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FILED

03/23/2020

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: PR 20-0072

From: kent koolen <koolen3k@gmail.com>
Sent: Sunday, March 22, 2020 2:50 PM
To: Court, SCclerk
Subject: [EXTERNAL] PR 20-0072 - Hlaverson et al v. Harada

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To Who It May Concern

I was disappointed and frankly disgusted to read that the Judicial Standards Commission has reportedly recommended that Judge Ashley Harada receive nothing more than a public censure ("shame on you") for the numerous ethical violations to which she has admitted her guilt. I write to state my strenuous objection to this recommendation.

Honor and integrity are vital to holding and discharging the duties and responsibilities of a Judge. A judge has the power to deprive a citizen of life, liberty, and property, and our judicial system cannot survive if the honor and integrity of judges exercising such power is in question. For this reason, it is a legal presumption that the judge is Honorable, as evidenced in the caption of the above-entitled matter concerning the claims against "The Honorable Ashley Harada." Honorable? That sobriquet in this instance is undeserved. Harada admits she committed dishonorable acts. She lied. She lied under oath. She lied to serve her own selfish ends. Every first-year student in law school knows the Honor System and knows the penalty for its violation. It is critical to the practice of law.

Through her counsel, Harada compounds her admitted misconduct by equivocating and prevaricating concerning the facts of the violations. She blames her accountant for her failure to pay taxes due for her employee, arguing that she paid no payroll taxes for her office employee because her accountant told her payroll taxes are not due for the employee's work as a nanny. This absurd prevarication cannot stand. Her counsel further argues that in her campaign for election to the position of District Judge, she should be forgiven for attempting to embellish her meager credentials by claiming to have had 80 jury trials because, according to her counsel, this is a "gray area." It most definitely is not. She lied, in order to gain unfair advantage over her opponent (a prosecutor with legitimate trial experience) and thereby cheat the opponent of the election. Then, in a last desperate effort to win the non-partisan election in a known conservative venue, she shamelessly turned it into a partisan contest by representing herself as a political conservative running against a political liberal. And thus, by misstating and misrepresenting the facts, she was able to steal the election by a razor-thin margin.

Harada's counsel demeans himself by arguing that this is nothing more than sour grapes from disgruntled supporters of Harada's opponent. If they believe this, she has learned nothing and he misses the point. Perhaps he feels Harada's conduct should be excused because he employed similar methods in his own campaign to unseat a sitting judge, Russell Fillner, a truly honorable man, by portraying him as "Freedom Fillner" who purportedly set criminals free. Yet despite his attempts to excuse Harada's unethical conduct, the fact remains she stole the election through unethical political chicanery. The penalty cannot be mere public censure. Any judge knows that a thief should not be permitted to retain possession of stolen property. The public cannot be led to believe that judges enjoy an exception to the rules governing those who appear before them.

Respectfully submitted,

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