

SUPREME COURT, STATE OF COLORADO  
Two East 14<sup>th</sup> Avenue  
Denver, Colorado 80203

CASE NO. 16 SA 293

DATE FILED: February 9, 2017  
CASE NUMBER: 2016SA293

Original Proceeding in Discipline

In the Matter of: Jonathan L. Walker

**ORDER OF COURT**

Upon consideration of the Colorado Commission on Judicial Discipline's Unopposed Amended Motion for Authority to Issue a Public Statement under Colo. RJD 6.5(f), and now being sufficiently advised in the premises,

IT IS ORDERED that the Colorado Commission on Judicial Discipline is authorized to issue the following public statement:

Pursuant to Rule 34 of the Colorado Rules of Judicial Discipline ("Colo. R.J.D.") and based upon his consent, on November 8, 2016, El Paso County Judge Jonathan L. Walker was temporarily suspended with pay pending the outcome of the preliminary investigation and related formal proceedings related to this matter.

A Statement of Charges was filed on November 23, 2016. Judge Walker filed an Answer to the Statement of Charges on December 17, 2016. A hearing with three special masters was set for February 27, 2017 through March 1, 2017. The Statement of Charges and Answer asserted the following summarized claims and defenses:

- a. The Judge engaged in undignified and disrespectful conduct, including harassment, toward three female Judicial employees, in violation of Canon Rules 1.2 (promoting confidence in the judiciary), 2.3 (bias, prejudice and harassment), and 2.8 (undignified conduct toward court staff). The Judge denied these allegations, asserting that his

actions were misconstrued and that one staff member's allegations were in response to a Judicial Branch evaluation of the staff member's performance issues.

- b. The Judge retaliated against another Judicial staff member once he learned that the staff member had been interviewed as part of an investigation into his conduct in violation of Canon Rule 2.16(B) (prohibition of retaliation) and 2.8(B) (undignified conduct toward court staff). The Judge denied these allegations, asserting he and this staff member did not get along and the staff member was a poor performer.
- c. The Judge improperly modified plea agreements in a number of cases without informing the parties, violating his duty to promote confidence in the judiciary and avoid the appearance of impropriety and unfairness, in violation of Canon Rule 1.2 (promoting confidence in the judiciary) and 2.2 (impartiality and fairness). The Judge admitted that he modified plea agreements but asserted that his modification was lawful.
- d. The Judge failed to disqualify himself from cases where his personal attorney was representing a litigant, in violation of Canon Rule 2.11 (disqualification). The Judge denied these allegations, asserting that he instructed a staff member to place his attorney on the recusal list and the staff member failed to do so without advising him. On the two occasions that his personal attorney appeared in his courtroom, the Judge asserted that he acted in conformance with his duty to disqualify himself.

Because Judge Walker has agreed to retire from the bench effective February 15, 2017, the Commission requested the dismissal of the proceedings pending against him. On February 9, 2017, the Colorado Supreme Court approved the recommendation of the Colorado Commission on Judicial Discipline for the termination of disciplinary proceedings involving Judge Walker.

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The Court ordered that the conclusion of these proceedings should be made public. The Commission's records in other respects remain confidential.

BY THE COURT, EN BANC, February 9, 2017.