



# JUDICIAL STANDARDS COMMISSION STATE OF MONTANA

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January 17, 2019

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

Dear President Sales and Speaker Hertz:

As required by Montana Code Annotated § 3-1-1126, the Montana Judicial Standards Commission (Commission) submits this report to the legislature for the preceding biennium covering calendar years 2017 and 2018.

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. Mont. Code Ann. § 3-1-1101 through – 1126. The work, investigations, and recommendations of the Commission are independent of the Supreme Court. With few exceptions, all papers and proceedings before the Commission are confidential pursuant to Montana Code Annotated § 3-1-1105. Access to Commission records is limited to the Commission and staff.

The Commission's report to the sixty-fifth legislature (2017 session) showed that 2 complaints were still pending at the close of 2016. Of those pending complaints, one resulted in a Private Reprimand, and the other complaint was dismissed.

As shown in the attached spreadsheet, 46 complaints were filed against judicial officers in calendar year 2017. After consideration and investigation, 44 of those complaints were dismissed, and 2 resulted in a letter of admonition to the judge. There were 2 complaints pending as of December 31, 2017. Of those 2 pending complaints, 2 were dismissed.

For calendar year 2018, 60 complaints were filed against judicial officers. After consideration and investigation, 54 complaints were dismissed and 2

complaints were dismissed with a letter of caution. There were 4 complaints pending as of December 31, 2018.

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

Very truly yours,

A handwritten signature in blue ink that reads "Mike Menahan". The signature is fluid and cursive, with the first name "Mike" and last name "Menahan" clearly distinguishable.

Hon. Mike Menahan, Chairman  
JUDICIAL STANDARDS COMMISSION

MM/ss  
Attachment

cc: Fred Thomas, Senate Majority Leader  
Jon Sesso, Senate Minority Leader  
Marilyn Miller, Secretary of the Senate  
Brad Tschida, House Majority Leader  
Casey Schreiner, 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 - 2017 - 2018**

<b>(d)*</b>	<b>Case No.</b>	<b>Date Filed</b>	<b>Type of Complaint</b>	<b>Decision</b>	<b>Date of Decision</b>
<b>2016</b>					
15	16-056	12/07/16	Essential Conduct	Private Reprimand	6/6/2017
4	16-057	12/30/16	Judicial Opinion	Dismissed	1/30/2017
<b>2017</b>					
1	17-012	05/08/17	Impropriety	Dismissed	5/15/2017
1	17-041	12/07/17	Essential Conduct/Delay	Dismissed	10/1/2018
2	17-007	02/28/17	Delay	Letter of Admonition	11/13/2017
2	17-010	03/27/17	Delay	Letter of Admonition	11/13/2017
4	17-004	01/27/17	Judicial Opinion	Dismissed	5/15/2017
5	17-015	05/15/17	Judicial Opinion/Essential Conduct	Dismissed	8/28/2017
5	17-024	06/28/17	Essential Conduct	Dismissed	8/28/2017
6	17-014	05/10/17	Impropriety/Judicial Opinion	Dismissed	8/28/2017
6	17-016	05/16/17	Impropriety/Essential Conduct	Dismissed	8/28/2017
6	17-042	12/07/17	Impropriety/Ex-Parte Communication/Delay	Dismissed	1/29/2018
7	17-031	07/24/17	Essential Conduct	Dismissed	11/13/2017
8	17-002	01/10/17	Impropriety/Ex Parte Communications	Dismissed	1/30/2017
8	17-039	11/27/17	Impropriety	Dismissed	1/29/2018
8	17-040	11/27/17	Impropriety	Dismissed	1/29/2018
10	17-021	06/09/17	Judicial Opinion/Bias	Dismissed	8/28/2017
10	17-023	06/09/17	Impropriety/Kinship or Influence	Dismissed	8/28/2017
10	17-025	07/03/17	Impropriety	Dismissed	8/28/2017
11	17-019	05/26/17	Judicial Opinion/Impropriety/Essential Conduct	Dismissed	8/28/2017
11	17-026	07/05/17	Judicial Opinion	Dismissed	8/28/2017
12	17-027	07/07/17	Judicial Opinion	Dismissed	8/28/2017
12	17-028	07/12/17	Partisan Politics	Dismissed	8/28/2017
16	17-030	07/18/17	Judicial Opinion/Impropriety/Essential Conduct	Dismissed	9/18/2017
16	17-033	09/12/17	Impropriety/Judicial Opinion	Dismissed	11/13/2017
17	17-046	12/27/17	Essential Conduct	Dismissed	1/29/2018
18	17-008	03/13/17	Impropriety	Dismissed	5/15/2017
18	17-022	06/09/17	Essential Conduct	Dismissed	8/28/2017
19	17-044	12/26/17	Impropriety/Essential Conduct	Dismissed	1/29/2018
20	17-005	01/27/17	Judicial Opinion	Dismissed	5/15/2017
20	17-032	07/24/17	Impropriety/Essential Conduct/Judicial Opinion	Dismissed	11/13/2017
21	17-029	08/21/17	Judicial Opinion/Impropriety	Dismissed	8/28/2017
21	17-037	11/13/17	Judicial Opinion	Dismissed	1/29/2018
22	17-045	12/26/17	Impropriety/Essential Conduct	Dismissed	1/29/2018
	17-001	01/03/17	Judicial Opinion	Dismissed	1/30/2017
	17-003	01/27/17	Impropriety	Dismissed	1/30/2017
	17-006	02/10/17	Judicial Opinion/Impropriety/Essential Conduct	Dismissed	5/15/2017
	17-009	03/13/17	Judicial Opinion	Dismissed	5/15/2017
	17-011	03/22/17	Essential Conduct/Impropriety	Dismissed	5/15/2017
	17-013	05/10/17	Delay	Dismissed	8/28/2017

\*(d) Numbers were assigned randomly to judges that received more than 1 complaint in the biennium. The number assigned to a judge in 2017 is the same number assigned to that judge in 2018.

**Judicial Standards Commission  
Complaints - 2017 - 2018**

<b>(d)*</b>	<b>Case No.</b>	<b>Date Filed</b>	<b>Type of Complaint</b>	<b>Decision</b>	<b>Date of Decision</b>
	17-017	05/22/17	Essential Conduct	Dismissed	8/28/2017
	17-018	05/22/17	Impropriety	Dismissed	8/28/2017
	17-020	06/05/17	Judicial Opinion	Dismissed	8/28/2017
	17-034	10/23/17	Impropriety/Judicial Opinion	Dismissed	11/13/2017
	17-035	10/31/17	Impropriety/Judicial Opinion	Dismissed	11/13/2017
	17-036	11/06/17	Essential Conduct	Dismissed	11/13/2017
	17-038	09/13/17	Impropriety/Judicial Opinion	Dismissed	<b>1/29/2018</b>
	17-043	12/18/17	Impropriety/Judicial Opinion	Dismissed	<b>1/29/2018</b>

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**Judicial Standards Commission  
Complaints - 2017 - 2018**

(d)*	Case No.	Date Filed	Type of Complaint	Decision	Date of Decision
<b>2018</b>					
1	18-012	03/07/18	Essential Conduct	Dismissed	10/1/2018
1	18-035	08/09/18	Judicial Opinion	Dismissed	10/1/2018
1	18-049	10/09/18	Impropriety/Essential Conduct	Dismissed	12/3/2018
2	18-004	01/18/18	Essential Conduct	Dismissed	3/19/2018
2	18-037	08/17/18	Judicial Opinion	Dismissed	10/1/2018
2	18-045	09/17/18	Impropriety	Dismissed	10/1/2018
3	18-010	02/06/18	Impropriety	Dismissed	3/19/2018
3	18-018	04/23/18	Impropriety/Judicial Opinion	Dismissed	8/8/2018
3	18-022	05/04/18	Essential Conduct/Impropriety	Dismissed	7/16/2018
3	18-027	06/04/18	Impropriety	Dismissed	7/16/2018
5	18-003	01/10/18	Judicial Opinion/Impropriety	Dismissed	1/29/2018
5	18-055	10/25/18	Essential Conduct/Judicial Opinion	Dismissed	12/3/2018
6	18-014	03/26/18	Impropriety/Essential Conduct	Dismissed	8/8/2018
7	18-023	05/10/18	Impropriety/Judicial Opinion	Dismissed	7/16/2018
7	18-039	08/27/18	Impropriety/Judicial Opinion	Dismissed	10/1/2018
7	18-040	09/04/18	Impropriety/Judicial Opinion	Dismissed	10/1/2018
8	18-024	05/14/18	Impropriety/Judicial Opinion	Dismissed	7/16/2018
9	18-033	07/23/18	Judicial Opinion/Essential Conduct	Dismissed	10/1/2018
11	18-011	02/14/18	Impropriety	Dismissed	3/19/2018
13	18-002	01/08/18	Partisan Politics	Dismiss w/LOC	1/29/2018
13	18-052	10/15/18	Judicial Opinion/Impropriety	Dismissed	12/3/2018
14	18-021	05/04/18	Essential Conduct	Dismissed	7/16/2018
14	18-028	06/06/18	Impropriety	Dismissed	12/3/2018
17	18-030	07/16/18	Essential Conduct	Dismissed	10/1/2018
19	18-020	04/30/18	Essential Conduct	Dismissed	8/8/2018
22	18-047	10/03/18	Impropriety	Dismissed	12/3/2018
23	18-029	06/11/18	Impropriety	Dismissed	10/1/2018
23	18-051	10/12/18	Essential Conduct	Dismissed	12/3/2018
	18-001	01/08/18	Partisan Politics	Dismiss w/LOC	1/29/2018
	18-005	01/22/18	Impropriety	Dismissed	1/29/2018
	18-006	01/22/18	Impropriety	Dismissed	1/29/2018
	18-007	01/24/18	Judicial Opinion	Dismissed	1/29/2018
	18-008	01/26/18	Essential Conduct	Dismissed	3/19/2018
	18-009	01/26/18	Essential Conduct/Delay	Dismissed	8/8/2018
	18-013	03/19/18	Impropriety	Dismissed	8/8/2018
	18-015	04/02/18	Impropriety/Judicial Opinion	Dismissed	8/8/2018
	18-016	04/04/18	Impropriety	Dismissed	8/8/2018
	18-017	04/23/18	Impropriety/Judicial Opinion	Dismissed	8/8/2018
	18-019	04/23/18	Impropriety	Dismissed	8/8/2018
	18-025	05/29/18	Impropriety/Essential Conduct	Dismissed	10/1/2018
	18-029	06/11/18	Impropriety	Dismissed	10/1/2018

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<b>(d)*</b>	<b>Case No.</b>	<b>Date Filed</b>	<b>Type of Complaint</b>	<b>Decision</b>	<b>Date of Decision</b>
	18-031	07/16/18	Judicial Opinion/ Impropriety	Dismissed	10/1/2018
	18-032	07/18/18	Judicial Opinion	Dismissed	10/1/2018
	18-034	08/01/18	Judicial Opinion/Impropriety/Ex Parte Comm.	Dismissed	10/1/2018
	18-036	08/10/18	Impropriety/Kinship or Influence	Dismissed	12/3/2018
	18-038	08/27/18	Impropriety/Essential Conduct	Dismissed	10/1/2018
	18-041	09/04/18	Impropriety/Judicial Opinion	Dismissed	10/1/2018
	18-042	09/04/18	Impropriety/Judicial Opinion	Dismissed	10/1/2018
	18-043	09/04/18	Essential Conduct	Dismissed	12/3/2018
	18-044	09/12/18	Essential Conduct/Impropriety	Dismissed	10/1/2018
	18-046	09/14/18	Impropriety	Dismissed	10/1/2018
	18-048	10/05/18	Impropriety	Dismissed	12/3/2018
	18-050	10/12/18	Impropriety	Dismissed	12/3/2018
	18-054	10/18/18	Essential Conduct/Judicial Opinion	Dismissed	12/3/2018
	18-057	11/09/18	Impropriety/Judicial Opinion/Essential Conduct	Dismissed	12/3/2018
	18-058	11/13/18	Essential Conduct/Judicial Opinion	Dismissed	12/3/2018
<b>9</b>	18-026	06/04/18	Partisan Politics / Essential Conduct	<b>PENDING</b>	
<b>9</b>	18-053	10/15/18	Partisan Politics	<b>PENDING</b>	
<b>3</b>	18-056	10/26/18	Essential Conduct/Impropriety/Unprofessional Conduct of Attorneys and Counsel	<b>PENDING</b>	
	18-059	12/17/18	Judicial Opinion/Impropriety	<b>PENDING</b>	

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