

<b>Colorado Independent Judicial Discipline Adjudicative Board</b> 2 East 14th Avenue Denver, CO 80203	
Original Proceeding Pursuant to Colorado Constitution Article VI, § 23	
<b>THE COLORADO COMMISSION ON JUDICIAL DISCIPLINE</b>  Plaintiff,  vs.  <b>JUDGE JUSTIN B. HAENLEIN</b> , a District Court Judge of the 13th Judicial District  Defendant.	
<b>Attorney for Defendant:</b> David M. Beller, No. 35767 <b>RECHT KORNFELD, P.C.</b> 1600 Stout Street, Suite 1400 Denver, CO 80202 (303) 573-1900 Fax: (303) 446-9400 <a href="mailto:david@rklawpc.com">david@rklawpc.com</a>	▲ COURT USE ONLY ▲  CCJD Case Number: 24-176
<b>MOTION TO VACATE STATUS CONFERENCE</b>	

Judge Justin B. Haenlein, through his counsel, David M. Beller of Recht Kornfeld, P.C., respectfully moves to vacate the status conference set for May 8, 2025, and states in support:

**CERTIFICATE OF CONFERRAL**

Undersigned counsel has conferred with counsel for Plaintiff, Jeff Walsh, and he advises that the Commission takes no position on this motion.

## **MOTION**

1. Plaintiff filed its complaint on April 15, 2025, and on April 29, 2025, Judge Haenlein filed his answer.

2. Contemporaneously with filing his answer, Judge Haenlein resigned as a district court judge of the 13th Judicial District.

3. Judge Haenlein's resignation has mooted the necessity for a further hearing in this matter, as the Adjudicative Panel cannot grant the primary relief sought by Plaintiff, which is Judge Haenlein's removal from the bench. A Complaint and Answer now having been filed as demanded, this case is now at issue before this Panel.

4. The Adjudicative Panel's options at this point are, therefore, to accept the parties' stipulation to public censure, or at the Panel's discretion, dismiss the complaint, or impose public or private discipline (e.g. reprimand or censure). See, House Concurrent Resolution 23-1001(e)(I), Colo. Const. Art. XI § 23(3)(e)(II). Judge Haenlein's resignation moots all available options other than dismissal of the complaint, reprimand, or censure. *Id.*

5. In similar circumstances, the Colorado Supreme Court has held that, even after a judge has resigned, (s)he may still be censured for misconduct committed while serving as a judge. *See In re Booras*, 2019 CO 16, ¶¶ 4, 45-46.

6. Although Judge Haenlein's resignation moots the necessity for further hearings in this case, he accepts responsibility for his conduct and, as contained in his Answer and the parties' stipulation to censure, admits that it violated his judicial obligations as stated in his Answer.

7. Accordingly, Judge Haenlein does not dispute the jurisdiction of the Panel to impose the public censure provided for in the parties' stipulation, nor argue for lesser discipline.

The Panel, however, is without the legal or constitutional ability to make factual findings or impose sanctions beyond that which is recited above.

8. As the Panel can accept the parties' stipulation without a hearing, the Panel should vacate the hearing scheduled for May 8, 2025.

9. Judge Haenlein deeply regrets his actions and the effects they have had on his colleagues and community, including undermining public confidence in the courts. He apologizes to his colleagues, family, and community.

**WHEREFORE**, this Panel should dismiss Plaintiff's Complaint or, in the alternative, accept and enter parties' Stipulation for Public Censure. As the Panel may accept the parties' stipulation without a hearing, the Panel should vacate the hearing scheduled for May 8, 2025.

Respectfully submitted this 6<sup>th</sup> day of May, 2025.

**RECHT KORNFELD, P.C.**



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Attorney for Defendant

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 6, 2025, a true and correct copy of the foregoing **MOTION TO VACATE STATUS CONFERENCE** was served on counsel for the Colorado Commission on Judicial Discipline via email.



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