STATE OF MINNESOTA

IN SUPREME COURT

File No. _____

Inquiry into the Conduct of the Honorable Jennifer Kurud Fischer

FORMAL COMPLAINT OF BOARD ON JUDICIAL STANDARDS

Between May 2, 2024 and April 28, 2025, the Board on Judicial Standards ("Board") received complaints and information alleging that Judge Jennifer Kurud Fischer engaged in misconduct. The Board conducted an investigation. On March 21, 2025, the Board reviewed the results of the investigation and determined that there is reasonable cause to believe that Judge Fischer committed misconduct as set forth below and that it is necessary to issue a Formal Complaint pursuant to Board Rules 6(f)(5)(iv) and 8.

Board Rule 8(a)(3) requires that Judge Fischer serve a written response to this complaint within 20 days after service of the complaint.

PREVIOUS DISCIPLINE

The Board and Judge Fischer entered into a Deferred Disposition Agreement ("Agreement") on January 17, 2023. Upon successful completion of the Agreement, the Board was to issue a private admonition. By entering into the Agreement, Judge Fischer admitted that she engaged in misconduct as follows:

> 3. Judge Fischer committed misconduct in multiple cases. For example:
>
> a. Judge Fischer twice stated to a juvenile, "Do you want me to get the duct tape out?" *In re G[] and R[]*, File No. 34-JV-18-143 (Feb. 26, 2019), T.19:14-15, 19:18-19.
>
> b. Judge Fischer referred to a prosecutor as a "live body," and required him to make an appearance in a matter to which he was not assigned and unprepared. *State v. Kurtz*, File No. 47-CR-21-1112 (Jan. 25, 2022), T.4:20.
>
> c. Judge Fischer made inappropriate and irrelevant comments about a mother's conduct in an order for protection ("OFP") hearing. For example, of the mother allowing her daughter to go hunting with the mother's boyfriend, Judge Fischer stated: "I don't know of any mother who would do that, and I don't know of any father of a four or six year old child who would be okay if asked . . . . Just because you have deemed

them to be appropriate to have sex with does not mean that they are a safe person for your children." There was no allegation in the OFP petition regarding this topic. *Maurer v. Latham*, File No. 47-FA-22-90 (Feb. 28, 2022), T.56:19-57:1.

d. Judge Fischer made statements in an order dismissing a criminal case that could reasonably cause one to question her impartiality and made questionable statements about the police officers in general, and the arresting officers in particular. *See State v. Torgerson*, File No. 47-CR-21-606, Omnibus Order (March 22, 2022).

e. At a sentencing hearing, Judge Fischer commented that she felt sick to her stomach regarding a plea agreement that she had accepted at a previous hearing. She also sarcastically stated: "I want to say thank you to [the attorneys] for putting me in that position of feeling really ill about having given . . . a stay of adjudication. So with that being said, it feels icky and I feel like I am not doing the right thing." *State v. Morris*, File No. 34-CR-19-1050 (Dec. 1, 2020), T.5:7-12.

f. At a criminal hearing, Judge Fischer threatened a defense attorney who had demanded a speedy omnibus hearing. *State v. Elizondo*, File No. 34-CR-22-42 (Jan. 26, 2022), P.465:22-24.

g. Of a criminal defendant who had previously failed to appear for a hearing, Judge Fischer stated: "This is not the first time Mr. Dahlberg has been before the court. He is not as unsophisticated as counsel would suggest. He is a game player. I've reviewed the PSI. I've had Mr. Dahlberg before, and he presents as pathetic and plays on that." *State v. Dahlberg*, File Nos. 34-CR-19-207, 34-CR-16-552 (Feb. 2, 2022), T.6:19-24.

4. The [Supreme Court Administrator's Office] investigation concluded:

[Judge Fischer] spoke directly to or in the presence of court staff about topics that were sexual in nature and a reasonable person today would not tolerate this type of behavior.

. . . .

[I]nterviews with court staff expressed concerns about Judge Fischer's erratic, explosive, and unpredictable behavior, and that such behavior occurs publicly in the courtroom directed at individuals appearing before her, as well as in administrative areas of the court in the presence of court staff and within hearing range of the public courthouse areas. There were also statements indicating Judge Fischer has spoken about discontinuing use of prescribed medication for mental health issues in an effort to manage issues on her own.

> The investigator concluded that "Judge Fischer's actions constituted sexual harassment," and that her actions may be a basis of a colorable claim of liability against the Judicial Branch. The Board adopts the SCAO Conclusion.

The Agreement also states:

> 7. Judge Fischer shall not retaliate, directly or indirectly, against any person who reported misconduct or assisted or cooperated with the Board's investigation or the Supreme Court Administrator's Office investigation.
>
> . . . .
>
> 10. If Judge Fischer does not comply with the conditions set forth herein, the Board, in its sole discretion, may take such action under Board Rule 6(f) as the Board deems proper. Such action may include the issuance of a proposed public reprimand or the filing of a Formal Complaint seeking public discipline against Judge Fischer based on the present matters in addition to any additional misconduct found by the Board.
>
> 11. In addition, if, based on a new allegation received on or before January 18, 2028, the Board finds that there is reasonable cause to believe that Judge Fischer committed additional misconduct, the Board, in its sole discretion, may take such action under Board Rule 6(f) as the Board deems proper. Such action may include the issuance of a proposed public reprimand or the filing of a Formal Complaint seeking public discipline against Judge Fischer based on the present matters in addition to any additional misconduct found by the Board.

The Deferred Disposition Agreement is appended hereto as Exhibit A (non-public).

FACTUAL ALLEGATIONS

Based on the complaints and information received, the Board now alleges:

1. Judge Fischer was licensed to practice law in Minnesota in 1993. She was appointed to the Eighth Judicial District bench in 2013 and has served continuously as a judge since she was sworn in. She is currently chambered in Kandiyohi County.

COUNT I: Judge Fischer Violated the Agreement by Retaliating Against Those Who Had Assisted or Cooperated With the Board's Previous Investigation.

2. Judge Fischer violated the Agreement and Rule 2.16 of the Minnesota Code of Judicial Conduct by retaliating, directly and indirectly, against complainants and witnesses who assisted or cooperated with the Board's investigation and the Supreme Court Administrator's investigation (both of which resulted in the Agreement).

3. The following individuals (among others) lodged complaints against Judge Fisher in 2022 and 2023, and cooperated in the investigation of the complaints against Judge Fischer: Chief Judge Stephanie L. Beckman, Rebecca Rue (Assistant City Attorney for the City of Litchfield and a private practitioner), and Brandi L. Schiefelbein (Meeker County Attorney).

4. Public Defenders Carter Greiner and Jay Liedman, among others, cooperated in the Board's investigation of such complaints.

5. Assistant Chief Judge Rodney Hanson also cooperated with the Board's investigation.

6. Judge Fischer was aware of the complainants and cooperating witnesses because she requested and was provided with a copy of the Board's file consistent with Board Rule 5(h), Rules of Board on Judicial Standards.

Improper Requests for Investigation

7. Judge Fischer filed complaints against Chief Judge Beckman and Assistant Chief Judge Hanson with the Minnesota Supreme Court Administrator's Office and the Board on Judicial Standards.

May 2, 2024 Complaints regarding Chief Judge Beckman

8. On May 2, 2024, Judge Fischer submitted to the Board two complaints regarding the conduct of Chief Judge Beckman, alleging that Chief Judge Beckman violated nine Rules of the Code of Judicial Conduct. Judge Fischer also emailed these complaints that same day to Carla Heyl, the then-Director of the Legal Counsel Division of the State Court Administrator's Office. In one of the complaints, Judge Fischer stated that Chief Judge Beckman "has engaged in a course of conduct that is indicative of professional impairment. Chief Beckman told me a few years ago

that her husband is an opiate addict, losing his job and his business. I have not seen any sign of active recovery, but what I have seen in the last couple years is concerning. At Judge Ben Wilcox's investiture, she seemed impaired." On May 10, 2024, the Board determined there was no reasonable cause to believe Chief Judge Beckman committed misconduct and dismissed these two complaints.

9. In its May 15, 2024 letter to Judge Fischer dismissing the complaints against Chief Judge Beckman, the Board reminded her that "Rule 2.16(B) and Paragraph 7 of the January 17, 2023 Deferred Disposition Agreement prohibit you from retaliating, directly or indirectly, against those who reported misconduct or assisted in the Board's investigation."

June 4, 2024 Complaint against Assistant Chief Judge Hanson

10. On June 4, 2024, the Board received a complaint from Judge Fischer regarding the conduct of Assistant Chief Judge Rodney Hanson, alleging that he violated four Rules of the Code of Judicial Conduct. Judge Fischer copied Ms. Heyl on the complaint. On June 28, 2024, the Board determined there was no reasonable cause to believe Judge Hanson committed misconduct and dismissed the complaint.

11. In its July 1, 2024 letter to Judge Fischer dismissing the complaint against Assistant Chief Judge Hanson, the Board reminded her that "Rule 2.16(B) and Paragraph 7 of the January 17, 2023 Deferred Disposition Agreement prohibit you from retaliating, directly or indirectly, against those who reported misconduct or assisted in the Board's investigation."

June 4 and 27, 2024 Complaints against Public Defender Carter Greiner

12. On June 4, 2024, the Board received a letter from Judge Fischer that stated, "This is to make the unusual request to the Board of [sic] Judicial Standards (BJS) to investigate the complaints of Public Defender Carter Greiner against this Judge." Judge Fischer copied Ms. Heyl on the letter. The Board had not yet received any complaints from Mr. Greiner regarding the conduct of Judge Fischer.

13. On June 27, 2024, Judge Fischer sent the Board and Ms. Heyl a copy of her complaint against Public Defender Carter Greiner, also dated June 27, 2024, which she filed with the Office of Lawyers Professional Responsibility. Her complaint points to alleged conduct dating back 25 years.

Improper Assertions of Impairment and Other Retaliatory Conduct

14. On April 12, 2024, Judge Fischer told Assistant Chief Judge Hanson that Chief Judge Beckman is an opioid addict and uses the subterfuge of migraines to cover up her addiction.

15. During the conversation, Judge Fischer also told Assistant Chief Judge Hanson that in reference to the Agreement, she did nothing wrong and that Chief Judge Beckman is lying about the number of removals against her.

16. In that same conversation, Judge Fischer told Assistant Chief Judge Hanson that Public Defender Carter Greiner is "severely mentally ill," and that Public Defender Jay Liedman is "misogynistic" without providing any support for her allegations.

17. On May 9, 2024, Judge Fischer told District Administrator Deb Mueske that she believed Judge Beckman was impaired because she was "talking 'circular' on the bench."

18. On May 10, 2024, Judge Fischer told Assistant Chief Judge Hanson that she was planning to bring a lawsuit against Chief Judge Beckman demanding five million dollars ($5,000,000) for intentional infliction of emotional harm and defamation.

19. In the May 10 conversation, Judge Fischer again told Assistant Chief Judge Hanson that she learned from her court reporter that Chief Judge Beckman was impaired on the bench. She also told him that she has learned and knows that Chief Judge Beckman is mentally ill and chemically dependent, and that Chief Judge Beckman is an opioid addict who hides behind a diagnosis of migraine headaches, and that Chief Judge Beckman got the opioid addiction from her husband.

20. Prior to the elections for Eighth Judicial District Chief Judge in 2024, on or about June 9, 2024, Judge Fischer told Judge Doll that she was concerned that Chief Judge Beckman was engaged in substance abuse. Judge Fischer also told Judge Doll that Chief Judge Beckman might have borderline personality problems.

21. Judge Fischer told the Board she was unable to attend a meeting on January 31, 2025 because of a "mandate" Chief Judge Beckman issued requiring her to attend an investiture. There was no mandate.

22. At a meeting with the Board on Judicial Standards on March 21, 2025, Judge Fischer stated that Chief Judge Beckman's behaviors are indicative of an impaired professional, and that Chief Judge Beckman's behavior toward Judge Fischer is caused by either addiction or sociopathy. When asked, she did not provide any credible evidence to support this assertion.

Misconduct Targeting Carter Greiner

23. Public Defender Carter Greiner's appearance before Judge Fischer in *In re A.M.*, File No. 34-JV-23-231, a juvenile matter, was his first trial before Judge Fischer since his return to the Eighth District Public Defender's Office. Judge Fischer retaliated against Mr. Greiner by interfering with Mr. Greiner's presentation of the juvenile's case at trial; failing to allow him to complete his opening statement; accusing Mr. Greiner of indoctrinating the court; noting that the prosecution could pursue a perjury investigation against the juvenile; accusing Mr. Greiner of suborning perjury; and finding wrongdoing by the child for the child "relying on their defense counsel to advocate" for them, among other things.

24. On June 18, 2024, in *C.J.W.*, File No. 34-JV-24-91, Judge Fischer recused herself from hearing any further matters involving Public Defender Carter Greiner, writing in the Order:

> Mr. Greiner has made recent, unresolved, unsubstantiated claims of racism and bias by the undersigned. This Court will recuse from any further case where Mr. Greiner is assigned until the matter of his discipline is resolved. This is not a capitulation to the aforementioned unsubstantiated claims of racism and bias. This is to protect the Court from unfair criticism due to the *appearance* of impropriety.

Misconduct Targeting Rebecca Rue

25. On June 6, 2024, in *Rusch v. Rusch*, File No. 34-FA-24-117, Judge Fischer retaliated against Attorney Rebecca Rue by wrongly accusing her of engaging in ex parte communication. Ms. Rue submitted a letter to the Court seeking a continuance. The letter copied opposing counsel and the Guardian ad Litem. In the communication denying the request, Judge Fischer noted that she had reviewed Ms. Rue's continuance request and "Multiple ex parte requests and communication," and denied the continuance request with the following explanation:

> Review hearing is for the Court and GAL and parties to meet and confer about the best interests of the child and progress on the Court's existing orders. Any requests for modification shall be made pursuant to the rules by motion. Counsel shall refrain from ex parte communication in the future.

26. At 4:38 p.m., on January 21, 2025, Judge Fischer emailed the court administrator that she "will not hear a single case with Rebecca Rue . . . . The cases set for arraignment tomorrow will have to come off." This marked the start of a pattern of Judge Fischer recusing from an unprecedented number of attorneys and entities, as described *infra* at paragraphs 48-49.

Blanket Recusal from Meeker County Matters

27. The morning of January 22, 2025, Judge Fischer began recusing from all Meeker County prosecutions including in-custody arraignments, civil, and child support cases. Brandi Schiefelbein is the Meeker County Attorney. There are also four Assistant Meeker County attorneys.

COUNT II: Judge Fischer Violated the Agreement by Committing Additional Misconduct After Entering Into the Agreement.

Failure to Remain Impartial and Inappropriate Demeanor: In re I.S.

28. In *In re I.S.*, File No. 34-JV-23-236, a juvenile matter, on January 25, 2024, Judge Fischer failed to remain impartial in issuing a second order and including gratuitous and extrajudicial comments.

29. Judge Fischer presided over *I.S.* the probable cause hearing. Her duty was to determine whether there was probable cause to believe that the juvenile committed the charged

offense. After reviewing the evidence, on December 19, 2023, Judge Fischer dismissed the charges against the juvenile based on no probable cause. On January 25, 2024, even though Judge Fischer dismissed the petition, she issued a second order, which is the basis for the allegation that Judge Fischer failed to remain impartial.

30. Judge Fischer's first order denying probable cause and releasing the juvenile adequately resolved the case. Her second order was superfluous. It included statements that were unsupported by the record, such as that the police engaged in "extrajudicial punishment," and "People already lacking trust in the police may understandably construe these events as the police arbitrarily targeting, harassing, and arresting members of a family that they dislike. Whether this is true or not the officer on the scene provided ammunition to this argument through their words and actions and only served to destabilize confidence in their office."

Failure to Remain Impartial and Inappropriate Demeanor: In re A.M.

31. In *In re A.M.*, File No. 34-JV-23-231, a juvenile matter, Judge Fischer failed to remain impartial, failed to comply with the law, and failed to display appropriate demeanor.

32. At the May 9, 2024 court trial in this matter, Judge Fischer did not allow Public Defender Carter Greiner to complete his opening statement; accused Mr. Greiner of indoctrinating the court; noted that the prosecution could pursue a perjury investigation against the juvenile; falsely accused Mr. Greiner of suborning perjury; and found wrongdoing by the child for relying on Mr. Greiner.

33. In the May 16, 2024 Findings of Fact, Conclusions of Law, & Order ("Order"), Judge Fischer also failed to remain impartial and made gratuitous findings and conclusions. For example, the Order states that the juvenile's "parents sat throughout the trial, looking down, their body language resigned." In an affidavit submitted to the Court, A.M.'s mother attested: "I was with my head down not for the reasons [Judge Fischer] assumed but because I was praying for my son to have a fair trial and I was praying because her attitude towards us was not the attitude of a fair judge, my son did not have a fair trial, the judge was not being fair with us." Similarly, A.M.'s father submitted an affidavit stating: "My wife and I had our heads bowed in prayer for God to intervene in this matter, to make the scale even and just. But as the trial went on, I realized that it didn't matter to the judge our son's side of the story, she didn't want to hear our side, and no one was going to change her mind that my son was guilty to her."

34. She also made a finding that the juvenile seemed to rely on Mr. Greiner, and focused heavily on Mr. Greiner's conduct instead of the facts of the case. Although no party raised a claim of ineffective assistance of counsel, Judge Fischer wrote, "While the Court has discussed at length the questionable decisions made by Defense Counsel during trial, these decisions constitute harmless error and the trial was not defective due to ineffective assistance of counsel."

35. The juvenile sought Judge Fischer's removal. Judge Fischer initially denied the removal on June 4, 2024, stating:

> The juvenile was found guilty of Assault after trial. Defense attorney's behavior at trial was concerning but the Court was able to set that aside and provide a fair trial. This is a collateral attack on the judgment of the court. Sentencing is July 8, 2024 and the juvenile can immediately take appeal.

36. However, on June 17, 2024, Judge Fischer recused and wrote the following on the Notice of Recusal:

> This is a simple Juvenile Misdemeanor assault case. Any judge in the Eighth Judicial District will be able to enter a fair and impartial disposition.
>
> Mr. Greiner has filed a Motion to Remove for Cause between Trial and Disposition. This Court has ruled there is no basis to Remove for Cause. This situation calls for an investigation why this attorney believes it is acceptable to act in the manner he did at the court trial on May 9, 2024, and then have direct access to the Chief Judge to complain about the Court's rulings outside of the appellate process. The question must be asked and answered: Why does this attorney believe his behavior will get him this result?
>
> It is the appearance of impropriety that is the greater concern. Mr. Greiner acted with impunity at trial and now expects to have the ear of the Chief Judge to air grievances and manipulate the system. Mr. Greiner has now advanced unsubstantiated allegations of racism regarding this Court. The Chief Judge should not have to unnecessarily attempt to navigate this quagmire; judicial economy and maintaining the dignity, honor and respect of the institution demands dealing with this in a more dignified fashion. For this reason, recusal is more appropriate.

Failure to Remain Impartial and Inappropriate Demeanor: Rusch v. Rusch.

37. In *Rusch v. Rusch*, File No. 34-FA-24-117, an order for protection matter, Judge Fischer failed to remain impartial and failed to display appropriate demeanor as follows:

38. Judge Fischer denied the respondent father's request for a continuance of a May 20, 2024 hearing so that his attorney could be present, noting that the mother did not have an attorney. She stated: "I'm not granting a continuance. Ms. Rusch is not represented either".

39. At the June 17, 2024 hearing, Judge Fischer scolded and questioned the petitioner mother repeatedly about her failure to follow Judge Fischer's order and complete the intake for Harmony Visitation Center to begin parenting time. However, while the Court did award the

respondent father parenting time (visitation) supervised at Harmony Visitation Center, Judge Fischer had never ordered the petitioner mother to complete the intake nor specified that she must do so within a particular time period.

40. Judge Fischer also wrongly accused Ms. Rue of engaging in ex parte communication even though the letter Ms. Rue filed with the Court copied opposing counsel and the Guardian ad Litem.

Inappropriate Demeanor: In re C.J.W.

41. In *In re C.J.W.*, File No. 34-JV-24-181, during two hearings, Judge Fischer displayed inappropriate demeanor toward the minor and his parents.

42. At a December 19, 2024 virtual disposition hearing on a petty misdemeanor, the juvenile and his mother appeared. Judge Fischer told the mother, "You are not special. Even with breast cancer." She also told the juvenile, "You are not special, [C.J.W.], because this is life. Life is breast cancer. Life is people who are close to you having tragedies happen to you." The matter was continued to determine whether the juvenile could participate in restorative justice.

43. At a subsequent disposition hearing, on January 30, 2025, C.J.W. appeared with his father. Judge Fischer required the father to take C.J.W. out of the courtroom to talk to him about the "respect he'll need to pay the Court in the Courtroom." When C.J.W. reentered the courtroom, instead of resolving the matter, Judge Fischer told the juvenile, "We'll keep having you come back once a month until you show proper respect by saying yes, your honor, asking appropriate questions, not being sarcastic or spiteful." She also stated, "I'm looking for respect toward the court and not the kind of huffiness that you provide to your parents apparently." The father questioned why Judge Fischer was disparaging him and attacking him, noting that Judge Fischer was "egging this on." Judge Fischer continued the matter again, stating, "It's not happening today because I don't think we can recover from this. I think you are angry."

Inappropriate Demeanor: State v. Fleming

44. On June 26, 2024, Judge Fischer displayed inappropriate demeanor during a Rule 8 hearing in *State v. Fleming*, File No. 47-CR-24-374.

45. At the hearing, Judge Fischer appeared irritated or unhappy with the state of the case procedurally. She inquired of the status and told those present that all Rule 8 proceedings must occur within 14 days of a first appearance. Judge Fischer made a snide remark after being told the defendant had waived the timelines and that Judge Beckman set the hearing. On the record, she stated, "Local rules that aren't following the Minnesota Rules of Criminal Procedure? Okay." At a district bench meeting in January 2024, Judge Fischer had expressed disagreement with the consensus of the other judges regarding the scheduling of Rule 8 hearings.

46. At the June 26, 2024 hearing, Judge Fischer also made a snide remark regarding a new public defender's ability to ask for a breakout room to discuss the case with his client.

Disqualification

47. Given her clear personal prejudice against Ms. Rue and Mr. Greiner, Judge Fischer was required to recuse herself from handling matters including *Rusch v. Rusch*, File No. 34-FA-24-117 and *In re A.M.*, File No. 34-JV-23-231. However, Judge Fischer failed to do so.

Failure to Cooperate

48. Judge Fischer failed to cooperate with other judges and court officials by recusing from multiple calendars, failing to respond to Chief Judge Beckman's requests in late 2024 regarding the newly-created Central Assignment Area District Master Calendar, directing court administration to modify district calendar procedures, failing to work cooperatively with Chief Judge Beckman for the past year, failing to maintain proper demeanor, failing to hear and decide matters assigned to her, and overall refusing to do her job.

49. Since the newly created Central Assignment Area District Master Calendar took effect on January 21, 2025, Judge Fischer has recused herself from hearing any matters involving the following attorneys and entities:

Aaron Jordan, Eighth District Public Defender
Rebecca Rue, Assistant City of Litchfield Attorney and Private Family Law Attorney
Brandi Schiefelbein, Meeker County Attorney
John Kempe, Assistant Meeker County Attorney
John Fitzgerald, First Assistant Meeker County Attorney
Matthew Hohenstein, Assistant Meeker County Attorney
Jakob Manska, Assistant Meeker County Attorney
Carter Greiner, Eighth District Public Defender
Meeker County Attorney's Office
Litchfield City Attorney's Office

50. Judge Fischer failed to work cooperatively with court administration and justice partners since her assignment to the Central Assignment Area District Master Calendar in January 2025, including by unilaterally directing court administration to modify district calendar procedures that had been formed through collaborative efforts.

51. Judge Fischer's recusals and her conduct resulted in her caseload being significantly reduced.

52. Effective February 10, 2025, Judge Fischer was no longer assigned to any criminal cases or criminal-case related signing duties. Rather, she was assigned to the district master calendar civil matters, including conciliation court, minor civil calendar, harassment restraining order and order for protection initial hearings, probable cause commitment hearings, probate estate matters, and district signings related to these cases. Judge Fischer's conduct since being assigned to this calendar resulted in additional removals.

53. Even after the significant judicial assignment and workload reduction, Judge Fischer continued her pattern of non-responsiveness and failure to timely address time-sensitive assignments, resulting in inconsistencies to her assigned workload, all of which led to negative impacts on the court, litigants, and staff. As a consequence, effective April 28, 2025, Judge Fischer was no longer assigned to any hearing calendars in any case types nor to signing duties. Instead, her duties consist of administrative duties, such as research and writing.

54. On January 27, 2025, in *State v. Williams*, File No. 76-CR-24-420, Judge Fischer refused to sign a release order despite ordering conditions of release.

COUNT III. Additional Misconduct.

55. In *In re Children of Ciriaco and Lira*, File No. 34-JV-20-77, a child in need of protection or services case, Judge Fischer failed to remain impartial, failed to maintain appropriate demeanor, and harmed public confidence in the judiciary by summoning individuals to attend the hearing; advertising the hearing to others including other judicial officers and the media; implying and/or accusing agencies, Kandiyohi County Health and Human Services ("KCHHS") employees and witnesses of biased conduct.

56. In that matter, Judge Fischer determined that termination of parental rights was not in the best interests of the children and made a sua sponte finding that KCHHS violated the family's due process rights. She ordered KCHHS to establish processes and seek assistance from the Department of Human Services ("DHS").

57. Judge Fischer issued a Summons to Appear at a hearing to the following individuals:

> Shane Baker, Kandiyohi County Attorney,
> Assistant Kandiyohi County Attorneys (all),
> Kandiyohi County Health and Human Services Child Protection Unit, including supervisors,
> Jennie Lippert, and
> Guardian ad Litems for the 8th Judicial District, including supervisors.

58. At the hearing, Judge Fischer accused KCHHS of acting with "confirmation bias." In the subsequent order, Judge Fischer wrote of a physician who testified: "Just because he is an expert does not mean he is impervious to confirmation bias." She also wrote:

> The bias against [the mother] was evident when Dr. Petrangelo considered bonding and attachment. . . .
>
> Based on this tiny window of an observation and Dr. Petrangelo's bias. Dr. Petrangelo said this: "It was with great difficulty for mother to quiet her baby. The parent-child bond must be questioned, and the 'extrasensory' response from [the baby] toward her mother's voice, smell, touch may play

some role in [the baby's] discomfort." Every mother who has experienced an inconsolable infant knows that calming a "screaming" baby in less than a half hour is nothing short of miraculous. Dr. Petrangelo's opinion is unfair and demonstrates actual bias.

59. Later in her order, Judge Fischer stated that employees of KCHHS engaged in bias: "The manner of Ms. Sweep's and Ms. Sundstrom's testimony on this issue, the mere fact that KCHHS found it so important to provide this information at trial, reveals a bias of KCHHS about non-English speakers."

CHARGES

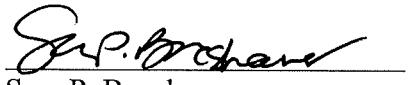
Based upon the foregoing facts, the Board alleges that Judge Fischer's conduct violated the following Rules of the Minnesota Code of Judicial Conduct:

Rule 1.1	Compliance with the Law
Rule 1.2	Promoting Confidence in the Judiciary
Rule 2.2	Impartiality and Fairness
Rule 2.3	Bias, Prejudice, and Harassment
Rule 2.5	Competence, Diligence, and Cooperation
Rule 2.6(A)	Right to Be Heard
Rule 2.7	Responsibility to Decide
Rule 2.8	Decorum, Demeanor
Rule 2.11	Disqualification
Rule 2.16	Cooperation with Disciplinary Authorities

WHEREFORE, the Board requests that the Supreme Court appoint a panel to conduct a hearing in this matter pursuant to Board Rule 8 and that the Court impose such sanctions as are just and proper.

MINNESOTA BOARD ON JUDICIAL STANDARDS

Dated: April 30, 2025

By: 

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