



# JUDICIAL STANDARDS COMMISSION

STATE OF MONTANA

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PO BOX 203002  
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## **CHAIRMAN**

HON. JOHN WARNER  
District Court Judge  
Hill County Courthouse  
315 4th Street  
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Telephone: 265-5481, EXT. 31

## **VICE CHAIRMAN**

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PO Box 203002  
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Telephone: 444-2608

## **ADMIN. SECRETARY**

MISSY LONG  
Telephone: 444-2621

February 12, 2001

Sharon Parrish  
Executive Secretary  
Judicial Standards Commission  
Room 315, Justice Building  
Helena, MT 59620-3002

Dear Ms. Parrish:

As we discussed on the phone, enclosed are eight originals of the biannual report letter to the fifty-seventh legislature, 1999.

One is for each of:

- ✓ Clerk of the Senate
  - ✓ Majority Leader of the Senate
  - ✓ Minority Leader of the Senate
  - ✓ Clerk of the House of Representatives
  - ✓ Majority Leader of the House of Representatives
  - ✓ Minority Leader of the House of Representatives
  - ✓ Chief Justice of the Supreme Court
- Retain one report in the records of the commission.

As we discussed, please complete a report and send me the whole thing for review and I'll call you.

Also enclosed is a copy of the fee agreement with Luxan & Murfit for your records.

If you have any questions please call.

Kay and I appreciate your sympathy.

Very truly yours,

A handwritten signature in blue ink that reads "John Warner".

John Warner



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MISSY LONG  
Telephone: 444-2621

February 12, 2001

State of Montana  
Fifty-seventh Legislature  
State Capitol  
Helena, Montana

Dear Senators and Representatives:

As required by § 3-1-1126, MCA, the Montana Judicial Standards Commission submits this report to the legislature for the preceding biennium covering the calendar years 1999 and 2000.

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. The work, investigations, and recommendations of the commission are independent of the Supreme Court. Access to commission records is limited to the commission and its staff.

As in the past, the great majority of complaints against judicial officers concern dissatisfaction with a judge's ruling or decision. The commission cannot, and does not, act on such complaints. It can only consider those matters that may constitute willful misconduct, willful and persistent failure to perform duties, violation of canons of judicial ethics or habitual intemperance.

The commission has repeatedly prepared forms and instructions clearly stating that the Judicial Standards Commission cannot act upon or change judicial decisions. Despite such continuing efforts, most complaints still pertain to a judge's decision and are filed by unsuccessful litigants. These complaints are called "Judicial Opinion" in the attached statistical information.

The commission, by rule, requires that complaints be verified.

The commission report to the fifty-sixth legislature, (1999 session), showed that five (5) complaints were still pending at the close of 1998. The five (5) pending complaints from 1998 were all reviewed and dismissed early in 1999.



During the calendar year 1999, thirty-nine (39) complaints were filed against judicial officers. After consideration and investigation, no formal charges were ordered filed by the commission. One (1) letter of admonition was written and twenty-five (25) complaints were dismissed. There were thirteen (13) complaints still pending as of December 31, 1999. Of the thirteen complaints pending at the end of 1999, eleven (11) were dismissed; one (1) complaint was closed with a letter of admonition and one (1) was closed with a letter of caution. Action on all 1999 pending complaints was completed by July of 2000.

During the calendar year 2000, forty-three (43) complaints against judicial officers were filed with the commission. After consideration and investigation, no formal charges were ordered filed by the commission. Twenty-one (21) complaints were dismissed; one (1) letter of caution sent; and one (1) letter of admonition sent. Two (2) files were closed without further action as the respondent judge left judicial office.

There were eighteen (18) complaints pending as of December 31, 2000. Of the eighteen (18) complaints pending at the end of 2000, fourteen (14) have since been dismissed; one (1) was closed as the judge is no longer in office; and three (3) complaints are still pending as of this date.

Since 1995, the commission has kept continuous and accurate records of complaints filed against judicial officers. If more than one complaint was filed against a judicial officer, and if some action was required, the commission would report such action.

In 1999, there were twenty-four (24) complaints filed against judicial officers who had previous complaints filed against them during the biennium of 1997-98. Of the twenty-four (24) complaints filed, twenty-two (22) complaints were dismissed; one (1) letter of caution sent and one (1) letter of admonition sent by the commission.

During 2000, twenty-eight (28) complaints were filed against judicial officers who had previous complaints filed against them in the past biennium of 1998-99. Of the twenty-eight (28) complaints filed, eighteen (18) complaints have been dismissed; two (2) letters of caution have been sent and (8) complaints were still pending as of December 31, 2000.

The revised rules for the Judicial Standards Commission were adopted and published in 1999. Copies of the Canons of Judicial Conduct and Rules for the Judicial Standards Commission are available to the public by contacting the executive secretary at 406-444-2614.

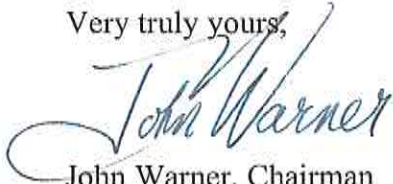
During the 2001-2002 biennium it will be necessary to conduct an unknown number of factual investigations to determine if the complaints have merit. This will, as in the past, require an expenditure of funds for necessary investigative costs. Budget requirements will be submitted through the office of the Supreme Court Administrator.

Biannual Legislative Report  
February 6, 2001

Page 3.

Should any member of the legislature, or staff, have questions or desire further information, they may contact Sharon Parrish, the commission's executive secretary, or any member of the commission.

Very truly yours,

A handwritten signature in cursive script that reads "John Warner". The signature is written in dark ink and is positioned above the typed name.

John Warner, Chairman  
JUDICIAL STANDARDS COMMISSION

/sp

CASE NUMBER	DATE FILED	TYPE OF COMPLAINT	DISPOSITION	DATE OF DISPOSITION
9823	07/30/98	Kinship or Influence	Dismissed	03/05/99
9827	11/12/98	Essential Conduct	Closed	07/29/99
9829	12/03/98	Judicial Opinion	Dismissed	03/05/99
9830	12/08/98	Judicial Opinion	Dismissed	03/05/99
9831	12/08/98	Essential Conduct	Dismissed	03/05/99
9901	01/12/99	Judicial Opinion	Dismissed	03/05/99
9902	01/12/99	Judicial Opinion	Dismissed	03/05/99
9903	01/12/99	Judicial Opinion	Dismissed	03/05/99
9904	01/14/99	Judicial Opinion	Dismissed	03/05/99
9905	02/10/99	Judicial Opinion	Dismissed	03/05/99
9906	03/01/99	Judicial Opinion	Dismissed	07/29/99
9907	03/01/99	Judicial Opinion	Dismissed	07/29/99
9908	03/01/99	Judicial Opinion	Dismissed	07/29/99
9909	03/08/99	Essential Conduct	Letter of Admonition	09/01/99
9910	03/15/99	Judicial Opinion	Dismissed	07/29/99
9911	03/17/99	Essential Conduct	Dismissed	07/29/99
9912	03/25/99	Judicial Opinion	Dismissed	07/29/99
9913	04/05/99	Kinship or Influence	Dismissed	07/29/99
9914	04/15/99	Other	Dismissed	07/29/99
9915	04/27/99	Promptness	Letter of Admonition	01/28/00
9916	05/05/99	Judicial Opinion	Dismissed	07/29/99
9917	05/14/99	Judicial Opinion	Dismissed	07/29/99
9918	05/19/99	Judicial Opinion	Dismissed	07/29/99
9919	06/03/99	Essential Conduct	Dismissed	07/29/99
9920	06/09/99	Judicial Opinion	Dismissed	07/29/99
9921	06/21/99	Judicial Opinion	Dismissed	07/29/99
9922	07/08/99	Impropriety	Dismissed	07/29/99
9923	07/19/99	Judicial Opinion	Dismissed	07/29/99
9924	07/22/99	Other	Dismissed	07/29/00
9925	07/26/99	Judicial Opinion	Dismissed	07/29/00
9926	08/23/99	Impropriety	Closed	09/22/00
9927	08/23/99	Impropriety	Dismissed	11/12/99
9928	08/26/99	Judicial Opinion	Dismissed	11/12/99
9929	09/20/99	Judicial Opinion	Dismissed	11/12/99
9930	10/04/99	Essential Conduct	Dismissed	01/28/00
9931	11/01/99	Judicial Opinion	Dismissed	11/12/99
9932	11/15/99	Promptness	Dismissed	01/28/00
9933	11/15/99	Promptness	Dismissed	01/28/00
9934	11/16/99	Essential Conduct	Letter of Caution	04/07/00
9935	11/24/99	Judicial Opinion	Dismissed	01/28/00
9936	11/26/99	Judicial Opinion	Dismissed	01/28/00
9937	11/30/99	Judicial Opinion	Dismissed	01/28/00
9938	12/20/99	Judicial Opinion	Dismissed	04/07/00
9939	12/27/99	Ex Parte Communication	Dismissed	01/28/00
1	01/10/00	Impropriety	Closed	09/22/00
2	01/11/00	Promptness	Letter of Caution	04/07/00
3	01/31/00	Promptness	Dismissed	04/07/00
4	02/15/00	Judicial Opinion	Dismissed	04/07/00
5	02/25/00	Judicial Opinion	Dismissed	04/07/00



CASE NUMBER	DATE FILED	TYPE OF COMPLAINT	DISPOSITION	DATE OF DISPOSITION
6	03/16/00	Judicial Opinion	Dismissed	04/07/00
7	03/17/00	Judicial Opinion	Dismissed	04/07/00
8	04/04/00	Judicial Opinion	Dismissed	04/07/00
9	04/05/00	Judicial Opinion	Dismissed	04/07/00
10	04/13/00	Judicial Opinion	Dismissed	10/03/00
11	04/18/00	Judicial Opinion	Dismissed	10/03/00
12	04/09/00	Judicial Opinion	Dismissed	10/03/00
13	05/12/00	Essential Conduct	Dismissed	10/03/00
14	05/17/00	Ex parte Communication	Letter of Admonition	10/14/00
15	05/22/00	Promptness		
16	05/30/00	Opinion	Dismissed	10/19/00
17	05/30/00	Opinion	Dismissed	10/19/00
18	06/20/00	Opinion	Dismissed	10/19/00
19	07/06/00	Opinion	Dismissed	10/19/00
20	07/12/00	Promptness		
21	07/21/00	Opinion	Dismissed	10/19/00
22	07/28/00	Opinion	Dismissed	10/19/00
23	08/04/00	Opinion	Dismissed	10/19/00
24	08/09/00	Promptness	Dismissed	10/19/00
25	08/15/00	Judicial Opinion	Dismissed	10/19/00
26	08/23/00	Judicial Opinion		
27	08/23/00	Judicial Opinion	Dismissed	10/19/00
28	08/31/00	Promptness		
29	09/06/00	Judicial Opinion		
30	09/06/00	Judicial Opinion	Dismissed	10/19/00
31	09/25/00	Judicial Opinion		
32	09/25/00	Kinship or Influence		
33	10/02/00	Promptness		
34	10/02/00	Judicial Opinion		
35	10/17/00	Opinion		
36	10/17/00	Opinion		
37	10/23/00	Impropriety		
38	10/27/00	Opinion		
39	11/21/00	Official Misconduct		
40	11/28/00	Kinship or Influence		
41	12/12/00	Judicial Opinion		
42	12/12/00	Judicial Opinion		
43	12/22/00	Judicial Opinion		

**Judicial Opinion:** The complaint is grounded in dissatisfaction with a decision of, or judicial opinion of, the judge complained against. The decision is subject to appeal or other corrective action within the court system, and is not cognizable by the Judicial Standards Commission.

**Ex Parte Communication:** The complaint is that the judge communicated with one side of a contested matter when the other side was not present or represented.

**Impropriety:** The complaint is that the judge acted in an inappropriate manner toward litigants, attorneys, or others involved in litigation. This could include having a bias, prejudice, or close relationship with a party or lawyer.

**Delay:** Lack of promptness in the performance of judicial duties.

**Kinship or Influence:** The judge should not suffer his conduct to justify the impression that any person can improperly influence him or unduly enjoy his favor, or that he is affected by the kinship, rank, position or influence of any party or other person.

**Essential Conduct:** A judge should be temperate, attentive, patient, impartial, and, should be studious of the principles of the law and diligent in endeavoring to ascertain the facts.