



October 4, 2024

Senator Jason Ellsworth
Chairman, Montana Senate Select Committee on Judicial Oversight and Reform
Montana State Senate
P.O. Box 200500
Helena, MT 59620-0500

Sent Via: USPS, Jason.Ellsworth@legmt.gov

Dear Senator Ellsworth and Honorable Members of the Committee,

I write to you on behalf of the American Bail Coalition to respectfully request that the Select Committee on Judicial Oversight and Reform initiate an impeachment inquiry into the conduct of the two sitting judges of the Bozeman Municipal Court, Judge Karolina Tierney and Judge J. Colleen Herrington.

The necessity of this inquiry stems from disturbing actions by these judges in relation to John Looney, a licensed bail bondsman. Mr. Looney, in exercising his legal right to seek judicial accountability, filed a judicial ethics complaint against Judge Tierney in July 2024. In retaliation, the judges have conditioned Mr. Looney's ability to file and write bail bonds in the Bozeman Municipal Court upon his withdrawal of his ethics complaint. This brazen demand undermines the integrity of Montana's judiciary, demonstrates a grotesque abuse of judicial power, and casts doubt on the impartial administration of justice within the Bozeman Municipal Court.

Furthermore, the Montana judiciary has refused to allow a pending lawsuit brought by Mr. Looney against Municipal Judges to proceed, further entrenching the perception of judicial protectionism. I have reviewed the file and note the following:

- September 16, 2024: Mr. Looney filed a complaint in the Montana District Court seeking injunctive relief against the judges.
- September 18, 2024: Mr. Looney filed a motion for temporary restraining order.
- September 30, 2024: After receiving no response from the judge, Mr. Looney filed a motion for substitution of judge.
- October 4, 2024: Mr. Looney has not yet received any response from the court regarding either of his motions.

I have practiced law for over twenty years and am licensed in Colorado and multiple federal courts. For half a decade, I represented Colorado's Judicial Branch of government. I have never witnessed such widespread, unprofessional conduct in the judiciary in any other state than what I am watching unfold in Montana with Mr. Looney's case. I initially refused involvement because I simply refused to believe, as a

former defender of the judicial branch, that such a complete miscarriage of justice could occur. Unfortunately, I was wrong in my judgment.

The refusal of Montana's judiciary to adjudicate this legitimate legal action only heightens the urgency of the situation and underscores the need for legislative intervention. These actions strike at the very core of our judicial system's integrity. To simply, as an entire branch of government, deny access to the courts in clearly what was a coordinated effort strikes at the heart of the rule of law. The judiciary must be held to the highest standards of ethics, impartiality, and accountability. When judges manipulate their authority to coerce individuals into abandoning lawful complaints or impede the fair progress of litigation, it damages public confidence and threatens the foundational principles of justice.

The American Bail Coalition believes that an impeachment inquiry is the appropriate and, perhaps, only mechanism to fully investigate these allegations, determine whether any judicial misconduct has occurred, and restore the public's trust in the court system. We find it extremely sad that Mr. Looney had to invoke the power of a federal court to obtain simple due process. The Montana Court should be above this. We therefore strongly urge the Select Committee to exercise its oversight function and initiate this process without delay. Electric light is indeed the most efficient of policemen.

We appreciate your attention to this serious matter and look forward to working with the Committee to ensure that the principles of fairness and justice are upheld within Montana's judiciary.

Sincerely,

Signed by:



Jeffrey Clayton, M.S., J.D.

Executive Director

American Bail Coalition

Cc: Senate Majority Whip Barry Usher, R-Yellowstone/Musselshell (Vice Chair)
Senate Majority Leader Steve Fitzpatrick, R-Great Falls
Senate Majority Whip Tom McGillvray, R-Billings
Senate Majority Whip Steve Hinebauch, R-Wibaux
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Sen. Mark Noland, R-Bigfork
Sen. Daniel Emrich, R-Great Falls
Sen. Jen Gross, D-Billings
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Sen. Mary Ann Dunwell, D-Helena
Sen. Janet Ellis, D-Helena
Sen. Andrea Olsen, D-Missoula