

Jefferson County judge suspended after scathing abuse of power allegations

Alabama.com · by Carol Robinson | [crobinson@al.com](mailto:crobinson@al.com)

<https://www.al.com/news/birmingham/2021/04/jefferson-county-judge-suspended-after-scathing-abuse-of-power-allegations.html>

A Jefferson County criminal judge has been temporarily removed from the bench after a scathing 100-plus page complaint filed against her by the Judicial Inquiry Commission.

Circuit Judge Tracie Todd, who first became a judge in 2013 and was re-elected without opposition to a second term in 2018, is now charged with multiple incidents of abuse of judicial power and abandonment of the judicial role of detachment and neutrality.

The complaint states that the incidents of alleged wrongdoing, primarily from 2014 through 2018, were done in the context of embroilment and impartiality regarding the issue of the death penalty, interference with the district attorney's prosecutorial discretion, and her efforts regarding personal vindication of her prior rulings and actions.

According to the complaint, filed after several years of investigation by the commission, Todd committed multiple violations of the Alabama Canons of Judicial Ethics. She is charged with:

- Lack of faithfulness to the law or failure to maintain professional competence in the law
- Failure to timely cooperate with other courts and/or to respect their orders in the administration of court business
- Advocating for defendants, issues and/or own rulings
- Denial of full right to be heard, including by way of independent investigations
- Failure to disqualify
- Lack of proper judicial temperament and demeanor

Todd was automatically suspended with pay under state rules when the charges were filed. Her attorney, Emory Anthony, declined to comment on the charges or the report.

By way of background, Todd in 2016 ruled that Alabama's capital murder sentencing scheme, which at that time allowed judges to override jury recommendations of life without parole and instead impose the death penalty, was unconstitutional. In making her ruling Todd barred the death penalty in the cases of four men charged in three murders: Terrell Corey McMullin, Kenneth Eugene Billups, Stanley Chatman and Benjamin Acton.

The issues between the state and Todd began in January of 2018 when, according to the court's ruling, the Court of Criminal Appeals directed Todd to recuse herself from McMullin's death-penalty case. The court ordered Todd to recuse herself because she had issued prior rulings that directly conflicted with the Alabama Supreme Court's rulings on judicial override of the death penalty—when a judge can override a jury's recommendation and either sentence a defendant to death or order a sentence of life in prison. Alabama was one of the few states to still allow judicial override until state law barred it in 2017.

Todd, according to that 2018 ruling, applied the banning of judicial override retroactively, but, the Alabama Supreme Court specifically ordered that the ban did not apply retroactively. The court also

noted Todd may have violated the Canons of Judicial Ethics when she gave a radio interview about several capital murder cases pending in her court.

Lawyers for McMullin – who was charged with capital murder in the 2013 shooting deaths of Birmingham twins Jeremi and Jonathan Berry, 17, and the wounding of their mother – asked the appeals court to reconsider its decision, but the court denied the motion. Todd and McMullin, both represented by attorneys from the Equal Justice Initiative, asked the Alabama Supreme Court to review the case, according to the ruling.

Later that year, Todd set an October date for a conference in McMullin’s case. The state asked the appeals court to make Todd show why she shouldn’t be held in contempt for still not recusing herself and that the matter be referred to the Judicial Inquiry Commission “for an investigation into Judge Todd’s behavior,” the motion states. Todd responded, saying she set the case for a conference by mistake and that she did enter an order recusing herself from McMullin’s case.

Even though the appeals court did not hold Todd in contempt, the court noted that the commission “would be better directed” to determine if her actions violated the ethics canon and ordered that a clerk deliver a copy of their ruling to the commission. Should a member of the commission think the case deserves a proceeding, he or she must file a complaint with the commission.

All five of the appeals judges concurred with the ruling, and Judge J. Michael Joiner judge wrote a special opinion to note that Todd “has been the subject of more than 20 petitions seeking extraordinary writs” over the past two years. Many of those petitions sought Todd’s recusal, and several were denied “on purely procedural grounds.”

In 2018, the state appeals court asked the Judicial Inquiry Commission to investigate Todd to determine if she violated ethical rules. The Court of Criminal Appeals issued a ruling stating the court was “troubled” by Todd’s “repeated failure to abide by controlling law and her seemingly cavalier disregard for the orders of this Court and the Alabama Supreme Court.”

Todd’s actions “present questions of grave concern,” the appeals court stated, and they sent the case to the commission to determine if proceedings should be brought against Todd. The commission investigates ethics complaints, and if necessary, files charges, against judges. Those charges are then heard by the Court of the Judiciary, which could discipline or remove a judge from the bench.

The complaint cited multiple examples in detail of alleged impropriety by Todd, much of the time surrounding her passion, and rulings, against the death penalty and what she believes are injustices in the justice system. It pointed to a statement previously released by Todd about the death penalty.

“The influence of partisan politics on the Alabama judiciary indeed has never ending, interlaced talons that reach into every aspect of its criminal justice system. Legal scholars, journalists and community advocates around the world have noted in numerous fashions the statistical realities in Alabama’s death penalty statute. In most instances these views are articulated in a data driven, broad context – a bird’s eye view. However, clearly comprehending the urgency of the circumstance in Alabama requires an immersion at the rudimentary level of this life-to-death override epidemic – a view from ground zero.”

The commission said Todd went far beyond the question of the law before her and exhibited an apparent predisposition against the death penalty generally. In essence, they said she conducted her

own investigation and research into the death penalty and violated a judge's duty of detachment and neutrality.

As an example of Todd's "abuse of authority," the commission used her questioning defense attorney Charles Salvagio, who died last year, during a post-conviction petition contesting a defendant's conviction and death sentence. Steven Petric was convicted in 2009 of murder during the rape of Homewood woman, Toni Lim. He later alleged his trial attorneys, which included Salvagio, provided ineffective counsel.

During a hearing in that petition, the commission said, Todd injected irrelevant political considerations into her questioning of Salvagio which included asking him if he had donated money to the judicial campaign of his co-counsel on the case. She also asked him if he had donated to the campaign of a former judge who had been Todd's opponent. Salvagio requested that she recuse herself because her questions about his political allegiances raised the issue impropriety.

Todd did not recuse, and in the same case, found Salvagio in contempt of court for violation of one of her orders. The Court of Criminal Appeals reversed Salvagio's conviction and ruled Todd should have recused.

The complaint against Todd also noted her friction with the Jefferson County District Attorney's Office, which was no secret among courthouse observers. The friction, the commission said, manifested itself in interference in prosecutorial discretion, banishment of a particular deputy district attorney from practicing before her, lack of proper judicial temperament and demeanor toward the office and its attorneys, and her personal affront based, at least in part, on that office's questioning her rulings by seeking review.

Deputy District Attorney Carlos Gonzales was assigned to Todd's courtroom from May 2016 through December 2017 or January 2018. In November 2017, about two months after the Court of Criminal Appeals cautioned Todd to refrain from "overseeing" the DA's office following a contentious issue between the judge and the DA's office regarding a domestic violence case, Todd told Gonzales, "You may tell (the district attorney) you don't need to come back." She issued that directive, the complaint notes, after ordering the court reporter to "go off the record."

That same day, Todd cited him for contempt and set a hearing for January 2018 for Gonzales to show cause why he should not be held in contempt. The following Monday, Dec. 4, 2017, Gonzalez appeared in her court for a lengthy docket, and she enforced her banishment. The judge's assistant told Gonzales that the judge wanted him to leave before she entered the courtroom. He complied, taking his files with him.

The next day, Gonzalez sent Todd's judicial assistant an email stating that there was a large docket the next week and he was planning to be there unless the judge issued an order saying he was not allowed in the courtroom.

Todd did not issue an order or respond but sent a letter to the Jefferson County sheriff about "safety concerns" over Gonzales and contended he had displayed mental instability. In a subsequent letter to the district attorney, Todd cited a citizen's conclusion that, after observing Gonzalez, the citizen felt Gonzalez's behavior toward Todd was because she was a Black female. "I have been unable as a young,

African American woman to earn respect from many practicing in this county," she wrote. "Therefore, I have been unduly forced to demand it."

"She was enmeshed in other legal matters involving the district attorney," the commission wrote. "This conduct diminishes the public's confidence in the integrity, independence and impartiality of the judiciary."

Many of the facts, according to the commission, include erroneous rulings by Todd. "This complaint is about a judge who continued to fail to respect and follow clear directives and rulings of the appellate courts – even after the law was set forth in pleadings submitted to her, was explicitly set for by the Court of Criminal Appeals in cases assigned to her and/or it was legal precedent of fundamental important issued by the Court of Criminal Appeals or the Alabama Supreme Court," the complaint states.

"Because of the circumstances under which they occurred, these errors were not mere legal error that could e sufficiently remedied or addressed by legal review, such as appeal," according to the complaint. "Rather they constitute a continuing pattern of legal error that has the capacity to detrimentally affect public confidence in the judicial process, particularly here, regarding fundamental death penalty issues, disqualification and interference with prosecutorial discretion."

"Despite her arguable intent to accomplish what she perceived as noble purposes – elimination of the death penalty (at least in its current form), of selective prosecution, of racial discrimination in imprisonment etc.," the commission wrote, "her intent to achieve a noble purpose does not excuse apparent disregard of the law or her failure to maintain competence in the law."

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Bill to scrap judicial panel dies in subcommittee

arkansasonline.com

<https://www.arkansasonline.com/news/2021/mar/17/bill-to-scrap-judicial-panel-dies-in-subcommittee/>

A legislative panel Tuesday balked at a bill that would ax the state law that created the Arkansas Judicial Discipline and Disability Commission and move the commission's appropriation of \$720,707 and six positions to under the state Supreme Court.

Senate Bill 390 by Sen. Bob Ballinger, R-Ozark, died in the Joint Budget Committee's personnel subcommittee because no subcommittee members made a motion to recommend the bill's approval.

"We are just basically moving that from a separate entity over to ... the only branch of government that has the authority to exercise judicial powers, which is our Supreme Court," Ballinger said.

But the commission's executive director, David Sachar, said this bill should either be studied by lawmakers between legislative sessions or lawmakers should trust "the senator, us and the Supreme Court to get together and try to work something out" to prepare for the possibility that the Supreme Court declares the commission unconstitutional.

Ballinger said he expects the Legislature to meet in a special session this fall to redraw congressional district boundaries, and lawmakers should be ready to address the judicial disciplinary commission matter.

"I will be filing an appropriation to deal with this at that time, so my hope is the court and the judicial discipline commission will get together and they'll work it out and have everything put together by the fall," he said.

Earlier in the meeting, Ballinger told lawmakers that a constituent sent him a link to a Feb. 11 opinion about the commission expressed by state Supreme Court Justice Shawn Womack when the court appointed two judges to the commission.

Womack wrote that the commission "should be dissolved immediately and replaced with a constitutionally sound process for addressing ethical violations by judges and judicial candidates."

Amendment 66 created the commission under the judicial powers of the state, Womack said. Voters approved Amendment 66 in 1988.

Amendment 80 of the Arkansas Constitution vested the judicial power solely and exclusively in the state's judicial department, which it defines as a Supreme Court and other courts established by the constitution, Womack said. Voters approved Amendment 80 in 2000.

Because Amendment 66 purports to exercise judicial power in the form of the commission, it is irreconcilably in conflict with Amendment 80, he said. In addition, Amendment 66 was repealed upon the effective date of Amendment 80, Womack said.

"This conflict and repeal make it necessary for this court to dissolve the Commission and suspend all further actions, activities, and spending of the commission," wrote Womack, who is a former Republican state senator from Mountain Home.

He said the General Assembly should immediately terminate all funding of the commission and its activities, and designate that appropriation for use by a new and lawful entity to be created by the court. Womack also said the court should begin the process of creating a constitutionally valid entity to replace the commission.

But Sachar said there has been no Supreme Court order overturning Amendment 66.

"There was one opinion of one justice in a per curiam," he said.

"As it stands today, you have a constitutional office that this bill endeavors to dissolve, which it could not do any more than it would with the attorney general's office, so it is not ripe," Sachar said.

"While I agree with the senator wholeheartedly that there are discussions that need to be made for what happens if [Amendment 66 is overturned], I also believe that nothing has happened yet," he said.

Sachar said the commission practically operates under the power of the state Supreme Court, which makes the commission's rules.

"All of our appeals have to go to [the Supreme Court justices]. We cannot institute certain punishments without their approval, even when they're agreed to by both parties. In fact, the Supreme Court is the only body outside that runs us," he said.

Ballinger, who said he had no ax to grind with the commission, said "essentially, what we have is a commission that is acting outside the constitutional bound authority, which would be an illegal exaction, so a litigious attorney has the ability to file a lawsuit that I think would eventually find a very fertile place in the Arkansas Supreme Court."

Sen. Jim Hendren, an independent from Sulphur Springs, questioned whether the Supreme Court would decide on disciplining its own members under Ballinger's bill.

Ballinger said, "ultimately, yes, so if they are smart and don't want to see a big rebellion, they'll create something that is independent, but ultimately that answer will be whatever the Supreme Court decides it is going to do.

"I definitely see where that is not an easy thing to do. I am not even saying that that's great policy, but that's what the people of Arkansas did when they amended their constitution," he said. "That's what the constitution requires, so unless we want to amend the constitution, then I think that we have an obligation to trust the judiciary to set up the system that would be fair and balanced and could hold them accountable."

Hendren pressed Ballinger further.

"So for 20 years it has not been a problem, but now because of Justice Womack's decision, we are going to scrap the whole commission?"

Ballinger said the matter "has not been appealed to the Supreme Court, at least not recently under this court. But if it does, the commission is going to be overturned," he said.

Sachar said the best practice is for any judicial conduct commission to be independent.

"If it is unconstitutional, it is unconstitutional, but that's a discussion we need to have to find out," he said. "It is certainly not something where this body should dissolve the constitutional office ... without us having us some time to try to work that out."

Mistakes of 2 retired judges being used as “teaching moments”

kark.com · by Susan El Khoury

<https://www.kark.com/news/local-news/mistakes-of-2-retired-judges-being-used-as-teaching-moments/>

LITTLE ROCK, Ark. — Two retired Arkansas judges publicly admitted to missteps behind the bench.

On Friday, the Judicial Discipline & Disability Commission, which oversees judges, announced what it’s calling mistakes that both judges admitted to and remedied.

While serving as a district court judge in Conway County, Judge Dale Lipsmeyer ran for a new position as District Court Judge for Yell, Logan, and Conway Counties. During that election in 2020, Judge Lipsmeyer admitted that he sent letters to lawyers asking for campaign contributions.

Former Jefferson County Judge Jack Jones dies

Meanwhile Judge Jerry Ryan said as a circuit court judge in Polk and Montgomery Counties he didn’t immediately recuse himself from a case that he should have.

The Commission says in both cases the judges corrected their actions and no formal punishments were needed. It’d further calling these teaching moments for other judges.

Judge reinstates 3rd-degree murder charge for Derek Chauvin over Floyd’s death

The Commission’s Executive Director sent us a statement saying:”Both judges were issued non-punitive informal letters. The technical mistakes they made were remedied through candid responses. We hope these letters can help other judges and candidates remember to be careful about the issues discussed. Both judges are now retired after long, honorable careers.”

kark.com · by Susan El Khoury



Not all the misconduct allegations in a Colorado Judicial Department memo are as serious as implied  
denverpost.com · by David Migoya  
<https://www.denverpost.com/2021/03/15/colorado-judicial-department-misconduct-memo-investigation/>

The details behind allegations of misdeeds by judges and other high-ranking officials within Colorado's Judicial Department indicate that not all of them are as serious as an internal memo implies.

For example, a district court chief judge who warned the department's chief of staff to "drive slowly out of town" after he was told to fire a top administrator was in reaction to an inquiry that blindsided him rather than an effort to protect the administrator, according to interviews.

In another incident, chief judges across the state insisted the department's former chief of staff, Mindy Masias, and then-Human Resources Director Eric Brown, tell them about any harassment investigations they wished to conduct in their districts, not as a means to suppress complaints but as a matter of professional courtesy to the supervising jurists, according to a now-retired judge who recalled the incident.

The memo, written by Brown, was a two-page, 27-point highlight list of conduct within the department that Brown said Masias was prepared to reveal in a sex discrimination lawsuit if she was terminated for financial irregularities.

The memo describes instances where male judges and other top officials in the department were not held to a "tone at the top" accountability for their actions while Masias was held to that standard.

The memo doesn't offer precise details because it was used as a talking-point reminder for Brown during a January 2019 meeting he attended with then-Chief Judge Nathan "Ben" Coats, his counsel, attorney Andrew Rottman, and then-State Court Administrator Christopher Ryan. Brown spoke extemporaneously from the memo, offering specifics as he read from it, Ryan has told The Post.

More than once during the meeting, Coats was surprised by the conduct Brown described and asked, "Did that really happen?" Ryan told The Post. Coats finally stopped Brown from reading and asked what could be done to deal with the threatened lawsuit, Ryan said.

In lieu of the lawsuit or firing Masias, Ryan said the department decided to award a company she had formed, The Leadership Practice LLC, with a five-year \$2.5 million contract to conduct judicial training. Masias resigned in March 2019, about \$35,000 in sick time and vacation pay she had used was restored and paid to her, her personnel file was to be devoid of any discipline, and she began work on the contract in June.

The contract was canceled in July 2019 amid a Denver Post investigation. Information about the memo and how it was connected to the contract did not surface for another 18 months until The Post in February revealed its existence.

Supreme Court Chief Justice Brian Boatright initially denied any connection between the contract and the memo, then called for two investigations: One by Auditor Dianne Ray's office into the circumstances

of the contract and memo, and another by an independent investigator into the alleged conduct described in the memo.

The Legislature, Gov. Jared Polis, and Attorney General Phil Weiser have named a panel of eight people who are to hire and supervise the investigator following a public bidding process.

The Post found that while some incidents described in the memo appear to have been covered up to protect the reputations of the judges or personnel involved, other incidents seem to have been overblown.

The memo highlights how former 12th District Chief Judge O. John Kuenhold allegedly told Masias to carefully leave town after she recommended he fire then-Court Administrator Benjamin Duarte for allegedly having sexual relationships with staff. But several people told The Post that Kuenhold was upset Masias and Brown had failed to let him know they were conducting an investigation in his jurisdiction.

The incident occurred in 2010 and Duarte resigned from his position in June that year, department records show. It's unclear if it was the result of the Masias/Brown inquiry. Neither Duarte nor Kuenhold, who retired in 2011, responded to Denver Post efforts to reach them.

Kuenhold and Duarte were among only three people specifically named in the memo. The others are only generically identified, although The Post, through interviews and public documents, has been able to discern the identities of most of the people referenced in the memo.

"Judge Kuenhold was upset because he found out on the side that the State Court Administrator's Office (where Masias and Brown worked) was in Alamosa doing an investigation," said Dennis Maes, then-chief judge of the 10th Judicial District in Pueblo. "So the chief judge's council, of which I was the chair and which meets quarterly to discuss what's going on in the department, made it clear to them (SCAO) that if they're going into a district to investigate, they must notify the chief judge. Under no circumstances were they to come in to do secret investigations without the head knowing."

The issue was never about what could be investigated, Maes said.

"There was never a mention of that; we didn't have that authority," he said. "There was no confusion about what we were saying."

In another bullet point, the memo says former Financial Services Director David Kribs regularly left work early to go to a bar in the mid-afternoon while his staff complained he wasn't working "even banker's hours."

"Staff of other division follow him to his bar and home and track that he does not place time in PTO (paid time off) system and is seen at home at 3:00 pm often or at bar," the memo says.

An inquiry into how Kribs was spending his workdays was launched in 2018.

Kribs told The Post he co-owned The Grandview Tavern in Arvada from January 2014 until November 2016 and, because it was only a few blocks from his home, frequently went there to balance its books before his regular workday began. As a legislative liaison, he said he would often have breakfast

meetings at the Capitol, keeping him from arriving at the main office until late morning, giving the perception he wasn't at work.

Kribs eventually chose to leave the judicial department in March 2019 because of an internal reorganization.

About two months before Brown authored the memo, Kribs and former department controller Myra Duker were instrumental in Masias' ouster when they refused to sign off on a routine department audit that indicated there were no problems. The two knew of financial irregularities involving Masias and insisted she be fired rather than suspended.

Tensions were so high between the finance department and human resources that Kribs was warned by Ryan that "they are coming for you," Kribs told The Post. "This seemed ominous."

A third of the memo highlighted alleged misdeeds by officials in the finance department.

It alleges that another employee, then-audit manager Marty Galvin, accessed personal information "on various leaders throughout the state" using an investigative database "for no business reason," according to the memo.

In reality, Galvin, now the department's finance director, was testing Accurint, an online database product often used by investigators in order to help auditors locate information when necessary, according to former employees.

"The use of Accurint in my role as internal audit manager was appropriate," Galvin wrote in an email to The Post. "I will cooperate with the independent investigation."

In another incident, a financial manager was allegedly "investigated twice for harassing behavior," but still managed to land a better office and more staff, according to the memo.

In that case, according to a former supervisor with knowledge of the matter, the manager was required to undergo several harassment-related classes. And an assertion in the memo that his evaluation did not mention the harassment complaints is not accurate, according to the supervisor, who kept a copy.

Some details in the memo, however, appear as serious as indicated. For instance, the chief probation officer in one of Colorado's western counties who allegedly sent photos of his genitals to a vendor was not disciplined. People familiar with the incident told The Post it happened sometime between 2009 and 2010 and occurred after he had suffered the death of his young wife.

The probation officer, who is still in his position, was also accused of having sex during the workday and on state property with a vendor who later complained she felt pressured to do so in order to keep her job, according to the memo.

Neither the officer nor the chief judge of the district who would have handled any discipline returned several email and telephone messages from The Post.

The Post could not determine the identities of some judges in the memo, including a pair who independently shared pornographic videos via the department's email system. The unidentified chief

justice of the Supreme Court – The Post has been unable to determine who – took no action in each case and both judges were eventually promoted to the chief of their district by that chief justice, according to the memo.

Colorado has 22 judicial districts, each with its own chief judge. Of those, 17 are men, five are women. The Post was able to narrow down to four the list of judges who could have been involved with the pornography. None has responded to emails from the newspaper.

In another incident, the memo describes a judge who allegedly “rubbed his hairy chest on a female employee’s back.” No action was taken against that judge and, at the time the memo was written, he was a candidate for the department’s senior judge program, the memo says. That program allows retired judges to return to temporary duty and sign a contract with the chief justice to work.

The judge, according to several sources familiar with the incident, worked in the 17th Judicial District and has since retired. The chief district judge at the time recently told The Post he did not recall the incident, and the judge involved did not respond to the newspaper’s efforts to reach him.

Other identities of judges not named in the memo, however, are now known.

The Post recently reported that harassment accusations against Supreme Court Justice Richard Gabriel were silenced when the female law clerk who made them signed a release agreement at a time the judge was a candidate for the high court. Though Gabriel was unsuccessful at that time, the agreement was allegedly approved by the chief justice and was intended to keep Gabriel safe during the selection process, according to the memo.

Additionally, Gabriel and Justice Melissa Hart were named in an Equal Employment Opportunity Commission complaint filed in 2018 by an unsuccessful applicant for a job as rules attorney for the court. The applicant, Michele Brown, who is Black and over 60, later alleged in an employment discrimination lawsuit in U.S. District Court in Denver that she was intentionally passed over for a younger, less experienced white woman. The justices were part of the six-person hiring committee, with Gabriel as its chair. The case is pending.

The memo also says an unnamed chief justice ordered the destruction of an anonymous letter that allegedly accused the judge and the department’s information technology director, Chad Cornelius, of “sexism and harassment.”

Former chief justices Michael Bender and Nancy Rice each said they did not recall the incident.

“The assertions in the memo you reference with my name are inaccurate,” Cornelius emailed The Post, but did not offer specifics. “I look forward to the independent investigation.”

denverpost.com · by David Migoya

Colorado judicial department to pay up to \$350,000 for inquiry into misconduct allegations and contract to quiet them

denverpost.com · by David Migoya

<https://www.denverpost.com/2021/04/22/colorado-judicial-department-investigation/>

The Colorado Judicial Department will pay as much as \$350,000 for a comprehensive investigation into sweeping allegations of a hostile work environment and misconduct at the highest levels levied by its former chief of staff.

In a request for proposal it issued Monday, the department is seeking bids from independent investigators to delve into allegations that a \$2.5 million five-year contract given to former Chief of Staff Mindy Masias was in return for silencing a tell-all sexual discrimination lawsuit she planned to bring.

In addition, investigators are to examine the department's overall work environment, which was described as hostile toward women – and overly permissive toward men – in a two-page memo that highlighted the conduct Masias would make public in the lawsuit. The Post has also reported on allegations the department fosters a hostile workplace toward women.

The contract pays up to \$250,000 for the workplace environment inquiry and up to \$100,000 for the investigation into the Masias contract.

Bids are accepted until May 21.

The terms and scope of the contract were hashed out by an 8-member committee assembled in February by the branches of the Colorado government in response to a request from Chief Justice Brian Boatright.

The inquiry stems from 2019 Denver Post articles that revealed Masias was given the contract though she faced termination over financial irregularities. The contract was then canceled. In February, The Post reported that the contract was a way to keep Masias from revealing what she knew about sexual harassment within the department, much of it undisciplined, according to former chief administrator Christopher Ryan, who resigned in the wake of the contract issue.

The memo, authored by then-Human Resources Department chief Eric Brown, contains allegations of harassment and misdeeds by justices of the state Supreme Court, a judge of the Colorado Court of Appeals, district court chief judges, and chiefs of probation at a number of judicial districts. The memo also contained other allegations, including the destruction of evidence and payoffs to silence victims.

A separate fraud investigation by Auditor Dianne Ray began in February when Boatright made the memo public following The Post's stories. The newspaper had been denied access to the memo despite requests under the department's own open-records rules. The results of the auditor's inquiry are not automatically public unless criminal charges are filed.

But the independent investigator's report will be public, according to the RFP.

The investigator must also provide recommendations on “organizational, policy, and operational changes that are intended to promote a workplace free of discrimination including but not limited to sex discrimination, sexual harassment, and a sexually hostile work environment.”

They also must provide recommendations for improved oversight of “behavior and culture” in the department, including ways to ensure any judicial misconduct is properly reported to disciplinary authorities.

The RFP calls for the investigator to look at the 2017 selection of the chief court administrator, a job Masias had wanted but did not get. She and another candidate were finalists, but neither garnered a majority vote of the sitting seven Supreme Court justices. One abstained from the vote.

In the interim, Ryan, then the clerk of the Court of Appeals and the Supreme Court, was temporarily named to the job. He received it outright in August that year.

There is no timeline for when the independent investigation is to be concluded.

Misconduct allegations against Arapahoe judge more extensive, document shows  
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[https://www.coloradopolitics.com/courts/misconduct-allegations-against-arapahoe-judge-more-extensive-document-shows/article\\_ceed13ec-a3d0-11eb-9df7-4f11ab7782c4.html](https://www.coloradopolitics.com/courts/misconduct-allegations-against-arapahoe-judge-more-extensive-document-shows/article_ceed13ec-a3d0-11eb-9df7-4f11ab7782c4.html)

The Arapahoe County judge who resigned last week after allegations of racist behavior and other workplace misconduct had a much broader set of accusations against her than the Colorado Supreme Court originally disclosed.

A statement of charges from the Colorado Commission on Judicial Discipline revealed probable cause existed to initiate formal proceedings against District Court Judge Natalie T. Chase for violating multiple professional standards. On April 16, the Supreme Court censured Chase and accepted her resignation after she stipulated to using the N-word in front of a Black court employee, directed her office staff to perform personal assignments and called a fellow judge a derogatory name.

But the complaints against Chase encompassed several incidents beyond the Court's narrative. In early 2020, Chase drove two 18th Judicial District employees to Pueblo for a work event. On the way back, Chase mentioned that a minor relative had gotten in trouble for saying the N-word at school. Chase, who is white, allegedly used the N-word "at least seven or eight times" in asking why Black people could use the word but white people could not.

One of the employees in the car, who was Black, "felt she was being interrogated as if she were a representative for all Black people," according to the statement of charges dated March 9 of this year.

Subsequently, Chase was in her courtroom and sitting on the bench when she again brought up the minor relative's use of the N-word at school. In the presence of others, Chase used the word "numerous times." Her clerk reportedly told the judge later that "the N-word should never be used in any context," and asked her to refrain from using it.

(Although the statement of charges provided the full names of the employees who witnessed Chase's conduct, Colorado Politics is withholding their identities given their status as potential whistleblowers.)

Under the Colorado Rules of Judicial Discipline, all proceedings against a judge are confidential unless the commission files a recommendation for sanctions with the Supreme Court, as it did in this case. Only then do the recommendation and related proceedings become public. The handling of complaints deemed to have merit approximates the procedure for civil court cases.

Shandea J. Sergent, a lead state public defender in Jefferson County, speaking for herself and not on behalf of her office, expressed surprise that the complaint against Chase had gotten to

the public stage. Nevertheless, she believed the type of conduct at issue was not isolated to one Colorado judge.

"No one forces you to be a judge. You're taking an oath and agreeing to be held at a higher standard of care," Sergent said. "You're agreeing that some of these commentaries that she believes were appropriate is not something you get to entertain, even if you did in a previously timeline."

Chase is a 2014 appointee of then-Gov. John Hickenlooper, whom 77% of voters in Arapahoe, Douglas, Elbert and Lincoln counties retained in 2016. But since then, she accumulated other complaints about her behavior in the workplace, from the minor to the egregious.

For instance, the statement noted the judge allegedly asked a lawyer appearing before her to help with the parental controls on her son's computer at the bench. Chase also shared her personal and family matters with her staff, to the point that they felt they were her "therapists."

In 2019, Chase reportedly became "upset" when she received judicial performance reviews from lawyers, and began asking attorneys individually what they wrote about her, "even though she knew the judicial reviews were filled out anonymously."

"It's totally improper," responded Chris Melonakis, a retired judge in the neighboring 17th Judicial District and a former judicial performance commission member in Adams County. "The inference is, 'if you wrote something negative about me, there's going to be retaliation.' It's a form of intimidation."

Had she not offered her resignation, Chase would have faced voters for retention in 2022.

Although the Supreme Court noted Chase had directed her law clerk to research a "personal family legal issue that was unrelated to the Judge's official case load," the statement of charges revealed the nature of the project. The judge allegedly assigned the clerk to investigate teachers' and principals' immunity from lawsuit because Chase had planned to sue her son's school.

Another clerk allegedly received the task of editing an email intended for the cheerleading coach of Chase's daughter, and editing other emails to her son's school. The discipline commission noted this behavior would violate the rule against judges using their offices to advance their own personal or economic interests.

Finally, in the category of "un-judicial behavior," Chase reportedly closed a hearing by wishing everyone a "Happy Father's Day." The quip came after she had just terminated a father's parental rights. The episode, the judicial discipline commission alleged, showed Chase "did not act dignified or courteously."



Ann Roan of the Colorado Criminal Defense Bar worried the Supreme Court's public disclosure of the reasons for Chase's resignation might inadvertently set a threshold against which to measure other judicial misconduct. As a consequence, judges may fly below the radar if their behavior is less obviously inappropriate.

"I fear that the message of the Court's opinion is that unless you have a judge who repeatedly uses the N-word, nothing's going to happen to that judge," she said. "And that shouldn't be the only set of circumstances in which discipline is actually given out."

Chase's attorney had no comment on the charges. The Judicial Department has already advertised the vacancy for Chase's district court seat.

coloradopolitics.com · by MICHAEL KARLIK [michael.karlik@coloradopolitics.com](mailto:michael.karlik@coloradopolitics.com)

Racial slurs and secrecy: Colorado judge's rare public censure highlights challenges in the courts  
denverpost.com · by Shelly Bradbury  
<https://www.denverpost.com/2021/05/04/natalie-chase-colorado-judge-complaints/>

A couple years ago, a 16-year-old Black boy went to a party attended by mostly white kids in Cherry Creek, and one of those white kids used a racial slur.

Natalie Chase (Photo provided by the Colorado Office of Judicial Performance Evaluation)  
A fight ensued, and the Black teenager was arrested on assault charges.

The juvenile criminal case then went before 18th Judicial District Court Judge Natalie Chase — the judge who last month was publicly censured by the Colorado Supreme Court, and agreed to resign, in part because she questioned a Black court employee about why white people couldn't use that same racial slur.

The circumstances of the family court judge's censure and resignation — and other emerging complaints about her time on the bench — present a microcosm of the larger issues now facing Colorado's court system, from growing calls for reform and racial justice, to the lack of diversity among the state's judges, to the largely secret system the state uses to discipline judges for violating ethical or professional rules.

"I feel heartbroken," said Melissa Michaelis Thompson, executive director of the Office of Respondent Parents' Counsel, which assigns attorneys to parents who can't otherwise afford representation in child welfare cases. "As someone who has worked for the government my entire career as a lawyer, when the government reveals something like this, it is heartbreaking."

Her agency last week asked people of color who previously had cases before Chase in Arapahoe County and believe they were treated unfairly to lodge complaints so the office can consider what options might be available to investigate and try to remedy any unfairness.

"If there is a parent who has a current case ongoing, lawyers can file motions, in the trial court or at the court of appeals, to have issues of bias addressed," she said. "More concerning is what happens with those families who think judicial bias impacted their case, but it's old, it's closed. The answers for those families are few and far between."

"Not right from the gate"

Aresia Williams still gets angry when she talks about her experience in Chase's courtroom with her son, the Black teenager charged with assault after the fight in Cherry Creek.

Chase set a \$50,000 bond for Williams' son, and during a hearing in late 2019 or early 2020, the judge expressed shock in court when she learned the boy's bond was paid, said Williams, and her attorney, Ben Hartford.

"We came into court, and she's like, 'Oh, he bonded out? How did he get out?'" Williams said. "In front of everybody. She questioned us, like, 'How could you guys afford an attorney?'"

Williams believed the judge was only questioning their financial standing because she is Black, and she was furious. Her attorney also was appalled by what he called Chase's patronizing and demeaning statements.

"This was totally unprofessional and out of hand," Hartford said. "...I'm in a place where I want to say something right then, but I'm constrained, because she is the judge who is going to hear the son's case. So I am biting my tongue... I don't even have the option of a jury. She is going to be the one to decide his fate. So I can't step on her toes and call out a wrong because of the position she is in."

Chase did not return requests for comment on this story. She acknowledged using the slur and apologized for her actions to the Colorado Commission on Judicial Discipline, according to the state Supreme Court's censure order.

Hartford could have filed a complaint with the Colorado Commission on Judicial Discipline, the board tasked with disciplining judges who violate professional or ethical rules, but he felt doing so would be fruitless and could provoke retaliation.

"I know how it made my client feel, but there wasn't anything overt in what (Chase) said," he said. "And frankly, filing judicial complaints — unless you have something so egregious, like what they have now, it rarely goes anywhere... if I file that complaint, it's like throwing a Molotov cocktail into the courtroom."

Williams' son ended up taking a deal and pleaded guilty to second-degree assault, in large part because Hartford felt going to trial before Chase was too risky. Had the teenager been convicted, he would have been taken out of his family home and put into a group home, Hartford said, even if an appeal was filed.

The plea deal allowed the case to eventually be sealed and expunged, with no mark on Williams' son's permanent record. The family was ordered to pay about \$11,000 in restitution.

"She was not right from the gate," Williams said of Chase. "And the fact that she is having to resign because of all (this now), it makes me think, how many other people has she done this to?"

Employees came forward

Court employees brought forward the concerns about Chase that led to her resignation, records show.

"We know parents have complained and experienced judicial bias in her courtroom," Thompson said, "but when you have a case of abuse and neglect and you say, 'Hey, the judge is biased,' people don't listen. So I think it's telling that what moved this to a censure was the employees."

Chase was censured by the Colorado Supreme Court on April 16, after she told a Black court employee that her son had gotten into trouble at school for using what the censure described as "the N-word," and then questioned the woman about why Black people can say that word but white people cannot. Chase used the racial slur several times during the conversation.

She also spoke about her political views while on the bench, according to the records, directed her court staff to carry out her personal business, called another judge an expletive and asked attorneys who'd anonymously reviewed her performance to tell her what they'd said.

Only five judges, including Chase, have been disciplined publicly in Colorado since 2010, and most of the cases follow a similar pattern of personal misconduct that occurs largely outside of court proceedings.

Laurie Booras called another judge “the little Mexican,” Robert Rand made misogynistic and inappropriate comments, Lance Timbreza was charged with driving under the influence and Ryan Kamada tipped a friend off to a federal drug investigation.

That’s in large part because the Judicial Discipline Commission does not handle matters of law — complaints about a judge’s legal decisions must go through the regular appeal process in the courts — so the type of judicial misconduct that actually results in discipline is limited, said Chris Forsyth, executive director of The Judicial Integrity Project.

“If it actually happens in a case, then the discipline commission is going to say, ‘Well that is subject to an appeal, so we can’t discipline for that,’” he said. “In other states, that can be disciplined and they can take action on that. It’s disingenuous of the Supreme Court and the Judicial Discipline Commission to throw out these cases trying to make it look like they are disciplining judicial misconduct, when they are not.”

Public discipline for Colorado judges is very rare, but private discipline is also infrequent, according to annual reports published by the commission.

Between 2010 and 2019, the commission disciplined 51 judges privately. There are close to 400 judges in the state.

“(Chase’s) comments were horrible,” Forsyth said. “And show improper disposition for a judge. However... there are a lot of things going on out there that are a lot more detrimental to people’s cases in court, and that is actually misconduct that is not prosecuted.”

Two cases on appeal

At least two cases in which Chase found someone in contempt of court are currently pending before the Colorado Court of Appeals.

In 2019, Chase refused to allow an attorney to advise his client, who faced criminal charges, of her Fifth Amendment right to remain silent while she was being questioned on the witness stand in a civil proceeding.

Chase found the attorney, Alan Rosenfeld, in contempt of court for continuing to do so, in what Denver civil rights attorney David Lane called “the most outrageous ruling I have seen in decades.” He is representing Rosenfeld in an appeal, which is pending.

“The whole basis for the appeal is Natalie Chase doesn’t know what she is doing as a judge,” he said. “This is a blatantly, outrageously illegal order that a lawyer representing someone who is compelled to get on the witness stand can’t advise that client to take the Fifth and remain silent.”

Advising a client about remaining silent is such an accepted legal practice that it’s not unusual for attorneys to stand next to their clients and advise them after each question whether to answer or remain silent, Lane said, but Chase wouldn’t allow it. Rosenfeld resorted to knocking on a table to signal his client not to answer particular questions, according to the appeal.

Rosenfeld was fined \$1,000 by another judge after he was found in contempt of court — a penalty that judges can hand out if someone violates a court order. Sanctions range from a fine to up to six months in jail.

In another case, Chase found that a woman, Courtney Propst, had violated a protective order in a dependency and neglect case that prohibited her from “discussing the allegations of abuse or neglect which were investigated during the case or providing case related-information” to anyone not involved in the case. She was also prohibited from posting information on the allegations online, according to a notice of appeal filed April 22 by attorney Milo Schwab.

Propst has been in jail since Aug. 31 on a series of contempt charges handed out by three judges, including Chase. Attorneys on the delinquency and neglect case are subject to a gag order, and the case files aren’t publicly available.

The latest contempt proceeding was initiated in December, two days after an opinion column written by University of Colorado Regent Heidi Ganahl was published in the Colorado Springs Gazette, according to the notice of appeal, which implies but does not detail a connection between the column and the contempt proceeding.

The column included details about Propst’s case, but did not mention her by name. Ganahl wrote that “a mom I know” was jailed, and that she couldn’t name the woman because “the judge put a gag order on her, and anyone trying to help her.” The column included a quote from a message the jailed woman wrote to a friend.

In March, Chase found that Propst had violated the protective order by “talking about motions to withdraw,” “talking about attorneys in this case” and “talking about the unfairness of this case,” and sentenced her to six more months in jail, according to the notice of appeal.

Because of the secrecy around Propst’s case, it is not clear whether Propst was held in contempt solely because of the column or if Chase found she violated the protective order in other ways.

Ganahl founded Moms Fight Back, a nonprofit organization that focuses on family court reform, among other issues, and said she heard about the case through that work. She declined to discuss Propst’s case in detail, but called Chase “rogue and vindictive.”

“If there is any fairness in the state’s judicial system at all, the mom’s sentence will be reviewed and overturned by an appropriate officer of the courts,” Ganahl said.

Schwab argued in the notice of appeal that Chase’s protective order was unconstitutional.

“In this case, it seemed to me (Chase) was doubling down on that impulse to shy away from any public review, and saying that any mention of any fact in any way related to this case was an effective criminal offense for my client,” Schwab said. “And that’s just not how the Constitution works. That is not how the First Amendment works.”

On the other side of the case, representing Propst's ex-husband, attorney Richard Bednarski said Chase's actions were reasonable and in the best interest of the children involved. He said the notice of appeal does not give the full picture of Chase's ruling or the reasons she found Propst in contempt.

"I don't believe there is a real good argument for overturning the contempt finding," he said. "It does deal with defamatory comments being placed out there. And it deals with (Propst's) continued violation of a court order."

He added that he has found Chase to be thoughtful and professional when he's come in front of her in court.

Attorney Jessica Peck also defended Chase's record on the bench, describing her as a capable and measured judge with a particular skill at handling cases involving children.

"It's a very complex analysis when it comes to protecting the rights of a parent versus protecting the rights of a child," Peck said. "She intuitively knew where that line was."

Peck added that Chase fostered a casual environment in her courtroom, but that she never had any hint as to Chase's political views.

"It was an environment where it seemed like people were really empowered, she would talk to the clerk, the county attorney, to the interns. There was a lot of casual conversation. There was no hierarchy, like there is in a lot of courtrooms," she said.

"Black robe disease"

Retired Denver County Court Judge Gary Jackson, who has for years advocated for increased diversity in the courts and now serves as a senior judge, said judges walk a fine line between maintaining order and keeping a welcoming environment in their courtrooms.

He said there were several appropriate avenues, from meetings to educational seminars, where Chase could have discussed her thoughts on the racial slur she questioned the employee about — but the way she did it was offensive and inappropriate.

"Having these types of conversations in open court, or even in your chambers, where there is an imbalance of power between the judge and the people you are talking to, these are not the places to have those types of conversations," he said. "I'm just surprised and disappointed that she did not learn from the judges around her what would have been the appropriate way of conducting her courtroom."

He added that until a few months ago, there hadn't been a Black judge on the bench in Arapahoe County since 2010, and that having more people of color on the bench broadens the opportunities for judges to discuss such issues with other judges, rather than with subordinates or other court staff.

"I look at this as the 'black robe disease,' where some judges feel they have the privilege to say anything they want in their courtroom," Jackson said. "And whether you call that black robe disease, or, what I look at as being white privilege, it's still an issue that needs to be addressed."

Former 18th Judicial District Attorney George Brauchler, who publicly clashed with Chase in 2016 when she sentenced a youth pastor who sexually assaulted a 13-year-old girl to 90 days in jail and 20 years

probation, said he wonders if Chase's censure signals a shift in how judicial discipline is handled in Colorado.

"I've never seen anything like this before," he said. "As long as I've been in the game, I've never seen a judge disciplined for the things Judge Chase was disciplined for. And part of me wonders if this is the kind of thing that has taken place, off the radar, in the past — but because of all the issues... and this new heightened scrutiny of the judiciary, if this isn't the first of some other things we'll see like this."

Why was Judge Ann Ruttle suspended? By the Way, Northern Kentucky  
cincinnati.com

This is an installment of reporter Julia Fair's series "By the way, NKY." Here, you'll find what's going on in Northern Kentucky.

<https://www.cincinnati.com/story/news/2021/05/13/judge-ann-ruttle-suspension-northern-kentucky-bridge-capacities-family-cemetery-independence/4890674001/>

If there's something you think should be included, email reporter Julia Fair at [jfair@enquirer.com](mailto:jfair@enquirer.com)

More information on Judge Ruttle's suspension

Last month, Northern Kentucky learned Kenton County District Court Judge Ann Ruttle had gotten in trouble.

The Kentucky Judicial Conduct Commission suspended Ruttle without pay for seven days from April 15 to April 22. Ruttle violated three rules in the Code of Judicial Conduct for the way she handled court proceedings last summer, according to court documents.

Ruttle first won election as a judge in 1994. She is now the Chief District Court Judge for Kenton County and makes \$118,372 a year.

A lot of readers reached out to me who were shocked. They wanted to know more about what happened to cause the suspension for a judge who, it seemed, was widely respected.

So, I want to explain what we know, what we don't know, and why.

Ruttle did not respond to The Enquirer's multiple phone calls and emails.

First, the commission said Ruttle erred when she required defendants in criminal trials to file written demands for jury trials. It didn't say how many cases that included.

I called University of Kentucky Legal Clinic director Allison Connelly, an expert in criminal law and procedure, to ask about the written demands.

Connelly told me a jury trial in a criminal case is a "fundamental right." A judge can only ask someone if they want to waive a jury trial, not require a written demand for one, Connelly said.

She said the only time a judge can require a written request is during a civil case.

Next, I wanted to get some context on the two other decisions the commission flagged. According to the commission, Ruttle was wrong when she:

Made comments to Department of Public Advocacy attorneys that were "not patient, dignified, and courteous."

Suggested an unrepresented person enter into a plea agreement that "could be reasonably be perceived as coercive."



It's hard to say exactly what the commission relied on to make its decision because I can't get public records on the commission's investigative file.

That file is not subject to the Kentucky Open Records Act, Judicial Conduct Commission Executive Secretary Jimmy Shaffer told me in an email.

But I, and readers, still had questions about what happened. I followed a clue from the suspension order when it referenced the case Commonwealth v. Raeshod Dell. Dell was charged with public intoxication and strangulation from a December 31, 2019 incident.

There are likely more cases that contributed to the two complaints filed against Ruttle because the suspension order mentioned multiple written jury demands instead of just one.

I requested video recordings of Dell's case from the Kenton County Circuit Clerk office and got about 10 minutes of video to review.

In the videos, embedded below, you'll see Ruttle say Dell should no longer have a public defender because he's out of custody. During two separate court appearances in June, attorneys asked Ruttle to hold a hearing to see if Dell qualified for a public defender. Both times she said no.

On August 24, 2020, Dell appeared in Ruttle's courtroom and they talked about whether he qualified for a public defender. Ruttle did not believe Dell did, and asked him to bring back documents, such as paycheck stubs and child support payment schedules, that show he qualified for a public defender.

In the meantime, though, Ruttle said Dell would have to go back on the ankle monitor, which upset him.

"It's up to you. If you plead guilty you'll be credited your time served," Ruttle said in the video. "Waive the public defender or, I'll have the hearing. Bring me all of those documents, that's what I need."

Dell repeatedly asked for a jury trial. Ruttle told him she first needed to see if he qualified for a public defender.

Dell will get that jury trial, scheduled for Sept. 16, according to the most recent court filings.

Monroe businessman tests Supreme Court's secrecy rule, reveals Judiciary Commission warning to Judge Sharp

hannapub.com · by Zach Parker zach@ouachitacitizen.com

[https://www.hannapub.com/ouachitacitizen/news/local\\_state\\_headlines/monroe-businessman-tests-supreme-courts-secrecy-rule-reveals-judiciary-commission-warning-to-judge-sharp/article\\_60ae0c6e-8cb1-11eb-b286-37ffb9a11fa.html](https://www.hannapub.com/ouachitacitizen/news/local_state_headlines/monroe-businessman-tests-supreme-courts-secrecy-rule-reveals-judiciary-commission-warning-to-judge-sharp/article_60ae0c6e-8cb1-11eb-b286-37ffb9a11fa.html)

A Monroe businessman says the arm of the state Supreme Court that is responsible for investigating complaints of misconduct against judges mistakenly sent him a document that disclosed attempts to conceal a judge's unethical behavior from the public.

Specifically, the state Judiciary Commission—a judicial disciplinary agency that answers to the Supreme Court—inadvertently provided Larry Culp, a Monroe developer, with a copy of the second page of a warning letter to Fourth Judicial District Court Judge Alvin Sharp, of Monroe.

In his original complaint to the Judiciary Commission in 2018, Culp claimed Sharp violated his right to access court records in a civil lawsuit because the judge previously sealed a document without allowing Culp or any other parties in the litigation to view what was inside the sealed envelope.

The Judiciary Commission responded to Culp's complaint in April 2019 with a letter informing him they found no evidence of wrongdoing on Sharp's part. According to Culp, the Judiciary Commission also sent him, with their letter, an extra page—the second page of a letter reproving Sharp for refusing to let Culp see the sealed document and causing confusion in the case.

That second page showed the Judiciary Commission knew Sharp did exactly what he accused the judge of doing, Culp told The Ouachita Citizen last week.

"Their own letter says the judge did everything I said he did, but they tell me they didn't find anything," Culp said. "They looked silly."

Culp said he mailed copies of the Judiciary Commission correspondence to the Supreme Court as well as a March 4 letter addressed to the state high court, objecting to the lack of transparency in the state's judicial disciplinary process.

According to Culp, the Judiciary Commission's letter to Sharp showed the agency was aware that Sharp "denied me the most basic legal right to access court records."

"Only by inadvertent error, if not, divine intervention, does the public now know the means by which the Judiciary Commission 'handles' and covers up reported violation[s] of judicial ethics," stated Culp's letter.

Culp's Judiciary Commission complaint against Sharp stemmed from Larry Culp v. George Walker, a 2016 lawsuit he filed against a local water well service company. In the lawsuit, Culp claimed the company failed to perform work on a water well at his home while still charging him more than \$11,000.

Culp and his attorney, Sedric Banks, of Monroe, sought to recuse Sharp from presiding over Culp v. Walker as well as two other cases. Banks argued Sharp and other district court judges exhibited bias

against him because he previously represented two other clients who sued district court officials, alleging corruption and misconduct at the court.

Banks represents Monroe businessman Stanley Palowsky III, who sued law clerk Allyson Campbell in 2015 for concealing or destroying court documents the businessman filed in a separate lawsuit involving an environmental remediation company. Palowsky later amended his 2015 lawsuit to add five Fourth Judicial District Court judges as defendants: Fred Amman, Wilson Rambo, Carl Sharp, Stephens Winters and retired Judge Ben Jones, who serves as the district court's administrator. Amman and Carl Sharp have since retired from the bench. According to Palowsky, the judges conspired to conceal Campbell's activities from becoming known to Palowsky and the public. That lawsuit is ongoing.

Meanwhile, Banks also represented Fourth Judicial District Court Judge Sharon Marchman in her lawsuit in U.S. District Court against a host of defendants, including Campbell, the five judges and others. Marchman's lawsuit included a number of similar allegations to the Palowsky lawsuit, though her lawsuit was ultimately thrown out.

Concerning the sealed document in *Culp v. Walker*, Culp and Banks ultimately gained access to the envelope and discovered it was a duplicate copy of a pleading previously filed by Banks. That did not change the fact that Sharp refused to let them see the document, even when attorneys for the defendants agreed the contents of the envelope should be disclosed to everyone, according to Banks and Culp.

"Alvin Sharp put a sealed document in the court record and wouldn't let us look at it, and Sedric went down there to the court and saw it was face up one time, and later it was face down and you could see it had been tampered with," Culp said. "We saw the contents two years later. It was a duplicate copy of Sedric's pleading, but we don't think that's what was in it, originally. So I filed a complaint, and their letter to me shows they know Sharp did exactly what I said he did."

In *Culp v. Walker* and Culp's two other lawsuits, Banks sought Sharp's recusal. In late 2018, Banks questioned the judge under oath in a hearing presided over by an ad hoc, or special purpose, judge. After the hearing, the ad hoc judge ruled there was no reason to disqualify Sharp as the judge in Culp's cases.

Though Sharp survived the attempt to disqualify him from Culp's cases in 2018, there was little to no movement in the case until January 2020 when the court signed an order stating its intent to ask the Supreme Court to appoint a new ad hoc judge to take over *Culp v. Walker* for Sharp.

Since January 2020, the Supreme Court has not appointed an ad hoc judge in *Culp v. Walker*.

In its April 10, 2019 letter to Culp, the Judiciary Commission stated it found no violation of ethics rules pertaining to Culp's complaint that Sharp restricted his access to court records.

"The Commission looked carefully at your complaint and the ethics rules that apply, including the Code of Judicial Conduct and the Louisiana Constitution," stated the Judiciary Commission's letter. "Following a review of this matter, the Commission found no violation of any ethics rule by Judge Sharp but took appropriate action and then closed the file."

Judiciary Commission legal counsel Kelly Legier signed the letter to Culp.

Meanwhile, the second page of the Judiciary Commission's letter to Sharp appeared to challenge Sharp's decision refusing Culp the opportunity to access court records, referring to the sealed document. Sharp should have given parties an opportunity to speak before sealing the document, according to the Judiciary Commission.

"Your actions appeared to unnecessarily cause confusion, suspicion by Mr. Culp and Mr. Banks, and added time and expense in seeking to unseal the document," stated the Judiciary Commission's letter.

Legier — the Judiciary Commission's legal counsel who wrote the letter to Culp — also wrote the letter to Sharp.

Culp's March 4 letter to the Supreme Court incorrectly quoted the Judiciary Commission's letter to Sharp as finding the judge "violated" his constitutional right to access court records. Instead, the Judiciary Commission appeared to have informed Sharp it found no reason for Sharp to have denied Culp access to the record.

The Judiciary Commission's letter to Sharp concluded by characterizing its finding as a "reminder."

"Although a judge's legal error will not be regarded as judicial misconduct in many instances, a legal error could constitute an ethical violation if the judge's ruling or action is made contrary to clear and determined law about which there is no confusion or question as to its interpretation, and the legal error is either egregious (involving the denial of basic legal rights), made in bad faith, or made as part of a pattern or practice of legal error," stated the Judiciary Commission's letter to Sharp.

"This reminder is in keeping with the Commission's goal of assisting judicial officers in avoiding conduct or practices that may give rise to future violations," Legier added in the letter.

Copies of the Judiciary Commission correspondence as well as Culp's letter to the Judiciary Commission can be found online at [ouachitacitizen.com](http://ouachitacitizen.com)

Last week, Culp said going public with his letter to the Supreme Court as well as disclosing his correspondence from the Judiciary Commission put him at risk of the Supreme Court taking legal action against him. The Judiciary Commission routinely admonishes individuals who file complaints against judges with the commission to remain silent about their complaints.

For example, in the Judiciary Commission's April 2019 letter to Culp, the agency cited the Supreme Court's rules to remind Culp that "all proceedings before the Judiciary Commission are confidential."

"Although this rule does not allow you to disclose to anyone the fact that you filed a complaint with the Commission or the action taken on the complaint, you may disclose and discuss the underlying events that led you to file a complaint," stated the Judiciary Commission's letter to Culp.

If the Supreme Court sought to penalize him, it would be nothing less than a violation of his First Amendment right to free speech, according to Culp.

"We don't need our court system threatening us and our constitutional right to free speech," Culp said. "When you talk to Judiciary Commission, they basically tell you that you can't talk about anything or

they'll put you in jail. If they put me in jail, that'd probably make Fox News by the time the sun went down."

Culp told The Ouachita Citizen that he decided to send the Judiciary Commission correspondence and letter to the Supreme Court after the Judiciary Commission began investigating him last month.

According to Culp, Judiciary Commission special counsel Michael Bewers issued a subpoena to Culp and his wife, Tracey, for them to testify in an investigation of a complaint allegedly filed with the Supreme Court by Campbell, the law clerk who is being sued by Palowsky.

According to Culp, Campbell filed a complaint accusing him and his wife of bribing Marchman because they made a contribution to her campaign when she was a candidate for a seat on the Second Circuit Court of Appeal. Around the time Culp and his wife contributed to Marchman's campaign, Marchman was issued a subpoena to testify in one of his lawsuits.

"Allyson made a complaint that Tracey and I bribed Marchman," Culp said. "She wasn't even a judge in my case. I didn't even know Sedric had asked her to testify as a witness in our case."

According to Culp, Bewers interviewed him and his wife on Feb. 24, and they were able to provide documentation clearing up the allegations. Culp told The Ouachita Citizen he was surprised that neither Bewers nor the Judiciary Commission did any research before issuing subpoenas to testify in the Marchman complaint.

"The record shows neither the complaint nor the complainant was properly screened, prior to the Commission, Mr. [Bewers] (and others) deciding to investigate me and my wife for bribing a juvenile court judge," stated Culp's letter. "Ms. Campbell claimed our campaign contribution made during a contested election was to 'bribe' the judge (who we have supported in every election she has ever had) in return for her waiving formal requirement of a hearing under (Code of Evidence Article) 519, and voluntarily agreeing to appear pursuant to subpoena and testify under oath at a hearing to recuse Fourth [Judicial] District judges for covering up case fixing, malfeasance and misprision involving law clerk Allyson Campbell."

In parts of his March 4 letter to the Supreme Court, Culp appeared to allege a conspiracy by Bewers and the Judiciary Commission to conceal or at least ignore widely published allegations in the Palowsky litigation concerning suspected corruption among Fourth Judicial District Court officials.

For example, Culp said Bewers "pretended not to know" that Marchman was a key witness in Palowsky's lawsuit against Campbell and the judges. Marchman was recently issued a subpoena to appear for a deposition in Palowsky's lawsuit against Campbell and the five judges.

"Mr. [Bewers] further advised he had never heard of the lawsuit filed by my attorney against the law clerk Allyson Campbell and four Fourth [Judicial] District [Court] judges, including Judge Carl V. Sharp, brother of Judge Alvin Sharp subject of my motion to recuse," stated Culp's letter.

Carl Sharp retired from the bench in 2018.

“The Commission knew Judge Alvin Sharp’s error was not inadvertent and was committed in bad faith to retaliate for exposing judicial misconduct in the Fourth [Judicial] District Court, where, according to Chief Judge Robert Johnson, “...if you sue one judge, you sue all...”

During his recorded interview with Bewers on Feb. 24, Culp said he provided Bewers with a copy of the second page of the Judiciary Commission’s letter to Sharp as evidence of a “cover up.”

“I gave Mr. Bewers a copy of the Judiciary Commission’s letter to Judge Sharp, but Mr. Bewers wouldn’t read it in the record,” Culp said. “In this day and time, we need full transparency from all agencies and judges, too. So I had no other choice, since Mr. Bewers refused to report the wrongdoing, but to do what I did today: I sent this letter to all seven justices of the state Supreme Court.”

In the original Culp v. Walker lawsuit from 2016, Culp sued Walker and his company Walker H2O Well Service, disputing Walker’s claim that Culp owed the well service company more than \$11,000 with interest.

“On or about August 10, 2015, after defendant held himself out as a licensed contractor to work on water wells, defendant began work connecting plaintiff’s water well to plaintiff’s home by installing pump, pipe, wiring, etc. Such work was completed in one day. Two days after defendant completed the work, pipes began leaking in the well house. On or about August 26-28, 2015, pipes began leaking outside the well house due to defective valve.”

Despite Walker’s pledge to make repairs, problems continued, according to Culp’s lawsuit.

“On September 11, 2015, the well stopped working, altogether leaving plaintiff’s family without water,” stated Culp’s lawsuit.

Walker reportedly repaired the well and demanded immediate payment. After Culp refused to make payment until he was sure the well was working and could review an itemized invoice, he returned home to find the pipe, pump and wiring had been pulled from the well and thrown in his yard, his lawsuit stated. Culp claimed he had to find someone else to repair the well so his family, which at the time included a five-month-old infant, could have water service.

hannapub.com · by Zach Parker [zach@ouachitacitizen.com](mailto:zach@ouachitacitizen.com)

'Facts first': Study bill would examine judicial commission

helenair.com · by Seaborn Larson

[https://helenair.com/news/state-and-regional/govt-and-politics/facts-first-study-bill-would-examine-judicial-commission/article\\_be0158c1-2bcf-5565-ab28-f044d558c977.html](https://helenair.com/news/state-and-regional/govt-and-politics/facts-first-study-bill-would-examine-judicial-commission/article_be0158c1-2bcf-5565-ab28-f044d558c977.html)

After several attempts to alter the Judicial Standards Commission to conservatives' vision have failed, a new bill proposes to study the panel to determine if it is indeed working as it should.

The study was suggested several weeks ago by Rep. Bill Mercer, a Republican from Billings, who then sought to steer the House of Representatives away from re-engineering the Judicial Standards Commission as an instrument to remove judges by politically-appointed laypeople.

The Judicial Standards Commission, which is enshrined in the state Constitution, handles complaints and allegations of misconduct leveled against judges. Its makeup includes two district court judges elected by their peers, an attorney selected by the state Supreme Court and two laypeople appointed by the governor.

Republicans have honed in on the judicial branch this session, leading to an investigative committee recently subpoenaing the Supreme Court justices and working to produce a report on their concerns about judicial bias, public records retention and use of state resources for lobbying efforts.

GOP lawmakers have also railed against the commission this session as one that protects their own rather than taking judicial discipline seriously, pointing to a large number of dismissed complaints. Judges and opponents to Republicans' proposals have said the large number of complaints are filed by those who don't like the judges' ruling and file with the commission rather than appealing their case.

Democrats have characterized these attempts to alter the judicial process as a hostile takeover of the judiciary.

The biggest threat the judiciary saw to the Judicial Standards Commission, according to emails provided to the Montana State News Bureau, was House Bill 685. The proposal would have changed the name to the Judicial "Inquiry" Commission and given laypeople a supermajority on the committee that could remove an elected judge, rather than forward a recommendation to the Supreme Court.

In emails between judges previously reported on by the Montana State News Bureau, Supreme Court Chief Justice Mike McGrath styled the bill as something out of a book, "Where Democracies Go To Die."

"I don't know if a legislative session has ever had more bills dealing with the Judicial Standards Commission than we have," Mercer said during an April 1 hearing when HB 685 died on a 47-52 House floor vote.

Mercer, the former U.S. District Attorney for Montana, said during the hearing he didn't believe claims that were propelling HB 685, particularly the notion that Montana has an exceedingly high rate of wrongful convictions, were fully factual or actually relevant to the reason Rep. Brad Tschida, R-Missoula, brought the bill in the first place. Tschida said during the hearing he brought the bill to "empower citizens."

Mercer said then he would take a role in launching an interim study of the commission, and made good on that assurance in the House Judiciary Committee on Wednesday.

"I think the value of trying to study this in the interim will be that we can run to ground the allegations and we can figure out in fact if there is a factual basis for the allegations, and really focus on the efficient and effective functioning of the Judicial Standards Commission," Mercer said.

Angus MacIver, director of the Legislative Audit Division, said a full audit of the commission would likely take six to nine months.

Rep. Bob Phalen, R-Lindsay, suggested the interim study would only kick the matter down the road, and asked one of the proponents, Bruce Spencer, representing the State Bar of Montana, if he didn't want to hold judges accountable.

Spencer told Phalen, "facts first."

"I don't think you had facts when you saw previous bills," Spencer told Phalen. "What you had were in my opinion a lot of unsubstantiated allegations. So this study gives you facts so then you can analyze the facts and decide if as a matter of public policy you need to do something with those facts."

The committee passed the resolution to study the Judicial Standards Commission on Wednesday, 17-2.



Las Vegas judge facing ethics charge to resign

reviewjournal.com · by David Ferrara

<https://www.reviewjournal.com/crime/las-vegas-judge-facing-ethics-charge-to-resign-2342935/>

Las Vegas Justice of the Peace Melanie Tobiasson has agreed to resign, rather than fight ethics charges alleging that she became improperly involved in a double murder investigation and was affiliated with an organized crime figure.

She is expected to step down from the bench next week, according to an agreement with the Nevada Commission on Judicial Discipline.

Tobiasson “further stipulates that after vacating her judicial office she will neither seek nor accept judicial office in the state of Nevada at any time in the future, nor will she undertake or perform any duty with the definition of ‘Judge,’” the agreement stated.

Tobiasson said Friday that she was told the commission would not publish her agreement until next week, and that she had not received a copy of the signed document.

“It kind of took me by surprise, and I’m really upset about it,” she said. “I was extremely upset to learn that this had been posted this morning, as it was agreed that they would not post it until the 7th,” her last day on the bench.

“Quite frankly, I feel that this is just one more opportunity that they took to damage me and make sure that I didn’t get to make a statement prior to them.”

The commission’s executive director, Paul Deyhle, did not immediately respond to phone messages on Friday.

Long list of allegations

Tobiasson faced a long list of allegations after the commission said she urged Metropolitan Police Department detectives to investigate a clothing store where her daughter worked, which Tobiasson believed was a front for an unlicensed club where teens drank, used drugs and engaged in prostitution.

The commission alleged that Tobiasson failed to comply with and uphold the law, and allowed family interests and relations to influence her conduct.

Lawyers for Tobiasson have accused the Nevada Commission on Judicial Discipline of flouting its own regulations and procedures in an effort to disparage the judge.

“I have been vilified, lied about and accused of wrongdoing, when in fact what I did was appropriate and should be applauded,” Tobiasson said. “I’m resigning because they have terrorized and lied about me for three years.”

She added: “The bottom line is I didn’t resign because I did anything wrong. I resigned because I’ve been accused of doing things that are completely appropriate. I called the police and reported a crime, and they didn’t do anything. I’ve never interfered in the investigation.”

Tobiasson said that she had spent roughly \$600,000 in attorney fees defending herself against the allegations. A trial before the commission had been set to begin May 17.

In ongoing litigation with the commission, Tobiasson’s lawyers had pointed to several factual errors in the charges against her.

At one point, Metro launched its own investigation into the judge, and detectives started tracking Tobiasson’s phone.

While Metro found that the judge had committed no crimes, detectives learned that between July 2017 and December 2017, Tobiasson communicated with or tried to communicate with a man identified as Anthony Danna. The commission referred to Danna as a “known and documented organized crime figure.”

But Tobiasson’s lawyers said a mobster with that name died in 1984.

The commission also alleged that Tobiasson dismissed domestic battery charges against Danna, who later exchanged text messages with the judge while he was fleeing from police in a separate case.

However, online court records suggest that prosecutors dropped the charges against Danna. The court’s website indicates that the case was dismissed as “state not proceeding.”

‘My passion, my fun, my love’

Tobiasson, 53, was born in Las Vegas and graduated from Bishop Gorman High School.

She received her law degree from Pepperdine University in Malibu, California, and was licensed to practice law in Nevada in 1993.

Before taking the bench as a Justice of the Peace Pro Tem in 1999, Tobiasson worked in the Clark County District Attorney’s office.

She was appointed to the Las Vegas Justice Court Bench in 2009.

The job, she said, “was my passion, my fun, my love. And I deserved to be able to announce my resignation in a way that dignified my career, and they once again deprived me of an opportunity out of vindictiveness. This was their last chance to take a shot at me and hurt me.”

After a hearing in late 2019, the commission decided against suspending Tobiasson and fellow Las Vegas Justice of the Peace Amy Chelini over questions about profanity off the bench and administrative complaints involving court clerks. But the panel’s investigation into Tobiasson did not end.

Tobiasson also said Friday that she negotiated her resignation agreement for seven weeks.

“This was not an easy decision to make,” she said. “But I knew it was the right decision, because they were never going to let me have peace as long as I was on the bench.”

Asked about her plans after leaving the bench, Tobiasson said: “I’m going to do whatever I want for the rest of my life.”

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Clark County judge apologizes for Kevin Peterson Jr. comments, will take time off  
columbian.com · by Jerzy Shedlock · March 16, 2021

<https://www.columbian.com/news/2021/mar/16/clark-county-judge-apologizes-for-kevin-peterson-jr-comments-will-take-time-off/>

Clark County District Court Judge Darvin Zimmerman issued a statement Tuesday saying he's decided to take time off to reflect on comments he made last week critical of a Black man killed in a police shooting in Hazel Dell.

Zimmerman's earlier comments, inadvertently captured on video and broadcast online, have prompted condemnations from his fellow District Court judges, a decision by prosecutors to seek his removal from all of their criminal cases and a call from a prominent law firm for him to resign.

"I have always prided myself in being open minded, fair and just in my duties as a judicial officer. I do understand that even my personal comments, when made public, bring about an outcry of concern because I am a judicial officer," Zimmerman said in a statement issued on his behalf by attorney Josephine C. Townsend.

The statement said Zimmerman deeply regrets his comments that have caused divisiveness and concern in the community.

"I am very sorry for that. I have decided to take some time off to reflect on my behavior and to determine what I can do to help heal the community I have served," it said.

Townsend, who's representing Zimmerman, said that over the weekend he self-reported his statements to the Commission on Judicial Conduct, which has the power to investigate his comments and take action, including recommending the Washington Supreme Court take action against him.

"We decided it would be best to be as proactive as possible in responding," she told The Columbian in a phone interview. She added that Zimmerman will fully cooperate with the investigation.

Townsend said Zimmerman's case is on the commission's schedule, which meets every two months. The next meeting is April 23, she said. However, she was unsure if he self-reported in time for that meeting or if it will be addressed in June. Townsend said the commission will review any complaints filed against Zimmerman, as well as the video recording of his comments, and interview him.

"I want my colleagues and the public to know that I have accepted responsibility for my actions," Zimmerman's statement said.

#### Confidential process

Judges are elected by voters, but there are ways for them to be removed from office. One requires a joint resolution of the Legislature, in which three-fourths of the members of each chamber concur. The other requires a decision by the Washington Supreme Court based on a recommendation from the judicial conduct commission, which is charged with investigating complaints of judicial misconduct or disability and can recommend that a judge be suspended, removed or retired.

Reiko Callner, executive director of the judicial conduct commission, said the state's Constitution does not permit her agency to disclose whether it's received any complaints about Zimmerman. The process is entirely confidential while investigations are pending, but the law requires a public release of information after an offense has been charged and adjudicated.

"Part of the reason for the confidentiality is protection against concerns about backlash for filing a complaint. We don't disclose the name or the identity of the complainant, or even the fact that there is a complaint filed. And in that way, it encourages witnesses and complainants to be willing to come forward and talk to the commission," Callner said.

The majority of complaints filed against judges — which can come from any source whatsoever, even a person unrelated to the subject matter of a complaint — are dismissed, Callner said. Many complaints come from litigants who went to court and lost their case; they typically argue the judge was incompetent, made up their mind ahead of time or showed bias, she said.

"Virtually, all judges in the state have been the subject of investigation, because they've had complaints filed against them," Callner said.

Speaking generally about accusations of bias or racism from a judge, Callner said all judges are required to adhere to the four canons laid out in the state's Code of Judicial Conduct. Each canon, a kind of "sacred language important to maintaining the justice system," contains multiple rules. Several of those rules could apply in an issue involving manifestations of racism or bias, she said.

Callner said the complaint process can be slow-moving, as the commission investigates, decides whether to move forward with a statement of allegations and then gives the accused judge a chance to respond.

Judge goes on leave

In the meantime, Zimmerman's leave from the bench will be coordinated through District Court's presiding judge, Kelli Osler, Townsend said.

Osler said in an email Tuesday that the court has, for the near foreseeable future, reassigned Zimmerman's cases. It's possible multiple judges may be handling the caseload in his absence, she said. The court has six judges, including Zimmerman, and two court commissioners.

Zimmerman, whose comments with another court official were captured on video and viewable on YouTube for several hours, described Kevin Peterson Jr. as "the Black guy they were trying to make an angel out of," and said he believed Peterson had a death wish and "was so dumb."

The long-serving judge, whose son was on scene in the Oct. 29 shooting as a member of the Clark County Sheriff's Office but did not fire his weapon, also claimed that Peterson's father conceded to a police chaplain that the shooting was justified but, "the next day, he wakes up with dollar signs in his eyes and George Floyd's attorneys had already contacted him."

Zimmerman said his private remarks in the courtroom were him speaking as a father about his concerns over the five-month delay for the Peterson investigation to be completed, of a need for closure about the 21-year-old Black man's death, and the necessity for investigative information to be released publicly, "so that everyone, including the police get a fair evaluation of what happened."

He said his concerns as a father do not excuse the fact that the comments caused an already volatile community to again become divisive.

He noted his 35-year career on the bench, stating that he's long been a supporter of therapeutic programs that help the impoverished. He said he's promoted the Veteran's Court and Mental Health Court programs. Townsend said he was on a committee to bring in a pre-arrest diversion program.

"I am a staunch supporter of programs that provide alternatives to incarceration, which affect people of color and the impoverished," Zimmerman said.

He said the programs mentioned in his statement are meant to bring fair and equal justice to all races and genders.

Townsend said that Zimmerman has spoken at many conferences and brought millions of dollars into the county to fund therapeutic programs. He has also helped refer litigants wanting to learn English to a Clark College program.

"He doesn't want the public to think that's the only version of him, because it isn't," Townsend said, referring to Zimmerman's recorded comments. "It's the other side of the version of him. To speak as an exasperated father, to want closure to an investigation that has taken a long time, it wasn't appropriate, he understands that; but at the same time, it's not the only version of him. He just wants that level of fairness as well."

#### Who's speaking out

Northwest Justice Project attorney Tim Murphy said he filed a complaint with the judicial conduct commission Monday over Zimmerman's comments and other issues he's experienced with the judge.

In his complaint, Murphy said Zimmerman's comments showed he'd already decided the police were justified, as he repeatedly stated that Peterson was at fault for getting shot and vindicated the officers involved in the shooting. Murphy wrote that these remarks clearly signaled a bias and lack of impartiality, a violation of judicial conduct Rule 1.2.

The attorney also noted that over the years, his clients who appeared before Zimmerman were repeatedly, unnecessarily questioned about their need for a translator.

"He would ask them, 'Do you speak English? Do you really need an interpreter? What country are you from?' All these things that are just completely inappropriate and not relevant to the proceeding. There are rules about defendants not having to answer those types of questions, because depending on their situation, it might incriminate them," Murphy said.

Murphy encouraged others in the county's criminal justice community to speak out about issues with Zimmerman, arguing silence was a scathing indictment of a local bench that's unwilling to hold officials accountable.

"We've seen the video and heard his comments, but (attorneys) aren't going to talk about it publicly and be willing to put their name on it. To me, that says a lot about our bar, and it shows how deeply embedded issues of racism are; you can't even get people to talk about it," Murphy said.

No other attorneys or officials responded to The Columbian about whether they'd file a complaint against Zimmerman.

Attorney Christie Emrich — who leads Vancouver Defenders, which called for Zimmerman's resignation Monday — said as officers of the court, attorneys cannot and should not disclose whether they've filed judicial complaints, citing the commission's rules of confidentiality.

Zimmerman's comments drew criticism from other groups, including the Vancouver city attorney, members of the Vancouver City Council and the League of Women Voters of Clark County.

columbian.com · by Jerzy Shedlock · March 16, 2021