



JUDICIAL STANDARDS COMMISSION

STATE OF MONTANA

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February 24, 2009

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Bob Bergren, Speaker of the House
State of Montana
Sixty-First Legislature
State Capitol
Helena, Montana

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Dear President Story and Speaker Bergren:

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 2007 and 2008.

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 sixtieth legislature (2007 session) showed that 8 complaints were still pending at the close of 2006. Of those pending complaints, 7 were reviewed and dismissed, and one resulted in a private reprimand in 2007.

As shown in the attached spreadsheet, 47 complaints were filed against judicial officers in calendar year 2007. After consideration and investigation, 24 of those complaints were dismissed. There were 23 complaints pending as of December 31, 2007.

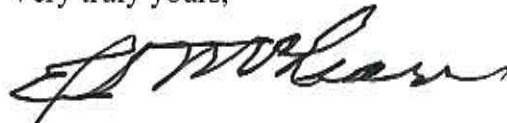
Of those 23 pending complaints, 19 were dismissed in early 2008, one was closed with a private letter of admonition, one was closed with an advisory letter, and one resulted in the judge's permanent removal from office.

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For calendar year 2008, 54 complaints were filed against judicial officers. After consideration and investigation, 36 complaints were dismissed, 2 complaints were withdrawn by the complainant, 2 resulted in private letters of admonition, 4 resulted in private reprimands, and one complaint was still under investigation. There were 9 complaints pending as of December 31, 2008.

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: Jim Peterson, Senate Majority Leader
Carol Williams, Senate Minority Leader
Marilyn Miller, Secretary of the Senate
Margaret Campbell, House Democratic Leader
Scott Sales, House Republican Leader
Dave Hunter, Chief Clerk of the House
Hon. Mike McGrath, Chief Justice of the Supreme Court
Sheri Heffelfinger, Lead Staff, Law and Justice Interim Committee

2007

<u>Case #</u>	<u>Date Filed</u>	<u>Type of Complaint</u>	<u>Disposition</u>	<u>Date of Disposition</u>
06-022	09/07/06	Essential Conduct	Dismissed	03/20/07
06-024	10/06/06	Delay	Dismissed	03/20/07
06-025	10/06/06	Essential Conduct	Dismissed	03/20/07
06-026	10/19/06	Essential Conduct	Dismissed	03/20/07
06-027	11/01/06	Essential Conduct	Dismissed	03/20/07
06-029	11/16/06	Essential Conduct	Dismissed	03/20/07
06-030	11/16/06	Conflict of Interest	Dismissed	03/20/07
06-031	12/08/06	Partisan Politics	Private Reprimand	06/15/07
07-001	1/3/2007	Judicial Opinion	Dismissed	4/4/2007
07-002	2/2/2007	Impropriety	Dismissed	4/4/2007
07-003	2/6/2007	Impropriety	Dismissed	6/25/2007
07-004	2/6/2007	Judicial Opinion	Dismissed	4/4/2007
07-005	2/12/2007	Essential Conduct	Dismissed	4/4/2007
07-006	2/12/2007	Impropriety	Dismissed	4/4/2007
07-007	2/12/2007	Impropriety	Dismissed	4/4/2007
07-008	2/15/2007	Judicial Opinion	Dismissed	4/4/2007
07-009	2/22/2007	Essential Conduct	Dismissed	4/4/2007
07-010	3/7/2007	Impropriety	Letter of Admonition	2/20/2008
07-011	3/9/2007	Impropriety	Dismissed	6/25/2007
07-012	3/14/2007	Impropriety	Dismissed	6/25/2007
07-013	4/2/2007	Impropriety	Dismissed	11/1/2007
07-014	4/10/2007	Judicial Opinion	Dismissed	6/25/2007
07-015	5/2/2007	Impropriety	Dismissed	6/25/2007
07-016	5/11/2007	Judicial Opinion	Dismissed	2/20/2008
07-017	5/22/2007	Judicial Opinion	Dismissed	6/25/2007
07-018	6/7/2007	Impropriety	Dismissed	2/20/2008
07-019	6/8/2007	Impropriety	Permanent Removal from Office	12/30/2008
07-020	6/7/2007	Judicial Opinion	Dismissed	2/20/2008
07-021	6/8/2007	Judicial Opinion	Dismissed	10/23/2007
07-022	6/8/2007	Essential Conduct	Dismissed	2/20/2008
07-023	6/19/2007	Impropriety	Dismissed w/ advisory letter	2/20/2008
07-024	7/5/2007	Judicial Opinion	Dismissed	11/1/2007
07-025	7/16/2007	Ex Parte Communication	Dismissed	11/1/2007
07-026	7/18/2007	Impropriety	Dismissed	2/20/2008
07-027	7/23/2007	Ex Parte Communication	Dismissed	11/1/2007
07-028	8/8/2007	Judicial Opinion	Dismissed	11/1/2007
07-029	8/17/2007	Impropriety	Dismissed	11/1/2007
07-030	8/21/2007	Essential Conduct	Dismissed	11/1/2007
07-031	8/27/2007	Judicial Opinion	Dismissed	11/1/2007
07-032	10/3/2007	Constitutional Obligations	Dismissed	10/3/2007
07-033	10/17/2007	Impropriety	Dismissed	8/5/2008
07-034	10/26/2007	Judicial Opinion	Dismissed	2/20/2008
07-035	10/29/2007	Judicial Opinion	Dismissed	5/2/2008
07-036	10/29/2007	Judicial Opinion	Dismissed	2/20/2008
07-037	10/31/2007	Judicial Opinion	Dismissed	2/20/2008
07-038	10/31/2007	Judicial Opinion	Dismissed	2/20/2008

07-039	10/31/2007	Constitutional Obligations	Dismissed	5/2/2008
07-040	11/26/2007	Judicial Opinion	Dismissed	5/2/2008
07-041	11/26/2007	Judicial Opinion	Dismissed	5/2/2008
07-042	11/26/2007	Conflict of Interest	Dismissed	2/20/2008
07-043	12/14/2007	Essential Conduct	Dismissed	2/20/2008
07-044	12/14/2007	Judicial Opinion	Dismissed	2/20/2008
07-045	12/19/2007	Delay	Investigation Pending	
07-046	12/19/2007	Judicial Opinion	Dismissed	5/2/2008
07-047	12/21/2007	Public Interest	Dismissed	2/20/2008

2008

<u>Case #</u>	<u>Date Filed</u>	<u>Type of Complaint</u>	<u>Disposition</u>	<u>Date of Disposition</u>
08-001	1/3/2008	Judicial Opinion	Dismissed	2/20/2008
08-002	1/11/2008	Judicial Opinion	Dismissed	5/2/2008
08-003	1/22/2008	Judicial Opinion	Dismissed	5/2/2008
08-004	1/23/2008	Judicial Opinion	Dismissed	5/2/2008
08-005	2/1/2008	Judicial Opinion	Dismissed	5/2/2008
08-006	2/4/2008	Essential Conduct	Private Reprimand	12/5/2008
08-007	2/12/2008	Judicial Opinion	Dismissed	8/11/2008
08-008	3/3/2008	Judicial Opinion	Dismissed	5/12/2008
08-009	3/26/2008	Judicial Opinion	Dismissed	5/12/2008
08-010	3/31/2008	Judicial Opinion	Dismissed	5/12/2008
08-011	4/2/2008	Judicial Opinion	Dismissed	8/11/2008
08-012	4/8/2008	Judicial Opinion	Dismissed	5/12/2008
08-013	4/10/2008	Judicial Opinion	Dismissed	6/2/2008
08-014	4/16/2008	Judicial Opinion	Dismissed	5/12/2008
08-015	4/16/2008	Judicial Opinion	Dismissed	5/12/2008
08-016	4/29/2008	Judicial Opinion	Dismissed	8/11/2008
08-017	4/29/2008	Judicial Opinion	Dismissed	8/11/2008
08-018	4/29/2008	Essential Conduct	Dismissed	12/5/2008
08-019	4/29/2008	Essential Conduct	Private Reprimand	12/5/2008
08-020	3/11/2008	Public Interest/Delay	Letter of Admonition	12/8/2008
08-021	4/30/2008	Court Organization	Dismissed	8/11/2008
08-022	5/5/2008	Judicial Opinion	Dismissed	12/5/2008
08-023	5/6/2008	Judicial Opinion	Dismissed	8/11/2008
08-024	5/7/2008	Court Organization	Complaint withdrawn	7/14/2008
08-025	5/9/2008	Public Interest	Dismissed	12/5/2008
08-026	5/12/2008	Judicial Opinion	Dismissed	8/11/2008
08-027	5/20/2008	Judicial Opinion	Dismissed	8/11/2008
08-028	5/20/2008	Judicial Opinion	Dismissed	12/5/2008
08-029	5/20/2008	Judicial Opinion	Dismissed	8/11/2008
08-030	5/22/2008	Impropriety	Private Reprimand	12/5/2008
08-031	6/4/2008	Impropriety	Private Reprimand	12/5/2008
08-032	6/13/2008	Judicial Opinion	Dismissed	8/11/2008
08-033	6/16/2008	Judicial Opinion	Dismissed	12/5/2008
08-034	6/13/2008	Impropriety	Private Reprimand	12/5/2008
08-035	7/8/2008	Constitutional Obligations	Dismissed	12/5/2008
08-036	7/25/2008	Judicial Opinion	Dismissed	12/5/2008
08-037	7/23/2008	Judicial Opinion	Dismissed	12/5/2008
08-038	7/24/2008	Judicial Opinion	Dismissed	12/5/2008

08-039	7/28/2008	Judicial Opinion	Dismissed	12/5/2008
08-040	7/31/2008	Delay	Investigation Pending	
08-041	7/31/2008	Judicial Opinion	CONT.	
08-042	8/4/2008	Judicial Opinion	Dismissed	12/5/2008
08-043	8/11/2008	Judicial Opinion	CONT.	
08-044	8/12/2008	Ex Parte Communication	CONT.	
08-045	8/22/2008	Court Organization	CONT.	
08-046	9/22/2008	Judicial Opinion	Dismissed	12/5/2008
08-047	9/25/2008	Judicial Opinion	Dismissed	12/5/2008
08-048	10/10/2008	Judicial Opinion	Dismissed	12/5/2008
08-049	11/3/2008	Constitutional Obligations	CONT.	
08-050	11/3/2008	Constitutional Obligations	Complaint withdrawn	12/19/2008
08-051	11/6/2008	Constitutional Obligations	CONT.	
08-052	12/3/2008	Essential Conduct	CONT.	
08-053	12/9/2008	Essential Conduct	CONT.	
08-054	12/12/2008	Judicial Opinion	CONT.	