judges do. We take into consideration the law, we take into consideration all of the facts, we put that record together and we tell them what we think is the best decision that we can present to them. And that's what we did in the voting rights case. The Supreme Court affirmed all four of my decisions in that particular round. I disagreed with them on two points. I believe because the right to vote is a fundamental Constitutional right specifically identified in our Constitution, the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't respond to that background noise, should not respond to that background noise. There just shouldn't be a response, but the bar association should. Lawyers should stand up and say what's real, and that is, Hey, these judges are being independent, they're being fair, they're being non-biased, they're trying to make the best decisions they possibly can, and support the judiciary, because without a fair and impartial judiciary, it goes down, the whole thing goes down, as we've heard earlier today. JUSTICE McKINNON: Mark, I want to get in and make sure we get to you. But on that point, Mike, that you just made, Randy, in the McLaughlin case, you had an opportunity to address the issues and what was
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge cannot listen to partisan comments one way or the other, and consider those in any way, shape, or form. They cannot do that. That's not what judges do. We take into consideration the law, we take into consideration all of the facts, we put that record together and we tell them what we think is the best decision that we can present to them. And that's what we did in the voting rights case. The Supreme Court affirmed all four of my decisions in that particular round. I disagreed with them on two points. I believe because the right to vote is a fundamental Constitutional right specifically identified in our Constitution, the standard is strict scrutiny, not some intermediate	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't respond to that background noise, should not respond to that background noise. There just shouldn't be a response, but the bar association should. Lawyers should stand up and say what's real, and that is, Hey, these judges are being independent, they're being fair, they're being non-biased, they're trying to make the best decisions they possibly can, and support the judiciary, because without a fair and impartial judiciary, it goes down, the whole thing goes down, as we've heard earlier today. JUSTICE McKINNON: Mark, I want to get in and make sure we get to you. But on that point, Mike, that you just made, Randy, in the McLaughlin case, you had an opportunity to address the issues and what was going on with the press; is that right?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge cannot listen to partisan comments one way or the other, and consider those in any way, shape, or form. They cannot do that. That's not what judges do. We take into consideration the law, we take into consideration all of the facts, we put that record together and we tell them what we think is the best decision that we can present to them. And that's what we did in the voting rights case. The Supreme Court affirmed all four of my decisions in that particular round. I disagreed with them on two points. I believe because the right to vote is a fundamental Constitutional right specifically identified in our Constitution, the standard is strict scrutiny, not some intermediate standard which they applied in two of those issues. I	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't respond to that background noise, should not respond to that background noise. There just shouldn't be a response, but the bar association should. Lawyers should stand up and say what's real, and that is, Hey, these judges are being independent, they're being fair, they're being non-biased, they're trying to make the best decisions they possibly can, and support the judiciary, because without a fair and impartial judiciary, it goes down, the whole thing goes down, as we've heard earlier today. JUSTICE McKINNON: Mark, I want to get in and make sure we get to you. But on that point, Mike, that you just made, Randy, in the McLaughlin case, you had an opportunity to address the issues and what was going on with the press; is that right? MR. COX: Sure. I mean, the okay. So
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge cannot listen to partisan comments one way or the other, and consider those in any way, shape, or form. They cannot do that. That's not what judges do. We take into consideration the law, we take into consideration all of the facts, we put that record together and we tell them what we think is the best decision that we can present to them. And that's what we did in the voting rights case. The Supreme Court affirmed all four of my decisions in that particular round. I disagreed with them on two points. I believe because the right to vote is a fundamental Constitutional right specifically identified in our Constitution, the standard is strict scrutiny, not some intermediate standard which they applied in two of those issues. I think it's strict because it's a fundamental right,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't respond to that background noise, should not respond to that background noise. There just shouldn't be a response, but the bar association should. Lawyers should stand up and say what's real, and that is, Hey, these judges are being independent, they're being fair, they're being non-biased, they're trying to make the best decisions they possibly can, and support the judiciary, because without a fair and impartial judiciary, it goes down, the whole thing goes down, as we've heard earlier today. JUSTICE McKINNON: Mark, I want to get in and make sure we get to you. But on that point, Mike, that you just made, Randy, in the McLaughlin case, you had an opportunity to address the issues and what was going on with the press; is that right? MR. COX: Sure. I mean, the okay. So not everybody knows what that case is, but what
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge cannot listen to partisan comments one way or the other, and consider those in any way, shape, or form. They cannot do that. That's not what judges do. We take into consideration the law, we take into consideration all of the facts, we put that record together and we tell them what we think is the best decision that we can present to them. And that's what we did in the voting rights case. The Supreme Court affirmed all four of my decisions in that particular round. I disagreed with them on two points. I believe because the right to vote is a fundamental Constitutional right specifically identified in our Constitution, the standard is strict scrutiny, not some intermediate standard which they applied in two of those issues. I think it's strict because it's a fundamental right, fundamental Constitutional right, and if you're going	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't respond to that background noise, should not respond to that background noise. There just shouldn't be a response, but the bar association should. Lawyers should stand up and say what's real, and that is, Hey, these judges are being independent, they're being fair, they're being non-biased, they're trying to make the best decisions they possibly can, and support the judiciary, because without a fair and impartial judiciary, it goes down, the whole thing goes down, as we've heard earlier today. JUSTICE McKINNON: Mark, I want to get in and make sure we get to you. But on that point, Mike, that you just made, Randy, in the McLaughlin case, you had an opportunity to address the issues and what was going on with the press; is that right? MR. COX: Sure. I mean, the okay. So not everybody knows what that case is, but what happened was on a Friday background. Out of Jim's
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge cannot listen to partisan comments one way or the other, and consider those in any way, shape, or form. They cannot do that. That's not what judges do. We take into consideration the law, we take into consideration all of the facts, we put that record together and we tell them what we think is the best decision that we can present to them. And that's what we did in the voting rights case. The Supreme Court affirmed all four of my decisions in that particular round. I disagreed with them on two points. I believe because the right to vote is a fundamental Constitutional right specifically identified in our Constitution, the standard is strict scrutiny, not some intermediate standard which they applied in two of those issues. I think it's strict because it's a fundamental right, fundamental Constitutional right, and if you're going to limit a fundamental Constitutional right you better	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't respond to that background noise, should not respond to that background noise. There just shouldn't be a response, but the bar association should. Lawyers should stand up and say what's real, and that is, Hey, these judges are being independent, they're being fair, they're being non-biased, they're trying to make the best decisions they possibly can, and support the judiciary, because without a fair and impartial judiciary, it goes down, the whole thing goes down, as we've heard earlier today. JUSTICE McKINNON: Mark, I want to get in and make sure we get to you. But on that point, Mike, that you just made, Randy, in the McLaughlin case, you had an opportunity to address the issues and what was going on with the press; is that right? MR. COX: Sure. I mean, the okay. So not everybody knows what that case is, but what happened was on a Friday background. Out of Jim's case there was there had been some e-mails come out
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge cannot listen to partisan comments one way or the other, and consider those in any way, shape, or form. They cannot do that. That's not what judges do. We take into consideration the law, we take into consideration all of the facts, we put that record together and we tell them what we think is the best decision that we can present to them. And that's what we did in the voting rights case. The Supreme Court affirmed all four of my decisions in that particular round. I disagreed with them on two points. I believe because the right to vote is a fundamental Constitutional right specifically identified in our Constitution, the standard is strict scrutiny, not some intermediate standard which they applied in two of those issues. I think it's strict because it's a fundamental right, fundamental Constitutional right, and if you're going to limit a fundamental Constitutional right you better have a hell of a good reason to do it and it better	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't respond to that background noise, should not respond to that background noise. There just shouldn't be a response, but the bar association should. Lawyers should stand up and say what's real, and that is, Hey, these judges are being independent, they're being fair, they're being non-biased, they're trying to make the best decisions they possibly can, and support the judiciary, because without a fair and impartial judiciary, it goes down, the whole thing goes down, as we've heard earlier today. JUSTICE McKINNON: Mark, I want to get in and make sure we get to you. But on that point, Mike, that you just made, Randy, in the McLaughlin case, you had an opportunity to address the issues and what was going on with the press; is that right? MR. COX: Sure. I mean, the okay. So not everybody knows what that case is, but what happened was on a Friday background. Out of Jim's case there was there had been some e-mails come out that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge cannot listen to partisan comments one way or the other, and consider those in any way, shape, or form. They cannot do that. That's not what judges do. We take into consideration the law, we take into consideration all of the facts, we put that record together and we tell them what we think is the best decision that we can present to them. And that's what we did in the voting rights case. The Supreme Court affirmed all four of my decisions in that particular round. I disagreed with them on two points. I believe because the right to vote is a fundamental Constitutional right specifically identified in our Constitution, the standard is strict scrutiny, not some intermediate standard which they applied in two of those issues. I think it's strict because it's a fundamental right, fundamental Constitutional right, and if you're going to limit a fundamental Constitutional right you better have a hell of a good reason to do it and it better pass strict scrutiny.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't respond to that background noise, should not respond to that background noise. There just shouldn't be a response, but the bar association should. Lawyers should stand up and say what's real, and that is, Hey, these judges are being independent, they're being fair, they're being non-biased, they're trying to make the best decisions they possibly can, and support the judiciary, because without a fair and impartial judiciary, it goes down, the whole thing goes down, as we've heard earlier today. JUSTICE McKINNON: Mark, I want to get in and make sure we get to you. But on that point, Mike, that you just made, Randy, in the McLaughlin case, you had an opportunity to address the issues and what was going on with the press; is that right? MR. COX: Sure. I mean, the okay. So not everybody knows what that case is, but what happened was on a Friday background. Out of Jim's case there was there had been some e-mails come out that JUSTICE McKINNON: (Inaudible.)
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	other things, and I never heard any of that stuff. I didn't pay any attention to that stuff. It's called what I believe to be background noise, because a judge cannot listen to partisan comments one way or the other, and consider those in any way, shape, or form. They cannot do that. That's not what judges do. We take into consideration the law, we take into consideration all of the facts, we put that record together and we tell them what we think is the best decision that we can present to them. And that's what we did in the voting rights case. The Supreme Court affirmed all four of my decisions in that particular round. I disagreed with them on two points. I believe because the right to vote is a fundamental Constitutional right specifically identified in our Constitution, the standard is strict scrutiny, not some intermediate standard which they applied in two of those issues. I think it's strict because it's a fundamental right, fundamental Constitutional right, and if you're going to limit a fundamental Constitutional right you better have a hell of a good reason to do it and it better	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	but I'm going to follow it. JUDGE MOSES: To that point, us judges can't respond to that background noise, should not respond to that background noise. There just shouldn't be a response, but the bar association should. Lawyers should stand up and say what's real, and that is, Hey, these judges are being independent, they're being fair, they're being non-biased, they're trying to make the best decisions they possibly can, and support the judiciary, because without a fair and impartial judiciary, it goes down, the whole thing goes down, as we've heard earlier today. JUSTICE McKINNON: Mark, I want to get in and make sure we get to you. But on that point, Mike, that you just made, Randy, in the McLaughlin case, you had an opportunity to address the issues and what was going on with the press; is that right? MR. COX: Sure. I mean, the okay. So not everybody knows what that case is, but what happened was on a Friday background. Out of Jim's case there was there had been some e-mails come out that

1 particular things about SB 40. And so that hopped the legislature up, so they served a subponent to get all of the ver know if 11 voted on that. If 11 dott 1 dott recent know if 11 voted on that. If 11 dott are members within the members of Administration, and they didt give on a friday evening, and on Saturday we field an emergency petition with the Montana Supreme Court, which we then supplemented the next Gay when we leared hat 5,000 emails had already been produced and the rest were going to be produced. Image: State Stat		Page 18		Page 20
2 legislature up, so they served a subponent to get all 2 3 off the emils shout judicial polling, but they didn't give 2 4 serve it on the judicial branch; they served it on the polint all solut its on a Friday, Friday versing, she called me on a Friday 2 7 on a Friday, Friday versing, she called me on a Friday 2 7 e-mails had already been produced and the rest were going to be produced. 3 11 e-mails had already been produced and the rest were going to be produced. 3 12 going to be produced. 10 13 And so we had - I mean, that was one of the problems, Jim, with your case, is you got caught up in this political madsorm. 11 14 motion be not loading with you case, is you got caught up in this political madsorm. 12 14 and so we had - I mean, that was one of the political madsorm. 12 15 And so a we had - I mean, that was one of the political madsorm. 11 14 these subpoents the mad Mr. Cox's brilliant 12 15 and it was an easy case on the law. You also have to all with the law. 12 14 these subpoents the mad Mr. Cox's brilliant 12 15 forti, and, you know, reporters are going to call and all those	1	particular things about SB 40. And so that hopped the	1	somebody maybe it was Judge Brown, who said. I
 of the e-mails about judicial point, but hey didn't give notice to Beth McLaughin. And she learned about it on a Friday endities of the analysis and on Saturday we filed an anergency petition with the Montans Supreme Curv, which we then a friday eneming, and on Saturday we filed an anergency with its clear, and the saturday we filed an anergency with the solent and Supreme Curv, which we then a friday eneming the should be produced. And so we had – 1 mean, that was one of the problems, line, with edit a message with this clear, and the saturday been produced. And so we had – 1 mean, that was one of the problems, line, with our case, is, you got caught up in this political mackstrom. Mot as an easy case on the law. You also have to deal with the political is one or it was fifteent. And how any top corters are going to call and all the soft and or the asia. And how very early of course in the Attorncy General sura latter to the Storb of the saturday of the should had be an atomey, and the store of the bar stands. Mot ana Supreme Curv that said, As to your order, the legislature will not abide it, which I could not Page 19 Page 19 Page 19 Page 21 Page 219 Page 21 Page 21 Page 219 Page 21 Page 21				
4 serve it on the judicial branch; they served it on the waiting to pounce on that. 5 Department of Administration, and they didit give notice to Beth McLaughin. And she learned about it on a friday, riday evening, she called me on a Friday evening, and on Sautuday we filed an emergency generated the next dy when we learned that 5,000 9 petition with the Montana Supreme Court, which we then an ensemed the next dy when we learned that 5,000 11 e-mails had already been produced and the rest were going to be produced. 12 going to be produced. 13 And so we had - I man, that was one of the problems, Jim, with your case, is you got caught up in this political makerom. 14 and it was an exy case on the law. You also have to deal with the law, you have, reporters are going to top. And so the law. You also have to deal with the law, you have, reporters are going to course in the 12 and then vey early of course in the 13 had then vey early of course in the 14 gossibly imagine anybody saying ever. 14 possibly imagine anybody saying ever. 15 because the talked of Orener of Ginabreskin bybout 16 more difficult monitation as the second more difficult was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do doerwise, so - light shout the web and the sing. This is that you wanto the same problems in the LOBTOY ecasened the second portalistic	3		3	
5 Department of Administration, and they didn't give no net for Beh MoLaughtin. And she learned about if on a Friday, Friday evening, she called me on a Friday is for the moon, and's uside. Gene, we better and this was the sevent in your and they was the four-dimension. 6 on a Friday, Friday evening, she called me on a Friday is formoon, and's uside. Gene, we better and this was the sevent in your and they was the four-dimension. 7 and so we called, and have you for the probably, but, We better at least notify 8 and so we called uncan, that was not of the probables, fin, with you case, is, you got call that we tried 9 and so we lad luncan, that was not of the probably in this political maelstrom. The backdoor the court, and that set the background for all these subpoenas then and Mr. Cox's brilliant regresentation. 7 with a case like thut, you have to deal with the law, and you know, reporters are going to call and all does kinds of things, so - so it was difficult. The set the probably in the start so the law. You also have to the law so and it was a usery case on the law. You also have to a that was a usery case on the law. You also have to the law start important. I think, as well to this discussion is, from the court's perspective, we knew that at least 5,000 e-mails hald been released; we had no assumace that they were going to stop. And so the case fixed that, we will abide by your order. 22 possibly imagine anybody saying ever. Page 121 3 possibly imagine anybody saying ever. MR GOETZ: I might add on that. What the start h			4	
6 notice to Beth McLaughlin. And she learned about it 6 7 on a Friday, Friday evening, she called not en a Friday 9 petition with the Montana Supreme Court, which we then 11 evening, and on Saturday we filed an emergency 9 petition with the Montana Supreme Court, which we then 12 going to be produced. 13 And so we had - 1 mean, that was one of the 14 problems, Jim, with your case, isy ou got caught up 16 in this political mackersom. 17 And so we had - 1 mean, that was one of the 18 and i was an easy case on the law. You also have to 19 with a case like that, you have to deal with the law, 10 of it, and, you hoave, reporters are going to call, and the way and the sea like or supremast the next the background for 11 all these stophoeans then and Mr. Cock's brilliant 12 and it was an easy case on the law. You also have to 13 and the was an easy case on the law. You also have to 14 and it was an easy case on the law. You also have to 15 and the was an easy case on the law. You also have to 14 and the was an easy case on the law. You also have to 15	5	•	5	
 on a Friday, produby, but, We deter at least notify evening, and on Saturday we filed an emergency petition with the Montana Supreme Court, which we then supplemented the next day when we learned that 5,000 evening, had already been produced and the rest were going to be produced. And so we had - I mean, that was one of the problems, Jin, with your case, is, you got caught up in this political maelstrom. Mot as a lot of the - when yourit dealing with a case like that, you have to deal with the law, and it was an easy case on the law. You also have to deal with the political de of it and the met and is side of it, and, you know, reporters are going to call and all those kinds of things, so - so it was difficult. And hen very any of course in the ligation the Attorney General is test to tote Montana Supreme Court that staid, As to your order, the ligation the Attorney General is kinds were filed to it aut the met state of the possibly imagine anybody saying ever. McGraft recused limself. I later learned it was because to take all do mthat. What happened is, when we filed the your order. Page 19 Page 21 Page 21 Page 21 Page 19 Page 21 Pag	6	•	6	
 evening, and on Saurday we filed an emergency petition with the Montana Supreme Court, which we then supplemented the next day when we learned that 5,000 e-mails had already been produced. And so we had – I mean, that was one of the problems, Jim, with you case, is you got caugit up in this political matterrom. And so we had – I mean, that was one of the in this political matterrom. And so we had – I mean, that was one of the in this political matterrom. And so all of the – when you're dealing with a case like that, you have to dad with the law, and it was an easy case on the law. You also have to all those kinds of things, so – so it was difficult. all those kinds of things, so – so it was difficult. Montana Supreme Court that said, As to your order, the ligation the Atomay Generals are a teter to the ligation the Atomay Generals are a letter to the possibly imagine anybody saying ever. possibly imagine anybody saying ever. possibly imagine anybody saying ever. bit laces and have and that was a member of the bar standing up for the right thing to do against posterial informe – abad the sabert that was the south at a motoney, and So I didn'i know that z-the times all disclosed from – something. So I didn'i know that z-the times, all disclosed from – and it was a bade. The south that it was clear that Jake? The south that it was clear that Jake? The south the it was clear that Jake? The south that it was clear that Jake? The south that it was clear that Jake? The south that it was something. son didn'i the outhas and is disclosed from on co	7	-	7	
9 petition with the Montana Supreme Court, which we then 10 supplemented the next day when we learned that 5,000 12 going to be produced and the rest were 13 And so we selled, and he wash in, we lear at message 14 going to be produced. 15 and so we had - I mean, that was one of the 16 And so all of the - when you're dealing 17 with a scase like that, you have to deal with the law, 18 and it was an easy case on the law. You also have to 19 deal with the political side of it and the media side 20 of it, and, you know, reporters are going to call and 21 and the very early of course in the 22 itigation the Attorney General scall alter to the 23 litigation he Attorney General scall a letter to the 24 possibly imagine anybody saying ever. 25 McGrath recused himself. I later learned it was 26 Mortana Supreme Court, that side dissuade him, 27 Midden the atomey dissuade him, 28 because he take. 400 Governor Ginaffores and them, who is easen the invey were lide that we tried 29 possibly imagine anybody saying ever. 20 MR GOETZ: I might add on that. What 30 happened is, whom we side of dissuade him, 31 possi	8		8	
10 supplemented the next day when we learned that 5,000 10 with his clerk, and we never did talkets fudge - and I didn't think, it was exparte because he was off the gas. And 1 just theory the should be and the were tried 11 and so we had - I mean, that was one of the problems, Jim, with your case, is, you got caught up in this political maelstrom. 10 12 And so we had - I mean, that was one of the problems, Jim, with your case, is, you got caught up in this political maelstrom. 11 13 And so we had - I mean, that was one of the problems, Jim, with your case, is, you got caught up in this political maelstrom. 12 14 and it was an easy case on the law. You also have to deal with the political side of it and the media side of it and, you know, reporters are going to call and 11 11 11 11 and hen very early of course in the atomey entered the appearance, Dale 12 13 12 possibly imagine anybody saying ever. 14 14 14 14 possibly imagine anybody saying ever. 14 14 And that - that was a member of the be ast standing up for the right thing to do against potentially, you know, pressure to do otherwise, so - Okay. I do want to gainst traited in discost films, and the or the right than the time, but the in kwas 14 13 13 14 possibly imagine anybody saying ever. 14 14 14 14 </td <th>9</th> <td></td> <th>9</th> <td></td>	9		9	
11 e-mails had already been produced and the rest were going to be produced. 11 I Idian't think it was expressed because the was off the Court, and I just theogethe because the was off the Gase. And I just theogethe because the was off the Gase. And I just theogethe because the was off the Gase. And I just theogethe because the was off the Gase. And I just theogethe because the was off the Gase. And I just theogethe because the was off the Gase. And I just theogethe because the was off the Gase. And I just theogethe because the was off the Gase. And I just theogethe because the was off the Gase. And I just theogethe because the was off the Gase. And I just theogethe because the was off the Gase. And I just theogethe because the was off the Gase. And I just theogethe because the was off the gase of the gase	10		10	
12 going to be produced. 12 Gase. And Just Introget the shouldn't be ambushed. 13 And so we had I mean, that was one of the 13 But anyway, so that surfaced that we tried 15 in this political mackstrom. 14 But anyway, so that surfaced that we tried 15 in this political mackstrom. 14 16 And so all of the - when you're dealing 15 17 deal with the political side of it and the media side 16 16 deal with the political side of it and the media side 16 17 deal with the political side of it and the media side 17 18 and thas was neasy case on the law. You also have to 18 12 and the very early of course in the 12 12 And the very early of course in the 12 12 had thorney General sent a letter to the 12 14 possibly imagine anybody saying ever. 12 12 MR GOETZ: I might add on that. What 1 14 judicial nomination case, Justice – Chief Justice 1 15 McGrant recused himself. I later learned it was 1 16 the athalase' fleago math.	11		11	
13 And so we had - I mean, that was one of the problems, Jim, with your case, is, you got caught up in this political matestrom. 13 But anyway, so that surfaced that we tried to backdoor the court, and that set the background for all these subportants. It much as the background for the assurance that the next is side of it, and, you know, reporters are going to call and all these kinds of things, so - so it was difficult. 14 14 12 of it, and, you know, reporters are going to call and all these kinds of things, so - so it was difficult. 15 13 Higgin the Attorney General sent a letter to the going the state set. 16 14 Hose kinds of things, so - so it was difficult. 16 15 And the very early of course in the gislature will not abide it, which I could not 17 16 Page 19 Page 21 17 possibly imagine anybody saying ever. 11 18 happened - what happened is, when we filed the judicial nomination cas, Justice - Chief Justice 11 16 the atomized functional the interions 12 17 the - I mean Gianfore - about that standing we fore the sight thing to do against potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark. 16 the state the we have the init was the and the's perfectly fine, by the something. 11 19 the and markes the background for the - I mean Gianfore - about that the intering the camapagin for the goayenorg but friend of finant - that was a member	12	going to be produced.	12	
14 problems, Jim, with your case, is, you got caught up 14 to backdoor the court, and that set the background for 15 in this political maelstrom. 15 16 And so all of the - when you're dealing 15 17 with a case like that, you have to deal with the low, 16 18 and it was an easy case on the law. You also have to 18 19 deal with the political side of it and the media side 19 10 of it, and, you know, reporters are going to call and 10 20 of it, and, you know, reporters are going to call and 12 21 And then very early of course in the 22 22 And then very early of course in the 22 23 Itigation the Attorney General sent a letter to the 24 24 Mon thas gottime. 25 25 legislature will not abide it, which I could not 25 26 MR GOETZ: I might add on that. What 26 3 happened – what happened is, when we filed the 3 4 because he talked fo Governor Ginitroeskim phout 26 7 the - thatk was a member of the bar 27 8	13	And so we had I mean, that was one of the	13	
16 And so all of the when you're dealing 16 representation. 17 with a case like that, you have to deal with the law, 17 JUSTICE McKINNON: Yeah, TII just say 18 and it was an easy case on the law. You also have to 18 19 is, from the court's perspective, we knew that at 19 deal with the political side of it and the media side 19 is, from the court's perspective, we knew that at 20 of it, and, you know, reporters are going to soll and 10 cassurance that they were going to soll, and so the 21 And then very early of course in the 22 least 5,000 e-mails had been released; we had no 23 Itigation the Attorney court that said, As to your order, the 22 least 5,000 e-mails had been released; we had no 23 Itigation the Attorney court that said, As to your order, the 22 bepartment of Administration hired an attorney, and 24 Montana Supreme Court that said, As to your order, the 23 Schowengerdt, and indicated that, We will abide by 25 legislature will not abide it, which I could not 24 Schowengerdt, and indicated that, We will abide by 26 McGenery. Imigita add on that. What 3 happened what happened is, when we filed the 3	14	problems, Jim, with your case, is, you got caught up	14	
17 with a case like that, you have to deal with the law, and it was an easy case on the law. You also have to deal with the political side of it and the media side of it, and, you know, reporters are going to call and all those kinds of things, so - so it was difficult. 19 its, from the court's perspective, we knew that at least 5,000 e-mails had been released; we had no assurance that they were going to stop. And so the Department of Administration hired an attorney, and the attorney entered the appearance, Dale 21 And then very early of course in the ligislature will not abide it, which I could not 12 22 Page 19 Page 219 23 MR GOETZ: I might add on that. What happened what happened is, when we filed the judicial nomination case, Justice - Chief Justice bill before it even came up and tried to dissuade him. So I didt' know that at the time, but thin it was commission issue and that's perfectly fine, by the way, because to the appearing. Dut if mand is more district court judge apparently, but and whether they had any position on the nomination commission issue and that's perfectly fine, by the something that was a black mark on the judges. All they were doing was polling to see if they could take should lake a position on the nomels something that was a black mark on the judges. All they were doing was polling to see if they could take should take a position on the some something that was a black mark on the judges. All they were doing was polling to see if they could take should take a position on the some something that was a black mark on the judges. All they were doing was polling to see if they could take should take a position on the one fudges. All they were doing was polling to see if they could take should take a position o	15	in this political maelstrom.	15	all these subpoenas then and Mr. Cox's brilliant
18 and it was an easy case on the law. You also have to 13 what's important, I think, as well to this discussion 19 deal with the political side of it and the media side 19 is, from the court's perspective, we knew that at 21 all those kinds of things, so - so it was difficult. 19 least 5,000 e-mails had been released; we had no 21 And then very early of course in the 12 least 5,000 e-mails had been released; we had no 21 And then very early of course in the 12 least 5,000 e-mails had been released; we had no 22 And then very early of course in the 12 least 5,000 e-mails had been released; we had no 24 Montana Supreme Court that said, As to your order, the 12 the attorney entered the appearance, Dale 24 possibly imagine anybody saying ever. 11 And that that was a member of the bar 2 McGraft recused himself. I later learned it was 5 JUDGE MOSES: Let's get into Mark. 3 happened what happened is, when we filed the 19 postifuilly, you know, pressure to do otherwise, so 4 judicial nomination case, fustice - about that 6 JUDGE MOSES: Let's get into Mark. 6 because that lake "the snakes" Eaton, who is now! think	16	And so all of the when you're dealing	16	representation.
19 deal with the political side of it and the media side 19 is, from the court's perspective, we knew that at 20 of it, and, you know, reporters are going to call and 20 least 5,000 e-mails had been released; we had no 21 all those kinds of things, so -so it was difficult. 21 assurance that they were going to stop. And so the 22 And then very carly of course in the 22 bepartment of Administration hired an attorney, and 23 the attorney entered the appearance, Dale 24 24 Montana Supreme Court that said, As to your order, the 24 Schowengerdt, and indicated that, We will abide by 25 legislature will not abide it, which I could not 25 your order. Page 19 Page 19 1 And that that was a member of the bar standing up for the right thing to do against 3 potentially, you know, pressure to do otherwise, so 4 judicial nomination case, Justice Chief Justice 4 4 because he talked the goe orange out the about that 5 5 didn't know that thad was a idestep 6 6 from - JUDGE MOSES: Let's get into Mark.	17	with a case like that, you have to deal with the law,	17	JUSTICE McKINNON: Yeah, I'll just say
20 of it, and, you know, reporters are going to call and 20 least 5,000 e-mails had been released; we had no 21 assurance that they were going to stop. And so the 21 22 Montana Supreme Court that said, As to your order, the 21 24 Montana Supreme Court that said, As to your order, the 22 25 legislature will not abide it, which I could not 23 26 McGOETZ: I might add on that. What 3 3 happened what happened is, when we filed the 3 4 judicial nomination case, Justice - Chief Justice 4 6 because he talked to Governor Gianforeskin about 6 7 the - I mean Gianforte - about that 7 8 bill before i ever came up and tried to dissuade him 7 9 So I didn't know, that at the time, but then it was 6 10 clear that Jake "the snake" Eaton, who is now I think 70 11 commission issue and that's perfectly fine, by the 70 16 whether they had any position on the nomination 70 17 the attribe the wish the inke, but hen it was 70 10 claint kabout the governory.	18	and it was an easy case on the law. You also have to	18	what's important, I think, as well to this discussion
21 all those kinds of things, so - so it was difficult. 21 assurance that they were going to stop. And so the 22 And then very early of course in the 22 assurance that they were going to stop. And so the 23 Itigation the Attorney Ocneral sent a letter to the 23 assurance that they were going to stop. And so the 24 Montana Supreme Court that said, As to your order, the 23 Schowengerdt, and indicated that, We will abide by 25 legislature will not abide it, which I could not 24 Schowengerdt, and indicated that, We will abide by 26 MR GOETZ: I might add on that. What aspened what happened is, when we filed the 3 3 happened what happened is, when we filed the 3 JUDGE MOSES: Let's get into Mark. 5 McGrath recused himself. 1 later learned it was 5 JUDGE MOSES: Well, I'll follow up on 7 the I mean Gianforts about the about the about that the ime, but then it was 7 JUSTICE McKINNON: Mike, if you want to say 10 clear that Jake "the snake" Eaton, who is now: I think 7 JUDGE MOSES: Well, I'll follow up on 11 running the campaign for the governer, but friend of 11 JUDGE MOSES: Well, I'll follow up on 12 knudsen,	19	deal with the political side of it and the media side	19	is, from the court's perspective, we knew that at
22 And then very early of course in the 22 Department of Administration hired an attorney, and 23 Itigation the Attorney General sent a letter to the 22 Department of Administration hired an attorney, and 24 Montana Supreme Court that said, As to your order, the 23 Schowengerdt, and indicated that, We will abide by 25 legislature will not abide it, which I could not 24 Schowengerdt, and indicated that, We will abide by 26 montana Supreme Court that said, As to your order, the 24 Schowengerdt, and indicated that, We will abide by 27 MR GOETZ: I might add on that. What 24 And that - that was a member of the bar 3 happened what happened is, when we filed the 3 potentially, you know, pressure to do otherwise, so 4 judicial nomination case, Justice - Chief Justice 4 JUDGE MOSES: Let's get into Mark. 5 because he talked to Governor Gianforeskin about 6 Itstening. I'm fariad my topic is quite a sidestep 7 the - I mean Gianfore - about that 7 Itstening. I'm fariad my topic is quite a sidestep 10 cloar they snake" Eaton, who is now I think 7 Itstening. I'm fariad my topic is quite a sidestep 11 from <td< td=""><th>20</th><td>of it, and, you know, reporters are going to call and</td><th>20</th><td>least 5,000 e-mails had been released; we had no</td></td<>	20	of it, and, you know, reporters are going to call and	20	least 5,000 e-mails had been released; we had no
23 litigation the Attory General sent a letter to the 24 Montana Supreme Court that said, As to your order, the 23 25 legislature will not abide it, which I could not 24 26 Page 19 Page 21 1 possibly imagine anybody saying ever. 1 And that that was a member of the bar 2 MR GOETZ: I might add on that. What 1 And that that was a member of the bar 3 happened what happened is, when we filed the 2 standing up for the right thing to do against 4 judicial nomination case, Justice Chief Justice 4 JUDGE MOSES: Let's get into Mark. 5 because he talked to Governor Gianforesin about the about that 6 MR. WERNER: No. I'm listening. I'm 6 bill before it even came up and tried to dissuade bim. 9 JUDGE MOSES: Let's get into Mark. 11 nming the campaign for the governor, but friend of 11 Knudsen, they had some of these e-mails disclosed from one district court judge apparently, but and 12 16 way, because judges are they lobby all the time; 16 Know you have represented unpopular classes and had to probably are something that was a black mark on the judges. All they were doing was polling to see if they could take a position on this bill.	21	all those kinds of things, so so it was difficult.	21	assurance that they were going to stop. And so the
24 Montana Supreme Court that said, As to your order, the 24 Schowengerdt, and indicated that, We will abide by 25 legislature will not abide it, which I could not Page 19 Page 21 1 possibly imagine anybody saying ever. 1 And that that was a member of the bar 2 MR GOETZ: I might add on that. What 2 stading up for the right thing to do against 3 happened what happened is, when we filed the 3 potentially, you know, pressure to do otherwise, so 4 judicial nomination case, Justice Chief Justice 4 JUDGE MOSES: Let's get into Mark. 5 because he talked to Governor Gianforeskin about 6 MR WERNER: No. I'm listening. I'm fraid my topic is quite a sidestep 7 the	22	÷ -	22	Department of Administration hired an attorney, and
25 legislature will not abide it, which I could not 25 your order. Page 19 Page 10 And that that was a member of the bar standing up for the right thing to do against possibly imagine anybody saying ever. MR GOETZ: I might add on that. What hadde for more case, justice - Chief Justice MR Goeta tawas a back mark on the ind was Colspan="2">Justice - Chief Justice - Chief Justice about the in was Colspan="2">Justice - Chief Justice - Chief Justice - Chief Justice - Chief Justice	23	-	23	
Page 19 Page 21 1 possibly imagine anybody saying ever. 1 And that that was a member of the bar 2 MR GOETZ: I might add on that. What happened what happened is, when we filed the 3 3 happened what happened is, when we filed the 3 4 judicial nomination case, Justice Chief Justice 4 5 McGrath recused himself. I later learned it was 5 because he talked to Governor Gianforeskin about 6 MR. WERNER: No. I'm listening. I'm 7 theI mean Gianforte about the about that 7 8 bill before it even came up and tried to dissuade him. 9 9 So I didn't know that at the time, but then it was 7 10 care that Jake "the snake" Eaton, who is now I think 7 11 numing the campaign for the governor, but friend of 11 12 Knudsen, they had some of these e-mails disclosed from 12 13 one district court judge apparently, but and 13 14 way, because judges are they lobby all the time; 14 15 commission issue and that's perfectly fine, by the 15 16 way, beca			24	
1 possibly imagine anybody saying ever. 1 And that that was a member of the bar 2 MR GOETZ: I might add on that. What 1 Standing up for the right thing to do against 3 happened what happened is, when we filed the 3 potentially, you know, pressure to do otherwise, so 4 judicial nomination case, Justice Chief Justice 4 JUDGE MOSES: Let's get into Mark. 5 McGrath recused himself. I later learned it was 5 JUDGE MOSES: Let's get into Mark. 6 because he talked to Governor Gianforestin about 6 MR WERNER: No. I'm listening. I'm 7 the I mean Gianfore - about the - about the - about that - bat was a member of the bar 7 8 bill before it even came up and tried to dissuade him. 8 7 9 So I didn't know that at the time, but then it was 7 IJUSTICE McKINNON: Mike, if you want to say 10 clear that Jake "the snake" Eaton, who is anow I think 10 7 11 running the campaign for the governor, but friend of 11 7 12 Randy's comment saying, We're not going to follow that 7 13 one district court judge apparently, but and 13 7 <	25	legislature will not abide it, which I could not	25	your order.
2MR GOETZ: I might add on that. What2standing up for the right thing to do against3happened what happened is, when we filed the3potentially, you know, pressure to do otherwise, so4judicial nomination case, Justice Chief Justice4JUDGE MOSES: Let's get into Mark.5McGrath recused himself. I later learned it was5JUDGE MOSES: Let's get into Mark.6because he talked to Governor Giantoreskin about6MR. WERNER: No. I'm listening. I'm7the I mean Gianforte about that7listening. I'm afraid my topic is quite a sidestep8bill before it even came up and tried to dissuade him.9JUSTICE McKINNON: Mike, if you want to say9so I didn't know that at the time, but then it was9JUSTICE McKINNON: Mike, if you want to say10clear that Jake "the snake" Eaton, who is now I think10Randy's comment saying, Were not going to follow that11running the campaign for the governor, but friend of11JUDGE MOSES: Well, I'll follow up on12Randy's comment saying, Were not going to follow that1313one district court judge aparently, but and1414whether they had any position on the nomination1415commission issue and that's perfectly fine, by the1516way, because judges are they lobby all the time;1617they should lobby for their budgets, for things that1718are important to the courts, but somehow that became1819 and I heard t				
2MR GOETZ: I might add on that. What2standing up for the right thing to do against3happened what happened is, when we filed the3potentially, you know, pressure to do otherwise, so4judicial nomination case, Justice Chief Justice4JUDGE MOSES: Let's get into Mark.5McGrath recused himself. I later learned it was5JUDGE MOSES: Let's get into Mark.6because he talked to Governor Giantoreskin about6MR. WERNER: No. I'm listening. I'm7the I mean Gianforte about that7listening. I'm afraid my topic is quite a sidestep8bill before it even came up and tried to dissuade him.9JUSTICE McKINNON: Mike, if you want to say9so I didn't know that at the time, but then it was9JUSTICE McKINNON: Mike, if you want to say10clear that Jake "the snake" Eaton, who is now I think10Randy's comment saying, Were not going to follow that11running the campaign for the governor, but friend of11JUDGE MOSES: Well, I'll follow up on12Randy's comment saying, Were not going to follow that1313one district court judge aparently, but and1414whether they had any position on the nomination1415commission issue and that's perfectly fine, by the1516way, because judges are they lobby all the time;1617they should lobby for their budgets, for things that1718are important to the courts, but somehow that became1819 and I heard t		Page 19		Page 21
3happened what happened is, when we filed the judicial nomination case, Justice Chief Justice3potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark.4judicial nomination case, Justice Chief Justice4JUDGE MOSES: Let's get into Mark.5McGrath recused himself. I later learned it was5JUDGE MOSES: Let's get into Mark.6because he talked to Governor Gianforeskin about6MR. WERNER: No. I'm listening. I'm7the I mean Gianforte about the about that7listening. I'm afraid my topic is quite a sidestep8bill before it even came up and tried to dissuade him.7listening. I'm afraid my topic is quite a sidestep9So I didn't know that at the time, but then it was9JUDGE MOSES: Well, I'll follow up on10running the campaign for the governor, but friend of11JUDGE MOSES: Well, I'll follow up on11running the campaign for the governor, but friend of11JUDGE MOSES: Well, I'll follow up on12Knudsen, they had some of these e-mails disclosed from12Randy's comment saying, We're not going to follow that13one district court judge apparently, but and13JUDGE MOSES: Well, I'll follow up on14whether they had any position on the nomination14Case that you talked about earlier.15commission issue and that's perfectly fine, by the15JUSTICE McKINNON: All right. So, Mark, I16way, because judges are they lobby all the time;16Know you have represented unpopular classes and had	1		1	_
4judicial nomination case, Justice Chief Justice4Okay. I do want to get to you, Mark.5McGrath recused himself. I later learned it was5JUDGE MOSES: Let's get into Mark.6because he talked to Governor Gianforeskin about6MR. WERNER: No. I'm listening. I'm7the I mean Gianforte about the about		possibly imagine anybody saying ever.	1	And that that was a member of the bar
5McGrath recused himself. I later learned it was5JUDGE MOSES: Let's get into Mark.6because he talked to Governor Gianforeskin about6MR. WERNER: No. I'm listening. I'm7the I mean Gianforte about the about that6MR. WERNER: No. I'm listening. I'm8bill before it even came up and trid to dissuade him.7listening. I'm afraid my topic is quite a sidestep9So I didn't know that at the time, but then it was9JUSTICE McKINNON: Mike, if you want to say10clear that Jake "the snake" Eaton, who is now I think10JUDGE MOSES: Well, I'll follow up on11running the campaign for the governor, but friend of11JUDGE MOSES: Well, I'll follow up on12Knudsen, they had some of these e-mails disclosed from12Randy's comment saying, We're not going to follow that13one district court judge apparently, but and13order, because I had the same problem in the LGBTQ+14whether they had any position on the nomination14sae that you talked about earlier.15commission issue and that's perfectly fine, by the15JUSTICE McKINNON: All right. So, Mark, I18are important to the courts, but somehow that became18MR. WERNER: Yeah. Well, you know, I think19 and I heard that earlier in one of the panels19MR. WERNER: Yeah. Well, you know, I think12take should take a position on this bill.20with me is of course in the program it states, you12And Judge Krueger, who had been called in23And J	2	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What	2	And that that was a member of the bar standing up for the right thing to do against
6because he talked to Governor Gianforeskin about the I mean Gianforte about the about that bill before it even came up and tried to dissuade him So I didn't know that at the time, but then it was clear that Jake "the snake" Eaton, who is now I think running the campaign for the governor, but friend of Image apparently, but and to en district court judge apparently, but and they had any position on the nomination they should lobby for their budgets, for things that are important to the courts, but somehow that became something that was a black mark on the judges. All they were doing was polling to see if they could take should take a position on this bill.6MR. WERNER: No. I'm listening. I'm listening. I'm distant my topic is quite a sidestep from JUSTICE McKINNON: Mike, if you want to say something.6Knudsen, they had some of these e-mails disclosed from to redistrict court judge apparently, but and they should lobby for their budgets, for things that are important to the courts, but somehow that became something that was a black mark on the judges. All they were doing was polling to see if they could take should take a position on this bill.6MR. WERNER: No. I'm listening. I'm listening. I'm listening. I'm distant my topic is quite a sidestep from7Max Were Chief Justice McGrath, was apparently to replace Chief Justice McGrath, was apparently to replace Chief Justice McGrath, was apparently6MR. WERNER: No. I'm listening. I'm listening. I'm listening. I'm listening. I'm listening. I'm so I district is in the very few7Max Were out is the if the i	2 3	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What happened what happened is, when we filed the	2 3	And that that was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do otherwise, so
 bill before it even came up and tried to dissuade him. So I didn't know that at the time, but then it was clear that Jake "the snake" Faton, who is now I think running the campaign for the governor, but friend of Knudsen, they had some of these e-mails disclosed from one district court judge apparently, but and one district court judge apparently, but and one district court judge apparently, but and commission issue and that's perfectly fine, by the commission issue and that's perfectly fine, by the they should lobby for their budgets, for things that are important to the courts, but somehow that became something that was a black mark on the judges. All they were doing was polling to see if they could take should take a position on this bill. And Judge Krueger, who had been called in to replace Chief Justice McGrath, was apparently 	2 3 4	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What happened what happened is, when we filed the judicial nomination case, Justice Chief Justice	2 3 4	And that that was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark.
9So I didn't know that at the time, but then it was clear that Jake "the snake" Eaton, who is now I think running the campaign for the governor, but friend of Knudsen, they had some of these e-mails disclosed from one district court judge apparently, but and twether they had any position on the nomination10JUSTICE McKINNON: Mike, if you want to say something.10Knudsen, they had some of these e-mails disclosed from one district court judge apparently, but and twether they had any position on the nomination12JUDGE MOSES: Well, I'll follow up on Randy's comment saying, We're not going to follow that order, because I had the same problem in the LGBTQ+ case that you talked about earlier.14whether they had any position on the nomination they should lobby for their budgets, for things that are important to the courts, but somehow that became something that was a black mark on the judges. All they were doing was polling to see if they could take should take a position on this bill.JUSTICE McKINNON: Mike, if you want to say something.12Knudsen, they had some of the panels something that was a black mark on the judges. All they were doing was polling to see if they could take should take a position on this bill.1013And Judge Krueger, who had been called in to replace Chief Justice McGrath, was apparently to replace Chief Justice McGrath, was apparently2414to replace Chief Justice McGrath, was apparently to replace Chief Justice McGrath, was apparently24	2 3 4 5	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What happened what happened is, when we filed the judicial nomination case, Justice Chief Justice McGrath recused himself. I later learned it was	2 3 4 5	And that that was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark. JUDGE MOSES: Let's get into Mark.
10clear that Jake "the snake" Eaton, who is now I think running the campaign for the governor, but friend of10something.11running the campaign for the governor, but friend of11JUDGE MOSES: Well, I'll follow up on12Knudsen, they had some of these e-mails disclosed from12Randy's comment saying, We're not going to follow that13one district court judge apparently, but and13order, because I had the same problem in the LGBTQ+14whether they had any position on the nomination14case that you talked about earlier.15commission issue and that's perfectly fine, by the15JUSTICE McKINNON: All right. So, Mark, I16way, because judges are they lobby all the time;16know you have represented unpopular classes and had to17they should lobby for their budgets, for things that17probably endure feedback that wasn't always pleasant.18are important to the courts, but somehow that became18MR. WERNER: Yeah. Well, you know, I think19 and I heard that earlier in one of the panels19the link here is that I guess what this is about20something that was a black mark on the judges. All20with me is of course the Sixth Amendment, the21they were doing was polling to see if they could21clients. And of course in the program it states, you23And Judge Krueger, who had been called in23know, talking about representing un-representable24to replace Chief Justice McGrath, was apparently24people. And, you know, the fact	2 3 4 5 6	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What happened what happened is, when we filed the judicial nomination case, Justice Chief Justice McGrath recused himself. I later learned it was because he talked to Governor Gianforeskin about the I mean Gianforte about the about that	2 3 4 5 6	And that that was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark. JUDGE MOSES: Let's get into Mark. MR. WERNER: No. I'm listening. I'm
11running the campaign for the governor, but friend of11JUDGE MOSES: Well, I'll follow up on12Knudsen, they had some of these e-mails disclosed from12Randy's comment saying, We're not going to follow that13one district court judge apparently, but and13order, because I had the same problem in the LGBTQ+14whether they had any position on the nomination14case that you talked about earlier.15commission issue and that's perfectly fine, by the15JUSTICE McKINNON: All right. So, Mark, I16way, because judges are they lobby all the time;16know you have represented unpopular classes and had to17they should lobby for their budgets, for things that17probably endure feedback that wasn't always pleasant.18are important to the courts, but somehow that became18MR. WERNER: Yeah. Well, you know, I think19 and I heard that earlier in one of the panels19the link here is that I guess what this is about20something that was a black mark on the judges. All20with me is of course the Sixth Amendment, the21they were doing was polling to see if they could21requirement of a zealous representation of indigent23And Judge Krueger, who had been called in23know, talking about representing un-representable24to replace Chief Justice McGrath, was apparently24people. And, you know, the fact is, is that very few	2 3 4 5 6 7	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What happened what happened is, when we filed the judicial nomination case, Justice Chief Justice McGrath recused himself. I later learned it was because he talked to Governor Gianforeskin about the I mean Gianforte about the about that bill before it even came up and tried to dissuade him.	2 3 4 5 6 7	And that that was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark. JUDGE MOSES: Let's get into Mark. MR. WERNER: No. I'm listening. I'm listening. I'm afraid my topic is quite a sidestep from
12Knudsen, they had some of these e-mails disclosed from one district court judge apparently, but and whether they had any position on the nomination12Randy's comment saying, We're not going to follow that order, because I had the same problem in the LGBTQ+ case that you talked about earlier.14whether they had any position on the nomination14order, because I had the same problem in the LGBTQ+ case that you talked about earlier.15commission issue and that's perfectly fine, by the15JUSTICE McKINNON: All right. So, Mark, I16way, because judges are they lobby all the time; they should lobby for their budgets, for things that17know you have represented unpopular classes and had to probably endure feedback that wasn't always pleasant.18are important to the courts, but somehow that became18MR. WERNER: Yeah. Well, you know, I think19 and I heard that earlier in one of the panels something that was a black mark on the judges. All20with me is of course the Sixth Amendment, the20something that was a black mark on the judges. All20with me is of course in the program it states, you21take should take a position on this bill.21requirement of a zealous representation of indigent23And Judge Krueger, who had been called in to replace Chief Justice McGrath, was apparently23know, talking about representing un-representable people. And, you know, the fact is, is that very few	2 3 4 5 7 8 9	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What happened what happened is, when we filed the judicial nomination case, Justice Chief Justice McGrath recused himself. I later learned it was because he talked to Governor Gianforeskin about the I mean Gianforte about the about that bill before it even came up and tried to dissuade him. So I didn't know that at the time, but then it was	2 3 4 5 6 7 8	And that that was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark. JUDGE MOSES: Let's get into Mark. MR. WERNER: No. I'm listening. I'm listening. I'm afraid my topic is quite a sidestep from
13one district court judge apparently, but and13order, because I had the same problem in the LGBTQ+14whether they had any position on the nomination14order, because I had the same problem in the LGBTQ+14whether they had any position on the nomination14case that you talked about earlier.15commission issue and that's perfectly fine, by the15JUSTICE McKINNON: All right. So, Mark, I16way, because judges are they lobby all the time;16know you have represented unpopular classes and had to17they should lobby for their budgets, for things that17probably endure feedback that wasn't always pleasant.18are important to the courts, but somehow that became18MR. WERNER: Yeah. Well, you know, I think19 and I heard that earlier in one of the panels19the link here is that I guess what this is about20something that was a black mark on the judges. All20with me is of course the Sixth Amendment, the21they were doing was polling to see if they could21requirement of a zealous representation of indigent23And Judge Krueger, who had been called in23know, talking about representing un-representable24to replace Chief Justice McGrath, was apparently24people. And, you know, the fact is, is that very few	2 3 5 7 8 9 10	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What happened what happened is, when we filed the judicial nomination case, Justice Chief Justice McGrath recused himself. I later learned it was because he talked to Governor Gianforeskin about the I mean Gianforte about the about that bill before it even came up and tried to dissuade him. So I didn't know that at the time, but then it was clear that Jake "the snake" Eaton, who is now I think	2 3 4 5 6 7 8 9 10	And that that was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark. JUDGE MOSES: Let's get into Mark. MR. WERNER: No. I'm listening. I'm listening. I'm afraid my topic is quite a sidestep from JUSTICE McKINNON: Mike, if you want to say something.
14whether they had any position on the nomination14case that you talked about earlier.15commission issue and that's perfectly fine, by the15JUSTICE McKINNON: All right. So, Mark, I16way, because judges are they lobby all the time;16know you have represented unpopular classes and had to17they should lobby for their budgets, for things that17in the courts, but somehow that became18are important to the courts, but somehow that became18MR. WERNER: Yeah. Well, you know, I think19 and I heard that earlier in one of the panels19the link here is that I guess what this is about20something that was a black mark on the judges. All20with me is of course the Sixth Amendment, the21they were doing was polling to see if they could21requirement of a zealous representation of indigent23And Judge Krueger, who had been called in23know, talking about representing un-representable24to replace Chief Justice McGrath, was apparently24people. And, you know, the fact is, is that very few	2 3 4 5 6 7 8 9 10 11	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What happened what happened is, when we filed the judicial nomination case, Justice Chief Justice McGrath recused himself. I later learned it was because he talked to Governor Gianforeskin about the I mean Gianforte about the about that bill before it even came up and tried to dissuade him. So I didn't know that at the time, but then it was clear that Jake "the snake" Eaton, who is now I think running the campaign for the governor, but friend of	2 3 4 5 6 7 8 9 10 11	And that that was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark. JUDGE MOSES: Let's get into Mark. MR. WERNER: No. I'm listening. I'm listening. I'm afraid my topic is quite a sidestep from JUSTICE McKINNON: Mike, if you want to say something. JUDGE MOSES: Well, I'll follow up on
15commission issue and that's perfectly fine, by the15JUSTICE McKINNON: All right. So, Mark, I16way, because judges are they lobby all the time;16know you have represented unpopular classes and had to17they should lobby for their budgets, for things that17issue and I heard that earlier in one of the panels19 and I heard that earlier in one of the panels18MR. WERNER: Yeah. Well, you know, I think19 and I heard that earlier in one of the panels19the link here is that I guess what this is about20something that was a black mark on the judges. All20with me is of course the Sixth Amendment, the21they were doing was polling to see if they could21requirement of a zealous representation of indigent23And Judge Krueger, who had been called in23know, talking about representing un-representable24to replace Chief Justice McGrath, was apparently24people. And, you know, the fact is, is that very few	2 3 4 5 6 7 8 9 10 11 12	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What happened what happened is, when we filed the judicial nomination case, Justice Chief Justice McGrath recused himself. I later learned it was because he talked to Governor Gianforeskin about the I mean Gianforte about the about that bill before it even came up and tried to dissuade him. So I didn't know that at the time, but then it was clear that Jake "the snake" Eaton, who is now I think running the campaign for the governor, but friend of Knudsen, they had some of these e-mails disclosed from	2 3 4 5 6 7 8 9 10 11 12	And that that was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark. JUDGE MOSES: Let's get into Mark. MR. WERNER: No. I'm listening. I'm listening. I'm afraid my topic is quite a sidestep from JUSTICE McKINNON: Mike, if you want to say something. JUDGE MOSES: Well, I'll follow up on Randy's comment saying, We're not going to follow that
16way, because judges are they lobby all the time;16know you have represented unpopular classes and had to17they should lobby for their budgets, for things that17probably endure feedback that wasn't always pleasant.18are important to the courts, but somehow that became18MR. WERNER: Yeah. Well, you know, I think19 and I heard that earlier in one of the panels19the link here is that I guess what this is about20something that was a black mark on the judges. All20with me is of course the Sixth Amendment, the21they were doing was polling to see if they could21requirement of a zealous representation of indigent23And Judge Krueger, who had been called in23know, talking about representing un-representable24to replace Chief Justice McGrath, was apparently24people. And, you know, the fact is, is that very few	2 3 4 5 7 8 9 10 11 12 13	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What happened what happened is, when we filed the judicial nomination case, Justice Chief Justice McGrath recused himself. I later learned it was because he talked to Governor Gianforeskin about the I mean Gianforte about the about that bill before it even came up and tried to dissuade him. So I didn't know that at the time, but then it was clear that Jake "the snake" Eaton, who is now I think running the campaign for the governor, but friend of Knudsen, they had some of these e-mails disclosed from one district court judge apparently, but and	2 3 4 5 6 7 8 9 10 11 12 13	And that that was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark. JUDGE MOSES: Let's get into Mark. MR. WERNER: No. I'm listening. I'm listening. I'm afraid my topic is quite a sidestep from JUSTICE McKINNON: Mike, if you want to say something. JUDGE MOSES: Well, I'll follow up on Randy's comment saying, We're not going to follow that order, because I had the same problem in the LGBTQ+
17they should lobby for their budgets, for things that17probably endure feedback that ways pleasant.18are important to the courts, but somehow that became18MR. WERNER: Yeah. Well, you know, I think19 and I heard that earlier in one of the panels19the link here is that I guess what this is about20something that was a black mark on the judges. All20with me is of course the Sixth Amendment, the21they were doing was polling to see if they could21requirement of a zealous representation of indigent23And Judge Krueger, who had been called in23know, talking about representing un-representable24to replace Chief Justice McGrath, was apparently24people. And, you know, the fact is, is that very few	2 3 4 5 7 8 9 10 11 12 13 14	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What happened what happened is, when we filed the judicial nomination case, Justice Chief Justice McGrath recused himself. I later learned it was because he talked to Governor Gianforeskin about the I mean Gianforte about the about that bill before it even came up and tried to dissuade him. So I didn't know that at the time, but then it was clear that Jake "the snake" Eaton, who is now I think running the campaign for the governor, but friend of Knudsen, they had some of these e-mails disclosed from one district court judge apparently, but and whether they had any position on the nomination	2 3 4 5 6 7 8 9 10 11 12 13 14	And that that was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark. JUDGE MOSES: Let's get into Mark. MR. WERNER: No. I'm listening. I'm listening. I'm afraid my topic is quite a sidestep from JUSTICE McKINNON: Mike, if you want to say something. JUDGE MOSES: Well, I'll follow up on Randy's comment saying, We're not going to follow that order, because I had the same problem in the LGBTQ+ case that you talked about earlier.
18 are important to the courts, but somehow that became 18 MR. WERNER: Yeah. Well, you know, I think 19 and I heard that earlier in one of the panels 19 the link here is that I guess what this is about 20 something that was a black mark on the judges. All 20 with me is of course the Sixth Amendment, the 21 they were doing was polling to see if they could 21 requirement of a zealous representation of indigent 23 And Judge Krueger, who had been called in 23 know, talking about representing un-representable 24 to replace Chief Justice McGrath, was apparently 24 people. And, you know, the fact is, is that very few	2 3 4 5 6 7 8 9 10 11 12 13 14 15	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What happened what happened is, when we filed the judicial nomination case, Justice Chief Justice McGrath recused himself. I later learned it was because he talked to Governor Gianforeskin about the I mean Gianforte about the about that bill before it even came up and tried to dissuade him. So I didn't know that at the time, but then it was clear that Jake "the snake" Eaton, who is now I think running the campaign for the governor, but friend of Knudsen, they had some of these e-mails disclosed from one district court judge apparently, but and whether they had any position on the nomination commission issue and that's perfectly fine, by the	2 3 4 5 6 7 8 9 10 11 12 13 14 15	And that that was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark. JUDGE MOSES: Let's get into Mark. MR. WERNER: No. I'm listening. I'm listening. I'm afraid my topic is quite a sidestep from JUSTICE McKINNON: Mike, if you want to say something. JUDGE MOSES: Well, I'll follow up on Randy's comment saying, We're not going to follow that order, because I had the same problem in the LGBTQ+ case that you talked about earlier. JUSTICE McKINNON: All right. So, Mark, I
 and I heard that earlier in one of the panels something that was a black mark on the judges. All they were doing was polling to see if they could take should take a position on this bill. And Judge Krueger, who had been called in to replace Chief Justice McGrath, was apparently the link here is that I guess what this is about with me is of course the Sixth Amendment, the clients. And of course in the program it states, you know, talking about representable people. And, you know, the fact is, is that very few 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What happened what happened is, when we filed the judicial nomination case, Justice Chief Justice McGrath recused himself. I later learned it was because he talked to Governor Gianforeskin about the I mean Gianforte about the about that bill before it even came up and tried to dissuade him. So I didn't know that at the time, but then it was clear that Jake "the snake" Eaton, who is now I think running the campaign for the governor, but friend of Knudsen, they had some of these e-mails disclosed from one district court judge apparently, but and whether they had any position on the nomination commission issue and that's perfectly fine, by the way, because judges are they lobby all the time;	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	And that that was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark. JUDGE MOSES: Let's get into Mark. MR. WERNER: No. I'm listening. I'm listening. I'm afraid my topic is quite a sidestep from JUSTICE McKINNON: Mike, if you want to say something. JUDGE MOSES: Well, I'll follow up on Randy's comment saying, We're not going to follow that order, because I had the same problem in the LGBTQ+ case that you talked about earlier. JUSTICE McKINNON: All right. So, Mark, I know you have represented unpopular classes and had to
 something that was a black mark on the judges. All they were doing was polling to see if they could take should take a position on this bill. And Judge Krueger, who had been called in to replace Chief Justice McGrath, was apparently they were doing was polling to see if they could know, talking about representing un-representable people. And, you know, the fact is, is that very few 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What happened what happened is, when we filed the judicial nomination case, Justice Chief Justice McGrath recused himself. I later learned it was because he talked to Governor Gianforeskin about the I mean Gianforte about the about that bill before it even came up and tried to dissuade him. So I didn't know that at the time, but then it was clear that Jake "the snake" Eaton, who is now I think running the campaign for the governor, but friend of Knudsen, they had some of these e-mails disclosed from one district court judge apparently, but and whether they had any position on the nomination commission issue and that's perfectly fine, by the way, because judges are they lobby all the time; they should lobby for their budgets, for things that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	And that that was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark. JUDGE MOSES: Let's get into Mark. MR. WERNER: No. I'm listening. I'm listening. I'm afraid my topic is quite a sidestep from JUSTICE McKINNON: Mike, if you want to say something. JUDGE MOSES: Well, I'll follow up on Randy's comment saying, We're not going to follow that order, because I had the same problem in the LGBTQ+ case that you talked about earlier. JUSTICE McKINNON: All right. So, Mark, I know you have represented unpopular classes and had to probably endure feedback that wasn't always pleasant.
 they were doing was polling to see if they could take should take a position on this bill. And Judge Krueger, who had been called in to replace Chief Justice McGrath, was apparently they were doing was polling to see if they could requirement of a zealous representation of indigent clients. And of course in the program it states, you know, talking about representing un-representable people. And, you know, the fact is, is that very few 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What happened what happened is, when we filed the judicial nomination case, Justice Chief Justice McGrath recused himself. I later learned it was because he talked to Governor Gianforeskin about the I mean Gianforte about the about that bill before it even came up and tried to dissuade him. So I didn't know that at the time, but then it was clear that Jake "the snake" Eaton, who is now I think running the campaign for the governor, but friend of Knudsen, they had some of these e-mails disclosed from one district court judge apparently, but and whether they had any position on the nomination commission issue and that's perfectly fine, by the way, because judges are they lobby all the time; they should lobby for their budgets, for things that are important to the courts, but somehow that became	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	And that that was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark. JUDGE MOSES: Let's get into Mark. MR. WERNER: No. I'm listening. I'm listening. I'm afraid my topic is quite a sidestep from JUSTICE McKINNON: Mike, if you want to say something. JUDGE MOSES: Well, I'll follow up on Randy's comment saying, We're not going to follow that order, because I had the same problem in the LGBTQ+ case that you talked about earlier. JUSTICE McKINNON: All right. So, Mark, I know you have represented unpopular classes and had to probably endure feedback that wasn't always pleasant. MR. WERNER: Yeah. Well, you know, I think
 take should take a position on this bill. And Judge Krueger, who had been called in to replace Chief Justice McGrath, was apparently to replace Chief Justice McGrath, w	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What happened what happened is, when we filed the judicial nomination case, Justice Chief Justice McGrath recused himself. I later learned it was because he talked to Governor Gianforeskin about the I mean Gianforte about the about that bill before it even came up and tried to dissuade him. So I didn't know that at the time, but then it was clear that Jake "the snake" Eaton, who is now I think running the campaign for the governor, but friend of Knudsen, they had some of these e-mails disclosed from one district court judge apparently, but and whether they had any position on the nomination commission issue and that's perfectly fine, by the way, because judges are they lobby all the time; they should lobby for their budgets, for things that are important to the courts, but somehow that became and I heard that earlier in one of the panels	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	And that that was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark. JUDGE MOSES: Let's get into Mark. MR. WERNER: No. I'm listening. I'm listening. I'm afraid my topic is quite a sidestep from JUSTICE McKINNON: Mike, if you want to say something. JUDGE MOSES: Well, I'll follow up on Randy's comment saying, We're not going to follow that order, because I had the same problem in the LGBTQ+ case that you talked about earlier. JUSTICE McKINNON: All right. So, Mark, I know you have represented unpopular classes and had to probably endure feedback that wasn't always pleasant. MR. WERNER: Yeah. Well, you know, I think the link here is that I guess what this is about
 And Judge Krueger, who had been called in to replace Chief Justice McGrath, was apparently to replace Chief Justice McGrath, was apparently And, you know, the fact is, is that very few 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What happened what happened is, when we filed the judicial nomination case, Justice Chief Justice McGrath recused himself. I later learned it was because he talked to Governor Gianforeskin about the I mean Gianforte about the about that bill before it even came up and tried to dissuade him. So I didn't know that at the time, but then it was clear that Jake "the snake" Eaton, who is now I think running the campaign for the governor, but friend of Knudsen, they had some of these e-mails disclosed from one district court judge apparently, but and whether they had any position on the nomination commission issue and that's perfectly fine, by the way, because judges are they lobby all the time; they should lobby for their budgets, for things that are important to the courts, but somehow that became and I heard that earlier in one of the panels something that was a black mark on the judges. All	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	And that that was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark. JUDGE MOSES: Let's get into Mark. MR. WERNER: No. I'm listening. I'm listening. I'm afraid my topic is quite a sidestep from JUSTICE McKINNON: Mike, if you want to say something. JUDGE MOSES: Well, I'll follow up on Randy's comment saying, We're not going to follow that order, because I had the same problem in the LGBTQ+ case that you talked about earlier. JUSTICE McKINNON: All right. So, Mark, I know you have represented unpopular classes and had to probably endure feedback that wasn't always pleasant. MR. WERNER: Yeah. Well, you know, I think the link here is that I guess what this is about with me is of course the Sixth Amendment, the
to replace Chief Justice McGrath, was apparently 24 people. And, you know, the fact is, is that very few	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What happened what happened is, when we filed the judicial nomination case, Justice Chief Justice McGrath recused himself. I later learned it was because he talked to Governor Gianforeskin about the I mean Gianforte about the about that bill before it even came up and tried to dissuade him. So I didn't know that at the time, but then it was clear that Jake "the snake" Eaton, who is now I think running the campaign for the governor, but friend of Knudsen, they had some of these e-mails disclosed from one district court judge apparently, but and whether they had any position on the nomination commission issue and that's perfectly fine, by the way, because judges are they lobby all the time; they should lobby for their budgets, for things that are important to the courts, but somehow that became and I heard that earlier in one of the panels something that was a black mark on the judges. All they were doing was polling to see if they could	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	And that that was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark. JUDGE MOSES: Let's get into Mark. MR. WERNER: No. I'm listening. I'm listening. I'm afraid my topic is quite a sidestep from JUSTICE McKINNON: Mike, if you want to say something. JUDGE MOSES: Well, I'll follow up on Randy's comment saying, We're not going to follow that order, because I had the same problem in the LGBTQ+ case that you talked about earlier. JUSTICE McKINNON: All right. So, Mark, I know you have represented unpopular classes and had to probably endure feedback that wasn't always pleasant. MR. WERNER: Yeah. Well, you know, I think the link here is that I guess what this is about with me is of course the Sixth Amendment, the requirement of a zealous representation of indigent
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What happened what happened is, when we filed the judicial nomination case, Justice Chief Justice McGrath recused himself. I later learned it was because he talked to Governor Gianforeskin about the I mean Gianforte about the about that bill before it even came up and tried to dissuade him. So I didn't know that at the time, but then it was clear that Jake "the snake" Eaton, who is now I think running the campaign for the governor, but friend of Knudsen, they had some of these e-mails disclosed from one district court judge apparently, but and whether they had any position on the nomination commission issue and that's perfectly fine, by the way, because judges are they lobby all the time; they should lobby for their budgets, for things that are important to the courts, but somehow that became and I heard that earlier in one of the panels something that was a black mark on the judges. All they were doing was polling to see if they could take should take a position on this bill.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	And that that was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark. JUDGE MOSES: Let's get into Mark. MR. WERNER: No. I'm listening. I'm listening. I'm afraid my topic is quite a sidestep from JUSTICE McKINNON: Mike, if you want to say something. JUDGE MOSES: Well, I'll follow up on Randy's comment saying, We're not going to follow that order, because I had the same problem in the LGBTQ+ case that you talked about earlier. JUSTICE McKINNON: All right. So, Mark, I know you have represented unpopular classes and had to probably endure feedback that wasn't always pleasant. MR. WERNER: Yeah. Well, you know, I think the link here is that I guess what this is about with me is of course the Sixth Amendment, the requirement of a zealous representation of indigent clients. And of course in the program it states, you
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	possibly imagine anybody saying ever. MR GOETZ: I might add on that. What happened what happened is, when we filed the judicial nomination case, Justice Chief Justice McGrath recused himself. I later learned it was because he talked to Governor Gianforeskin about the I mean Gianforte about the about that bill before it even came up and tried to dissuade him. So I didn't know that at the time, but then it was clear that Jake "the snake" Eaton, who is now I think running the campaign for the governor, but friend of Knudsen, they had some of these e-mails disclosed from one district court judge apparently, but and whether they had any position on the nomination commission issue and that's perfectly fine, by the way, because judges are they lobby all the time; they should lobby for their budgets, for things that are important to the courts, but somehow that became and I heard that earlier in one of the panels something that was a black mark on the judges. All they were doing was polling to see if they could take should take a position on this bill. And Judge Krueger, who had been called in	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	And that that was a member of the bar standing up for the right thing to do against potentially, you know, pressure to do otherwise, so Okay. I do want to get to you, Mark. JUDGE MOSES: Let's get into Mark. MR. WERNER: No. I'm listening. I'm listening. I'm afraid my topic is quite a sidestep from JUSTICE McKINNON: Mike, if you want to say something. JUDGE MOSES: Well, I'll follow up on Randy's comment saying, We're not going to follow that order, because I had the same problem in the LGBTQ+ case that you talked about earlier. JUSTICE McKINNON: All right. So, Mark, I know you have represented unpopular classes and had to probably endure feedback that wasn't always pleasant. MR. WERNER: Yeah. Well, you know, I think the link here is that I guess what this is about with me is of course the Sixth Amendment, the requirement of a zealous representation of indigent clients. And of course in the program it states, you know, talking about representing un-representable

	Page 22		Page 24
1	people, get wound get thrust into the by their	1	with who we felt who could help him at trial, and I
2	own inaction into the into the criminal justice	2	found out about it somehow, I think through some good
3	system.	3	investigative work by our office, and I confronted
4	And of course I've been with the federal	4	him. I said, This can't happen. You are you
5	system, but criminal justice is criminal justice, and	5	are you are leading me to suborn perjury, and
6	there have been times I mean, I can recite for	6	that's not going to happen. And, you know, I can't
7	everyone for quite a while probably all the things	7	I can't be your client and do this, because I can't
8	that I should do, and defenders and criminal	8	be your attorney and do this, because if I do, I'm
9	criminal defense attorneys should do, to not make a	9	being complicit with you, so I'm going to ask the
10	difficult client more difficult. I mean, you know,	10	court to relieve me, as I did in the in the first
11	you don't let them sit, there's contact, there's all	11	case with the guy who threatened me.
12	kinds of things you need to do, and it's very time	12	And, you know, did they work out? Did they
13	consuming and it's this, and it's that. And all those	13	ever get representation? Yeah, it they did. In
14	things are important.	14	the second case, that fellow was a young fellow; he
15	In terms of a client being an unbreakable,	15	kind of learned he couldn't do that or else he was
16	and what do you do, there's never much publicity about	16	going to be doing more time. In the first case, with
17	it because the Chief Federal Defender for the District	17	the person who threatened me, the U.S. Attorney's
18	of Montana has to approve any assistant Federal	18	Office just kind of lost interest in that case. They
19	Defender talking with the media, and that never	19	thought it was better if they prosecuted him for
20	happens, because he doesn't believe in it. He doesn't	20	threatening a federal officer, you know. So I went
21	believe that me talking about my client to a media	21	from questioning government witnesses to being on the
22	outlet he doesn't care whether it does me any good.	22	stand while his attorney questioned me for two and a
23	He doesn't believe it's going to do my client any	23	half hours, you know. So but and then there was
24	good.	24	a you know, there was a verdict and there was a
25	And, you know, it's kind of ironic because	25	sentence. Those things get worked out.
	Page 23		Page 25
1		1	-
1 2	other than a severe criminal sentence, what criminal	1 2	And then the other one was along the same
	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up		And then the other one was along the same lines. It was a native American case and, you know,
2	other than a severe criminal sentence, what criminal	2	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know,
2 3	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up there is the publicity that follows them for being	2 3	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know, thought that she had a better idea about how to
2 3 4	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up there is the publicity that follows them for being a social leper, so to speak, you know. And but the ones that have been	2 3 4	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know, thought that she had a better idea about how to protect her grandson than I would, and I became aware
2 3 4 5	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up there is the publicity that follows them for being a social leper, so to speak, you know.	2 3 4 5	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know, thought that she had a better idea about how to
2 3 4 5 6	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up there is the publicity that follows them for being a social leper, so to speak, you know. And but the ones that have been un-representable for me have and the three that I	2 3 4 5 6	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know, thought that she had a better idea about how to protect her grandson than I would, and I became aware of how she was in the background manipulating things, and evidence. You can't manipulate evidence.
2 3 4 5 6 7	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up there is the publicity that follows them for being a social leper, so to speak, you know. And but the ones that have been un-representable for me have and the three that I have in mind when I was thinking about this, they all	2 3 4 5 6 7	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know, thought that she had a better idea about how to protect her grandson than I would, and I became aware of how she was in the background manipulating things,
2 3 4 5 6 7 8	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up there is the publicity that follows them for being a social leper, so to speak, you know. And but the ones that have been un-representable for me have and the three that I have in mind when I was thinking about this, they all devolved to a person who because of his broken nature,	2 3 4 5 6 7 8	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know, thought that she had a better idea about how to protect her grandson than I would, and I became aware of how she was in the background manipulating things, and evidence. You can't manipulate evidence. So what do you do there? And I guess what I
2 3 4 5 6 7 8 9 10 11	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up there is the publicity that follows them for being a social leper, so to speak, you know. And but the ones that have been un-representable for me have and the three that I have in mind when I was thinking about this, they all devolved to a person who because of his broken nature, or whatever it was that that brought him in into	2 3 4 5 6 7 8 9	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know, thought that she had a better idea about how to protect her grandson than I would, and I became aware of how she was in the background manipulating things, and evidence. You can't manipulate evidence. So what do you do there? And I guess what I decided to do, I said, Well, I'm going to talk to her;
2 3 4 5 6 7 8 9 10 11 12	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up there is the publicity that follows them for being a social leper, so to speak, you know. And but the ones that have been un-representable for me have and the three that I have in mind when I was thinking about this, they all devolved to a person who because of his broken nature, or whatever it was that that brought him in into the criminal world, is so controlling that he was not going to allow his attorney to do what his attorney is required to do, which is investigate and represent him	2 3 4 5 6 7 8 9 10	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know, thought that she had a better idea about how to protect her grandson than I would, and I became aware of how she was in the background manipulating things, and evidence. You can't manipulate evidence. So what do you do there? And I guess what I decided to do, I said, Well, I'm going to talk to her; she deserves to be talked to; she's obviously got a
2 3 4 5 6 7 8 9 10 11 12 13	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up there is the publicity that follows them for being a social leper, so to speak, you know. And but the ones that have been un-representable for me have and the three that I have in mind when I was thinking about this, they all devolved to a person who because of his broken nature, or whatever it was that that brought him in into the criminal world, is so controlling that he was not going to allow his attorney to do what his attorney is required to do, which is investigate and represent him zealously.	2 3 4 5 6 7 8 9 10 11	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know, thought that she had a better idea about how to protect her grandson than I would, and I became aware of how she was in the background manipulating things, and evidence. You can't manipulate evidence. So what do you do there? And I guess what I decided to do, I said, Well, I'm going to talk to her; she deserves to be talked to; she's obviously got a brain; she's got quite a thing going here. So we
2 3 4 5 6 7 8 9 10 11 12 13 14	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up there is the publicity that follows them for being a social leper, so to speak, you know. And but the ones that have been un-representable for me have and the three that I have in mind when I was thinking about this, they all devolved to a person who because of his broken nature, or whatever it was that that brought him in into the criminal world, is so controlling that he was not going to allow his attorney to do what his attorney is required to do, which is investigate and represent him zealously. And in one case I was physically threatened	2 3 4 5 6 7 8 9 10 11 12	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know, thought that she had a better idea about how to protect her grandson than I would, and I became aware of how she was in the background manipulating things, and evidence. You can't manipulate evidence. So what do you do there? And I guess what I decided to do, I said, Well, I'm going to talk to her; she deserves to be talked to; she's obviously got a brain; she's got quite a thing going here. So we talked, and I said, you know, I want to know what's
2 3 4 5 6 7 8 9 10 11 12 13 14 15	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up there is the publicity that follows them for being a social leper, so to speak, you know. And but the ones that have been un-representable for me have and the three that I have in mind when I was thinking about this, they all devolved to a person who because of his broken nature, or whatever it was that that brought him in into the criminal world, is so controlling that he was not going to allow his attorney to do what his attorney is required to do, which is investigate and represent him zealously. And in one case I was physically threatened over the phone, and I knew what it was about because I	2 3 4 5 6 7 8 9 10 11 12 13	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know, thought that she had a better idea about how to protect her grandson than I would, and I became aware of how she was in the background manipulating things, and evidence. You can't manipulate evidence. So what do you do there? And I guess what I decided to do, I said, Well, I'm going to talk to her; she deserves to be talked to; she's obviously got a brain; she's got quite a thing going here. So we talked, and I said, you know, I want to know what's your what's your thinking about how this case needs
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up there is the publicity that follows them for being a social leper, so to speak, you know. And but the ones that have been un-representable for me have and the three that I have in mind when I was thinking about this, they all devolved to a person who because of his broken nature, or whatever it was that that brought him in into the criminal world, is so controlling that he was not going to allow his attorney to do what his attorney is required to do, which is investigate and represent him zealously. And in one case I was physically threatened over the phone, and I knew what it was about because I was about ready to leave, and in the next couple of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know, thought that she had a better idea about how to protect her grandson than I would, and I became aware of how she was in the background manipulating things, and evidence. You can't manipulate evidence. So what do you do there? And I guess what I decided to do, I said, Well, I'm going to talk to her; she deserves to be talked to; she's obviously got a brain; she's got quite a thing going here. So we talked, and I said, you know, I want to know what's your what's your thinking about how this case needs to go, and can go, to benefit your grandson? And we
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up there is the publicity that follows them for being a social leper, so to speak, you know. And but the ones that have been un-representable for me have and the three that I have in mind when I was thinking about this, they all devolved to a person who because of his broken nature, or whatever it was that that brought him in into the criminal world, is so controlling that he was not going to allow his attorney to do what his attorney is required to do, which is investigate and represent him zealously. And in one case I was physically threatened over the phone, and I knew what it was about because I was about ready to leave, and in the next couple of days on an out-of-state trip with my investigator to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know, thought that she had a better idea about how to protect her grandson than I would, and I became aware of how she was in the background manipulating things, and evidence. You can't manipulate evidence. So what do you do there? And I guess what I decided to do, I said, Well, I'm going to talk to her; she deserves to be talked to; she's obviously got a brain; she's got quite a thing going here. So we talked, and I said, you know, I want to know what's your what's your thinking about how this case needs to go, and can go, to benefit your grandson? And we talked, and she told me what she thought of what we were trying to do. And I said, Well, you know, Ma, is what I called her, Ma, I can't, as your grandson's
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up there is the publicity that follows them for being a social leper, so to speak, you know. And but the ones that have been un-representable for me have and the three that I have in mind when I was thinking about this, they all devolved to a person who because of his broken nature, or whatever it was that that brought him in into the criminal world, is so controlling that he was not going to allow his attorney to do what his attorney is required to do, which is investigate and represent him zealously. And in one case I was physically threatened over the phone, and I knew what it was about because I was about ready to leave, and in the next couple of days on an out-of-state trip with my investigator to investigate things that we thought that could help	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know, thought that she had a better idea about how to protect her grandson than I would, and I became aware of how she was in the background manipulating things, and evidence. You can't manipulate evidence. So what do you do there? And I guess what I decided to do, I said, Well, I'm going to talk to her; she deserves to be talked to; she's obviously got a brain; she's got quite a thing going here. So we talked, and I said, you know, I want to know what's your what's your thinking about how this case needs to go, and can go, to benefit your grandson? And we talked, and she told me what she thought of what we were trying to do. And I said, Well, you know, Ma, is what I called her, Ma, I can't, as your grandson's attorney, allow you to keep going this way. And so
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up there is the publicity that follows them for being a social leper, so to speak, you know. And but the ones that have been un-representable for me have and the three that I have in mind when I was thinking about this, they all devolved to a person who because of his broken nature, or whatever it was that that brought him in into the criminal world, is so controlling that he was not going to allow his attorney to do what his attorney is required to do, which is investigate and represent him zealously. And in one case I was physically threatened over the phone, and I knew what it was about because I was about ready to leave, and in the next couple of days on an out-of-state trip with my investigator to investigate things that we thought that could help him. Obviously he his mind was that I was just	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know, thought that she had a better idea about how to protect her grandson than I would, and I became aware of how she was in the background manipulating things, and evidence. You can't manipulate evidence. So what do you do there? And I guess what I decided to do, I said, Well, I'm going to talk to her; she deserves to be talked to; she's obviously got a brain; she's got quite a thing going here. So we talked, and I said, you know, I want to know what's your what's your thinking about how this case needs to go, and can go, to benefit your grandson? And we talked, and she told me what she thought of what we were trying to do. And I said, Well, you know, Ma, is what I called her, Ma, I can't, as your grandson's attorney, allow you to keep going this way. And so you have a couple choices, you know. I can let the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up there is the publicity that follows them for being a social leper, so to speak, you know. And but the ones that have been un-representable for me have and the three that I have in mind when I was thinking about this, they all devolved to a person who because of his broken nature, or whatever it was that that brought him in into the criminal world, is so controlling that he was not going to allow his attorney to do what his attorney is required to do, which is investigate and represent him zealously. And in one case I was physically threatened over the phone, and I knew what it was about because I was about ready to leave, and in the next couple of days on an out-of-state trip with my investigator to investigate things that we thought that could help him. Obviously he his mind was that I was just going to do him harm, and he didn't care that it was	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know, thought that she had a better idea about how to protect her grandson than I would, and I became aware of how she was in the background manipulating things, and evidence. You can't manipulate evidence. So what do you do there? And I guess what I decided to do, I said, Well, I'm going to talk to her; she deserves to be talked to; she's obviously got a brain; she's got quite a thing going here. So we talked, and I said, you know, I want to know what's your what's your thinking about how this case needs to go, and can go, to benefit your grandson? And we talked, and she told me what she thought of what we were trying to do. And I said, Well, you know, Ma, is what I called her, Ma, I can't, as your grandson's attorney, allow you to keep going this way. And so you have a couple choices, you know. I can let the court know what I believe you're doing, or I can
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up there is the publicity that follows them for being a social leper, so to speak, you know. And but the ones that have been un-representable for me have and the three that I have in mind when I was thinking about this, they all devolved to a person who because of his broken nature, or whatever it was that that brought him in into the criminal world, is so controlling that he was not going to allow his attorney to do what his attorney is required to do, which is investigate and represent him zealously. And in one case I was physically threatened over the phone, and I knew what it was about because I was about ready to leave, and in the next couple of days on an out-of-state trip with my investigator to investigate things that we thought that could help him. Obviously he his mind was that I was just going to do him harm, and he didn't care that it was my call about how things are investigated, and the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know, thought that she had a better idea about how to protect her grandson than I would, and I became aware of how she was in the background manipulating things, and evidence. You can't manipulate evidence. So what do you do there? And I guess what I decided to do, I said, Well, I'm going to talk to her; she deserves to be talked to; she's obviously got a brain; she's got quite a thing going here. So we talked, and I said, you know, I want to know what's your what's your thinking about how this case needs to go, and can go, to benefit your grandson? And we talked, and she told me what she thought of what we were trying to do. And I said, Well, you know, Ma, is what I called her, Ma, I can't, as your grandson's attorney, allow you to keep going this way. And so you have a couple choices, you know. I can let the court know what I believe you're doing, or I can withdraw from your son's your grandson's case, and
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up there is the publicity that follows them for being a social leper, so to speak, you know. And but the ones that have been un-representable for me have and the three that I have in mind when I was thinking about this, they all devolved to a person who because of his broken nature, or whatever it was that that brought him in into the criminal world, is so controlling that he was not going to allow his attorney to do what his attorney is required to do, which is investigate and represent him zealously. And in one case I was physically threatened over the phone, and I knew what it was about because I was about ready to leave, and in the next couple of days on an out-of-state trip with my investigator to investigate things that we thought that could help him. Obviously he his mind was that I was just going to do him harm, and he didn't care that it was my call about how things are investigated, and the strategy. He didn't care about that, and so	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know, thought that she had a better idea about how to protect her grandson than I would, and I became aware of how she was in the background manipulating things, and evidence. You can't manipulate evidence. So what do you do there? And I guess what I decided to do, I said, Well, I'm going to talk to her; she deserves to be talked to; she's obviously got a brain; she's got quite a thing going here. So we talked, and I said, you know, I want to know what's your what's your thinking about how this case needs to go, and can go, to benefit your grandson? And we talked, and she told me what she thought of what we were trying to do. And I said, Well, you know, Ma, is what I called her, Ma, I can't, as your grandson's attorney, allow you to keep going this way. And so you have a couple choices, you know. I can let the court know what I believe you're doing, or I can withdraw from your son's your grandson's case, and you better figure out a different way.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up there is the publicity that follows them for being a social leper, so to speak, you know. And but the ones that have been un-representable for me have and the three that I have in mind when I was thinking about this, they all devolved to a person who because of his broken nature, or whatever it was that that brought him in into the criminal world, is so controlling that he was not going to allow his attorney to do what his attorney is required to do, which is investigate and represent him zealously. And in one case I was physically threatened over the phone, and I knew what it was about because I was about ready to leave, and in the next couple of days on an out-of-state trip with my investigator to investigate things that we thought that could help him. Obviously he his mind was that I was just going to do him harm, and he didn't care that it was my call about how things are investigated, and the strategy. He didn't care about that, and so In another case, just a drug case, pretty	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know, thought that she had a better idea about how to protect her grandson than I would, and I became aware of how she was in the background manipulating things, and evidence. You can't manipulate evidence. So what do you do there? And I guess what I decided to do, I said, Well, I'm going to talk to her; she deserves to be talked to; she's obviously got a brain; she's got quite a thing going here. So we talked, and I said, you know, I want to know what's your what's your thinking about how this case needs to go, and can go, to benefit your grandson? And we talked, and she told me what she thought of what we were trying to do. And I said, Well, you know, Ma, is what I called her, Ma, I can't, as your grandson's attorney, allow you to keep going this way. And so you have a couple choices, you know. I can let the court know what I believe you're doing, or I can withdraw from your son's your grandson's case, and you better figure out a different way. Well, all those things, you know, they get
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	other than a severe criminal sentence, what criminal clients fear the most it's not equal, but it's up there is the publicity that follows them for being a social leper, so to speak, you know. And but the ones that have been un-representable for me have and the three that I have in mind when I was thinking about this, they all devolved to a person who because of his broken nature, or whatever it was that that brought him in into the criminal world, is so controlling that he was not going to allow his attorney to do what his attorney is required to do, which is investigate and represent him zealously. And in one case I was physically threatened over the phone, and I knew what it was about because I was about ready to leave, and in the next couple of days on an out-of-state trip with my investigator to investigate things that we thought that could help him. Obviously he his mind was that I was just going to do him harm, and he didn't care that it was my call about how things are investigated, and the strategy. He didn't care about that, and so	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	And then the other one was along the same lines. It was a native American case and, you know, there was a grandmother who didn't you know, thought that she had a better idea about how to protect her grandson than I would, and I became aware of how she was in the background manipulating things, and evidence. You can't manipulate evidence. So what do you do there? And I guess what I decided to do, I said, Well, I'm going to talk to her; she deserves to be talked to; she's obviously got a brain; she's got quite a thing going here. So we talked, and I said, you know, I want to know what's your what's your thinking about how this case needs to go, and can go, to benefit your grandson? And we talked, and she told me what she thought of what we were trying to do. And I said, Well, you know, Ma, is what I called her, Ma, I can't, as your grandson's attorney, allow you to keep going this way. And so you have a couple choices, you know. I can let the court know what I believe you're doing, or I can withdraw from your son's your grandson's case, and you better figure out a different way.

	Page 26
1	didn't represent I didn't go all the way with this
2	guy, I didn't I did not zealously represent him.
3	Well, you did, and you represented the Constitution
4	too, you know, because things have to be done fairly
5	and according to the Rule of Law.
6	And of course you are an officer of the
7	court; you're just not, you know, a tough criminal
	defendant's bag man. You are a you're an officer
8	
9	of the court, and so
10	JUSTICE McKINNON: And your reputation is
11	important.
12	MR. WERNER: And so that's kind of what
13	you know, listening to these comments and trying to
14	link it to the Constitution, like I said, that's quite
15	a sidestep from these good discussions. But so
16	that's about what I'd add, you know.
17	JUSTICE McKINNON: Well, we're almost done.
18	Did either any of you have anything further to add?
19	MR. COX: I do on a
20	JUSTICE McKINNON: I knew you did.
21	MR. COX: Yeah. Well, we're just going in
22	order here, so that's the luck of the draw.
23	So I really do want to stress the importance
24	of standing up for the judges. Judge Moses said that
25	they can't; that's true. But one of the things at the
	they can t, that's true. But one of the things at the
	Page 27
1	
1	height of some of this stuff with some of this
2	
	litigation that we were involved in, one of the things
2	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization
2 3 4	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and
2 3 4 5	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members
2 3 4 5 6	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into;
2 3 4 5 6 7	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into; it's invitation only. And a letter was put together
2 3 4 5 6 7 8	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into; it's invitation only. And a letter was put together to to defend the judiciary. And ABOTA has members
2 3 4 5 6 7 8 9	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into; it's invitation only. And a letter was put together to to defend the judiciary. And ABOTA has members left to right and everywhere in between; every single
2 3 4 5 6 7 8 9 10	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into; it's invitation only. And a letter was put together to to defend the judiciary. And ABOTA has members left to right and everywhere in between; every single member of ABOTA signed that letter.
2 3 4 5 6 7 8 9 10 11	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into; it's invitation only. And a letter was put together to to defend the judiciary. And ABOTA has members left to right and everywhere in between; every single member of ABOTA signed that letter. And I've got I urge you I'm going to
2 3 4 5 6 7 8 9 10 11 12	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into; it's invitation only. And a letter was put together to to defend the judiciary. And ABOTA has members left to right and everywhere in between; every single member of ABOTA signed that letter. And I've got I urge you I'm going to put these on the table here. I urge you to come get
2 3 4 5 6 7 8 9 10 11 12 13	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into; it's invitation only. And a letter was put together to to defend the judiciary. And ABOTA has members left to right and everywhere in between; every single member of ABOTA signed that letter. And I've got I urge you I'm going to put these on the table here. I urge you to come get it, because someday when you decide, I got to write a
2 3 4 5 6 7 8 9 10 11 12	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into; it's invitation only. And a letter was put together to to defend the judiciary. And ABOTA has members left to right and everywhere in between; every single member of ABOTA signed that letter. And I've got I urge you I'm going to put these on the table here. I urge you to come get it, because someday when you decide, I got to write a letter to the editor, or, I got to do something, this
2 3 4 5 6 7 8 9 10 11 12 13	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into; it's invitation only. And a letter was put together to to defend the judiciary. And ABOTA has members left to right and everywhere in between; every single member of ABOTA signed that letter. And I've got I urge you I'm going to put these on the table here. I urge you to come get it, because someday when you decide, I got to write a
2 3 4 5 6 7 8 9 10 11 12 13 14	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into; it's invitation only. And a letter was put together to to defend the judiciary. And ABOTA has members left to right and everywhere in between; every single member of ABOTA signed that letter. And I've got I urge you I'm going to put these on the table here. I urge you to come get it, because someday when you decide, I got to write a letter to the editor, or, I got to do something, this
2 3 4 5 6 7 8 9 10 11 12 13 14 15	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into; it's invitation only. And a letter was put together to to defend the judiciary. And ABOTA has members left to right and everywhere in between; every single member of ABOTA signed that letter. And I've got I urge you I'm going to put these on the table here. I urge you to come get it, because someday when you decide, I got to write a letter to the editor, or, I got to do something, this is a pretty good source to draw on. So that's all.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into; it's invitation only. And a letter was put together to to defend the judiciary. And ABOTA has members left to right and everywhere in between; every single member of ABOTA signed that letter. And I've got I urge you I'm going to put these on the table here. I urge you to come get it, because someday when you decide, I got to write a letter to the editor, or, I got to do something, this is a pretty good source to draw on. So that's all. JUSTICE McKINNON: I guess we could have a few questions, and we reserve the right not to answer
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into; it's invitation only. And a letter was put together to to defend the judiciary. And ABOTA has members left to right and everywhere in between; every single member of ABOTA signed that letter. And I've got I urge you I'm going to put these on the table here. I urge you to come get it, because someday when you decide, I got to write a letter to the editor, or, I got to do something, this is a pretty good source to draw on. So that's all. JUSTICE McKINNON: I guess we could have a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into; it's invitation only. And a letter was put together to to defend the judiciary. And ABOTA has members left to right and everywhere in between; every single member of ABOTA signed that letter. And I've got I urge you I'm going to put these on the table here. I urge you to come get it, because someday when you decide, I got to write a letter to the editor, or, I got to do something, this is a pretty good source to draw on. So that's all. JUSTICE McKINNON: I guess we could have a few questions, and we reserve the right not to answer
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into; it's invitation only. And a letter was put together to to defend the judiciary. And ABOTA has members left to right and everywhere in between; every single member of ABOTA signed that letter. And I've got I urge you I'm going to put these on the table here. I urge you to come get it, because someday when you decide, I got to write a letter to the editor, or, I got to do something, this is a pretty good source to draw on. So that's all. JUSTICE McKINNON: I guess we could have a few questions, and we reserve the right not to answer
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into; it's invitation only. And a letter was put together to to defend the judiciary. And ABOTA has members left to right and everywhere in between; every single member of ABOTA signed that letter. And I've got I urge you I'm going to put these on the table here. I urge you to come get it, because someday when you decide, I got to write a letter to the editor, or, I got to do something, this is a pretty good source to draw on. So that's all. JUSTICE McKINNON: I guess we could have a few questions, and we reserve the right not to answer
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into; it's invitation only. And a letter was put together to to defend the judiciary. And ABOTA has members left to right and everywhere in between; every single member of ABOTA signed that letter. And I've got I urge you I'm going to put these on the table here. I urge you to come get it, because someday when you decide, I got to write a letter to the editor, or, I got to do something, this is a pretty good source to draw on. So that's all. JUSTICE McKINNON: I guess we could have a few questions, and we reserve the right not to answer
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into; it's invitation only. And a letter was put together to to defend the judiciary. And ABOTA has members left to right and everywhere in between; every single member of ABOTA signed that letter. And I've got I urge you I'm going to put these on the table here. I urge you to come get it, because someday when you decide, I got to write a letter to the editor, or, I got to do something, this is a pretty good source to draw on. So that's all. JUSTICE McKINNON: I guess we could have a few questions, and we reserve the right not to answer
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into; it's invitation only. And a letter was put together to to defend the judiciary. And ABOTA has members left to right and everywhere in between; every single member of ABOTA signed that letter. And I've got I urge you I'm going to put these on the table here. I urge you to come get it, because someday when you decide, I got to write a letter to the editor, or, I got to do something, this is a pretty good source to draw on. So that's all. JUSTICE McKINNON: I guess we could have a few questions, and we reserve the right not to answer
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	litigation that we were involved in, one of the things that ABOTA did and ABOTA is a terrific organization devoted to protecting the right to jury trial and judicial independence, and there's roughly 50 members of it in the State of Montana; not easy to get into; it's invitation only. And a letter was put together to to defend the judiciary. And ABOTA has members left to right and everywhere in between; every single member of ABOTA signed that letter. And I've got I urge you I'm going to put these on the table here. I urge you to come get it, because someday when you decide, I got to write a letter to the editor, or, I got to do something, this is a pretty good source to draw on. So that's all. JUSTICE McKINNON: I guess we could have a few questions, and we reserve the right not to answer