

Syllabus

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the Mayflower Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the State of Mayflower, Lander, M. F. 02942, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF MAYFLOWER

Syllabus

IN RE COMPLAINT AGAINST JUDGE JASONDELUCA

JUDICIAL ETHICS COMPLAINT

No. 06JD-02. Argued December 18, 2022—Decided December 28, 2022

Judge JasonDeLuca is a Judge of the Mayflower District Court for the District of New Haven County, who was presiding over a civil matter in which an individual was suing a county law enforcement agency on deprivation of rights for an employment dispute. After trial, the Plaintiff made a motion for mistrial and for Judge DeLuca to recuse from the matter. The motion outlined that the Plaintiff was entitled to mandatory recusal under the Fourteenth Amendment’s Due Process Clause because Judge DeLuca could not impartially preside over a case involving the Plaintiff since they had threatened legal action against DeLuca, who was a high-ranking official for a local police department, for another employment-related issue in a past rendition of Mayflower. The Government argued that Judge DeLuca had no recollection of the incident and was unlikely to be biased in proceedings, and that the timing of the motion was inappropriate to raise any ethical concerns. The Government also argued that the Plaintiff’s interpretation of the Fourteenth Amendment would allow any litigant to threaten frivolous litigation against a person and be automatically entitled to recusal of any presiding judge that they do not favor. Judge DeLuca ruled that the Fourteenth Amendment does compel recusal in cases where there exists “a direct, personal, substantial, pecuniary interest” that may interfere with a Judge’s ability to remain impartial. *Tumey v. Ohio*, 273 U. S. 510, 523. However, they ultimately rejected the request for recusal, citing that they did not have a personally vested interest that would interfere with their ability to preside impartially because they were acting in their official capacity for the interests of the department and not in a personal capacity that would require them to recuse under the requirements promulgated in *Tumey*. Plaintiff appealed the judgment and filed a complaint to the Court alleging that Judge DeLuca violated Canon 1–3 of the Code of Conduct for State of Mayflower Judges. This

Syllabus

Court noted sufficient grounds to proceed to disciplinary proceedings on the complaint.

Held: On consideration of the complaint filed to the Court, Judge JasonDeLuca of the Mayflower District Court for the District of New Haven County is *absolved* of all allegations made. The case is disposed of from the Court’s docket with no action being taken. Pp. 1–6.

(a) The purposes of judicial discipline being to “impugn the oblivious and incompetent” requires us to limit review in matters similar to this to only the most extreme of cases. *In re Xolaaz*, 6 M. S. C. ___, 2 (slip op.). For a ruling to be reviewed and actionable under judicial ethics and disciplinary rules, it must: (1) be egregiously absurd in the view of the law; (2) must be made without attempt of legal justification; and (3) politically, personally, or financially beneficial to the judge, or a party close to the judge, that made the ruling. Pp. 3–4.

(b) Judge JasonDeLuca’s ruling on October 30th does not meet our standards of determining incompetence that jeopardizes integrity in a given ruling. Pp. 4–6.

TAXESARENTAWESOME, J., delivered the opinion of the Court, in which BLCVLCI, C. J., and TURNTABLE5000, LIAMDISEN, JJ., joined. PAR-MENIONN, J., took no part in the consideration or decision of this case.

Opinion of the Court

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SUPREME COURT OF MAYFLOWER

No. 6JD-02

IN RE COMPLAINT AGAINST JUDGE JASONDELUCA

JUDICIAL ETHICS COMPLAINT

[December 28, 2022]

JUSTICE TAXESARENTAWESOME delivered the opinion of the Court.

The power of a judge to give rulings is one that must be treated appropriately to respect the judicial practice. There exist limits to these powers, however. In the performance of our duties, we must “carefully abstain from exercising any power that is not strictly judicial in its character.” *Muskrat v. United States*, 219 U.S. 346, 355 (1911). In this case, we are faced with determining the extent of those boundaries and where it is possible for a Judge to face discipline for a judicial action made in the course of their duties. To answer this question, we must also seek to determine what grounds are necessary to hold a judge to discipline for an official action related to their duties.

This Court holds “the right to discipline any Judge in the Supreme Court and its inferiors as it sees fit” as well as any investigations related to such discipline. Mayf St. Const. Art. XI, Sec. 6. We received a judicial complaint related to Judge JasonDeLuca of the Mayflower District Court for the New Haven District. The complaint was filed alleging that Judge DeLuca contravened Canons 1-3 of the Code of Conduct for State of Mayflower Judges. We noted

Opinion of the Court

sufficient grounds to proceed to judicial disciplinary considerations.

I

In October 2022, Judge JasonDeLuca of the Mayflower District Court for the District of New Haven was presiding over a civil case involving a litigant suing a county law enforcement agency over alleged deprivation of rights related to an employment dispute. A post-trial motion requesting recusal, mistrial, and retrial was filed regarding previous conduct between Judge DeLuca and the Plaintiff.

In their motion, the Plaintiff requested recusal by questioning the impartiality of Judge DeLuca after another employment-related dispute in another rendition of Mayflower where the Plaintiff threatened to sue Judge DeLuca, who was a high-ranking officer at a local police department at the time. The motion noted that no lawsuit was filed but a threat to do so was made against Judge DeLuca's capacity, which still constituted a conflicted interest in the view of the Plaintiff.

The Government argued that Judge DeLuca had no recollection of the incident referenced by the Plaintiff and that the alleged dispute took place over a year ago. Allowing a litigant to be entitled to recusal simply for threatening a lawsuit would not be in the best interest of judicial administration. The theory proposed by the Plaintiff would allow any litigant to frivolously threaten legal action against any person to seek recusal. Further, the Government noted that the request to recusal came after trial instead of towards the beginning of the matter. The ability to object to Judge DeLuca's alleged conflicted interest should've been exercised before trial.

In their ruling, Judge DeLuca rejected the recusal request, noting that there does exist a constitutional requirement to recuse in matters where there exist a "strong possibility that the judge's decision will be biased." See

Opinion of the Court

Lower Court’s Ruling on Motion for Mistrial, Retrial, and Recusal. However, Judge DeLuca did not agree that the prerequisites necessary for mandatory recusal were present. The ruling noted that Judge DeLuca “was acting in the official capacity... [and] in the interests of the department... there lacks a direct, personal, substantial, pecuniary interest in this case, and there is a lack of probability of actual bias on part of the judge since there was no personal relationship or bias against the Plaintiff.” *Ibid*. The request for recusal was ultimately rejected. Plaintiff appealed the judgment to this Court. That matter is ongoing.

Alongside the appeal, Plaintiff filed a written complaint to the Court alleging that Judge DeLuca’s refusal to recuse was contradictory to Canons 1, 2, and 3 of the Code of Conduct for State of Mayflower Judges. This Court noted sufficient grounds to hear the complaint.

II

This Court is required to ensure “that the adjudication of the complaint is thorough, while affording both parties opportunities to expound their claims.” *In re Xolaaz*, 6 M. S. C. ___, 1 (2022) (slip op.). Because of this, we have undertaken a thorough examination of the complaint and have summarized the substantive allegations. We are now faced with questions of how to proceed with this complaint.

Typically, the need for judicial discipline arises from actions within the courtroom that are extrajudicial in their nature. These proceedings are especially to “impugn the oblivious, and incompetent.” *Ibid* at 2. But a ruling related to a motion raised by a litigant in a case before a judge is an exercise of judicial power that is proper, except when it is to the contrary of the law. Other states have adopted similar standards. See *In re Brown*, 879 S.W.2d 801 (Tenn. 1994); *In re Adams*, 494 Mich. 162 (Mich. 2013).

However, simply making a ruling that is contrary to law

Opinion of the Court

cannot be sufficient ground to allow for judicial discipline. Such a standard would not be inline with the purposes of judicial discipline outlined in *Xolaaz* and would surely capture innocent judges making mistake in their duties. Mistakes of law, even some of the more absurd ones, do not denote a judge that lacks integrity to be disciplined on the bench, especially given that these mistakes are actions that can easily be rectified upon appeal.

We must balance a standard that captures incompetence while also ensuring that we do not spawn a fear of action for making rulings that, while interesting, are still within an interpretation of law. Adopting a strict standard would certainly victimize an innocent judge and empower us with a weapon that could easily be abused in the wrong hands; while adopting a limiting standard would also allow true evil to fester on the bench. The purposes of discipline are to punish incompetence, not those simply want to *be bold*, which is a trait we wish to encourage. *See Xolaaz*.

To capture the ignorantly inept, it is important that we aim our sights towards those who lack regard for their duties to interpret law as well as those that possess evil intent to propel themselves using their position. The best standard that we can apply here, for a ruling made pursuant to law to be reviewed and actionable under judicial ethics and disciplinary rules, would require that the act must: (1) be egregiously absurd in the view of the law; (2) must be made without attempt of legal justification; and (3) politically, personally, or financially beneficial to the judge, or a party close to the judge, that made the ruling.

III

In applying the standards that we have crafted in this opinion, we find that the established actions of Judge DeLuca fall short of nearly all requirements to establish a lack of integrity present in an allegedly incompetent ruling. The complaint asserts that Judge DeLuca fits the de-

Opinion of the Court

scription of evil that the standard we apply requires, we disagree with that assessment. However, this shall not be construed to mean that this Court endorses the ruling made that was assessed under this standard, it merely means that we cannot find that it was made with evil intent.

To the first prong, the appeal of this ruling is still ongoing, and we cannot comment as to whether it is egregiously absurd to the view of the law yet. The determination of whether a ruling is lawfully invalid must come from appellate review. Other states, namely those that have separate disciplinary boards, have similar requirements. *See* Schofield Discipline Case, 362 Pa. 201, 204-205 (Pa. 1949) (Citing *Klensin v. Board of Governance of the Pennsylvania Bar*, 312 Pa. 564, 575, 168 A. 474, 478 (1933)) (“The judicial review is at our hands, not the Board”). For us to opine at this stage as to whether the ruling was absurd would risk us rendering appeals as a lesser version of requesting discipline on a judge for a ruling they make. In future, we recommend that any litigant that wishes to seek disciplinary action because of an action done in an official capacity by a judge seek appeal before making complaint to the Court.

To the second prong, we find that Judge DeLuca exercised more than enough attempt to justify their ruling and interpretation of law. As this Court has outlined in *Xolaaz*, we are here to stop those who have lost regard or competence to hold their position. Judge DeLuca’s ruling cannot be described as this. The ruling reviewed the arguments proposed by the Plaintiff and provided an interpretation of the requirements of *Tumey v. Ohio*, 273 U. S. 510 (1927). This is a trait that would not be found in a judge liable to be held under as incompetent in their judgments.

To the third prong, we cannot find any substantial evidence that can be used to find that Judge DeLuca personally benefited from their order to remain to hear the case.

Opinion of the Court

Neither was anything recovered that can find that the ruling was intended to do so. In the lower court, the Government argued that Judge DeLuca had not even remembered the incident where the Plaintiff had threatened legal action. We find this sufficient to note that there was no malintent.

The actions and ruling made by Judge DeLuca on October 30th fail to meet any of the requirements to be liable for judicial discipline.

* * *

On consideration of the complaint filed to the Court, Judge JasonDeLuca of the Mayflower District Court for the District of New Haven County is *absolved* of all allegations made. The case is disposed of from the Court's docket with no action being taken.

It is so ordered.