The Comment to Canon 3(B)(6) of the U.S. Judge's Code further explains:

> **Canon 3B(6)**. Public confidence in the integrity and impartiality of the judiciary is promoted when judges take appropriate action based on reliable information of likely misconduct. Appropriate action depends on the circumstances, ***but the overarching goal of such action should be to prevent harm to those affected by the misconduct and to prevent recurrence.*** A judge, in deciding what action is appropriate, ***may take into account any request for confidentiality made by a person complaining of or reporting misconduct.*** See Rules for Judicial-Conduct and Judicial-Disability Proceedings, Rule 4(a)(6) (providing that "cognizable misconduct includes failing to call to the attention of the relevant chief district judge or chief circuit judge any reliable information reasonably likely to constitute judicial misconduct or disability. A judge who receives such reliable information shall respect a request for confidentiality but shall nonetheless disclose the information to the chief district judge or chief circuit judge, who shall also treat the information as confidential. Certain reliable information may be protected from disclosure by statute or rule. ***A judge's assurance of confidentiality must yield when there is reliable information of misconduct or disability that threatens the safety or security of any person or that is serious or egregious such that it threatens the integrity and proper functioning of the judiciary.*** A person reporting information of misconduct or disability must be informed at the outset of a judge's responsibility to disclose such information to the relevant chief district judge or chief circuit judge. Reliable information reasonably likely to constitute judicial misconduct or disability related to a chief circuit judge should be called to the attention of the next most-senior active circuit judge. Such information related to a chief district judge should be called to the attention of the chief circuit judge."). (Emphasis added).

The corrosiveness, oppression, and public danger created through Chief Justice Boatright and Justice Márquez's insincere advocacy for the necessity of a "victim centered" approach later played out in how this Commission handled *Matter of Timbreza*, 2023 CO 16 ("*Timbreza II*"). Despite stipulated facts suggesting probable cause to investigate a possible Sexual Assault under § 18-3-402, C.R.S., or at least possible misdemeanor Unlawful Sexual Contact under § 18-3-403, C.R.S., the protection of the victim's confidentiality appears to have prevented further reporting and referral to law enforcement. Given the stipulated facts in ¶¶ 6-7 of *Timbreza II*, the public should ask why the underlying circumstances were not referred to law enforcement for criminal investigation. This question is particularly apt with the risks of recurring circumstances given Judge Timbreza's previous public discipline for excessive alcohol use and DWAI (involving a single vehicle accident) in *Matter of Timbreza*, 2019 CO 98 ("*Timbreza I*"). Judge Timbreza was also disciplined through the attorney regulation system (directly overseen by the Colorado Supreme Court), which, likewise, did not report or refer the circumstances to law enforcement.

People v. Lance Phillip Timbreza, 23PDJ028. As presented through *Timbreza II*, the Justices' pressure and advocacy for a "victim centered" approach functioned as an indirect means for the Justices' to, once again, misuse the prestige of their judicial offices to minimize accountability for another judge's ultimately proven misconduct.

At the time Chief Justice Boatright and Justice Márquez expressed public support for SB 22-201 and presented their testimony at the April 14th hearing, press reporting revealed that they had met with legislators individually in March 2022, prior to the bill's submission, in order to undermine or otherwise kill the bill by delay.[231] Specifically, Justices Boatright and Márquez sought to delay SB 22-201 until after publication of final reports from the Court's contracted-for "independent" investigations (which ultimately were not released until the mid-Summer of 2022). The interactions with legislators were described as coercive and influenced by the prestige of the Justices' positions. *See* Canon Rules 1.3 (prohibiting abuse of prestige of judicial office) and 3.1(D) (prohibiting extrajudicial activities that reasonable person might perceive as coercive). As explained by *Denver Post* reporter Shelly Bradbury:

> Earlier that month, on March 7, Boatright, Márquez and [Judicial Department Lobbyist Terry] Scanlon met with [Senator Julie] Gonzales about the reform bill. At that point, the bill was still a draft and Gonzales had not yet seen it, she said.
>
> The justices had "several concerns," and suggested the bill should be delayed, Gonzales said, adding they did not seem to be trying to stop the bill entirely during the 45-minute meeting, but were concerned about the timing of the reform effort.
>
> "I took the meeting because I am interested to hear their perspective, but I will state I came away from that meeting surprised over their raising concerns on a draft of a policy I had not yet had the opportunity to review," she said, adding she'd normally delay meetings with stakeholders until a bill is introduced or until she'd had a chance to talk with the bill's sponsors, but made an exception in this case in light of who requested the meeting.
>
> "The appropriate and polite thing to do is to sit down and have a meeting with the chief justice of the Colorado Supreme Court," she said. "You know? How do you say no to that?"
>
> Bradbury, *supra* note 231.

In addition to describing interactions between the Justices and legislators, the *Denver Post* article described a coordinated effort within the Judicial Department that included drafting other judges to lobby or take positions favorable to the Justices on the proposed judicial discipline reforms.

---

[231] Shelly Bradbury, *After Judicial Scandal, Colorado Supreme Court Justices Privately Sought to Delay Reform Bill: Members of High Court Publicly Proclaimed Support for Reform, but Privately Raised Objections with Lawmakers*, DENVER POST, April 13, 2022.