OFFICE OF THE DISTRICT ATTORNEY

TWENTIETH JUDICIAL DISTRICT

Stanley L. Garnett, District Attorney

March 31, 2014

Via Email and Regular U.S. Mail

Helen Stone, Chair
20th Judicial District Judicial Performance Commission
4710 Table Mesa Drive, Ste. B
Boulder, CO 80305

Re: Judicial Evaluation of Judge Patrick Butler

Dear Ms. Stone:

It is my pleasure to provide observations and comments to the Judicial Evaluation Commission as part of the evaluation process of Judges of the 20th Judicial District. As I have mentioned many times, Colorado has an excellent judiciary and the 20th Judicial District, in particular, has an excellent set of judges dispensing justice in both civil and criminal matters. The intent of my office in providing written comments about each judge is to make certain that the point of view of my deputies who appear in front of many of these judges several times a day is included in the evaluation process undertaken by your Committee. Also, I believe, as District Attorney, part of my job involves providing input to the public about our judges and passing along helpful suggestions to the bench. Although, occasionally, every judge issues a legal ruling with which my staff does not agree, those are matters for the appellate courts, not for the Judicial Evaluations Committee.

This year, there are nine judges up for evaluation. We will provide separate, written comments on each one addressed to you, with copies to the reviewed Judge and to the Chief Judge.

Judge Butler was appointed to the bench in October of 2011. Initially, Judge Butler appeared to be somewhat uncomfortable handling criminal matters and, in fact, openly uncomfortable with the prosecution. However, as he has grown into the role, my staff generally feels that he is handling trials and his docket much more effectively and fairly. Initially, it often appeared that he would let the stress of the trial process (scheduling, juror comfort, and the unavoidable uncertainty of how long a trial or other court matters might take) pressure him inordinately on the bench to make impulsive rulings or to try to force court proceedings into time limits that were patently unworkable. He also had shown the tendency, which is not uncommon in new criminal trial judges, to personalize the management issues and evidentiary issues inherent in all trials and fail to recognize that these issues are as difficult for the parties and witnesses as for the

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court. Occasionally, also, he has engaged in dismissive or discourteous interactions with counsel on both sides, perhaps because of a lack of judicial self-awareness, about even relatively minor matters. These problems may be a result of his failure to appreciate the inherently unpredictable and adversarial nature of criminal trials. However, as he has become more comfortable in the job, these problems appear to have diminished, and Judge Butler seems to be settling in well to the challenge of criminal trial work and case management. My staff is very impressed with how hard Judge Butler works and several noted that he reads briefs and submissions of counsel carefully and is always prepared, even for very complex hearings, which all counsel appreciate.

Judge Butler should be retained.

I look forward to appearing before your committee on April 2nd at 5:30 p.m.

Best regards,

Stan Garnett

SLG/psm

cc: The Honorable Maria Berkenkotter
The Honorable Patrick Butler