

COLORADO

Commission on Judicial Discipline

2023 Annual Report

(appearance of impropriety). Timbreza also stipulated to paying $20,658.00 in attorneys' fees and costs related to the prosecution of this matter. Timbreza had previously been publicly censured (and suspended without pay for 30 days) for being convicted of an alcohol related driving offense. Per Colo. RJD 41(b), the Colorado Supreme Court recused from consideration of this matter; thus, a special tribunal was empaneled that was comprised of the following judges from the Court of Appeals: Hon. David Furman, Hon. Craig Welling, Hon. Lino Lipinsky de Orlov, Hon. Neeti Pawar, Hon. David Yun, Hon. Timothy Schutz, Hon. Katharine Lum. *See People v. Timbreza,* 2023 CO 16.

Former Fifth Judicial District Court Judge Mark Thompson was publicly censured for exhibiting poor temperament toward attorneys at a hearing, thus violating his duty to be patient, dignified, and courteous to the attorneys whom he berated in a rude, condescending, and mocking tone, which in turn created the appearance of personal animus against the attorneys. Thompson resigned from his judicial position during the pendency of this disciplinary matter and ultimately stipulated that he violated Canon Rule 1.2 (appearance of impropriety), Canon Rule 2.8 (temperament), and Canon Rule 2.11 (requirement to disqualify if judge's impartiality might reasonably be questioned). Thompson had previously been publicly censured (and suspended without pay for 30 days) for being convicted of misdemeanor disorderly conduct related to an incident in which he recklessly displayed an assault rifle during a dispute with his adult stepson. *See People v. Thompson,* 2023 CO 21.

Private Discipline

A judge was privately censured for engaging in an ongoing romantic relationship with an individual who the judge knew to be an illegal sex worker. The judge denied paying for sex. However, the judge's relationship with the individual involved the judge paying for part of the individual's living expenses, including rent, cell phone and utility bills. On one occasion, the judge possessed and transferred a quantity of marijuana to the individual under circumstances in which the quantity appeared to have possibly exceeded Colorado's legal possession limits. The judge stipulated to violating Canon Rule 1.1 (requiring compliance with the law), Canon Rule 1.2 (avoiding the appearance of impropriety and actual impropriety), and Canon Rule 3.1 (avoiding extrajudicial activities that appear to undermine the judge's independence, integrity, or impartiality). The judge resigned as a condition of the above discipline.

A judge was privately censured for retaliating against the judge's CJA (court judicial assistant) because the judge believed that the CJA was gossiping about the judge's extramarital affair with a judicial department employee (a romantic relationship which was conducted in violation of Chief Justice Directive 08-06). The judge sought to alter the terms and conditions of the CJA's employment in a manner that was unreasonable and inappropriate. As a result of frayed relations between the judge and the CJA, the CJA was ultimately transferred out of the judge's division. The judge then actively discouraged at least one other judge from hiring the CJA. Later, the judge falsely accused the CJA of making disparaging comments about the judge during the judge's retention election, and the judge sought to have the CJA disciplined based on the judge's erroneous belief that the CJA had made

disparaging comments about the judge during the re-election cycle. The judge stipulated to violating Canon Rule 1.1 (requiring compliance with the law and the judicial canons generally), Canon Rule 1.2 (avoiding appearance of impropriety and actual impropriety), Canon Rule 2.3 (barring harassment), Canon Rule 2.8 (demeanor), Canon Rule 2.12 (requiring that a judge deal with court staff with dignity and respect), Canon Rule 2.16 (barring retaliation for reporting misconduct), Canon Rule 4.2 (requiring that a judge, during a retention election, act in a manner that is consistent with the independence, integrity, and impartiality required of the judiciary). The judge resigned as a condition of the above discipline.

Commissioner Recusals Reported According to Colo. RJD 3.5(g)(2)

During 2023, the following Commissioners disqualified themselves from pending or impending judicial discipline matters:

Hon. Jill Brady: (December 8, 2023).
Hon. Bonnie McLean: (Feb. 10, 2023; April 21, 2023; June 16, 2023; August 18, 2023; October 13, 2023; December 8, 2023).
Hon. Mariana Vielma: (Feb. 10, 2023; June 16, 2023; October 13, 2023; December 8, 2023).
Hon. Sara Garrido: (April 21, 2023; June 16, 2023; August 18, 2023; October 13, 2023; December 8, 2023).

Commission Members and Staff

It is essential that the Commission operate effectively and with the public's confidence in monitoring the judiciary's conduct under the Canons. Members of the Commission reflect the geographic, ethnic, and racial diversity of the Colorado community.

As of December 31, 2023, the Commission's membership included:

Member	City	Category of Appointment
Mary (Mindy) V. Sooter, Chair	Boulder	Attorney
Jim Carpenter, Vice Chair	Englewood	Citizen
Ingrid Barrier	Denver	Attorney
Hon. Jill Brady	Colorado Springs	District Court Judge
Hon. Sara Garrido	Golden	County Court Judge
Gina Lopez	Towaoc	Citizen
Hon. Bonnie McLean	Centennial	District Court Judge
Marisa Pacheco	Pueblo	Citizen
Stefanie Trujillo	Commerce City	Citizen
Hon. Mariana Vielma	Brighton	County Court Judge