

ORIGINAL

FILED

03/23/2020

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: PR 20-0072

IN THE SUPREME COURT OF THE STATE OF MONTANA
Cause No. PR 20-0072

IN THE MATTER OF PROPOSED DISCIPLINARY ACTION
AGAINST JUDGE ASHLEY HARADA

OBJECTION TO PROPOSED DISPOSITION BY
MONTANA TRIAL LAWYERS ASSOCIATION

RECEIVED

MAR 23 2020

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Clerk of Supreme Court
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The Montana Trial Lawyers Association (MTLA) hereby objects to the
proposed disposition of discipline against Judge Harada as follows:

Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. A judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated the Code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge.

Matter of Hon. G. Todd Baugh, 2014 MT 149, ¶ 10 (emphasis added).

MTLA is a member organization for Montana attorneys who represent litigants to secure a just result for the injured, the accused, and those whose rights are jeopardized. MTLA's Statement of Purpose includes: "to uphold and defend the constitutions of Montana and the United States," "to promote the administration of justice for the public good," and "to uphold the honor and dignity of the profession of law."

Judge Harada campaigned for the non-partisan position of district court judge under the tagline “the *right* choice.” She employed Jake Eaton, former Executive Director of the Montana Republican Party, to assist her campaign. She posted to her campaign’s Facebook page during her campaign an endorsement from the Yellowstone County Republican Party and distributed her campaign literature at the Yellowstone County Republican booth at the Yellowstone County Fair.

Her campaign employee, Jake Eaton, maintained a political blog called “Politics406.com” during the campaign. On October 31, 2018, Eaton’s blog posted an article “*Liberal Trial Lawyer Group Launches \$20k Campaign for Juli Pierce.*” The “liberal trial lawyer group” referenced in Eaton’s blog post was MTLA. Judge Harada, in turn, promoted the blog post on her own facebook page.

The selection of judges in Montana is necessarily non-partisan. The reason for this is that all litigants deserve a fair shake. Judge Harada’s conduct as a candidate caused MTLA organizationally, and its members individually, to question whether their clients- working Montanans- would receive a fair shake in Judge Harada’s courtroom.

The multiple and serious acts of misconduct which Judge Harada has now admitted cause MTLA to further question whether Judge Harada has the “honesty, impartiality, temperament, or fitness to serve as a judge.” Specifically, Judge

Harada has now admitted to multiple acts of running a partisan campaign in a non-partisan election; making false or misleading statements about her credentials to voters; failing to pay taxes; slandering a young woman to prevent her from being admitted to law school; and, most egregiously, providing false information to the investigating tribunal under oath. Although she offers excuses, the undisputed facts strongly support a conclusion Judge Harada committed perjury, an intolerable offense by any lawyer or judicial officer.¹

In *Matter of Myers*, PR 17-0026, this Court disbarred a lawyer running for judge who “made statements he knew to be false with reckless disregard for the truth” in his campaign against a sitting judge.

In *Matter of Hon. G. Todd Baugh*, 2014 MT 149, the Judicial Standards Commission, like here, recommended only a public censure. But this Court suspended Judge Baugh as well (for 31 days because he had announced his retirement at that point) because Judge Baugh’s “inappropriate statements”:

[E]roded public confidence in the judiciary and created an appearance of impropriety, therefore violating the Montana Code of Judicial Conduct. He has caused Montana citizens, as well as others, to question the fairness of our justice system and whether prejudice or bias affected the outcome of the *Rambold* case. There is no place in the Montana judiciary for perpetuating the stereotype that women and girls are responsible for sexual crimes committed against them.

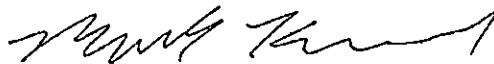
¹ While not removed from office as a politician, former Pres. Bill Clinton was suspended by the Arkansas Bar as a lawyer for five years for lying under oath.

Judge Baugh's and Attorney Myers' acts of misconduct, while no doubt serious, are snow cones compared to the glacier which is Judge Harada's multiple, intentional acts of misconduct, including embracing partisan politics in a non-partisan campaign, falsely slandering a young woman to tank her law school admittance, and lying under oath to the investigating tribunal.

Judge Harada, by her multiple and serious acts of misconduct, has demonstrated in spades that she lacks the "honesty, impartiality, temperament, or fitness to serve as a judge." Any punishment short of permanent removal will undermine the public's faith in our judges and our judicial process.

Dated this 23rd day of March, 2020.

MONTANA TRIAL LAWYERS ASSOCIATION



By Mark M. Kovacich, President