

1 HOUSE RESOLUTION NO. 4

2 INTRODUCED BY T. MILLETT

3
4 A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DECLARING
5 THAT BOZEMAN MUNICIPAL JUDGE J. COLLEEN HERRINGTON AND BOZEMAN MUNICIPAL JUDGE
6 KAROLINA TIERNEY BE CENSURED FOR OFFICIAL MISCONDUCT AND MALFEASANCE IN OFFICE AND
7 CALLING FOR THEIR IMMEDIATE RESIGNATION FROM OFFICE.
8

9 WHEREAS, the House of Representatives of the State of Montana exhibits the following complaint
10 against Bozeman Municipal Judge J. Colleen Herrington and Judge Karolina Tierney, in maintenance and
11 support of its complaint against them for official misconduct and malfeasance:

12 SUMMARY OF FACTS

13 On March 11, 2024, Bozeman Municipal Judge Karolina Tierney ordered John Looney, a licensed
14 bondsman and president of the Montana Bail Agents Association, to pay a bond forfeiture of \$1,535. This bond,
15 however, was issued in 2020 for a bond Looney neither signed nor was aware of because Looney did not own
16 the company at the time.

17 On March 28, 2024, Judge Tierney and Judge J. Colleen Herrington, the other Bozeman Municipal
18 Judge, directed their clerk to file a complaint against Looney with the Commissioner of Securities and
19 Insurance.

20 On June 6, 2024, the Commissioner informed Judge Herrington and Judge Tierney that the complaint
21 had been investigated and rejected.

22 On June 20, 2024, despite this rejection, the judges suspended Looney's bonding privileges in the
23 Bozeman Municipal Court, fully aware that the authority to suspend bonding privileges belongs solely to the
24 Commissioner.

25 On July 9, 2024, Looney filed a complaint against Judge Tierney with the Judicial Standards
26 Commission (File No. 24-046). In doing so, Looney exercised his right to petition the government for redress of
27 grievances as guaranteed by the First Amendment to the United States Constitution.

28 On August 15, 2024, Judge Herrington's clerk instructed the Yellowstone County Sheriff to reject bail

1 bonds issued by Looney.

2 On August 30, 2024, Looney paid \$1,535 for the bond forfeiture that had been assessed 4 years earlier
3 against another bondsman. He then requested that his bonding privileges be restored.

4 On September 3, 2024, the judges' clerk sent an e-mail stating that the judges were "confused" that
5 Looney had not withdrawn his Judicial Standards Commission complaint. The clerk further informed Looney
6 that the judges would not discuss restoring his bonding privileges while his Judicial Standards Commission
7 complaint was pending. Looney was shocked by the demand to withdraw his Judicial Standards Commission
8 complaint against Judge Tierney in exchange for his bonding privileges being restored. Looney sent several e-
9 mails to the Bozeman Municipal Court judges protesting their extortion.

10 On September 4, 2024, Looney filed a complaint against Judge Herrington with the Judicial Standards
11 Commission (File No. 24-059). In doing so, Looney expressed his right to petition the government for a redress
12 of grievances as guaranteed by the First Amendment to the United States Constitution.

13 On September 13, 2024, Judge Herrington sent an e-mail to Looney reiterating that the Bozeman
14 Municipal Court judges would not restore his bonding privileges while his Judicial Standards Commission
15 complaints were pending.

16 On September 19, 2024, Looney filed another complaint against Judge Tierney with the Judicial
17 Standards Commission (File No. 24-058). In doing so, Looney exercised his right to petition the government for
18 a redress of grievances as guaranteed by the First Amendment to the United States Constitution.

19 On September 30, 2024, during a telephone conference with State Senator Barry Usher, Judge
20 Herrington's clerk denied that the Yellowstone County Sheriff had been told to reject Looney's bonds. The
21 clerk's statement was false.

22 On October 1, 2024, Looney filed a federal civil rights lawsuit against the judges, Looney v. Tierney and
23 Herrington, No. 24-109-BU-DWM (D. Mont. Oct. 1, 2024).

24 On October 21, 2024, the judges filed a motion to dismiss the federal civil rights lawsuit claiming judicial
25 immunity.

26 On October 25, 2024, United States District Judge Donald Molloy issued a preliminary injunction
27 requiring the judges to resume accepting Looney's bail bonds.

28 On December 12, 2024, the Judicial Standards Commission dismissed Looney's complaints against the

1 judges.

2 On January 23, 2025, the judges ordered Looney to pay new bond forfeitures of \$1,420 and \$1,060 for
3 bonds issued in 2018 and 2021, respectively. Looney neither signed nor was aware of these bonds because
4 Looney did not own the company at the time. Looney refused to pay the forfeiture.

5 On March 17, 2025, United States District Judge Donald Molloy denied the judges' motion to dismiss
6 the federal civil rights lawsuit saying, "On balance, these factors show that the suspension of Bad Boy's
7 bonding privileges was not a judicial act, and, accordingly, Defendants are not entitled to absolute judicial
8 immunity". Looney v. Tierney and Herrington, No. 24-109-BU-DWM (D. Mont. Mar. 17, 2025).

9 As a direct result of Judge Herrington's and Judge Tierney's action, Looney has suffered enormous
10 financial losses.

11 COMPLAINT I: OFFICIAL MISCONDUCT IN VIOLATION OF SECTION 45-7-401(1)(b), MCA

12 A judicial officer commits the crime of official misconduct when, inter alia, the judicial officer "knowingly
13 performs an act in an official capacity that the public servant knows is forbidden by law", section 45-7-401(1)(b),
14 MCA.

15 On March 11, 2024, Judge Tierney ordered John Looney, a licensed bondsman and president of the
16 Montana Bail Agents Association, to pay a bond forfeiture of \$1,535 issued in 2020 for a bond that Looney
17 neither signed nor was aware of because Looney did not own the company at the time and the 2-year statute of
18 limitations to commence actions to enforce forfeitures had expired. Looney refused to pay the forfeiture.

19 On March 28, 2024, the judges instructed their clerk to file a complaint with the Commissioner of
20 Securities and Insurance against Looney.

21 On June 6, 2024, the Commissioner of Securities and Insurance informed the judges that the
22 Commissioner had investigated the complaint and rejected it.

23 On June 20, 2024, the judges suspended Looney's bonding privileges in the Bozeman Municipal Court
24 knowing that this authority resided solely with the Commissioner of Securities and Insurance.

25 On August 15, 2024, the judges' clerk instructed the Yellowstone County Sheriff to reject bail bonds
26 issued by Looney or his company.

27 On September 30, 2024, in a telephone conference with State Senator Barry Usher, Judge Herrington's
28 clerk falsely denied that the Yellowstone County Sheriff had been informed of Looney's suspended bonding

1 privileges.

2 A judicial officer is prohibited from suspending the bonding privileges of a licensed bail bondsman. This
3 authority is vested solely with the Commissioner of Securities and Insurance. *Wilshire Ins. Co. v. Carrington*,
4 570 P.2d 301 (Mont. 1977).

5 The judges' action against Looney constituted official misconduct in violation of section 45-7-401(1)(b),
6 MCA, because the judges suspended Looney's bonding privileges knowing they did not have the authority to do
7 so.

8 Looney has suffered enormous financial losses as a result of the judges' illegal suspension of his
9 bonding privileges.

10 COMPLAINT II: OFFICIAL MISCONDUCT IN VIOLATION OF SECTION 45-7-401(1)(c), MCA

11 All matters set forth in the preceding paragraphs are realleged in full.

12 A judicial officer commits the offense of official misconduct when the judicial officer, "with the purpose
13 to obtain a personal advantage or an advantage for another, performs an act in excess of the public servant's
14 lawful authority", section 45-7-401(1)(c), MCA.

15 On July 9, 2024, John Looney filed a complaint against Bozeman Municipal Judge Tierney with the
16 Judicial Standards Commission. In doing so, Looney exercised his right to petition the government for a redress
17 of grievances as guaranteed by the First Amendment to the United States Constitution.

18 On August 30, 2024, Looney paid \$1,535 for the bond forfeiture that had been assessed 4 years earlier
19 against another bondsman. Looney then requested that his bonding privileges be restored.

20 On September 3, 2024, Judge Herrington's clerk sent Looney an e-mail stating that the judges were
21 "confused" by the fact that Looney paid the bond forfeiture but had not withdrawn his Judicial Standards
22 Commission complaint. The clerk further informed Looney that the judges would not discuss restoring his
23 bonding privileges while his Judicial Standards Commission complaint was pending.

24 Looney was shocked by the judges' demand to withdraw his Judicial Standards Commission complaint
25 against Judge Tierney in exchange for his bonding privileges being restored.

26 Looney sent several e-mails to the Bozeman Municipal Court judges protesting their act of extortion.

27 On September 13, 2024, Judge Herrington sent an e-mail to Looney reiterating that the Bozeman
28 Municipal Court judges would not restore his bonding privileges while his Judicial Standards Commission

1 complaint was pending.

2 The judges' action against Looney constituted official misconduct in violation of section 45-7-401(1)(c),
3 MCA, because they, with the purpose of obtaining an advantage for themselves, committed an act of extortion
4 against Looney by suspending his bonding privileges in order to force him to withdraw his Judicial Standards
5 Commission complaint.

6 COMPLAINT III: MALFEASANCE

7 All matters set forth in the preceding paragraphs are realleged in full.

8 Malfeasance is "the unjust performance of some act which the party had no right, or which he had
9 contracted not, to do." Lee v. Providence Wash. Ins. Co., 82 Mont. 264, 274, 266 P. 640, 643 (1928).

10 As detailed in the preceding paragraphs, Judge Herrington and Judge Tierney illegally suspended the
11 bonding privileges of John Looney, a licensed bondsman. The judges issued the suspension knowing that they
12 had no lawful authority to do so.

13 As detailed in the preceding paragraphs, the judges committed an act of extortion against Looney by
14 attempting to force him to withdraw his Judicial Standards Commission complaint in exchange for having his
15 bonding privileges restored. In both suspending Looney's bonding privileges and attempting to force him to
16 withdraw his Judicial Standards Commission complaint in exchange for having his bonding privileges restored,
17 the judges committed malfeasance in office.

18

19 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF
20 MONTANA:

21 That the House of Representatives of the State of Montana finds that Bozeman Municipal Judge J.
22 Colleen Herrington and Bozeman Municipal Judge Karolina Tierney have committed official misconduct and
23 malfeasance in office, have violated the public trust, and have performed actions unbecoming of an elected
24 official.

25 BE IT FURTHER RESOLVED, that the House of Representatives of the State of Montana hereby
26 declares that Judge J. Colleen Herrington and Judge Karolina Tierney are censured.

27 BE IT FURTHER RESOLVED, that the House of Representatives of the State of Montana calls for the
28 immediate resignation of Judge J. Colleen Herrington and of Judge Karolina Tierney.

- 1 BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to Judge J.
- 2 Colleen Herrington, Judge Karolina Tierney, and the Chief Justice of the Montana Supreme Court.
- 3 - END -