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IN THE SUPREME COURT OF THE STATE OF MONTANA

IN RE: MATTER OF)	
INQUIRY CONCERNING COMPLAINTS)	
OF ELIZABETH HALVERSON, JACQUELYN)	
HUGHES, KAREN JARUSSI, AND)	
HON. GREG TODD,)	
)	PR 20-72
Complainants,)	
)	RESPONSE
v.)	
)	
HONORABLE ASHLEY HARADA,)	
)	
Respondent.)	
)	
)	

Given the complainants in this matter have taken the highly unusual step of filing objections to the recommended resolution and disposition of the Judicial Standards Commission directly with this Court, Respondent Judge Ashley Harada is compelled to respond in the same manner.

In their objections the complainants raise no new allegations, nor bring new facts or information to the Court other than what has already been

thoroughly investigated by Hon. Ed McLean on behalf of the Judicial Standards Commission (JSC). The complainants now appear to be bringing these objections simply because they are displeased with the outcome of the investigation and JSC's recommended resolution and disposition of this matter. The complainants wish to supplant their own judgment for that of the JCS, despite the fact that Hon. Ed McLean spent a year investigating this matter and subsequently made an appropriately harsh and fair recommendation for public censure. In fact, the undersigned spoke with Judge McLean and was informed the well-regarded jurist spent "hundreds" of hours investigating this matter, including making four trips to Billings. Obviously, Judge McLean took this matter very seriously.

As the Montana Supreme Court is aware, the complainants are not privy to all information obtained by Hon. Ed McLean during the course of his investigation and thus are not aware of the many mitigating factors that exist due to the confidential nature of these matters. JSC Rule 7(a). Judge Harada obviously dispelled many of the complainants' allegations to the satisfaction of Hon. Ed McLean and the JSC.

The complainants are also not aware of the deliberations that were held by the Judicial Standards Commission. JSC Rule 13(g). All allegations of misconduct made by the complainants were thoroughly investigated by

Hon. Ed McLean over the course of the past year and all information regarding this matter was provided to the five members of the Judicial Standards Commission for their consideration. The Judicial Standards Commission spent considerable time reviewing all of the information prior to entering into an agreement for disposition and recommendation for public censure. Further, it is worth noting the Judicial Standards Commission agreed to the resolution, including District Court Judge Michael Menahan and District Court Judge Randal Spaulding, as required by JSC Rule 5(c).

It is also important for this Court to understand the complainants were ardent supporters of Judge Harada's electoral opponent. Judge Todd and his wife, as well as Ms. Hughes, were maximum contributors to Judge Harada's opponent. Mrs. Jarrusi's husband, Gene Jarussi, contributed the maximum to Judge Harada's opponent and contributed an additional \$5,000 to an outside organization that spent more than \$20,000 supporting Judge Harada's opponent. Ms. Halverson contributed \$500 to the same outside group and the maximum to Judge Harada's opponent.

Having failed to accomplish their desired electoral outcome at the ballot box, the complainants have taken the highly unusual step of filing complaints that asked for the removal of a duly elected Judge. Once the complaints had been thoroughly investigated and the JCS released its

proposed disposition of this matter, the complainants then took the highly unusual step of filing responses directly with the JCS. Now that the JCS has released a recommended resolution and disposition of this matter the complaints are once again taking a highly unusual step by objecting directly to this Court.

There is no precedent the undersigned is aware of for allowing complainants to intervene in matters regarding the Code of Judicial Standards or to allow the complainants to attempt to dictate the role of the Judicial Standards Commission. One of the enumerated responsibilities of the Judicial Standards Commission is to “provide for the expeditious and fair disposition of complaints of judicial misconduct.” JSC Rule 1 (b). The Commission alone is entrusted to “conduct an investigation of a judge, order a judge to submit to a physical examination, proceed against a person for contempt for failing to respond to a subpoena of the Commission, issue a public opinion or statement, hold or dispense with a formal hearing, hear additional evidence, make a report to the Supreme Court recommending removal, retirement, or other discipline of a judge, or determine after a formal hearing not to make such a report.” JSC Rule 5(d). The Commission has jurisdiction over the conduct of all judges. JSC Rule 9(a). To allow the complainants to supersede their judgment for that of the five members of the

JSC will create a slippery slope for all future judicial standard complaints and invade the province of the JSC.

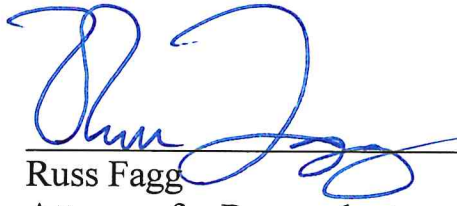
Jacquelyn Hughes has taken an additional and highly unusual step of sending emails to people across the State to encourage a letter writing campaign to the Montana Supreme Court in an attempt to lobby this decision. Furthermore, Gene Jarussi has circulated a petition across the state requesting attorneys to sign noting displeasure with the disposition. Many of these attorneys are very fine people and excellent attorneys. However, it must be noted again that none of these fine people knew all the nuances of this case, as the proceedings are confidential.

The complainants' allegations have been thoroughly reviewed and investigated over the past year. The JCS has reviewed all of the available information and recommended resolution and disposition. These new objections brought by the complainants have brought no new facts to this matter, they are merely another attempt for the complainants to supersede the judgment of the JCS. Judge Harada has accepted responsibility for her actions and believes the Judicial Standards Commission's recommended resolution and disposition of this matter is appropriate, harsh, and necessary. Judge Harada is ready to accept those consequences. We urge this court to

accept the resolution and disposition as recommended by the Judicial Standards Commission.

Judge Harada respectfully requests a date to appear for public censure before the Montana Supreme Court.

DATED this 23rd day of March, 2020.



Russ Fagg
Attorney for Respondent

CC: Judge Mike Menahan, Chair, JSC
Judge Ed McLean (Ret.)
Judge Ashley Harada