

PUBLIC REPRIMAND OF JUDGE STEPHEN ALDRICH

In September, 2010, the Board issued a public reprimand to Fourth Judicial District Judge Stephen C. Aldrich. The Board and the Judge agreed to settle the formal charges previously issued in BJS File Nos. 08-104, 08-105, 09-110 and 09-111. According to the agreement, a public reprimand was issued to Judge Aldrich due to improper personal conduct engaged in by him in court while presiding in the case of *State v. Lessley*, 4th District Case No. 27-CR-08-13855. During the course of these proceedings, Judge Aldrich made the following remarks:

- On October 8, 2008, he referred to several possible witnesses in the case as “a bunch of drunkards,” further using the words, “Idiocy. Somebody died, and we’re supposed to do something with the bodies afterwards.”
- On October 8, 2008, he referred to several possible witnesses as “incompetent” due to their alleged intoxication and noted that “all this intoxication around makes the trial something of a crapshoot for everybody.”
- On October 27, 2008, while conducting proceedings related to the *State v. Lessley*, he called out to a Hennepin Deputy County Attorney that he had been waiting for a response from him for a year on an undisclosed and unrelated matter and that he should “call” him to continue the discussion.
- On November 4, 2008, he suggested that the prosecutor was demeaning the court by grandstanding to the press, stating that “You choose not to answer the questions but to give us a spin for the family one more time . . . Have you finished writing your headlines for the press yet?”

The comments made by Judge Aldrich failed to comply with the standards set forth in the *Minnesota Code of Judicial Conduct (Code)*. These unnecessary remarks gratuitously belittled possible witnesses, prematurely commented on the integrity or dependability of potential evidence, invited a lawyer representing one of the parties to contact the judge on an unrelated and undisclosed matter creating the appearance of improper *ex parte* contact, suggested in open court that one of the lawyers in the case of acted disrespectfully toward the court by attempting to obtain favorable publicity. This public reprimand is further based on Judge Aldrich’s disciplinary history. Since 1997, Judge Aldrich received three private warnings related to improper courtroom conduct. In a letter dated June 10, 2008, the Board warned him about making improper comments in court proceedings and that similar misconduct could likely result in a public reprimand.

Additionally, the Board announced that it decided to take no further action concerning the complaints of misconduct by Judge Aldrich while presiding in the case of *Houle v. Houle*, 4th District Case No. 7-FA-09-173 (BJS File Nos. 09-110 and 09-111), because the facts and circumstances of that matter had previously been well publicized.

The courtroom comment specified above was contrary to the *Minnesota Code on Judicial Conduct*, Canon 1, Rule 1.1 and Canon 1, Rule 1.2 and, Canon 2, Rule 2.3, Canon 2, Rule 2.8, as well as the *Rules of the Board on Judicial Standards (“R.Bd.Jud.Std.”)*, Rules 4(a) (5) and (6), as set forth below:

JUDGE SHOULD UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.

Rule 1.1 Compliance with the Law

A judge shall comply with the law, including the Code of Judicial Conduct.

Rule 1.2 Promoting Confidence in the Judiciary

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.

Canon 2

A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY.

Rule 2.3 Bias, Prejudice, and Harassment

(A) A judge shall perform the duties of judicial office . . . without bias or prejudice.

(B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice . . .”

Rule 2.8 Decorum, Demeanor, and Communication with Jurors

(A) A judge shall require order and decorum in proceedings before the court.

(B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials and others with whom the judge deals in an official capacity . . .

Rule 4, Rules of the Board on Judicial Standards

Grounds for Discipline or Other Action

(a) Grounds for Discipline or Other Action Shall Include:

- 12 -

(4) Habitual intemperance;

Minnesota Board on Judicial Standards 2010 Annual Report

(5) Conduct prejudicial to the administration of justice that brings the judicial office into disrepute. . .

(6) Conduct that constitutes a violation of the Code of Judicial Conduct or Professional Responsibility.