

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JULIE HAWES GORDON, FAMILY COURT JUDGE
6TH JUDICIAL CIRCUIT**

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND FINAL ORDER**

I. INTRODUCTION

THE PURPOSE OF THE JUDICIAL CONDUCT COMMISSION

The Judicial Conduct Commission of the Commonwealth of Kentucky (Commission) was created for the purpose of, and is vested with the jurisdiction to initiate, hear and decide charges of official misconduct by any judge of the Court of Justice or lawyer while a candidate for judicial office, and upon a finding of such official misconduct, to impose sanctions pursuant to SCR 4.020. Proceedings before the Commission may result in the discipline, retirement or removal of the judge. SCR 4.000. In furtherance of this authority and purpose, the Commission¹ filed charges of judicial misconduct against Judge Julie Hawes Gordon (Judge Gordon or Respondent), Family Court Judge, 6th Judicial Circuit, on October 21, 2021, after receiving a series of complaints of misconduct by Judge Gordon. The Notice of Formal Proceedings and Charges are attached hereto and incorporated herein by reference.

II. PROCEDURAL BACKGROUND

1. The Respondent, Judge Julie Hawes Gordon,² is the Family Court Judge of the

¹ Court of Appeals Judge Jeff S. Taylor and Bar Member Hon. R. Michael Sullivan recused in this matter.

² Judge Gordon testified at the Hearing that her legal name is Julia but she goes by Julie.

6th Judicial Circuit, located in Owensboro, Daviess County, Kentucky. Judge Gordon was elected in 2016 to the newly created Family Division of the Daviess Circuit Court and took her oath of office on or about January 3, 2017.

2. The Commission received a series of complaints alleging Judge Gordon engaged in misconduct and the Commission authorized a preliminary investigation. SCR 4.170(1).

3. Judge Gordon was provided notice of the allegations and of the preliminary investigation and was asked to appear before the Commission for an informal conference. SCR 4.170(2).

4. On July 21, 2021, Judge Gordon responded to the notice in a twenty-seven (27) page letter with attachments 1 through 19, denominating it her “sworn” statement. (“Please accept this letter, verified as my sworn statement.”) (See Hearing Exhibit 24). She thereafter supplemented this sworn statement by letter dated July 30, 2021, including attachments 20-24.

5. Judge Gordon and her counsel appeared before the Commission which conducted an informal conference consistent with SCR 4.170(2).

6. Following the informal conference, Judge Gordon was provided the factual information in the custody of the Commission for examination, and she was afforded an opportunity to present any other information bearing on the investigation. SCR 4.170(4).

7. Based on the series of complaints presented to the Commission, the Commission’s preliminary investigation, Judge Gordon’s sworn statement and supplement, the Commission concluded that formal proceedings should be initiated. On October 21, 2021, consistent with SCR 4.180, the Commission served Judge Gordon with the Notice of

Formal Proceedings and Charges (the Charges).

8. Counsel for Judge Gordon entered an appearance and after requesting and obtaining an extension of time under SCR 4.200, filed a Response to the Charges on November 22, 2021. Judge Gordon “verified” the Response. The Response denied several of the charges and violations of the Canons but admitted some of the operative facts set forth in the Charges. (See Response to Notice of Formal Proceedings and Charges dated November 22, 2021.)

9. On November 24, 2021, the Commission entered an Order and Notice of Hearing on Suspension from Duties Pending Final Adjudication pursuant to SCR 4.020(1)(a)(ii) (Temporary Removal Hearing). The purpose of the hearing was to determine whether it would be in the best interest of justice to temporarily suspend Judge Gordon, without affecting her pay status, until final adjudication of the pending Charges. The Temporary Removal Hearing was scheduled for December 15, 2021.

10. On December 2, 2021, an Agreed Order of Temporary Suspension was entered by the Commission suspending Judge Gordon, effective 5:00 p.m. C.S.T. on December 3, 2021, prohibiting her from acting in her official capacity as a judge and from the performance of her duties, without affecting her pay status, until final resolution of the pending Charges and completion of the Formal Proceedings by the Commission. (See Commission December 2, 2021, Agreed Order of Temporary Removal).

11. On December 14, 2021, the Commission noticed the hearing for the Formal Proceedings and Charges for April 4, 2022. (See December 14, 2021, Notice of Time and Place for Hearing).

12. The Formal Proceedings and hearing on the Charges commenced on April 4,

2022, in the Warren County Judicial Center, District Courtroom - 2D, with the Commission represented by Hon. Jeffrey C. Mando and Hon. Joseph Hill, and the Respondent present and represented by Hon. R. Kent Westberry and Hon. Bridget M. Bush (the Hearing).

13. Counsel for the Commission orally moved to amend the Charges to include a violation of Canon 1, Rule 1.3 under Count I. Judge Gordon's counsel objected. The proposed amendment did not involve any additional or new facts, nor did it involve any additional or new charges. Rather, it identified an additional violation of the Rules by the alleged conduct of Judge Gordon. The Chair granted the motion and allowed the amendment to add that the conduct already alleged violated Canon 1, Rule 1.3. (See Hearing Recording 2022-04-04_08.20.11.187, at 2:12).

14. During the Hearing, counsel for both the Commission and Judge Gordon moved that "The Rule" be invoked as to the separation of witnesses at the Hearing, and said motion was sustained and implemented by the Chair of the Commission. (See Hearing Recording 2022-04-04_08.20.11.187, at 4:52).

15. At the commencement of the Hearing, counsel for the Commission presented his opening statement, and counsel for Judge Gordon delegated his presentation of opening statement to his client, Judge Gordon. (See Hearing Tape 2022-04-04_08.20.11.187, at 12:18).

16. Because Judge Gordon's opening statement, orally *presented by her* to the Commission, introduced significant testimony for the Commission to consider, the Chair of the Commission asked Judge Gordon to recite the oath to swear or affirm and establish that the testimony that *she had given* to the Commission through her opening was the truth and

nothing but the truth.³ Counsel for the Commission and counsel for Judge Gordon agreed to the Chair's request, and without objection Judge Gordon did so swear or affirm. (2022-04-04_08.20.11.187, at 26:00). Through her opening statement she admitted some additional operative facts as alleged in the Charges.

17. After concluding opening statements, both sides jointly moved to amend the witness list(s) to add Megan Dunn Jackson as a witness. There being no objection, the joint motion was granted. (See Hearing Recording 2022-04-04_09.15.34.046, at 1:58).

18. The parties presented their evidence over three (3) business days, and the Hearing concluded on Wednesday, April 6, 2022. Judge Gordon testified several separate times during the Hearing, through direct examination, cross-examination, and as a rebuttal witness.

19. At the conclusion of the Hearing and presentation of all proof and defense by counsel for the parties, the Commission then deliberated on the Charges and considered all the evidence presented by the parties at the Hearing.

20. The six (6) voting members of the Commission are as follows: Bar Member Hon. Carroll M. Redford, III, Court of Appeals Judge Glenn E. Acree, Circuit Judge Eddy Coleman, District Judge Karen Thomas, and Citizen Members Dr. Joe E. Ellis and Janet Lively McCauley. Also, in attendance during the Hearing were Commission alternate members, District Judge Elizabeth Chandler and Circuit Judge Mitch Perry.

21. At the conclusion of the Hearing and presentation of proof, counsel for the parties presented to the Commission a "Stipulation of the Parties" which was filed in the

³ Under SCR 4.030 the powers of the Commission include the taking of testimony under oath.

record. By agreement of the parties, the Stipulation was to be considered by the Commission during deliberations. The Stipulation presented to the Commission the agreement of the parties that certain Charges would be subject to dismissal because proof was not presented on those identified Charges by counsel for the Commission, or the proof presented did not meet the applicable “clear and convincing” burden of proof, or counsel for the Commission would not in good faith be able to present a meritorious challenge or objection in response if a motion to dismiss those Charges, limited to and delineated in the Stipulation, was presented by Judge Gordon at the close of the proceedings.⁴

22. Pursuant to the Stipulation, portions of Counts I, II, III, IV, and the entirety of Count VI were dismissed for lack of sufficient evidence presented during the Hearing to meet the clear and convincing burden of proof. The Stipulation was considered and applied by the Commission during deliberations.

III. THE SCR 4.220 HEARING AND BACKGROUND SUMMARY

In 2016, Judge Gordon became the first and sole judge of Daviess Circuit Court, Family Court Division, as a result of the election by the citizens of Daviess County. During 2021 and into 2022 a series of complaints against Judge Gordon came to the attention of the Commission which resulted in the Charges against her for actions during her tenure as Family Court Judge. A summary of the Charges addressed at the Hearing include:

Count I: You took numerous actions to exert your influence as Family Court Judge to obstruct justice and affect the outcome of your son, Dalton Gordon’s,

⁴ Counsel for the Commission made clear that the Stipulation was presented under the conditions precedent that there was probable cause and good faith basis to file and pursue the Charges, but which counsel acknowledged he would not be in a position to defend against or rebut a motion to dismiss certain of the Charges if such motion were presented by Judge Gordon. Counsel for Judge Gordon agreed with this characterization of the intent behind the Stipulation of the Parties.

criminal proceedings.

Count II: You abused your power and overstepped the authority of your position and engaged in acts which brought your impartiality into question.

Count III: You mismanaged your courtroom and deviated from acceptable standards of judicial conduct.

Count IV: During the Judicial Conduct Commission's investigation into your practices as Family Court Judge, you demonstrated a lack of candor and misrepresented material facts to the Judicial Conduct Commission and the Judicial Ethics Committee.

Count V: You failed to recognize and avoid conflicts of interest which brought your impartiality into question.

Count VI: You have ignored and violated the law which brought your integrity into question and created the appearance of impropriety.

The misconduct allegations against Judge Gordon presented to the Commission through the complaints include serious claims of obstruction of justice, misuse and abuse of power, destruction of evidence, various improprieties as a judicial officer, bias, improper exercise of influence, retaliation, and a lack of candor to the relevant tribunals. Although there was much testimony from both sides regarding Judge Gordon's docket management or mismanagement, chaotic and unnecessarily lengthy dockets⁵ and hearings for her Juvenile Dependency, Neglect, and Abuse (JDNA) cases, as well as her defense that she was a new or "baby" judge inadequately trained and without an active mentor judge, and that she was a "systems disrupter" who caused tensions and created disgruntled court workers, especially those involved with the JDNA docket, none of these matters are controlling or dispositive of the Commission's decision or the discipline imposed.

⁵ Hearing Exhibit 37, November 14, 2018, Facebook post showing court concluding after 1a.m.

Some of the issues presented to the Commission, but not all, arose because Judge Gordon's son,⁶ Dalton Gordon (Dalton), faced several criminal matters over the last several years. The Commission's decision ultimately turns on proof of Judge Gordon's: extensive and repeated pattern and practice, over her tenure on the Family Court Bench, of exercising improper influence for her own benefit and the benefit of her son in his numerous criminal matters; extremely poor judgment and taking profoundly unwise actions that were also outside the scope and beyond the boundaries⁷ of proper judicial activity; tampering with or destroying actual or potential evidence in criminal matters involving her son; having dozens if not hundreds of recorded telephone calls with her son while he was in custody in the Daviess County Jail planning, establishing and confirming much of her misconduct⁸;

⁶ Prior to being elected to the Bench in late 2016, Attorney Gordon had acted as Guardian Ad Litem (GAL—a court-appointed advocate for a child) for a young boy named Dalton. She was his GAL for nearly a decade. Prior to Dalton's eighteenth birthday, Gordon resigned as his GAL and adopted him in or about 2013-2014. Dalton's relevant criminal history is set forth in Hearing Exhibit 59, CourtNet printouts for various cases covering June 29, 2017, through July 2021. In each instance, Judge Gordon was the "victim" of Dalton's criminal activity and therein lies several significant problems for any parent, and especially a parent who is a sitting judge. However, at all relevant times for the matters considered by the Commission, Dalton was not just over 18 years of age, he was over 21. Dalton turned 21 in December 2017. At all relevant times, Dalton was Judge Gordon's adult son in criminal trouble, not a child or a boy, or even a juvenile as Judge Gordon described him.

⁷ The testimony at the Hearing established that Judge Gordon was never able to remove herself from the role of being an advocate as when she was a GAL, and fully move into the constitutional role of being judge.

⁸ The recorded jail calls are damning in a variety of respects for Judge Gordon. The Commission heard only a few of the hundreds of calls during the Hearing but enough were played to prove the allegations. Most shocking was Judge Gordon's testimony (and argument) that she did not think anyone would ever hear or listen to the calls, the implication being she would not have said the things she said, if she had known anyone would hear them. Hearing Exhibit 56, Central Dispatch Reports, were introduced at the Hearing. Some of the conversations, including that of June 29, 2017, are quite disturbing but are not directly the subject of any of the Charges against Judge Gordon and, in any event, raise issues well beyond the jurisdiction of the Commission.

creating conflicts of interest because of the legal representation of her son in his criminal matters by an attorney regularly appearing before her in Family Court matters, which representation she failed to disclose to participants in court proceedings before her and for which she failed to recuse, creating actual bias or at least the perception of bias and the lack of impartiality; sending and receiving hundreds of *ex parte* communications (1) via hundreds of text messages with the county attorney and counsel representing her son, both of whom regularly appeared before her in other matters, and (2) via text messages, personal meetings and/or phone calls with the judges, the prosecutor and the defense attorney handling her son's criminal cases through which she was attempting to represent and advocate for her son⁹; retaliating against the Cabinet for Health and Family Services (the Cabinet) and its workers who advocated actions contrary to her views in JDNA matters; exhibiting a lack of candor to the Judicial Ethics Committee (JEC) from which she obtained advisory opinions (based on limited or incorrect facts she presented) and using those advisory opinions to justify her actions and in defense of the Charges; and exhibiting a lack of candor to the Commission. In sum, the misconduct alleged against Judge Gordon involved her repeatedly acting well outside the constitutional role of judge, creating conflicts and bias by acting as counsel, advisor, and advocate for her son in his criminal cases and then lobbying and pushing both the prosecutor and judge presiding over those

⁹ The Commission heard testimony that in Dalton's earliest criminal cases, after Judge Gordon became judge, a special judge was appointed to preside though a special prosecutor was never appointed. For some unexplained reason, appointment of a special judge from outside Daviess County for Dalton's criminal matters ceased after 2018 and there has never been a special prosecutor appointed. It also became apparent that a reasonable person could perceive Judge Gordon's actions as providing for Dalton a system and process for adjudicating criminal charges unavailable to the citizenry at large.

cases to take actions as she directed. Judge Gordon failed to disclose the conflicts she created and failed to recuse from matters wherein she clearly had a conflict because of her efforts. She bullied and threatened Cabinet workers when they did not acquiesce to her manner of conducting JDNA matters or when they expressed objections to her actions and rulings, and she then retaliated against them when the Cabinet and its workers defended and pushed back through normal motion practice in her court. And, she was not forthcoming and honest with the Commission. Judge Gordon admitted much of her misconduct through her multiple written letters and formal Response to the Commission. Much more of her misconduct was established through the Hearing.

Based upon clear and convincing evidence presented at the Hearing, individually, the misconduct claims against Judge Gordon are of significant concern and present numerous, serious transgressions, and a pattern of improper conduct and violations of the Rules of the Kentucky Code of Judicial Conduct. Collectively, the misconduct claims against Judge Gordon established at the Hearing result in a tragic but necessary disciplinary action against her as set forth below.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Judicial Conduct Commission concludes that the following additional Findings of Fact and Conclusions of Law have been established by clear and convincing evidence.

COUNT I

Based upon the totality of the evidence presented at the Hearing, and following significant deliberation by the Commission, by a vote of 6-0, the Commission finds with respect to Count I that Judge Gordon committed the acts as follows:

- On March 5, 2020, Judge Gordon spoke to Dalton at the Daviess County Detention Center and told him she had worked out a plan for his pending

criminal case, 20-M-00492. She told Dalton if he did not leave it up to her, “they will come up with it on their own.” Judge Gordon also told Dalton if he did not leave it up to her, there would be no contact with the victim (Judge Gordon) and he would not be allowed to go to the home of the victim (Judge Gordon’s home). She then spoke with the presiding judge in the case and discussed her recommendations for Dalton’s release on bond. She then told Dalton she sent a text message to the presiding judge about his docket time and hoped to work out a time to pick Dalton up from the Detention Center. Judge Gordon also told Dalton she had talked to County Attorney Claud Porter about getting Dalton into treatment.¹⁰

- Judge Gordon contacted County Attorney Claud Porter to influence his position on Dalton’s bond status and the resolution of Dalton’s criminal charges. She often did not attempt to contact Dalton’s attorney and instead used her influence as Family Court Judge to personally affect the bond decisions of Mr. Porter and the presiding judge. Judge Gordon has influenced various bond motions and *ex parte* orders in Dalton’s cases. After Dalton was arrested and charged in 20-F-01038, she told Dalton that Mr. Porter was trying to take the case out of her hands. On October 1, 2020, Judge Gordon told Dalton that she did not think Dalton’s charges in 20-F-01038 met the necessary requirements for a felony, even though she was the complaining witness in the incident. Judge Gordon told Dalton she would schedule an in-person meeting with his attorney, Clay Wilkey. On November 8, 2020, Judge Gordon told Dalton she had sent Mr. Porter and Mr. Wilkey a proposal for the resolution of Dalton’s criminal charges but found out that Mr. Porter had already sent Mr. Wilkey a plea offer. On the same phone call, Judge Gordon stated she told Mr. Porter she wanted to make the decisions for her family and her house. These actions were not limited to Dalton’s incarceration in 2020.¹¹

¹⁰ Judge Gordon initially denied engaging “in [sic] *ex parte* communications with Judge Burlew to affect the outcome of [her] son’s cases.” (See Hearing Exhibit 24, July 21, 2021 Gordon sworn response letter). She later gave some substantiation to this charge. (See Judge Gordon’s Response to Notice of Formal Proceedings and Charges, November 22, 2021 at page 2, wherein she admitted that she texted with Judge Burlew “regarding scheduling.”). The record at the hearing established that Judge Gordon had much more *ex parte* contact with Judge Burlew, specifically about Dalton and his criminal case and matters. (See Hearing Exhibit 13, Judge Burlew hearing tape, and Hearing Exhibits 12, 9, 8, 21, 22, 63, 23, text messages). The video of the hearing and Judge Burlew’s statements on the record during Dalton’s case make painfully clear that Judge Gordon was not candid and truthful to the Commission. At a minimum, Judge Gordon lacked candor in her communication with the Commission, but the totality of the record supports the view that she was untruthful. On these matters Judge Gordon’s testimony denying her lack of candor was not credible.

¹¹ Hearing Exhibits 12, 8, 21, 7, text messages.

- On more than one occasion, Judge Gordon took actions to destroy evidence and obstruct justice. She has attempted to alter, conceal, or tamper with Dalton's social media accounts and cellular telephone content to protect him from criminal liability. Judge Gordon told Dalton she cleaned up content on his phone, and she had to "severely edit" the pictures on his Instagram account. This was after Dalton was arrested in Daviess County District Court case 17-F-00748. She told Dalton that he wasn't successful in deleting everything from his Facebook page before law enforcement obtained his phone. Judge Gordon asked Dalton for his password and assured him she would delete certain content.¹²

Judge Gordon's actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office.

Furthermore, Judge Gordon's actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law, including the Code of Judicial Conduct.
- **Canon 1, Rule 1.2** which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- **Canon 1, Rule 1.3** which requires a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.
- **Canon 2, Rule 2.1** which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- **Canon 2, Rule 2.2** which requires that a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.
- **Canon 2, Rule 2.4 (B)** which requires that a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- **Canon 3, Rule 3.1 (C)** which provides that when engaging in extrajudicial activities, a judge shall not participate in activities that would appear to a

¹² Judge Gordon admitted her actions relative to this Charge. (See Judge Gordon's Response to Notice of Formal Proceedings and Charges, November 22, 2021, at page 4, and Hearing Exhibits 7, text messages, and Exhibits 14, 15, 5, jail calls, and the associated transcripts of each call noted as exhibit "a" with the related exhibit number).

reasonable person to undermine the judge's independence, integrity, or impartiality.

- **Canon 3, Rule 3.1 (D)** which provides that when engaging in extrajudicial activities, a judge shall not engage in conduct that would appear to a reasonable person to be coercive.

COUNT II

Based upon the totality of the evidence presented at the Hearing, and following significant deliberation by the Commission, by a vote of 6-0, the Commission finds with respect to Count II that Judge Gordon committed the acts as follows:

- She threatened to impose monetary fines upon Cabinet supervisors and case workers for late reports and other course of employment events. On August 1, 2017, she entered an order stating Cabinet workers were to be fined \$15 for failure to file reports and those fines would be paid as credit for mouth swab drug tests from NECCO. She then attempted to enforce those fines on multiple Cabinet supervisors. On December 16, 2019, she sent an email to Cabinet employees threatening fines if they missed court report deadlines. She has used her position of power and ordered juvenile placements inconsistent with Cabinet recommendations. Only after the Cabinet appealed some of these orders, did she set them aside, thus avoiding a reversal.¹³
- When she took the bench as Family Judge on January 3, 2017, Guardian Ad Litem representation was assigned by Daviess County court clerks, who kept a rotating list of eligible attorneys. She subsequently took control of GAL assignments for her JDNA docket, including the appointment of attorneys Clay Wilkey, who represented her son in criminal matters, and Andrew Johnson, who worked at her husband's law firm, Gordon Goetz Johnson Caldwell, PSC, thereby creating a conflict and the perception of favoritism.¹⁴
- She used her influence as Family Court Judge to obtain favorable treatment from Daviess County Jailer Art Maglinger. While Judge Gordon served as

¹³ Judge Gordon admitted her actions relative to this Charge. (See Judge Gordon's Response to Notice of Formal Proceedings and Charges, November 22, 2021 at page 6, and Hearing Exhibits 27, August 11, 2017 email from Judge Gordon to Joey Minor, MSW with the Cabinet and 29, Amended Order Temporary Removal Hearing). In her email she notes that she imposed sanctions against Cabinet "workers/supervisors," that she had set several show cause hearings for 7:00am and that motions to alter, amend, or vacate sanctions orders would be docketed "as early as 6:30am to ensure completion before our normal docket begins at 8:00am."

¹⁴ Hearing Exhibit 30, GAL statistics 2017-2021.

Family Judge and Dalton was incarcerated, she approached Jailer Maglinger and used her position to influence to arrange semi-private meetings in the jailer's office with Dalton while he was incarcerated during non-visiting hours at the detention center. The Detention Center explicitly prohibits bringing in food and drink on visits with inmates, yet Judge Gordon frequently brought Dalton meals, drinks, magazines, and books on her accommodated visits. She routinely used her position to allow Dalton to enjoy privileges that other inmates were not permitted to receive.¹⁵

- She removed or threatened to remove attorneys from her GAL list for arbitrary reasons. This included removal of attorney Janelle Farley because she was not "supportive of addicts" and/or acted as an obstructionist by failing to waive Judge Gordon's conflicts.¹⁶

Judge Gordon's actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office.

Furthermore, her actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law, including the Code of Judicial Conduct.
- **Canon 1, Rule 1.2** which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- **Canon 2, Rule 2.1** which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- **Canon 2, Rule 2.2** which requires that a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

¹⁵ Hearing Exhibit 35, jail call. Daviess County Jailer Art Maglinger testified that he recalled Judge Gordon contacted him requesting special visitation with Dalton at particular times.

¹⁶ Based on Judge Gordon's testimony and that of attorneys appointed by her as GAL in the Daviess County courts and from the totality of the evidence presented, she had expressed clear "expectations" of her Daviess County court GAL panel members and the failure to meet her expectations, whatever they may be at the time, led to retaliation like "pausing" their Daviess County court GAL appointments. Attorney Janelle Farley testified at length regarding these matters and confirmed the retaliation by Judge Gordon against her. Attorney Amanda Bragg testified that she was not "paused" for her indiscretion – in Judge Gordon's eyes -- but was given a chance to explain, while Ms. Farley learned from Clay Wilkey that she was taken off the list and had to request a meeting with Judge Gordon before she was reinstated. Judge Gordon's testimony to the contrary on this matter is not credible.

- **Canon 2, Rule 2.3 (A)** which requires that a judge perform the duties of judicial office, including administrative duties, without bias or prejudice.
- **Canon 2, Rule 2.3 (B)** which requires that a judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice, or engage in harassment and shall not permit court staff, court officials, or others subject to the judge's discretion and control.
- **Canon 2, Rule 2.4 (B)** which requires that a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.

COUNT III

Based upon the totality of the evidence presented at the Hearing, and following significant deliberation by the Commission, by a vote of 6-0, the Commission finds with respect to Count III that Judge Gordon committed the acts as follows:

- She took it upon herself to administer drug tests using her secretary, her case manager, and others to conduct such testing, creating conflict and calling into question her impartiality. The criteria for which party to drug test was arbitrary. The validity of the drug testing was questionable as urine tests were stored in chambers in a refrigerator Judge Gordon purchased and on occasion the samples left the courthouse with Judge Gordon's staff overnight, compromising the propriety of the chain of custody.¹⁷

Judge Gordon's actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office.

Furthermore, her actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law, including the Code of Judicial Conduct.
- **Canon 1, Rule 1.2** which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

¹⁷ Hearing Exhibit 38, November 18, 2020 email from Heather Cann re: Gordon instructing staff to take drug test home to monitor.

- **Canon 2, Rule 2.2** which requires that a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.
- **Canon 2, Rule 2.3 (A)** which requires that a judge perform the duties of judicial office, including administrative duties, without bias or prejudice.
- **Canon 2, Rule 2.3 (B)** which requires that a judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice, or engage in harassment and shall not permit court staff, court officials, or others subject to the judge’s discretion and control.
- **Canon 2, Rule 2.4 (B)** which requires that a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge’s judicial conduct or judgment.
- **Canon 2, Rule 2.8 (B)** which requires that a judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and other with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge’s discretion and control.
- **Canon 2, Rule 2.12 (A)** which provides that a judge shall require court staff, court officials, and others subject to the judge’s discretion and control to act in a manner consistent with the judge’s obligations under the Code of Judicial Conduct.

COUNT IV

Based upon the totality of the evidence presented at the Hearing, and following significant deliberation by the Commission, by a vote of 6-0, the Commission finds with respect to Count IV that Judge Gordon committed the acts as follows:

- In her July 21, 2021, response to the Commission, Judge Gordon stated “I have NO authority to hire or fire attorneys for my adult son. My son did hire Clay Wilkey to represent him.” However, on March 9, 2018, she told Dalton she paid thousands of dollars for him to have the best attorney represent him in order to minimize the damage and buy him “another shot.” Then on March 11, 2018, Dalton expressed to Judge Gordon his dissatisfaction that Judge Gordon was terminating Mr. Wilkey’s representation. Judge Gordon responded she was not terminating his services, just that she was not paying him. She later told Dalton

she could not stop paying Mr. Wilkey with a felony hanging over Dalton's head.¹⁸

- She told the Commission she did not get involved with Dalton's criminal cases, but she engaged in repeated acts to influence and resolve them, including meeting with the presiding judge on March 6, 2020, to influence his decision on Dalton's bond conditions.¹⁹
- In her July 21, 2021, Response to the Judicial Conduct Commission, she stated she never requested charges be dropped against Dalton and she could not recall a single time she have ever requested Dalton not go to jail.²⁰

Judge Gordon's actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office.

Her actions furthermore violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law, including the Code of Judicial Conduct.
- **Canon 1, Rule 1.2** which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- **Canon 2, Rule 2.16 (A)** which requires that a judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.

COUNT V

Based upon the totality of the evidence presented at the Hearing, and following significant deliberation by the Commission, by a vote of 6-0, the Commission finds with respect to Count V that Judge Gordon committed the acts as follows:

- She failed to avoid a conflict of interest in her role as Family Court Judge in regard to Dalton's criminal cases by retaining, paying for, and directing the actions of Dalton's attorney, Clay Wilkey, who actively practices law in her courtroom and regularly receives GAL appointments. On March 9, 2018, Judge Gordon told Dalton that she paid thousands of dollars for Dalton to have the best attorney represent him in order to minimize the damage and buy Dalton

¹⁸ Hearing Exhibits 39, 40 and 41, jail calls.

¹⁹ Hearing Exhibit 13, Judge Burlew hearing tape.

²⁰ Hearing Exhibit 24, July 21, 2021 Gordon sworn response letter.

“another shot.” On March 11, 2018, Dalton expressed to Judge Gordon his dissatisfaction that Judge Gordon was terminating Mr. Wilkey’s representation. On March 6, 2021, court-appointed Daviess County Public Defender, Heather Blackburn, was replaced by Mr. Wilkey as counsel for Dalton after Blackburn expressed to the presiding judge the notion that a special prosecutor and special judge would be appropriate in Dalton’s case, 20-M-00492. On July 22, 2021, Dalton told Judge Gordon that Mr. Wilkey was not his lawyer, because Judge Gordon was the one who hired him. Judge Gordon misrepresented to the Judicial Ethics Committee (JEC) that she had not retained Mr. Wilkey as Dalton’s attorney and was not paying Mr. Wilkey’s legal fees.²¹

- Judge Gordon had a conflict of interest when she presided over cases in which attorney Pat Flaherty represented a party after she hired his brother, Brian Flaherty, as a staff attorney. She later recused herself from presiding over all of Pat Flaherty’s cases, but fearing that individuals were forum shopping and avoiding her courtroom by seeking the representation of Pat Flaherty, she issued a General Order on August 28, 2019, stating she could preside over cases in which Pat Flaherty represented a party, and that the party represented by counsel opposing Flaherty could request a transfer due to the conflict on a case-by-case basis. Despite the General Order, Judge Gordon failed to disclose this conflict on the record and failed to recuse or seek waivers of the conflict.²²
- Judge Gordon was not candid with the JEC in seeking opinions regarding possible conflicts.²³
- Judge Gordon failed to avoid conflicts of interest in her assignment of GALs. She misrepresented to the JEC that Daviess County bench clerks were randomly assigning GALs to cases. She took control of GAL assignments for her JDNA docket, showing favoritism to attorneys Clay Wilkey, who represented her son in criminal matters, and Andrew Johnson, who works at her husband’s law firm, Gordon Goetz Johnson Caldwell, PSC. Awarding GAL assignments to Mr. Wilkey and Mr. Johnson constitute a conflict of interest.

²¹ JCC Formal Proceedings Docket, Gordon’s Response to Notice of Formal and Charges, dated November 22, 2021, Exhibit U, July 18, 2018, JEC Ethics Opinion regarding counsel representing Gordon’s son practicing before her.

²² *Id.* Exhibit W, October 26, 2017, JEC Ethics Opinion regarding Pat Flaherty.

²³ *Id.* Exhibit U, July 18, 2018, JEC Ethics Opinion regarding counsel representing Gordon’s son practicing before her, and Exhibit W, October 26, 2017, JEC Ethics Opinion regarding Pat Flaherty.

Judge Gordon's actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office.

Furthermore, her actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law, including the Code of Judicial Conduct.
- **Canon 1, Rule 1.2** which requires a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- **Canon 2, Rule 2.1** which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- **Canon 2, Rule 2.2** which requires that a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.
- **Canon 2, Rule 2.3 (A)** which requires that a judge perform the duties of judicial office, including administrative duties, without bias or prejudice.
- **Canon 2, Rule 2.4 (B)** which requires that a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- **Canon 2, Rule 2.11 (A)** which provides a judge must disqualify herself in any proceeding in which her impartiality might reasonably be questioned.²⁴

²⁴ Canon 2, Rule 2.11 (A) provides that a judge must disqualify herself in any proceeding in which her impartiality might reasonably be questioned. The violation of this Rule by Judge Gordon was asserted in two (2) other Counts: Counts II and VI. The charge as pled focused on the use of court staff to conduct drug tests, her personal relationships with those handling Dalton's criminal cases, the judge(s) presiding over, prosecutors handling and defense attorneys defending. The Charges imply a purported obligation for the Judge to disqualify or at least disclose the relationship(s) under Rule 2.11(C), but the Rule does not automatically mandate or trigger disqualification or disclosure. If a judge is biased or prejudiced for or against a party's attorney, disqualification or recusal is mandatory. Rule 2.11(A)(1). (See Judicial Ethics Opinion JE-127). If a judge is not biased or prejudiced, whether a personal friendship or relationship is sufficient to warrant disqualification and trigger the disclosure and remittal of disqualification requirement of Rule 2.11(C) is based upon the extent of the relationship, which would lead a reasonable observer to believe the judge's impartiality might be reasonably questioned as a result thereof. Rule 2.11(A). Certainly this is so regarding the situation created with the attorney representing her son in criminal matters and then appearing before her on a regular basis in her JDNA court, and her

COUNT VI

Based upon the totality of the evidence presented at the Hearing and the Stipulation of the Parties, by a vote of 6-0, the Commission finds with respect to Count VI that the following Charges have not been established by clear and convincing evidence:

- Discussing the details of confidential cases with Dalton.
- Ignoring Dalton's bond conditions and allowing Dalton to remain at Judge Gordon's residence despite explicit knowledge that he was violating his bond conditions.

ORDER

Judge Gordon has been found guilty by the Commission of violating the Kentucky Code of Judicial Conduct and engaging in misconduct in 5 of the 6 counts charged against her. Her conduct has violated numerous Rules of the Judicial Canons, including the following:

- Failing to comply with the law (Canon 1, Rule 1.1).
- Failing to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and avoiding impropriety and the appearance of impropriety (Canon 1, Rule 1.2), and not abuse the prestige of judicial office to advance the personal interests of the judge or others (Canon 1, Rule 1.3).
- Failing to give precedence of the judicial office over all of a judge's personal and extrajudicial activities (Canon 2, Rule 2.1).
- Failing to perform the duties of her judicial office fairly and impartially (Canon 2, Rule 2.2) and without bias or prejudice (Canon 2, Rule 2.3(A) and (B)).
- Allowing social, political, financial or other interests or relationships to influence her judicial conduct or judgment (Canon 2, Rule 2.4(B)). Failing to be patient, dignified, and courteous to those with whom the judge deals in an official capacity,

actions and communications with the judges and prosecutor coupled with her relationship to each of them require at the least disclosure under Rule 2.11(C) by Judge Gordon. In the instant case, the Commission finds that the evidence presented in relation to Count II and VI and the Charge that her actions violated this Rule was insufficient to establish a violation of the Rule based on the clear and convincing burden of proof, but such burden of proof was established under Count V.

and permitting similar conduct of others subject to her direction and control (Canon 2, Rule 2.8(B)).

- Failing to disqualify herself in any proceeding where her impartiality might reasonably be questioned (Canon 2, Rule 2.11(A)).
- Failing to require her staff to act in a manner consistent with the judge's obligations under the Code of Judicial Conduct (Canon 2, Rule 2.12(A)).
- Failing to cooperate and be candid and honest with judicial disciplinary agencies (Canon 2, Rule 2.16(A)).
- Retaliating against a person known or suspected to have assisted or cooperated with an investigation of a judge (Canon 2, Rule 2.16(B)).
- Participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity or impartiality. (Canon 3, Rule 3.1(C)).
- Engaging in conduct that would appear to a reasonable person to be coercive (Canon 3, Rule 3.1(D)).

Judge Gordon's conduct violating the Canons was not isolated but was a pattern of repeated conduct over an extended period of time and over her entire tenure as judge and in a variety of ways. Her conduct violating the Canons was extensive and frequent and provided personal benefits to her and her adult son. The conduct occurred inside and outside of the courtroom, and in her official capacity. Judge Gordon testified and her counsel argued in mitigation that she "made mistakes" and that she recognized that acts as alleged occurred but that she has stopped such practices or changed or modified her conduct and behavior. Unfortunately for Judge Gordon, verbal assurances of change in behavior do not eliminate the serious violations of the Canons of Judicial Conduct. There is no doubt that she has brought the integrity and respect for the judiciary within Daviess County into disrepute and that her improper actions violate the Canons. Arguably, the integrity and respect for the judiciary of the entire Commonwealth has been and is negatively impacted by Judge Gordon's misconduct, particularly in light of her retaliation against the Cabinet and its workers. As part of the misconduct, Judge Gordon exploited her judicial position to satisfy her personal desires, a perniciously nefarious act and one that can rarely be explained away by a sitting judge. Based on the totality of the evidence

presented, including acts admitted by Judge Gordon and conduct she cannot deny she engaged in, and based upon a reasonable and reasoned application of the Rules, it is clear that Judge Gordon lacks fitness to continue on the Bench.

As most realize (but some still do not), failing to be candid and honest with the Commission in its investigation and process on multiple occasions, including in Formal Proceedings, goes to the heart of a judge's integrity. Judge Gordon failed to be candid with both the JEC and the Commission, and obstructed justice.

The Commission notes that none of the Charges against Judge Gordon involved criticism of rulings that ultimately impacted parties to cases before her or as to her actions toward the parties before her *except* those involving the sanctions of Cabinet workers, which orders were vacated, and such practice Judge Gordon swears under oath has stopped.²⁵ The Commission makes no findings as to Judge Gordon's judicial "ability" or as to any type of case-by-case review as that is not before the Commission. In fact, Judge Gordon presented several witnesses²⁶ to attempt a bolstering of her *ability* as a competent

²⁵ There was significant testimony from more than one witness indicating questionable and improper actions by Daviess County court GALs taking the child of their appointed representation home or elsewhere or for "overnights" without proper review and approval. This is another systemic issue found in the Daviess County court system that appears to be of great concern but outside the scope of the Charges and also the jurisdiction of the Commission.

²⁶ One witness called by Judge Gordon to bolster her reputation as a judge, Hon. Clay Wilkey, admitted under oath that he lied to the investigator for the Commission. Wilkey "corrected" the record through his testimony at the Hearing confirming that he *had* reviewed the Charges against Judge Gordon even though **at Judge Gordon's request** Wilkey told the investigator, Gene Weaver, that he had not. (See Hearing Record, 2022-04-05_13.46.09.296, at 1:00:35). But this belated correction does not cure his initial lack of candor to this body. The Commission appreciates that Mr. Wilkey had a change of heart following his interview by Mr. Weaver and wrote a letter to the Commission in December 2021 disclosing his lie and offered to correct his statement that he had made under oath to Mr. Weaver. His correction may have carried more weight and credence if it had come before he reviewed Judge Gordon's

judge. However, the lack of any such finding does not excuse or make less serious Judge Gordon's numerous instances of judicial misconduct. And, judicial ability does not necessarily prevent or preclude the potential for judicial misconduct.

The Commission is not tasked with investigating or charging any others who may have been involved in Judge Gordon's activities or what was suggested by this Hearing as systemic "issues" within the Daviess County Courts and among its participants. Those issues do not go unnoticed. The Commission acknowledges that this decision does not address and will not resolve all the "issues" that have been uncovered through its investigation and as a result of the Hearing. We remain optimistic that this decision will be the beginning of curative action for the judicial system and its participants within Daviess County, and not the end of such action.

This case does not involve one or two isolated occurrences, but instead involves Judge Gordon's pattern of misconduct and her repeated exercise of extremely poor judgment and her engagement in profoundly unwise action – on and off the Bench – that continued for years, including after Judge Gordon was informed that a complaint was filed with the Commission against her.²⁷ As the Kentucky Code of Judicial Conduct provides in

statement to Gene Weaver contradicting his—that she provided the Charges to Mr. Wilkey. A lie can be corrected but it may not be forgotten, or its impact eliminated. Much more is expected of Mr. Wilkey as an officer of the Court. It is also disturbing that Mr. Wilkey advised Judge Gordon to delete her texts about their conversations of a Kentucky State Police investigation involving Dalton's phone and issues of sex trafficking and child abuse. She confirmed that she deleted the text messages from Wilkey, while Wilkey did not delete her messages to him. Hearing Exhibit 7, text messages.

²⁷ As she conceded during her testimony at the Hearing, she was previously instructed in 2018 by the Commission to stay out of Dalton's cases. (See JCC Formal Proceedings Docket, Gordon's Response to Notice of Formal and Charges, dated November 22, 2021, Exhibit T, April 13, 2018, Letter). Judge Gordon also testified at the Hearing that she was called in

its Preamble, SCR 4.300, “Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest public confidence in their independence, impartiality, integrity, and competence.” Respondent failed in essentially every respect of this fundamental rule applicable to all judges. After proper notice and hearing, and based on the totality of the circumstances and evidence presented at the Hearing and the broad range of repeated and systemic misconduct by Respondent over a substantial period of time, the Commission by unanimous vote (of 6-0) orders that Judge Gordon be removed from office. The Commission notes that the severity of the penalty imposed is driven significantly by her violations of the Canons in Count I, and it alone justifies removal from office, even without the significant other misconduct found through Counts II – V.

Based upon the Stipulation of the Parties, the Commission finds that those sections of Counts I, II, III, IV, V and the entirety of Count VI (as specifically noted in the Stipulation filed in the record) and that are not addressed herein have not been established by clear and convincing evidence.

WHEREFORE, based upon the foregoing and the totality of the clear and convincing evidence presented to the Commission at the Hearing, it is the Commission’s ruling that Judge Gordon be, and hereby is, REMOVED from the office of Judge.

Rule 4.270 provides that the Commission’s Order shall become effective ten (10)

before Chief Judge Wethington who informed her he had received complaints about her actions in her son’s cases.

days after service, which service date is set forth in the Certificate of Service, below, unless an appeal is filed within that time.

I hereby certify that the Findings of Fact, Conclusions of Law, and Final Order represent an action of the Judicial Conduct Commission on this 22nd day of April, 2022.


Carroll M. "Trip" Redford, III
Chair of the Kentucky
Judicial Conduct Commission

Members R. Michael Sullivan, Esq. and Judge Jeff S. Taylor recused from any consideration of this matter.

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Julie Hawes Gordon, Daviess County Family Court Judge, by serving the same consistent with SCR 4.150 to her at her personal residential address on file and to her counsel of record, Hon. R. Kent Westberry and Hon. Bridget M. Bush, Landrum and Shouse, LLP, 220 West Main Street, Suite 1900, Louisville, KY 40202, kwestberry@landrumshouse.com; and to counsel for the Commission, Hon. Jeffrey C. Mando and Hon. Joseph Hill, Adams Law, PLLC, 40 West Pike Street, Covington, KY 41011 jmando@adamsattorneys.com, on this 22nd day of April, 2022.


Jimmy A. Shaffer
Executive Secretary