Colorado Independent Judicial Discipline Adjudicative Board	
IN RE THE MATTER OF THE PEOPLE OF THE STATE OF COLORADO, Complainant, v. IAN JAMES MACLAREN, A County Court Judge of the 22nd Judicial District, Respondent.	**▲ COURT USE ONLY ▲**
Attorney for Respondent: Kevin M. McGreevy, #27407 RIDLEY, MCGREEVY & WINOCUR, P.C. 303 16th Street, Suite 200 Denver, Colorado 80202 (303) 629-9700 (303) 629-9702 fax mcgreevy@ridleylaw.com	Case No.: Div./Ctrm.:
ANSWER TO COMPLAINANT'S COMPLAINT	

Ian MacLaren, through counsel, hereby submits the following Answer to Complainant's Complaint:

INTRODUCTION

Judge MacLaren was appointed to the Montezuma County bench and began presiding over county court in November of 2024. He had been licensed to practice law for approximately nine years, and his practice had been predominantly within the County Attorney's Office for Montezuma County. His practice generally did not include criminal law. He has not yet completed his provisional term, and the voters have not yet had an opportunity to determine whether to retain Judge MacLaren. Instead, the Colorado Commission on Judicial Discipline is seeking his removal from the bench based on conduct within his first seven months of service, based on imperfect decisions both on and off the bench. The Complaint, emailed by the Commission to media outlets, overreaches on facts and makes incorrect assumptions and conclusions in a heavy-handed attempt to remove this new judge for the following actions: (1) setting a hearing in the *Burris* matter, (2) commenting on a diversion agreement in open court, (3) failure to allow Mr. Burris to speak at the diversion hearing, (4) alleged misrepresentations to the Commission in a letter response, and (5) mentioning his position as a judge in a conversation

with Colorado Department of Wildlife officers when they discussed with him logistics of obtaining a boat permit.

Holding a Hearing on the Diversion Agreement:

When a diversion agreement is filed, the court is required to stay further proceedings. C.R.S. § 18-1.3-101(9)(f). The applicable law does not explicitly exclude or permit the setting of a hearing after the submission of a diversion agreement. *Id.* However, in a similar context - the dismissal of criminal cases - the prosecutor must file a motion in open court with reasons for the dismissal and the court has to approve the dismissal. Crim. P. 48(a); *see also* Crim. P.11(f)(5) (judges are to exercise independent judgment as to any charge or sentence concession made by the prosecution). Judge MacLaren's setting and holding a hearing underpins several claims in the complaint. **(**Complaint ¶¶ 47, 55, 65**)**.

The Complaint alleges, e.g., that Judge MacLaren "abused the prestige of office to schedule a diversion hearing, which hearing was contrary to law..." (Complaint ¶ 55.) While the Commission is acutely aware that the *Burris* diversion agreement that was filed failed to meet the statutory requirements of diversion, in that the filed agreement did not contain a signature of the defendant's attorney, they omit that salient detail from "facts" in the Complaint. Nothing in the diversion statute allows for an automatic stay of the matter upon the filing of an insufficient diversion agreement. The diversion statute requires that "all pretrial diversion agreements are governed by the terms of an individualized diversion agreement signed by the defendant, the defendant's attorney if the defendant is represented by an attorney, and the district attorney." C.R.S. §18-1.3-101(a)(a). As it turned out, the agreement filed by the parties in the *Burris* matter was NOT signed by Mr. Burris's attorney, though he had an attorney (Mr. Illingsworth) representing him on the case.

Commenting on the Diversion Agreement:

According to the Complaint, the prosecutor in the *Burris* case alleged that the reason for a diversion agreement is that "no criminal violation had occurred." (Complaint at ¶13). If in fact no criminal violation had occurred, the prosecutor had an ethical duty to dismiss the case. C.R.P.C. 3.8(a) (prosecutor may not prosecute a charge that the prosecutor knows is not supported by probable cause). If there was no evidence to support the charge, the case should have been dismissed. The charge was not dismissed, though – rather a diversion agreement was reached.

Judge MacLaren did not require an explanation for the agreement but offered the prosecutor and defense an opportunity to make any statement they chose to make. (Complaint, Ex. C at p. 5). Judge MacLaren's subsequent comments were not personal in nature but rather addressed the seriousness of the charges – a school superintendent who was alleged to have ignored his statutory duty to report an allegation of sexual conduct. Judge MacLaren used the phrase "alleged" or "allegations" at times in the hearing, making clear these were the allegations, supported by probable cause in a case filed (and not being dismissed) by the District Attorney. ("Given the allegations in this case", "the facts in this case that are alleged…", and "it is alleged that Mr. Burris…", transcript pages 5-6, Exhibit C to the Complaint.) Seeking disciplinary

sanctions for a judge not using the word "alleged" *every* time, but rather only several times, during a hearing is unprecedented.

Judge MacLaren's Alleged Failure to Allow Mr. Burris to Speak at the Hearing:

At the end of the hearing, Judge MacLaren ordered the stay and the following colloquy occurred:

> THE COURT: So at this point in time I will stay proceedings for a period of six months. I'll await further filing from the District Attorney's Office and no further hearings will be set at this point in time. I hope you all have a good day.
> MR. PIERCE [The prosecutor]: Thank you, Your Honor.
> THE DEFENDANT: May we talk sometime?
> THE COURT: No, Mr. Burris.
> THE DEFENDANT: Good. Thank you. Have a good day.

Contrary to the allegations in the Complaint (Complaint, ¶¶29-31), Judge MacLaren did not deprive Mr. Burris of an opportunity to talk at the hearing. When Mr. Burris asked, "May we talk *sometime*" (emphasis added), at the very end of the hearing, it was obviously not a request to make an immediate statement. At the beginning of the hearing, Judge MacLaren gave both the prosecution and the defense an opportunity to talk. Furthermore, as the case was stayed for the diversion agreement compliance, it would have been wrong for Judge MacLaren to speak to Mr. Burris *ex parte,* after the hearing.

Judge MacLaren's Letter to the Commission:

In the Complaint, the Commission alleges that Judge MacLaren was dishonest in his response ("Response") to the Commission's Rule 14 letter of April 24, 2025. (Complaint, ¶¶ 34-35). Judge MacLaren disputes this claim.

A. Statements About Media Coverage

In his Response, Judge MacLaren indicated he did not "invite" Ms. Cass to the hearing and never "asked or encouraged" that Ms. Cass attend the hearing. (Complaint, Exhibit D, p. 5). While the Commission may dispute Judge MacLaren's characterization of his communication with Ms. Cass, Judge MacLaren should not be deemed to have lied since he admitted to the essential fact – he did provide Ms. Cass with notification of the court dates. (*Id.* at p. 5). Initially, this was in response to Ms. Cass's inquiry. Judge MacLaren has acknowledged to the Commission that he should not have provided even the public information of a hearing date to Ms. Cass. The notification he provided was not an invitation or request for her to cover the story. Judge MacLaren knew the paper had been covering the matter for the past six months. He improvidently provided Ms. Cass with notices about the dates/times of the hearings, but nothing else. When Ms. Cass asked about his intentions at the hearing in a February 24th text, Judge MacLaren provided no information to Ms. Cass. Judge MacLaren did not lie to the Commission about the facts concerning his communications.

B. Judge MacLaren's Statements About Requiring a Hearing for Diversion Agreements

In his Response, Judge MacLaren indicated he routinely set cases for hearing when a motion for dismissal or a diversion agreement is filed. (Exhibit D, at p. 2). This response was made prior to any review of cases he had handled and based on his recollection. According to cases reviewed by the Commission, the Complaint alleges that of the 86 cases that involved diversion agreements, 84 were done in open court at a hearing, albeit set for another purpose. (Complaint, ¶35(b)). The two other cases were Montezuma County Court Case Nos. 2024M534 and 2025M557. The Commission complains that Judge MacLaren was dishonest when 84 of his 86 diversion matters were accepted in open court, and not *all* of his cases.

The two exception cases cited by the Commission bear some scrutiny. In Montezuma County Court Case No. 2024M557, a child abuse case, the prosecution and defendant had announced a diversion agreement resolution at a hearing. After the parties announced on the record that a diversion agreement had been reached, Judge MacLaren indicated that the case would be stayed if the diversion agreement was filed. The agreement was filed later that same day, and Judge MacLaren ordered a stay without a further hearing. In Montezuma County Court Case No. 2024M534, a third-degree assault case, upon filing a diversion agreement, Judge MacLaren's clerk administratively stayed the case and removed the case from a future docket without Judge MacLaren's knowledge and as a result, Judge MacLaren did not notice that a diversion agreement had been reached and he did not set the matter for hearing.

Although the records show that Judge MacLaren did not set another case for a separate hearing on a diversion agreement, the evidence does demonstrate that he did "routinely" address diversion agreements in open court – in 85 out of 86 times. The only case in which Judge MacLaren did not address a diversion agreement in open court involved a case that was incorrectly closed by Judge MacLaren's court clerk.

C. Understanding of the Term "Open Court."

The Complaint alleges that Judge MacLaren was dishonest when he indicated to the Commission that the term "open court" indicated a hearing in a courtroom. (Complaint, ¶35(c)). As previously noted, of the 86 cases identified by the Commission, 85 involved diversion agreements announced in (open) court. In the two cases identified in the Complaint, Judge MacLaren was either informed *in court* that a diversion agreement was going to be filed later and then he subsequently stayed the case in writing or a situation where a clerk electronically received a diversion agreement and administratively stayed the case and removed the next set court hearing. These cases do not support the proposition that Judge MacLaren was dishonest about diversion cases being announced or heard in open court.

D. Whether Judge MacLaren Was Aware That Ms. Cass Was in the Courtroom.

The Complaint alleges that Judge MacLaren was dishonest in his response when he indicated he did not see Ms. Cass or a member of the press in the courtroom. (Complaint at ¶35(e)).

The photograph taken by Ms. Cass does not establish whether Judge MacLaren saw her or not. The courtroom was quite busy that afternoon and the *Burris* hearing was heard at 1:39 p.m., the beginning of the afternoon docket. (Complaint, Ex. C, p.2). During the brief hearing, Judge MacLaren was focused on the parties, and not the audience in the courtroom.

Whether Judge MacLaren recalled whether he saw Ms. Cass or not has little do with the issues in the Complaint. He had provided the date and time to Ms. Cass who wanted to cover the case for the *Cortez Journal*.

After the hearing, Ms. Cass subsequently texted Judge MacLaren and asked if he could see her fluffy red pen, which also served to inform Judge MacLaren she was there. His response "Dammit, I didn't see your pen!" did not indicate whether he saw her in the courtroom as it was a comment that is also consistent with not seeing Ms. Cass in the courtroom.

E. Reference to Position as a Judge to Park Rangers.

Judge MacLaren recognizes he was in error in mentioning – for any reason – that he was a judge in his second encounter with the park rangers. While his intent was to offer an explanation why going to an office to obtain a permit during the work week was difficult, he should not have mentioned his judicial status for any reason.

Audio of the encounter and interviews of the rangers who ticketed Judge MacLaren in the second encounter demonstrates that Judge MacLaren was frustrated with the hurdles he faced attempting to register the boat, but also that he was easygoing and compliant with the officers and that the officers thought he was respectful and was not using his position to influence the officers. This bears repeating: the officers did not think mentioning his occupation, in the context of when it happened (or at any time in their encounter) reflected an intent of Judge MacLaren to obtain special treatment. Audio of the encounter shows that after Judge MacLaren made the remark, he subsequently told officers "you got to do what you got to do… I know you got a job to do" and when the officer said he appreciated the civil service, Judge MacLaren asked the officer "not to consider that at all" and explained he just wanted to show why he was too busy to get the registration when his online attempts failed. ***(Park Ranger*** Audio Part One: 1:15-1:40)

While the Commission is over-reaching in its allegations ***and conclusion*** that Judge MacLaren should be removed from the bench for violating a variety of Canons by various means, Judge MacLaren acknowledges that he should have made different decisions at particular moments under review. Yet the sum total of his errors do not rise to the prospect of removal from office.

In response to the numbered paragraphs of the Complaint, we provide the following answers.

PARTIES AND JURISDICTION

1. Respondent admits the allegations in Paragraph 1 of the Complaint.

2. Respondent admits the allegations in Paragraph 2 of the Complaint.

3. Respondent admits the allegations in Paragraph 3 of the Complaint.

4. Respondent admits the allegations in Paragraph 4 of the Complaint.

5. Respondent admits the allegations in Paragraph 5 of the Complaint.

6. Respondent admits the allegations in Paragraph 6 of the Complaint.

7. Respondent admits the allegations in Paragraph 7 of the Complaint.

ALLEGATIONS

The Diversion Agreement in the Burris Criminal Case

8. Respondent admits the allegations in the first sentence of Paragraph 8 of the Complaint. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegation regarding the word "a lot" in the second sentence of Paragraph 8 of the Complaint, and therefore, denies the allegation.

9. Respondent admits the allegations in Paragraph 9 of the Complaint.

10. Respondent admits the allegations in Paragraph 10 of the Complaint.

Judge MacLaren's Disapproval of the Diversion Agreement

11. Respondent denies the allegations in Paragraph 11 of the Complaint.

12. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of Plaintiffs' Complaint and therefore denies the allegations therein.

13. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of Plaintiffs' Complaint and therefore denies the allegations therein.

Judge MacLaren Holds a De Facto Press Conference Under the Pretext of a "Hearing."

14. The allegations in Paragraph 14 call for a legal conclusion. To the extent a response is required, Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the Complaint and therefore denies the allegations therein.

15. Respondent admits the allegations in Paragraph 15 of the Complaint, except that he denies he set a hearing requiring the parties to appear "to justify the diversion agreement."

16. Respondent denies the allegations in Paragraph 16 of the Complaint.

17. Respondent denies the allegations in Paragraph 17 of the Complaint.

18. Respondent admits the allegations in Paragraph 18 of the Complaint in that he characterized his relationship with Ms. Cass as, "at times, we have been romantically involved."

19. Respondent admits the allegation in the first sentence of Paragraph 19 of the Complaint that he "denied Mr. Burris's request to waive his appearance at the hearing, thereby requiring Mr. Burris to attend in person". Respondent denies the remaining allegations in Paragraph 19 of the Complaint.

20. Respondent admits the allegations in Paragraph 20 of the Complaint.

21. Respondent admits the allegations in Paragraph 21 of the Complaint in that the photograph was published on the newspaper's website within 31 minutes of Ms. Cass's text to Respondent referenced in Paragraph 19 of the Complaint.

22. Respondent admits, with respect to the allegations in Paragraph 22 of the Complaint, that shortly after the article was published, the court executive alerted Judge MacLaren that a picture had been published, and that the court executive would deal with the violation by alerting her publisher of the problem. After the court executive said that he would take care of the issue (which is naturally after the photograph was published) Judge MacLaren then saw the text from Ms. Cass indicating that she had "secretly snapped" the photograph, and he responded to Ms. Cass without chastising her. To the extent applicable, Respondent denies the remaining allegations in Paragraph 22 of the complaint.

Judge MacLaren's Derogatory Comments at the Diversion Hearing

23. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23 of the Complaint and therefore denies the allegations therein.

24. Respondent denies the allegations in Paragraph 24 of the Complaint.

25. Respondent admits the quoted statement in Paragraph 25 of the Complaint but denies the allegation in the last sentence, "These comments were inappropriate for three reasons" and he also denies the remaining allegations in subparagraphs (a)-(c).

26. Respondent denies the allegations in Paragraph 26 and subparagraph (a) of the Complaint to the extent they are not argument of legal assertions.

27. Respondent admits the quoted statement made in Paragraph 27 but denies the allegations in subparagraphs (a) and (b).

28. Respondent admits the quoted statement made in Paragraph 28 but denies the allegations in subparagraph (a).

Judge MacLaren's Refusal to Let Mr. Burris Speak at the Diversion Hearing

29. Respondent denies the allegation in Paragraph 29 of the Complaint.

30. Respondent admits the allegations in Paragraph 30 of the Complaint in that Mr. Burris at the conclusion of the hearing, asked Respondent, "May we speak sometime?", suggesting outside of court or off the record. Respondent admits that he declined to speak to Mr. Burris, "sometime." Ex. C, p. 8 of the Complaint.

31. Respondent denies the allegations in Paragraph 31 of the Complaint.

The Effect of Judge MacLaren's Comments

32. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 32 of the Complaint and therefore denies the allegations therein.

33. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33 and subparagraphs (a)-(q) of the Complaint and therefore denies the allegations therein.

Judge MacLaren's Dishonesty With the Commission on Judicial Discipline

34. Respondent admits the allegations in Paragraph 34 of the Complaint.

35. Respondent denies the allegations in Paragraph 31 and subparagraphs (a)-(e) of the Complaint.

The "Ticket-Fixing" Case

36. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 36 of the Complaint and therefore denies the allegations therein.

37. Respondent denies the allegations contained in Paragraph 37 of the Complaint.

38. Respondent denies the allegations in Paragraph 38 of the Complaint.

39. Respondent denies the allegations in Paragraph 39 of the Complaint based on the mischaracterization that the quoted comment was from Respondent or is accurate.

40. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 40 of the Complaint and therefore denies the allegations therein.

41. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 41 of the Complaint and therefore denies the allegations therein.

42. The allegations in Paragraph 42 call for a legal conclusion. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 42 of the Complaint and therefore denies the allegations therein.

FIRST CLAIM
Canon Rule 1.2 (Appearance of Impropriety) – the Burris Case

43. Respondent incorporates his previous responses by this reference.

44. Respondent admits the allegations in Paragraph 44 of the Complaint.

45. Respondent admits the allegations in Paragraph 45 of the Complaint.

46. Respondent admits the allegations in Paragraph 46 of the Complaint.

47. Respondent denies the allegations in Paragraph 47 of the Complaint.

SECOND CLAIM
Canon Rule 1.2 (Appearance of Impropriety) – the Ticket Fixing Case

48. Respondent incorporates his previous responses by this reference.

49. Respondent admits the allegations in Paragraph 49 of the Complaint.

50. Respondent admits the allegations in Paragraph 50 of the Complaint.

51. Respondent admits the allegations in Paragraph 51 of the Complaint.

52. Respondent denies the allegations in Paragraph 52 of the Complaint.

THIRD CLAIM
Canon Rule 1.3 (Abuse of the Prestige of Office) – the Burris Case

53. Respondent incorporates his previous responses by this reference.

54. Respondent admits the allegations in Paragraph 54 of the Complaint.

55. Respondent denies the allegations in Paragraph 55 of the Complaint.

56. Respondent denies the allegations in Paragraph 56 of the Complaint.

57. Respondent denies the allegations in Paragraph 57 of the Complaint.

FOURTH CLAIM
Canon Rule 1.3 (Abuse of the Prestige of Office) – The Ticket Fixing Case

58. Respondent incorporates his previous responses by this reference.

59. Respondent admits the allegations in Paragraph 59 of the Complaint.

60. Respondent admits the allegations in Paragraph 60 of the Complaint.

61. Respondent denies the allegations in Paragraph 61 of the Complaint.

FIFTH CLAIM
Canon Rule 2.2 (Impartiality and Fairness)

62. Respondent incorporates his previous responses by this reference.

63. Respondent admits the allegations in Paragraph 63 of the Complaint.

64. Respondent admits the allegations in Paragraph 64 of the Complaint.

65. Respondent denies the allegations in Paragraph 65 of the Complaint.

SIXTH CLAIM
Canon Rule 2.3(A) (Bias and Prejudice)

66. Respondent incorporates his previous responses by this reference.

67. Respondent admits the allegations in Paragraph 67 of the Complaint.

68. Respondent admits the allegations in Paragraph 68 of the Complaint.

69. Respondent denies the allegations in Paragraph 69 of the Complaint.

SEVENTH CLAIM
Canon Rule 2.4 (External Influences on Judicial Conduct)

70. Respondent incorporates his previous responses by this reference.

71. Respondent admits the allegations in Paragraph 71 of the Complaint.

72. Respondent denies the allegations in Paragraph 72 of the Complaint.

73. Respondent denies the allegations in Paragraph 73 of the Complaint.

EIGHTH CLAIM
Canon Rule 2.6(a) (Ensuring the Right to be Heard)

74. Respondent incorporates his previous responses by this reference.

75. Respondent admits the allegations in Paragraph 75 of the Complaint.

76. Respondent denies the allegations in Paragraph 76 of the Complaint.

NINTH CLAIM
Canon Rule 2.16(A) (Cooperation with Disciplinary Authorities)

77. Respondent incorporates his previous responses by this reference.

78. Respondent admits the allegations in Paragraph 78 of the Complaint.

79. Respondent denies the allegations in Paragraph 79 of the Complaint.

80. Respondent denies the allegations in Paragraph 80 of the Complaint.

AFFIRMATIVE DEFENSES

The following potential defenses may be employed:

1. Doctrine of Judicial Immunity.

2. Lack of Rules of Procedure for Judicial Discipline Matters – procedural due process.

3. Violation of the separation of powers. Colo. Const. art. III.

WHEREFORE, Respondent Ian MacLaren respectfully requests that the Colorado Independent Judicial Discipline, Adjudicative Board, enter judgment in his favor and against Complainant.

Respectfully submitted,

RIDLEY, MCGREEVY & WINOCUR, P.C.

s/ Kevin M. McGreevy
Kevin M. McGreevy, #27407
Attorney for Respondent Ian MacLaren

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of September, 2025, I served a true and correct copy of the foregoing **ANSWER TO COMPLAINANT'S COMPLAINT** via electronic mail, addressed to the following:

Jeffrey M. Walsh, Special Counsel
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s/ Polly Ashley
Polly Ashley