

# SUNDAY PERSPECTIVE

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## Above the law

GUEST  
COLUMNIST



CHRISTOPHER  
GREGORY

We live with the illusion that justice rises or falls with the outcome of an election. In reality, justice dies when we allow a culture of boot licking to thrive. Nowhere is the corrosiveness of such a culture of enforced fealty and silence more embedded than in the Colorado judiciary.

Even with a published opinion (Matter of Coats, 2023 CO 44) and public admissions that all the justices of the Colorado Supreme Court were complicit in approving and covering up a \$2.66 million to \$2.75 million sole-source quid pro quo contract for silence, the justices have been able to avoid any meaningful accountability by hiding behind the prestige of their offices, cynical public relations campaigns, and their preferential

access to public resources.

The corruption that pervades the Colorado judiciary has been built one cocktail party, one specialty bar association meeting, one self-promoting award, and one politically correct "outreach," "diversity," or "workplace culture" effort at a time. Facing sufficient grounds for their immediate suspension and removal from office, the justices chose to politicize the court by hearing and issuing their opinion in *Anderson v. Griswold*, 2023 CO 63, holding that Donald Trump engaged in insurrection; disqualifying Trump from the 2024 Colorado presidential primary ballot. The justices, in turn, argued that their hearing of *Anderson* supported their retention by voters in the 2024 election.

More than anything else, the Colorado Judicial Scandal revealed the lengths to which otherwise well-intentioned judges, attorneys and politicians will go to protect a group of charlatans perceived to control access to career progression and case outcomes. But for the justices' persistent refusal to disqualify themselves; their intimidation and their retaliation, I would have used my prior authority as executive director of the Colorado Commission on Judicial Discipline (CCJD) to have moved for their immediate suspension of and the initiation of judicial discipline proceedings according to Colo. RJD 14(c) and 34(a).

Unfortunately, the culture of enforced

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silence created by the justices came at the cost of hundreds or more victims. Through the normalization of a widely recognized "toxic" workplace culture, the justices systematically intimidated or retaliated against these victims to suppress accountability through legitimate judicial discipline proceedings. By endorsing the retaliatory termination of the State Court Administrator's Office's (SCAO) Director of Financial Services David Kribs, and encouraging the retirement of Controller Myra Dukes, the justices covered up their own malfeasance with respect to the \$2.66 million to \$2.75 million contract with former SCAO Chief of Staff Mindy Masias and the related Masias Memo (which contained a litany of allegedly unreported misconduct within the Colorado Judiciary).

Through their failure to supervise the Colorado Supreme Court's Office of Attorney Regulation Counsel (OARC) and their conflicted hearing of the Matter of Scipione, 2024 CO 23, the justices allowed the intimidation and harassment of District Judge John Scipione's victims with Judge Scipione ultimately receiving an approximately \$250,000 windfall for his bad faith defense and judicial misconduct. As executive director of the CCJD, I internally demanded accountability for the justices' roles in the Masias contract and incontrovertible evidence that Justice Brian Boatright had intentionally concealed Presiding Denver Juvenile Court Judge D. Brett Woods' habitual alcohol abuse and retaliation against a whistleblowing court administrator.

Through a commission that the justices and Gov. Jared Polis rigged by abusing their appointment powers, I was immediately and summarily fired. Nothing has been done to remedy Judge Woods having deprived hundreds if not thousands of parents and children of their due process by failing to perform his judicial function for over four years. Through their failure to report internal human resources complaints about District Judge Robert Kiesnowski, the justices also enabled an over six-year pattern of harassment and retaliation against Judge Kiesnowski's former clerk, Emily Betts.

In the latest example of malfeasance, the justices are colluding with their partially self-appointed CCJD, the Judicial Discipline Adjudicatory Board, and the Judicial Discipline Rulemaking Committee to enable District Judge Justin Haenlein to receive an over \$120,000 windfall (like that received by Judge Scipione) through Judge Haenlein intentionally prolong-



THE DENVER GAZETTE FILE

The Ralph L. Carr Colorado Judicial Center is seen Sept. 13, 2022, in Denver.

ing his paid suspension under Colo. RJD 34. Despite the clear intention of the 73% of voters who approved Amendment H to open formal judicial discipline proceedings to the public, the adjudicatory panel is resolving Matter of Haenlein, CCJD Case No. 24-176, behind closed doors and without publication of the proposed stipulation.

The extreme examples of judicial misconduct by the justices have only been possible because of the bootlicking culture and public apathy/mystique that the justices actively cultivated. On April 28, I publicly raised my concerns about the ethics of the justices and within the CCJD as I opposed the reappointment of the CCJD's Chair Mindy Sooter and its Vice Chair James Carpenter. The Senate Judiciary Committee voted against the reappointments of both Chair Sooter and Vice Chair Carpenter. When Gov. Polis's reappointment orders came before the full Senate, the senators voted (16-19) against Sooter's reappointment. Only after the Joint Budget Committee chair, state Sen. Jeff Bridges of Greenwood Village, made a personal appeal as a former subordinate of Carpenter did the senators vote (19-16) to reappoint him. Predictably, The governor responded to the non-confirmation of Sooter by immediately appointing former state Sen. Bob Gardner (another reliable apologist for the justices) to the CCJD.

No action was taken in response to my request for the Colorado General Assembly to pass a bipartisan joint resolution referring the Colorado judicial scandal to conflict-free federal law enforcement from outside of Colorado for a thorough and legitimate investigation.

Despite the Senate's non-confirmation of Sooter and the call for a federal investigation, the justices have continued to pretend that substantial concerns about their ethics do not exist. Rather than addressing such ethical concerns, the justices have leaned into favorable media coverage of the court's opinions, the justices' roles in the judicial selection process,

their conflicted efforts to promulgate "emergency" judicial discipline rules, a commencement address, and the court's high school "outreach" efforts. This strategy of rug sweeping seems to be working, with The Gazette being the sole major media outlet continuing to bring scrutiny to the justices over the Masias controversy. The only explanation for such sympathetic news coverage is cultural reinforcement that somehow the justices are above reproach and above the law.

Through the already proven grounds in Coats and the allegations further stated in an extensively detailed October 20, 2024 anonymous request for evaluation (RFE) of all the justices' conduct, the justices are obligated to form a Special Tribunal according to Article VI, Section 23(3)(f)(II) of the Colorado Constitution. Full copies of the anonymous RFE and its accompanying anonymous Fraud Hotline complaints can now be found at coloradojudges.org.

The Oct. 20, 2024 RFE proposed many of the following solutions to the Colorado judicial scandal:

- An intergovernmental request for conflict-free federal investigation and prosecution
- Further legislative reforms: Standing up and strengthening the authorized but defunded Office of the Judicial Discipline Ombudsman
- Including the Colorado Judicial Department's administrative records and decision-making in the scope of the Colorado Open Records Act and the Colorado Open Meetings Law
- Making obstruction of the judicial discipline process a felony
- Removing the Colorado attorney general's authority to influence the CCJD's appointment of outside special counsel and use of its special cash fund
- Requiring the Colorado Supreme Court to exercise its powers to appoint members to the CCJD and other judicial discipline-related boards through random selection
- Making the Office of Attorney Regulation Counsel and the Office of the Presiding Disciplinary Judge independent agencies, rather than subdivi-

sions of the Colorado Supreme Court;

- Requiring that judicial selection and judicial performance review processes occur in public and on the record
- Authorizing the CCJD to regulate the conduct of magistrates
- Requiring the recoupment of a subject judge's salary and benefits if, following a paid suspension under Colo. RJD 34, the judge is adjudicated for violating their ethical duties
- The removal and replacement of the CCJD's current members, executive director and special counsel
- The formation of a conflict-free Special Commission to evaluate, investigate, and prosecute alleged misconduct by the justices and the CCJD's judge members
- The formation of a Special Tribunal to facilitate the appointment of the Special Commission and to address other conflicts of interest within the current judicial discipline structure
- Use of the Judicial Performance Commissions' authority to conduct both regular and interim judicial performance evaluations as a means of publicly verifying the integrity of those judges and justices suspected of violating their ethical duties
- The Legislature's consideration of impeachment proceedings to investigate and address the official misconduct involved in the Colorado judicial scandal.

Other than the Colorado Senate's rejection of the reappointment of Sooter as CCJD chair, however, no action has been taken to pursue any of these recommended solutions.

By continuing to ignore their proven and alleged misconduct while simultaneously refusing to form a Special Tribunal, the justices are publicly confirming that they have placed themselves above the law with the arbitrary power to excuse their own violations of the Colorado Code of Judicial Conduct.

The culture of bootlicking, cocktail parties, self-promoting awards, politically correct pandering, and tolerance of overt judicial misconduct by the justices needs to end. Until there are greater public demands for judicial accountability and concomitant press coverage, public corruption will be allowed to thrive. Colorado deserves better than a judiciary that has replaced justice with an entrenched culture of intimidation, retaliation and hush money.

Christopher Gregory, appointed by Gov. John Hickenlooper, served as a member, vice chair and chair of the Colorado Commission on Judicial Discipline from May 15, 2017 through June 30, 2021.

Gov. Jared Polis replaced Gregory with Mindy Sooter on July 1, 2021. Gregory then served as executive director from Jan. 3, 2022 until Jan. 19, 2024, when he was fired by Sooter and Vice Chair James Carpenter.