

MINNESOTA BOARD ON JUDICIAL STANDARDS

In the Matter of Judge
Matthew M. Quinn

PUBLIC REPRIMAND

File No. 20-26

TO: Judge Matthew M. Quinn.

The Board on Judicial Standards (“Board”) received a complaint concerning Judge Matthew M. Quinn. The Board investigated the complaint. On December 11, 2020, based upon the Board’s investigation and proceedings, the Board issued a notice of proposed public reprimand and conditions to Judge Quinn in accordance with Board Rules 6(f)(5)(iii) and 6(f)(7).

Judge Quinn waived his right to demand a formal complaint and public hearing. Consequently, this public reprimand is final. Based upon the Board’s investigation and proceedings, the Board now makes the following:

FINDINGS OF FACT

1. Judge Matthew M. Quinn was appointed to the Seventh Judicial District bench in 2017, and he has no disciplinary history with the Board.
2. As described below, Judge Quinn posted comments on his Facebook page and “liked” or otherwise reacted to numerous posts endorsing or opposing candidates for public office. Judge Quinn stated that he had approximately seventy Facebook friends at the time of the posts. Judge Quinn set his Facebook account settings to private and he did not use his judicial title.
3. Judge Quinn was tagged in numerous photographs of the Trump Boat Parade on the Mississippi River on September 5, 2020. The St. Cloud Times also published photographs of Judge Quinn in his boat. Although Judge Quinn was not named by the St. Cloud Times, he was tagged on Facebook as appearing in the newspaper. Judge Quinn responded, “Here we are!” and included a screenshot of the St. Cloud Times’ photographs. The photographs show that Judge Quinn drove the boat, which displayed at least two Trump flags. Judge Quinn also wore a MAGA (“Make America Great Again”) hat.
4. Judge Quinn “liked” Donald J. Trump’s Facebook page. Although Judge Quinn’s Facebook settings were set to private, the fact that he “liked” the Donald J. Trump Facebook page was public.
5. On September 8, 2020, Judge Quinn commented, “Trump will steam roll this election. Those who’s [sic] eyes are closed move their mouths more to make up for their insecurities. Stay strong; pray against evil,” on Donald J. Trump’s video captioned, “We’re showing that we can create jobs, safeguard the environment, and keep energy prices low for America.”

6. On September 13, 2020, Judge Quinn liked the following post: “I will NEVER support Biden ever.....he’s been in politics for 49 years no wonder why the US has so many problems.”

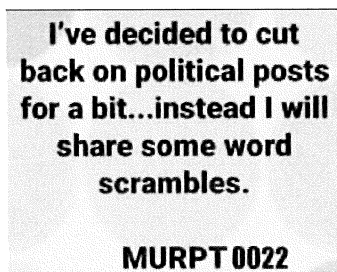
7. On September 18, 2020, Judge Quinn liked Donald J. Trump’s post: “I was thrilled to be back in WISCONSIN tonight with thousands of loyal, hardworking American Patriots! 47 days from now, we are going to win Wisconsin, and we are going to win 4 more years in the White House! #MAGA.”

8. On September 25, 2020, Judge Quinn liked Donald J. Trump’s post: “One of the worst polls in 2016 was the @FoxNews Poll. They were so ridiculously wrong. Fox said they were going to change pollsters, but they didn’t. They totally over sample Democrats to a point that a child could see what is going on. Rasmussen, which was accurate, at 52%.”

9. On September 27, 2020, Judge Quinn liked the following post: “Joe Biden is a disgrace. A 47 year career waste. Wake up people do we need someone like this as president.”

10. On October 2, 2020, Judge Quinn “liked” a post regarding the Duluth News Tribune’s endorsement of Jason Lewis for U.S. Senate. Judge Quinn also commented on another post regarding Jason Lewis’s endorsement, “Whoa! That is a weighty endorsement for Lewis and quite an indictment of Smith since she’s had years to work on her platform and record. Clearly a big difference here.”

11. On October 24, 2020, Judge Quinn commented, “Dipshit Biden. Oops.” in response to the following image on Facebook:



CONCLUSIONS

12. The foregoing conduct of Judge Quinn violated the following provisions of the Code of Judicial Conduct (“Code”):

Rule 1.1, requiring a judge to comply with the law and with the Code of Judicial Conduct;

Rule 1.3, prohibiting a judge from abusing the prestige of judicial office to advance the personal or economic interests of the judge or others;

Rule 4.1(A)(3), prohibiting a judge from publicly endorsing or publicly opposing another candidate for public office.

13. The foregoing conduct also violated Rule 4(a)(5) and (6), Rules of the Board on Judicial Standards, providing that grounds for discipline include “[c]onduct prejudicial to the administration of justice that brings the judicial office into disrepute,” and “[c]onduct that constitutes a violation of the Code of Judicial Conduct.”

PUBLIC REPRIMAND

Based upon the foregoing Findings and Conclusions, the Board hereby publicly reprimands Judge Quinn for the foregoing misconduct.

The memorandum below is made a part hereof.

MINNESOTA BOARD ON JUDICIAL
STANDARDS

Dated: March 9, 2021

By: s/ Thomas M. Sipkins
Thomas M. Sipkins
Executive Secretary

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MEMORANDUM

The Board does not generally discourage the use of electronic social media, recognizing that it is becoming more common for judges to maintain family and social connections through electronic social media. While the Board recognizes that judges commonly face feeling isolated due to the nature of their work, especially during the COVID-19 Pandemic, it is imperative that judges continue to abide by the Code. Judges may participate in electronic social media without violating the Code.

Judge Quinn's Facebook activity violated the Code because he endorsed and opposed candidates for public office. This activity is a clear violation of Rule 4.1(A)(3). His Facebook activity also "abuse[d] the prestige of judicial office to advance the personal or economic interests of the judge or others" in violation of Rule 1.3.

Comments 3 through 6 of Rule 4.1 relate to a judge's participation in political activities. Comment 3 states, "Public confidence in the independence and impartiality of the judiciary is eroded if judges or judicial candidates are perceived to be subject to political influence." Comment 4 states that judges are prohibited from "publicly endorsing or opposing candidates for public office respectively, to prevent them from abusing the prestige of judicial office to advance the interests of others." Comment 5 provides that even if a member of a judge's family is a candidate, the judge may not endorse the family member or otherwise become associated with the family member's political activity.

Many of Judge Quinn's posts violated the Code through endorsing or opposing candidates for public office. *See* Rule 4.1(A)(3). Judge Quinn's posts regarding his participation in the "Trump Boat Parade" is the most flagrant example of his endorsement of a candidate for public office. Judge Quinn wore clothing which endorsed President Trump, he flew flags from his boat which endorsed President Trump, and he commented about the local newspaper photos in which he appeared. In addition, Judge Quinn publicly "liked" the Donald J. Trump Facebook page.

Judge Quinn also opposed a candidate for public office through his Facebook activities. Judge Quinn commented on Facebook, "Dipshit Biden, Oops." He also "liked" others' Facebook comments, "I will NEVER support Biden ever.he's been in politics for 49 years no wonder why the US has so many problems," and "Joe Biden is a disgrace. A 47 year career waste. Wake up people do we need someone like this as president."

Even when a judge maintains strict privacy settings in Facebook, the judge's Facebook activity may become public. In 2013, the American Bar Association warned:

Judges must assume that comments posted to an [electronic social media] site will not remain within the circle of the judge's connections. Comments, images, or profile information, some of which might prove embarrassing if publicly revealed, may be electronically transmitted without the judge's knowledge or permission to persons unknown to the judge or to other unintended recipients. Such dissemination has the potential to compromise or appear to compromise the independence, integrity, and impartiality of the judge, as well as to undermine public confidence in the judiciary.

ABA Standing Comm. on Ethics & Prof'l Responsibility, Formal Op. 462 (2013). Even though Judge Quinn maintained a private Facebook page, not all of his activity remained private. Judge Quinn's "like" of the Donald J. Trump page was public. In addition, he had approximately seventy Facebook friends, some of whom are lawyers and judges, who were able to view and publicize Judge Quinn's Facebook activity. Maintaining a private Facebook page, especially when a judge has a large group of Facebook friends, does not provide a shield for a judge who violates the Code. See *Inquiring Concerning Harada* 2020 MT 89 (Mont. Apr. 17, 2020), and *Public Warning of Madrid*, (Tex. State Comm'n on Jud. Conduct Apr. 3, 2019).

Judges hold a leadership position. Lawyers and members of the public generally look up to judges. Judge Quinn's endorsement and opposition of candidates for public office is an abuse of the prestige of judicial office.

[A]s a person the public entrusts to decide issues with utmost fairness, independence, and impartiality, a judge must at times set aside the power of his or her voice—which becomes inextricably tied to his or her position—as a tool to publicly influence the results of a local, regional, or national election.

In re Kwan, 443 P.3d 1228, 1239 (Utah 2019). Judge Quinn's posts endorsing and opposing the 2020 presidential candidates could reasonably influence how his Facebook friends might vote, in violation of Rule 1.3.

Upon learning of the Board's investigation, Judge Quinn immediately deactivated his Facebook account. He admitted that his actions related to his Facebook activity were "imprudent, indecorous and contrary to the spirit of the Canons."