

MINNESOTA BOARD ON JUDICIAL STANDARDS

In the Matter of Judge
Jay M. Quam

PUBLIC REPRIMAND

File No. 25-05

TO: Judge Jay M. Quam

The Board on Judicial Standards (“Board”) received a complaint concerning the conduct of Judge Jay M. Quam. The Board investigated the complaint. On March 28, 2025, based upon the Board’s investigation and proceedings, the Board issued a notice of proposed public reprimand to Judge Quam in accordance with Rules 6(f)(5)(iii) and 6(f)(7), Rules of Board on Judicial Standards.

Judge Quam submitted comments and criticisms, but did not demand a formal complaint and public hearing. Consequently, this public reprimand is final.

Based upon the Board’s investigation and proceedings, the Board now makes the following:

FINDINGS OF FACT

1. Judge Jay M. Quam was appointed to the Fourth Judicial District bench in 2006. He has no disciplinary history with the Board.
2. Judge Quam retired on March 7, 2025. However, the Board commenced an investigation into his conduct before he retired, and the conduct occurred while Judge Quam was in judicial office. Therefore, the Board retained jurisdiction pursuant to Rule 2(d), Rules of Board on Judicial Standards.
3. In November 2011, the Minnesota Judicial Council approved amendments to Judicial Council Policy 304, the Non-Discrimination and Harassment Policy, which prohibits sexual harassment. The amendments, in effect as of January 1, 2012, made clear that judges are subject to Policy 304, and that violations of Policy 304 will result in disciplinary action.

4. At the time it was considered by the Judicial Council in November 2011, Policy 304 stated:

It is the responsibility of every judge and court employee to strive to create an environment free of harassment and discrimination. All judges and court employees are expected to treat other court employees, court users, and the public with dignity and respect and to comply with this policy. Violations of this policy will result in disciplinary action.

5. Policy 304 was last revised by the Judicial Council in June 2018. Policy 304 continues to state, “It is the responsibility of every judge and court employee to strive to create an environment free of harassment.” Policy 304 defines sexual harassment as,

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile, or offensive work environment.

Specific examples of sexual harassment listed in Policy 304 include:

- [S]exually motivated or inappropriate physical contact such as kissing, touching, hugging, . . . or other sexual contact.
- Verbal comments or discussions of a sexual nature.
- Verbal sexual innuendos, sexual flirtation, suggestive comments, and degrading sexual remarks.
- Nonverbal staring, leering, or ogling.

6. Pursuant to her duty under Rule 2.15 of the Minnesota Code of Judicial Conduct (“Code”), Chief Judge Kerry Meyer submitted a report to the Board on Judicial Standards (“Board”) which provided that a State Court Administration investigation concluded that Judge Quam engaged in sexual harassment.

7. Judge Quam engaged in inappropriate sexual contact with his law clerk for a period of time while she was in his employ. Several years after she left his employment, the relationship was renewed and continued until recently. Judge Quam and she were seen by court employees and justice partners in and around the courthouse without any apparent business reason. Within the past year, an attorney saw Judge Quam and his former clerk “canoodling” outside the courthouse—sitting close together with hands on each other’s knees.

8. In 2022 and early 2023, on at least three occasions, a court staff person overheard explicit sounds of sexual activity while Judge Quam and his former clerk were in his chambers.

9. Judge Quam made inappropriate comments to other clerks, some of which were sexual in nature such as,

- He would like to go to happy hour with a clerk to see another side of her after a few drinks.
- While looking a clerk up and down, he stated, “Yeah, you definitely have a runner’s body.”
- He commented to a clerk who had recently had a baby that she looked great for just having a baby.

He also commented on clerks’ clothing in an awkward or flirtatious way, and offered compliments about food intake and appearance. One clerk estimated that Judge Quam made 50 to 60 inappropriate comments to her during her employment.

10. Judge Quam would also stand unnecessarily close to clerks, or leer at clerks in a way that made them feel uncomfortable.

11. In response to Judge Quam’s conduct, clerks began to wear longer skirts, avoid his invitations to coffee or lunch, and act in an extra-professional way to avoid attracting unwanted attention. Clerks are fearful that Judge Quam may have an impact on their career and expressed uncertainty about including him as a reference.

12. Judge Quam has violated Judicial Branch Policy and the Minnesota Code of Judicial Conduct by engaging in a sexual relationship with an attorney while she worked as his law clerk and while in chambers, and by sexually harassing court staff.

13. Judge Quam admitted that he engaged in the misconduct noted above.

CONCLUSIONS

1. The foregoing conduct of Judge Quam violated the following provisions of the Code of Judicial Conduct:

Rule 1.1, requiring a judge to comply with the law and the Code of Judicial Conduct;

Rule 1.2, requiring a judge to promote confidence in the independence, integrity, and impartiality of the judiciary;

Rule 1.3, prohibiting a judge from abusing the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so;

Rule 2.3(B), prohibiting a judge while in the performance of judicial duties from using words or conduct that manifest bias or prejudice; engaging in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation; and permitting court staff, court officials, or others subject to the judge's direction and control to do so;

Rule 2.8(B), requiring a judge to be dignified and courteous with court staff; and

Rule 3.1(A), (C), and (E), prohibiting a judge from participating in activities that interfere with the proper performance of the judge's judicial duties, that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality, or that make use of court premises, staff, stationery, equipment, or other resources, except for incidental use for activities that concern the law, the legal system, or the administration of justice, or unless such additional use is permitted by law or Judicial Branch policy.

2. The foregoing conduct also violated Rule 4(a)(5) and (6), Rules of the Board on Judicial Standards, providing that grounds for discipline include "[c]onduct prejudicial to the administration of justice that brings the judicial office into disrepute" and "[c]onduct that constitutes a violation of the Code of Judicial Conduct."


PUBLIC REPRIMAND

Based upon the foregoing Findings and Conclusions, the Board hereby publicly reprimands Judge Quam for the foregoing misconduct.

The memorandum below is made a part hereof.

MINNESOTA BOARD ON JUDICIAL STANDARDS

Dated: April 25, 2025

By: 
Sara P. Boeshans
Executive Secretary

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MEMORANDUM

Engaging in sexual conduct in the courthouse and making inappropriate comments to court staff not only disrespects the dignity and decorum of the judiciary to the public, but it also exposes court staff to a hostile and toxic work environment in violation of Rules 1.2, 1.3, 2.3(B), 2.8(B), and 3.1 of the Code.

Judge Quam's misconduct in engaging in a sexual relationship with a current clerk, and then continuing the relationship in the courthouse after the clerk left his employment, was obvious and blatant such that other staff and lawyers became aware of the relationship. A judge holds immense power over clerks and court staff, making it very difficult for clerks and court staff to report misconduct:

The judge-clerk relationship is unique. The importance of a judicial clerkship to the career of a young lawyer is enormous. A judicial clerkship can be an auspicious beginning to a legal career. [citations omitted] Judicial clerkships are marked by both strong dependence and a significant power imbalance between judge and clerk. The vulnerability of a clerk to a judge is even greater than that in most supervisor-employee relationships. By alienating his or her judge, a clerk risks great professional jeopardy.

In re Seaman, 627 A.2d 106 (N.J. 1993). Judge Quam's ongoing relationship with the clerk abused his authority and tarnished the reputation of the judiciary.

In addition, Judge Quam made inappropriate comments to other clerks, impacting their employment and performance. Victims of sexual harassment in the workplace often hesitate to file complaints due to concerns of retaliation, job security, and reputation. As one court commented on a judge's harassment of an attorney:

Gender bias in general and sexual harassment in particular, is personally offensive, extraordinarily invasive, psychologically damaging, and deeply embarrassing to the intended victim. [citations omitted] It is insulting, belittling, and inappropriate . . . Sexual harassment in the administration of justice is harmful and offensive conduct which clearly indicates a lack of respect for the judge's victim, and, by extension, a lack of respect for the citizens . . . at large."

In re Barr, 13 S.W.3d 525, 534-35 (Tex. Rev. Trib. 1998). A judge commits misconduct by making inappropriate comments about a court staff member's clothing, appearance, or body, or by making any verbal or physical advances toward court staff. *See also, Kenneh v. Homeward Bound, Inc.*, 944 N.W.2d 222, 231 (Minn. 2020) (citation omitted) ("Today, reasonable people would likely not tolerate the type of workplace behavior that courts previously brushed aside as an 'unsuccessful pursuit of a relationship.'"). Judge Quam's inappropriate comments not only harmed the clerks and court staff personally, but also harmed the public's confidence in the integrity of the judiciary.

Judge Quam has otherwise enjoyed a good reputation throughout his career, he does not have a disciplinary record with this Board, and he cooperated with the Board's investigation. However, the degree of notoriety and effect of his misconduct has damaged the public's confidence in the integrity of the judiciary. Judge Quam's misconduct was serious and caused substantial harm to the court clerks and staff. Therefore, the Board determined that a Public Reprimand must issue to resolve this matter. If Judge Quam had not yet retired, the Board may have sought more serious discipline.

Judge Quam agrees to refrain from making any public statement that tends to justify, excuse, or contradict the facts, conclusion, or determinations of the Board that relate to this Public Reprimand.