

MINNESOTA BOARD ON JUDICIAL STANDARDS

In the Matter of Judge
Douglas B. Clark

PUBLIC REPRIMAND AND CONDITIONS

File No. 23-23

TO: Judge Douglas B. Clark.

The Board on Judicial Standards (“Board”) received a complaint concerning the conduct of Judge Douglas B. Clark. The Board investigated the complaint. On April 16, 2024, based upon the Board’s investigation and proceedings, the Board issued a notice of proposed public reprimand and conditions to Judge Clark in accordance with Rules 6(f)(5)(iii) and 6(f)(7), Rules of Board on Judicial Standards.

Judge Clark waived his right to 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

Disciplinary History

1. Judge Douglas B. Clark was appointed to the Seventh Judicial District bench in 2018. His chambers are in the Wadena County Courthouse, in Wadena, Minnesota.

2. In 2021, the Board entered into a deferred disposition agreement (“Agreement”) with Judge Clark based on his angry and aggressive demeanor and his failure to perform judicial and administrative duties competently. The deferred disposition agreement provided, among other things:

If by October 2023, the Board finds that there is reasonable cause to believe that Judge Clark 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 Clark based on the present matters in addition to any additional misconduct found by the Board.

3. The Agreement also provided: “By entering into this Agreement, Judge Clark admits that he has engaged in misconduct in the matters identified in the draft private admonition or has otherwise violated the Code of Judicial Conduct.” The draft private admonition identified the following misconduct:

Demeanor

A. Judge Clark's aggressive demeanor has caused attorneys to regularly remove him. In interviews with the Board, an attorney stated that he regularly removes Judge Clark due to Judge Clark's treatment of him and of his clients. The attorney stated that if Judge Clark is already assigned to a prospective client's case, he will suggest that the prospective client look for a different attorney. Another attorney stated that due to the stress of appearing before Judge Clark, she has turned prospective clients away if their case is already assigned to Judge Clark.

B. Judge Clark has used an angry tone of voice towards attorneys when it was not warranted. Attorneys who regularly appear before Judge Clark stated that his tone of voice is terse, loud, bullying, condescending, and that Judge Clark interrupts frequently. One attorney stated that she stopped working as a prosecutor due, in part, to Judge Clark's demeanor.

C. In an audio recording of a hearing in *State v. M.A.H.*, Court File No. 80-CR-18-43, Judge Clark's voice was raised and his exchange with the attorney was more heated than was necessary. The attorney told the Board that she was unsure that she would return to work as an attorney after the hearing due to how Judge Clark treated her during the hearing.

D. At a meeting with the Board, Judge Clark admitted that on at least two occasions, between hearings by Zoom, attorneys and other justice partners overheard Judge Clark swearing about people or technology. Judge Clark believed his microphone was muted during these occasions, but later learned that it was not. He did not apologize for his conduct to those who overheard it.

E. Judge Clark has lost his temper with litigants and attorneys. Law enforcement officers have reported to the Board that Judge Clark has a very short temper, and that he is easily frustrated by litigants. One law enforcement officer stated to the Board that Judge Clark raises his voice out of anger. Law enforcement officers have also reported that Judge Clark cuts off attorneys and shuts people down.

F. Judge Clark recognized that he has a loud voice, and that it is a problem if people perceive the tone of his voice to be angry. He said that he has started making self-deprecating remarks before speaking in order to moderate the tone of his voice.

Delay

G. Judge Clark has failed to perform judicial and administrative duties competently and diligently by failing to timely sign release orders. In interviews with the Board, law enforcement officers stated that even though Judge Clark has orally ordered a defendant to be released during a morning hearing, it sometimes takes hours for them to receive signed release orders. The officers are not present during the hearings, and they should not be expected to release defendants without receiving the signed release order. Judge Clark's failure to timely sign and return the release orders has put law enforcement officers and defendants in a problematic position.

H. Judge Clark has had two ninety-day violations pursuant to Minnesota Statutes section 527.46, subdivision 1 (2020). He stated to the Board that the two violations were during the first six months of his appointment and were due to confusion. Judge Clark also stated that based on suggestions from the Honorable Michael D. Fritz, he has revised how he handles certain criminal calendars, and that together, they have worked to reduce the Wadena County case backlog.

Misconduct Warranting a Public Reprimand

4. Judge Clark violated the Agreement and the Code of Judicial Conduct by engaging in additional misconduct, as described below. The Board has determined that Judge Clark should be publicly reprimanded, and conditions should be imposed upon him.

Demeanor and Impartiality

- A. Judge Clark raised his voice, failed to remain impartial, and inappropriately interrupted questioning of witnesses on numerous occasions during hearings. Multiple witnesses reported that, at times, Judge Clark appeared angry on the bench, e.g., his face turns red, he crosses his arms, he raises his voice, and he sometimes screams. In addition, in a number of hearings, he has interrupted the direct and cross examination of witnesses to the extent that he appears to be an advocate instead of a neutral decision-maker. For example:
- a. In *In re V.R.R.*, Court File No. 80-JV-19-977, a Child in Need of Protection or Services ("CHIPS") matter, at an August 10-11, 2023 evidentiary hearing, Judge Clark failed to remain impartial by inserting himself into the examination of witnesses multiple times and asking numerous questions. He also failed to treat an expert witness with patience, dignity, or courtesy. For example, he told the expert witness that she had not answered opposing counsel's question even after opposing counsel said she had answered the question. He also asked the expert witness for the basis of her knowledge in a condescending tone.
 - b. In *State v. S.A.W.*, Court File No. 80-CR-22-502 (May 2, 2023), Judge Clark asked grilling questions of a witness and his basis of knowledge, and Judge Clark's tone was not courteous. The witness was visibly taken aback. The witness felt that

Judge Clark was calling him a liar and he took Judge Clark's conduct as a professional and personal attack.

- c. Judge Clark failed to remain impartial and inappropriately interrupted questioning of witnesses during a September 23, 2022, hearing in *State v. K.G.S.*, 80-CR-20-546. For example, during the cross examination of a law enforcement officer about his work with a cooperating individual, Judge Clark interrupted the questioning more than a dozen times even though the opposing counsel did not make any objections. After many of the interruptions, Judge Clark asked the witness numerous substantive questions, which are not included in the below excerpt.

- i. Q: Okay. Did you have any county attorney involved in the agreement of K.G.S. to cooperate?

A: The only one that I --

THE COURT: Hold-- hold on. . . . I think you need to give us a time frame for that.

Tr. 21:20-22:1.

- ii. Q: Okay. If it's not contained in there, it wasn't disclosed, fair?

A: If it's not contained where?

Q: In Exhibit 2, which was a disclosure made by the Task Force regarding K.G.S.'s cooperation?

THE COURT: I don't see how he could possibly know the answer to that.

Tr. 29:2-8.

- iii. Q: Okay. Were any meetings between law enforcement and K.G.S. the subject of written reports?

A: Only time that there were written reports was when K.G.S. actually did something. And that would be the three buys from the three defendants.

A: Q: Okay. Now we know Mr. --

THE COURT: Wait. Before you go further -- so I want to clarify the question. When -- if -- I'll make it -- I won't make it a hypothetical; I'll make it general. When you meet with somebody who's working with -- under one of these agreements just to talk about information. Are any -- is there any kind of written notes that are taken? Or do you just rely solely on your memory?

Tr. 32:24-33:13.

- iv. Q: In his confidential informant file --

A: Yes

Q: -- do agents put in the reports and tape recordings and transcripts of the buys he made?

A: They are not kept in the database in St. Cloud. They are kept by each independent agency and then they're later transcribed for Court purposes if needed and on paper.

THE COURT: Wait. I think the question he's asking you is are those agencies putting it in a file that designates . . . somebody like the defendant.

Tr. 36:3-14.

v. Q: I mean, [the file] it's accessible to anybody that has access to that system?

A: Yes.

Q: Now --

THE COURT: Actually, I'm just going to interrupt. So you kind of said this before but could you -- don't necessarily figure any of K.G.S.'s cases. . . . In a controlled buy . . . what would -- could you just give -- quickly give me a list of the list you would expect to have after a successful controlled buy? It sounds like there'd be a tape recording and records regarding the money. So kind of list off, what are the normal things are produced by a controlled buy.

Tr.44:17-45:8.

vi. Q: Now, one of the things about dealing with individuals that are engaged in distributing --

THE COURT: Actually before you go there, Sir, could you just describe

Tr. 55:21-24.

vii. Q: . . . Is that indicating that he's expressing his frustration to K.G.S. that look "we're getting stuff set up but we're having to push it off" meaning we can't do it because the boss is saying, "nope, this is more important" or we don't have this going on over here?

A: It could be. Those are --

Q: Okay --

THE COURT: So at this point, I'm going to interject, okay.

I think I've had enough of asking this witness what somebody else meant by a text by a different-- this person is not the author of those texts.

Tr. 61:24-62:10.

viii. Q: Okay. That information -- but the point is until he got it set up, actually had the buy arranged he wouldn't call you because he didn't have it arranged, fair?

A: Correct. He wouldn't call me, but we'd try calling him and subsequently got no response.

Q: So if --

THE COURT: Wait. So what was the purpose of all this?

WITNESS: To see what he's got lined up, if anything.

THE COURT: Okay. So --

WITNESS: So we can --

THE COURT: Wait, wait --

WITNESS: -- schedule

THE COURT: Wait.

WITNESS: Yeah.

THE COURT: So, as part of your duties

Tr. 65:21-66:12.

- ix. Q: The reason you have the Deactivation Agreement is so that you can cut off the relationship anytime you want, fair?
A: The reason the individual is deactivated --
Q: Is that fair, sir?
A: No.
THE COURT: I'm not sure I understood that questions. . . . Why don't you rephrase that.
Tr. 68:17-25.
- x. Q: Well, he wasn't expected to cooperate after he had been charged, was he?
A: We couldn't find him; he was not responding --
THE COURT: Wait. Wait. Wait. The question wasn't, "Why wouldn't you expect him," the question was, "Would you have expected him to cooperate after criminal charges had been --
Tr. 70:18-25.
- xi. Q: One of the standard operating devices that law enforcement has in trying to locate somebody is to see if they have pending charges, correct?
A: If we access the court file.
Q: That way --
THE COURT: Wait. Wait. Wait. That wasn't his question.
Tr. 71:22-72:2.
- xii. Q: How did they know to be here on April 12 and serve a subpoena on him?
A: Because we knew that he was going to show up. We were all supposed to be here for the contested omnibus. Odds are he's going to show here.
Q: But he wasn't --

THE COURT: Wait. Wait. Wait. Wait.

We're just hitting the same point over and over again. You've made your point about there was a court record indicating that he had an attorney. The witness has indicated he did not look at the court record.

Tr.72:10-20.

xiii. Q: And after you learned that warrants had been issued, did you ever try and communicate with him about his cooperation?

A: That I can't answer. I don't know what --

Q: I'm asking you. Did you?

A: I don't know the answer.

Q: You don't know --

THE COURT: Wait. Wait. She he's asking you if you remember if you tried to contact the defendant after you became --

Tr.73:17-74:1.

xiv. Q: James also communicated with him by phone, true?

A: You'd have to ask James.

Q: Well, did you work as a team?

A: If I'm not available, James made contact with him or had contact with him. If I was on vacation --

THE COURT: So wait, hold on. Mr. Hawkins.

Mr. Hawkins: I'm trying to figure this out, your Honor.

THE COURT: Mr. Hawkins, don't give me that, okay. You're an experienced attorney.

Tr.74:18-75:3.

xv. Q: Between April 14 and August 4 of 2020, did you ever arrange with K.G.S. to have a specific weekly meeting for debriefing?

THE COURT: Hold on. So I'm not sure I understand what you mean by -- I think different people could understand the phrase "weekly meeting" differently.

Tr.76:13-18.

xvi. Q: Who talked to K.G.S. about setting up a weekly meeting at a specific time?

A: I asked him to meet or at least be in phone conversation with me.

Q: How?

A: Called him.

Q: Did you ever text him?

A: I've texted him before, yes.

Q: How many times did you ever text him?

A: I don't have a clue.

THE COURT: While waiting, do you have any general rules about why you might call and informant as opposed to texting an informant in a particular situation?

Tr. 77:10-23.

xvii. Q: Do you recall --

THE COURT: Let me just ask, when you talked about missing the meeting, were those meetings he confirmed that he could attend?

Tr. 81:1-4.

Judge Clark interrupted the examination of other witnesses in other hearings in a similar manner.

- B. An isolated and minor incident of poor demeanor or asking a few questions of witnesses generally does not warrant a finding of a reasonable cause that the judge committed misconduct. However, here, there is sufficient evidence to establish a pattern of misconduct which warrants the imposition of discipline.

Competency and Delay

- A. Judge Clark has ignored timelines, and he has failed to follow the law in Child in Need of Protection or Services (“CHIPS”) cases. For example:

a. In *In re V.R.R.*, Court File No. 80-JV-19-977, Judge Clark failed to follow timelines and he held an evidentiary hearing for an intervenor even though there was no relief available to the intervenor.

The child was placed with his grandmother as an infant in 2018, and grandmother was to be the child’s permanent adoptive placement. Based on several child-maltreatment reports in December 2021, Wadena County Human Services (“County”) removed the child. In January 2022, the County made a maltreatment determination against the grandmother. The grandmother did not ask for reconsideration of that determination. In May 2022, the County recommended that the Minnesota Department of Human Services (“DHS”) revoke the grandmother’s foster license.

Based on a motion by the grandmother in August 2022, Judge Clark ordered an evidentiary hearing to determine the County’s “reason for not making the adoptive placement proposed by the [grandmother],” and whether the County was “unreasonable in failing to make the adoptive placement” with the grandmother.

The DHS revoked the grandmother’s foster care license in September 2022. The grandmother did not complete the appeal of the revocation. Even though there was a maltreatment determination against the grandmother and the grandmother’s foster care license was revoked, Judge Clark held the evidentiary hearing in August 2023, a year after he granted the grandmother’s motion.

After the hearing, Judge Clark found that the County violated the grandmother’s statutory rights to be considered as an adoption placement even though legally, the County had determined that the grandmother was not a placement option for the grandchild.

Judge Clark represented to the Board that he held the evidentiary hearing because he believed that the County may have previously had an obligation to consider the grandmother as a relative placement between the time the County made the maltreatment determination against the grandmother and the revocation of her foster care license. However, he knew at the time of the hearing, the grandmother's foster care license was revoked, and she legally could not be placement option for the child. At the time of the hearing, the child had been in out-of-home placement for 1,715 days and relocated at least five times.

- b. In *In re A.K.W.*, Court File No. 80-JV-22-555, on July 27, 2022, Judge Clark found a prima facie showing that “the Children’s health, safety, or welfare would be immediately endangered if the Children are released to the care of the parent or legal custodian.” He then transferred venue to Morrison County saying that venue in Wadena County was improper. After Morrison County denied the transfer of venue, Judge Clark dismissed the child protection action without a further hearing or adjudication, finding that the “Petition and affidavit were only minimally sufficient to make a prima facie case at the emergency protective care hearing stage” and “that it is in the best interest of the children for this child protection action to be dismissed,” even though the Wadena County Attorney asked to be heard on the matter and there was no new evidence to support his dismissal.
- c. *In re G.A.H.*, No. A22-1065, A22-1066 (Minn. Dec. 13, 2023)), Judge Clark failed to follow timelines for scheduling trials and permitting continuances in the CHIPS proceeding and he failed to make this case a priority for docketing. The start date of the trial was rescheduled twice, and the trial was continued three times. On the final trial date, the mother did not appear until a few hours after the hearing was scheduled to start, and then only by telephone. Judge Clark found that the mother failed to appear without adequate cause, denied her the opportunity to testify, and did not allow her counsel to cross examine witnesses. The case was appealed, and the Minnesota Supreme Court criticized Judge Clark’s conduct and decisions, as follows:

[W]e are troubled that a significant factor in the district court’s decision to refuse to continue or reschedule the trial to a future date to call [mother] to appear and present her case was the time crunch facing the court due to previous delays in the case. We recognize that the children had been without a permanent placement for nearly 700 days, that over 6 months had elapsed since [mother] had denied the termination of parental rights petition, and that more than 30 days had passed since the delayed trial began, far exceeding the timelines set forth in statute and rule. . . . These delays plainly run counter to the strong interest in settling on a safe and permanent home for the children without unnecessary delay. . . . The district court’s apparent insistence upon expeditiousness at the 11th hour of the case in the face of an arguably justifiable request for a 1-day further delay thus causes us pause.

In re G.A.H., No. A22-1065, A22-1066 at *22-23.

Irrespective of whether the district court’s refusal to continue or reschedule the hearing was so arbitrary as to violate due process, and while recognizing that the

district court's discretion is broad, we observe that on this record, it is far from clear that the district court made the choice we would have made.

Id. at *24-25.

- B. A few instances of failing to abide by the timelines set out in CHIPS and similar cases, or failing to make a case a priority case for docketing, generally would not warrant a finding of a reasonable cause that the judge committed misconduct. However, here, there is sufficient evidence to establish a pattern of misconduct which warrants the imposition of discipline.

CONCLUSIONS

1. The foregoing conduct of Judge Clark violated the following Rules of the Code of Judicial Conduct ("Code"):

- 1.1 Compliance with the Law
- 1.2 Promoting Confidence in the Judiciary
- 2.2 Impartiality and Fairness
- 2.5 Competence, Diligence, and Cooperation
- 2.6(A) Right to Be Heard
- 2.8(B) Demeanor

2. The foregoing conduct also violated Rule 4(a)(3), (5), and (6), Rules of the Board on Judicial Standards, providing that grounds for discipline include a "[p]attern of incompetence in the performance of judicial duties," "[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 Clark for the foregoing misconduct.

Judge Clark shall comply with the following **CONDITIONS**:

- 1. Judge Clark shall determine the causes of the misconduct set forth above and take the actions necessary to ensure that the misconduct is discontinued and not repeated.
- 2. Judge Clark shall comply with the Minnesota Code of Judicial Conduct and, specifically, shall be patient, dignified, and courteous with other judges, court staff, and justice partners, as required by Rule 2.8(B).
- 3. Judge Clark shall take the initiative to schedule two meetings with the Board's Executive Secretary and a Board Member. The first meeting will be held approximately 60

days after the date of this Public Reprimand and the second meeting will be held approximately six months after the date of this Public Reprimand.

4. Within one month after the date of this Public Reprimand, Judge Clark shall use a mentor identified by the Board. Alternatively, Judge Clark shall identify to the Board within one month of the date of this Public Reprimand a proposed mentor who will assist him in addressing the causes of the misconduct described in this Public Reprimand. With the input of Chief Judge Fritz, the Board has the discretion to accept or reject the proposed mentor.

The mentor will have full access to the Board's file regarding Judge Clark. In addition to assisting Judge Clark to address the causes of his misconduct, the mentor has the authority to discuss any concerns related to Judge Clark with court staff, judicial officers, justice partners, law enforcement officers, the Board, and others with an interest in the integrity of the court system.

Judge Clark shall cooperate fully with the mentor. He shall contact the mentor within one month after the date of this Public Reprimand, and shall schedule meetings with the mentor prior to the due dates of the mentor's written reports. The mentor will assist Judge Clark by reviewing the timelines and procedures in CHIPS matters to help Judge Clark meet deadlines, and assist Judge Clark in meeting the other Conditions of this Public Reprimand. The mentor may also assign additional educational opportunities to Judge Clark as needed.

The mentor will submit at least three reports to the Board concerning Judge Clark's progress in meeting the requirements set forth herein. The first report will be submitted within six months after the date of this Public Reprimand, the second report will be submitted within 12 months after the date of this Public Reprimand, and the third report will be submitted within 24 months after the date of this Public Reprimand

5. Within one month after the date of this Public Reprimand, Judge Clark shall employ and use an Executive Coach identified by the Board. Alternatively, Judge Clark shall identify to the Board within one month of the date of this Public Reprimand a proposed Executive Coach who will assist him in addressing the causes of the misconduct described in this Public Reprimand. The focus of the coaching will be to create a plan that assists Judge Clark in addressing the underlying causes of the misconduct described in this Public Reprimand resulting in better performance and a sense of respectful collegiality.

The Executive Coach will have full access to the Board's file regarding Judge Clark. In addition to assisting Judge Clark to address the causes of his misconduct, the Executive Coach has the authority to discuss any concerns related to Judge Clark with court staff, judicial officers, justice partners, law enforcement officers, the Board, and others with an interest in the integrity of the court system.

Judge Clark shall contract the Executive Coach within one month after the date of this Public Reprimand for a period of one year. Judge Clark shall participate in assessments as recommended by the Executive Coach, and shall cooperate with the Executive Coach to develop the leadership skills, such as navigating conflict and building relationships, necessary to succeed as a judge.

The Executive Coach will submit quarterly reports to the Board concerning Judge Clark's progress in meeting the requirements set forth herein.

6. Judge Clark shall enroll and complete courses regarding Child in Need of Protection or Services statutes, rules, and timelines. Specifically, Judge Clark shall take the Child Abuse & Neglect Judicial Institute (CANJI) course offered and delivered by the National Council of Juvenile and Family Court Judges (NCJFCJ), June 24-28, 2024 or a similar course approved by the Board.

7. Judge Clark shall strictly comply with the timelines set forth in Minnesota Statutes Chapters 260, 260A, 260B, and 260C. Judge Clark shall report quarterly for two years from the date of this Public Reprimand, to the Executive Secretary, that he has complied with this condition.

8. Judge Clark shall not retaliate, directly or indirectly, against any person who initiated, assisted, or cooperated with this investigation in any respect.

9. Judge Clark shall complete all of the foregoing conditions at his own expense.

10. Judge Clark shall refrain from making any public statement that tends to justify, excuse, or contradict the facts, conclusions, or determinations of the Board that relate to this Public Reprimand.

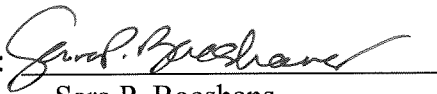
11. Compliance with the foregoing conditions is required by Rules 1.1 and 2.16, Minnesota Code of Judicial Conduct, and Board Rule 2(f).

If Judge Clark does not comply with the conditions set forth herein or if additional misconduct occurs, the Board will consider whether additional discipline is appropriate.

The memorandum below is made a part hereof.

MINNESOTA BOARD ON JUDICIAL
STANDARDS

Dated: May 17, 2024

By: 
Sara P. Boeshans
Executive Secretary

1270 Northland Drive, Suite 160
Mendota Heights, MN 55120
(651) 296-3999

MEMORANDUM

The Board was hopeful that Judge Clark's conduct would improve through the conditions in the 2021 Deferred Disposition Agreement. However, Judge Clark has not remediated his demeanor in the courtroom and has failed to competently and timely administer Child in Need of Protection or Services ("CHIPS") cases. Judge Clark's continued misconduct warrants the issuance of this Public Reprimand.

Demeanor and Impartiality

Rule 2.8(B) of the Code states: "A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control." One purpose of the Rule is to require "judges act in a way that engenders respect for the judicial system." Arthur Garwin et al., *Annotated Model Code of Judicial Conduct* 166 (3d ed. 2016). A second purpose "is to ensure that judicial proceedings both are and appear to the public to be fair and impartial." *Id.* at 167.

Rule 1.2 of the Code requires a judge to "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." "When a judge 'steps off the bench' in a controversy, that is, abandons the judicial role to become an advocate for one party or another, the judge's impartiality is subject to questions. Such conduct may violate Rule 1.2 in addition to other provisions of the Code." Arthur Garwin et al., *Annotated Model Code of Judicial Conduct* 42 (3d ed. 2016).

During the questioning of witnesses, Judge Clark was not patient or dignified, and he did not appear neutral. He raised his voice, interrupted questioning of witnesses without the objection of the attorneys, and he asked questions of witnesses to the point that he was conducting the examination of the witnesses. Attorneys, law enforcement officers, and Wadena County employees expressed concern over Judge Clark's conduct and demeanor in the courtroom and how it affected the public confidence in the judiciary. Judge Clark's conduct in the courtroom also violated Rule 2.2 (Impartiality and Fairness) and Rule 2.6(A) (Right to Be Heard). The Board acknowledges that it is entirely appropriate for judges to question witnesses in order to determine the issues. However, it is not appropriate for a judge to assume an advocate's position. *See* Minn R. Evid 614 cmt.--1977.

Competency and Delay

Rule 2.5(A) of the Code states: "A judge shall perform judicial and administrative duties competently and diligently." The comments to Rule 2.5 require a judge to secure docket time and expertise in order to fulfill the judge's obligations under the Code. Delay in administering judicial duties is harmful to attorneys and justice partners, but most importantly, it is harmful to the litigants. Delay in handling the court's business is especially harmful in CHIPS cases—it causes uncertainty and disruption to already vulnerable children and families.

At the meeting with the Board, Judge Clark emphasized that his goal in CHIPS cases is to always do what is in the best interests of the child. He has failed to meet his goal by failing to abide by timelines in multiple cases, holding an unnecessary hearing which further delayed permanency and adoption, and failing to remain impartial in hearings.

The Board determined that the widespread pattern of misconduct summarized above combined with Judge Clark's disciplinary history with the Board make the most appropriate discipline at this stage a public reprimand and conditions.

The underlying causes of Judge Clark's conduct are not clear. The Board directs Judge Clark to determine and address the causes of his conduct. If the conduct continues, the Board will consider whether additional discipline is appropriate.

Judge Clark has committed to work to improve his performance.