



JUDICIAL STANDARDS COMMISSION STATE OF MONTANA

301 S. PARK, SUITE 328
P.O. BOX 203005
HELENA, MONTANA 59620-3005
TELEPHONE: (406) 841-2976
FAX: (406) 841-2955

CHAIRMAN

HON. BLAIR JONES
District Court Judge
809A East 4th Ave.
P.O. Box 1268
Columbus, MT 59019
Telephone: 322-5406

VICE CHAIRMAN

VICTOR F. VALGENTI
Attorney at Law
Suite 200
University Plaza
100 Ryman
Missoula, MT 59802
Telephone: 542-2140

MEMBERS

HON. MIKE MENAHAN
District Court Judge
200 Broadway
Helena, MT 59601
Telephone: 447-8205

BRIANNE DUGAN
355 Concord Drive
Bozeman, MT 59715
Telephone: 579-2921

JOHN MURPHY
1806 Beech Drive
Great Falls, MT 59404
Telephone: 771-4838

EXECUTIVE SECRETARY

SHELLY SMITH
301 S. Park, Suite 328
P.O. Box 203005
Helena, MT 59620-3005
Telephone: 841-2976
FAX: 841-2955

ADMIN. SECRETARY

GEORGIA LOVELADY
Telephone: 841-2977

January 19, 2017

Scott Sales, President of the Senate
Austin Knudsen, Speaker of the House
State of Montana
Sixty-Fifth Legislature
State Capitol
Helena, Montana

Dear President Sales and Speaker Knudsen:

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 2015 and 2016.

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-fourth legislature (2015 session) indicated that 2 complaints were still pending at the close of 2014. Of those pending complaints, one resulted in the judge's voluntary resignation, and the other complaint was dismissed.

As shown in the attached spreadsheet, 68 complaints were filed against judicial officers in calendar year 2015. After consideration and investigation, 61 of those complaints were dismissed, 1 resulted in a letter to the judge to expedite ruling on a case. There were 6 complaints pending as of December 31, 2015. Of those 6 pending complaints, 6 were dismissed.

For calendar year 2016, 57 complaints were filed against judicial officers. After consideration and investigation, 47 complaints were dismissed, 2 complaints were voluntarily withdrawn by the complainant, and 1 resulted

in a letter of direction to the judge regarding the Rules of Civil Procedure. There were 8 complaints pending as of December 31, 2016.

Should any member of the legislature or the legislative staff have questions or need additional information, please do not hesitate to contact Shelly Smith, the Commission's executive secretary, or any member of the Commission.

Very truly yours,



Hon. Blair Jones, Chairman
JUDICIAL STANDARDS COMMISSION

BJ/ss
Attachment

cc: Fred Thomas, Senate Majority Leader
Jon Sesso, Senate Minority Leader
Marilyn Miller, Secretary of the Senate
Ron Ehli, House Majority Leader
Jenny Eck, House Minority Leader
Lindsey Vroegindewey (Grovo), Chief Clerk of the House
Hon. Mike McGrath, Chief Justice of the Supreme Court
Rachel Weiss, Lead Staff, Law and Justice Interim Committee

**Judicial Standards Commission
Complaints - 2015 - 2016**

*(d)	Case No.	Date Filed	Type of Complaint	Decision	Date of Decision
1	14-059	12/01/14	Essential Conduct/Impropriety/Judicial Opinion	Dismissed	3/16/2015
1	15-001	01/05/15	Judicial Opinion	Dismissed	1/27/2015
1	15-017	03/18/15	Essential Conduct	Dismissed	5/13/2015
1	16-008	02/09/16	Judicial Opinion	Dismissed	3/24/2016
1	16-011	02/12/16	Judicial Opinion/Impropriety/Delay	Dismissed	3/24/2016
1	16-040	09/08/16	Ex Parte Communication/Impropriety	Dismissed	10/12/2016
1	16-041	09/08/16	Impartiality/Impropriety	Dismissed	10/12/2016
2	15-010	01/22/15	Judicial Opinion/Delay	Dismissed	3/16/2015
2	15-014	03/05/15	Essential Conduct	Dismissed	3/16/2015
2	15-016	03/16/15	Judicial Opinion	Dismissed	5/13/2015
2	15-058	11/05/15	Essential Conduct	Dismissed	12/1/2015
2	16-005	01/28/16	Impropriety/Judicial Opinion	Dismissed	3/24/2016
2	16-022	05/09/16	Impropriety	Dismissed	6/20/2016
3	15-028	05/04/15	Essential Conduct/Delay	Dismissed	7/10/2015
3	16-045	10/21/16	Judicial Opinion	Dismissed	12/5/2016
3	16-046	10/26/16	Judicial Opinion	Dismissed	12/5/2016
3	16-047	11/01/16	Judicial Opinion	Dismissed	12/5/2016
3	16-048	11/01/16	Judicial Opinion	Dismissed	12/5/2016
4	15-020	03/31/15	Judicial Opinion; Impropriety; Essential Conduct; Delay	Dismissed	5/13/2015
4	15-038	06/30/15	Bias	Dismissed	1/26/2016
4	15-050	09/28/15	Impropriety/Judicial Opinion	Dismissed	10/20/2015
4	16-012	02/22/16	Essential Conduct/Impropriety	Dismissed	3/24/2016
4	16-033	07/18/16	Impropriety	Dismissed	8/16/2016
5	15-036	06/19/15	Bias/Delay	Dismissed	7/10/2015
5	15-045	08/03/15	Delay	Dismissed	1/26/2016
5	15-047	09/10/15	Impropriety	Dismissed	10/20/2015
5	16-007	02/05/16	Court Organization/Delay	<i>Pending</i>	
6	15-039	07/08/15	Essential Conduct	Dismissed	1/26/2016
6	15-042	07/17/15	Essential Conduct	Dismissed	1/26/2016
6	16-039	09/02/16	Impropriety/Judicial Opinion/Ex Parte Communication	Complaint Withdrew	10/5/2016
6	16-049	11/14/16	Impropriety/Judicial Opinion/Ex Parte Communication	Complaint Withdrew	11/16/2016
7	15-041	07/16/15	Impropriety	Dismissed	10/20/2015
7	16-002	01/04/16	Judicial Opinion/Impropriety/ Essential Conduct/Ex-Parte Communication	Dismissed	1/26/2016
7	16-010	02/12/16	Judicial Opinion/Impropriety	Dismissed	3/24/2016
7	16-025	06/24/16	Judicial Opinion	Dismissed	8/16/2016
8	15-012	02/17/15	Essential Conduct	Dismissed	3/16/2015
8	15-044	07/23/15	Impropriety	Dismissed	10/20/2015
8	15-054	10/21/15	Judicial Opinion	Dismissed	12/1/2015
8	16-017	03/30/16	Impropriety	Dismissed	3/24/2016
9	15-022	04/06/15	Impropriety/ Essential Conduct	Dismissed	5/13/2015

*(d) Numbers were assigned randomly to judges that received more than 1 complaint in the biennium.

**Judicial Standards Commission
Complaints - 2015 - 2016**

*(d)	Case No.	Date Filed	Type of Complaint	Decision	Date of Decision
9	15-061	11/12/15	Impropriety	Dismissed	12/1/2015
9	16-013	03/03/16	Judicial Opinion/Impropriety	Dismissed	3/24/2016
9	16-023	05/31/16	Judicial Opinion/Impropriety/Essential Conduct	Dismissed	6/20/2016
10	15-021	04/02/15	Judicial Opinion; Impropriety	Dismissed	5/13/2015
10	15-053	10/05/15	Impropriety	Dismissed	10/20/2015
10	16-009	02/11/16	Judicial Opinion	Dismissed	3/24/2016
11	16-019	04/18/16	Judicial Opinion	Dismissed	6/20/2016
11	16-020	04/20/16	Essential Conduct	Dismissed	6/20/2016
11	16-021	04/20/16	Impropriety/Essential Conduct	Dismissed	6/20/2016
12	15-009	01/22/15	Impropriety	Dismissed	3/16/2015
12	15-026	04/09/15	Delay	Dismissed	5/13/2015
12	15-055	10/22/15	Delay	Dismissed	1/26/2016
13	15-013	02/17/15	Impropriety	Dismissed	3/16/2015
13	15-015	03/10/15	Impropriety	Dismissed	3/16/2015
13	16-015	03/09/16	Delay	Dismissed	3/24/2016
14	15-011	01/26/15	Judicial Opinion	Dismissed	3/16/2015
14	15-065	12/21/15	Conduct	Dismissed	1/26/2016
14	16-036	08/08/16	Impropriety	Dismissed	8/16/2016
15	15-052	10/05/15	Essential Conduct	Dismissed	10/20/2015
15	15-062	11/19/15	Impropriety/Essential Conduct	Dismissed	12/1/2015
15	16-055	12/27/16	Essential Conduct	<i>Pending</i>	
16	15-030	05/08/15	Impropriety	Dismissed	7/10/2015
16	15-040	07/15/15	Impropriety	Dismissed	10/20/2015
16	15-043	07/17/15	Impropriety	Dismissed	10/20/2015
17	15-007	01/05/15	Impropriety	Dismissed	1/27/2015
17	16-024	06/20/16	Conduct	Dismissed	8/16/2016
18	15-002	01/05/15	Judicial Opinion	Dismissed	1/27/2015
18	15-027	04/29/15	Impropriety	Dismissed	5/13/2015
19	15-059	11/05/15	Impropriety/Essential Conduct	Dismissed	12/1/2015
19	16-053	12/12/16	Essential Conduct/Impropriety	<i>Pending</i>	
20	15-023	04/06/15	Judicial Opinion	Dismissed	5/13/2015
20	16-044	10/07/16	Partisan Politics	Dismissed	12/5/2016
21	15-021	04/02/15	Judicial Opinion/ Impropriety	Dismissed	5/13/2015
21	15-057	10/30/15	Impropriety	Dismissed	12/1/2015
22	16-004	01/04/16	Judicial Opinion	Dismissed	1/26/2016
22	16-028	07/05/16	Court Organization	Dismissed	8/16/2016
23	15-063	11/27/15	Delay/Essential Conduct	Dismissed	1/26/2016
23	16-051	11/29/16	Delay/Court Organization/Essential Conduct	<i>Pending</i>	
24	16-018	04/11/16	Essential Conduct	Dismissed	3/24/2016
24	16-022	05/09/16	Impropriety	Dismissed	6/20/2016
25	16-003	01/04/16	Impropriety/Essential Conduct	Dismissed	1/26/2016
25	16-054	12/20/16	Judicial Opinion/Impropriety	<i>Pending</i>	
26	15-060	11/09/15	Essential Conduct	Dismissed	12/1/2015

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**Judicial Standards Commission
Complaints - 2015 - 2016**

*(d)	Case No.	Date Filed	Type of Complaint	Decision	Date of Decision
26	15-064	12/10/15	Judicial Opinion/Impropriety/ Essential Conduct	Dismissed	1/26/2016
27	15-037	06/29/15	Bias	Dismissed	7/10/2015
27	16-026	07/01/16	Essential Conduct	Dismissed with a Letter of Direction re: Rules of Civil Procedure	8/26/2016
28	15-066	12/21/15	Essential Conduct/Judicial Opinion	Dismissed	1/26/2016
28	16-052	12/08/16	Essential Conduct	<i>Pending</i>	
29	15-004	01/05/15	Judicial Opinion	Dismissed	1/27/2015
29	15-067	12/22/15	Partisan Politics	Dismissed	1/26/2016
	14-007	02/20/14	Bias/Prejudiced/Harrassment	Judge Resigned	1/1/2016
	15-003	01/05/15	Judicial Opinion	Dismissed	1/27/2015
	15-005	01/05/15	Judicial Opinion	Dismissed	1/27/2015
	15-006	01/05/15	Judicial Opinion	Dismissed	1/27/2015
	15-008	01/15/15	Judicial Opinion	Dismissed	1/27/2015
	15-018	03/16/15	Judicial Opinion; Impropriety; Essential Conduct	Dismissed	5/13/2015
	15-019	03/24/15	Judicial Opinion; Impropriety	Dismissed	5/13/2015
	15-024	04/08/15	Judicial Opinion; Impropriety	Dismissed	5/13/2015
	15-025	04/08/15	Judicial Opinion; Impropriety	Dismissed	5/13/2015
	15-029	05/06/15	Judicial Opinion	Dismissed	7/10/2015
	15-031	05/12/15	Impropriety	Dismissed	7/10/2015
	15-032	05/21/15	Judicial Opinion/Essential Conduct	Dismissed	7/10/2015
	15-033	05/28/15	Delay	Dismissed - Ltr to Judge to expedite matter.	9/1/2015
	15-034	06/15/15	Impropriety	Dismissed	7/10/2015
	15-035	06/18/15	Judicial Opinion	Dismissed	7/10/2015
	15-046	09/02/15	Impropriety/Delay	Dismissed	10/20/2015
	15-048	09/14/15	Essential Conduct	Dismissed	10/20/2015
	15-049	09/14/15	Essential Conduct/Delay	Dismissed	10/20/2015
	15-051	09/29/15	Impropriety/Judicial Opinion	Dismissed	10/20/2015
	15-056	10/30/15	Impropriety/Essential Conduct	Dismissed	10/20/2015
	15-068	12/28/15	Essential Conduct/Ex Parte Communication	Dismissed	1/26/2016
	16-001	01/04/16	Judicial Opinion/Impropriety/ Essential Conduct	Dismissed	1/26/2016
	16-006	02/03/16	Impartiality/Essential Conduct	Dismissed	3/24/2016
	16-014	03/03/16	Judicial Opinion	Dismissed	3/24/2016
	16-016	03/15/16	Delay/Essential Conduct	Dismissed	3/24/2016
	16-022	05/09/16	Impropriety	Dismissed	6/20/2016
	16-027	07/21/16	Judicial Opinion/Impropriety/Essential Conduct	Dismissed	8/16/2016
	16-029	07/11/16	Judicial Opinion/Impropriety	Dismissed	8/16/2016
	16-030	07/18/16	Impropriety	Dismissed	8/16/2016

*(d) Numbers were assigned randomly to judges that received more than 1 complaint in the biennium.

**Judicial Standards Commission
Complaints - 2015 - 2016**

*(d)	Case No.	Date Filed	Type of Complaint	Decision	Date of Decision
	16-031	07/18/16	Impropriety	Dismissed	8/16/2016
	16-032	07/18/16	Impropriety	Dismissed	8/16/2016
	16-034	07/25/16	Essential Conduct	Dismissed	8/16/2016
	16-035	08/02/16	Essential Conduct	Dismissed	8/16/2016
	16-037	08/26/16	Judicial Opinion	Dismissed	10/12/2016
	16-038	08/30/16	Ex Parte Communication/Impropriety	Dismissed	10/12/2016
	16-042	09/26/16	Impropriety/Judicial Opinion	Dismissed	12/5/2016
	16-043	09/29/16	Essential Conduct/Judicial Opinion	Dismissed	12/5/2016
	16-050	11/17/16	Delay/Essential Conduct	Dismissed	12/5/2016
	16-056	12/27/16	Essential Conduct	<i>Pending</i>	
	16-057	12/30/16	Judicial Opinion	<i>Pending</i>	

§3-1-1126, MCA. Commission report to legislature. (1) The commission shall, as provided in 5-11-210, submit to the legislature a report containing ***(d) whether there have been previous complaints against the same judge and, if so, the general nature of the previous complaints.**

*(d) Numbers were assigned randomly to judges that received more than 1 complaint in the biennium.