



JUDICIAL STANDARDS COMMISSION

STATE OF MONTANA

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SHELLY HINSON
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March 21, 2011

Jim Peterson, President of the Senate
Mike Milburn, Speaker of the House
State of Montana
Sixty-Second Legislature
State Capitol
Helena, Montana

Dear President Peterson and Speaker Milburn:

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 2009 and 2010.

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 sixty-first legislature (2009 session) showed that 11 complaints were still pending at the close of 2008. Of those pending complaints, seven were reviewed and dismissed, two were closed with letters of admonition, and two resulted in private reprimands.

As shown in the attached spreadsheet, 59 complaints were filed against judicial officers in calendar year 2009. After consideration and investigation, 39 of those complaints were dismissed, one resulted in the judge's voluntary resignation, and two resulted in letters of admonition. There were 17 complaints pending as of December 31, 2009.

Of those 17 pending complaints, 13 were dismissed, one complaint was withdrawn by the complainant, one resulted in a letter of admonition, and two resulted in private reprimands.



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For calendar year 2010, 66 complaints were filed against judicial officers. After consideration and investigation, 33 complaints were dismissed, two resulted in the judge's voluntary resignation, one resulted in a letter of admonition, and three resulted in private reprimands. There were 27 complaints pending as of December 31, 2010.

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,

A handwritten signature in blue ink, appearing to read "Ed McLean".

Hon. Ed McLean, Chairman
JUDICIAL STANDARDS COMMISSION

/sr

Attachment

cc: Jeff Essmann, Senate Majority Leader
Carol Williams, Senate Minority Leader
Marilyn Miller, Secretary of the Senate
Tom McGillvray, House Republican Leader
Jon Sesso, House Democratic Leader
Beth Cargo, Chief Clerk of the House
Hon. Mike McGrath, Chief Justice of the Supreme Court
Sheri Heffelfinger, Lead Staff, Law and Justice Interim Committee

2009

<u>Case #</u>	<u>Date Filed</u>	<u>Type of Complaint</u>	<u>Disposition</u>	<u>Date of Disposition</u>
07-045	12/19/2007	Delay	Letter of Admonition	11/5/2009
08-040	7/31/2008	Delay	Letter of Admonition	11/5/2009
08-041	7/31/2008	Judicial Opinion	Dismissed	2/23/2009
08-043	8/11/2008	Judicial Opinion	Private Reprimand	2/23/2009
08-044	8/12/2008	Ex Parte Communication	Dismissed	2/23/2009
08-045	8/22/2008	Court Organization	Dismissed	2/23/2009
08-049	11/3/2008	Constitutional Obligations	Dismissed	5/8/2009
08-051	11/6/2008	Constitutional Obligations	Dismissed	8/17/2009
08-052	12/3/2008	Essential Conduct	Dismissed	2/23/2009
08-053	12/9/2008	Essential Conduct	Private Reprimand	5/8/2009
08-054	12/12/2008	Judicial Opinion	Dismissed	2/23/2009
09-001	1/22/2009	Constitutional Obligations	Dismissed	2/23/2009
09-002	2/4/2009	Judicial Opinion	Dismissed	2/23/2009
09-003	2/4/2009	Essential Conduct	Dismissed	5/8/2009
09-004	2/4/2009	Judicial Opinion	Dismissed	2/23/2009
09-005	2/6/2009	Judicial Opinion	Dismissed	5/8/2009
09-006	2/12/2009	Conflict of Interest	Dismissed	5/8/2009
09-007	2/12/2009	Delay	Dismissed	8/17/2009
09-008	2/7/2009	Judicial Opinion	Dismissed	5/8/2009
09-009	2/25/2009	Judicial Opinion	Dismissed	5/8/2009
09-010	2/27/2009	Conflict of Interest	Dismissed	8/17/2009
09-011	2/12/2009	Judicial Opinion	Dismissed	5/8/2009
09-012	3/5/2009	Judicial Opinion	Dismissed	5/8/2009
09-013	3/5/2009	Judicial Opinion	Dismissed	5/8/2009
09-014	3/9/2009	Judicial Opinion	Dismissed	5/8/2009
09-015	3/26/2009	Judicial Opinion	Dismissed	5/8/2009
09-016	3/30/2009	Judicial Opinion	Dismissed	5/8/2009
09-017	4/2/2009	Judicial Opinion	Dismissed	5/8/2009
09-018	3/10/2009	Constitutional Obligations	Dismissed	12/30/2010
09-019	5/8/2009	Conflict of Interest	Dismissed	8/17/2009
09-020	5/8/2009	Ex Parte Communication	Letter of Admonition	11/5/2009
09-021	5/12/2009	Judicial Opinion	Dismissed	8/17/2009
09-022	5/15/2009	Conflict of Interest	Dismissed	11/5/2009
09-023	5/15/2009	Conflict of Interest	Dismissed	11/5/2009
09-024	5/27/2009	Judicial Opinion	Dismissed	11/5/2009
09-025	5/29/2009	Delay	Private Reprimand	3/26/2010
09-026	6/19/2009	Avoidance of Impropriety	Letter of Admonition	11/5/2009
09-027	6/24/2009	Judicial Opinion	Dismissed	8/17/2009
09-028	7/20/2009	Judicial Opinion	Dismissed	8/17/2009
09-029	7/20/2009	Judicial Opinion	Dismissed	8/17/2009
09-030	6/25/2009	Judicial Opinion	Dismissed	8/17/2009
09-031	7/21/2009	Judicial Opinion	Dismissed	8/17/2009
09-032	7/27/2009	Judicial Opinion	Dismissed	11/5/2009
09-033	8/4/2009	Judicial Opinion	Dismissed	11/5/2009
09-034	8/6/2009	Judicial Opinion	Dismissed	11/5/2009

09-035	8/11/2009	Judicial Opinion	Dismissed	11/5/2009
09-036	8/14/2009	Judicial Opinion	Dismissed	11/5/2009
09-037	8/3/2009	Conflict of Interest	Dismissed	11/5/2009
09-038	8/24/2009	Essential Conduct	Dismissed	3/9/2010
09-039	8/25/2009	Judicial Opinion	Dismissed	11/5/2009
09-040	9/11/2009	Judicial Opinion	Dismissed	11/5/2009
09-041	9/8/2009	Judicial Opinion	Dismissed	11/5/2009
09-042	9/15/2009	Judicial Opinion	Dismissed	11/5/2009
09-043	9/29/2009	Judicial Opinion	Dismissed	11/5/2009
09-044	9/23/2009	Judicial Opinion	Dismissed	11/5/2009
09-045	9/23/2009	Judicial Opinion	Dismissed	3/9/2010
09-046	9/23/2009	Ensuring the Right to be Heard	Private Reprimand	3/30/2010
09-047	9/15/2009	Avoidance of Impropriety	Resigned	12/31/2009
09-048	10/7/2009	Judicial Opinion	Dismissed	3/9/2010
09-049	10/7/2009	Judicial Opinion	Dismissed	3/9/2010
09-050	10/27/2009	Judicial Opinion	Dismissed	3/26/2010
09-051	11/9/2009	Judicial Opinion	Dismissed	3/26/2010
09-052	11/24/2009	Judicial Opinion	Dismissed	3/26/2010
09-053	11/24/2009	Judicial Opinion	Dismissed	3/26/2010
09-054	11/30/2009	Delay	Dismissed	3/26/2010
09-055	12/1/2009	Judicial Opinion	Complaint Withdrawn	4/3/2010
09-056	12/10/2009	Judicial Opinion	Dismissed	3/26/2010
09-057	12/18/2009	Avoidance of Impropriety	Letter of Admonition	3/26/2010
09-058	12/22/2009	Judicial Opinion	Dismissed	3/26/2010
09-059	12/4/2009	Judicial Opinion	Dismissed	3/26/2010

2010

<u>Case #</u>	<u>Date Filed</u>	<u>Type of Complaint</u>	<u>Disposition</u>	<u>Date of Disposition</u>
10-001	1/6/2010	Delay	Dismissed	3/26/2010
10-002	1/7/2010	Judicial Opinion	Dismissed	3/26/2010
10-003	1/12/2010	Ex-parte Comm./Conflict of Interest	Private Reprimand	3/22/2010
10-004	1/12/2010	Judicial Opinion	Dismissed	3/26/2010
10-005	1/14/2010	Judicial Opinion	Dismissed	3/26/2010
10-006	1/22/2010	Conflict of Interest	Private Reprimand	7/12/2010
10-007	2/11/2010	Avoidance of Impropriety	Letter of Admonition	7/12/2010
10-008	2/11/2010	Judicial Opinion	Dismissed	7/12/2010
10-009	2/22/2010	Judicial Opinion	Dismissed	3/26/2010
10-010	2/22/2010	Judicial Opinion	Dismissed	3/26/2010
10-011	2/24/2010	Judicial Opinion	Dismissed	3/26/2010
10-012	3/1/2010	Delay	Private Reprimand	7/12/2010
10-013	2/25/2010	Judicial Opinion	Dismissed	3/26/2010
10-014	2/25/2010	Judicial Opinion	Dismissed	3/26/2010
10-015	3/1/2010	Judicial Opinion	Dismissed	7/12/2010
10-016	3/8/2010	Essential Conduct	Dismissed	10/29/2010
10-017	3/8/2010	Essential Conduct	Dismissed	10/29/2010
10-018	3/8/2010	Judicial Opinion	Dismissed	7/12/2010
10-019	3/8/2010	Judicial Opinion	Dismissed	7/12/2010
10-020	1/7/2010	Judicial Opinion	Dismissed	7/15/2010
10-021	12/28/2009	Delay	Dismissed	7/12/2010
10-022	3/17/2010	Avoidance of Impropriety	Resigned	6/2/2010

10-023	3/25/2010	Judicial Opinion	Dismissed	7/12/2010
10-024	4/8/2010	Judicial Opinion	Dismissed	7/12/2010
10-025	4/12/2010	Judicial Opinion	Dismissed	10/29/2010
10-026	4/22/2010	Judicial Opinion	Dismissed	7/12/2010
10-027	4/23/2010	Judicial Opinion	Dismissed	7/12/2010
10-028	4/28/2010	Public Interest	Dismissed	10/29/2010
10-029	5/11/2010	Judicial Opinion	Dismissed	7/12/2010
10-030	5/24/2010	Judicial Opinion	Dismissed	10/29/2010
10-031	6/24/2010	Relations of the Judiciary	Dismissed	10/29/2010
10-032	6/25/2010	Political and Campaign Activity	Pending	
10-033	6/25/2010	Judicial Statements on Pending Cases	Pending	
10-034	7/9/2010	Avoidance of Impropriety	Resigned	9/3/2010
10-035	7/16/2010	Avoidance of Impropriety	Pending	
10-036	7/19/2010	Judicial Opinion	Dismissed	10/29/2010
10-037	7/26/2010	Essential Conduct	Pending	
10-038	8/3/2010	Judicial Opinion	Dismissed	10/29/2010
10-039	8/26/2010	Compliance with the law	Pending	
10-040	8/30/2010	Judicial Opinion	Dismissed	10/29/2010
10-041	9/20/2010	Avoidance of Impropriety	Pending	
10-042	9/20/2010	Judicial Opinion	Dismissed	10/29/2010
10-043	9/21/2010	Judicial Opinion	Dismissed	10/29/2010
10-044	9/21/2010	Compliance with the law	Pending	
10-045	9/21/2010	Judicial Opinion	Dismissed	10/29/2010
10-046	9/21/2010	Essential Conduct	Pending	
10-047	9/21/2010	Judicial Opinion	Dismissed	10/29/2010
10-048	9/24/2010	Essential Conduct	Pending	
10-049	9/30/2010	Delay	Pending	
10-050	10/7/2010	Constitutional Obligations	Pending	
10-051	10/12/2010	Constitutional Obligations	Pending	
10-052	10/12/2010	Judicial Opinion	Pending	
10-053	10/13/2010	Essential Conduct	Pending	
10-054	10/14/2010	Court Organization	Pending	
10-055	10/25/2010	Essential Conduct	Pending	
10-056	10/27/2010	Essential Conduct	Pending	
10-057	11/3/2010	Essential Conduct	Pending	
10-058	11/8/2010	Political and Campaign Activity	Pending	
10-059	11/12/2010	Ensuring the Right to Be Heard	Pending	
10-060	11/16/2010	Bias and prejudice	Pending	
10-061	12/1/2010	Ex-parte Communications	Pending	
10-062	12/8/2010	Ensuring the Right to Be Heard	Pending	
10-063	12/13/2010	Bias and prejudice	Pending	
10-064	12/13/2010	Giving Precedence to the Duties of Judicial Office	Pending	
10-065	12/23/2010	Ensuring the Right to Be Heard	Pending	
10-066	12/20/2010	Ensuring the Right to Be Heard	Pending	