



# JUDICIAL STANDARDS COMMISSION

## STATE OF MONTANA

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February 4, 2005

Jon Tester, President of the Senate  
Gary Matthews, Speaker of the House  
State of Montana  
Fifty-ninth Legislature  
State Capitol  
Helena, Montana

Dear President Tester and Speaker Matthews:

As required by §3-1-1126, MCA, the Montana Judicial Standards Commission (Commission) submits this report to the legislature for the preceding biennium covering calendar years 2003 and 2004.

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 staff.

The Commission's report to the fifty-eighth legislature (2003 session) showed that twenty-six (26) complaints were still pending at the close of 2002. Of those pending complaints, twenty-five (25) were reviewed and dismissed in 2003, and one (1) complaint was closed with an advisory letter to the judge.

As shown in the attached spreadsheet, forty-one (41) complaints were filed against judicial officers in calendar year 2003. After consideration and investigation, twelve (12) complaints were dismissed. There were twenty-nine (29) complaints pending as of December 31, 2003.

Of those twenty-nine (29) pending complaints, twenty-five (25) were dismissed, three (3) advisory letters were written; and one (1) complaint was closed, as the judge resigned from office.

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For calendar year 2004, thirty-six (36) complaints were filed against judicial officers. After consideration and investigation, twenty-seven (27) complaints were dismissed. There were nine (9) complaints pending as of December 31, 2004.

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

Very truly yours,



Hon. Ed McLean, Chairman  
JUDICIAL STANDARDS COMMISSION

/sr

Attachment

cc: Jon Ellingson, Senate Majority Leader  
Bob Keenan, Senate Minority Leader  
Bill Lombardi, Secretary of the Senate  
David Wanzonried, House Democratic Leader  
Roy Brown, House Republican Leader  
Marilyn Miller, Chief Clerk of the House  
Hon. Karla M. Gray, Chief Justice of the Supreme Court  
Sen. Duane Grimes, Chair, Law and Justice Interim Committee

Judicial Standards Commission  
 Statistics for Calendar Years  
 2003-2004

<u>Case #</u>	<u>Date Filed</u>	<u>Type of Complaint</u>	<u>Disposition</u>	<u>Date of Disposition</u>
12	04/24/02	Essential Conduct	Dismissed	01/03/03
18	07/09/02	Judicial Opinion	Dismissed	01/03/03
19	07/09/02	Essential Conduct	Dismissed	01/03/03
20	07/15/02	Judicial Opinion	Dismissed	01/03/03
22	08/07/02	Promptness	Dismissed	01/03/03
23	07/31/02	Essential Conduct	Dismissed	01/03/03
24	07/31/02	Essential Conduct	Dismissed	01/03/03
25	08/12/02	Essential Conduct	Dismissed	01/03/03
26	08/15/02	Essential Conduct	Dismissed	01/03/03
27	08/19/02	Judicial Opinion	Dismissed	01/03/03
28	08/27/02	Conflict of Interest	Dismissed	01/03/03
29	09/11/02	Essential Conduct	Dismissed	03/04/03
30	09/25/02	Essential Conduct	Dismissed	01/03/03
31	10/01/02	Judicial Opinion	Dismissed	06/27/03
32	10/01/02	Essential Conduct	Dismissed	01/03/03
33	10/07/02	Essential Conduct	Dismissed	01/03/03
34	10/07/02	Essential Conduct	Dismissed	01/03/03
35	10/16/02	Judicial Opinion	Dismissed	01/03/03
36	10/22/02	Judicial Opinion	Dismissed	01/03/03
37	11/16/02	Essential Conduct	Letter of Caution	06/27/03
38	11/07/02	Judicial Opinion	Dismissed	01/03/03
39	11/15/02	Judicial Opinion	Dismissed	01/03/03
40	11/18/02	Judicial Opinion	Dismissed	01/03/03
41	12/10/02	Judicial Opinion	Dismissed	01/03/03
42	12/10/02	Essential Conduct	Dismissed	01/03/03
43	12/16/02	Essential Conduct	Dismissed	01/03/03
1	01/02/03	Essential Conduct	Dismissed	07/10/03
2	01/03/03	Judicial Opinion	Dismissed	07/10/03
3	01/10/03	Judicial Opinion	Dismissed	07/10/03
4	01/17/03	Essential Conduct	Dismissed	01/02/04
5	02/26/03	Conflict of Interest	Dismissed	07/10/03
6	03/13/03	Judicial Opinion	Dismissed	07/10/03
7	03/17/03	Judicial Opinion	Dismissed	01/02/04
8	03/28/03	Essential Conduct	Dismissed	07/10/03
9	03/28/03	Judicial Opinion	Dismissed	07/10/03
10	04/01/03	Essential Conduct	Dismissed	07/10/03
11	04/25/03	Essential Conduct	Dismissed	07/10/03
12	04/28/03	Essential Conduct	Dismissed	07/10/03
13	05/01/03	Delay	Dismissed	07/03/03
14	05/28/03	Conflict of Interest	Dismissed	01/02/04
15	06/17/03	Judicial Opinion	Dismissed	07/10/03
16	07/15/03	Judicial Opinion	Dismissed	01/02/04
17	07/15/03	Judicial Opinion	Dismissed	01/02/04
18	07/15/03	Judicial Opinion	Dismissed	01/02/04
19	07/21/03	Essential Conduct	Letter of Caution	02/27/04
20	07/25/03	Judicial Opinion	Dismissed	01/02/04
21	08/22/03	Essential Conduct	Dismissed	01/02/04
22	09/05/03	Delay	Dismissed	01/02/04
23	09/08/03	Essential Conduct	Dismissed	01/02/04
24	09/08/03	Essential Conduct	Dismissed	01/02/04
25	09/08/03	Judicial Opinion	Dismissed	01/02/04
26	01/06/04	Essential Conduct	Resigned	03/11/04
27	09/17/03	Conflict of Interest	Dismissed	02/27/04
28	10/07/03	Judicial Opinion	Dismissed	01/02/04

Judicial Standards Commission  
 Statistics for Calendar Years  
 2003-2004

<u>Case #</u>	<u>Date Filed</u>	<u>Type of Complaint</u>	<u>Disposition</u>	<u>Date of Disposition</u>
29	10/08/03	Essential Conduct	Dismissed	02/27/04
30	10/14/03	Judicial Opinion	Dismissed	01/02/04
31	10/14/03	Judicial Opinion	Dismissed	01/02/04
32	10/21/03	Essential Conduct	Dismissed	02/27/04
33	10/29/03	Ex parte Communication	Dismissed	02/27/04
34	10/29/03	Delay	Dismissed	01/02/04
35	11/06/03	Ex parte Communication	Dismissed	01/02/04
36	11/07/03	Judicial Opinion	Dismissed	01/02/04
37	12/05/03	Conflict of Interest	Dismissed	01/02/04
38	12/12/03	Essential Conduct	Letter of Caution	02/27/04
39	12/16/03	Delay	Letter of Caution	02/27/04
40	12/17/03	Judicial Opinion	Dismissed	01/02/04
41	12/31/03	Essential Conduct	Dismissed	05/26/04
1	01/05/04	Essential Conduct	Dismissed	05/26/04
2	01/15/04	Judicial Opinion	Dismissed	02/27/04
3	01/22/04	Judicial Opinion	Dismissed	02/27/04
4	01/27/04	Judicial Opinion	Dismissed	02/27/04
5	02/09/04	Judicial Opinion	Dismissed	05/26/04
6	02/23/04	Essential Conduct	Dismissed	05/26/04; 12/20/04
7	03/09/04	Essential Conduct	Dismissed	05/28/04
8	03/24/04	Essential Conduct	Dismissed	05/28/04
9	03/31/04	Delay	Dismissed	07/14/04
10	04/07/04	Judicial Opinion	Dismissed	05/28/04
11	04/13/04	Judicial Opinion	Dismissed	05/28/04
12	04/13/04	Essential Conduct	Dismissed	07/14/04
13	05/10/04	Judicial Opinion	Dismissed	07/14/04
14	06/07/04	Judicial Opinion	Dismissed	07/14/04
15	06/07/04	Judicial Opinion	Dismissed	07/14/04
16	06/24/04	Essential Conduct	Dismissed	12/20/04
17	07/08/04	Judicial Opinion	Dismissed	12/20/04
18	07/08/04	Essential Conduct	Dismissed	12/20/04
19	07/08/04	Judicial Opinion	Dismissed	12/20/04
20	07/15/04	Judicial Opinion	Dismissed	12/20/04
21	07/27/04	Essential Conduct	Cont.	
22	07/29/04	Judicial Opinion	Cont.	
23	08/05/04	Judicial Opinion	Dismissed	12/20/04
24	08/09/04	Essential Conduct	Cont.	
25	08/17/04	Conflict of Interest	Dismissed	12/20/04
26	09/20/04	Judicial Opinion	Dismissed	12/20/04
27	09/29/04	Judicial Opinion	Dismissed	12/20/04
28	10/05/04	Judicial Opinion	Dismissed	12/20/04
29	10/14/04	Judicial Opinion	Dismissed	12/20/04
30	10/14/04	Judicial Opinion	Dismissed	12/20/04
31	10/18/04	Delay	Cont.	
32	11/09/04	Judicial Opinion	Cont.	
33	11/22/04	Essential Conduct	Cont.	
34	12/02/04	Avoidance of Impropriety	Cont.	
35	12/14/04	Conflict of Interest	Cont.	
36	12/15/04	Judicial Opinion	Cont.	

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 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.