

June 25, 2025

No. 25-185

Hon. Sean K. Murphy
San Miguel County Courthouse
Telluride, CO 81435
via e-mail: sean.murphy@judicial.state.co.us

Judge Murphy:

The purpose of this letter is to notify you that the Colorado Commission on Judicial Discipline has received information sufficient to recognize a complaint against you related to alleged delays in *Racicot v. Lopresto*, San Miguel County case number 24S1.

The docket in this case shows that a trial was held on March 19 and April 4, 2024. The docket does not include any order following that trial. The audio from those hearings shows that you indicated that you did not rule from the bench and intended to issue a written order.

Canon Rule 2.5 of the Code requires judges to perform their judicial duties diligently, avoiding undue delay. As stated in Comment 4 to Canon Rule 2.5:

In disposing of matters promptly and efficiently, a judge must demonstrate due regard for the rights of parties to be heard and to have issues resolved without unnecessary cost or delay. A judge should monitor and supervise cases in ways that reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs.

The Commission requests that you respond to this letter with an explanation for the delay in Case 24S1 and an estimate of when you expect to issue an order on the pending motion. The Commission recognizes that diligent judges sometimes experience occasional delays due to large workloads and other factors. Please include any context or mitigation which you would like the Commission to consider in its evaluation of this matter.

The Commission emphasizes that it has yet to make any determination in this matter. The purpose of this letter is to inform you that the Commission has determined that a “reasonable basis” exists to recognize a complaint against you and to give you an opportunity to respond. Colo. RJD 13 & 14. The Commission also advises that, pursuant to Colo. RJD 8.5(a), you have a right to retain counsel at any point in a judicial discipline proceeding.

The individual who filed this complaint raised additional concerns regarding your professionalism and diligence, stating that both hearings began late and that a dog was roaming

the courtroom during trial. The Commission has voted to recognize only the delayed order issue described above as a “complaint” under our rules. The courtroom audio indicates that, while both hearings were delayed, that delay was not sufficient to provide a basis for any allegation of judicial misconduct. The courtroom audio was silent on the dog. Though the Commission is not including these allegations in this matter, we would like to share that the complainant in this matter experienced the lack of formality and timeliness as a lack of respect for the case before you. I see that the Seventh Judicial District Judicial Performance Commission has also encouraged you to begin court on time and to consider adopting certain courtroom formalities (there, the wearing of robes).

The Commission recognizes that many judges find it stressful to receive a Rule 14 letter from the Commission. The Colorado Lawyer Assistance Program is an invaluable resource for lawyers and judges experiencing work or personal stress. They can be contacted at coloradolap.org. COLAP is not associated with the Commission and any communication with COLAP is confidential.

Judges often have questions regarding the judicial discipline process, including the timing and next steps. The rules governing the Commission’s work are available on our website, at <https://ccjd.colorado.gov/resources/legal-authority-and-information>. Generally, upon receipt of a response to a Rule 14 letter such as this one, the Commission will evaluate the case at its next meeting. Potential outcomes include dismissal, “dismissal with concern,” directing staff to undertake additional investigation, private discipline, and public discipline.

The Commission respectfully requests that you provide your written response to this letter on or before July 23, 2025. The Commission’s next meeting will be in early-August, after which I expect I can provide you an update on this matter. You are welcome to reach out to me directly in the meantime if you have questions about the process.

Sincerely,



Anne Mangiardi
Executive Director