

APPLICATION FOR
DISTRICT COURT JUDGESHIP

A. PERSONAL INFORMATION

1. Full name.

Laurie Andreen Grygiel

2. Birthdate.

[REDACTED]

3. Current home address.

[REDACTED]

And

[REDACTED]

In my Standing Master position, I preside in both the 13th and 22nd Judicial Districts. The 13th Judicial District is Yellowstone County. The 22nd Judicial District encompasses Big Horn, Carbon and Stillwater Counties. The position is half-time in each District, with my office and support staff in the Yellowstone County Courthouse. Dual residences allow me to efficiently manage both Districts.

4. Email address.

[REDACTED]

5. Preferred phone number.

[REDACTED]

6. Judicial position you are applying for: 13th Judicial District, Departments 9 and 10 (your application will be considered for either Department; you do not need to submit a separate application for each department).

13th Judicial District Department 9 or 10

7. Date you became a U.S. citizen, if different than birthdate.

N/A

8. Date you become a Montana resident.

May 30, 1999

B. EDUCATIONAL BACKGROUND

9. List the names and location (city, state) of schools attended beginning with high school, and the date and type of degree you received.

Hopkins Lindberg High School, Minnetonka, Minnesota High School Diploma 1979

Crown College, St. Bonifacius, Minnesota Bachelor of Arts in History and Theology May 1982

University of Denver College of Law, Juris Doctorate June, 1986

10. List any significant academic and extracurricular activities, scholarships, awards, or other recognition you received from each college and law school you attended.

College:

- **Student Senate**
- **Staff writer for "The Lance," student newspaper**
- **Alliance Youth Corp summer missions project through Crown College's denomination, the Christian and Missionary Alliance**
- **Named to "Who's Who Among Students in American Colleges and Universities"**

Law School:

- **Teaching Assistant to Professor Timothy Walker, University of Denver College of Law**
- **Intern for United States Magistrate Richard Harvey, United States District Court, District of Colorado**
- **Co-Student Editor of law journal the ABA Family Law Quarterly, University of Denver College of Law, third year**
- **Oversaw compilation of ABA Family Law Quarterly's annual review of family law, "Family Law in the 50 States" ABA Family Law Quarterly Volume 19, No. 4 (Winter 1986)**
- **Staff member, ABA Family Law Quarterly, University of Denver College of Law, second year**

C. LEGAL AND PROFESSIONAL EXPERIENCE

11. In chronological order (beginning with most recent), state each position you have held since your graduation from law school. Include the dates, names and addresses of law firms, businesses, or governmental agencies with which you have been affiliated, and your position. Include the dates of any periods of self-employment and the name and address of your office.

Standing Master: Montana's 13th and 22nd Judicial District

Presiding over civil and criminal matters referred by District Judges in Montana's 13th and 22nd Judicial District

February 18, 2020 to current

P.O. Box 35067

Billings, Montana 59107

Partner-Eakin, Berry and Grygiel dba 406 Law

Civil law firm covering Montana and the Crow and Northern Cheyenne Tribal Courts

August 2015 to February 2020

P.O. Box 2218

Billings, Montana 59103

Staff Attorney- Montana Legal Services Association

Domestic violence unit, foreclosure unit and low-income taxpayer clinic

October 2007 to July, 2015

207 N. Broadway Suite 430

Billings, Montana 59101

Executive Vice President and In House Counsel-Quality Transportation Services, Inc.

Transportation consulting and brokering firm

June, 1990 to June, 2006

P.O. Box 60240

Tucson, AZ 85751

Law Clerk, United States Magistrate Judge Nancy Fiora

February 1988 through January, 1990

James A Walsh United States Courthouse

38 Scott Street

Tucson, Arizona 85701

Law Clerk, Haralson Kinerk and Morey

Personal Injury law firm

82 S. Stone Avenue

Tucson, AZ 85701

September 1986 through June 1987

12. In chronological order (beginning with most recent), list your admissions to state and federal courts, state bar associations, and administrative bodies having special admission requirements and the date of admission. If any of your admissions have terminated, indicate the date and reason for termination.

United States Tax Court: January 2014

Northern Cheyenne Tribal Court: 2007

I am inactive there as I stopped practicing in tribal court in 2019.

Crow Tribal Court: 2007

I am inactive there as I stopped practicing in tribal court in 2019.

State Bar of Montana: October 2006

United States District Court for the District Of Montana: October, 2006

United States District Court for the District of Arizona: June, 1988

State Bar of Arizona: October 1986

I am inactive there since becoming a Standing Master in the Montana District Courts

13. Describe your typical legal areas of concentration during the past ten years and the approximate percentage each constitutes of your total practice (i.e., real estate, water rights, civil litigation, criminal litigation, family law, trusts and estates, contract drafting, corporate law, employment law, alternative dispute resolution, etc).

February 2020 to 2025:

Standing Master

I have been a Standing Master half-time in the in the 13th Judicial District and half-time in the 22nd Judicial District since February, 2020. In that position, I presided over cases involving a variety of legal areas. I estimate that the amount of time I currently spend in different areas of concentration is as follows:

Family Law: 65%

Criminal Matters: 10%

Dependency and Neglect: 10%

Civil Matters: 10%

Mediation: 5%

Family Law:

I preside over family law matters primarily, based on referrals from the nine district judges I serve. This encompasses dissolution of marriage, parenting plans, grandparent visitation, paternity cases and orders of protection. This includes contested and uncontested matters.

In Yellowstone County we have a pro se law and motion calendar twice a month for self-represented litigants in uncontested divorces and parenting plans. Each of the Standing Masters covers one pro se law and motion afternoon a month. When I started as Standing Master, pro se law and motion was before arraignments twice a month on Wednesday mornings. The courtroom was flooded with other family law litigants as well as people waiting to be called in their felony criminal matters.

When the COVID pandemic shut down the courts, I restructured pro se law and motion. Because of restrictions on in person contact, I began holding hearings telephonically, before Zoom hearings became the standard. I changed the time to Wednesday afternoon. Instead of scheduling everyone at the same time, hearings were set every 15 minutes for the convenience of the litigants, and for the efficiency of the court.

By reviewing all the pleadings in advance, I was able to send out orders notifying the parties to modify their pleadings or complete a missing step. (For example, serve the other party with the summons, or complete and file a disclosure that was not provided.) This process has resulted in fewer people having to come to court repeatedly until pleadings were correct and steps such as service of process complete. Managing self-represented litigants up front results in better outcomes and trust in the justice system.

Once we returned to in-person court, scheduling hearings every 15 minutes meant that usually the only persons in the court room besides court personnel are the litigants. This gives individuals going through some of the most difficult times in their lives the ability to have some privacy and hopefully, a little dignity. We have continued to have pro se law and motion in this manner.

I also handle guardianships, stepparent adoptions, and name changes.

Criminal Law:

I have presided over hundreds of pretrial matters in criminal felonies.

13th Judicial District : Review initial and amended criminal filings and grant leave to charge new felonies, preside over arraignments, setting conditions of bond and release, appearances on warrants and initial appearance on revocations of sentence and conditions of release, omnibus hearings, trial statuses and changes of plea.

22nd Judicial District: Beginning in 2025, I added a criminal law and motion day. The matters heard include arraignments, setting conditions of bond and release, omnibus hearings, status hearings, changes of plea, appearances of revocation of conditions of release and revocation of sentence.

Dependency and Neglect:

Judge Wald began referring dependency and neglect matters to me in Stillwater and Carbon Counties in the fall of 2024. The cases stay with me until completion, unless

termination of parental rights, voluntary or involuntary, is involved. If termination of parental rights becomes an issue, the case is referred back to Judge Wald, as the District Judge must handle any termination of parental rights. I have handled approximately twelve cases.

Once Emergency Protective Services (EPS) hearings were codified, I began covering all EPS Hearings in the 22nd Judicial District. These hearings must be held within five business days of a child being removed by the Department of Child and Family Services.

Appeals from Justice and City Courts

District Courts are the reviewing courts for courts of limited jurisdiction, such as justice courts and city courts. As Standing Master in the 22nd Judicial District, I have presided over these cases in bench trials, and sitting in review upon referral by Judge Wald.

These referrals involve a variety of cases from orders of protection to creditor issues, to a number of unusual disputes that do not fit neatly into any category, and subjects on which there is little or no law. Appeals from justice court in the 22nd Judicial District are trials de novo, so I have new trials in these matters. In order of protection appeals from city courts of record, I sit as the judge reviewing the record.

Miscellaneous Civil Matters:

Civil case referrals have included easements, creditor-debtor, partnership dissolutions, landlord-tenant and contract disputes.

Involuntary Commitments:

I preside over the reading of rights, or the initial appearances for all Petitions For Involuntary Commitment in the 22nd Judicial District. I also preside over the evidentiary hearings on State Hospital Commitments as needed, I preside at the initial reading of rights and evidentiary hearings in the 13th Judicial District Court.

Treatment Court:

I was nationally trained in therapeutic courts at the All Rise national conference this year, which I attended with Judge Knisely and treatment court staff. Starting in the spring of 2025 I began serving as Judge Knisely's alternate in her treatment courts, both her felony DUI court (STEER Court) and her Veteran's Court (CAMO court). I attend weekly staffing as often as possible, and stand in for Wednesday treatment court when Judge Knisely is in other court hearings.

Mediation/ Alternative Dispute Resolution:

In the last five years I have mediated close to 200 cases referred by judges in the 13th Judicial District. Most of the mediations involve family law, but other civil matters where one party is self-represented also are referred occasionally. Many of these cases settle, avoiding the stress of trial for the parties and clearing trials from the judges' calendars.

July 2015 to February 2020

Eakin, Berry and Grygiel dba 406 Law

My emphasis was on family law, including dissolution of marriage, parenting plans, guardianships of minors and incapacitated adults, powers of attorney, simple wills and probates, as well as limited federal tax work for individuals having issues with the Internal Revenue Service. I also assisted one of the other partners with his work in consumer law. Our firm was active in Indian Country, in the Crow and Northern Cheyenne Tribal Courts. We held the public defender contract for Crow Tribal Court.

14. Describe any unique aspects of your law practice, such as teaching, lobbying, serving as a mediator or arbitrator, etc. (exclude bar activities or public office).

Indian Country Practice:

An unusual aspect of my law practice, both at Eakin, Berry and Grygiel and at Montana Legal Services Association was my practice in Indian Country. Eakin, Berry and Grygiel was one of the few firms to appear regularly in the Northern Cheyenne and Crow Tribal Courts. The three partners all previously worked at Montana Legal Services. D. Michael Eakin and I practiced in Tribal Court while at Montana Legal Services Association. In private practice, we continued to appear in the Crow Tribal Court and Northern Cheyenne Tribal Court. We had the public defender contract for the Crow Tribal Court.

While at Montana Legal Services Association, I represented victims of domestic violence in civil matters. I spent Wednesdays circuit riding to the Crow and Northern Cheyenne Reservations where I met with victims of domestic violence, represented them in their legal cases and gave them advice.

When I was the Montana Legal Services Association staff attorney handling the Low Income Taxpayer Clinic (LITC), I enjoyed advocating for tribal members who had issues with the Internal Revenue Service (IRS). Bureaucrats with the IRS did not understand the family structure and economics of Indian country, and how that impacted family tax benefits. Most of the IRS employees that handled such matters, who were usually located on large IRS campuses in large urban areas, did not understand the intersection of federal tax law and Indian law.

Mediation:

As described above, serving as a mediator has been one of my roles as Standing Master

15. Describe the extent that your legal practice during the past ten years has included participation and appearances in state and federal court proceedings, administrative proceedings, and arbitration proceedings.

State Courts: I practiced in Montana State District Courts, and in limited jurisdiction state courts as well.

Indian Country: I practiced in two tribal courts, Northern Cheyenne Tribal Court and Crow Tribal Court.

United States Tax Court: I appeared in United States Tax Court when it sat in Helena, to advise and assist pro se litigants whose cases were set to be heard that day in court. This was through the Low Income Taxpayer Clinic. I also had a case in the United States Tax Court while at Eakin Berry ad Grygiel.

Internal Revenue Service: I represented individuals in tax matters before the Internal Revenue Service through the Low Income Taxpayer Clinic.

16. If you have appeared before the Montana Supreme Court within the last ten years (including submission of amicus briefs), state the citation for a reported case and the case number and caption for any unreported cases.

None

17. Describe three of the most important, challenging, or complex legal issues you have dealt with or legal proceedings in which you have participated during your practice.

Easement dispute: This case involved railroad easements, city easements, and other easements, some of which were abandoned. Matters were further complicated by multiple corporate entities being involved in the title chains, as well as railroads which were either absorbed by other railroads, or were defunct. The case ultimately settled.

Tax issue: A “low bono” client I had in private practice was battling a cancellation of debt issue. Her previous landlord had obtained a judgment in District Court against my client and her co-tenants. My client’s liability for past due rent and repairs was specifically limited by the state district court order. The landlord filed a 1099-C cancellation of debt with the I.R.S., but listed the entire debt owed to her, not just the amount my client was ordered to pay. As a result, my client had additional tax liability, most of which should not have been attributed to her. While the amount was less than one thousand dollars, my client was a minimum wage day care worker, so it was a tax liability she could not pay. Interest and penalties were accruing. Seeking relief in tax court was a challenging process, given the complicated procedure involved. In the end, while it was set to go to trial in U.S. Tax Court, the matter was settled administratively. The I.R.S Office Of Appeals granted the relief sought prior to trial.

Justice Court appeal: Sitting as Standing Master, I presided over a case from a Justice Court that was not a court of record that involved the renewal of a judgement. This case involved jurisdictional questions as well as statute of limitations issues. The law on both matters was sparse. The applicable case law was old. The issue that was difficult to address was whether a justice court venue rule that “saved” the statute of limitations when the action was filed in the wrong venue applied.

The Plaintiff filed to renew a judgment in a justice court in a county that lacked jurisdiction over the parties and the matter. The Plaintiff then dismissed the action filed in the wrong justice court, and refiled in the justice court where the Defendant resided, but after the time to renew a judgment had expired. The Plaintiff argued that the justice court

rule which allowed a plaintiff to use the date the action was filed in the wrong venue for purposes of meeting a statute of limitations applied.

Applying the justice court jurisdiction statute and case law, I found that rule was not applicable. Filing a case in a justice court that lacked jurisdiction over a party or matter was not the same as filing a case in a justice court where venue was improper. While there were more than one county in which jurisdiction would lie, when the creditor filed in a county which would not have jurisdiction, the justice court rule regarding venue was not applicable.

18. If you have authored and published any legal books or articles, provide the name of the article or book, and a citation or publication information.

As co-managing student editor of the ABA Family Law Quarterly at the University of Denver College of Law, I was responsible for the initial research and drafting on the annual ABA Family Law Quarterly's annual review of family law, "Family Law in the 50 States" ABA Family Law Quarterly Volume 19, No. 4 (Winter 1986). It was then finalized by Professor Timothy Walker, the managing editor of the Family Law Quarterly.

19. If you have taught on legal issues at postsecondary educational institutions or continuing legal education seminars during the past ten years, provide the title of the presentation, date, and group to which you spoke.

None in the past ten years. Between 2010 and 2015, I did present at two CLEs for the Montana Bar, one presentation at the Montana Justice of the Peace training, and participated in a panel at the University of Montana College of Law.

Justice Court Judges Training: I spoke on the subject of orders of protection at one of the Montana Justice Court annual trainings in Billings.

Pro Bono Attorneys CLE: The State Bar Pro Bono Coordinator put on a CLE on family law for attorneys interested in pro bono work. My presentation was on domestic violence in family law.

Family law and taxes CLE: The State Bar also sponsored telephonic lunch CLEs, and I presented with Julie Sirrs of Boone Karlberg on tax issues in family law.

University of Montana CLE: I participated in a panel at the University of Montana Law School put on by students for a class. The panel dealt with immigration and family law.

20. Describe your pro bono services and the number of pro bono hours of service you have reported to the Montana Bar Association for each of the past five years.

I have been a Standing Master for the past 5 years, so I did not represent any parties. In my previous active practice, I regularly assisted pro bono clients and worked with the Family Law Project.

21. Describe dates and titles of any offices, committee membership, or other positions of responsibility you have had in the Montana State Bar, other state bars, or other legal professional societies of which you have been a member and the dates of your involvement. These activities are limited to matters related to the legal profession.

I am a member of All Rise, the non-profit organization which provides training and advocacy for treatment courts nation-wide. Previously I was a member of the Montana State Bar Family Law Section and the American Bar Association Family Law Section. When I worked for Quality Transportation Services, I was a member of the Transportation Lawyers Association.

22. Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, and type of discharge received

None

23. If you have had prior judicial or quasi-judicial experience, describe the position, dates, and approximate number and nature of cases you have handled.

As Standing Master in the past five years, I have presided over hundreds of hearings and contested civil bench trials and hundreds of criminal pretrial matters including:

- **Family Law Trials:** Dissolution of marriage, parenting plans, amendment of parenting plan, orders of protection and grandparent visitation.
- **Involuntary Commitment:** Trials on the County Attorney's Petition For Involuntary Commitment to the Montana State Hospital.
- **Civil Matters:** Contract disputes, personal property disputes, name changes, guardianships, and quirky issues that are appealed from the justice courts in the 22nd Judicial District Court.
- **Civil Motions Hearings:** In addition to full-blown trials, I have presided over numerous motions hearings every year, including interim parenting, interim support and maintenance, contempt, enforcement of judgements, and setting aside judgments.
- **Felony Criminal Hearings:** Arraignments, hearings on conditions of release, changes of plea, omnibus hearings, trial status hearings, initial appearances on petitions for revocation of conditions of release or conditions of sentence.

Special Judge: In 2023 I sat as a Special Judge in the Crow Tribal Court on a case involving a dispute between the executive branch and the tribal college regarding tribal college board elections.

24. Describe any additional business, agricultural, occupational, or professional experience (other than legal) that could assist you in serving as a judge.

I worked for over 10 years for a small transportation consulting firm and brokerage which worked with maquiladora plants. We provided consulting and arranged intermodal services for manufacturers with plants in Mexico, mainly near the Arizona and Mexico border. It was a family business, and I served in dual roles of counsel as well as on the business side. My involvement on the legal side included negotiating and reviewing railroad and trucking contracts, addressing legal disputes with railroads and trucking companies. On the business side, I was involved in day-to-day operations, arranging for individual shipments, dealing with corporate personnel from executives to truckers. I also handled accounts payable. Quality Transportation Services worked with clients that shipped products in the United States, Mexico and Canada. Dealing with clients that ranged from small family businesses to large multimillion dollar corporations provided me with experience that has been useful in civil litigation and family law.

D. COMMUNITY AND PUBLIC SERVICE

25. List any civic, charitable, or professional organizations, other than bar associations and legal professional societies, of which you have been a member, officer, or director during the last ten years. State the title and date of any office that you have held in each organization and briefly describe your activities in the organization and include any honors, awards or recognition you have received.

In the last ten years I started a new law practice then became a Standing Master. Both roles involved long hours, and travel to surrounding counties. Because of those commitments, my involvement in organizations has been limited to my church, Messiah Lutheran of Red Lodge. My involvement there includes ushering, reading the Scriptures, and assisting with communion. Beyond work and church commitments, my free time is taken up with my rescue dogs, and travelling with my husband to visit our adult children, grandchildren and other family in Colorado, Arizona and Wisconsin.

26. List chronologically (beginning with the most recent) any public offices you have held, including the terms of service and whether such positions were elected or appointed. Also state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

None

E. PROFESSIONAL CONDUCT AND ETHICS

27. Have you ever been publicly disciplined for a breach of ethics or unprofessional conduct (including Rule 11 violations) by any court, administrative agency, bar association, or other professional group? If so, provide the details.

No

28. Have you ever been found guilty of contempt of court or sanctioned by any court for any reason? If so, provide the details.

No

29. Have you ever been arrested or convicted of a violation of any federal law, state law, or county or municipal law, regulation or ordinance? If so, provide the details. Do not include traffic violations unless they also included a jail sentence.

No

30. Have you ever been found liable in any civil proceedings for damages or other legal or equitable relief, other than marriage dissolution proceedings? If so, provide the citation of a reported case or court and case number for any unreported case and the year the proceeding was initiated (if not included in the case number).

No

31. Is there any circumstance or event in your personal or professional life that, if brought to the attention of the Governor or Montana Supreme Court, would affect adversely your qualifications to serve on the court for which you have applied? If so, provide the details.

No

F. BUSINESS AND FINANCIAL INFORMATION

32. Are you currently an owner, officer, director, or otherwise engaged in the management of any business other than a law practice? If so, please provide the name and locations of the business and the nature of your affiliation, and state whether you intend to continue the affiliation if you are appointed as a judge.

No

33. Have you timely filed appropriate tax returns and paid taxes reported thereon as required by federal, state, local and other government authorities? If not, please explain.

Yes

34. Have you, your spouse, or any corporation or business entity of which you owned more than 25% ever filed under title 11 of the U.S. Bankruptcy Code? If so, give details.

No

G. JUDICIAL PHILOSOPHY

35. State the reasons why you are seeking office as a district court judge.

In late 2019 when I first considered becoming a Standing Master, dealing with self-represented litigants was one of the aspects that appealed to me. I take pride in helping self-represented litigants through the legal system, and ensuring their constitutional right to due process, especially the right to be heard.

Becoming a District Judge is a logical progression to me. I would like to take on the additional responsibilities and broader role of a district court judge, without the limits of a Standing Master.

Because Standing Masters do not have law clerks, we write all our own orders. Given the requirements for writing findings of facts and conclusions of law for each final order and the heavy caseloads, I am able to handle the pressure that comes with working in the busiest district in the state. I understand the responsibility and I am capable of handling the workload.

The two new judgeships were created to alleviate overcrowded caseloads in the Thirteenth Judicial District. My extensive experience presiding over a variety of legal matters as Standing Master would serve the court and the public well. My background in a broad range of legal areas along with my business experience is also an asset that would benefit the parties and the court. I am confident that I could immediately step into the role of district judge. My background and my experiences make me an excellent and efficient choice for the position.

36. What three qualities do you believe to be most important in a good district court judge?

Respect:

A judge must demonstrate respect for the dignity of individuals appearing in court, as well as respect for people generally. Respect shows in how a judge treats people both in the courtroom and outside of the courtroom. We demand that litigants act respectfully in court, and the judge should lead by example in how he or she treats all participants in the legal system. A judge also must respect the law, from the Montana and United States Constitutions to state laws and federal laws.

Fairness/ Impartiality:

One of the cornerstones of our judicial system is that all people appearing in court are treated fairly, regardless of their religion, gender, nationality, political beliefs or economic status. A party should not be treated differently because of who they know or who they don't know. The fact that Montana is comprised of small communities where everyone knows each other places an extra burden on the judge to ensure that litigants are treated fairly.

Educated in the law and experienced in legal analysis:

Montana District Judges are general jurisdiction judges. No individual can have an in-depth understanding of every area of the law. Having strong legal training and

background, with experience in legal analysis, is a prerequisite to being able to properly adjudicate cases in multiple areas of the law.

37. What is your philosophy regarding the interpretation and application of statutes and the Constitution?

As a Standing Master, my role has been to apply existing law, and not to expand it. I think the same philosophy is applicable to a district court. It is the role of the Montana Legislature and the Montana Supreme Court to expand the law. However, I also have presided over cases in which the law is not clear or does not exist. Those cases have been appeals from justice courts where the legal issues are not necessarily issues of weighty constitutional significance. Regardless of the issue, people's lives are impacted by how I rule. In such cases, I make the best decision I can following general legal principles.

H. MISCELLANEOUS

38. Attach a writing sample authored entirely by you, **not to exceed 20 pages**. Acceptable samples include briefs, legal memoranda, legal opinions, and journal articles addressing legal topics.
39. Please provide the names and contact information for three attorneys and/or judges (or a combination thereof) who are in a position to comment upon your abilities.

**Honorable Mary Jane Knisely, District Judge,
Montana 13th Judicial District Court
217 N. 27th Street
Billings, Montana 59101
(406) 867-2500**

**Scott Twito, Yellowstone County Attorney
Yellowstone County Courthouse
217 N. 27th Street
Billings, Montana 59101
(406) 256-2870**

**Honorable Matthew J. Wald, District Judge
Montana 22nd Judicial District Court
400 E. 3rd Avenue N.
Columbus, Montana 59019
(406) 322-5406**

CERTIFICATE OF APPLICANT

I hereby state that to the best of my knowledge the answers to all questions contained in my application are true. By submitting this application I am consenting to investigation and verification of any

information listed in my application and I authorize a state bar association or any of its committees, any professional disciplinary office or committee, educational institutions I have attended, any references furnished by me, employers, business and professional associates, law enforcement agencies, all governmental agencies and instrumentalities and all other public or private agencies or persons maintaining records pertaining to my citizenship, residency, age, credit, taxes, education, employment, civil litigation, criminal litigation, law enforcement investigation, admission to the practice of law, service in the U. S. Armed Forces, or disciplinary history to release to the Office of the Governor of Montana or its agent(s) any information, files, records, or reports requested in connection with any consideration of me as a possible nominee for appointment to judicial office.

I further understand that the submission of this application expresses my willingness to accept appointment as District Court Judge if tendered by the Governor, and my willingness to abide by the Montana Code of Judicial Conduct and other applicable Montana laws (including the financial disclosure requirements of MCA § 2-2-106).

August 22, 2025 Laurin Anderson Gugert
(Date) (Signature of Applicant)

A signed original **and** an electronic copy of your application and writing sample must be submitted by
5:00 p.m. on Tuesday, August 26, 2025.

Mail the signed original to:

Hannah Slusser
Governor's Office
P.O. Box 200801
Helena, MT 59620-0801

Send the electronic copy to: hannah.slusser@mt.gov

FILED

APR 03 2021

MELISSA RANSTROM, CLERK



MONTANA TWENTY-SECOND JUDICIAL DISTRICT COURT,
STILLWATER COUNTY

IN RE THE MATTER OF:)	
)	Cause No.: DR 2020-14
SHARON CAVENDER,)	
Petitioner,)	Judge: MATTHEW J. WALD
)	Standing Master: LAURIE GRYGIEL
and)	
)	<u>Standing Master's Report</u>
RAY LIEN,)	MEMORANDUM AND ORDER DENYING
Respondent.)	RESPONDENT'S MOTION FOR
)	ATTORNEYS FEES AND COSTS

For the reasons stated below,

IT IS HEREBY ORDERED that the Respondent's *Motion For Attorney's Fees And Costs* is **DENIED**.

PROCEDURAL BACKGROUND

This matter comes before the Court on Respondent Ray Lien's *Motion For Attorney's Fees And Costs*. On June 26, 2020, the Stillwater County Justice Court granted the Petitioner Sharon Cavender ("Cavender") a *Temporary Order Of Protection* against Respondent Ray Lien ("Lien"). On July 2, 2020, the matter was removed to District Court by Lien. The matter was referred to the Standing Master by the *Standing Master Referral Order* dated July 7, 2020. A hearing was held on July 13, 2020, at which Cavender appeared pro se and Lien appeared with counsel. After a lengthy hearing the *Order of Protection* was denied. On August 3, 2020 Lien, through counsel, filed a *Motion For Attorney's Fees And Costs* and *Brief In Support Of Motion*

For Attorney's Fees And Costs. On August 11, 2020, Cavender, who had obtained counsel to respond to Lien's motion, filed her *Response to Respondent's Motion For Attorney's Fees And Costs.* Respondent's *Reply* was filed on August 26, 2020.

BACKGROUND

The hearing on the order of protection filed by Cavender against Lien was held on July 13, 2020. Both parties testified, called witnesses, and evidence was presented. As is often the case with orders of protection involving neighbors, there is a history between Lien and Cavender's family. The history here involved water rights and the use of roads in a subdivision. Cavender, proceeding pro se, testified to several incidents involving Lien that caused her to fear for her safety. She presented several corroborating witnesses.

In April 2020, Cavender was riding horseback with friends in Lien's subdivision when he started to follow them with his truck. Cavender testified that Lien eventually pinned two of riders in the barrow pit with his truck, yelling that they were not allowed on his road. Another time she testified that Lien followed her and her fellow riders after telling them to leave. Cavender believed she had permission from one of the residents to ride in the subdivision.

Cavender also testified to other incidents where it appeared to her that Lien was stalking her. For example, Lien repeatedly drove by her home, and appeared to stop where he could observe her home. The times which Lien communicated with Cavender verbally, she testified that he yelled. Jacquie Zupke, a witness for Cavender, testified to seeing a vehicle identified by Cavender as Lien's lingering by the ballpark near Cavender's residence. Zupke also testified to an incident where she was riding horseback with Cavender and family members when they noticed Lien following them. According to Zupke, Lien's behavior came across as "intimidating".

Another witness, Sarah Lewis, testified regarding the April, 2020 incident where Cavender, Lewis and others were on horseback in the Circle T subdivision where Lien resides. She testified that Lien drove up behind the riders in his truck, touching them with his pick-up. Lien herded the riders with his truck until the riders were pushed into the fence. According to Lewis, Lien touched Cavender's horse with his truck telling her to get off his road. Lewis previously boarded her horse at the Cavender's residence but stopped doing so as she no longer felt safe because of Lien.

Cavender's 13-year-old daughter testified to being frightened by an incident where she was "grabbed" off her bike by Lien and asked whether she was a Cavender when she was riding her new bike in Lien's subdivision.

In response, Lien and his witnesses explained that Lien, a retired veterinarian, was actively involved in both the Circle T Homeowner's Association and Mendenhall Ditch Company. His witnesses testified that he actively worked to control weeds and protect the Mendenhall ditch, which runs near Cavender's home. Lien testified that what Cavender perceived as him lingering and stalking her was him checking on the ditch for both maintenance and weed control issues. Lien also testified that certain times of the year he made multiple trips a day to a 120-acre parcel of land he owns nearby, and he had to pass Cavender's home on the way. His multiple daily trips past Cavender's home were not, he asserted, for the purpose of stalking her, but related to other legitimate purposes.

With regard to the incidents where Cavender alleged he followed her and other riders in the Circle T Subdivision, Lien testified that he was acting in his capacity as a member of the Homeowner's Association Board, and that Cavender did not have the right to ride in the subdivision. As a member of the Circle T Homeowner's Association Board, he had concerns

regarding the impact of horses on the subdivision's unpaved roads. In his view, he was just ensuring Cavender and her friends left the subdivision. However, Lien, a retired veterinarian, admitted that he intentionally crowded the riders with his truck.

Ultimately, the Court found Lien's explanations plausible and held that Cavender failed to establish she was in danger of harm from Lien such that a permanent Order of Protection was warranted. The Court did not, however, find that the action was without merit or frivolous.

DISCUSSION

Lien seeks an award of attorney's fees against Cavender for the costs of defending against the *Petition For Order of Protection*. He alleges first, that since he defeated the sworn petition for order of protection, an award of his attorney's fees is mandatory under §27-19-306, MCA. Alternatively, he seeks attorney's fees under the equitable exception to the American Rule for Cavender's frivolous and meritless claims.

1. Is the Respondent entitled to a mandatory award of attorney's fees for the costs of defending against the Order of Protection under §27-19-306, MCA?

Lien argues that the under § 27-19-306, MCA as interpreted by the Montana Supreme Court in *Marta v Smith*, 191 Mont. 179, 622 P.2d 1011, 1015 (1981) and *Sheridan County Electric Co-op, Inc. v. Ferguson*, 124 Mont. 543, 551, 227 P.2d 597, 601-01 (1951), the Court is required to award attorney's fees to him. The rule set forth in *Sheridan County Electrical Co-op* is that a respondent is entitled to an award of attorney's fees if the injunctive is dissolved. Under that rule, a respondent would be entitled to attorney's fees when an order of protection is denied after hearing.

Lien also cites a district court opinion by Judge Dayton, of the Third Judicial District Court, Powell County, Montana. In *Banning v. Akin* Judge Dayton granted attorney's fees to a

Respondent when, after hearing the Order of Protection was denied. *Banning v. Akin*, DV 17-55, October 25, 2017. Lien argues that Judge Dayton's ruling, while not controlling, is well-reasoned and should be followed by this Court.

Like the Petitioner here, Plaintiff Banning obtained a temporary order of protection against a neighbor. The altercation that lead to the Temporary Order of Protection occurred when Defendant was checking his water rights on Plaintiff's property. Prior to the hearing, Defendant's counsel reached out to Plaintiff's counsel seeking to get the T.O.P. dissolved. Plaintiff's counsel refused, then Defendant prevailed at the hearing. Defendant sought attorney's fees under the same statute and cases cited by Lien. The Justice of the Peace declined to award attorney's fees in the interest of justice, despite "Plaintiff's false testimony." On appeal to the District Court, Judge Dayton found that §27-19-306 MCA as interpreted by *Marta* and *Sheridan County Electrical Cooperative* was applicable to orders of protection. Defendant was entitled to attorney's fees.

It is worth noting that *Banning v. Akin* differs factually from this case. Cavender was a pro se litigant until after the hearing when she obtained counsel to respond to the attorney's fees motion. In *Banning v. Akin*, the plaintiff gave false testimony. Here, the Court did not find that Cavender lied.

Orders of protection by their terms prohibit a respondent from doing certain acts, thus they are a form of an injunction. The general provisions for injunctive relief are found under Title 27 Chapter 19 of the Montana Code Annotated. Notably, orders of protection are not found in Title 27, Chapter 19, but under Title 40 Chapter 15. In 1995, the Montana Legislature enacted the Order of Protection provisions under Title 40, Chapter 15 ("Order of Protection Statutes"). This chapter was enacted specifically "to promote the safety and protection of all victims of

partner and family member assault, victims of sexual assault, and victims of stalking." §40-15-101, MCA.

The Order of Protection Statutes in Title 40, Chapter 15 are a stand-alone statutory scheme with a specific purpose as set forth above. The individual statutes that chapter carry out that purpose. For example, the Attorney General is required to prepare instructions as well as forms for petitions and orders. The Attorney General must distribute these forms and instructions to district courts, justice courts, city courts and municipal courts. Clerks of these courts are required to make these forms available to the public at no charge. §40-15-203, MCA. There are no filing fees or fees for service of an order of protection. §40-15-204 (8), MCA. Orders of protection are entered into the United State national crime information center database and other state or federal registries of protection orders.

The Order of Protection Statutes contain many other specific provisions, including provisions for substitute addresses for petitioners, and for registration of foreign orders of protection. The statutes also set out provisions for concurrent jurisdiction among the various courts, for removal and appeal of orders of protection. Despite this detailed statutory framework, the Order of Protection Statutes do not include any attorney's fees provision, nor do they make any references to the attorney's fees provisions of §27-19-306, MCA, or to any provision of Title 27, Chapter 19.

At that time Title 15 Chapter 40 was enacted, the Montana Legislature had access to both the Montana Supreme Court cases and the statutory provisions related to injunctions found at Title 27, Chapter 19 of the Montana Code Annotated. This includes the attorney's fees provisions of §27-19-306, MCA. The Legislature could have incorporated a fees provision in the order of protection statutes. It did not do so. The Legislature could have incorporated by

reference or otherwise the provisions of §27-19-306, MCA into Title 40, Chapter 15, but it did not do so.

It is also notable that twenty-five years after the Order Of Protection Statutes were enacted, the Respondent cannot cite any Montana Supreme Court case that awards attorney's fees to a Respondent that prevails in an order of protection hearing. In fact, the Respondent has not cited, nor is this Court aware of a single case where the Montana Supreme Court applies the provisions of Title 27, Chapter 19 Injunctions to Orders of Protection under Title 40 Chapter 15.

As noted above, the Order of Protection statutes were enacted for the protection and safety of victims deemed to be eligible for orders of protection. The Legislature made the process accessible for persons seeking such protection by providing forms and waiving filing and service fees. Clearly it was anticipated that many petitioners would be proceeding pro se, and the process was designed to accommodate self-represented litigants. After enacting provisions such as these, it defies common sense that the Legislature intended that attorney's fees would be awarded in such matters. If victims had to face not only their abusers or perpetrators, but also the prospect of paying attorney's fees if they did not prevail, it certainly could have a chilling effect and discourage victims from filing. This would defeat the stated purpose of the Order of Protection Statutes.

For the reasons set forth above, this Court declines to follow Judge Dayton's ruling in *Banning v Akin*. A mandatory award of attorney's fees whenever an order of protection is denied is antithetical to the stated purposes behind the statutory scheme.

2. Is the Respondent entitled to an award of attorney's fees under the equitable exception to the American Rule?

Lien argues that he is entitled to attorney's fees under the equitable exception to the American Rule because Cavender's claims were without merit and frivolous. He cites *Bardsley v Pluger*, 2015 MT 301, ¶ 26, 381 Mont. 284, 358 P.3d 907 in support of this argument. Under *Bardsley*, a court may award attorney's fees in an action where the action is found to be without merit or frivolous. Here, Cavender's petition was neither frivolous nor without merit. As noted above, she presented several witnesses who testified to the concerns raised by Lien's actions. One witness testified she was intimidated by Lien and another stopped boarding her horse with Cavender because of safety concerns about Lien.

Also significant is Lien's admission that he acted purposefully in crowding Cavender and her friends who were on horseback off the road. While Lien was able to explain many of his actions as related to his duties for both the Mendenhall Ditch Company and the Homeowner's Association, he admitted under oath that he purposely crowded riders on horses off the road. While his actions may not have risen to the level justifying a permanent order of protection, the fact the Court did not grant Cavender the relief she sought did not mean her petition was frivolous and without merit.

The Court finds the facts in this matter do not justify an award of attorney's fees under the equitable exception to the American Rule.

CONCLUSION

Lien has not established that he is entitled to an award of attorney's fees in this matter. The lack of such a specific provision in the statutory scheme and in the case law related to orders of protection, along with the policy behind the statutory provisions indicate that attorney's fees are not appropriate in orders of protection.

Nor is Lien entitled to attorney's fees under the equitable exception to the American Rule. While the court ultimately found that Cavender was not entitled to a permanent order of protection, her petition was neither meritless nor frivolous.

The Respondent's *Motion For Attorney's Fees and Costs* is **DENIED**.

DATED this 31st day of March, 2021.


Laurie Grygiel
22nd Judicial District Standing Master

cc: Moira Murphy, Esq.
Jacqueline R. Papez, Esq.

The above stamped date indicates the date the Master's Report was filed. As of this date, the Order is immediately effective and enforceable as an Order of the Court. This judgment is final without a specific, written, timely objection. Mont. Code Ann., §3-5-126(2).

CERTIFICATE OF SERVICE:

This is to certify that the foregoing was duly served upon the parties or their counsel of record at their address. Dated this 2nd day of April.

By: 