

THE SUPREME COURT OF MONTANA

MIKE McGRATH
CHIEF JUSTICE



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August 6, 2024

Senator Jason Ellsworth
President, Montana State Senate
Montana State Capitol
Helena, MT 59620

Re: Judicial Standards Commission

Dear Senator Ellsworth:

The Judicial Standards Commission is a five-member board established by the Montana Constitution for the purpose of reviewing complaints of ethical violations of the Montana Code of Judicial Conduct. Its operations are conducted solely within the Judicial Branch.

The Legislative Audit Division, also a constitutionally created entity, was directed by a 2021 study resolution (HJ40) to conduct a performance audit of the Judicial Standards Commission. The Legislative Audit Committee is a bicameral and bipartisan standing committee of the Montana Legislature.

The Audit Division's professional staff has recently completed a comprehensive and vigorous performance audit, including a file review of 656 complaints between 2012 and 2022. The division will soon be releasing a detailed report entitled "Assessing Accountability and Transparency in the Judicial Complaint Process." The report makes several recommendations and suggestions to revise the process.

The Judicial Branch, of course, has fully cooperated with the auditors throughout this process. Further, we concur with the recommendations made in the report and intend to implement them in the near future. We look forward to meeting with you, as chairman, and the full committee, on September 11, 2024.

It has come to my attention that another group of Republican senators and members of the public, also chaired by you, has made a request that members of the JSC attend one of your meetings on August 19, 2024, and bring closed files of complaints filed with the Commission. Of course, the Constitution requires the complaints of the Commission are to remain confidential unless released by the complaining witness after the process has been completed.

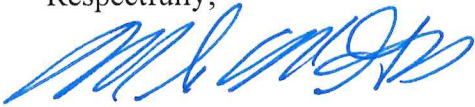
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From my position as Chief Justice, these new requests appear to be an unnecessary duplication of the comprehensive performance audit just conducted by the Legislative Audit Division. Again, the Judicial Branch has fully cooperated with the Legislative Auditor and will continue to do so.

However, your new request imposes an unnecessary burden on the independent function of the Judicial Branch, judges, and members of our staff. The answers to questions from your group will be provided in explicit detail with the release of the audit report due to the Audit Committee on September 11, 2024.

For those reasons, members of the Judicial Branch will no longer attend meetings with your group regarding Judicial Standards Commission business. It is the Legislative Audit Committee that has the official legislative sanction regarding the JSC, and our branch will continue to be cooperative with that committee.

Respectfully,



Mike McGrath
Chief Justice

c: Judicial Standards Commission members
Supreme Court Administrator Beth McLaughlin
Montana Supreme Court Justices