

STATE OF MINNESOTA  
BOARD OF JUDICIAL STANDARDS HEARING PANEL

A14-1871

Inquiry into the Conduct of the  
Honorable Alan F. Pendleton

SCHEDULING ORDER AND  
ORDER ON DISCOVERY MOTIONS

On October 31, 2014, the Board on Judicial Standards (Board) filed, under Rule 8(a)(4), Rules of Board on Judicial Standards (RBS), a formal complaint against respondent Alan F. Pendleton, Judge of District Court of Tenth Judicial District, together with respondent's written response to the complaint. On November 12, 2014, the Minnesota Supreme Court assigned a three-person panel, consisting of the undersigned Retired Judge of the Minnesota Court of Appeals and presider of the panel, Dianne Ward, and Douglas Fuller, to conduct a hearing on the charges contained in the formal complaint.

Under RBS 9(g), on December 8, 2014, the Board of Judicial Standards noticed, via e-mail, a discovery motion to the presider. The Board requests answers to interrogatories and requests for production of documents relating to the interrogatories.

On December 8, 2014, via e-mail, Respondent filed a response to the Board's discovery request, which generally requests a denial of the Board's discovery motion.

Based on all of the files, records, and proceedings herein,

IT IS HEREBY ORDERED

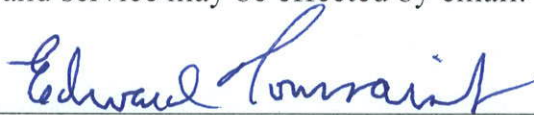
1. RBJIS 8(c) requires the panel to set a hearing date within 90 days of the date that the formal complaint was filed, in this case by January 29, 2015, absent extraordinary circumstances. The hearing shall commence on January 22, 2015 at 9:00 a.m., with testimony to continue from day to day until completed.

2. RBJIS 9(e) provides that the parties shall complete discovery within 60 days of the date of service of the response to the formal complaint or the expiration of the time for service of the response, whichever occurs first. In this case, discovery shall close on December 29, 2014. By this date, the parties shall exchange all materials required to be disclosed under RBJIS 9(b) and 9(c) and any additional materials ordered produced. The parties are reminded that the presider is authorized, under RBJIS 9(f), to preclude either party from calling a witness at the hearing if the party calling the witness has failed to disclose the witness's name and address, any statements taken from the witness, or summaries of any interviews with the witness.

3. RBJIS 9(a) provides for the presider of the panel to set a date for the exchange of witness lists. The parties shall exchange witness lists by December 29, 2014. Witness lists shall include the name and address of each witness, together with a short summary of their expected testimony.

4. RBJIS 9(a)-(c) mandate certain disclosures by the parties. Under RBJIS 9(b), the presider of the panel is authorized to resolve discovery disputes between the parties and may order the production of “other material only upon good cause shown,” and “may authorize service of interrogatories upon request by the board or the judge.” Respondent shall provide answers to the Board’s interrogatories numbers 3, 6, and 7, and produce supporting documentation, if any. The remainder of the Board’s requests for discovery are denied.

5. The parties shall be permitted to submit to the panel a short pre-hearing letter summarizing any evidentiary and procedural issues expected to arise at the hearing. The pre-hearing letter shall be filed with the presider and served on the opposing party no later than January 15, 2015. Filing and service may be effected by email.



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Edward Toussaint  
Retired Judge of the Minnesota Court of Appeals  
and Presider of the Panel