



JUDICIAL STANDARDS COMMISSION

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Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House
State of Montana
Sixty-Third Legislature
State Capitol
Helena, Montana

February 12, 2013

Dear President Essmann and Speaker Blasdel:

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 2011 and 2012.

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-second legislature (2011 session) showed that 27 complaints were still pending at the close of 2010. Of those pending complaints, 22 were reviewed and dismissed, and five were closed with letters of private reprimand.

As shown in the attached spreadsheet, 78 complaints were filed against judicial officers in calendar year 2011. After consideration and investigation, 66 of those complaints were dismissed, one resulted in the judge's voluntary resignation, two were voluntarily withdrawn by the complainant, five resulted in private letters of reprimand, and four resulted in letters of admonition. There were 17 complaints pending as of December 31, 2011.

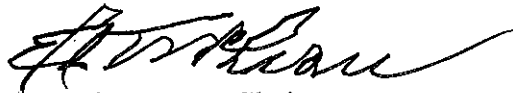
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Of those 17 pending complaints, 13 were dismissed, one complaint was withdrawn by the complainant, one resulted in a letter of admonition, and two resulted in private reprimands.

For calendar year 2012, 70 complaints were filed against judicial officers. After consideration and investigation, 57 complaints were dismissed, three resulted in the judge's voluntary resignation, and three resulted in private reprimands. There were 7 complaints pending as of December 31, 2012.

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

Very truly yours,



Hon. Ed McLean, Chairman
JUDICIAL STANDARDS COMMISSION

EM/sp

Attachment

cc: Art Wittich, Senate Majority Leader
Jon Sesso, Senate Minority Leader
Marilyn Miller, Secretary of the Senate
Gordon Vance, House Majority Leader
Chuck Hunter, House Minority Leader
Lindsey Grovom, Chief Clerk of the House
Hon. Mike McGrath, Chief Justice of the Supreme Court
Sheri Scurr, Lead Staff, Law and Justice Interim Committee

2010

<u>Case #</u>	<u>Date Filed</u>	<u>Type of Complaint</u>	<u>Disposition</u>	<u>Date of Disposition</u>
10-032	6/25/2010	Political and Campaign Activity	Dismissed	2/14/2011
10-033	6/25/2010	Judicial Statements on Pending Cases	Letter of reprimand	2/14/2011
10-035	7/16/2010	Avoidance of Impropriety	Dismissed	10/11/2011
10-037	7/26/2010	Essential Conduct	Dismissed	2/14/2011
10-039	8/26/2010	Compliance with the law	Dismissed	2/14/2011
10-041	9/20/2010	Avoidance of Impropriety	Dismissed	2/14/2011
10-044	9/21/2010	Compliance with the law	Dismissed	2/14/2011
10-046	9/21/2010	Essential Conduct	Dismissed	2/14/2011
10-048	9/24/2010	Essential Conduct	Letter of reprimand	2/14/2011
10-049	9/30/2010	Delay	Letter of reprimand	2/14/2011
10-050	10/7/2010	Constitutional Obligations	Dismissed	5/5/2011
10-051	10/12/2010	Constitutional Obligations	Dismissed	2/14/2011
10-052	10/12/2010	Judicial Opinion	Dismissed	2/14/2011
10-053	10/13/2010	Essential Conduct	Dismissed	2/14/2011
10-054	10/14/2010	Court Organization	Dismissed	2/14/2011
10-055	10/25/2010	Essential Conduct	Letter of reprimand	5/05/2011
10-056	10/27/2010	Essential Conduct	Dismissed	5/05/2011
10-057	11/3/2010	Essential Conduct	Dismissed	2/14/2011
10-058	11/8/2010	Political and Campaign Activity	Letter of reprimand	5/05/2011
10-059	11/12/2010	Ensuring the Right to Be Heard	Dismissed	2/14/2011
10-060	11/16/2010	Bias and prejudice	Dismissed	5/05/2011
10-061	12/1/2010	Ex-parte Communications	Dismissed	2/14/2011
10-062	12/8/2010	Ensuring the Right to Be Heard	Dismissed	2/14/2011
10-063	12/13/2010	Bias and prejudice	Dismissed	5/05/2011
10-064	12/13/2010	Giving Precedence to the Duties of Judicial Office	Dismissed	2/14/2011
10-065	12/23/2010	Ensuring the Right to Be Heard	Dismissed	2/14/2011

10-066	12/20/2010	Ensuring the Right to Be Heard	Dismissed	2/14/2011

2011

<u>Case #</u>	<u>Date Filed</u>	<u>Type of Complaint</u>	<u>Disposition</u>	<u>Date of Disposition</u>
11-001	1/4/2011	Promoting Confidence in the Judiciary, External Influences	Dismissed	2/14/2011
11-002	1/4/2011	Impartiality & Fairness; Bias, Prejudice & Harassment	Dismissed	2/14/2011
11-003	1/4/2011	Impartiality & Fairness; Ex Parte Communication	Dismissed	2/14/2011
11-004	1/12/2011	Promoting Confidence in the Judiciary	Dismissed	2/14/2011
11-005	1/21/2011	External Influences, Impartiality & Fairness, Competence	Dismissed	2/14/2011
11-006	1/24/2011	Essential Conduct	Dismissed	2/14/2011
11-007	1/24/2011	Essential Conduct	Dismissed	2/14/2011
11-008	1/24/2011	Impartiality & Fairness; Bias, Prejudice & Harassment	Dismissed	2/14/2011
11-009	1/26/2011	Bias, Prejudice & Harassment	Dismissed	2/14/2011
11-010	1/26/2011	Impartiality & Fairness; Bias, Prejudice & Harassment	Dismissed	2/14/2011
11-011	1/27/2011	Promoting Confidence in the Judiciary	Dismissed	2/14/2011

11-012	1/31/2011	Competence, Diligence & Cooperation; Compliance with the Law	Dismissed	2/14/2011
11-013	2/9/2011	Impartiality & Fairness; Competence, Diligence & Cooperation, Ensuring the Right to be Heard	Dismissed	5/5/2011
11-014	2/10/2011	Essential Conduct	Dismissed	5/5/2011
11-015	2/16/2011	Compliance with the law; Avoiding Abuse of the Prestige of Judicial Office, Impartiality & Fairness; Bias, Prejudice & Harassment; Competence, Diligence & Cooperation; Ensuring	Dismissed	5/5/2011
11-016	2/16/2011	Impartiality & Fairness	Dismissed	7/6/2011
11-017	2/16/2011	Compliance with the Law	Dismissed	5/5/2011
11-018	2/16/2011	Compliance with the Law	Dismissed	5/5/2011
11-019	2/28/2011	Impartiality & Fairness; Compliance with the Law	Dismissed	5/5/2011
11-020	3/3/2011	Ensuring the Right to Be Heard; Impartiality & Fairness	Dismissed	5/5/2011
11-021	3/3/2011	Ensuring the Right to Be Heard; Impartiality & Fairness	Dismissed	5/5/2011
11-022	3/9/2011	Ensuring the Right to Be Heard	Dismissed	5/5/2011
11-023	3/9/2011	Ensuring the Right to Be Heard; Responsibility to Decide	Dismissed	5/5/2011
11-024	3/22/2011	Ensuring the Right to Be Heard; Compliance with the Law	Dismissed	5/5/2011

11-025	3/23/2011	Promoting Confidence in the Judiciary; Ex parte Communications	Dismissed	5/5/2011
11-026	3/24/2011	Decorum, Demeanor & Communication w/Jurors	Dismissed	7/6/2011
11-027	3/24/2011	Relations of the Judiciary; Avoidance of Impropriety, Essential Conduct	Dismissed	5/5/2011
11-028	4/13/2011	Compliance with the Law; Competence; Essential conduct; Constitutional Obligations	Dismissed	5/5/2011
11-029	4/14/2011	Essential Conduct; Promptness	Dismissed	7/8/2011
11-030	4/18/2011	Promoting Confidence in the Judiciary; Avoiding Abuse of the Prestige of Judicial Office	Dismissed	7/8/2011
11-031	4/20/2011	Compliance with the Law	Dismissed	5/5/2011
11-032	4/21/2011	Complaint withdrawn	N/A	5/2/2011
11-033	4/28/2011	Delay in ruling; complainant withdrew complaint 5/5/11	Closed per request of complainant	5/5/2011
11-034	5/2/2011	External Influences; Disqualification	Dismissed	6/21/2011
11-035	5/3/2011	Compliance with the Law	Dismissed	6/21/2011
11-036	5/10/2011	Disability and Impairment	Letter of reprimand	6/21/2011
11-037	5/10/2011	Impartiality & Fairness; Bias, Prejudice & Harassment; Use of Nonpublic Information	Dismissed	6/21/2011

11-038	5/17/2011	Compliance with the Law	Dismissed	6/21/2011
11-039	5/17/2011	Compliance with the Law	Dismissed	6/21/2011
11-040	5/20/2011	Compliance with the Law	Dismissed	6/21/2011
11-041	5/24/2011	Promoting Confidence in the Judiciary; Ensuring the Right to be Heard; Bias, Prejudice & Harassment; External Influences on the Judiciary; Competence, Diligence, and Cooperation; Ensuring the	Dismissed	6/21/2011
11-042	6/6/2011	Supervisory Duties; Bias, Prejudice and Harassment	Dismissed	11/29/2011
11-043	6/8/2011	Promoting Confidence in the Judiciary; Competence, Diligence & Cooperation; Judicial Statements on Pending Cases; Cooperation with Disciplinary Authorities	Letter of reprimand	10/12/2011
11-044	6/14/2011	Impartiality and Fairness; External Influence on Judicial Conduct	Dismissed	10/11/2012
11-045	7/7/2011	Compliance with the Law; Bias, Prejudice and Harassment; Decorum and Demeanor	Dismissed	10/11/2012
11-046	7/22/2011	Compliance with the Law; Promoting Confidence in the Judiciary; Bias, Prejudice and Harassment	Dismissed	8/21/2012
11-047	7/22/2011	Impartiality and Fairness	Dismissed	10/11/2011
11-048	7/29/2011	Compliance with the Law; Impartiality and Fairness	Dismissed	10/11/2011
11-049	7/29/2011	Compliance with the Law; Impartiality and Fairness	Dismissed	10/11/2011
11-050	7/29/2011	Compliance with the Law; Impartiality and Fairness	Dismissed	10/11/2011

11-051	8/2/2011	Ensuring the Right to Be Heard; Compliance with the Law; Ex Parte Communication	Letter of Reprimand Judge recused	1/12/2012
11-052	8/3/2011	Impropriety, Bias, Prejudice and Harrassment	Resigned	9/4/2012
11-053	8/8/2011	Impartiality and Fairness	Dismissed	10/11/2011
11-054	8/8/2011	Impartiality & Fairness; Bias, Conflict of Interest	Dismissed	10/11/2011
11-055	8/9/2011	Compliance with the Law; Bias	Dismissed	10/11/2011
11-056	8/9/2011	Impartiality and Fairness	Dismissed	10/11/2011
11-057	8/11/2011	Ensuring the Right to be Heard	Dismissed	12/7/2011
11-058	8/18/2011	Compliance with the Law; Illegal Prosecution	Dismissed	10/11/2011
11-059	8/15/2011	Right to be Heard; Competence, Diligence & Cooperation; Supervisory Duties	Dismissed	10/11/2011
11-060	9/1/2011	Bias, Prejudice & Harassment; Competence, Diligence & Cooperation; Delay in Ruling	Letter of Admonishment	12/7/2011
11-061	9/2/2011	Right to be Heard; Impartiality & Fairness; Compliance with the Law; Disqualification	Dismissed	1/26/2012
11-062	9/6/2011	Delay in Ruling	Dismissed	1/12/2012
11-063	9/9/2011	Disqualification; Supervisory Duties	Dismissed	12/7/2012

11-064	9/16/2011	Compliance with the Law	Dismissed	12/12/2011
11-065	9/6/2011	Giving Precedence to the Duties of Judicial Office; Impartiality & Fairness; Promoting Confidence in the Judiciary	Dismissed	11/11/2011
11-066	9/16/2011	Compliance with the Law	Dismissed	12/12/2011
11-067	9/20/2011	Decorum, Demeanor & Communication w/Jurors	Dismissed	12/7/2011
11-068	11/26/2011	Delay in Ruling	Letter of reprimand	1/17/2012
11-069	10/4/2011	Impartiality and Fairness	Dismissed	12/7/2011
11-070	10/7/2011	Avoiding Abuse of the Prestige of Judicial Office; Compliance with the Law	Dismissed	7/16/2012
11-071	10/17/2011	Essential Conduct; Ex parte Communication	Admonishment	1/13/2012
11-072	10/17/2011	Essential Conduct; Ex parte Communication	Admonishment	1/13/2012
11-073	10/18/2011	Compliance with the Law; Impartiality and Fairness	Dismissed	12/7/2011
11-074	10/25/2011	Impartiality & Fairness; Bias, Prejudice & Harassment Public Interest; Bias, Prejudice & Harassment; Constitutional Obligations; Relations of the Judiciary; Avoidance of Impropriety; Essential Conduct	Dismissed-- judge no longer seated	1/17/2012
11-075	10/31/2011		Dismissed	12/2/2011
11-076	11/17/2011	Ex parte Communications; Delay of Ruling	Admonishment	2/1/2012

11-077	12/23/2011	Compliance with the Law	Dismissed	1/23/2012
11-078	12/29/2011	Bias, Prejudice & Harassment	Dismissed	1/17/2012

2012

12-001	1/4/2012	Compliance with the Law; Impartiality and Fairness; Ensuring the Right to Be Heard	Dismissed	3/19/2012
12-002	1/11/2012	Essential Conduct; Compliance with the Law	Dismissed	3/16/2012
12-003	1/13/2012	Compliance with the Law	Dismissed	3/19/2012
12-004	2/1/2012	Bias, Prejudice & Harassment; Decorum, Demeanor & Communication with Jurors	Letter of reprimand	6/13/2012
12-005	2/1/2012	Disability and Impairment	Voluntary resignation	1/30/2012
12-006	2/6/2012	Essential Conduct	Voluntary resignation	3/6/2012
12-007	2/7/2012	Promoting Confidence in the Judiciary; Bias, Prejudice & Harassment; Impartiality & Fairness	Voluntary resignation	3/6/2012
12-008	2/15/2012	Compliance with the Law	Dismissed	3/19/2012
12-009	3/2/2012	Delay in Ruling; Essential Conduct	Dismissed	5/29/2012
12-010	3/6/2012	Bias, Prejudice & Harassment	Dismissed	3/19/2012
12-011	3/6/2012	Conflict of Interest	Dismissed	3/19/2012
12-012	3/6/2012	Disqualification	Dismissed	3/19/2012

12-013	3/6/2012	Disqualification		Dismissed	3/16/2012
12-014	3/12/2012	Impartiality & Fairness; Ensuring the Right to Be Heard; Giving Precedence to the Duties of Judicial Office		Dismissed	5/22/2012
12-015	3/13/2012	Giving Precedence to the Duties of Judicial Office; Ex parte Communications		Letter of Reprimand	7/12/2012
12-016	3/16/2012	Responsibility to Decide		Dismissed	5/29/2012
12-017	3/20/2012	Bias, Prejudice & Harassment; Impartiality & Fairness		Dismissed	5/29/2012
12-018	3/29/2012	Compliance with the Law; Impartiality & Fairness; Giving Precedence to the duties of Judicial Office; Bias, Prejudice & Harassment		Dismissed	5/29/2012
12-019	4/3/2012	Bias, Prejudice & Harassment; External Influence on Judicial Conduct; Ex Parte Communications; Disqualification		Dismissed	9/4/2012
12-020	4/17/2012	Compliance with the Law		Dismissed	5/22/2012
12-021	4/17/2012	Bias, Prejudice & Harassment; External Influences, Competence, diligence, cooperation; Ensuring the Right to Be heard; Judge Responsibility/disqualification; Decorum,		Dismissed	9/4/2012
12-022	5/2/2012	Ensuring the Right to Be Heard		Dismissed	5/29/2012
12-023	5/7/2012	Bias, Prejudice & Harassment; External Influence on Judicial Conduct; Ex Parte Communications; Disqualific		Dismissed	6/15/2012
12-024	5/7/2012	Political and Campaign Activity		Letter of reprimand	9/4/2012
12-025	5/8/2012	Compliance with the Law; Promoting Confidence in the Judiciary; Impartiality and Fairness		Dismissed	5/29/2012

12-026	5/10/2012	Compliance with the Law; Decorum & Demeanor	Dismissed	9/4/2012
12-027	5/16/2012	Bias, Prejudice & Harassment; Competence, Diligence & Cooperation	Dismissed	7/12/2012
12-028	5/17/2012	Compliance with the Law	Dismissed	7/12/2012
12-029	5/23/2012	Decorum & Demeanor; Impartiality & Fairness; Bias, Prejudice & Harassment	Dismissed	7/12/2012
12-030	5/24/2012	Supervisory Duties	Dismissed	7/12/2012
12-031	5/31/2012	Bias, Prejudice & Harassment	Dismissed	9/4/2012
12-032	6/7/2012	External Influences on Judicial Conduct; Disqualification; Compliance with the Law	Dismissed	7/12/2012
12-033	6/6/2012	Impartiality & Fairness; Bias, Prejudice & Harassment; Ensuring the Right to Be Heard; Disqualification	Dismissed	7/16/2012
12-034	6/6/2012	Compliance with the Law; Promoting Confidence in the Judiciary; Avoiding Abuse of the Prestige of Judicial Office	Dismissed	7/16/2012
12-035	6/18/2012	Bias, Prejudice & Harassment; Disqualification; External Influences on Judicial Conduct	Dismissed	10/18/2012
12-036	6/18/2012	Decorum & Demeanor; Impartiality & Fairness; Bias, Prejudice & Harassment; Supervisory Duties	Dismissed	7/16/2012
12-037	6/21/2012	Compliance with the Law; Promoting Confidence in the Judiciary; Impartiality and Fairness; External Influences on Judicial Conduct	Dismissed	7/16/2012
12-038	6/25/2012	Impartiality & Fairness; Bias, Prejudice & Harassment; Ensuring the Right to Be Heard; Disqualification	Dismissed	7/15/2012

12-039	6/25/2012	Impartiality & Fairness; Bias, Prejudice & Harassment	Dismissed	7/13/2012
12-040	6/27/2012	Impartiality & Fairness; External Influences on Judicial Conduct; Giving Precedence to the Duties of Judicial Office	Dismissed	7/16/2012
12-041	7/5/2012	Compliance with the Law; Promoting Confidence in the Judiciary; Impartiality & Fairness; Bias, Prejudice & Harassment; External Influences on Judicial Conduct; Ensuring	Dismissed	9/4/2012
12-042	7/12/2012	Responding to Judicial & Lawyer Misconduct;	Dismissed	9/4/2012
12-043	7/25/2012	Compliance with the Law;	Dismissed	9/4/2012
12-044	8/2/2012	Ensuring the Right to Be Heard	Dismissed	9/4/2012
12-045	8/6/2012	Impartiality & Fairness; Bias, Prejudice & Harassment	Dismissed	12/10/2012
12-046	8/7/2012	Impartiality, Competence and Diligence	Dismissed	12/10/2012
12-047	8/8/2012	Compliance with the law; Promoting Confidence in the Judiciary;	Dismissed	9/4/2012
12-048	8/21/2012	Compliance with the Law	Dismissed	9/4/2012
12-049	8/21/2012	Compliance with the Law; Bias, Prejudice & Harassment; Disqualification; Ex parte Communications; Ensuring the Right to Be Heard; Disqualification	Dismissed	9/4/2012
12-050	8/21/2012	Compliance with the Law;	Dismissed	9/4/2012
12-051	8/22/2012	Compliance with the Law;	Dismissed	10/18/2012

12-052	9/7/2012	Responding to Judicial & Lawyer Misconduct	Dismissed	10/18/2012
12-053	9/17/2012	Ex parte Communications	Dismissed	12/10/2012
12-054	10/3/2012	Compliance with the Law	Dismissed	12/10/2012
12-055	10/12/2012	Compliance with the Law; Bias, Prejudice & Harassment; Ensuring the Right to Be Heard; Disqualification	Pending	
12-056	10/15/2012	Bias, Prejudice & Harassment	Dismissed	12/10/2012
12-057	10/19/2012	Compliance with the law; Promoting Confidence in the Judiciary; Impartiality & Fairness; Bias, Prejudice & Harassment; External Influences on Judicial Conduct; Ensuring	Dismissed	12/10/2012
12-058	11/1/2012	Prejudice, Bias & Harassment	Dismissed	12/10/2012
12-059	11/1/2012	Prejudice, Bias & Harassment	Dismissed	12/10/2012
12-060	11/1/2012	Prejudice, Bias & Harassment	Dismissed	12/10/2012
12-061	11/1/2012	Prejudice, Bias & Harassment	Dismissed	12/10/2012
12-062	11/1/2012	Prejudice, Bias & Harassment	Dismissed	12/10/2012
12-063	11/7/2012	Avoidance of Impropriety; Essential Conduct; Compliance with the Law; External Influences on Judicial Conduct	Dismissed	12/10/2012
12-064	11/19/2012	Compliance with the Law; Impartiality & Fairness; Bias, Prejudice & Harassment; Competence & Diligence; Ensuring the Right to Be Heard; Responsibility to Decide	Dismissed	12/10/2012

12-065	11/21/2012	Responsibility to Decide	Pending	
12-066	11/26/2012	Responsibility to Decide	Pending	
12-067	12/17/2012	Promoting Confidence in the Judiciary; Impartiality, Competence & Diligence	Pending	
12-068	11/29/2012	Impartiality, Competence and Diligence	Pending	
12-069	12/17/2012	Compliance with the Law; Impartiality & Fairness; Competence, Diligence & Cooperation	Pending	
12-070	12/17/2012	Impartiality & Fairness; Prejudice, Bias & Harassment; External Influences on Judicial Conduct	Pending	