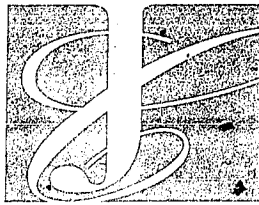


JILL CLARK



May 23, 2011

Dear Legislator:

Re: Judicial Selection (HF 1666 - which creates retention elections and a Judicial Performance Commission to rate judges prior to elections)

I and many other Minnesotans have strong opinions about how we should select our judges. When word reached me that the Governor's Commission on Judicial Selection had recommended Martha Holton-Dimick as a possible Hennepin County Judge, I was startled:

**ARE YOU KIDDING ME?**

Holton-Dimick has the *worst possible* temperament to be a judge.

I personally watched Ms. Holton-Dimick erupt into a temper tantrum when she did not get her way in a case. I watched as she then stormed out of the courtroom, causing the Judge to have to end the hearing prematurely. (I have that transcript available.) I have never, in about 23 years of practice, witnessed worse conduct and temperament by an attorney.

On May 18, 2011, I watched as a member of the community addressed a comment to Holton-Dimick, in what was supposed to be a "community dialogue" about equal justice in the courts: Her reaction was immediate, personal, and angry. She quickly snapped at this man, unable to keep cool.

You can ask around yourself, but I think you will hear that she has the *worst possible* temperament to be a judge. A reputable source has stated that while Ms. Holton-Dimick was a prosecutor in Hennepin County, judges made a lot of complaints about her. (I have that transcript, too.)

Now, supposedly, the Governor's selection Commission cares about things like temperament. This recommendation really shows they completely ignored it when it came to this woman. **What would allow that commission to ignore obvious issues with temperament?** Must be political.

I have been told that to be *appointed* judge, you need to get powerful people to write letters to the Commission. **Who supported Martha Holton-Dimick behind the scenes?** Who is powerful enough to overcome her extremely inappropriate temperament, and get her recommended?

**WE, THE PUBLIC, WANT TO SEE WHO GAVE HER A GOOD REFERENCE**

In an open campaign for the office of judge, we would know who was supporting her, who endorsed her, who gave her money to run.

In an open campaign for the office of judge, I and others would have had around 6 months to **get the word out** that Martha Holton-Dimick would be a terrible judge - even if we just focus on temperament. With this system, we have a matter of **days** to express our knowledge and opinion. That's not fair to your public, or to the many parties who would suffer if Holton-Dimick is allowed to have her temper tantrums all over their cases.

The recommendation of Martha Holton-Dimick for Hennepin County Judge shows what is so terribly wrong with the Governor's Commission, and this system. Don't tell us it is about *merit*, or *qualifications*, when it looks to us like straight politics.

**Let's play this problem out as if the Quie proposal had passed:**

- The first time she "runs" to "retain" her office (after about only a year in on the bench), there will be little fodder for discussion of her temper.
- But she'll begin to get complaint after complaint, from litigants and lawyers who appear before her; when her inevitable temper tantrums impact their cases. At first, she will be *confidentially* admonished by the Judicial Standards Board.
- Then after 8 years she finally comes up for re-election. The proposed Judicial Performance Commission, which supposedly considers things like "judicial temperament," will then review her. If that Commission is really about qualifications, she'll receive "unqualified" for office. But if that Commission-reviewing process is about *politics*, **the same powerful people who recommended her for appointment will work their magic behind the scenes, and we will be stuck with her again.**

That's not the kind of justice system we want.

