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Bradbury moves to have three high court judges disqualified from hearing his case

- **August 27th, 2009**
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- By Kathy Hedberg of the Tribune

GRANGEVILLE - Second District Judge John H. Bradbury is asking that three of the four members of the Idaho Supreme Court who are mulling over his fate be disqualified from deciding the case.

In a motion filed Wednesday with the Idaho Supreme Court, Bradbury is asking that Justices Jim Jones, Roger Burdick and Warren Jones step down from the case because they conferred with Chief Justice Daniel Eismann, who is also the chairman of the Idaho Judicial Council.

The judicial council has recommended to the court Bradbury be immediately suspended from his position as the district judge for Idaho, Lewis and Clearwater counties because he does not actually reside in Grangeville, as state statute requires.

Bradbury, who owns houses in Grangeville and Lewiston, is fighting the recommendation. He admits he spends most of his time at his house in Lewiston, but says that's because the bulk of his caseload is in Clearwater County and it's a shorter distance to drive from Lewiston than Grangeville.

Bradbury also filed suit in U.S. District court, claiming the justices are denying him his civil rights by refusing to reveal who brought the complaint against him, and the exact nature of the complaint.

The case was argued before the Supreme Court in July. A short time later Bradbury filed a motion asking that Eismann disqualify himself because, as both chairman of the judicial council bringing the action against Bradbury and as chief justice, Eismann cannot be fair and impartial.

Eismann said he was not present during the initial discussions the council had about Bradbury's residence. But he did recuse himself - stating as he did that Bradbury has retaliatory motives for insisting to know who brought the charges against him.

In Wednesday's motion, Bradbury said Eismann's statement shows the chief justice is biased.

"How could Judge Bradbury retaliate?" the motion reads. "Anyone who appears before his court has the right ... to automatically disqualify him in any proceeding. ... Chief Justice Eismann's failure to recuse himself at the outset of this appeal has unfortunately served to ... deprive Judge Bradbury of the assurance of impartiality that is the fundamental requirement of due process ... thereby requiring the disqualification of Justices Warren Jones, Jim Jones and Roger (Burdick)."

The fourth justice, Joel Horton, recused himself from the case early on and has been replaced by former Justice Wayne Kidwell. Bradbury challenged Horton in 2008 for his seat on the high court and nearly won the election.

