



Judicial Standards Commission State of Montana

COMPLAINT

The undersigned being first duly sworn, upon oath, states the following facts showing misconduct on the part of the following named judge, to-wit:

NAME OF JUDGE: Justice Ingrid Gustafson

ADDRESS: 215 N Sanders

Helena, MT 59601

Based on the attached Code of Judicial Conduct, please cite which Canon(s) you feel the judge has violated and why. If you cannot clearly identify which canon the judge has violated, then your complaint is not within the purview of this Commission to review.

The facts of the above Judge's misconduct or unethical conduct are as follows: (Please state in your own words the misconduct or unethical conduct of the judge. Provide information as to when and where the misconduct occurred, and the names of any other people involved.)

See Attached

(If more space is needed, you may attach additional sheets to this complaint and mark them a, b, c, etc.)

The names and addresses of other persons who are witnesses to or have information as to the misconduct of the above judge are:

See Attached

NAME: _____
ADDRESS: _____
PHONE NO: _____

NAME: _____
ADDRESS: _____
PHONE NO: _____

(Names of additional witnesses may be listed on a separate sheet and attached.)

I (have ____ / have not ____) contacted the judge in regard to my complaint.

I will furnish additional information to your Commission if requested. If the complaint is investigated, I will cooperate with your Commission and furnish the evidence I may have and I will testify at any hearing on this complaint.

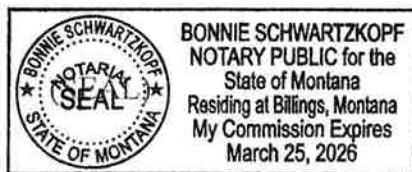
My full name, address and telephone number is:

NAME: Jake Eaton
ADDRESS: PO Box 81724
Billings, MT 59108
PHONE #: 406-233-9121

DATED this 14 day of Oct, 2022

[Signature]
SIGNATURE

SUBSCRIBED AND SWORN TO before me this 14th day of Oct, 2022



Bonnie Schwartzkopf
Notary Public for the State of Montana
Residing at Billings
My Commission expires March 25, 2026

RETURN TO:

SHELLY SMITH, EXECUTIVE SECRETARY
JUDICIAL STANDARDS COMMISSION
PO BOX 203005
301 S. PARK, SUITE 328
HELENA, MT 59620-3005

08/25/2015

Attachment A

Justice Ingrid Gustafson has violated the Montana Code of Judicial Conduct by failing to recuse herself and participating in the case of McDonald et al V. Jacobsen, case number DA 22-0229, when at least two of the attorneys in the case had endorsed her campaign and her campaign actively promoted the endorsements.

Facts

1. James Goetz is as listed counsel for Plaintiff in case number DA 22-0229.
2. Cliff Edwards is as listed counsel for Plaintiff in case number DA 22-0229.
3. Justice Gustafson ruled in favor of the Plaintiffs in case number DA 22-0029.
4. On her campaign website, Justice Gustafson lists the endorsement of Jim Goetz (Exhibit 1) and Cliff Edwards (Exhibit 2).
5. Cliff Edwards, along with his wife and adult children, hosted a "special fundraising event" for Justice Gustafson's re-election campaign at the Edwards family home on Swan Lake just 4 weeks prior to Justice Gustafson's ruling in case number DA 22-0229 (Exhibit 3).
6. Publicly available campaign finance reports indicate the "special fundraising event" at the Edwards' home raised up to \$27,400 for Justice Gustafson's campaign.
7. During the litigation, Justice Gustafson did not disclose that she had received and was actively promoting the endorsement of James Goetz and/or Cliff Edwards as part of her re-election campaign.
8. During the litigation, Justice Gustafson did not disclose that she had financial relationship Cliff Edwards.

Violations of Montana Code of Judicial Conduct

- Rule 1.1 – By failing to recuse herself from the case in question, and therein committing violations of the Code of Judicial conduct, Justice Gustafson has violated Rule 1.1 which states, "A judge shall comply with the law, including the Code of Judicial Conduct."
- Rule 1.2 – By failing to recuse herself from this case or even disclose that she had received and was actively using the endorsement of attorneys on a case on which she sat to benefit her campaign, Justice Gustafson has violated Rule 1.2 which states, "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety* and the appearance of impropriety." It is simply undeniable that, at the absolute

minimum, an appearance of impropriety existed in this case. Justice Gustafson was actively promoting the endorsement of these individuals to enhance her political prospects while simultaneously ruling in their favor on a case in front of her.

- Rule 1.3 – By refusing to recuse herself from this case or even disclose that she had received and was actively using the endorsement of attorneys on a case on which she sat to benefit her campaign, Justice Gustafson has violated Rule 1.3 which states, “a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.” Comment 1 notes that, “It is improper for a judge to use or attempt to use his or her position to gain personal advantage or deferential treatment of any kind.” Yet, this is exactly what Justice Gustafson has done. She has used her position on the Court to produce an outcome desired by individuals that had endorsed her campaign for re-election. She then is promoting the endorsements of these individuals to give credibility to her campaign.
- Rule 2.2. – By refusing to recuse herself from this case or even disclose that she had received and was actively using the endorsement of attorneys on a case on which she sat to benefit her campaign, Justice Gustafson has violated Rule 2.2 which states “A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.” Any reasonable observer would surmise that it is simply impossible to hold Justice Gustafson’s actions as fair or impartial when considering the case in question was brought by individuals that had not only endorsed her campaign but that she was actively promoting the endorsement for her own political benefit.
- Rule 2.12.A.4 – By refusing to recuse herself from this case or even disclose that she had received and was actively using the endorsement of attorneys on a case on which she sat to benefit her campaign, Justice Gustafson has violated Rule 2.12 which states, “A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned.” Clearly, Justice Gustafson’s impartiality in ruling in a case in which individuals who had endorsed her campaign could reasonably be questioned. Any reasonable observer would hold that a clear conflict exists in a case brought by individuals whose endorsement the Judge is using to benefit their own political prospects. Despite these exact circumstances existing, Justice Gustafson refused to recuse herself or even disclose the nature of this relationship.
- Rule 2.12.A.4 – By refusing to recuse herself from this case or even disclose that she had conducted a campaign fundraising event at the family home of one of the attorney’s in the case Justice Gustafson has violated Rule 2.12 which states, “A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned.” Clearly, Justice Gustafson’s impartiality in ruling in

a case in which one of the attorneys had held a "special fundraising event" in their family home could reasonably be questioned. Any reasonable observer would hold that a clear conflict exists in a case brought by individuals whose financial largesse the Judge is using to benefit their own political prospects. Despite these exact circumstances existing, Justice Gustafson refused to recuse herself or even disclose the nature of this relationship.

Discussion

This case is simply outrageous; Justice Gustafson blatantly disregarded her ethical obligations in hopes of achieving a desired outcome for her political supporters and bettering her own political prospects. If the people of Montana cannot count on a member of the Supreme Court to recuse themselves in a case with such a clear and obvious conflict of interest, then they can have no confidence in the integrity and independence of the judiciary in any case.

Justice Gustafson's brazenly unethical conduct in this case is exactly why these rules were put in place, to avoid not only actual impropriety, but even the appearance of impropriety, so that the public can have faith in the integrity and independence of the judiciary. Here, Justice Gustafson is simultaneously ruling in favor of these individuals and promoting their endorsement of her to boost her own political prospects.

Additionally, Justice Gustafson's willingness to disregard the impropriety created by using Mr. Edwards' family home to solicit campaign contributions, then just weeks later ruling in his favor in a high-profile politically charged case, is unconscionable.

It is completely legitimate for Justice Gustafson to seek and utilize political endorsements that she believes will enhance her chances for re-election, so long as they comport with the restrictions laid out in the Code of Judicial Conduct. However, it is completely unacceptable for Justice Gustafson to sit on cases brought by those who not only endorse her campaign but whose endorsement she is actively promoting to enhance her own political prospects, all while using the family home of one of these individuals to fill her campaign coffers.

Justice Gustafson had the opportunity to do the right thing, but she refused. She could have avoided this conflict by simply recusing herself from this case and continuing to utilize these endorsements to benefit her campaign. The situation created by her refusal to follow her ethical obligations is deeply troubling and raises many questions. Were these endorsements and fundraiser part of a quid pro quo for her ruling? Did she coordinate any activities in this case with these individuals? Did she have any prohibited ex parte communications with these parties?

Previously released public documents have shown that both Mr. Edwards and Mr. Goetz had attempted to have prohibited ex parte communications with Chief Justice McGrath during the case surrounding Senate Bill 140. While the documents do not show if Messrs.

Edwards and Goetz attempts were successful in the SB 140 case, they do raise serious concerns as to what might have gone on in this case with Justice Gustafson attending an event at Mr. Edwards' private home just weeks before ruling in this case.

This Commission has the authority and duty to find that Justice Gustafson has violated her ethical obligations in this case. Given, the egregious nature of these violations, the Commission should sanction Justice Gustafson to the fullest extent possible.

Exhibit 1

Screen capture Justice Gustafson website promoting the Endorsement James "Jim" Goetz

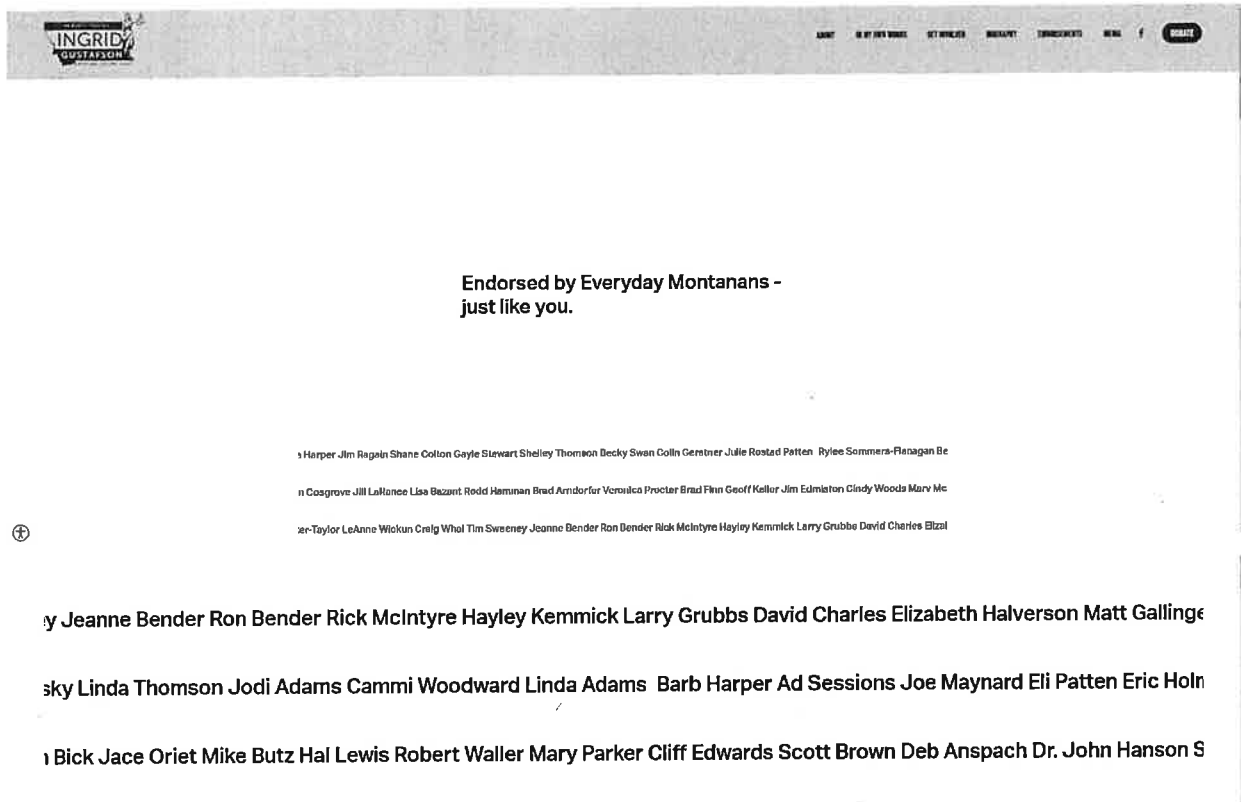
<https://www.gustafsonformontana.com/endorsements>



Exhibit 2

Screen capture Justice Gustafson website promoting the Endorsement Cliff Edwards

<https://www.gustafsonformontana.com/endorsements>



The screenshot shows the top navigation bar of the Ingrid Gustafson website. The logo "INGRID GUSTAFSON" is on the left, and navigation links for "HOME", "ABOUT", "CONTACT", "MEDIA", and "DONATE" are on the right. Below the navigation bar, the main heading reads "Endorsed by Everyday Montanans - just like you." Underneath, there are three lines of names, each preceded by a small icon: a person, a house, and a car. The names listed are: Harper Jim, Regain Shane, Colton Gayle, Stewart Shelley, Thomson Becky, Swan Collin, Gerstner Julie, Rostad Patten Rylee, Sommers-Ranagan Be, Coagrove Jill, LaRousse Lisa, Bazzant Rodd, Hamman Brad, Arridorfor Veronica, Procter Brad, Finn Geoff, Keller Jim, Edmisten Cindy, Woods Mary, Mc, Taylor LeAnne, Wikun Creg, Whal Tim, Sweeney Jeanne, Bender Ron, Bender Rick, McIntyre Hayley, Kemmick Larry, Grubbs David, Charles Elizabeth, Halverson Matt, Gallinger, sky Linda, Thomson Jodi, Adams Cammi, Woodward Linda, Adams Barb, Harper Ad Sessions Joe, Maynard Eli, Patten Eric, Holm, Bick Jace, Oriet Mike, Butz Hal, Lewis Robert, Waller Mary, Parker Cliff, Edwards Scott, Brown Deb, Anspach Dr., John Hanson S.



**Cliff and Susan Edwards, Denny and Kitty Kellogg,
Chris and Kelly Edwards, and John and Hollis Edwards** invite you to join
for a special fundraising event at the Edwards family home on Swan Lake in
support of the campaign to re-elect
Justice Ingrid Gustafson to the Montana Supreme Court

Friday, July 15, 2022, 6-8 pm
Cedar Bay Lodge
28775 Sky Lodge Lane
Bigfork, MT 59911

Please RSVP to grassroots@gustafsonformontana.com to receive specific directions to the location of the home and instructions regarding parking.

You have a very clear choice in the 2022 Montana Supreme Court race, the most important vote you will cast in the general election on November 8, 2022.

Justice Ingrid Gustafson is seeking re-election to Montana's highest court. In her nearly 20 years of judicial experience, the last five on the Montana Supreme Court, she has handled 1000s of cases and earned a reputation for being impartial and fair. She is non-partisan as required by Montana law and works hard to keep politics out of the courtroom.

Justice Gustafson has engaged in bettering our Montana community—starting and operating a drug court; piloting a child welfare court; serving on Yellowstone County's Park Board, as President of the Amend Park Development Board, and as Big Sky State Games Soccer Commissioner; and decades-long coaching and mentoring youth soccer players and serving as a high school and collegiate soccer referee. She cares deeply about Montana and Montanans.

Among the people from the Flathead area who have endorsed Justice Gustafson to be re-elected are: Montana Supreme Court Justice Mike Wheat (retired), Montana Supreme Court Justice Jim Regnier (retired), Montana Supreme Court Justice Jim Nelson (retired), Montana Supreme Court Justice John Warner (retired), Judge Jim Manley (Ret.), Judge Amy Eddy – Kalispell, Judge Kitty Curtis (Ret.), Judge Stu Stadler (Ret.), Former Montana State Senator, Dan Weinberg, Paula & Frank Sweeney, Carole & Bart Erickson, Roger Sullivan, Commander John B. Herrington, Randy Bishop – Kalispell, Scott Wurster – Kalispell, Samuel White - Bigfork, Gail Gohee – Corvallis, Ann Moderie – Polson, Sherri Gerek – Polson, Lilly White - Bigfork, Sue Brown – Whitefish, and Land Lindbergh - Blackfoot Valley.

Her opponent, Jim Brown, is a career lobbyist and a partisan politician who advocates for and benefits from out-of-state, large corporate money to promote his candidacy. In the recent primary, over \$300,000 of dark money was spent by out-of-state corporations to buy Brown a place on the general ballot. Although Montana law forbids judicial candidates from seeking partisan endorsements, Brown flouts these laws by participating in partisan events and accepting partisan endorsements.

Please donate \$700.00, the legal limit, or whatever amount your family can afford by donating on-line at www.gustafsonformontana.com... If you prefer, please send a check written to Gustafson for Montana, 626 Lavender Street, Billings, MT 59106.

Attachment B

The names and addresses of other persons who are witnesses to or have information as to the misconduct of the above judge are:

Chief Justice Mike McGrath
215 N Sanders
Helena, MT 59601

Cliff Edwards
1648 Poly Dr #206
Billings, MT 59102
406-215-4735

Justice Jim Rice
215 N Sanders
Helena, MT 59601

James Goetz
35 N Grand Ave
Bozeman, MT 579715

Justice Jim Shea
215 N Sanders
Helena, MT 59601

Mae Nan Ellingson
10055 Grant Creek Rd
Missoula, MT 59808
406-240-0322

Justice Dirk Sandefur
215 N Sanders
Helena, MT 59601

Bob Brown
333 cougar Trail
Whitefish, MT 59937
406-862-6656

Justice Laurie McKinnon
215 N Sanders
Helena, MT 59601

Karen Moses
903 Delphinium Dr
Billings, MT 59102
406-252-2617

Justice Beth Baker
215 N Sanders
Helena, MT 59601

Justice Jim Rice
215 N Sanders
Helena, MT 59601