



# JUDICIAL STANDARDS COMMISSION STATE OF MONTANA

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January 11, 2021

Mark Blasdel, President of the Senate  
Wylie Galt, Speaker of the House  
State of Montana  
Sixty-Seventh Legislature  
State Capitol  
Helena, Montana

Dear President Blasdel and Speaker Galt:

As required by Montana Code Annotated § 3-1-1126, the Montana Judicial Standards Commission (Commission) submits this report to the legislature for the preceding biennium covering calendar years 2019 and 2020.

Article VII, Section 11, of the 1972 Montana Constitution directs the legislature to create a five-member Judicial Standards Commission to accept and consider complaints against Montana judicial officers. The 1973 legislature created the Commission and it is attached to the Montana Supreme Court for administrative purposes. Mont. Code Ann. § 3-1-1101 through – 1126. The work, investigations, and recommendations of the Commission are independent of the Supreme Court. With few exceptions, all papers and proceedings before the Commission are confidential pursuant to Montana Code Annotated § 3-1-1105. Access to Commission records is limited to the Commission and staff.

The Commission's report to the sixty-sixth legislature (2019 session) showed that 4 complaints were still pending at the close of 2018. Of those pending complaints, all 4 complaints were dismissed.

As shown in the attached spreadsheet, 50 complaints were filed against judicial officers in calendar year 2019. After consideration and investigation, 44 of those complaints were dismissed, 3 of those complaints resulted in a 30 day suspension without pay to the same judge; 1 resulted in a Stipulation for Public Reprimand, 1 resulted in a letter of admonition to the judge, and 1 resulted in a judge retiring. There was 1 complaint pending as of December 31, 2019. The pending complaint was dismissed in January 2020.

For calendar year 2020, 42 complaints were filed against judicial officers. After consideration and investigation, 36 complaints were dismissed, 1 resulted in a judge retiring, and 1 was a result of the same judge retiring in the report of 2019. There were 4 complaints pending as of December 31, 2020.

Should any member of the legislature, or staff, have questions or need additional information, they may contact Shelly Smith, the Commission's executive secretary, or any member of the Commission.

Very truly yours,



Hon. Mike Menahan, Chairman  
JUDICIAL STANDARDS COMMISSION

MM/ss  
Attachment

cc: Cary Smith, Senate Majority Leader  
Jill Cohenour, Senate Minority Leader  
Marilyn Miller, Secretary of the Senate  
Sue Vinton, House Majority Leader  
Kim Abbott, House Minority Leader  
Lindsey Vroegindewey (Grovo), Chief Clerk of the House  
Hon. Mike McGrath, Chief Justice of the Supreme Court  
Rachel Weiss, Lead Staff, Law and Justice Interim Committee

**Judicial Standards Commission  
Complaints 2019 - 2020**

(d)*	Case No.	Date Filed	Type of Complaint	Decision	Date of Decision
<b>2018</b>					
16	18-026	6/4/2018	Partisan Politics/Essential Conduct	Dismissed	2/28/2019
16	18-053	10/15/2018	Partisan Politics	Dismissed	6/6/2017
11	18-056	12/26/2018	Essential Conduct/Impropriety/ Unprofessional Conduct of Attorneys and Counsel	Dismissed	5/24/2019
12	18-059	12/17/2018	Judicial Opinion/ Impropriety	Dismissed	1/28/2019
<b>2019</b>					
	19-001	1/7/2019	Essential Conduct	Dismissed	3/18/2019
4	19-002	1/9/2019	Essential Conduct	Stipulation for Public Reprimand	11/12/2019
1	19-003	1/14/2019	Partisan Politics	30 day suspension w/o pay	4/17/2020
17	19-004	1/14/2019	Essential Conduct/Court	Dismissed	1/28/2019
21	19-005	1/14/2019	Impropriety	Dismissed	1/28/2019
6	19-006	1/28/2019	Impropriety/Judicial Opinion/Essential	Dismissed	3/18/2019
1	19-007	2/19/2019	Partisan Politics	30 day suspension w/o pay	4/17/2020
1	19-008	2/26/2019	Partisan Politics	30 day suspension w/o pay	4/17/2020
4	19-009	3/8/2019	Judicial Opinion/Impropriety	Dismissed	5/7/2019
	19-010	3/11/2019	Judicial Opinion	Dismissed	3/18/2019
15	19-011	3/13/2019	Judicial Opinion	Dismissed	3/18/2019
15	19-012	3/13/2019	Judicial Opinion	Dismissed	3/18/2019
4	19-013	3/14/2019	Judicial Opinion/Impropriety	Dismissed	5/7/2019
1	19-014	4/3/2019	Partisan Politics	30 day suspension w/o pay	4/17/2020
6	19-015	4/8/2019	Essential Conduct/Judicial Opinion	Dismissed	5/7/2019
20	19-016	4/12/2019	Impropriety/Essential conduct	Dismissed	5/7/2019
13	19-017	4/29/2019	Judicial Opinion/Impropriety/Essential	Dismissed	5/7/2019
3	19-018	4/1/2019	Judicial Opinion/Essential Conduct	Dismissed	5/7/2019
17	19-019	4/1/2019	Judicial Opinion/Essential Conduct	Dismissed	5/7/2019
	19-020	5/2/2019	Judicial Opinion/Ex-Parte Communication	Dismissed	5/7/2019
	19-021	5/6/2019	Essential Conduct/Impropriety	Dismissed	5/7/2019
18	19-022	5/6/2019	Impropriety	Dismissed	5/7/2019
4	19-023	5/8/2019	Ex-Parte Communication/Impropriety	Letter of Admonition	10/18/2019
5	19-024	5/10/2019	Delay	Dismissed	5/7/2019
10	19-025	5/13/2019	Essential Conduct	Dismissed	5/7/2019
	19-026	5/23/2019	Impropriety/Judicial Opinion	Dismissed	7/15/2019
	19-027	6/17/2019	Impropriety/Judicial Opinion/Court Organization	Dismissed	7/15/2019
	19-028	6/17/2019	Impropriety/Essential Conduct	Dismissed	7/15/2019
	19-029	6/17/2019	Impropriety/Judicial Opinion	Dismissed	7/15/2019
9	19-030	7/1/2019	Judicial Opinion/Essential Conduct	Dismissed	7/15/2019
	19-031	7/8/2019	Essential Conduct	Resigned	7/9/2019
22	19-032	7/9/2019	Judicial Opinion/Impropriety/Kinship or Influence/Delay/Essential Conduct	Dismissed	7/15/2019
	19-033	7/10/2019	Essential Conduct	Dismissed	7/15/2019
	19-034	7/15/2019	Impropriety	Dismissed	9/30/2019
18	19-035	7/17/2019	Judicial Opinion	Dismissed	9/30/2019

\*(d) Numbers were assigned randomly to judges that received more than 1 complaint in the biennium.



**Judicial Standards Commission  
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9	19-036	7/25/2019	Impropriety/Judicial Opinion	Dismissed	9/30/2019
11	19-037	8/2/2019	Impropriety/Judicial Opinion	Dismissed	9/30/2019
8	19-038	8/5/2019	Impropriety/Judicial Opinion/Essential	Dismissed	9/30/2019
2	19-039	8/14/2019	Impropriety/Judicial Opinion/Essential	Dismissed	9/30/2019
3	19-040	8/21/2019	Impropriety/Judicial Opinion	Dismissed	9/30/2019
	19-041	8/21/2019	Judicial Opinion	Dismissed	9/30/2019
	19-041	8/21/2019	Judicial Opinion	Dismissed	9/30/2019
10	19-042	8/29/2019	Essential Conduct	Dismissed	9/30/2019
	19-043	8/30/2019	Essential Conduct	Dismissed	1/27/2020
	19-044	9/9/2019	Impropriety/Judicial Opinion	Dismissed	1/27/2020
5	19-045	10/25/2019	Impropriety/Judicial Opinion	Dismissed	12/2/2019
	19-046	11/12/2019	Judicial Opinion	Dismissed	12/2/2019
19	19-047	11/12/2019	Impropriety	Dismissed	12/2/2019
	19-048	11/12/2019	Judicial Opinion	Dismissed	12/2/2019
	19-049	11/27/2019	Impropriety	Dismissed	12/2/2019
1	19-050	12/19/2019	Essential Conduct/Judicial Opinion	Dismissed	1/27/2020
<b>2020</b>					
	20-001	1/3/2020	Impropriety/Essential Conduct	Dismissed	1/27/2020
13	20-002	1/27/2020	Delay/Court Organization	Dismissed	7/13/2020
	20-003	2/3/2020	Delay	Dismissed	3/23/2020
3	20-004	2/13/2020	Impropriety/Essential Conduct	Resigned	10/2/2020
	20-005	2/13/2020	Judicial Opinion	Dismissed	3/23/2020
	20-006	2/18/2020	Impropriety	Dismissed	3/23/2020
14	20-007	2/26/2020	Judicial Opinion	Dismissed	3/23/2020
3	20-008	3/5/2020	Impropriety/Essential Conduct	Resigned	10/2/2020
19	20-009	3/5/2020	Impropriety	Dismissed	3/23/2020
9	20-010	3/5/2020	Impropriety	Dismissed	3/23/2020
	20-011	3/17/2020	Essential Conduct	Dismissed	3/23/2020
20	20-012	4/17/2020	Impropriety/Kinship or Influence	Dismissed	7/13/2020
7	20-013	4/24/2020	Essential Conduct/Impropriety	Dismissed	7/13/2020
	20-014	4/24/2020	Judicial Opinion	Dismissed	7/13/2020
	20-015	4/24/2020	Impropriety	Dismissed	7/13/2020
2	20-016	5/12/2020	Judicial Opinion/ Ex-Parte Communication	Dismissed	7/13/2020
2	20-017	5/21/2020	Impropriety/Judicial Opinion	Dismissed	7/13/2020
	20-018	5/21/2020	Impropriety	Dismissed	9/21/2020
	20-019	5/28/2020	Impropriety/Judicial Opinion	Dismissed	9/21/2020
3	20-020	5/1/2820	Impropriety/Judicial Opinion	Dismissed	7/13/2020
	20-021	6/5/2020	Judicial Opinion	Dismissed	7/13/2020
6	20-022	6/5/2020	Impropriety/Judicial Opinion	Dismissed	7/13/2020
8	20-023	6/9/2020	Impropriety/Judicial Opinion	Dismissed	7/13/2020
5	20-024	6/9/2020	Impropriety	Dismissed	7/13/2020
	20-025	6/1/2020	Impropriety	Dismissed	9/21/2020
	20-026	6/25/2020	Essential Conduct/Judicial Opinion	Dismissed	9/21/2020
7	20-027	6/26/2020	Essential Conduct/Ex Parte Communication	Dismissed	9/21/2020
	20-028	7/7/2020	Court Organization	Dismissed	9/21/2020

\*(d) Numbers were assigned randomly to judges that received more than 1 complaint in the biennium.

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Complaints 2019 - 2020**

14	20-029	7/9/2020	Impropriety/Court Organization	Dismissed	9/21/2020
2	20-030	7/27/2020	Impropriety/Judicial Opinion	Dismissed	9/21/2020
2	20-031	7/27/2020	Essential Conduct	Dismissed	9/21/2020
6	20-032	8/3/2020	Judicial Opinion/Essential Conduct	Dismissed	9/21/2020
22	20-033	8/27/2020	Court Organization/Delay/Impropriety	Dismissed	9/21/2020
7	20-034	9/14/2020	Judicial Opinion/Essential Conduct	Dismissed	9/21/2020
8	20-035	9/14/2020	Judicial Opinion/Essential Conduct	Dismissed	11/16/2020
	20-036	9/28/2020	Judicial Opinion	Dismissed	11/16/2020
12	20-037	9/29/2020	Judicial Opinion/Impropriety	Dismissed	11/16/2020
1	20-038	11/13/2020	Impropriety	Dismissed	11/16/2020
	20-039	12/11/2020	Judicial Opinion/Impropriety	PENDING	
21	20-040	12/14/2020	Impropriety/Ex Parte Communication	PENDING	
11	20-041	12/14/2020	Judicial Opinion/Impropriety	PENDING	
11	20-042	12/14/2020	Judicial Opinion/Impropriety	PENDING	

§3-1-1126, MCA. Commission report to legislature. (1) The commission shall, as provided in 5-11-210, submit to the legislature a report containing \*(d) whether there have been previous complaints against the same judge and, if so, the general nature of the previous complaints.

\*(d) Numbers were assigned randomly to judges that received more than 1 complaint in the biennium.