

ORIGINAL

FILED

01/31/2020

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: PR 20-0072

1 Ed McLean
2 District Judge (Ret)
3 3340 Great Northern Ave. Suite 203
4 Missoula, MT 59808
5 Phone: (406) 880-1336
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FILED

JAN 31 2020

Bowen Greenwood
Clerk of Supreme Court
State of Montana

7 Prosecutor

8 **FORM B**
9 **JUDICIAL STANDARDS COMMISSION**
10 **STATE OF MONTANA**

11	INQUIRY CONCERNING COMPLAINT)	
12	OF:)	
13	JUDICIAL STANDARDS COMMISSION)	No. PR 20-
14	OF THE STATE OF MONTANA,)	
15	Complainant,)	
16)	FORMAL COMPLAINT
17	v.)	
18	JUDGE ASHLEY HARADA,)	
19	Respondent.)	
20)	

21
22 Comes now Ed McLean, District Judge (Ret.), a duly appointed investigator and
23 prosecutor under Rule 11(a) of AF 14-0356 Judicial Standards Commission Rules and on behalf
24 of the Judicial Standards Commission does hereby make a formal complaint against Judge
25 Ashley Harada, a judicial officer of the State of Montana, as follows:

- 26
27 1. Judge Harada is a duly elected district judge of the Montana Thirteenth Judicial
28 District, Yellowstone County.

- 1 2. This judicial disciplinary matter arises from several allegations of misconduct on
2 the part of Judge Harada while as a candidate for District Judge, in the 13th
3 Judicial District for Yellowstone County, Department 8 and additional allegations
4 about her misstatements under oath while giving a deposition about those
5 allegations.
6
- 7 3. The Rules of Conduct and the violations are listed as follows:
8

9 **COUNT I.**

10 Rule 4.1(A)(4) and 4.1 (A)(7): a candidate shall not **“solicit funds for, pay an**
11 **assessment to, or make a contribution to a political organization, or to or on**
12 **behalf of any partisan or independent office-holder or candidate for public**
13 **office”** or **“seek, accept, or use endorsements from a political organization,**
14 **or partisan or independent non-judicial office holder or candidate.”** Judge
15 Harada committed a violation of these rules when she had the endorsement on
16 her Facebook page of:
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- 18
- 19 i. The Yellowstone County Republican Party.
 - 20 ii. On July 10, 2018, Judge Harada either posted or allowed to remain
21 posted on her Facebook page an endorsement by Denise Johnson,
22 Republican candidate for House District 48.
 - 23 iii. Endorsement from Libertarian candidate of U.S. House of
24 Representatives, Elinor Swanson.
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COUNT II.

Rule 4.1(A)(4) and 4.1(A)(1): a candidate shall not **“solicit funds for, pay an assessment to, or make a contribution to a political organization, or to or on behalf of any partisan or independent office-holder or candidate for public office” or “knowingly, or with reckless disregard for the truth, make any false or misleading statements.”** Judge Harada committed a violation of these rules when she made the statement that she had only contributed to conservative candidates while her opponent had contributed to liberal candidates when the Democratic Candidate for Congress John Heenan had received a contribution from the Harada Law Firm for \$100. It appears to have been signed by Tim Harada, but Tim Harada was not a member of the firm and when the Heenan campaign sent the letter asking to whom to attribute the contribution to the name of Ashley Harada was written in.

COUNT III.

Rule 4.1(A)(3) and Rule 4.1(A)(7): a candidate shall not **“publicly endorse or oppose a partisan or independent candidate for any non-judicial public office” and “seek, accept, or use endorsements from a political organization, or partisan or independent non-judicial office-holder or candidate.”** Judge Harada committed a violation of these rules when she endorsed Don Jones, Republican candidate for Yellowstone County Commissioner and Kevin Peterson, the Republican incumbent County Attorney in Musselshell and Golden Valley counties.

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COUNT IV.

Rule 4.1(A)(10): a candidate shall not “**knowingly or with disregard for the truth, make any false or misleading statement.**” Judge Harada violated this rule when she attributed to herself two (2) years of law experience while a law student under the student practice rule, but not while recognized as a member of the bar by the Montana Bar Association or admitted to the practice of law by the Montana Supreme Court. Judge Harada also gave herself credit for approximately 80 jury trials while on inactive status with the Montana Bar Association while a law clerk for a federal judge.

COUNT V.

Rule 4.1(A)(10): a candidate shall not “**knowingly or with disregard for the truth, make any false or misleading statement.**” Judge Harada violated this rule when she made the statement in Billings Municipal Court about a potential opponent with total disregard for the truth or decorum of the judicial office.

COUNT VI.

Rule 4.1(A)(10): a candidate shall not “**knowingly or with disregard for the truth, make any false or misleading statement.**” Judge Harada violated this rule by making false or misleading statements to the University of Montana Law School while a candidate for District Judge about H. W. to preclude her admission as a law student because of a personal grievance.

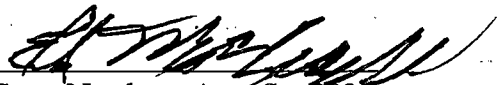
COUNT VII.

Rule 1.2 and Rule 2.17: “A judge shall act at all times in a manner that promotes public confidence in the independences, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety” and “A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.” Judge Harada’s employment of one H. W. as a nanny, babysitter and/or office worker without proper reporting to Internal Revenue Service, Montana Department of Revenue or Worker’s Compensation prior to becoming a candidate for judicial office but then denying under oath while giving a deposition in this matter and while being a judge that H. W. was an employee, violates these rules.

4. Judge Harada’s campaign conduct and judicial misconduct under oath while giving a deposition warrants disciplinary action in accordance with the Rules of the Judicial Standards Commission of the State of Montana.

Dated this 31st day of January, 2020.

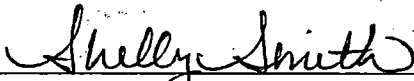
Ed McLean


3301 Great Northern Ave, Ste 203
Missoula, MT 59808
(406) 880-1336

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 31st day of January, 2020, I served a copy of the foregoing
3 FORMAL COMPLAINT by U.S. Mail, postage prepaid and by emailing it to:

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5 RUSS FAGG
6 Russ Fagg and Associates, P.L.L.C.
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9 Billings, MT 59103
10 rfagg@icloud.com

11 
12 Shelly Smith
13 Executive Secretary for the
14 Judicial Standards Commission
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