

<b>Colorado Independent Judicial Discipline Adjudicative Board</b>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>	
<p><b>IN RE THE MATTER OF THE PEOPLE OF THE STATE OF COLORADO,</b></p> <p>Complainant,</p> <p>vs.</p> <p><b>IAN JAMES MACLAREN, a County Court Judge of the 22<sup>nd</sup> Judicial District, Respondent.</b></p>		
<p><b>Colorado Commission on Judicial Discipline:</b></p> <p>Jeffrey M. Walsh, esq. Special Counsel Ralph L. Carr Colorado Judicial Center 1300 Broadway, Suite 210 Denver, CO 80203 Phone: 303-457-5131 Email: j.walsh@jd.state.co.us Atty. Reg. # 33762</p>	<p>Case Number:</p>	
<b>COMPLAINT</b>		

### **INTRODUCTION**

This past winter, in a criminal matter, Judge Ian MacLaren disagreed with the parties' negotiated outcome – a diversion agreement. The law requires a judge to stay all proceedings upon receipt of a diversion agreement. Here, however, Judge MacLaren didn't stay the proceeding. Instead, he ordered the parties to his courtroom under the pretext of a hearing. He invited the press to attend. Then he used the "hearing" to criticize and shame the parties and to generate publicity about the same.

As the maxim goes, the cover up is often worse than the crime. In response to the Commission on Judicial Discipline's inquiry about the above, Judge McLaren made several material false representations that adversely reflect on his integrity. Judges are guardians of the honesty and integrity that are the foundation for the public's confidence in our justice system. Put simply, Judge McLaren can't credibly swear in witnesses to "tell the truth" if he can't do the same. Given this, the Commission on Judicial Discipline, regretfully, is compelled to seek removal.

Recently, Judge MacLaren engaged in what was, in essence, ticket-fixing misconduct. This summer, he was boating on McPhee Reservoir in Montezuma County when he was pulled over by Colorado Parks and Wildlife officers for driving his boat with expired registration stickers. With full knowledge that he was then under evaluation for the judicial ethics violations described above, he told the officers he was a judge in an apparent attempt to avoid the dictates of the law – that he be ticketed and barred from continued recreation on the reservoir until he obtained a current boat registration. This conduct reflects additional poor judgment not befitting a judge.

### **THE PARTIES AND JURISDICTION**

1. The Colorado Commission on Judicial Discipline (“the Commission”) is the constitutionally-created entity responsible for investigating and resolving allegations of judicial misconduct. It files this Complaint pursuant to Colo. Const. Art. VI, § 23(3).

2. The Commission’s principal street address is 1300 Broadway, Suite 210, Denver, Colorado 80203.

3. Defendant is a Montezuma County Court judge in Colorado’s 22<sup>nd</sup> Judicial District. His appointment as a Montezuma County Court judge became effective in November of 2024.

4. On August 28, 2025, pursuant to Colo. Const. Art. VI, § 23(3)(e)(I), Complainant filed an order with the State Court Administrator requesting that a formal hearing be conducted in this case.

5. On September 4, 2025, pursuant to Colo. Const. Art. VI, § 23(3)(c.5)(II), the State Court Administrator randomly selected a three-member panel from Colorado’s Independent Judicial Discipline Adjudicative Board (“the Adjudicative Board”) to preside over this case.

6. The three randomly selected members of the Adjudicative Board are Judge Vincent Vigil, Jeff Chostner (the attorney member), and Jeannie Valliere (the non-attorney member). These three Adjudicative Board members will hereinafter be referred to as “the Adjudicative Panel.”

7. Given the above, the Adjudicative Panel has jurisdiction over this case pursuant to Colo. Const. Art. VI, § 23(3)(c.5)(I).

### **ALLEGATIONS**

#### **The Diversion Agreement in the Burris Criminal Case**

8. On August 21, 2024, the Montezuma-Cortez School District Superintendent, Tom Burris, a mandatory reporter, was charged with a misdemeanor crime (C.R.S. § 19-3-304) for failing to report to authorities his alleged knowledge of a sexual relationship between a student and a teacher. In the small, rural community where these matters transpired, this case generated a lot of press from the local media. *See* Exhibit A (Compilation of news articles). This case will hereinafter be referred to as “the Burris case.”

9. In November of 2024, Judge MacLaren became responsible for presiding over the Burris case, Montezuma County Court Case No. 24M446.

10. On February 6, 2025, the parties to the Burris case filed with Judge MacLaren a diversion agreement that dictated, inter alia, that Mr. Burris must complete training on mandatory reporter obligations and commit no crimes for the following six months. The agreement provided that, if Mr. Burris complied with his obligations, the criminal case against him would be dismissed.

### **Judge MacLaren’s Disapproval of the Diversion Agreement**

11. Based on his own statements (addressed below), Judge MacLaren believed Mr. Burris was guilty of the offense charged. However, Judge MacLaren’s only source of information about the Burris case was the police reports submitted to him with the summons in the case.

12. Judge MacLaren did not have access to the district attorney’s files or investigation, so he had no way of knowing whether the district attorney could in fact prove a criminal law violation against Mr. Burris.

13. In fact, several months after the February 6, 2025 diversion agreement was filed, the elected D.A. explained that the reason for the diversion agreement was that he had concluded, based on information not available to MacLaren, that no criminal violation had occurred: “No such report [of sexual misconduct] was ever made [to Mr. Burris], and the prosecution and defense knew this fact.” Exhibit B, ¶ 31.

### **Judge MacLaren Holds a De Facto Press Conference Under the Pretext of a “Hearing.”**

14. Pursuant to C.R.S. § 18-1.3-101(9)(f), once a diversion agreement is submitted to the court, the court must stay all future proceedings and hearings.

15. Judge MacLaren admitted on the record on February 25, 2025 that he knew the execution of a diversion agreement required him to stay proceedings. Exhibit C, Transcript, pp. 4:3-8; 5:12-15. However, instead of issuing a stay when the parties filed the diversion agreement on February 6, 2025, Judge MacLaren issued an order requiring the parties to appear before him three weeks later (on February 25, 2025) to justify the diversion agreement. *See* Exhibit C, Transcript, p. 2:22-25 (Judge MacLaren asking the prosecutor to “explain why there was a belief that a diversion agreement was appropriate in this case.”). The February 25, 2025 hearing will hereinafter be referred to as “the diversion hearing.”

16. In his written response to the Commission’s inquiry into this matter, Judge MacLaren admitted that the purpose of the diversion hearing was twofold: (1) to ask the district attorney to justify the diversion agreement for the sake of “transparency,” and (2) to deliver prepared remarks critical of the diversion agreement, the district attorney, and Mr. Burris. Exhibit D, pp. 3-4.

17. Prior to the diversion hearing, Judge MacLaren alerted Cameryn Cass, a reporter for *The Cortez Journal*, that she should attend the diversion hearing to cover the case, which she did. *See* Exhibit E, pp. 8, 11.

18. In his letter to the Commission, Judge MacLaren stated that his relationship with the reporter, Cameryn Cass, was romantic. *See* Exhibit D, p. 6.

19. Prior to the diversion hearing, Judge MacLaren denied Mr. Burris's request to waive his appearance at the hearing, thereby requiring Mr. Burris to attend in person a hearing that legally should not have been scheduled and which was, nevertheless, meaningless. As will be addressed below, it was Mr. Burris's personal appearance at the hearing that allowed the reporter, Cameryn Cass, to secretly photograph him as Judge MacLaren criticized him from the bench. Exhibit E, p. 14 ("Is it OK if I use a pic in this story I secretly snapped?").

20. The above-referenced picture did not comply with Colorado's expanded media coverage rules, which dictate that no pictures can be taken in a courtroom without the judge's explicit, written approval, and only after giving the parties notice of the request for courtroom photography and an opportunity to object. *See* Colorado Supreme Court Rules, Chapter 38, Rule 3.

21. The above-referenced picture appeared in the paper the next day below a headline that read, "Montezuma judge: Superintendent's diversion agreement is 'slap on wrist.'" Exhibit A, p. 14.

22. Shortly after the above-referenced article was published, Judge MacLaren learned from his Court Executive that the above-referenced picture violated Colorado's rules on media coverage. Almost immediately thereafter, the reporter, Cameryn Cass, texted him that she had taken the picture "secretly." Despite his knowledge that the picture had been taken secretly and illegally, Judge MacLaren, after reading the above-referenced article, texted Ms. Cass and wrote, "I like that picture. Great article! You captured things perfectly!" Exhibit E, p. 15.

### **Judge MacLaren's Derogatory Comments at the Diversion Hearing**

23. At the diversion hearing, both the district attorney and defense counsel chose not to explain to Judge MacLaren the reasons for the diversion agreement, which they were under no obligation to do.

24. Apparently displeased that the parties refused to justify the diversion agreement, Judge MacLaren made several comments that were critical of the diversion agreement, the district attorney and Mr. Burris.

25. Judge MacLaren said, "First, let me say that, if this matter came before the Court in a different context and this was presented as a plea agreement before the Court, given the allegations in this case and the nature of this case, the Court would absolutely not accept a plea agreement here. I would absolutely not do that under any circumstances. And so yes, this is a diversion that's been offered. Yes, I can't stop that, but I would make the comment that, if this was presented to me as a

plea agreement, I absolutely would deny it.” Exhibit C, p. 5. These comments were inappropriate for three reasons:

- a. First, the comments were ill-informed because Judge MacLaren was operating at the time in an information vacuum, as described above in Paragraphs 11-13.
- b. Second, Judge MacLaren’s comments drew a false equivalence between a diversion agreement and a guilty plea, despite the fact that they are not at all comparable. The effect of this was to wrongfully presume Mr. Burris was guilty. With a diversion agreement, the defendant is still presumed innocent because nothing has been proven against him. With a plea agreement, by contrast, the defendant has explicitly acknowledged guilt and, thereby, given up the presumption of innocence. That Judge MacLaren stated he would reject the diversion agreement, if he could, implied an assumption that Mr. Burris was guilty of the crime charged and that the agreement didn’t adequately punish him. Judge MacLaren either didn’t understand, or he disregarded, the significant differences between a diversion agreement and a guilty plea.
- c. Third, the comments threatened the basic fairness of the proceeding before Judge MacLaren. A diversion agreement doesn’t end a criminal case. If Mr. Burris had not successfully complied with the diversion agreement, he would have again appeared before Judge MacLaren to be tried on the charges against him. Had that occurred, Mr. Burris’ ability to obtain a trial before an unbiased judge and a fair and impartial jury could have been impaired given Judge MacLaren’s damning comments, especially since those comments garnered a lot of attention from the public (i.e. the prospective jury pool).

26. Judge MacLaren went on to represent *allegations as facts*: “The facts in this case that are alleged are very, very concerning to the Court. The *facts are that* there was a juvenile student and a teacher, there was a report that a juvenile student and a teacher were involved in a sexual relationship. It is alleged that a report was made to the RE-1 School Board and it is alleged that Mr. Burris, the superintendent to the school district, failed to report those allegations to law enforcement . . .” Exhibit C, pp. 6-7. (emphasis added).

- a. Conflating unproven allegations with proven fact directly undermines the presumption of innocence.

27. Judge MacLaren then said, “I would also note a couple things. The community puts incredible trust in educators, okay, and Mr. Burris is a superintendent to the school district and, as such, he's at the very top of the food chain in our school

district. Educators in our district have several important duties, and one of the most important duties that educators have is their role as mandatory reporters, to report the sort of allegations that in this case that were alleged were not reported. Sitting here, *I'm very disturbed that those reports weren't made*. I know that school officials go through mandatory trainings regarding mandatory reporting, and in this case what's alleged is that a mandatory report wasn't made.” Exhibit C, p. 6. (emphasis added).

- a. This statement again conflates proven facts and mere allegations.
- b. The lecture here also implicitly presumes that Mr. Burris did something wrong.

28. Finally, Judge MacLaren stated, “In this case there were allegations of sexual misconduct. The allegations were significant and, quite frankly, looking at what's been ordered as part of this diversion agreement, the Court would note that this looks to me to be a slap on the wrist, okay . . . *In essence, as I said, this looks to me like a slap on the wrist in response to very significant allegations*. I am not in any sort of a position where I can deny this diversion agreement, but I certainly am in a position where I can sit here and express what appears to me to be – what appears to me to be, as I said, a slap on the wrist.” Exhibit C, p. 7. (emphasis added).

- a. A slap on the wrist is punishment, albeit light. But in our system of justice, no defendant is ever punished based on an allegation alone. Defendants are only punished based on criminal law violations that are proven beyond a reasonable doubt. For Judge MacLaren to deliver an invective, asserting that the punishment is too lenient based on the *allegations* (a) reflects a fundamental lack of understanding about how our system of justice works, and (b) evidences a presumption of guilt against the defendant, which is unconstitutional. Given the highly public and publicized nature of these comments (which Judge MacLaren sought out), these comments could have compromised Mr. Burris’ right to a fair and impartial jury. They also evidenced a pre-existing bias against Mr. Burris by a judge who is ethically bound to be objective and open-minded.

### **Judge MacLaren’s Refusal to Let Mr. Burris Speak at the Diversion Hearing**

29. After Judge MacLaren made his above-referenced comments, Mr. Burris asked Judge MacLaren for permission to speak.

30. Judge MacLaren refused. Exhibit C, Transcript, p. 8:6-7.

31. Judge MacLaren’s refusal to allow Mr. Burris to respond to his invective resulted in a one-sided narrative of the case – one that presumed guilt.

### **The Effect of Judge MacLaren's Comments**

32. The day after the diversion hearing, the reporter, Cameryn Cass, with whom Judge MacLaren was romantically involved, wrote an article for *The Cortez Journal* that quoted virtually all the above comments from Judge MacLaren. Exhibit A, p. 14.

33. This article had what appears to be its intended effect – namely, to create public distrust, criticism, and derision toward the district attorney and Mr. Burris as well as praise for Judge MacLaren. The following comments appeared on *The Cortez Journal's* Facebook page. Exhibit F.

- a. "Burris needs to be FIRED!"
- b. "[Judge MacLaren], that is what it's going to take – brutal honesty. It might not be politically correct, but it's morally right. Keep following your own compass, shake up the processes that are no longer acceptable to citizens."
- c. "Good for [Judge MacLaren] for speaking the truth. . . I hope it was a humbling moment for Burris to have a former Cortez student be the one to do so."
- d. "Our school board is shameful for allowing Burris to stay."
- e. "Corruption keeps corrupting. The school board is a really bad joke."
- f. "Finally a judge that stands for justice. Thank you [Judge MacLaren]. And still the school board condones this inexcusable behavior in the man who leads our district."
- g. "Glad to see a judge speaking up for justice!"
- h. "The prosecutor should be ashamed."
- i. "[Judge MacLaren] is definitely what this town needs."
- j. "That creature that is the DA must be slapped down and put in its place."
- k. "Great job [Judge MacLaren]. You're the right man for this job!!! Chin up, shoulder's back!!!"
- l. "Should have been humbling for the DA, the defense, and Burris. The DA Reed never should have offered that. Of course, what does he care, he doesn't have kids, but he sure promised the world to us voters, didn't he?"
- m. "I love how honest this judge is!"
- n. "I admire [Judge MacLaren] for speaking the truth. Does Burris still have his job?"
- o. "The DAs and judges, well yeh, they are a very special brand of corruption."

- p. “The only idiots are those supporting the criminal who hid what he thought was pedophilic behavior.”
- q. “Telling Burris no he can’t talk is probably my favorite part!”

### **Judge MacLaren’s Dishonesty With the Commission on Judicial Discipline**

34. The Commission on Judicial Discipline, pursuant to Colo. RJD 14, issued a letter to Judge MacLaren asking him to address the Commission’s concerns related to his above-described behavior. Exhibit G.

35. In Judge MacLaren’s written response to the Commission’s inquiry, he made several false representations.

- a. Dishonesty about soliciting media coverage: On May 20, 2025, in a letter to the Commission, Judge MacLaren asserted that: (a) “I have never asked or encouraged Ms. Cass to come to my courtroom to cover stories,” (b) “I want to be extremely clear that at no point did I invite Ms. Cass or any other member of the press to any hearing in” the Burris case, (c) “At no point did I suggest that [Ms. Cass] attend or cover the hearing,” and (d) “I was also not trying to generate any press coverage of the hearing.” Exhibit D, pp. 5-6.

The Commission then asked Judge MacLaren for his written correspondence with Ms. Cass. That correspondence directly contradicts Judge MacLaren’s above statements. The day before the hearing, Judge MacLaren texted Ms. Cass, “You might wanna take a quick glance at tomorrow’s county court docket ;-)” Exhibit E, p. 8. Ms. Cass responded, “Are you condemning Burris?” to which Judge MacLaren responded, “No comment on any possible condemnation ;-)” Exhibit E, p. 8. The day of the hearing, Ms. Cass texted Judge MacLaren and stated, “Let me know if I should go to the court today,” to which Judge MacLaren responded, “Off the record, 1:30 might be a good time to show up!” Exhibit E, p. 11.

- b. Dishonesty about consistently requiring a hearing for every diversion agreement: Judge MacLaren represented to the Commission that on all diversion cases, he requires the parties to justify the agreement in open court for the sake of transparency to the public: “My practice of setting cases for hearing when a diversion agreement is reached has been consistent across all cases and has not been limited to [the Burris case].” Exhibit D, pp. 2-3. He also stated, “I would like to emphasize that my interest in ensuring transparency in proceedings was by no means limited to [the Burris case].” Exhibit D, p. 2.

At the Commission’s request, Judge MacLaren provided a list of all diversion cases he had presided over since first becoming a judge in November of 2024. He provided a list of 86 cases. None of those cases support his above statements.



Eighty-four of those cases are fundamentally dissimilar to the Burris case. The parties in those cases entered a diversion agreement in open court at a pre-scheduled hearing, such as an arraignment, status conference, or motions hearing. Judge MacLaren did not set those cases for hearing after a diversion agreement was filed.

Only two of the above-referenced 86 cases are similar to the Burris case (i.e., the parties executed the diversion agreement outside of court and then filed the agreement with the court electronically). In those two cases – an assault case and a child abuse case – Judge MacLaren did not require the parties to come to court. Instead, he stayed the cases by written order and vacated all future hearings, exactly the opposite of the procedure he told the Commission he employs “across all cases.” In sum, the record of Judge MacLaren’s diversion cases shows that the diversion hearing in the Burris case singled out Mr. Burris in a way that no other defendant who received diversion in MacLaren’s court has ever been singled out.

- c. Dishonesty about understanding of the term “in open court”: As part of his justification for his purported policy of requiring a hearing on every diversion agreement, Judge MacLaren stated that, as a new judge, he was uncertain if he even could stay a case in writing or if, instead, the law required that he stay the case by verbal order during a hearing.<sup>1</sup> Exhibit D, p. 2. He asserted that, in light of this confusion, and in the interest of transparency, he believed a hearing was necessary in every diversion case.

The two above-referenced cases disprove this claim. First, in the assault case, the parties executed a diversion agreement outside of court (as with the Burris case) and filed the agreement with the court electronically on February 11, 2024. Seven days later, on February 18, 2024 (i.e. one week before the Burris hearing at issue in this judicial discipline case), Judge MacLaren stayed the case and vacated all future hearings, *in writing*, and *without conducting a hearing*. Second, in the child abuse case, the parties executed a diversion agreement outside of court (as with the Burris case) and filed the agreement with the court electronically on February 11, 2024. On March 11, 2025, Judge MacLaren stayed the case and vacated all future hearings, *in writing*, and *without conducting a hearing*. These two cases suggest Judge MacLaren was dishonest when he asserted to the Commission a good faith belief that diversion cases must be stayed *at a hearing*.

- d. Dishonesty about the types of cases in which MacLaren finds diversion acceptable: Judge MacLaren suggested in writing that he challenged the diversion agreement in the Burris case because he had only previously approved of diversion in “minor traffic

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<sup>1</sup> The Commission asserts that no reasonable interpretation of C.R.S. § 18-1.3-101(9)(f) would yield confusion about how a judge “shall” stay a case in which a diversion agreement has been submitted to the court. Even if such confusion existed, a consultation with the district’s chief judge would have easily resolved the question.

offenses and a few non-violent misdemeanors.” Exhibit D, p. 4. The two above cases – one an assault case and the other a child abuse case – show this claim to be false.

- e. Dishonesty about not knowing if Reporter Cameryn Cass was present at the diversion hearing: Regarding the unauthorized photograph of Mr. Burris taken by Reporter Cameryn Cass, Judge MacLaren stated in writing, “I did not see any members of the press, including Ms. Cass, at the hearing.” Exhibit D, p. 5. Text messages between Judge MacLaren and Ms. Cass, sent in the hours after the diversion hearing, prove this statement to be false. Prior to the diversion hearing, Judge MacLaren directed Ms. Cass via text message to bring her pen to court. Exhibit E, p. 11. After the hearing, Ms. Cass texted him and asked, “Could you see my pen?” (Pictures in the text chain suggest the pen in question has a red, fluffy, heart attached). Exhibit E, p. 13. Judge MacLaren responded, “Dammit, I didn’t see your pen!” Exhibit E, p. 13. This, of course, suggests that Judge MacLaren did, in fact, see Ms. Cass in court. This conclusion is bolstered by the picture Ms. Cass took of Mr. Burris, which shows a clear view of the bench and Mr. Burris, suggesting she was sitting in the front row of the courtroom’s gallery.

### **The “Ticket-Fixing” Case**

36. “Ticket-fixing” is a term of art in judicial discipline cases. It refers to conduct in which a judge uses his or her status as a judge to try to avoid being cited for a traffic or criminal law violation. Unfortunately, this sort of conduct has been common nationwide in the history of judicial discipline cases. Ticket-fixing is obvious misconduct that has been universally condemned.

37. This summer, while on notice that he was under evaluation for ethical misconduct in the Burris case, Judge MacLaren was pulled over on two consecutive days by Colorado Parks and Wildlife (CPW) officers while he was boating on McPhee Reservoir in Montezuma County. In both instances, he was pulled over for driving a boat with expired registration stickers. In the second instance, he told the officers he was a judge in an apparent attempt to either avoid being ticketed and/or to be permitted to remain boating on the reservoir, even though the law forbids boating at all if the boat is not properly registered.

38. On Saturday, June 14, 2025, CPW officers pulled over Judge MacLaren for having expired tags. They issued a warning. Judge MacLaren asked if he could continue boating that day, and the officers informed him that, pursuant to C.R.S. § 33-13-103(1): “It is unlawful for any person to operate or use a vessel on the waters of this state,” unless the vessel has a current and valid registration. As a result, to comply with the law, the CPW officers made Judge MacLaren stop boating.

39. The next day – on Sunday, June 15, 2025 – Judge MacLaren was again boating on McPhee Reservoir without a current or valid boat registration sticker. When the same CPW officers from the day prior pulled him over for having expired tags, they asked him why he hadn’t registered his boat as directed. Judge MacLaren said he had tried to register the boat online but had run into

technical difficulties. When the officers told him he could register the boat in person, even on Saturdays, at the nearby Mancos Lake State Park Office or the Durango Area Office, Judge MacLaren stated, “He did not have time due to his occupation as a judge.” Exhibit H, p. 3.

40. Judge MacLaren’s statement that he was a judge impacted the CPW officers. During their second encounter with him (i.e. on Sunday), the officers directed Judge MacLaren to bring his boat to shore, where he could provide them with his driver’s license. While navigating their own boat to shore, and out of earshot of Judge MacLaren, the officers debated amongst themselves whether to ticket Judge MacLaren in light of his revelation that he was a judge. Their concern was that, if they ticketed Judge MacLaren, he might have a poor opinion of CPW officers or their agency, and that this might adversely affect cases before Judge MacLaren in which CPW officers were witnesses.

41. After discussion about the matter, the officers decided to issue Judge MacLaren a ticket. However, the officers’ hesitation illustrates why judges should never raise their status as a judge during an encounter with law enforcement.

42. Once on land, Officer Garron Snyder met with Judge MacLaren to issue him the ticket. During this encounter, Judge MacLaren was respectful, but he nevertheless argued with Officer Snyder, claiming that, now that he’d been ticketed, he should still be allowed to boat for the day. Officer Snyder explicitly cited C.R.S. § 33-13-103(1) to Judge MacLaren and told him that the law was clear and did not allow him to continue to boat without a valid and current boat registration. As a result, Officer Snyder told Judge MacLaren he could no longer boat until he’d obtained a current boat registration. When handing Judge MacLaren his ticket, Officer Snyder informed MacLaren how he could pay the ticket, at which point Judge MacLaren said he would not be paying the ticket but that he “would go through the court process.” This comment appears to have been intended to imply to the officers that Judge MacLaren intended to fight the ticket. This implication is problematic when coming from a judge. Judge MacLaren also stated that tickets, such as the one he’d just received, ordinarily come to his courtroom. This statement is especially problematic since it served as a reminder to these CPW officers that their cases often were resolved in Judge MacLaren’s courtroom, which is exactly why they hesitated to ticket him to begin with.

### **FIRST CLAIM**

#### **Canon Rule 1.2 (Appearance of Impropriety) – the Burris case**

43. The preceding paragraphs are incorporated herein.

44. Canon Rule 1.2 states in relevant part:

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.

45. Comment 1 to Canon Rule 1.2 states: “Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional *and personal* conduct of the judge . . .” (Emphasis added).

46. Comment 5 to Canon Rule 1.2 states: “The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge’s honesty, impartiality, temperament, or fitness to serve as a judge.”

47. Judge MacLaren violated Canon Rule 1.2 by, inter alia, (a) scheduling the diversion hearing as a pretext to criticize the diversion agreement, the district attorney, and Mr. Burris, (b) inviting the press to the hearing, (c) making inappropriate public comments about Mr. Burris, which presumed him to be guilty, manifested the appearance of bias against him, and which could affect his ability to obtain a fair trial if he were unsuccessful in complying with the diversion agreement, (d) forbidding Mr. Burris to speak at the diversion hearing in response to Judge MacLaren’s criticism of him, and (e) making material, false representations to the Commission in response to its evaluation of his conduct in this case.

## **SECOND CLAIM**

### **Canon Rule 1.2 (Appearance of Impropriety) – the ticket fixing case**

48. The preceding paragraphs are incorporated herein.

49. Canon Rule 1.2 states in relevant part:

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.

50. Comment 1 to Canon Rule 1.2 states: “Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional *and personal* conduct of the judge . . .” (Emphasis added).

51. Comment 5 to Canon Rule 1.2 states: “The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge’s honesty, impartiality, temperament, or fitness to serve as a judge.”

52. Judge MacLaren violated Canon Rule 1.2 because his conduct on McPhee Reservoir with the CPW officers “would create in reasonable minds a perception” that he was trying to use his status as a judge to either avoid being ticketed and/or to persuade the officers to allow him to remain boating on the reservoir, even though the law did not permit that.

### **THIRD CLAIM**

#### **Canon Rule 1.3 (Abuse of the Prestige of Office) – the Burris case**

53. The preceding paragraphs are incorporated herein.

54. Canon Rule 1.3 states in relevant part:

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.

55. Judge MacLaren violated Canon Rule 1.3 when he abused the prestige of his office to schedule the diversion hearing, which hearing was contrary to law, unnecessary, and a pretext to criticize the district attorney and Mr. Burris and, thereby, to promote his own self-interest.

56. The self-interest that Judge MacLaren was promoting via his press conference of sorts was his desire to be viewed by the public as an honest, law-and-order, high-integrity judge who the public should retain after his two-year trial period following his 2024 appointment to bench.

57. The February 26, 2025 article that Cameryn Cass wrote about Judge MacLaren cast him in a favorable light. The online comments to the article, which were highly favorable toward MacLaren, indicate Judge MacLaren’s pretextual diversion hearing achieved its intended effect.

### **FOURTH CLAIM**

#### **Canon Rule 1.3 (Abuse of the Prestige of Office) – the ticket fixing case**

58. The preceding paragraphs are incorporated herein.

59. Canon Rule 1.3 states in relevant part:

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.

60. Comment 1 to Rule 1.3 states:

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*. For example, it would be improper for a judge to allude to his or her judicial status to gain favorable treatment in encounters with traffic officials.

(Emphasis added).

61. Judge MacLaren violated Canon Rule 1.3 when he “alluded to his judicial status to gain favorable treatment” in his encounter with the CPW officers on McPhee Reservoir. The

favorable treatment he sought was to avoid being ticketed and/or to obtain permission to continue boating on the reservoir with an expired registration sticker.

#### **FIFTH CLAIM**

##### **Canon Rule 2.2 (Impartiality and Fairness)**

62. The preceding paragraphs are incorporated herein.

63. Canon Rule 2.2 states in relevant part:

A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

64. Comment 1 to Rule 2.2 states, “To ensure impartiality and fairness to all parties, a judge must be objective and open-minded.”

65. Judge MacLaren violated Canon Rule 2.2 by engaging in the conduct described in this Complaint related to the Burris case. In particular, Judge MacLaren was neither objective, nor open-minded, when he (a) violated the stay requirement of the diversion statute, (b) scheduled a pretextual diversion hearing so he could criticize the district attorney and Mr. Burris, (c) made derogatory comments about Mr. Burris, which comments presumed Mr. Burris to be guilty, and (d) refused to let Mr. Burris speak after MacLaren had roundly criticized him.

#### **SIXTH CLAIM**

##### **Canon Rule 2.3(A) (Bias and Prejudice)**

66. The preceding paragraphs are incorporated herein.

67. Canon Rule 2.3(A) states in relevant part:

A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

68. Comment 1 to Rule 2.3 states: “A judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute.”

69. Judge MacLaren violated Canon Rule 2.3(A) by engaging in the above-described conduct related to the Burris case.

#### **SEVENTH CLAIM**

##### **Canon Rule 2.4 (External Influences on Judicial Conduct)**

70. The preceding paragraphs are incorporated herein.

71. Canon Rule 2.4 states in relevant part:

(A) A judge shall not be swayed by public clamor or fear of criticism.

(B) A judge shall not permit family, social, *political*, financial, *or other interests* or relationships to influence the judge's judicial conduct or judgment.

(Emphasis added).

72. Judge MacLaren violated Canon Rule 2.4 by engaging in the above conduct either (a) because he was swayed by the public clamor about Mr. Burris' alleged misconduct, or (b) because of fear of criticism if the public perceived him to have approved of the diversion agreement.

73. Alternatively, Judge MacLaren violated Canon Rule 2.4 because he was seeking to promote his own self-interests, as described in paragraphs 53-57.

#### **EIGHTH CLAIM**

##### **Canon Rule 2.6(A) (Ensuring the Right to be Heard)**

74. The preceding paragraphs are incorporated herein.

75. Canon Rule 2.6(A) states:

A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

76. Judge MacLaren violated Canon Rule 2.6(A) at the diversion hearing when he presumed Mr. Burris to be guilty, criticized his character and integrity, and then refused to let him speak to defend himself, thereby placing into the public domain a one-sided narrative that was unfavorable to Mr. Burris.

#### **NINTH CLAIM**

##### **Canon Rule 2.16(A) (Cooperation with Disciplinary Authorities)**

77. The preceding paragraphs are incorporated herein.

78. Canon Rule 2.16(A) states:

A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.

79. Judge MacLaren violated Canon Rule 2.16(A) when he made several materially false representations to the Commission in response to its evaluation of this matter.

80. The Commission does not expect judges to be perfect or to remember things perfectly. However, the sheer number of misrepresentations made by Judge MacLaren to the Commission, including representations about matters that go to the heart of the Commission's inquiry, demonstrate Judge MacLaren did not just make a series of mistakes here. The evidence indicates he willfully misrepresented important facts to the Commission.

**PRAYER FOR RELIEF**

WHEREFORE the Commission on Judicial Discipline respectfully requests that the Adjudicative Panel impose the following discipline:

- a) Publicly censure Judge MacLaren in writing pursuant to Colo. Const. Art. VI, § 23(3)(e)(II) for the above misconduct; and
- b) Remove Judge MacLaren from office pursuant to Colo. Const. Art. VI, § 23(3)(e)(II). It is the Commission's position that Judge MacLaren cannot be both censured for lying to the Commission and also remain on the bench as a judge. This would profoundly undermine the public's confidence in the judiciary.

Dated this 8th day of September, 2025.

Respectfully submitted,

/s/ Jeffrey M. Walsh

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Colorado Commission on Judicial Discipline