

MINNESOTA BOARD ON JUDICIAL STANDARDS

In the Matter of Judge G. Tony Atwal
Second District Judge

PUBLIC REPRIMAND

File Nos. 18-01, 18-09, 18-10

TO: Judge G. Tony Atwal

The Board on Judicial Standards (“Board”) received two complaints concerning Judge G. Tony Atwal. Judge Atwal also submitted a self-report. The Board investigated the complaints and self-report. On April 26, 2018, based upon the Board’s investigation and proceedings, the Board issued a notice of proposed reprimand and conditions to Judge Atwal in accordance with Board Rules 6(f)(5)(iii) and 6(f)(7).

Judge Atwal waived his right to demand a formal complaint and public hearing. Consequently, this reprimand is final. Based upon the Board’s investigation and proceedings, the Board now makes the following:

FINDINGS OF FACT

1. On May 16, 2016, Judge G. Tony Atwal was appointed to the Second Judicial District bench in Ramsey County. He has no disciplinary history with the Board.
2. On January 1, 2018, Judge Atwal was arrested for Driving While Impaired. He submitted to a breath test within two hours of his arrest. Judge Atwal did not contest the accuracy of the test which registered an alcohol concentration of 0.17.
3. Prior to his arrest, Judge Atwal stated to the officer: “So, I live right there. I’m Judge Atwal from Ramsey County.” At least three times Judge Atwal asked to be let go and to walk home. In fact, he was arrested near his residence.
4. On January 2, 2018, Judge Atwal pleaded guilty and was convicted of one count of gross misdemeanor third-degree Driving While Impaired. Judge Atwal was sentenced to 365 days of imprisonment; 345 days were stayed. Judge Atwal will serve two years on supervised probation with conditions.
5. On January 9, 2018, Judge Atwal, in a telephone call to the Minnesota Board on Judicial Standards, self-reported his arrest and conviction for Driving While Impaired.

CONCLUSIONS

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

Rule 1.1 Compliance with the Law: A judge shall comply with the law, including the Code of Judicial Conduct.

Rule 1.2 Promoting Confidence in the Judiciary: A judge shall 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.

Rule 1.3 Avoiding Abuse of the Prestige of Judicial Office: A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.

2. The foregoing conduct also violated Board Rule 4(a)(5), 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 Board Rule 4(a)(6), Rules of the Board on Judicial Standards, providing that grounds for discipline include “[c]onduct that constitutes a violation of the Code of Judicial Conduct”

PUBLIC REPRIMAND

1. Based upon the foregoing Findings and Conclusions, the Board hereby publicly reprimands you for the foregoing misconduct.

2. You will comply with the following conditions:

a. You will remain law abiding.

b. You will follow all the conditions of your probation. If it is determined that you have violated the terms of probation, you will report the violation to the Board within five days.

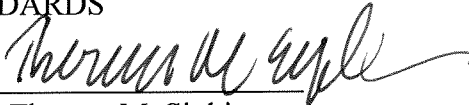
c. You will take the initiative to schedule quarterly meetings for two years with a designated Board member and/or the Board’s Executive Secretary. The first meeting will be held approximately 90 days after the date this reprimand becomes final. The Board may terminate this condition at its discretion.

3. 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 you do 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 30, 2018

By: 
Thomas M. Sipkins
Executive Secretary

2025 Centre Pointe Boulevard, Suite 180
Mendota Heights, MN 55120
(651) 286-3999

MEMORANDUM

Driving While Impaired is a serious offense which affects the safety and welfare of the public. Judge Atwal put the public and himself in danger when he drove while impaired. The effect of his conduct also may cause litigants to lose confidence in the fairness of the judicial system.

Willful violations of law or other misconduct by a judge, whether or not directly related to judicial duties, brings the judicial office into disrepute and thereby prejudices the administration of justice. A judge's conduct in his or her personal life adversely affects the administration of justice when it diminishes public respect for the judiciary. Our legal system can function only so long as the public, having confidence in the integrity of its judges, accepts and abides by judicial decisions.

In re Winton, 350 N.W.2d 337, 340 (1984).

Moreover, when Judge Atwal invoked his judicial title after the police officer stopped his vehicle, he abused the prestige of judicial office by creating the perception that he was using his position in an attempt to get the police officer to release him instead of arrest him. Judge Atwal has suggested that he mentioned his position as a judge so that, in the event of arrest, he would be sequestered from others given that he may have been involved in their detention. The Board rejects this suggestion. Judge Atwal's reference to his judicial position casts doubt upon the integrity and impartiality of the judiciary.

Judge Atwal indicated in a meeting with Board representatives that he is dedicated to successfully completing the terms of his probation and plans to seek further counseling once he completes the Driving with Care programming.