



Lake County Courthouse Polson, Montana 59860 (406) 883-7250

Sanders County Courthouse Thompson Falls, Montana 59873 (406) 827-6962

January 14, 2025

Governor Gianforte Attn: Hannah Slusser, Governor's Office PO Box 200801 Helena, MT 59620

Re: Mr. John Mercer's Application for 20th Judicial District Judge

Dear Governor Gianforte,

I would like to enthusiastically endorse John Mercer for the vacancy in the Twentieth Judicial District, Department Two. I have had the pleasure of working with Mr. Mercer from May 2024 to January 3, 2025, in his capacity as District Judge after you previously appointed him to the fill a vacancy in Department Two.

There are a variety of reasons why you should again appoint Mr. Mercer. Primarily, he did not miss one day of work during his eight-month-long appointment. Because of this, Mr. Mercer accomplished a tremendous amount in a short time. First, he worked diligently through a lengthy backlog of cases. Second, the Twentieth Judicial District's Local Rules had not been updated since 2009. Mr. Mercer decided we should update them, so we spent months working together and were able to promulgate new rules in September. Third, when Mr. Mercer and I discovered that two individuals who we had each ordered to be committed to the custody of the Montana State Hospital had not been transported to the hospital and were—after more than a week—still in the Lake County Jail, we were both dismayed. Mr. Mercer coordinated a meeting with community stakeholders and local legislators where we discussed the issue. This has already engendered change—Lake County Commissioner Gale Decker convened a meeting a few weeks later with the newly hired C.E.O. of Western Montana Mental Health Center to discuss the possibility of re-opening our local in-patient mental health center.

Next, Mr. Mercer should be appointed because he is a respected member of our local bar and of our local community. He has lived in Polson for almost all his life. He was recently a member of the Polson School Board. And, he served our community in the Montana House of Representatives from 1984 to 2000.

Additionally, Mr. Mercer has the benefit of knowing how to do the job. He has conducted jury trials. He

has successfully conducted a judicial mediation. He has issued timely, well-researched, and thorough orders on a wide range of complex matters. He is the epitome of an outstanding District Judge. He is fair, courteous, compassionate, intelligent, and hardworking.

Finally, my endorsement of Mr. Mercer should not be interpreted as disrespect to the remaining candidates. I have had a few cases with Mr. Johnson and always found him to be prepared, intelligent, and friendly. I have not yet had the opportunity to work with Ms. Kuykendall and Ms. Lincoln. Instead, my endorsement of Mr. Mercer is founded upon the Twentieth Judicial District's need for stability and continuity. Mr. Mercer is the only candidate who can provide this.

Sincerely,

Molly Owen District Judge From: Stephanie Morrow
To: NominateJudges

Subject: [EXTERNAL] John Mercer

Date: Tuesday, January 14, 2025 5:52:43 PM

Greetings,

I would like to share my thoughts on the open judge position in the 20th Judicial District Court.

While I do not have any opposition to the other candidates, I do feel that John Mercer is a good fit for the 20th. He stepped into the position when the district really needed the assistance, and since then, Judge Owen and Mr. Mercer have worked well as a team to effectuate positive changes in the district. Based on working with him over the past few months, I feel Mr. Mercer offers the professionalism, continuity, and stability the district needs and deserves.

Best regards,

Stephanie A. Morrow, RPR Official Court Reporter

Sent from my iPhone

Dear Governor Gianforte and Lt. Governor Juras:

I am writing to recommend and request that you re-appoint John Mercer of Polson for the open position of District Judge in Lake and Sanders Counties.

During the Christmas break, John and I visited mostly to extend well-wishes and catch up on family news. Not surprisingly, we also addressed the unusual situation where the person who won election for this particular district judge position resigned prior to being sworn in. During our conversation, John stated that he has decided he would like to continue serving as district judge and hopes you will appoint him to continue in that role.

John did not ask me to write a letter of recommendation, nor have I informed him that I would do so. Admittedly, I am unaware of the decisions he has made as district judge, which limits my ability to point to any specific cases or judgments that would bolster my argument that John deserves reappointment. However, I am very familiar with his character, intellect, conservative foundation, and work ethic. He is exactly the kind of person that I want to serve as a district judge (or beyond). My failure was not working to convince John to run for this position during the last election cycle, but I plan to be much more diligent when the position is once again on the ballot in November. The people of Lake and Sanders Counties deserve a high quality district judge, and John Mercer is exactly that person.

For background information and more details, please review the letter of support that I sent on April 12, 2024.

Thank you for your consideration.

Sincerely,

Mike Foster Bozeman, Montana

To Governor Giafiurte

I know the perfect candidate for the District Judge position for Lake and Sanders County. Mr. John Mursser in Polson. I mean he's already acting judge.

Lynn Delecaris

lynndelecaris@gmail.com



Commissioners

LAKE COUNTY

106 4th Ave.

Polson, Mt. 59860

January 16, 2025

Hannah Slusser Office of the Governor Nominatejudges@mt.gov Helena, MT

The Lake County Commissioners would like to heartily endorse Mr. John Mercer to fill the vacancy in the Twentieth Judicial District that serves Lake and Sanders County.

As you are aware, Judge Mercer recently served out the remainder of the term of Judge Deborah "Kim" Christopher. By all accounts, Judge Mercer's performance during this time was exemplary. He disposed of a significant backlog of cases and established a good working relationship with the Lake County Attorney's Office and the Clerk of District Court. It is important to residents of both counties that this working relationship continue into the future.

Judge Mercer brings a wealth of experience and a deep understanding of western Montana to this position. Significant portions of Lake and Sanders County operate under Public Law 280 in a way that is unique in the State. Again, Judge Mercer's understanding of the application of PL 280 is extremely valuable when presiding over trials of Tribal members accused of committing felonies on the Flathead Reservation.

We believe that the appointment of Judge Mercer to this position is in the best interest of all residents of Lake County, and without reservation, we recommend him for this position.

Sincerely,

BOARD OF LAKE COUNTY COMMISSIONERS

Gale Decker, Chairman Steve Stanley, Member William D. Barron, Member

From: <u>Lyn Fricker</u>
To: <u>NominateJudges</u>

Subject:[EXTERNAL] Twentieth Judicial DistrictDate:Wednesday, January 15, 2025 1:48:43 PM

I'm emailing in support of John Mercer. I was the Clerk of Court in Lake County when Mr.Mercer filled in for the resigning Judge Christopher. John did an amazing job of straightening out what had become a total mess. He was a natural as a judge. He was fast and efficient and worked hard. My office was so lucky to have him step in. He is really dedicated and earned everyone's respect immediately. He would be and has been a fair and competent Judge. Lyn Platt Fricker former Clerk of District Court from 1991 to 2024. Sent from my iPhone

From: <u>Carroll, Haley</u>
To: <u>NominateJudges</u>

Subject: Nominee for District Court Judge **Date:** Tuesday, January 14, 2025 2:34:18 PM

I would like to nominate John Mercer for Lake County District court. I feel he will do amazing things for this county, being on the bench.

Thank you!

Haley Carroll
Lake County Justice Court
106 4th Ave E
Polson MT 59860
406-883-7259
haley.carroll@mt.gov

From: Rick Schoening
To: NominateJudges

Subject: [EXTERNAL] support for Judge John Mercer **Date:** Tuesday, January 14, 2025 4:47:07 PM

Greetings,

I wish to express my support for John Mercer to continue as district judge for the 20th judicial district. I have observed John on the bench during many hearings. He is of sound mind and a real do'er. He comes to the courthouse five days a week and is willing to help out with any judicial work that needs to be done.

I have known John for nearly 40 years. He is a man of integrity and devoted to public service. I have worked with many of the previous district judges as a law enforcement officer. John is truly a standout. He understands this area like none of the other candidates. This is his hometown!!

Please re-appoint Judge Mercer for the remaining two year term. Respectfully submitted,

The Honorable Rick Schoening Lake County Justice of the Peace

From: Joe Archibeque <archibequejoe10@gmail.com>

Sent: Sunday, January 26, 2025 2:20 PM

To: NominateJudges

Subject: [EXTERNAL] Appointment of John Mercer

Letter of Recommendation for John A. Mercer, Polson, MT.

I last wrote to this website in support of appointing John Mercer to District Judge in the 20th Judicial District. I'm writing again to ask that John Mercer be the appointed Judge for Polson, Mt. His record stands stellar. His family and loved ones live in and around Polson. I've known his mother for years and with all her health issues, John and brothers have been the epitome of strength. These qualities show in his commitment behind the bench also. He is the man for Polson.

Fidel J. Archibeque

Polson, Mt.

From: Dorothy Ashcraft <dashcraft49@gmail.com>

Sent: Monday, January 27, 2025 5:05 PM

To: NominateJudges

Subject: [EXTERNAL] Letter of Recommendation for John Mercer for Judge of the 20th Judicial

District

A resignation, a pending election and a gap therein...that is the situation John Mercer was faced with when he expressed is desire to serve as interim district court judge to aid in the transition. His goal was to "provide an orderly and efficient transition" for the 20th judicial district and this was accomplished. His appointment resulted in showing two counties, Lake and Sanders, and Governor Gianforte that he is highly qualified, capable and professional and should be given the first choice in this reappointment to continue his role as judge until the 2026 election.

John has a 42 year history of working for the people of Montana. From his years in his law office in Polson to the Montana House of Representatives to Speaker of the House to the Board of Regents, he has continually shown commitment to our town, county and state and has earned trust and respect along the way. A more recent example of "sense of duty" and "giving back" was made a decision to run for and to serve on the school board for Polson District #23.

Thank you for you consideration in reading this letter and we hope John Mercer remains as judge for the 20th judicial district.

Sincerely, Larry and Dorothy Ashcraft

From: Phil Barney <barnowitz@icloud.com>
Sent: Saturday, January 25, 2025 1:32 PM

To: NominateJudges

Subject: [EXTERNAL] Lake County Judge

Strongly support John Mercer for appointment as Lake County District Judge. He is eminently qualified by experience and demeanor. Thank you. Phil Barney, MD Sent from my iPhone

106 Kootenai Ave.Polson, MT 5986017 January 2024

Governor's Office Attn: Hannah Slusser PO Box 200801 Helena, MT 59620

Dear Governor Gianforte,

I'm writing in support of the Honorable John A. Mercer, to fill the vacancy of judge in the Twentieth Judicial District for Lake and Sanders Counties.

Having resided in western Montana for the past 44 years, I've witnessed many changes. Regrettably, not all have contributed to Montana remaining The Last Best Place.

Recently, in your State of the State address, you mentioned how the people of Montana have been affected by the outgoing federal government's reckless policies, which have brought more criminals and drugs into our state.

Now more than ever, our community needs a fair-minded, well respected, district judge, who will work to uphold the law, while supporting the men and women who serve our community in law enforcement. John Mercer is that man.

Over the last four years, your administration has achieved great success and delivered results which improved life for all Montanan's. I firmly believe that the appointment of John A. Mercer, will make our community a better place.

In closing, I wish to thank you for your faith and commitment to serving the people of Montana, and for this opportunity to recommend Mr. Mercer.

Kindest regards,

Brian Cannavaro

From: Sandra Carr <scarrlvnv@gmail.com>
Sent: Saturday, January 25, 2025 3:37 PM

To: NominateJudges

Subject: [EXTERNAL] 20th Judicial District Court vacancy

I would like to encourage the appointment of John A Mercer to the position vacated by Kenneth Cotter. Governor Gianforte described John Mercer as, "A Polson native, ... an accomplished attorney distinguished by his extensive legal experience and commitment to his community." Since being appointed by the governor to replace Judge Kim Christopher, he has proven he is most capable of the duties of the District Court Judge.

Sandra Carr PO Box 12 Big Arm, MT 59910

23 January 2025

It is an honor for me to recommend the selection of John A. Mercer as a court applicant for the Twentieth Judicial District. Judge Mercer has been the attorney for my family for many years and was the attorney for my parents as they completed a trust. He was a great help to me as I followed the wishes of my parents as detailed in the trust. As will happen, there were difficult family relationships and John helped me navigate challenging emotions and situations as the trust instructions were fully complied with. He later put together a trust for me. I have, on occasion, had questions regarding legal issues that John answered for me when I would "drop in" to ask them.

Judge Mercer has always been easy for me to work with, and is very clear regarding correct ways to handle legal issues. I am confident that from the bench, he maintains interest in cases before him to ensure judgements that reflect justice and fairness to individuals involved. My experience with him makes me confident that those appearing before him will receive justice in accordance with the law.

I live in Sanders County and look forward to having Judge Mercer continue the service he is currently providing residents of my county.

Ruth Cheney, COL, US Army, Ret

1806 Pine Tree Hollow

Thompson Falls, MT 59873

Linuspatty1948@gmail.com

406-529-6574

From: Richard DeJana <rdj.dejanalaw@gmail.com>

Sent: Friday, January 17, 2025 1:20 PM

To: NominateJudges

Subject: [EXTERNAL] judicial nominations

Dear Governor: I have practiced law in MOntana for over 40 years. District Judges should have proven legal expertise and proven ethics. Having practiced in Lake County in addition to my local Flathead County, I know what it takes to be a judge in that district. I am not going to make it easier for you but I want to recommend that you appoint either John Mercer or Thane Johnson. Both are highly ethical, well versed lawyers that will focus on the law and follow both statutory law, and precedent..

Wishing you success for Montana over the next 4 years.

Rich

Richard DeJana, Esq.

P.O. Box 1757

Kalispell, MT 59903-1757

406 752 4120

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From: stevedennison63@gmail.com

Sent: Thursday, January 16, 2025 2:04 PM

vicki.dennison@palcofirst.com

Subject: FW: Letter of Recommendation for John A. Mercer, Polson, MT. for District Judge

Back in April 2024, I wrote in support of John Mercer to fill the remainder of Judge Deborah Christopher's remaining term. That email is enclosed for your information and I ask that it become a part of my comments in support of his candidacy to fill this newly vacated term until the next election.

Britt Cotter was duly elected in November 2024 to fill this position, but refused to take the oath in order to defend himself against criminal charges. This is extraordinary and places a new sense of urgency to fill this vacancy quickly and with a known candidate whose credentials, behavior, appearance and performance over the time he filled this very judgeship is beyond reproach by anyone! Given these extraordinary circumstances and in the name of continuity, expediency and fairness to former Judge John Mercer who volunteered and successfully performed this judgeship with distiction, in my opinion, should be appointed by the Governor as soon as Montana Constitution and MCA Code will legally permit.

From: stevedennison63@gmail.com < stevedennison63@gmail.com >

Sent: Tuesday, April 9, 2024 4:02 PM **To:** nominatejudges@mt.gov

Subject: FW: Letter of Recommendation for John A. Mercer, Polson, MT. for District Judge

John Mercer in my opinion has an excellent demeanor, moral compass and legal expertise to serve citizens of Lake County as their District Judge. John Mercer is a partner in Turnage Mercer Wall, PLLP, Polson, Montana.

His professional biography is impressive: BA University of Montana; JD Northwestern University; Private Law Practice 1982 to Date; Speaker of the House, MT Legislature; Chair of MT Board of Regents; Distinguished Service Award from Montana Bar; Community Service Award, University of Montana.

John is a family man having retired from a successful political career to be at home and actively raise his four children. He is currently giving his time to serve on Polson School Board.

With forty-two years in private law practice, he knows Montana life and commerce issues. He knows criminal law as a defense lawyer and has served as a special prosecutor for the Polson Police Department.

In summary, his personal life, education, public service, civil and criminal experience provide a resume that few could equal across the great state of Montana. He is most worthy of appointment and will serve with distinction.

Steve & Vicki Dennison 32345 Red Horn Road St Ignatius, MT 59865 The Honorable Greg Gianforte Governor of Montana P.O. Box 200501 Helena, MT 59620

Dear Governor Gianforte,

I am writing to you to express my support for John Mercer to be reappointed to fill the position of Judge for the Twentieth Judicial District. You had the wisdom to appoint John to serve in this capacity in 2024, and I ask that you do so again.

It is clear that you know John's professional qualifications for this position. Additionally, it is apparent that you are aware of John's life-long commitment to both our State and his community. I am sure you would agree that his public service has been long, effective and, even, historic. He has proven to be a successful leader most of his life with his accomplishments, both professional and public, being well-documented and unparalleled.

With all of John's accomplishments, it is my opinion that, among his greatest qualities, is who he is as a man. First, I want to say that he is well grounded, and has been blessed with humility, compassion, and common sense. He has proven himself to be a great father with a family who loves and admires him. Many of these same qualities are what make him the obvious choice to fill this important position.

I have had many private and public meetings with John over the years. I found him to always be honest, truthful, fair, fiscally responsible, and an excellent listener who lives his life by the highest ethical standards. He is always the smartest guy in the room who has the intellect, desire, and discipline to always do the right thing. His tremendous work ethic allows him to be thorough and efficient as he has the unique ability to take very complex issues, break them down very quickly, and then explain them in a way that everyone can understand. All of these traits are unique and to be admired.

In conclusion, the people of both Lake County and Sanders County deserve John Mercer to continue his service as District Court Judge. I believe you could not appoint a more professionally qualified or a more well-rounded person to fill this judgeship.

Sincerely

Dennis H. Toussaint

From: Kelly DuBack <kelly@clarkforktitle.com>
Sent: Thursday, January 23, 2025 12:02 PM

To: NominateJudges

Subject: [EXTERNAL] District Judge

Good morning,

I have worked with John Mercer on a professional level for over 25 years and feel like he has earned the utmost respect from the community in those years and has strived hard to be the best version of himself and has succeeded in my opinion. He has filled the position and held it in high regard with great honor. I feel John Mercer is the most qualified to fill the open seat of judge and will do so with great honor and dignity.

Thank you for your time,

Kelly DuBack

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Have a great rest of your day!

PLEASE CALL OUR OFFICE AT 406-827-4381 TO VERIFY YOUR WIRE INSTRUCTIONS PRIOR TO SENDING FUNDS FOR YOUR PROTECTION! TOGETHER WE CAN HELP PREVENT FRAUD.

Kelly DuBack Clark Fork Title & Thompson Falls Escrow PO Box 9 Thompson Falls, MT 59873 406-827-4381 Phone 406-827-1013 Fax

Due to the increase in cyber-crimes the title industry is trying to take steps to be proactive in informing their clients of steps to take to ensure that you aren't a victim of such. In every transaction we will email you **only encrypted documents with Sharefile** for your security when using email.

- 1.) Set up a code word on your escrow instructions. For the Seller, this allows them to put in writing, not email, a code word that without that word will not allow anyone to alter what you want done with your proceeds.
- 2.) For buyers, if getting the closing package from us via email, you will receive our wire instructions encrypted with your closing package. **The wire instructions will NEVER change**, if you receive any instructions to wire your funds elsewhere you will need to CALL US IMMEDIATELY. We will be happy to verify the wire instructions you have **PRIOR** to you going to your bank and wiring the funds.

From: Chris Hill <wenceslas.gk@gmail.com>
Sent: Friday, January 17, 2025 12:46 PM

To: NominateJudges

Subject: [EXTERNAL] Comment for the 20th Judicial District Judge

Follow Up Flag: Follow up Flag Status: Completed

Good Morning Hannah and Kaitlin:

I have reviewed the nominee applications and based on the nominee responses and credentials I believe their names are actually in rank order of the impressions I gleaned from their snapshots. I would prefer to see Either John Mercer or Thane Johnson.

Thank you for the opportunity to review the candidates.

Chrs Hill

I urge you to reappoint John Mercer to serve as judge for the vacancy for the 20th Judicial District. He stepped up to serve and will do so again. We need a man of his caliber in our court system. - Kathy Shore. Lake County voter.

From: Chuck Jarecki <skywagon49@outlook.com>

Sent: Saturday, January 25, 2025 2:34 PM

To: NominateJudges

Subject: [EXTERNAL] John Mercer recommendation letter

218 Pheasant Ridge

Polson, MT 59860

January 25, 2025

Governor Greg Gianforte

Attn: Hanna Slusser

Governor's Office

P.O. Box 200801

Helena, MT 59620

Dear Governor Gianforte:

We are writing in support of the appointment of John Mercer to the position of District 20 Judge. John has proven that he can discharge the duties of the office since he has served as interim District 20 Judge as your appointee since May, 2024. He has efficiently cleared the District 20 judicial calendar of cases that had accumulated following the resignation of Judge Kim Christopher. He knows what the job entails.

John has had a successful law practice here in Polson for the past 40 years. During those years he made time for community service. He was elected to the Montana House of Representatives for four terms (1984-2000) and was selected Speaker, the youngest in Montana history to hold that office, during those terms. He served as Chairman of the Montana Board of Regents (2004-2006), and was appointed to a two-year restructuring and review commission for the Montana University System. Locally, John was elected to the Polson School Board and has been advisor and director of the Greater Polson Community Foundation since it was founded in 2008. This is all evidence of John's devotion to community service as well as evidence of the respect local voters have for John's leadership abilities.

We are proud to support his candidacy, not only because his success as an attorney is a testament to his knowledge of the law, but also because of his leadership and commitment to both local and state levels of community service. In addition, John already knows the responsibilities of the District 20 Judge. He has earned reappointment.

Sincerely,

Henrietta M. Jarecki and Charles M. Jarecki

From: Suzanne Booker
To: Slusser, Hannah

Subject: [EXTERNAL] John Mercer

Date: Tuesday, January 28, 2025 5:15:53 PM

January 14, 2025 (Date of original letter)

Governor's Office P.O. Box 200801 Helena MT 59620

Attention: Ms. Hannah Slusser

Dear Ms. Slusser:

This letter is in support of Governor Gianforte's appointment of John Mercer to District Court Judge for the 20th Judicial District covering Lake and Sanders Counties. I have known John Mercer for 24 years as an attorney, community member and friend. He was my attorney for the 20 years I lived in Polson and continues in that role after my move to Kalispell MT.

As my personal attorney, he has helped me with varied issues -- he is always compassionate, thoughtful, knowledgeable, and efficient. After listening patiently and intently, he is excellent at explaining and framing the points of law so that I can clearly understand them.

John Mercer has all the qualities necessary to make an excellent District Court Judge. He would bring dignity and a deep respect for the law to that position and I feel Montana would be fortunate to have him.

Sincerely,

Suzanne Booker 205 Palmer Drive Kalispell, MT 59901 406 890-7556

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[&]quot;Peace of mind is rarely found in a past remembered or a future imagined. It's found in our willingness to embrace this very moment."

From: Ronald McClellan <mcclellan@montanasky.net>

Sent: Saturday, January 25, 2025 1:53 PM

To: NominateJudges

Subject: [EXTERNAL] 20th Judicial District Appointment - Letter of Recommendation

To whom it may concern:

Supporting the appointment (again) of John Mercer to the vacant District Judge seat, 20th Judicial District.

Short and sweet:

Mr. Mercer performed his duties competently, fairly and without incident when appointed by the Governor the last time there was a need. Time for a repeat.

Mr. Mercer has already been vetted by the state's executive branch no more than a year ago and is the best candidate because he already knows the courthouse, people, procedures, and likely at least some familiarity with cases that may be ongoing along with his proven track record of being able to do the job.

To spend significant effort vetting other applicants seems a wasted effort and an unnecessary risk with a known and proven candidate ready to go on day one.

Regards, Ronald McClellan Lake County, MT

Slusser, Hannah

From: Kennedy, Alisa B. <alisa.kennedy@dentons.com>

Sent: Friday, January 31, 2025 4:42 PM

To: NominateJudges

Subject: [EXTERNAL] John Mercer

Dear Hannah and Governor Gianforte -

Lake County and more than half a lifetime of public service to the City of Polson and surrounding of area, not to mention the matter to closure was unparalleled. He is an incredibly talented lawyer and in our experience, a really great human my husband and I are both lawyers as well). John's handling of the issues, the personalities, the mediation and bringing Mercer was the most professional, knowledgeable and insightful lawyer involved in the matter (and I would note that over our property. For over a year we dealt with John and the opposing parties and counsels, and by far and away, Mr. represented our HOA and us on a highly contested matter regarding an access easement through our neighborhood and of very positive experiences with John Mercer. Not that the surrounding circumstances were positive, but he I have been following the 20th District, district court judge position and I wanted to express my support for John make John Mercer the best suited candidate to continue in the role of 20th Judicial District judge. his willingness to walk away from his private practice to fill the judicial post last year when the community needed him, him an excellent choice to continue in the role of district court judge for the 20th Judicial District. His commitment to palatable outcome for everyone involved. His lifetime of experience in the State of Montana and Lake County makes being. He treated everyone involved with respect and made every effort to minimize the contentiousness and find a Mercer. My husband and I are residents of Lake County (14416 Orvis Evans Drive in Bigfork) and we have had a number

time out of his day to do my official swearing in as a newly admitted Montana lawyer and member of the State Bar of district court judge, as well as learning all the administrative parts of the job, but was more than willing to take some My husband and I have also come to know John on a more personal level and his commitment and involvement in the called upon to do. Montana. He is just that person who is always ready willing and qualified to rise to the occasion and do whatever he is Polson community is admirable. He has had a very busy docket since he stepped up to take the temporary opening as

is be the best public servant for the community in which he was born, grew up, raised a family and still resides. John was handling in his private practice were adequately covered so that he could do what he always seems to do, and that him last year, he has learned the job well and he spent his own time (probably at some cost) making sure the cases he obviously each is qualified in their own right. However, John Mercer stepped up when the district and county needed The information I read on the four other candidates seeking the district court judge appointment is also impressive and Governor to replace Britt Cotter for the two year judicial term. I whole heartedly support John Mercer. Mercer is clearly the best choice to continue in the judicial role in the 20th District and should be appointed by the

Thank you. Alisa Kennedy

Alisa B. Kennedy

Dentons US LLP	alisa.kennedy@dentons.com	☐⊪1 312 876 7943	
	Bio [dentons.com]		
	Website [dentons.com]		

C/C Seibert

74 Upper blooming Hills

Plains MT, 59859

Itsmviunkmail@yahoo.com

412-607-4416

I am writing this asking Gov Gianforte to not consider John Mercer as judge for he is only a PROBATE atty who does wills, trust etc and has NO KNOWLEDGE of the judicial system, IN OUR CASE DV21-01, judge FAILED TO UNDERSTAND RULE 33 SIGNING OF INTERROGATORIES PERMITTING THE DEFENSE ATTY TO SIGN THE VERIFICATIONS OF INTERROGATORIES, CONTRARY TO THE M.R.Civ.P 33, MERCER FAILED ON RULE 52(a) BY NOT GIVING HIS OWN INDEPENDENT FINDINGS OF FACTS OR CONCLUSIONS OF LAW BY RUBBER STAMPING DEFENSE ATTYS BRIEF...VERBATIM, FAILED TO UNDERSTAND RULE 56(c) SUMMARY JUDGEMENT, FAILED TO RECOGNIZE FED & STATE CONSTITUTIONAL LAWS LIKE ART 1 BILL OF RIGHTS REDRESS MT ART 2 sec 16 FULL REDRESS, FAILED TO RECOGNIZE ART IV FULL FAITH AND CREDIT CLAUSE.

I charged Mercer with 3-1-805 for BIAS AND PARTIALITY WHICH MERCER THE NEXT DAY RECUSED HIMSELF OFF OUR CASE quoting "and ALL FURTHER PROCEEDINGS" ONLY FOR MERCER THE NEXT DAY SENT A ONE PAGE ORDER TO SHOW CAUSE WITH NOTHING ATTACHED AND NO EXPLAINATION, TO AMBUSH US. FAILURE TO FOLLOW RULE 7 "PARTICULARITY".

JUDGES NEW INVOLVMENT TO "SHOW CAUSE" IS A SUA SPONTE ISSUE SHOWING BIAS TO THE ESTABLISHMENT BY EITHER AN EX PARTE MEETING W/ATTY ERIN ERICKSON OR COMBING THRU THE RECORDS TO PUNISH SEIBERTS FOR DISCHARGING HIM FROM OUR CASE, BY TRYING TO GET \$\$ FOR A SO CALLED BILL, WHICH WAS PAID BUT ATTY ELEMENTRY BOOKKEEPING ERROR INSTEAD OF TRYING TO UNDERSTAND THE CASE. MORE PROOF OF ATTY JOHN MERCERS BIAS AND PARTIALITY TOWARDS THE ESTABLISHMENT.

IF JUDGE WANTED TO RETURN BACK TO OUR CASE HE FAILED AT KNOWING RULE 2.17 IN CANON, HE NEEDED TO IN WRITING ASKING IF WE WOULD WAIVE HIS DISQUALIFICATION WHICH HE DID NOT, ANOTHER FAILURE TO KNOW SIMPLE RULES OF PROCEDURES, WHICH WOULD DO EXCESSIVE HARM FOR JOHN MERCER INCOMPETENCY AND COMPLETE FAILURE TO THE JOB TITLE OF JUDGE.

Mastine Derbut

Γ I L C U
11/14/2024

11/14/2024 Cynthia Neste CLERK

Sanders County District Court STATE OF MONTANA

By: <u>Lacy Wieckowski</u> DV-45-2021-0000001-BF Mercer, John A. 121.00

HON. JOHN A. MERCER 20th Judicial District Court Lake County Courthouse 106 Fourth Avenue E Polson, MT 59860 (406) 883-7360

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CHUCK SEIBERT AND CHRISTINE SEIBERT,

Plaintiffs,

VS.

GREG JONER AND KIMBERLY JONER, d/b/a COUNTRY ROAD BUILDERS,

Defendants.

GREG JONER AND KIMBERLY JONER, d/b/a COUNTRY ROAD BUILDERS,

Third-Party Plaintiffs,

VS.

CHUCK CLINKENBEARD and TROUT CREEK TRUSS, INC.,

Third-Party Defendants.

Cause No. DV 45-2021-1

NOTICE OF REFERRAL TO THE MONTANA SUPREME COURT OF PLAINTIFFS' MOTION TO DISQUALIFY PRESIDING JUDGE AND NOTICE THAT PRESIDING JUDGE WILL PROCEED NO FURTHER IN THE CAUSE

Plaintiffs having filed a Motion and Affidavit seeking the disqualification of the presiding Judge in the above-entitled matter, in accordance with MCA 3-1-805, all are hereby notified that

NOTICE-Page 1

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said Motion and Affidavit have been referred to the Montana Supreme Court and that the undersigned presiding Judge will proceed no further in the cause.

ELECTRONICALLY DATED AND SIGNED BELOW.

Electronically Signed By: Hon. Judge John Mercer Thu, Nov 14 2024 03:08:56 PM

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 Γ I L E D11/18/2024 Cynthia Neste CLERK

Sanders County District Court STATE OF MONTANA

By: Lindsey Miller

DV-45-2021-0000001-BF Mercer, John A.

123.00

HON. JOHN A. MERCER 20th Judicial District Court Lake County Courthouse 106 Fourth Avenue E Polson, MT 59860 (406) 883-7360

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MONTANA TWENTIETH JUDICIAL DISTRICT COURT, SANDERS COUNTY

8 CHUCK SEIBERT AND CHRISTINE SEIBERT, 9

Plaintiffs,

V.

GREG JONER AND KIMBERLY JONER, d/b/a COUNTRY ROAD BUILDERS,

Defendants.

GREG JONER AND KIMBERLY JONER, d/b/a COUNTRY ROAD BUILDERS,

Third Party Plaintiffs,

v.

CHUCK CLINKENBEARD and TROUT CREEK TRUSS, INC.,

Third Party Defendants.

Cause No. Cause No. DV-45-2021-01

ORDER TO SHOW CAUSE

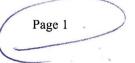
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TO: Plaintiffs CHUCK SEIBERT AND CHRISTINE SEIBERT

Plaintiffs shall appear before this Court at 10:00 am on Tuesday, December 3, 2024, to show cause, if any, why Judgment should not be entered against Plaintiffs for your failure to pay your portion of Special Master Erin Erickson's invoice in the amount of \$1,072.50.

ELECTRONICALLY DATED AND SIGNED BELOW.

ORDER TO SHOW CAUSE



Electronically Signed By: Hon. Judge John Mercer Mon, Nov 18 2024 10:42:46 AM

O'NEILL & BAGLEY LAW OFFICE, PLLC

ATTORNEYS AT LAW

MATTHEW H. O'NEILL matt@polsonlaw.com

402 First St. East, Ste. 201 P.O. Box 699 Polson, MT 59860 (406) 883-5444 Office (406) 883-1585 Fax **SKYLER C. BAGLEY** skyler@polsonlaw.com

January 30, 2025

Nominatejudges@mt.gov

Hanna Slusser Office of the Governor P.O. Box 200801 Helena, MT 59620

Re: 20th Judicial District Court vacancy

Dear Governor Gianforte:

I am honored to give my full endorsement to the re-appointment of the Honorable John A. Mercer to the 20th Judicial District Court. I have known John for the entirety of his legal career. For over 42 years I have worked with and against Mr. Mercer in a myriad of legal cases. I have also appeared in his court during his replacement of Judge Christopher's term.

I cannot conceive of a more qualified candidate. John has the perfect temperament, demeanor and intellect to serve the people of Lake County and Sanders County. His ethics are beyond reproach and he is a natural born leader.

More importantly, you should consider the need for continuity and stability in the 20th Judicial District. I cannot imagine any of the other applicants having much, if any, of a chance of defeating Mr. Mercer in the 2026 election. John was elected eight consecutive times to serve in the Montana legislature from 1984 to 2000. Not only was John elected by his constituents; he was also elected by his fellow legislators to be Speaker of the House of Representatives four times. I believe his election in 2026 is almost a sure thing and hence approving any of the other applicants would amount to a short-term appointment at best.

Sincerely,

MATTHEW H. O'NEILL

MHO:bjr

From: Aaron Pinkston <bootydew33@gmail.com>

Sent: Sunday, January 26, 2025 1:37 PM

To: NominateJudges

Subject: [EXTERNAL] Re-nomination of Mr. Mercer,

Greetings, my name is Aaron R. Pinkston and I am adding my vote for Mr. Mercer. Upon reading a previous comment regarding what and how Mr. Mercer had accomplished removing individuals from local incarceration and into a mental health facility; Mr. Mercer should be allowed to carry the torch for those who need potentially acute mental health assessment and administering. As montana has been know for the highest rates of suicide and depression; Mr. Mercer could very well be the "spearhead" that Lake County needs to combat the myriads of internal and external psychological as well as psychiatric stimlui and/or triggers plaguing many Lake County citizens. As a survivor of childhood trauma, addiction, and grief; Mr. Mercer is the prime candidate to be a judicial "light" for those who see no future or hope in fighting their internal battle. As a student of Salish and Kootenai College Psychology Program; I humbly add my support for the re-nomination of Judge Mercer.

CLERK OF DISTRICT COURT

Lake County Courthouse 106 4th Avenue East Polson MT 59860 (406) 883-7256 January 27, 2025

Governor Gianforte Attn: Hannah Slusser PO Box 200801 Helena, MT 59620

Re: John Mercer's Application for 20th Judicial District Judge

Dear Governor Gianforte,

I strongly recommend that you re-appoint John Mercer for the position of District Judge in Lake and Sanders Counties.

Mr. Mercer walked into a position that needed a lot of attention due to the backlog when the prior judge resigned. He did this with diligence. John has lived in Polson most of his life, has always been a respected attorney, and has an enthusiastic personality. He goes above and beyond what is expected of him. He brings a wealth of experience to the position and is always present when needed. He knows the job, has conducted jury trials, and has issued timely orders.

This office was so lucky to have him step in. He is so dedicated and has always been a hi profile attorney in this community.

I believe that the appointment of Judge Mercer to this position is in the best interest of all residents of Lake County.

Sincerely,

Mary Rénsvold

Lake County Clerk of Court

From: Sandie Hammer <sandie@sandiehammer.com>

Sent: Friday, January 31, 2025 8:40 AM

To: NominateJudges

Subject: [EXTERNAL] Recommendation for John Mercer for District Judge #20

I lived in Bozeman, MT my whole life and since retirement, my husband Jerry and I moved to Lake County in 2018. We have both become community members that attempt to help our county become safer and friendlier. I used to teach in Belgrade so I attend many School Board meetings and have been most impressed with John Mercer's attendance and opinions. He comes up with good solutions and listens thoughtfully to others before commenting. He is very fair and uses due process. My husband, Jerry, whom ranched for years by Manhattan, hope you sincerely appoint John Mercer to continue the Judgeship position.

Sincerely,

Sandie Travis Hammer and Jerry Hammer 678 Hawk Drive Polson, MT 59860

406-581-3033

Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android [aka.ms]

From: Jim Simpson <jim.g.simpson@gmail.com>

Sent: Friday, January 24, 2025 11:58 AM

To: NominateJudges

Subject: [EXTERNAL] Mercer nomination

I have known John Mercer for over 25 years and regard him as a Montana treasure. John's experience as a legislator taught him that there is always two sides of an argument, and he listens. This last year as a Judge here in Polson was a chance for John to display his ability to listen and make balanced decisions.

Please appoint John Mercer to the twelfth judicial district court.

Jima Simpson 122 Long Lake Drive Polson, MT 59860

Steven Cunningham

406-396-0000

steven@testenterprise.com

Please consider John A Mercer for the appointment of Lake County District Judge due to the resignation of District Judge Deborah Christopher. He has served Lake County with great honor and is a lifelong resident here. Thank you for your consideration.

NominateJudges

From: Linda Stewart <stewartlinda.ls@gmail.com>
Sent: Wednesday, January 29, 2025 2:48 PM

To: NominateJudges

Subject: [EXTERNAL] Letter of recommendation for John Mercer, Polson, MT District Judge

We would like to recommend John Mercer of Polson, Mt for District Judge. John has the expertise and moral compass that will most benefit the citizens of Lake County.

John retired from a successful political career and forty two years in a private law practice. As a defense lawyer, he knows criminal law and he has also served as a special prosecutor for the Polson Police Department. John is an outstanding community member and he has served on the Polson School board.

We are asking you to consider John Mercer, for District Judge of Lake County.

Kind regards, Wayne & Linda Stewart 359 Mission View Dr Polson, MT 59860

Francis (Frank) S Stock POB 1001 Polson MT 59860 January 16, 2025

Attn; Hannah Slusser Governor Greg Gianforte POB 200801 Helena MT 59602

Dear Governor Gianforte,

This letter is to support John Mercer's reappointment to fill the judicial vacancy in Lake and Sanders Counties. To refresh your memory attached is a letter supporting John for the temporary judicial appointment until after the election of a new judge. This letter explains how I know John and the basis for recommending him to be a judge in the 20th Judicial District.

For last several months John has performed the work and duties and has gained experience of being a judge. If appointed, John has stated that he will be a candidate in the next election for continuing being a judge. As a respected involved member of the community the probability is very high that he would be elected to continue serving the people in Lake and Sanders Counties as a district judge. He would be a great selection for this job.

Sincerely,

Francis S Stock

Francis (Frank) S Stock POB 1001 Polson MT 59860 April 16, 2024

Attn; Hannah Slusser Governor Greg Gianforte POB 200801 Helena MT 59602

Dear Governor Gianforte,

This letter is written to support John Mercer to fill the judicial vacancy covering Lake and Sanders Counties.

I first met John when he began working for the firm of Turnage and McNeil. At that time, 42 years ago Jean Turnage was the banks attorney and I was a Vice President of the bank. Jean Turnage was also President of Montana State Senate and was later elected Chief Justice of Montana Supreme Court. CB McNeil was elected judge for the 20th District. Both Turnage and McNeil were excellent attorneys and they recognized John Mercer as an intelligent, competent, energetic young attorney and selected John to join their law firm.

Early in John's legal career he was elected to the Montana Legislature and served as the youngest Speaker of the House for three terms and minority leader for one term.

John's political career begin at the same time with the election of judgeships of the two senior members of the law firm. John had plenty of work including being the bank's attorney and the bank added a trust department which increased the need for legal advise.

The bank was exclusively owned by one person although some shares had been transferred to his son who was a commercial airline pilot with several thousand hours of flight time. The son was also a computer programmer and had created a program to keep the pilot scheduling in compliance with the FAA hours of flight rules, pilot seniority rules and union rules for UPS which had a lot of planes in the air freight business.

The bank had a computer and first ATM in Lake County. The technology attracted the son's attention and he developed a telephone banking system to give verbal response for balance, if deposits were made, checks cleared and transfer funds between accounts. Common technology now but new 25 years ago . The son then started to market telephone banking system and sold one to a bank in Madison, Wisconsin and the son

and an officer of the bank flew in the son's air plane to Madison to install the telephone banking system. On the way back to Polson the plane making and instrument approach in a storm crashed in the mountains west of Kalispell killing both the son and bank officer. The crash left two widows both with grade school age children. The bank officer's sister was an attorney but John did assist with work man comp claims and showed compassion to both families. John helped the son's family and help continued through childhood until the children were through high school and after their mother passed away with breast cancer. About a year after the crash the FAA investigation concluded the crash was caused by an altimeter feeding false information to the auto pilot and this was not the first time Honeywell equipment had caused a altitude problem.

The owner of the bank had been spending his winters in San Diego and I had been promoted to Chief Executive Officer and had been managing the bank for a few years. The bank's owner had to sell the bank since he was in his eighties and his grand children were in school and his only child had died, As a heavily involved observer John did an outstanding job helping the family through a difficult time with both significant legal and personal issues.

I should mention John is my go to attorney when I need advice and he helped probating my mother in laws estate.

I was a member of the Judicial Nomination commission first appointed by Governor Stan Stephens and re appointed by Governor Marc Racicot. If John Mercer had applied to fill a judge vacancy then his name would have been on a short list sent to the Governor. John would follow the Montana State Constitution and the laws passed by the legislature and signed by the Governor. He is also respected in the community and was elected to the Polson School Board and also serves on Greater Polson Community Foundation and Polson Scholarship and Education Foundation boards. It is important a judge should promptly make decisions which John does.

John Mercer would be an excellent choice for a judge for Lake and Sanders Counties.

Sincerely,

Francis S Stock

February 1, 2025

Governor Gianforte Attn: Hannah Slusser, Governor's Office Nominatejudges@mt.gov Helena, MT 59620

Re: Support for John Mercer -- 20th Judicial District Court Judge Appointment

Dear Governor Gianforte,

I am writing to express my strong support for John Mercer's appointment to fill the vacant judge position in the 20th Judicial District Court in Montana.

I had the opportunity to work in front of Judge Mercer weekly during his tenure as a temporary judge from May 2024 until January 2025. During that time, I observed firsthand his dedication, fairness, and professionalism on the bench. He demonstrated a respect for the parties appearing before him and applied the law with integrity and sound judgment.

Even before assuming the bench, John took proactive steps to ensure he was well-prepared for the role. He reached out to me several times to seek input, as I was the managing attorney in the public defender's office at the time, demonstrating his commitment to understanding the perspectives of all stakeholders in the judicial system. Once in office, he worked diligently to improve local practices and refine the local rules to enhance the efficiency and fairness of court proceedings. Having already navigated the learning process of becoming a judge—gaining an understanding of court procedures, the responsibilities of the role, and the key stakeholders—his continued service would provide valuable continuity to the court.

Judge Mercer has already proven his capability in this role. His experience, strong work ethic, and proactive approach to judicial administration make him the best applicant for this position. His continued service would greatly benefit the 20th Judicial District and the citizens who rely on the court for fair and effective justice.

I respectfully urge you to appoint John Mercer as the judge for the 20th Judicial District Court.

Thank you for your consideration,

Sterling Laudon

NominateJudges

From: Claude I. Burlingame <cburlingame@blackfoot.net>

Sent: Thursday, February 6, 2025 5:05 PM

To: NominateJudges

Subject: [EXTERNAL] Re: Judicial Appointment, 20th Judicial District, Lake and Sanders County,

Montana

Dear Governor Gianforte,

I submit this letter in support of John Mercer to be appointed District Judge for the 20th Judicial District.

I became a member of the Montana Bar on June 10, 1974. I have lived in Sanders County, and practiced law here, continuously since September 1977.

First, I commend your 2023 appointment of John Mercer to fill the judicial vacancy arising from Judge Christopher's retirement in 2023.

Since that appointment, John has done an exemplary job as a District Court Judge. Initially, John was committed to serving until a successor was elected in the November 2024 election. Since then, he has stated, in his current application, that he intends to seek election to fill the unexpired term of this judicial office.

Second, I commend John for his past service to Lake and Sanders Counties, as an attorney from June 1982 through April 2024, and as one of our District Court Judges from May 10, 2024 through December 31, 2024.

John has proven himself as an attorney and a district judge. His appointment to fill this vacancy will instill in the residents of Lake and Sanders Counties a renewed confidence in the integrity of our judicial system, and the administration of justice in the 20th Judicial District.

Respectfully submitted this 6th day of February, 2025.

Sincerely,

Claude I. Burlingame

P.O. Box 1587 Thompson Falls, MT 59873 (406) 827-3372 cburlingame@blackfoot.net

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This email has been checked for viruses by AVG antivirus software. https://urldefense.com/v3/__http://www.avg.com__;!!GaaboA!qRSFhwPNwpRg9R5B_q-YiJggLGq99N-R5_uHCSmFuEXj6XskH4iSRILJTqTPnjSj59X1BU9nkD8Grv5w-QxUkO4xjhhb\$

Letter of Concern Regarding Corruption in Lake County, Montana: Particularly John Mercer

In 1892 Captain Richard Henry Pratt delivered a speech in Denver, Colorado that would motivate politicians, educators, religious leaders, and settlers to conduct genocide against Indigenous people in the United States. The theory preached in this motivating speech was "Kill the Indian in him and save the man." This founded the Carlisle Indian School in 1983 and many other "Indian Boarding Schools" rose from this ideology including "Indian Boarding Schools". One of the most atrocious Indian boarding schools was erected in St. Ignatius, Montana. In Lake County, within the boundaries of the Flathead Indian Reservation a piece of land tied to policy that now harbors a backyard of terrors; unmarked children's graves taken from their families and abused to death pursuant to laws of only. 1867-1970 The St. Ignatius Boarding School operated and was seen as a positive thing in political ethics of that time. The cornerstone for the Lake County Courthouse was laid in 1939.

This history is critical to understand now because the ethics have not changed among elected officials in Lake County since its establishment in the middle of the Indian Boarding School political era. This generation carries many of the same ethics taught a mere 50 years ago at their core causing Indigenous murders to be frequently dismissed, under-prosecuted, and unprosecuted on the Flathead Indian Reservation. See 20th Judicial District Court Cases: Baby Girl murder (suspect was detained to be let out on own recognizance and now simply doesn't show up for hearings), Cassandra Harris murder (three men participated, each got their case dismissed), Kaylee Hale murder (Lake County Judge Molly Owen let the defendant out on his Own Recognizance – the result was Kaylee's murder soon thereafter and the person with her body was the same man released by Judge Owen, the bond was set "reasonably" at \$5,000 after the murder - the suspect/defendant now taunts the family for amusement), and dozens of others in recent political times.

Judge John Mercer was the motivating force for Judge Deborah Kim Christopher to run her first election campaign. When I worked for Judge Christopher, she introduced him to me as a good friend and explained his significant role in her story of becoming a judge. The judicial branch has historical ethics that indigenous people are subhuman, and women are less valuable than men. It is beyond time for change. These acts and omissions are illegal discrimination however in Lake County they are promoted and uprising results in taunting and termination. Presently Lake County & Sanders County experience significantly disproportionate MMIP crimes, the posters are everywhere with missing women, men, and children. The crimes against Indigenous people are permitted by the judicial branch locally and the result is a surge in missing people, many now have been missing for several months or years.

It is time for a change, for civic leaders that do not weigh a human being on their ethnic background paired with what sex they are. We need a judge on the Flathead Indian Reservation that holds Indigenous values at their core - because there would be a higher chance of fair proceedings for the Indigenous people that have been forced onto the Flathead Indian Reservation. Ideas were passed down through Captain Pratt's subsequent generation, the same generation that laid the racist and sexist cornerstone of the Lake County Courthouse in 1939. This cornerstone is rotten, the courthouse's foundation is in critical need of being replaced with a new cornerstone. One that provides legal public service to the Flathead Reservation, someone that will serve the public without bias and cruelty. We need someone who values Indigenous people, the genocide will silently continue without this piece in the justice system on the Flathead Indian Reservation.

I am not only a very concerned citizen but also a former judicial assistant to Judge Deborah Kim Christopher (2019-2022). I am the recipient of a forced resignation after being harassed daily by other elected officials (especially Judge Manley and Clerk Lyn Fricker) in the Lake County Courthouse: see Lake County District Court Case DV-24-128 Raeann Emerson v. State of Montana Supreme Court regarding corruption, sexual harassment, and hostile work environment claims in the Lake County Courthouse. This case was illegally sealed until the weekend before elections in Lake County, the case is open to the public for good reasons. Lyn Fricker was frequently sabotaging Judge Christopher's cases and orders, causing office quibbles and bullying people as often as she could. It was horrible to watch the disservices bestowed upon the public while working in the Lake County Courthouse.

Thank you for taking my viewpoint into consideration as we move into a very important political choice for the justice system on the Flathead Indian Reservation.

Raeann Lorraine Emerson

2/11/2025

NominateJudges

From: Viveca Culver <viveca44@msn.com>
Sent: Wednesday, February 5, 2025 11:49 AM

To: NominateJudges

Subject: [EXTERNAL] John Mercer for 20th District

Dear Governor,

John Mercer is the best candidate to act as judge in the 20th Judicial District. He is from the area and has already gained experience on the job. At the same time he has gained the respect of the local community that has seen him to be a man of character with the ability to handle cases in a fair manner.

Please appoint John A. Mercer for the 20th Judicial District.

Sincerely,

Viveca Culver St Ignatius, MT February 4, 2025

Governor Gianforte,

John A. Mercer is an exceptional choice to fill the Judge vacancy in the 20th Judicial District. He was appointed and served well during the vacancy left in Department 2 after Judge Christopher retired in 2024. I had the privilege of working with him in Sanders County. His diverse legal and professional experience with the laws of Montana were evident in the courtroom. He was attentive and fair in all court decisions. I trust that his decisions are fair and that he will serve our community well if chosen. I look forward to working with him again soon.

Respectfully,

Bryon Ekberg

G & G Livestock 32612 Marion Lane Polson, MT 59860

January 27, 2025

Governor Greg Gianforte Attn: Hanna Slusser Governor's Office P.O. Box 200801 Helena, MT 59620

Dear Governor Gianforte:

We are writing to you to support John Mercer for the position of District 20 Judge. John is widely respected in our community. We as ranchers in this community have known John for over 35 years and his professionalism is genuine. As a lawyer, he's been willing to advise us on simple matters and we wouldn't hesitate to go to him for help with complex legal issues.

He has done a lot of hard work serving as the interim District 20 Judge when Judge Kim Christopher resigned ~ not an easy assignment from what we've heard with the back log of cases in front of him. His success in that role is evidence that he's totally qualified for reappointment.

John is intelligent, talented, and dedicated at whatever task is in front of him. He cares about the community of Polson, and despite his professional career, he's made time to serve on the school board.

He is an exceptional individual and would make an outstanding candidate for the role of District 20 Judge.

Sincerely,

Jeres Gardner

Jeres Gardner Lynn Gardner and Greg Gardner

218 Pheasant Ridge Polson, MT 59860 January 25, 2025

Governor Greg Gianforte

Att: Hanna Slusser
Governor's Office
P.O. Box 200801
Helena, MT 59620

Dear Governor Gianforte:

We are writing in support of the appointment of John Mercer to the position of District 20 Judge. John has proven that he can discharge the duties of the office since he has served as interim District 20 Judge as your appointee since May, 2024. He has efficiently cleared the District 20 judicial calendar of cases that had accumulated following the resignation of Judge Kim Christopher. He knows what the job entails.

John has had a successful law practice here in Polson for the past 40 years. During those years he made time for community service. He was elected to the Montana House of Representatives for four terms (1984-2000) and was selected Speaker, the youngest in Montana history to hold that office, during those terms. He served as Chairman of the Montana Board of Regents (2004-2006), and was appointed to a two-year restructuring and review commission for the Montana University System. Locally, John was elected to the Polson School Board and has been advisor and director of the Greater Polson Community Foundation since it was founded in 2008. This is all evidence of John's devotion to community service as well as evidence of the respect local voters have for John's leadership abilities.

We are proud to support his candidacy, not only because his success as an attorney is a testament to his knowledge of the law, but also because of his leadership and commitment to both local and state levels of community service. In addition, John already knows the responsibilities of the District 20 Judge. He has earned reappointment.

Henrietta M. Jarecki Malas M. arein

Henrietta M. Jarecki and Charles M. Jarecki

Brendan McQuillan 34392 Rocky Point Rd. Polson, MT 59860

February 11, 2025

Governor Gianforte,

I write to express my enthusiastic support for John Mercer to once again be appointed to serve as District Court Judge for the 20^{th} Judicial District of Montana. I have practiced weekly in the 20^{th} Judicial District Court initially as a public defender and then as a prosecutor for the past10 years.

I witnessed first-hand Judge Mercer selflessly step forward to serve as interim District Court Judge when our system was disrupted during the unfortunate resignation of the Honorable Judge Christopher. I did not know Judge Mercer personally prior to his judgeship except in passing. Of course, his reputation preceded him as an experienced attorney, the longest serving Speaker of the House in Montana State history, and as a philanthropic long-term member of the local community.

When Judge Mercer donned the robes, he wildly exceeded my expectations. It was immediately apparent he was one of the finest hearings administrators before whom I had ever worked. He runs the courtroom with efficiency and grace, expressing respect and patience for all parties no matter what their social, political, or economic stature. His analytical mind moves quickly, and his sharp inquisitive questions probed deep to the issue and procedure at hand. Often Judge Mercer would suggest a collaborative approach or creative solution to the mutual benefit of parties while eschewing a zero-sum game mentality. This refreshing approach prioritized successful outcomes over entrenched adversarialism and finger pointing.

Judge Mercer's capacity to request feedback, listen carefully, and rapidly integrate newly acquired information is enviable. When he started, he was admittedly new to some aspects of criminal courtroom procedure. As such, he would humbly implore all parties to assist him in navigating the process. He made these requests with sincere regard for the law and the rights of the parties before him. Judge Mercer makes hard decisions thoughtfully and respectfully.

Once again Judge Mercer has expressed his willingness to step forward and serve the court and the community while setting aside his lucrative private practice. He has already shown himself to be a stable and calming force on our local court. I sincerely look forward to practicing before him again when and if he receives this appointment.

Thank you for your thoughtful consideration,

Governor Gianforte,

I am honored to have worked John Mercer in his recent capacity as District Court Judge in Sanders County. I served enjoyed working as his bailiff in the courtroom. He was always present and has proven himself to be an excellent Judge. John is patient and kind to our many pro se litigants and ensures that they are treated with fairness. He is knowledgeable and consistent in upholding the laws Montana. I am grateful that he was able to step in and fill the vacancy in 2024. It would be wonderful to have him step back into that role and keep continuity in the cases that he was already presiding over as well as supporting the teams that already have a trusting and wonderful working relationship with him. I believe that he is the best choice for appointment and am confident that he would seek and win the election in the coming term.

Jason

James A. Manley Montana 20th Judicial Court Judge, retired

Polson, Montana 59860

jmmnly26@gmail.com (406)250-8620

February 9, 2025

Hon. Governor Gianforte

AttN: Hannah Slusser, Governor's Office

PO Box 200801 Helena, MT 59620

Re: Judge John Mercer's Application for 20th Judicial District Judge

Dear Governor Gianforte:

I write in support of the application of Judge John Mercer to be reappointed to 20th Judicial District Court Judge.

I have known and worked with John here for 40 years.

I retired as the district judge here in 2022, so many people feel compelled to tell me how the current judges are doing. By all accounts, John is doing an exceptional job in this position since you appointed him last year.

The people in this community know John well. We trust him, and respect his good judgment, integrity and sense of fairness. He is intelligent, experienced and hard-working.

Many of us were happily surprised to learn that John is willing to continue to serve in this important job. We hope you will allow him to.

Sincerely,

Jim Manley

NominateJudges

From: MarciaA@Montana.com

Sent: Monday, February 3, 2025 4:29 PM

To: NominateJudges

Subject: [EXTERNAL] Letter of Recommendation for John A. Mercer, Polson, MT for District Judge

We would ask that you consider John Mercer to fill the vacancy as District Judge for Lake County.

We have known John for 40 years as a friend of our family. He has practiced law for forty-two years, as a partner in Turnage Mercer & Wall. He knows criminal law as a defense attorney and has served as a special prosecutor for the Polson Police Department.

As well as practicing law, John has had a successful political career, is active in Polson civic activities as well as serving on the Polson School Board. John has the character and moral standing that will continue to make Lake County proud. He has the credentials, and showed the behavior, appearance and performance over the time he filled this very judgeship! His resume is impressive and he is worthy of the appointment and will serve with distinction.

Bill and Marcia Boone Amrine 33675 Mission Dam Rd St. Ignatius, MT 59865

OFFICE OF THE LAKE COUNTY ATTORNEY

LAKE COUNTY COURTHOUSE

106 Fourth Avenue East Polson, Montana 59860-2183 Phone (406) 883-7245 Fax (800) 878-9735

LAKE COUNTY ATTORNEY JAMES A. LAPOTKA

DEPUTY COUNTY ATTORNEYS

BENJAMIN R. ANCIAUX MICHELLE SIEVERS LORI ADAMS

CHIEF DEPUTY COUNTY ATTORNEY BRENDAN MCQUILLAN

February 11, 2025

Re: John Mercer's Application for the 20th Judicial District Judge

Governor Gianforte,

I would like to express my unwavering support for John Mercer's application to continue the good work he has done here since his last appointment in May, 2024. As you know, Judge Mercer stepped up and volunteered to help our Judicial District through a time of uncertainty and turmoil created by the abrupt resignation of Judge Christpher. We again find ourselves in a similar void of stability.

When Judge Mercer was first appointed, he dove right into the job and absorbed as much information as possible. Mercer asked insightful questions, listened with patience and humility, and brought a considerate and inquisitive mind to the bench. Mercer rapidly got up to speed and easily handled the tremendous backlog of cases that were waiting for him. Mercer easily adapted to the various agencies that a judge must work with, the Sheriff's Office, Clerk's Office, Detention staff, Court reporters, and the local bar.

Judge Mercer has deep ties to our community and unique institutional knowledge that none of the other applicants have. Mercer has spent his entire career serving the people of the 20th Judicial District as a legislator and an attorney. His knowledge of the unique jurisdictional issues and cooperative law enforcement agreements here is essential.

Judge Mercers experience in the legislature bring an important understanding of the proper role of a judge when interpreting statutes and determining the will of the legislature, he even had the opportunity recently to rule on the application of a DUI law he helped craft in Helena. His deep commitment to the separation of powers and role of the Judiciary is essential in a time of increased public distrust of our court system.

I hope to see Judge Mercer back on the bench soon,

poth

James Lapotka

Lake County Attorney

Slusser, Hannah

From: Marylee Syme <marylee.syme@symeusa.com>

Sent: Monday, February 10, 2025 2:27 PM

To: NominateJudges

Subject: [EXTERNAL] Recommendation of John Mercer of Polson Mt, for District Judge

Due to the situation with Britt Cotter who was elected as District Judge in November 2024 but unable to fill the position, leaving it vacant; we recommend it is filled by John Mercer, who has been in the position for the last several months on a temporary basis. This will bring stability to the Court. He has impeccable credentials and has been a successful politician and lawyer. He is an active and well respected member of the community. He will be a distinguished judge for this District.

Thank you for your attention to this matter.

Very truly yours,

Marylee R. Syme

SANDERS COUNTY DISTRICT COURT



Cynthia Neste Clerk of District Court PO Box 519 Thompson Falls, MT 59873 (406) 827-6962 Fax: (406) 827-6973

February 6, 2025

Governor Gianforte Governor's Office PO Box 200801 Helena, MT 59620

Dear Governor Gianforte,

I am writing to recommend John A. Mercer for appointment to the Judge vacancy in Department Two of the Twentieth Judicial District, serving Sanders and Lake Counties. I had the privilege of working with John during his appointment to fill the Judge vacancy in Department Two from May through December of 2024, where he distinguished himself as a fair judge that is well versed in Montana statute.

Throughout his career, John has demonstrated an exceptional legal acumen and an unwavering commitment to justice. As a distinguished attorney, he has successfully represented clients in numerous high-stakes cases, showcasing his remarkable skills in litigation, negotiation, and advocacy. His legal analyses are thorough, and he has a unique ability to communicate complex legal concepts clearly and effectively.

As a judge, John has presided over a diverse array of cases, consistently demonstrating fairness, integrity, and a deep understanding of the law. His ability to navigate complex legal matters while ensuring that all parties receive a fair hearing is a testament to his expertise and ethical standards. John is highly regarded among his peers for his well-reasoned opinions and judicious decision-making. His dedication to upholding the rule of law and promoting access to justice is honorable. Sanders County benefited greatly by John's knowledge, expertise, and presence in our courtroom. I personally value his leadership and mentorship during my time working with him.

John's accomplishments extend beyond the courtroom. He has been active in his community, serving as Director of the Greater Polson Community Foundation, and the Director of the Polson Scholarship and Education Foundation, contributing his time and expertise to initiatives aimed at improving the community and advocating for those in need. His commitment to public service is commendable as demonstrated by his time serving in the Montana House of Representatives and to this day, holds the record as the longest sitting Speaker of the House for the great State of Montana.

John A. Mercer would undoubtedly be an invaluable asset to the Twentieth Judicial District. His blend of legal expertise, commitment to justice, and leadership skills will enable him to make meaningful contributions. More importantly, his commitment to run for office and continue with the Twentieth Judicial District after his appointment time has expired. I have no doubt that he will exceed expectations and continue to make a significant impact in the legal field.

I wholeheartedly support John's candidacy and am excited to see the continued contributions he will make in the future.

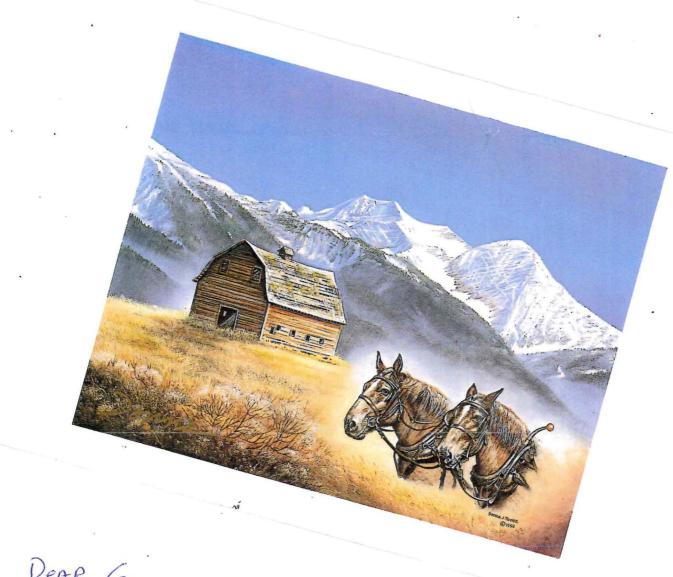
Sincerely,

Cynthia Neste

Clerk of District Court

Contin Rester

Sanders County



DEAR GOVERNOR GIANFORTE

1/27/2025

the 20th JudiciAl District Needs A steady hard, that hand is on the Arm of John Mercer.

My wife + I strongly support John Mercer for the Judge of our district

John Powers

Quedy Lowers

POBOX 55

39163 BAY POW + Rd

POLSON, MONTHNA 59860

February 5, 2025

Governor Gianforte:

Attorney John A. Mercer is extremely qualified to fill the vacancy in the 20th Judicial District as demonstrated by his recent appointment to the 20th Judicial. During his time serving as Judge for Department 2 of the 20th Judicial District, I had the honor of working with him in the courtroom in Sanders County.

John is well educated, articulate, knows the law, and has had a successful law practice in Polson for over 40 years. He is deeply involved in his community and cares about the law and the people. He has spent a great deal of time in Sanders County getting to know the area and the people and is trusted in our community.

I respect him for his knowledge, honesty, and dedication, to the law and am confident that he would do a great job if allowed to continue to serve the people of the 20th Judicial District as our Judge. I highly recommend his appointment, and I am grateful to know that he would like to continue to serve as Judge in our community.

Respectfully,

Christine Wood

February 12, 2025

Dear Governor Gianforte,

I am wholeheartedly pleased to support Mr. John A. Mercer to fill the open position of the 20th Judicial District Judge in which he will again represent Lake and Sanders counties.

Mr. Mercer has served 42 years in private law practice. Mr. Mercer was appointed to this same position as an emergency replacement in 2024. I am informed by local law enforcement and the County Commissioners that Mr. Mercer was and is very effective in the position as the Judicial District Judge.

Being in real estate sales, I often interact with Mr. Mercer and I have found him to be easily approachable and extremely knowledgeable on many topics. In addition, I too get involved locally as it relates to property rights. I was surprised to learn that Mr. Mercer also participates in local happenings, such as being on the Polson School Board, as well as being a retired Montana Legislator.

Lake and Sanders County have a myriad of unique aspects which are not quickly or easily understood by outside applicants. Mr. Mercer has already demonstrated great success this past year as Montana's 20th Judicial District Judge and surprisingly, at least to me, he is eager to fill the position again. I am grateful for his passion to serve and honored to support him in every way.

Mr. Mercer is truly moderate in his actions and in my view, will make you look good as having received your support in this important judicial appointment. I have always been able to count on Mr. Mercer, and I know you can too!

Sincerely,

David Passieri

Real Estate Broker 406-370-6500

David.Passieri@gmail.com

Governor Greg Gianforte's Office Attn: Hanna Slusser P.O. Box 200801 Helena, MT 59620 February 11, 2025

Dear Governor Gianforte,

I highly recommend John A. Mercer for judge of District 20. I have the honor of knowing John for many years both personally as my parents' lawyer and subsequently my own family lawyer as well. I have had the pleasure of serving with him on the Board of Directors of the Greater Polson Community Foundation since 2012.

John is fair, impartial, and very knowledgeable. He has a huge respect for the law and I have a huge respect for John. He has already proved himself by serving as the interim judge for District 20.

Toni Young Whealon 38258 Pinewood Drive Polson, MT 59860