

Press Release

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FOR IMMEDIATE RELEASE

PUBLIC REPRIMAND AND CIVIL PENALTY ISSUED AND ASSESSED TO FIRST JUDICIAL DISTRICT COURT JUDGE MICHAEL V. SOVIS

The Minnesota Board on Judicial Standards (Board) has issued a public reprimand and a \$1000.00 civil penalty to First Judicial District Judge Michael V. Sovis. The Board's action relates to Judge Sovis' conduct in the case of *State v. Gerald Louis McDonald* (Dakota County).

In 2005 and again in 2007, Judge Sovis determined Mr. McDonald to be in civil contempt of his court and issued a restraining order against him. On May 16, 2005, Judge Sovis sentenced Mr. McDonald to two days in jail, with credit for time served, suspending further action on the contempt matter on the condition that Mr. McDonald have no contact with Judge Sovis or a Dakota County resident with whom Mr. McDonald had a dispute. On May 21, 2007, Judge Sovis sentenced Mr. McDonald to two 90 day terms in the Dakota County jail and ordered him to pay \$1,000 in law enforcement reimburse costs. The second 90 day jail term was suspended after two days were served on condition that Mr. McDonald never again contact the resident or any member of his family. Judge Sovis further ordered Mr. McDonald to submit to chemical dependency and psychological evaluations.

Judge Sovis presided in Mr. McDonald's cases although his wife is a best friend of the wife of the resident and Judge Sovis is a friend of the resident and his family. Judge Sovis initiated both the 2005 and 2007 proceedings against Mr. McDonald without providing the prosecuting authority an opportunity to be heard or providing Mr. McDonald an opportunity to show why the orders should not be

entered against him. Judge Sovis further failed to advise Mr. McDonald that he had a right to a trial, the right to consult a lawyer or that he had certain other basic constitutional and statutory rights.

Prior to Judge Sovis entering the orders dated May 16, 2005 and May 21, 2007, Judge Sovis personally ordered the arrest of Mr. McDonald based solely on several private and informal conversations Judge Sovis had with the resident, as well as several telephone conversations Judge Sovis had with Mr. McDonald. Over the past several years, Judge Sovis had private phone conversations with Mr. McDonald concerning the resident and his family on several occasions. During these telephone conversations, Judge Sovis threatened Mr. McDonald with further court proceedings and exchanged profane and improper words with Mr. McDonald.

On May 21, 2007, Mr. McDonald retained a lawyer. On May 30, 2007, Mr. McDonald's lawyer filed a motion seeking to vacate Judge Sovis' 2007 orders on the basis that they were contrary to law and void. The motion further requested that Judge Sovis disqualify himself from the matter. On May 30, 2007, Judge Sovis granted the motion made by Mr. McDonald's lawyer, including the request that he disqualify himself in the case.

Judge Sovis has been disciplined on two prior occasions by the Board. In 1996 and again in 2005, Judge Sovis was issued private warnings by the Board for dismissing traffic or misdemeanor citations without observing the proper procedures or notifying the appropriate prosecuting authority. The 2005 citation was dismissed by Judge Sovis on behalf of his stepson.

The Board concluded that Judge Sovis' actions were contrary to the *Minnesota Code on Judicial Conduct*, *Canons 1, 2A, 2B, 3A(4) 3A(5), 3A(7), 3A(9), 3D(1)* and *Canon 4A*, as well as the *Rules of the Board on Judicial Standards*, ("*R.Bd.Jud.Std.*"), *Rules 4(a)(5) and (6)*, as set forth below:

Canon 1

A Judge Should Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining and enforcing standards of conduct, and personally observe those standards in order to preserve the integrity and independence of the judiciary. The provisions of this Code should be construed and applied to further that objective.

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 3

A Judge Shall Perform the Duties of the Office Impartially and Diligently

Canon 3A(4)

A judge shall be patient, dignified and courteous to litigants . . . and others dealt with in an official capacity . . .

Canon 3A(5)

A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin,

disability, age, sexual orientation or socioeconomic status, and shall not permit court personnel and others subject to the judge's direction and control to do so.

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 communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding [exceptions listed].

Canon 3A(9)

A judge shall not, with respect to cases, controversies or issues that are likely to come before the court, make pledges or promises that are inconsistent with the impartial performance of the adjudicative duties of the office.

Canon 3D(1)

A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where: (a) the judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceedings; (c) . . . the judge knows that he or she, individually or as a fiduciary, or the judge's spouse, significant other, parent or child wherever residing . . . has any other interest that could be substantially affected by the proceeding; (d) the judge's spouse or significant other or a person within the third degree of relationship to any of them, or the spouse of such a person: (i) is a party to the proceedings . . . [or] (iii) is known by the judge to have an interest that could be substantially affected by the proceeding [or] (iv) is to the judge's knowledge likely to be a material witness in the proceeding.

Canon 4

A Judge Shall Conduct All Extra-Judicial Activities so as to Minimize the Risk of Conflict With Judicial Obligations

Canon 4A

A. *Extra Judicial Activities In General.* *A judge shall conduct all extra-judicial activities so that they do not:*

(1) cast reasonable doubt on the judge's capacity to act impartially as a judge

(2) demean the judicial office; or

(3) interfere with the improper performance of judicial duties.

***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. . .*

*(6) Conduct that constitutes a violation of the Code of Judicial Conduct or
Professional Responsibility.*