

Disciplinary panel rarely takes action against Idaho judges

By Kimberlee Kruesi, Associated Press

BOISE, Idaho (AP) — The independent panel that disciplines judges in Idaho regularly receives more than 80 complaints each year over alleged inappropriate conduct but rarely finds enough evidence to warrant a harsh punishment.

There's usually little public awareness of judicial complaints, which are confidential, but earlier this year the Idaho Judicial Council's disciplinary process gained more attention after confirming it had received a verified complaint against Fifth District Judge Randy Stoker. The complaint was filed following his decision in February to sentence a teen to probation for sexually assaulting a high school football teammate.

Stoker has been criticized by some who believe a sentence for John R.K. Howard was too lenient and that the judge failed to recognize the racial implications of the case. Howard is white and the victim is black.

The council has not yet made a decision regarding the complaint but will announce its decision soon, said David Cantrill, the council's executive director. Idaho law allows the council to recommend removal, discipline and retirement of judicial officers, but the final disciplinary authority remains with the Idaho Supreme Court.

The council received 83 complaints in 2016. Of those, 51 complaints were dismissed after being reviewed by the council and another 22 complaints were automatically thrown out because they weren't verified with a sworn statement, which is required under Idaho law.

That left just 10 complaints for the council to review last year. One judge was admonished privately after allegedly violating the Code of Judicial Conduct by

using the prestige of the office to advance the interests of others. Another judge was issued a private written reprimand after the judge self-reported to signing a petition for someone running for election, according to the council's annual report.

The report does not disclose names of the judges that received reprimands or any more details about the violations.

The most common judicial complaints revolve around accusations of erroneous decisions, appearance of impropriety, as well as discrimination or bias.

The council wrote in its annual report that judicial misconduct is a greater threat to the public than problems among other public officials because judges face a recall election.

"Because the public quite understandably views justice as being no better than the person who dispenses it," the report stated, "the judge who misbehaves or who is unable to perform adequately brings discredit to the entire system."