



OFFICE OF THE DISTRICT ATTORNEY

TWENTIETH JUDICIAL DISTRICT

Stanley L. Garnett, District Attorney

March 28, 2014

Via Email and 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 Andrew Macdonald

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 Macdonald was appointed to the bench in 2011. Prior to his undertaking a criminal assignment in September of 2013, my office occasionally had overflow trials assigned to Judge Macdonald and he occasionally handled a criminal docket. Judge Macdonald initially seemed uncomfortable in the decision making role required of a trial court judge and in the observation of my staff, occasionally, sought to avoid decision making by attempting to work out agreements for matters for which agreement between the parties was unlikely or impossible. This may have been because of a lack of appreciation of the inherently adversarial nature of criminal trial work. This, combined with an apparent uncertainty about what criminal trials should look like, was occasionally difficult for Judge Macdonald. However, as with many judges, through several months of handling repeated and varied criminal matters, it is the considered observation of my

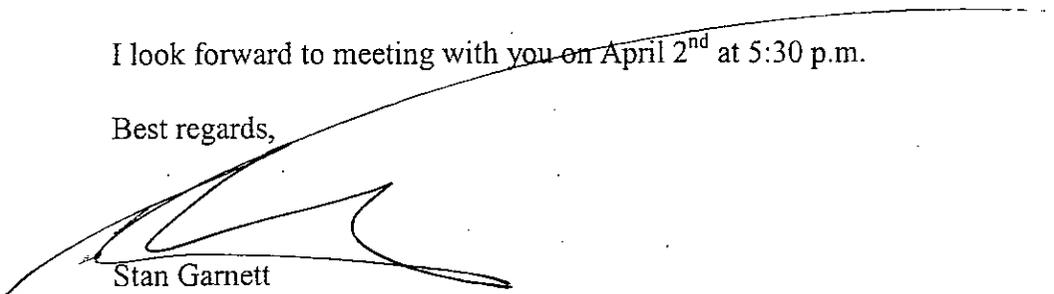
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staff that he has become a much more effective criminal trial court judge. He has ruled on complex matters in a manner that has been fair to both sides and has issued well-reasoned and thoughtful written orders. We appreciate the amount of time and effort that he has put into his development as a judge.

Judge Macdonald should be retained.

I look forward to meeting with you on April 2nd at 5:30 p.m.

Best regards,



Stan Garnett

SLG/psm

cc: The Honorable Maria Berkenkotter
The Honorable Andrew Macdonald