

Colorado Independent Judicial Discipline Adjudicative Board	▲ COURT USE ONLY ▲	
IN RE THE MATTER OF THE PEOPLE OF THE STATE OF COLORADO, Complainant, vs. IAN JAMES MACLAREN, a County Court Judge of the 22nd Judicial District, Respondent.		
Colorado Commission on Judicial Discipline: 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	Case Number:	
PEOPLE’S RESPONSE TO JUDGE MACLAREN’S MOTION TO APPLY THE RULES OF CIVIL PROCEDURE TO THIS CASE		

INTRODUCTION

Judge MacLaren argues that, since the passage of Amendment H to the Colorado Constitution, the plain language of the Constitution requires that the Colorado Rules of Civil Procedure govern the formal disciplinary process in this case. The Commission on Judicial Discipline agrees.

However, the Commission disagrees with Judge MacLaren’s argument that using the former Rules of Judicial Discipline as guidance to create a Case Management Order governing pre-hearing discovery violates Amendment H, undermines the uniform administration of justice, or violates the principles of due process. As explained below, both sets of rules provide for the same amounts and kinds of discovery. And the Rules of Civil Procedure require that the Case Management Order be tailored to meet the unique needs of this case.

BACKGROUND

1. On October 31, 2025, the Adjudicative Panel assigned to this case presided over a status conference in this matter. The purpose of that conference was to discuss with the parties (a) how many days the hearing would likely last, (b) whether the hearing must be conducted in person or instead virtually, and (c) possible venues for an in-person hearing.

2. At the status conference, undersigned counsel stated that the primary interest of the Commission on Judicial Discipline, on behalf of the People, is to conduct a disciplinary hearing in this case as soon as possible.

3. Judge Vigil made three observations. First, he noted that, in light of his current trial docket, as well as an upcoming surgery, it was not feasible to conduct a hearing within the 91 days contemplated by former Rule 20 of the Rules of Judicial Discipline. Second, he noted that this 91-day deadline is no longer applicable in light of the recent passage of Amendment H. Third, he noted as well that the former 91-day deadline was now likely unrealistic given that, per Amendment H, Adjudicative Panels now consist of a one volunteer lawyer and one volunteer non-lawyer, in addition to a judge. Judge Vigil observed that scheduling multi-day hearings for volunteer members of the Adjudicative Board within 91 days of the at-issue date may prove challenging.

4. Since the scope of pre-hearing discovery necessarily impacts the hearing date, Judge Vigil stated that the Adjudicative Panel's intent was to create a Case Management Order (dictating the scope and manner of pre-hearing discovery) that "followed the spirit" of the former Colorado Rules of Judicial Discipline.

5. Counsel for Judge MacLaren objected to relying on the former Rules of Judicial Discipline for guidance and stated that the Rules of Civil Procedure should apply instead. The Adjudicative Panel ordered the parties to submit written briefs on the issue since resolution of this issue will affect when a formal disciplinary hearing can be scheduled.

ARGUMENT

6. Counsel for Judge MacLaren argues that the plain text of Colo. Const. art. VI, § 23(3)(k)(II) requires that the Rules of Civil Procedure govern formal judicial discipline hearings until new Rules of Judicial Discipline are enacted. The Commission on Judicial Discipline agrees.¹

7. However, Judge MacLaren also claims that using the former Rules of Judicial Discipline as guidance to create a Case Management Order to govern pre-hearing discovery (a)

¹ Though not relevant to the dispute here, the Commission notes that Amendment H did not invalidate all of the pre-amendment Rules of Judicial Discipline. Rules governing informal proceedings, for example, remain in full force and effect unless and until they are amended by the Judicial Discipline Rulemaking Committee.

violates the intent of Amendment H, (b) undermines the uniform administration of justice, and/or (c) violates the principles of due process. These assertions fail to pass scrutiny.

8. First, to contrast (as MacLaren does here) the former Rules of Judicial Discipline with the Rules of Civil Procedure that govern pre-trial discovery, is to draw a distinction without a difference. For example, Rule 26 of the Rules of Civil Procedure, which MacLaren asserts should apply here, allows for three depositions, 30 interrogatories, 20 requests for production, and 20 requests for admission. The former Rules of Judicial Discipline allow for the exact same number of each type of discovery. Colo. RJD 21.5. It cannot be unfair for the Panel to consider former Rule of Judicial Discipline 21.5 if that rule provides the same scope of discovery as Rule 26 of the Rules of Civil Procedure.

9. Second, Judge MacLaren asserts that this Panel must follow the Rules of Civil Procedure to “guarantee the uniform implementation of justice in judicial discipline cases.” MacLaren Motion, p. 6. He even alleges it could violate due process if an Adjudicative Panel applies different discovery limits to his case than to some other judicial discipline case. *Id.* But the Rules of Civil Procedure explicitly reject this interpretation. As stated in Comment 15 to Rule 26 regarding the scope of pre-trial discovery, “*trial judges have and must exercise discretion, on a case-by-case basis, to effectuate the purposes of these rules, and, in particular, abide by the overarching command that the rules ‘shall be liberally construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action.’*” (emphasis added) (citing C.R.C.P. 1). Thus, Judge MacLaren demands a uniformity that the Rules of Civil Procedure explicitly rejects.²

10. Therefore, Judge MacLaren’s claim that this Adjudicative Panel lacks the discretionary authority to fashion a Case Management Order that is unique to the demands of this case is simply false. To the contrary, the Rules of Civil Procedure require this Panel to do exactly that. If the Panel deems it appropriate to create a Case Management Order that “follows the spirit” of the old Rules of Judicial Discipline, it can and should do exactly that. To do so would be to follow the Rules of Civil Procedure, not to “circumvent” them, as Judge MacLaren suggests.

11. Finally, Judge MacLaren argues that, if this Adjudicative Panel creates a Case Management Order that “follows the spirit” of the old Rules of Judicial Discipline, this will violate the intent of Amendment H. This argument misses the mark. The animating intent of Amendment H had nothing to do with procedural rules governing discovery in judicial discipline cases. The primary intent of Amendment H was to remove the Colorado Supreme Court from the judicial discipline process, to create an independent Adjudicative Board to preside over judicial discipline cases, and to create more transparency around judicial discipline cases once a formal disciplinary proceeding is initiated. Thus, Judge MacLaren’s argument that to use the former Rules of Judicial

² See also e.g. C.R.C.P. 16(b)(11) (“*Unless otherwise ordered by the court, discovery shall be limited to that allowed by C.R.C.P. 26(b)(2)(emphasis added); C.R.C.P. 26(a)(1) (“Except to the extent otherwise directed by the court . . .); C.R.C.P. 26(a)(2)(B) (“Except as otherwise stipulated or directed by the court . . .); C.R.C.P. 26(b) (“Unless otherwise modified by order of the court in accordance with these rules, the scope of discovery is as follows:”)*).

Discipline as a guidepost to inform the scope of pre-hearing discovery violates the intent of Amendment H fails.

CONCLUSION

The Commission on Judicial Discipline reiterates here the importance to its own constitutional mandate, and to the public's interest, to conduct a hearing in this case as soon as possible. It recognizes, of course, the scheduling challenges created by now having adjudicative panels comprised of a volunteer lawyer, a volunteer non-lawyer, and a judge, and that, as a result, conducting a hearing within 91 days of the at-issue date may not be realistic.

The Commission nevertheless asks that a hearing be set as soon as possible and asks that needless discovery disputes not be allowed to cause further delays. This is not a complicated case. The facts are largely undisputed. The number of witnesses is relatively small. The number of documents and exhibits to be admitted at hearing is expected to also be small. Given this, the scope of pre-hearing discovery need not be broad or complicated.

Undersigned counsel requests that the Adjudicative Panel issue an order that the Rules of Civil Procedure shall apply to this case. The parties can then submit a joint proposed Case Management Order pursuant to those rules. The Adjudicative Panel can then customize that proposed order as it deems necessary based on the unique facts and circumstances of this case.

Dated this 21st day of November, 2025.

Respectfully submitted,

/s/ Jeffrey M. Walsh

Jeffrey M. Walsh, #33762

Special Counsel

Colorado Commission on Judicial Discipline

CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2025, a true and correct copy of the foregoing RESPONSE TO JUDGE MACLAREN'S MOTION TO APPLY THE RULES OF CIVIL PROCEDURE TO THIS CASE was served on counsel for Judge MacLaren via email at: mcgreevy@ridleylaw.com and sent to the Adjudicative Board Panel via email at: Vincente.vigil@judicial.state.co.us; buffhusk@comcast.net; jeannie@hrxservices.com.

/s/ Jeffrey M. Walsh

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