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| Colorado Independent Judicial Discipline<br>Adjudicative Board                                                                                                                                                                                                                            | <p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p> |
| IN RE THE MATTER OF THE PEOPLE OF THE STATE<br>OF COLORADO,<br><br>Complainant,<br><br>v.<br><br>IAN JAMES MACLAREN,<br>A County Court Judge of the 22 <sup>nd</sup> Judicial District,<br><br>Respondent.                                                                                |                                                              |
| <i><b>Attorney for Respondent:</b></i><br>Kevin M. McGreevy, #27407<br>RIDLEY, MCGREEVY & WINOCUR, P.C.<br>303 16 <sup>th</sup> Street, Suite 200<br>Denver, Colorado 80202<br>(303) 629-9700<br>(303) 629-9702 fax<br><a href="mailto:mcgreevy@ridleylaw.com">mcgreevy@ridleylaw.com</a> |                                                              |
| <b>MOTION FOR ORDER FINDING THAT COLORADO RULES OF CIVIL<br/>PROCEDURE GOVERN DISCOVERY AND FORMAL PROCEEDINGS</b>                                                                                                                                                                        |                                                              |

Respondent Ian MacLaren, through counsel, moves the Colorado Independent Judicial Discipline Adjudicative Board to issue an order finding that the Colorado Rules of Civil Procedure shall govern discovery procedures and all other applicable formal proceedings in this case. As grounds for this request, the Respondent states as follows:

#### PERTINENT FACTS

A formal disciplinary proceeding in this matter was initiated with the Colorado Commission on Judicial Discipline's filing of a Complaint on September 8, 2025. Mr. MacLaren filed an Answer on September 29, 2025, as required by the Colorado Rules of Civil Procedure. The parties conferred regarding a Proposed Case Management Order as required by the Colorado

Rules of Civil Procedure and a status conference was held before the adjudicatory panel on October 31, 2025. The case was “at issue” with the filing of the Answer, however, the parties and the adjudicatory panel agreed at our status conference that the “at issue date” is deemed to be October 31, 2025.

The adjudicatory panel indicated its intention to “follow the spirit” of the Colorado Rules of Judicial Discipline that were in place prior to the passage of Amendment H to the Colorado Constitution in November of 2024. The adjudicatory panel granted the Respondent fourteen (14) days to object to following “the spirit” of the Colorado Rules of Judicial Discipline, as well as the procedures for discovery set forth in C.R.J.D. Rule 21.5, applying to these proceedings.

The Respondent objects to “following the spirit” of rules of the Colorado Judicial Discipline that were eliminated by Amendment H and requests that the Colorado Rules of Civil Procedure be applied to all issues and timelines involving discovery and/or hearing procedures in this matter.

### **GOVERNING LAW**

The authority to initiate and conduct disciplinary proceedings against judges in the State of Colorado is rooted in art. VI, § 23 of the Colorado Constitution. Pursuant to a constitutional mandate, the Colorado Rules of Judicial Discipline governed judicial discipline proceedings until November of 2024. Included in the Rules of Judicial Discipline were rules setting forth the grounds for judicial discipline, rules governing the filing of pleadings, rules governing pretrial discovery, and rules governing processes and proceedings for both informal and formal proceedings.

On November 5, 2024, voters in the State of Colorado approved Amendment H to the Colorado Constitution. A wide-sweeping constitutional amendment, Amendment H established an independent judicial discipline adjudicative board, set standards for judicial review of judicial discipline cases, and clarified when discipline proceedings become public.

Especially significant for purposes of this pleading, Amendment H created “a rule-making committee to adopt rules for the judicial discipline process.” Colo. Const. art. VI, § 23(3)(k)(I). Amendment H specifically stated that “the rule-making committee may promulgate specific rules governing proceedings before a panel of the adjudicative board” and that **“The Colorado rules of evidence and Colorado rules of civil procedure, as amended, apply to proceedings before a panel of the adjudicative board until and unless the rule-making committee promulgates rules governing panel proceedings.”** Colo. Const. art. VI, § 23(3)(k)(II) (emphasis added).

As of the date that this case was initiated, as well as the date of this filing, the Judicial Discipline Rule-Making Committee has yet to promulgate any interim rules governing discovery processes and/or hearing timelines in matters before the judicial discipline adjudicative board. In light of this fact, and for the reasons set forth below, the Respondent requests that the Colorado Rules of Civil Procedure govern discovery and other applicable aspects of formal proceedings in this case.

## **ARGUMENT**

### **I. The Plain Language of Amendment H to the Colorado Constitution Mandates That the Colorado Rules of Civil Procedure be Applied to Discovery and Formal Proceedings.**

Because the plain language of Amendment H to the Colorado Constitution clearly states that the Colorado Rules of Civil Procedure apply to proceedings before a panel of the adjudicative board in judicial discipline cases, the Colorado Rules of Civil Procedure must be applied at every relevant stage in this case.

In interpreting a constitutional provision, a decision-making body's goal must be "to prevent the evasion of the constitution's legitimate operation and to effectuate the intent of the framers of the constitution and the people of this state." *People v. Smith*, 531 P.3d 1051, 1055 (Colo. 2023). In doing so, decision-making bodies "start with the plain language of the provision, giving its terms their ordinary and popular meanings." *Id.* "If the language of the provision is clear and unambiguous," then it must be enforced as written and there is no need to turn to other tools of construction. *Id.*

Examining the plain language of the Colorado Constitution following the adoption of Amendment H, there is little doubt that the plain language of Colo. Const. art. VI, § 23(3)(k)(II) mandates that the Rules of Civil Procedure apply to this matter. The language in Amendment H that the Colorado Rules of Civil procedure "apply to proceedings before a panel of the adjudicative board until and unless the rule-making committee promulgates rules governing panel proceedings" is clear and unambiguous. To apply any rules other than the Rules of Civil Procedure or rules promulgated by the Judicial Discipline Rule-Making Committee would run astray of well-established legal standards related to constitutional interpretation. Based on the plain language of the Colorado Constitution, the Rules of Civil Procedure must be applied at every relevant stage of this case, unless and until an applicable rule by the Judicial Discipline

Rule-Making Committee is adopted that supersedes the relevant portion of the Rules of Civil Procedure.

## **II. Circumventing the Use of the Colorado Rules of Civil Procedure Would Run Contrary to the Intent of Amendment H.**

As indicated, Article VI, Section 23 of the Colorado Constitution broadly sets forth the processes and procedures governing matters of judicial discipline. Nothing in Article VI, Section 23 of the Colorado Constitution provides any indication that expedited or simplified processes are to be followed in matters of judicial discipline. Furthermore, no language in Article VI, Section 23 of the Colorado Constitution indicates any intent or desire for expedited or simplified timelines or resolutions in judicial discipline proceedings.

Although the Colorado Rules of Judicial Discipline, which were in effect until November of 2024, set forth processes and timelines that were more expedited than those set forth in the Colorado Rules of Civil Procedure, Amendment H to the Colorado Constitution did not contain language indicating any desire for similarly expedited processes. Rather, Amendment H clearly stated that the Rules of Civil Procedure were to be followed in matters of judicial discipline unless and until Judicial Discipline rules passed after April 1, 2025 are promulgated.

## **III. Applying Discovery Procedures Through the Implementation of the Former Rules of Judicial Conduct That Are No Longer in Effect Would Undermine Attempts to Uniformly Administer Justice and Potentially Violate Principles of Procedural Due Process.**

If “the spirit” of rules other than the Colorado Rules of Civil Procedure were applied to determine discovery deadlines and anything else associated with formal proceedings in this case, the ability of judicial discipline adjudicative boards to uniformly administer justice in judicial

discipline cases would be undermined. Furthermore, the Respondent's procedural due process rights could be compromised.

Colorado courts have cautioned against circumventing or altering rules in the interest of judicial efficiency. In *People v. Silva-Jaquez*, 564 P.3d 650, 657 (Colo. 2025), the court noted that “disregarding the legal boundaries of discovery in criminal cases in the name of expediency via a trial court’s inherent authority at once invites chaos and undermines the Judicial Branch’s interest in the uniform administration of justice.” The court went on to ask the rhetorical question that “if discovery were left to the unguided and rudderless exercise of the trial court’s inherent authority, what mechanism would we employ to ensure that defendants seeking postconviction relief are treated equally in different judicial districts or even among different judges within the same judicial district?” *Id.*

Although this case is different than a criminal case in many respects, the risks identified by the court in *Silva-Jaquez* could be realized here if any rules other than the Colorado Rules of Civil Procedure are applied to this matter. For instance, although “the spirit” of the Rules of Judicial Conduct that are no longer in effect could be applied to this case, there is no guarantee that a judicial discipline adjudicative board in a different case would apply the same rules. In the event that the Colorado Rules of Civil Procedure were applied in one case while “the spirit of” handpicked Rules of Judicial Discipline were applied in another case, the uniform implementation of justice in judicial discipline cases would be impossible to achieve. Applying the Colorado Rules of Civil Procedure in this case, as required by the Colorado Constitution, avoids any such scenario.

Finally, applying “the spirit” of the Rules of Judicial Discipline that are no longer in effect would force the Respondent in this case to alter his expectations related to discovery and other procedures in this matter. Such creation of a moving target of procedures would run the significant risk of violating the Respondent’s procedural due process rights and potentially undermine the Respondent’s ability to adequately prepare a defense in this matter. To avoid any such procedural due process violations, the Colorado Rules of Civil Procedure should be applied in this case.

### **CONCLUSION**

Utilizing the Colorado Rules of Civil Procedure to outline discovery procedures and other aspects of formal proceedings in this case is necessary to 1) conform with the plain language of Amendment H and the Colorado Constitution; 2) give effect to the intent of Colorado voters who passed Amendment H in 2024; and 3) ensure that justice is uniformly implemented and procedural due process requirements are honored. For all of the reasons set forth above, the Respondent respectfully requests that this hearing panel issue an order finding that the Rules of Civil Procedure shall be followed in relation to discovery procedures and all other applicable aspects of formal proceedings in this case.

Respectfully submitted,

RIDLEY, MCGREEVY & WINOCUR, P.C.

s/ Kevin M. McGreevy

Kevin M. McGreevy, #27407

Attorney for Respondent Ian MacLaren

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of November 2025, I served a true and correct copy of the foregoing **MOTION FOR ORDER FINDING THAT THE COLORADO RULES OF CIVIL PROCEDURE GOVERN DISCOVERY AND FORMAL PROCEEDINGS** via electronic mail, addressed to the following:

Jeffrey M. Walsh, Special Counsel  
Colorado Commission on Judicial Discipline  
1300 Broadway, Suite 210  
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*s/ Polly Ashley* \_\_\_\_\_

Polly Ashley