

ORIGINAL

FILED

03/10/2020

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: PR 20-0072

BEFORE THE JUDICIAL STANDARDS COMMISSION
OF THE SUPREME COURT OF THE STATE OF MONTANA

INQUIRY CONCERNING COMPLAINT OF:

ELIZABETH HALVORSON, JACQUELYN
HUGHES, KAREN JARUSSI AND HON.
GREGORY TODD,

No. 20-0072

ANSWER

Complainants,

Vs.

HON. ASHLEY HARADA,

Respondent.

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Respondent Judge Ashley Harada (Harada) answers the formal complaint as follows:

1. Admit, Harada is a duly elected District Judge of the Montana Thirteenth Judicial District, Yellowstone County;
2. Admit, Harada is the subject of a several allegations of misconduct while a candidate for District Judge and while giving a deposition about those allegations;
3. Count I. Admit, Harada violated Rule 4.1(A)(4) and 4.1(A)(7): a candidate shall not "seek, accept, or use endorsements from a political organization, or partisan or independent non-judicial office holder or candidate", when she failed to remove endorsements on her Facebook page that were posted by:
 - i. The Yellowstone County Republican Party;
 - ii. Denise Johnson, Republican candidate for House District 48; and
 - iii. Elinor Swanson, Libertarian candidate for U.S. Congress;

Furthermore, Harada contacted the Judicial Standards Commission on the Republican Party endorsement and received no response.

Count II: Admit, Harada violated Rule 4.1(A)(4) and 4.1(A)(1) when she stated she had only contributed to conservative candidates when a \$100 donation was made to Democratic candidate for Congress John Heenan from her office law firm account. The \$100 donation was written and signed by Harada's husband Tim, and Harada did not request her husband to make a contribution on her behalf. Harada believed pursuant to the Federal Election laws and Code of Federal Regulations, the donation should have been attributed to the signature on the check, which was Tim Harada. Harada does not disagree with the investigator's determination that having the check come from the Harada Law Firm account was a violation.

Count III: Admit, Harada violated Rule 4.1(A)(3) and 4.1(A)(7) when she endorsed Don Jones, Republican candidate for Yellowstone County Commission and Kevin Peterson, Republican

candidate for County Attorney in Musselshell and Golden Valley counties, on her personal Facebook page. Harada maintained her privacy settings on her personal Facebook page to ensure her personal views did not become public, as is required by American Bar Association Opinion 462 (2013). Harada understands the more stringent requirements of the Judicial Standards of Montana, as opposed to the guidance of the ABA.

Count IV: Admit, Harada violated Rule 4.1(A)(10) when she gave herself two years of law experience while a law student practicing under the student practice rule. During these two years, Harada was representing clients, writing and filing briefs, appearing in court with clients, and sitting second chair in a federal jury trial, but she accepts that this was an improper representation.

Count V: Admit.

Count VI: Admit, Harada violated Rule 1.2 and Rule 2.7 when she relied on information from her accountant and stated in her July 2019 deposition HW was not an employee in 2017. In her deposition, Harada explained the nuanced relationship she had with HW for a full 10 pages. Since the deposition, Harada inquired again as to the status of HW. Harada was then advised by her accountant, based upon training the accountant received in November 2019, that HW could be considered an employee. See Exhibit 1. Harada is making the necessary efforts to remedy this matter through the appropriate government agencies. All events with HW occurred prior to Harada being a judicial candidate or judge.

4. Harada admits her conduct warrants disciplinary action, specifically a Public Censure, in accordance with the Rule of the Judicial Standards Commission.

Dated this 2nd day of March, 2020.



Judge Ashley Harada



Russ Fagg
Respondents attorney