

# Press Release

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## FOR IMMEDIATE RELEASE

### PUBLIC REPRIMAND AND CIVIL PENALTY ISSUED TO FIRST JUDICIAL DISTRICT COURT JUDGE WILLIAM F. THUET

The Minnesota Board on Judicial Standards (Board) has issued a public reprimand and a \$3,500 civil penalty to First Judicial District Judge William F. Thuet. The Board's action relates to Judge Thuet's conduct in two cases, *State v. J.A.D.*, (Dakota County T8-04-12337) and *State v. J.A.D.*, (Dakota County K2-06-3184).

On or about December 23, 2004, J.A.D. was arrested for 4<sup>th</sup> degree driving while impaired in Dakota County. Judge Thuet was acquainted with J.A.D. She lived next door to him and his family from approximately 1980 until 1991 and is a friend of his daughters.

After J.A.D. contacted him and indicated her wish to plead guilty to the offense, Judge Thuet obtained the file, removed the matter from the arraignment calendar, rescheduled J.A.D.'s appearance to another date and accepted J.A.D.'s plea, all without giving notice to the Dakota County Attorney.

J.A.D. was arrested again at approximately 12:25 a.m. on October 18, 2006 and was charged with 2<sup>nd</sup> degree driving while impaired in Dakota County. She was detained in the Dakota County jail pending a bail hearing.

After speaking with J.A.D.'s husband, Judge Thuet called the Dakota County jail at approximately 7:40 a.m. on October 18, 2006 and ordered the jailer to release J.A.D. to the custody of her husband. No conditions were placed on J.A.D.'s release by Judge

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Thuet and the Dakota County Attorney's Office was not contacted for input regarding bail or conditions of release.

The failure of Judge Thuet to notify the County Attorney of J.A.D.'s cases violated Canon 3A(7) of the Code of Judicial Conduct (Code), which requires judges to "accord every person who has a legal right in a proceeding, or the person's lawyer, the right to be heard."

Under Canon 2 of the Code, a judge must avoid the appearance of impropriety in all of the judge's activities and always act in a manner that promotes public confidence in the integrity and impartiality of the judiciary. By affording J.A.D.'s cases private handling rather than a public disposition in open court, Judge Thuet created an "appearance of impropriety" contrary to the intent of Canon 2B of the Code, which calls on judges not to allow family relationships to "influence judicial conduct."

Board Rule 4(a)(5) subjects a judge to discipline for "conduct prejudicial to the administration of justice that brings the judicial office into disrepute." Judge Thuet created an appearance of impropriety in violation of Rule 4(a)(5) and acted with bias in favor of J.A.D by handling her cases privately without notice to the County Attorney.

The Board concluded that Judge Thuet's actions were contrary to the *Minnesota Code on Judicial Conduct*, Canons 2 and 3A(7), as well as the *Rules of the Board on Judicial Standards*, ("*R.Bd.Jud.Std.*"), Rule 4(a)(5), as set forth below:

### *Canon 2*

#### *A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All of the Judge's Activities*

- A. *A judge shall respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.*
- B. *A judge shall not allow family, social, political or other relationships to influence judicial conduct or judgment. A judge shall not lend the prestige of the office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge.*

***Canon 3A(7)***

*A judge shall accord to every person who has a legal interest in a proceeding, or person's lawyer, the right to be heard according to law. A judge shall not initiate, permit or consider ex parte communication, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding [exceptions listed].*

***Rule 4, Rules of the Board on Judicial Standards  
Grounds for Discipline***

*(a) Grounds for Discipline Shall Include:*

*(5) Conduct prejudicial to the administration of justice that brings the judicial office into disrepute. . .*