

<b>DISTRICT COURT, WELD COUNTY</b> 901 9 <sup>th</sup> Ave. Greeley, CO 80631	<p>Filed 4/15/25 @ 8:55 p.m.</p> <p>▲ COURT USE ONLY ▲</p>	
<b>THE COLORADO COMMISSION ON JUDICIAL DISCIPLINE</b>  Plaintiff,  vs.  <b>JUDGE JUSTIN B. HAENLEIN, a District Court Judge of the 13<sup>th</sup> Judicial District</b>  Defendant.		
<b>Colorado Commission on Judicial Discipline:</b>  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		
<p style="text-align: center;"><b>COMPLAINT</b></p>		

Plaintiff files this Complaint pursuant to Colo. Const. Art. VI, § 23(3) alleging the following:

**THE PARTIES, VENUE, AND JURISDICTION**

1. The Commission is a constitutionally created entity which is responsible for investigating and resolving allegations of judicial misconduct.
2. The Commission's principal street address is 1300 Broadway, Suite 210, Denver, Colorado 80203.
3. Defendant is a district court judge in Colorado's 13<sup>th</sup> Judicial District. His appointment was effective January 1, 2022.

4. Division 17 of the Weld County District Court (Judge Vincente Vigil) has jurisdiction over this matter for the following reasons:

- a. On March 17, 2025, pursuant to Colo. Const. Art. VI, § 23(3)(e)(I), Plaintiff filed an Order with the State Court Administrator (attached as Exhibit A) requesting that a formal hearing be conducted in this case.
- b. On March 19, 2025, pursuant to Colo. Const. Art. VI, § 23(3)(c.5)(II), the State Court Administrator randomly selected a three-member panel from Colorado's Independent Judicial Discipline Adjudicative Board ("the Adjudicative Board") to preside over this case.
- c. As a member of the Adjudicative Board, Judge Vigil was selected to serve as a member of the panel that will preside over this case, along with Tyrone Glover (attorney member) and Jeff Swanty (non-attorney member) – hereinafter collectively referred to as "the Adjudicative Panel."
- d. Given the above, jurisdiction over this judicial discipline case is proper before the Adjudicative Panel pursuant to Colo. Const. Art. VI, § 23(3)(c.5)(I).

5. Venue in this Court is proper pursuant to C.R.S. § 13-5.3-113, which dictates that "the judge member of the panel is responsible for providing administrative support necessary to facilitate the panel's hearings."

### **ALLEGATIONS**

6. Prior to becoming a judge on January 1, 2022, Haenlein was engaged in private practice as a criminal defense and dependency & neglect practitioner.

7. Haenlein represented a client, Jane Doe, on four different criminal matters between 2013 and 2015.

8. In 2016, after Haenlein's representation of Ms. Doe ended and her sentences had been served, Haenlein and Ms. Doe developed a personal friendship in which the two flirted and exchanged sexual and flirtatious text messages. This personal relationship continued from 2016 until at least 2022.

9. During the course of this relationship, Haenlein would at times give Ms. Doe money to help her with rent or other expenses.

10. Also during the course of the friendship, Ms. Doe provided Haenlein a suggestive picture of herself on four to five different occasions.

11. Both Haenlein and Ms. Doe maintain that the friendship between them was never physically intimate.

12. In 2020, Haenlein agreed to represent Ms. Doe in an Allocation of Parental Responsibilities case on a pro bono basis (hereinafter referred to as “the APR case”). In this APR case, Ms. Doe’s ex-husband sought to reduce Ms. Doe’s parenting time with one of her children.

13. Haenlein represented Ms. Doe in the APR case up until his appointment to the bench on January 1, 2022, at which time he withdrew representation. After his appointment to the bench, when the APR case was later assigned to him in the Spring of 2022, he appropriately recused from that matter. This recusal demonstrates Judge Haenlein understood the recusal requirements of Rule 2.11 of the Colorado Code of Judicial Conduct.

14. After his recusal from the APR case, Judge Haenlein continued to give legal advice to Ms. Doe on the APR case in which he previously represented her. On several occasions, Judge Haenlein improperly accessed the Judicial Paper on Demand (“JPOD”) system in order to do so. JPOD is the Judicial Department’s online case management system, and a Chief Justice Directive bars judges from accessing cases in JPOD unless they have an official reason to do so related their work as a judge.

15. The above-referenced legal advice was provided, in part, via text message. A text exchange between Judge Haenlein and Ms. Doe in the Spring of 2022 shows Judge Haenlein offering legal advice to Ms. Doe interspersed with explicit sexts. At one point in the exchange, Ms. Doe asked Judge Haenlein for \$150 to assist in paying rent, and he agreed to the same. On the same date, Ms. Doe then texted Judge Haenlein a nude picture of herself. When Judge Haenlein didn’t immediately send Ms. Doe via electronic means the requested \$150, she texted him, “Did u 4get me lol jk jk.” Judge Haenlein then responded, “Sorry. I just sent it [the money].”

16. On July 26, 2022, two months after the above-referenced text exchange, Ms. Doe appeared before Judge Haenlein on a felony drug case. Another judge had already released Ms. Doe on a personal recognizance bond, so she was not in custody. Judge Haenlein disclosed to the parties he had previously represented Ms. Doe on unrelated matters and gave them 35 days to request his disqualification if they deemed it appropriate. Judge Haenlein did not disclose the intimate nature of his friendship or prior sexting with Ms. Doe; that the friendship had existed for years; that their communication was ongoing; or that the relationship prior to filing of the criminal case involved flirtation and sexts.

17. Neither party requested that Judge Haenlein recuse, and Judge Haenlein presided over the case for the next two years. He accepted a stipulated misdemeanor guilty plea in the case. He set bond on a subsequent probation violation complaint. He also granted Ms. Doe a total of eight continuances throughout the case (five prior to her initial guilty plea and three after her subsequent probation violation) so she could provide required paperwork to prove her eligibility for court-appointed counsel.

18. On October 17, 2022, approximately ten weeks after Ms. Doe first appeared before Judge Haenlein on her above-referenced criminal case, Ms. Doe texted Judge Haenlein (a) to inform him that her boyfriend, John Doe, would be appearing in front of him on two felony matters two days

later, and (b) to ask Judge Haenlein to release Mr. Doe from the county jail by granting him a personal recognizance bond in each of his two cases.

19. Two days later, John Doe appeared before Judge Haenlein on the following two felony matters:

- a. **The Colorado Drug Distribution Case:** The first of the two cases was a Class 2 drug felony (Possession with Intent to Distribute) in which Mr. Doe confessed to possessing 24 grams of methamphetamine and was facing the possibility of four to eight years in prison if convicted. Judge Haenlein had previously signed the application for Mr. Doe's arrest warrant, which application identified Ms. Doe as a potential witness in the case. Three weeks prior to Mr. Doe's first appearance before Judge Haenlein, he had appeared in court on this case before a different judge and requested to be released from custody on a personal recognizance bond, but the prior judge rejected this request as inappropriate and set bond at \$7,500 cash or surety.
- b. **The Kansas Felony Assault Case:** The second case was an extradition matter in which Mr. Doe was being detained on a warrant out of Kansas for felony Aggravated Assault. Three weeks prior, Mr. Doe had also appeared in court on this case before a different judge and, again, had already requested to be released from custody on a personal recognizance bond, but the prior judge rejected this request as well and set bond at \$10,000 cash or surety.

20. When Ms. Doe's boyfriend first appeared before Judge Haenlein, his counsel asked Judge Haenlein to reconsider the prior judge's above-referenced decisions on bond in both of his cases and instead authorize his release from jail by granting him a personal recognizance bond in each of his two cases. At this hearing, Judge Haenlein did not disclose to the parties the nature of his relationship with Ms. Doe (a possible witness in Mr. Doe's drug case). Nor did he recuse. Instead, Judge Haenlein entertained bond arguments in each case and ultimately granted Mr. Doe a personal recognizance bond in each of his two cases, over the objection of the District Attorney.

21. After being released from custody in Colorado, Mr. Doe appeared in court in Kansas on the fugitive of justice warrant. He later failed to appear on his drug distribution case in Colorado as a result of being in custody in Kansas on the above-referenced Kansas assault case.

22. Plaintiff contends that, given the nature of Mr. Doe's prior criminal history, which included a felony drug conviction, it was objectively inappropriate to grant him a personal recognizance bond in either of the above cases under the circumstances described.

### **FIRST CLAIM** **Canon Rule 1.1**

23. The preceding paragraphs are incorporated herein.

24. Canon Rule 1.1 states in relevant part: “A judge shall comply with the law.” “Law” is defined by the Code of Judicial Conduct to include court rules and orders.

25. By accessing Ms. Doe’s cases via the Judicial Department’s case management system (i.e. JPOD) on multiple different occasions, without a valid, official purpose related to his job, Judge Haenlein violated Chief Justice Directive 07-01 and thereby violated Canon Rule 1.1.

## **SECOND CLAIM**

### **Canon Rule 1.2**

1. The preceding paragraphs are incorporated herein.

2. Canon Rule 1.2 states in relevant part:

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

3. Comment 5 to Canon Rule 1.2 recognizes that “impropriety” includes “conduct that violates the law, court rules, or provisions of this Code.”

4. Judge Haenlein violated Canon Rule 1.2 because the conduct described above related to Ms. Doe and her boyfriend, John Doe, created an appearance of impropriety.

## **THIRD CLAIM**

### **Canon Rule 2.11**

5. The preceding paragraphs are incorporated herein.

6. Canon Rule 2.11 states in relevant part:

A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned . . . .

7. Judge Haenlein violated Canon Rule 2.11 when he failed to recuse from both Jane Doe’s criminal case and John Doe’s drug distribution case, in which Ms. Doe had improperly requested favorable bond treatment for Mr. Doe.

## **FOURTH CLAIM**

### **Canon Rule 3.10**

8. The preceding paragraphs are incorporated herein.

9. Canon Rule 3.10 states in relevant part:

“A judge shall not practice law except as permitted by law or this Code.”

10. Judge Haenlein violated Canon Rule 3.10 by engaging in the improper practice of law when he gave Ms. Doe legal advice, while a judge, about the matter in which he previously represented her.

**PRAYER FOR RELIEF**

WHEREFORE the Commission on Judicial Discipline respectfully requests that the Adjudicative Panel impose the following discipline:

- a) Publicly censure Judge Haenlein in writing pursuant to Colo. Const. Art. VI, § 23(3)(e)(II) for the above misconduct; and
- b) Remove Judge Haenlein from office pursuant to Colo. Const. Art. VI, § 23(3)(e)(II).

Dated this 15th day of April, 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 April 15, 2025, a true and correct copy of the foregoing **COMPLAINT** was served on counsel for Judge Haenlein via email at david@rklawpc.com.

/s/ Jeffrey M. Walsh

Jeffrey M. Walsh

Special Counsel

Colorado Commission on Judicial Discipline