

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

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

FORMAL PROCEEDINGS DOCKET ENTRIES

Date of Filing

1. October 21, 2021 - [Notice of Formal Proceedings and Charge](#)
2. October 26, 2021 - [Order for Extension](#)
3. November 16, 2021 - [Order Denying Request for Extension](#)
4. November 22, 2021 - [Response to Notice of Formal Proceedings and Charges](#)
5. November 24, 2021 - [Order and Notice of Hearing on Suspension of Duties Pending Final Adjudication](#)
6. December 2, 2021 - [Agreed Order of Temporary Suspension](#)
7. December 14, 2021 - [Notice of Time and Place for Hearing](#)
8. January 19, 2022 - [Motion to Expedite Hearing](#)
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10. March 14, 2022 - [Prehearing Order](#)
11. March 17, 2022 - [Notice to Take Deposition in Lieu of Live Testimony \(Courtney Skinner\)](#)
12. March 17, 2022 - [Notice to Take Deposition in Lieu of Live Testimony \(Kim Emberton\)](#)
13. April 14, 2022 - [Order for Extension](#)
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- 17. April 27, 2022 - [Order Denying the Motion to Reconsider the Order for Extension](#)
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**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

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

NOTICE OF FORMAL PROCEEDINGS AND CHARGES

Notice is hereby given of the initiation of formal proceedings under Rule 4.180 of Rules of the Supreme Court. At the times set out in this Notice, you were Family Court Judge for Kentucky's 6th Judicial Circuit located in Daviess County. The Charges are as follows:

COUNT I

During your tenure as Family Court Judge, you took numerous actions to exert your influence as Family Court Judge to obstruct justice and affect the outcome of your son, Dalton's proceedings including but not limited to,

- On March 5, 2020 you spoke to Dalton at the Daviess County Detention Center and told him that you had worked out a plan for his pending criminal case, 20-M-00492. You told Dalton that if he did not leave it up to you, "they will come up with it on their own." You also told Dalton if he did not leave it up to you, there would be no contact with the victim (you) and he would not be allowed to go to the home of the victim (your home). You spoke with the presiding judge in the case and discussed your recommendations for Dalton's release on bond. You then told Dalton that you 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. You also told Dalton that you had talked to County Attorney, Claud Porter about getting Dalton into treatment.
- You have called or sent text messages to Sgt. Harper, Deputy Payne, and other Daviess County Sheriff's deputies on their personal phones and attempted to indirectly contact other deputies in order to respond to your residence for incidents involving Dalton, bypassing Daviess County Dispatch, requesting them to meet you to file a new complaint against Dalton, and giving charging instructions to the responding deputies.
- You contacted County Attorney, Claud Porter to influence his position on Dalton's bond status and the resolution of Dalton's criminal charges. You often did not attempt to contact Dalton's attorney and instead you used your influence as Family Court Judge to personally affect the bond decisions of Mr.

Porter and the presiding judge. You have influenced various bond motions and *ex parte* orders in Dalton's cases. After Dalton was arrested and charged in 20-F-01038, you told Dalton that Mr. Porter was trying to take the case out of your hands. On October 1, 2020, you told Dalton that you did not think Dalton's charges in 20-F-01038 met the necessary requirements for a felony, even though you were the complaining witness in the incident. You then told Dalton that you would schedule an in-person meeting with his attorney, Clay Wilkey. On November 8, 2020, you told Dalton that you 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, you stated that you told Mr. Porter that you wanted to make the decisions for your family and your house. These actions were not limited to Dalton's incarceration in 2020.

- On February 29, 2020, Dalton was arrested on the charges in Daviess County District Court case 20-M-00492. On March 5, 2020 you told Dalton that you were dumbfounded at how much he was telling the police while on scene.
- You have taken actions to destroy evidence and obstruct justice. You have attempted to alter, conceal, or tamper with Dalton's social media accounts and cellular content to protect him from criminal liability. On January 21, 2018, you told Dalton that you cleaned up content on his phone, and that you 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. On October 26, 2017 you told Dalton that he wasn't successful in deleting everything off his Facebook before the cops got his phone. You asked him for his account password and assured him that you would delete certain content.
- After Dalton was kicked out of the Boulware treatment program, you contacted a Boulware director and attempted to use your influence as Family Court Judge to demand they re-enroll Dalton into the program. When Boulware refused based on their policies, you directed Dana Tackett to find out which residents of Boulware your courtroom was monitoring or testing and have them immediately drug tested by your Court.
- You used your influence as Family Judge to persuade Joe Welsh at Friends of Sinners to accept Dalton back into their program. You were regularly communicating with Joe Welsh from Friends of Sinners and orchestrating plans for getting Dalton out of jail and into Friends of Sinners. You have contacted Mr. Welsh regarding Dalton's treatment status and on more than one occasion and have told Dalton not to tell anyone that you called Mr. Welsh to try and get him back into the program. During the time you were communicating with Mr. Welsh regarding a placement for Dalton, you placed two children with him in 17-J-00413-002 and 17-J-00412-002 and engaged in *ex parte* communication with him regarding the placements.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your 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 2.4 (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 2.9 (A)** which requires that 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 or their lawyers, concerning a pending or impending matter.
- **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 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

During your tenure as Family Court Judge, you abused your power, exceeded the authority of your position, and engaged in acts which brought your impartiality into question including but not limited to,

- You threatened to impose monetary fines upon Cabinet of Health and Services supervisors and case workers for late reports and other course of employment

events. On August 1, 2017, you entered an order stating that Cabinet workers were to be fined \$15 for failure to file reports and that those fines would be paid as credit for mouth swab drug tests from NECCO. You then attempted to enforce those fines on multiple Cabinet supervisors. On December 16, 2019, you sent an email to Cabinet employees threatening fines if they missed court report deadlines. On December 18, 2019 you emailed Cabinet workers regarding a JDNA case and attempted to require the cabinet to fund horseback riding lessons for a juvenile, despite it being outside of the Cabinet's scope of funding. You have used your position of power and ordered juvenile placements that were inconsistent with Cabinet recommendations. Only after the Cabinet appealed some of these orders, did you set them aside, thus avoiding a reversal.

- You abused or exceeded your authority by ordering the Cabinet to take certain actions. Pursuant to KRS 610.010(12) your Court lacks jurisdiction over the actions of the Cabinet in the placement, care, and treatment of a child committed or in the custody of the Cabinet. On March 14, 2017 you issued a Disposition Hearing Order in Juvenile Action No. 02-J-00465-008 requiring the subject child to be seen by a specific mental health provider, against the Cabinet's determination. This was a recurring issue as you ordered the subject child in Juvenile action 15-J-00596-001 to be seen by a specific mental health provider against Cabinet recommendation. In Juvenile Action No. 17-J-00769-005, you ordered that a Child continue his therapy with a specific provider, against Cabinet decisions. On March 14, 2017, you used your position as Family Court Judge to direct the Cabinet to perform an investigation on the "whole family" in Juvenile Action No. 11-J-00077-008, overstepping your judicial authority. This was also an issue in Juvenile Action No. 12-J-817-002. In 16-J-00317-2, you issued an order requiring the Cabinet to permit the subject children to have unsupervised visitation with a parent.
- When you took the bench as Family Judge on January 3, 2017, GAL representation was assigned by Daviess County court clerks, who kept a rotating list of eligible attorneys. You subsequently took control of GAL assignments for your JDNA docket, showing favoritism to attorneys Clay Wilkey, who represents your son in criminal matters, and Andrew Johnson, who works at your husband's law firm, Gordon Goetz Johnson Caldwell, PSC.
- You have used your influence as Family Court Judge to compel Daviess County Jailer Art Malinger, into allowing you semi-private meetings with Dalton while he was incarcerated at hours not available to other inmates, among other privileges. While Dalton was incarcerated during your tenure as Family Judge, you have used your position to influence Jailer Malinger to arrange meetings with Dalton during non-visiting hours at the detention center. The Detention Center explicitly prohibits bringing in food and drink on visits with inmates, yet you frequently brought Dalton Gordon meals, drinks, magazines, and

books on your accommodated visits. You routinely used your position to allow Dalton to enjoy privileges that other inmates were not permitted to receive.

- On April 5, 2021 you filed a complaint against Judge John McCarty with the Judicial Conduct Commission. The complaint was filed as a retaliatory measure.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office.

Furthermore, your 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 2.3 (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 2.11 (A)** which provides a judge must disqualify herself in any proceeding in which her impartiality might reasonably be questioned.
- **Canon 2, Rule 2.16 (B)** which provides a judge shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a judge or a lawyer.

COUNT III

During your tenure as Family Court Judge, you mismanaged your courtroom and deviated from acceptable standards of judicial conduct including but not limited to,

- Throughout your tenure as Family Court Judge, you have taken it upon yourself to administer drug tests as you see fit, using your secretary, your case manager, and others who were not properly trained to conduct such testing. The criteria for whom to drug test has been arbitrary. The validity of the drug testing is questionable as urine tests were stored in chambers in a refrigerator that you purchased and on occasion the samples have left the courthouse with your staff overnight, impacting the proper chain of custody. On one occasion when your staff could not determine whether a test was conclusively positive or negative, you took the drug test from them and made the determination.
- As Family Court Judge, you unnecessarily require the children involved in your JDNA cases to be present in your courtroom whenever the case is on the docket, with few exceptions. The Daviess County JDNA schedule inevitably removes some of the children from school. The long duration of your JDNA dockets force children to be at the courthouse for long hours and they often witness the disputes between parental parties. In one instance, you had a child on the witness stand after 12:30 a.m. Many of the children are too young to understand what is going on in the courtroom and too young to participate in any proceedings. On at least one occasion a toddler was required to accompany the parents to court for a hearing which lasted into the late evening.
- Throughout your tenure as Family Judge, you have extended docket hours for unreasonable lengths of time. Your Tuesday, JDNA dockets have delayed start times and run until late hours in the evening. On November 13, 2018, you continued the JDNA docket until 1:20 a.m., posting a picture of the courthouse clock on Facebook. This practice negatively affects school, work and the personal lives of people who come before you.
- On more than one occasion, you extended the lengthy JDNA dockets by leaving the bench for prolonged periods of time to attend to personal matters and family events, all while the juveniles and case parties waited at the courthouse.
- You allowed CASA employees and volunteers to stay in your courtroom during confidential JDNA cases, even before they were appointed in any of the cases.
- You allowed Lonnie Lyles to stay in your courtroom during Confidential JDNA cases, even before he was appointed in any of the cases. This also lead to Mr. Lyles receiving therapist referrals during confidential hearings, when other providers were not present.

- You have either removed or threatened to remove attorneys from your GAL list for arbitrary reasons including removal of attorney Janelle Farley after hearing she was not supportive of addicts.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office.

Furthermore, your actions violate SCR 4.300 and the relevant portions of the following

Canons of 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 2.3 (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.
- **Canon 2, Rule 2.13 (A)** which provides that in making administrative appointments a judge shall exercise the power of appointment impartially and on the basis of merit and avoid nepotism, favoritism, and unnecessary appointments.

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 including but not limited to,

- In your July 21, 2021 response to the Commission, you 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, you told Dalton that you pay thousands of dollars for Dalton to have the best attorney represent him in order to minimize the damage and buy Dalton another shot. On March 11, 2018, when Dalton complained that you were terminating Mr. Wilkey's representation, you responded that you were not terminating his services, just that you are not paying him. You later said you could not stop paying Mr. Wilkey with a felony hanging over Dalton's head.
- You told the Commission that you do not get involved with Dalton's criminal cases, but you have 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.
- You stated that your staff has always undergone the training provided by the drug testing companies you use to be qualified drug testers, but you have not provided any proof that your staff has undergone the requisite trainings to administer and interpret the tests. You also stated you are no longer using your staff for drug testing, but Carolina Glover is still performing the drug testing you require when the Annex is closed.
- In your July 21, 2021 Response to the Commission, you stated that you never monitored or asked your staff to monitor any case of Judge John McCarty's from which you had recused, and likewise do not listen in on any of his cases. Evidence indicates this to be a misrepresentation.
- You misrepresented the nature of your interactions with Judge Lisa Jones to the Judicial Conduct Commission.
- In your July 21, 2021 Response to the Judicial Conduct Commission, you stated that you have never requested to drop charges against Dalton and that you cannot recall a single time you have ever requested Dalton not go to jail. On June 4, 2020 you told Sgt. Duane Harper with the Daviess County Sheriff's Office that you did not want to charge Dalton with Criminal Trespassing and that you did not want Sgt. Harper to charge Dalton. You have also asked a deputy to take Dalton to a treatment facility instead of the Detention Center. On other occasions, you have stated that you do not wish to press charges

against Dalton and officers have noted their reasons for not pressing charges stem from Judge Gordon not wishing to pursue criminal charges.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Your 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

During your tenure as Family Court Judge, you failed to recognize and avoid conflicts of interest which brought your impartiality into question including but not limited to,

- You have failed to avoid a conflict in interest in your 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 your courtroom and regularly receives Guardian ad Litem (GAL) appointments. On March 9, 2018, you told Dalton that you pay thousands of dollars for Dalton to have the best attorney represent him in order to minimize the damage and buy Dalton another shot. On March 11, 2018, Dalton told you that you were 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 she 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 you that Mr. Wilkey is not his lawyer, because you are the one who hired him. You misrepresented to the Judicial Ethics Committee (JEC) that you had not retained Mr. Wilkey as Dalton's attorney and were not paying Mr. Wilkey's legal fees.
- You engaged in a conflict of interest by presiding over cases where attorney Pat Flaherty represented a party after you hired his brother, Brian Flaherty, as your staff attorney. You later recused yourself from presiding over all of Pat Flaherty's cases, but fearing that individuals were forum shopping and avoiding your courtroom by seeking the representation of Pat Flaherty, you

issued a General Order on August 28, 2019 stating that you could preside over cases where in 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, you failed to disclose this conflict on the record, and you failed to recuse or seek waivers of the conflict.

- You were not candid with the JEC in seeking opinions regarding possible conflicts.
- You failed to avoid conflicts of interest in your assignment GALs. You misrepresented to the JEC that Daviess County bench clerks were randomly assigning GALs to cases. You took control of GAL assignments for your JDNA docket, showing favoritism to attorneys Clay Wilkey, who represents your son in criminal matters, and Andrew Johnson, who works at your husband's law firm, Gordon Goetz Johnson Caldwell, PSC. Awarding GAL assignments to Mr. Wilkey and Mr. Johnson constitute a conflict of interest.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office.

Furthermore, your 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 2.3 (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 2.11 (A)** which provides a judge must disqualify herself in any proceeding in which her impartiality might reasonably be questioned.

COUNT VI

During your tenure as Family Court Judge, you have ignored and violated the law which brought your integrity into question and created the appearance of impropriety by,

- Discussing the details of confidential cases with Dalton. These conversations are often held on the Daviess County detention center's recorded phone lines that are available to the public.
- Ignoring Dalton's bond conditions and allowed Dalton to remain at your residence despite explicit knowledge that he was violating his bond conditions.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office.

Furthermore, your 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 2.3 (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 2.11 (A)** which provides a judge must disqualify herself in any proceeding in which her impartiality might reasonably be questioned.

JURISDICTION

The Judicial Conduct Commission has jurisdiction under SCR 4.020(1)(b)(i) and (v), and (1)(c) which read, in pertinent part, as follows:

- (1) Commission shall have authority:
 - (b) To impose the sanctions separately or collectively of (1) admonition, private reprimand, public reprimand or censure; (2) suspension without pay or removal or retirement from judicial office, upon any judge of the Court of Justice or lawyer while a candidate for judicial office, who after notice and hearing the Commission finds guilty of any one or more of the following:
 - (i) Misconduct in office.
 - (v) Violation of the code of Judicial Conduct, Rule 4.300.
 - (c) After notice and hearing to remove a judge whom it finds to lack the constitutional statutory qualifications for the judgeship in question.

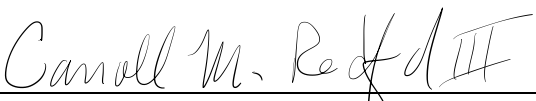
For your information, the Commission calls your attention to the following Supreme Court Rule:

RULE 4.180 FORMAL PROCEEDINGS

If the Commission concludes that formal proceedings should be initiated, it shall notify the judge. He may file an answer within 15 days after service of the notice. Upon the filing of his answer, or the expiration of time for so filing, the Commission shall set a time and place for the hearing and shall give reasonable notice thereof to the judge.

Please mail your Answer to: Ms. Jimmy Shaffer, Executive Secretary, Kentucky Judicial Conduct Commission, P.O. Box 4266, Frankfort, KY 40604-4266.

October 21st, 2021



CARROLL M. "TRIP" REDFORD, III
CHAIRMAN KENTUCKY JUDICIAL
CONDUCT COMMISSION

R. Michael Sullivan and Judge Jeff S. Taylor recused themselves from any consideration in this matter.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on Julie Hawes Gordon, Daviess Family Court Judge, by U.S. Mail, postage prepaid, on this 21st day of October, 2021.



JIMMY SHAFFER,
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

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

ORDER FOR EXTENSION

Upon consideration of the request by Judge Gordon for an extension of time to file an Answer to the Notice of Formal Proceedings and Charges, pursuant to SCR 4.200, it is by the Commission,

ORDERED that the time for filing an Answer be and it is hereby extended. The Answer shall be filed on or before November 23, 2021.

10/26/2021
Date

Carroll M. Redford III
CARROLL M. "TRIP" REDFORD, III
CHAIR, JUDICIAL CONDUCT COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Judge Julie Hawes Gordon, by mailing and emailing the same to her attorney R. Kent Westberry, Landrum and Shouse, LLP, 220 West Main Street, Suite 1900, Louisville, KY 40202, Kwestberry@landrumshouse.com, this 26th day of October, 2021.

Jimmy A. Shaffer
JIMMY SHAFFER, EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

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

ORDER DENYING REQUEST FOR EXTENSION

Upon consideration of the request by Judge Gordon for an extension of time to file an Answer to the Notice of Formal Proceedings and Charges, pursuant to SCR 4.200, it is by the Commission,

ORDERED that the request be, and it is hereby **DENIED**. The Answer shall be filed on or before November 23, 2021.

11/16/21
Date

Carroll M. Redford III
CARROLL M. "TRIP" REDFORD, III
CHAIR, JUDICIAL CONDUCT COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Judge Julie Hawes Gordon, by mailing and emailing the same to her attorney R. Kent Westberry, Landrum and Shouse, LLP, 220 West Main Street, Suite 1900, Louisville, KY 40202, Kwestberry@landrumshouse.com, this 16th day of November, 2021.

Jimmy A. Shaffer
JIMMY SHAFFER, EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

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

**JUDGE JULIE HAWES GORDON'S
RESPONSE TO NOTICE OF FORMAL PROCEEDINGS AND CHARGES**

Through counsel, Family Court Judge for Kentucky's 6th Judicial Circuit, the Honorable Julie Hawes Gordon hereby submits her Response to the Notice of Formal Proceedings and Charges as follows:

INTRODUCTORY STATEMENT

Judge Gordon would like to convey to the Commission that she has read and reflected on every statement taken by Gene Weaver during the JCC investigation. As painful, embarrassing and expensive as this investigation has been, it has caused Judge Gordon to gain many insights that she respectfully submits will make her a better judge. A few of these general observations follow.

First, Judge Gordon has gained a clearer understanding of the reality that she is always a judge – on and off the bench; this is true even when she is acting as the parent of an addicted child with severe mental health issues, and even when she is a crime victim at the hands of that child. Consequently, there are some actions that an ordinary parent or crime victim in a small town might permissibly take – calling the cell phone number of a member of law enforcement, for example – that if taken by a judge, might tend to draw the judiciary into ill repute by suggesting that the judge was benefiting from her position. Judge Gordon never intended to benefit from her position. She was acting as a mother and a victim. However, she now understands that even in the capacity of mother and victim, she must

remain vigilant to public perception and the higher ethical duties she willingly embraced when she was sworn in as a judge.

Second, this investigation has made Judge Gordon realize the need to accept the things she cannot change. As passionate as she is about the welfare of abused and neglected children, she is no longer an advocate. She understands that she needs to let the Cabinet workers and others involved in the process do their jobs ; she cannot do it for them.

Third, Judge Gordon has grown as a jurist. When she took the bench as a new judge, she inherited one of the largest dockets in the state. It was overwhelming. Many witnesses, interviewed as part of this investigation, volunteered that the initial problems – long waits, late dockets and the like – now are much improved. That said, Judge Gordon recognizes that there is still room for improvement in the part she plays to administer justice fairly and efficiently. She is committed to building on the improvements she has made.

COUNT I

During your tenure as Family Court Judge, you took numerous actions to exert your influence as Family Court Judge to obstruct justice and affect the outcome of your son, Dalton's proceedings including but not limited to,

On March 5, 2020 you spoke to Dalton at the Daviess County Detention Center and told him that you had worked out a plan for his pending criminal case, 20-M-00492. You told Dalton that if he did not leave it up to you, "they will come up with it on their own." You also told Dalton if he did not leave it up to you, there would be no contact with the victim (you) and he would not be allowed to go to the home of the victim (your home). You spoke with the presiding judge in the case and discussed your recommendations for Dalton's release on bond. You then told Dalton that you 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. You also told Dalton that you had talked to County Attorney, Claud Porter about getting Dalton into treatment.

Response: Judge Gordon acknowledges that she texted with Judge Burlew regarding scheduling. In retrospect, it would have been better if Dalton's father, Sale Gordon, had communicated with the court instead of her. With regard to her input on bond restrictions,

Judge Gordon directs the Commission to the Kentucky constitutional amendment known as Marsy's Law, Ky. Const., §26A¹. Although the amendment is very new and does not appear to have been applied to a judge as victim yet, Judge Gordon respectfully submits that her rights under the Kentucky Constitution as a victim are not diminished by Judicial Canons. She urges the Commission to not read the Judicial Canons to conflict with Marsy's law as adopted in the Kentucky Constitution.

You have called or sent text messages to Sgt. Harper, Deputy Payne, and other Daviess County Sheriff's deputies on their personal phones and attempted to indirectly contact other deputies in order to respond to your residence for incidents involving Dalton, bypassing Daviess County Dispatch, requesting them to meet you to file a new complaint against Dalton, and giving charging instructions to the responding deputies.

Response: Judge Gordon acknowledges that she communicated with Deputies on their cell phones. Due to the nature of a small town, many citizens do likewise. However, Judge Gordon recognizes that as a judge she is held to a higher standard. She is remorseful about creating an appearance to the contrary or putting any of the Deputies in an uncomfortable position. She will not contact law enforcement again, except through official channels. She did not intend to take advantage of her position. The Commission is directed to the Statement of Sgt. Duane Harper, May 6, 2021. [Exhibit A at p. 24]. When asked if he thought Judge Gordon was taking advantage of her position, Sgt. Harper said "I wouldn't say that, no."

You contacted County Attorney, Claud Porter to influence his position on Dalton's bond status and the resolution of Dalton's criminal charges. You often did not attempt to contact Dalton's attorney and instead you used your influence as Family Court Judge to personally affect the bond decisions of Mr. Porter and the presiding judge. You have influenced various bond motions and ex parte orders in Dalton's cases. After Dalton was arrested and charged in 20-F-01038, you told Dalton that Mr. Porter was trying to take the case out of your hands. On October 1, 2020, you told Dalton that you did not think Dalton's charges in 20-F-01038

¹ To the extent these allegations precede the adoption of Ky. Const., §26A, respondent still had the right to be consulted as the victim under KRS 421.500(5)-(6); 431.064.

met the necessary requirements for a felony, even though you were the complaining witness in the incident. You then told Dalton that you would schedule an in-person meeting with his attorney, Clay Wilkey. On November 8, 2020, you told Dalton that you 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, you stated that you told Mr. Porter that you wanted to make the decisions for your family and your house. These actions were not limited to Dalton's incarceration in 2020.

Response: County Attorney Porter told the Commission's investigator that he spoke to Judge Gordon about her son in her capacity as a complaining witness, and it was appropriate and necessary for him to do so. Statement of Claud Porter, August 4, 2021. [Exhibit B at pp. 11, 14, 28]. He also noted that all the local judges and many others have his cell phone number, and that in family situations such as the Gordons' it is very common for the family/victims to want the family member/perpetrator to get into treatment. [*Id.* at pp. 11-12, 33].

On February 29, 2020, Dalton was arrested on the charges in Daviess County District Court case 20-M-00492. On March 5, 2020 you told Dalton that you were dumbfounded at how much he was telling the police while on scene.

Response: Dalton has a constitutional right against self-incrimination. There is nothing unethical about his mother reminding him of that.

You have taken actions to destroy evidence and obstruct justice. You have attempted to alter, conceal, or tamper with Dalton's social media accounts and cellular content to protect him from criminal liability. On January 21, 2018, you told Dalton that you cleaned up content on his phone, and that you 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. On October 26, 2017 you told Dalton that he wasn't successful in deleting everything off his Facebook before the cops got his phone. You asked him for his account password and assured him that you would delete certain content.

Response: Judge Gordon admits that she deleted embarrassing and inappropriate material from Dalton's social media accounts, primarily so his younger siblings would not see it, as he had used his siblings' phones. The allegation notes that the police had taken his phone when

they arrested him. Since her deletion was after the fact of the police taking Dalton into custody, Judge Gordon did not intend or perceive that she was deleting anything the police did not already have. As best we are aware, the deletion of the social media counts did not affect any law enforcement or prosecutorial activity. Indeed, the postings could be recovered.

After Dalton was kicked out of the Boulware treatment program, you contacted a Boulware director and attempted to use your influence as Family Court Judge to demand they re-enroll Dalton into the program. When Boulware refused based on their policies, you directed Dana Tackett to find out which residents of Boulware your courtroom was monitoring or testing and have them immediately drug tested by your Court.

Response: Judge Gordon did *not* want Dalton to return to treatment at Boulware – that is where he became addicted to methamphetamine. It is illogical and unsupported by the facts to suggest that she would abuse her influence to send her son there.

When the director of Boulware informed Judge Gordon that his facility did not drug test, she became concerned that litigants in treatment there needed to be tested when they appeared in her Court, because they were not getting tested at the facility. She became aware of a problem and tried to address it. However, as set forth below, her staff is no longer drug testing anyone.

You used your influence as Family Judge to persuade Joe Welsh at Friends of Sinners to accept Dalton back into their program. You were regularly communicating with Joe Welsh from Friends of Sinners and orchestrating plans for getting Dalton out of jail and into Friends of Sinners. You have contacted Mr. Welsh regarding Dalton's treatment status and on more than one occasion and have told Dalton not to tell anyone that you called Mr. Welsh to try and get him back into the program. During the time you were communicating with Mr. Welsh regarding a placement for Dalton, you placed two children with him in 17-J-00413-002 and 17-J-00412-002 and engaged in ex parte communication with him regarding the placements.

Response: The Declaration of Joe Welsh directly refutes this allegation: “I have no knowledge of any questionable or improper conduct by Judge Gordon.” [Exhibit C at ¶5-6].

It is noteworthy that no one from the Commission interviewed Welsh. [*Id.* at ¶7].

COUNT II

During your tenure as Family Court Judge, you abused your power, exceeded the authority of your position, and engaged in acts which brought your impartiality into question including but not limited to,

You threatened to impose monetary fines upon Cabinet of Health and Services supervisors and case workers for late reports and other course of employment events. On August 1, 2017, you entered an order stating that Cabinet workers were to be fined \$15 for failure to file reports and that those fines would be paid as credit for mouth swab drug tests from NECCO. You then attempted to enforce those fines on multiple Cabinet supervisors. On December 16, 2019, you sent an email to Cabinet employees threatening fines if they missed court report deadlines. On December 18, 2019 you emailed Cabinet workers regarding a JDNA case and attempted to require the cabinet to fund horseback riding lessons for a juvenile, despite it being outside of the Cabinet’s scope of funding. You have used your position of power and ordered juvenile placements that were inconsistent with Cabinet recommendations. Only after the Cabinet appealed some of these orders, did you set them aside, thus avoiding a reversal.

You abused or exceeded your authority by ordering the Cabinet to take certain actions. Pursuant to KRS 610.010(12) your Court lacks jurisdiction over the actions of the Cabinet in the placement, care, and treatment of a child committed or in the custody of the Cabinet. On March 14, 2017 you issued a Disposition Hearing Order in Juvenile Action No. 02-J-00465-008 requiring the subject child to be seen by a specific mental health provider, against the Cabinet’s determination. This was a recurring issue as you ordered the subject child in Juvenile action 15-J-00596-001 to be seen by a specific mental health provider against Cabinet recommendation. In Juvenile Action No. 17-J-00769-005, you ordered that a Child continue his therapy with a specific provider, against Cabinet decisions. On March 14, 2017, you used your position as Family Court Judge to direct the Cabinet to perform an investigation on the “whole family” in Juvenile Action No. 11-J-00077-008, overstepping your judicial authority. This was also an issue in Juvenile Action No. 12-J-817-002. In 16-J-00317-2, you issued an order requiring the Cabinet to permit the subject children to have unsupervised visitation with a parent.

Response: Judge Gordon in hindsight recognizes that when she first became a judge, she erred by using the incorrect contempt process against employees from the Cabinet who

appeared in her Court. She has learned from that mistake. The record confirms that she vacated the orders she incorrectly imposed upon the Cabinet employees and has not made that mistake again. Statement of Kristy Fulkerson, June 17, 2021. [Exhibit D at pp. 4, 6, 9, 27]. Statement of Heather Cann, May 6, 2021. [Exhibit E at p. 76]. Judge Gordon recognizes that the Cabinet employees are overworked and underpaid. Like her, most are doing the best they can and are focused on the best interest of the families with whom they deal.

When you took the bench as Family Judge on January 3, 2017, GAL representation was assigned by Daviess County court clerks, who kept a rotating list of eligible attorneys. You subsequently took control of GAL assignments for your JDNA docket, showing favoritism to attorneys Clay Wilkey, who represents your son in criminal matters, and Andrew Johnson, who works at your husband's law firm, Gordon Goetz Johnson Caldwell, PSC.

Response: Recent amendments to FCRPP 36 change the procedure by which Family Court judges appoint Guardians ad Litem. The rule makes clear that this is the responsibility of the judge or her designee. Judge Gordon has attempted to keep the rotation as balanced as possible. See Declaration of Amanda Bragg. [Exhibit F at ¶6]. (“Judge Gordon maintains a tally sheet and she assigns GALs fairly and in the best interests of the parties involved.”). If a litigant has appeared in a related case that spins off another proceeding (a “trailer”), the litigant typically is assigned to the GAL who previously handled the related matter, as that attorney has important historical understanding and relationships from the prior case and litigants. Statement of Thomas Vallandingham, September 1, 2021. [Exhibit G at p. 13]. Because Clay Wilkey and Andrew Johnson are longtime practitioners on the GAL docket from before Judge Gordon took the bench, they have many “trailer” cases from prior representations.

FCRPP 36 (7)(c) gives the judge some discretion in appointing the GAL. For example, if it would be better to have a GAL of the same gender as the litigant (where there are

allegations of sexual assault), that might cause Judge Gordon to skip the next person on the list if he or she is not of that gender. The Commentary to FCRPP 36 specifically allows this. Some attorneys have stated that they do not want to serve as a GAL in sex abuse cases, etc.; Judge Gordon deviates from the sequential rotation to respect those preferences, as that is in the best interest of the lawyers and the clients. If a lawyer expresses a willingness to only do certain types of cases, then that limits the potential GAL appointments that lawyer will get. Vallandingham Statement. [Exhibit G at pp. 15-16].

Clay Wilkey, to whom Judge Gordon is alleged to have steered excessive appointments, refutes that charge. Wilkey told the Commission's investigator, "I never felt as if I got any sort of preferential treatment from her [Judge Gordon] in court." Statement of Clay Wilkey, Sept. 1, 2021. [Exhibit H at p. 45].

Data from the Finance and Administration Cabinet for the last three fiscal years does not show favoritism for Wilkey or Johnson. [Exhibit I]. To the contrary, the data shows that Judge Gordon was even handed in her appointments. There are approximately three tiers of GAL practitioners. *See* Thomas Vallandingham Statement. [Exhibit G at p. 15]. In the upper tier of GAL appointees for the last three fiscal years, Wilkey's firm earned \$64,500. Johnson's firm (where Gordon's husband practices) made \$76,250. (Moreover, any money that Johnson earned was not shared with Gordon under the firm's compensation system.) The next highest firm for GAL revenue (Page Law Offices) made \$74,150. There are no glaring disparities to suggest that Judge Gordon showed favoritism in her appointments. Declaration of Jinnifer Ward. [Exhibit J at ¶7].

You have used your influence as Family Court Judge to compel Daviess County Jailer Art Malinger, into allowing you semi-private meetings with Dalton while he was incarcerated at hours not available to other inmates, among other privileges. While Dalton was incarcerated during your tenure as Family Judge,

you have used your position to influence Jailer Malinger to arrange meetings with Dalton during non-visiting hours at the detention center. The Detention Center explicitly prohibits bringing in food and drink on visits with inmates, yet you frequently brought Dalton Gordon meals, drinks, magazines, and books on your accommodated visits. You routinely used your position to allow Dalton to enjoy privileges that other inmates were not permitted to receive.

Response: The Commission is directed to the Statement of Jailer Arthur Maglinger, June 16, 2021: “I didn’t feel like she tried to abuse her position as a Judge, and pressure me into doing it [visiting after hours when court was over]. [Exhibit K at p. 7]. In any event, the Daviess County Detention Center Visitation website informs that “Visits are available 24 hours a day, except during head counts.” [Exhibit L]. Dalton has been incarcerated several times since this incident; Judge Gordon does not visit him through Maglinger anymore.

On April 5, 2021 you filed a complaint against Judge John McCarty with the Judicial Conduct Commission. The complaint was filed as a retaliatory measure.

Response: Judge Gordon flatly denies that she filed the McCarty complaint out of retaliation. To the contrary, it is Judge Gordon who is being retaliated against for complaining about a former employee of Judge McCarty.

Daviess County Deputy Clerk Kim Emberton has stated her belief that “someone has a vendetta against Judge Gordon.” Declaration of Kim Emberton. [Exhibit M at ¶9]. Most disturbingly, Emberton said, “I am aware of a complaint that was anonymously filed with the Judicial Conduct Commission against Judge Gordon. The complaint was signed ‘3rd floor family clerks’ intimating employees in the Clerk’s Office filed the complaint. *I know the clerks did not submit that complaint and I consider that complaint to have been forged.*” [Id at ¶8]. (Emphasis added).

COUNT III

During your tenure as Family Court Judge, you mismanaged your courtroom and deviated from acceptable standards of judicial conduct including but not limited to,

Throughout your tenure as Family Court Judge, you have taken it upon yourself to administer drug tests as you see fit, using your secretary, your case manager, and others who were not properly trained to conduct such testing. The criteria for whom to drug test has been arbitrary. The validity of the drug testing is questionable as urine tests were stored in chambers in a refrigerator that you purchased and on occasion the samples have left the courthouse with your staff overnight, impacting the proper chain of custody. On one occasion when your staff could not determine whether a test was conclusively positive or negative, you took the drug test from them and made the determination.

Response: Judge Gordon asked for the administration of drug tests because she thought it was in the best interests of the children and families. Declaration of Carolina Campos-Glover. [Exhibit N at ¶4]. Her intent was to improve the administration of justice. But no good deed goes unpunished. Judge Gordon's staff is no longer administering drug tests, so the Commission need no have any concerns about this going forward. The issue is moot. [*Id.* at ¶6].

As Family Court Judge, you unnecessarily require the children involved in your JDNA cases to be present in your courtroom whenever the case is on the docket, with few exceptions. The Daviess County JDNA schedule inevitably removes some of the children from school. The long duration of your JDNA dockets force children to be at the courthouse for long hours and they often witness the disputes between parental parties. In one instance, you had a child on the witness stand after 12:30 a.m. Many of the children are too young to understand what is going on in the courtroom and too young to participate in any proceedings. On at least one occasion a toddler was required to accompany the parents to court for a hearing which lasted into the late evening.

Response: Judge Gordon's training instructs that it is a best practice for children who are old enough to come to court so that they feel apart of the process and can meet with their GAL in person. Foster children have a statutory right to participate in their court proceedings. KRS 620.363. Likewise, KRS 403.270 requires the court to consider the wishes

of children in a custody determination. *See, e.g.* National Council of Juvenile and Family Court Judges (NCJFCJ) RESOURCE GUIDELINES: Improving Court Practice In Child Abuse and Neglect Cases, pp. #161, 199, 239, 277, 315 (Children should be present at the preliminary protective hearings, adjudication hearings, disposition hearings, review hearings, permanency hearings); *also id.* at p. 162 (Courts can make sure that parties and key witnesses are present by: requiring caseworkers and/or protective service investigators to facilitate attendance of children, parents, relatives (paternal and maternal), fictive kin, and other parties); *also id.* at p. 323 (Judges directed to “Consider the child’s preference – conduct an age-appropriate consultation with a child during a permanency hearing (42 U.S.C. §675(5)(c)(iii), O.L. 113-183 § 475(A)(a)(2)).”); *also* KY FCRPP (Family Court Rules of Procedure and Practice) XIII. Appendix D; ¶4. (“Ensure the child has an opportunity to attend and participate in court hearings”).

That said, with experience and feedback, Judge Gordon recognizes the need to be sensitive to requests for children to not come to court to minimize time away from school or when it is not in their best interest to be in court. She therefore grants those requests. *See* Statement of Kristy Fulkerson, June 17, 2021. [Exhibit D at pp. 12-13].

Throughout your tenure as Family Judge, you have extended docket hours for unreasonable lengths of time. Your Tuesday, JDNA dockets have delayed start times and run until late hours in the evening. On November 13, 2018, you continued the JDNA docket until 1:20 a.m., posting a picture of the courthouse clock on Facebook. This practice negatively affects school, work and the personal lives of people who come before you.

Response: Judge Gordon agrees the dockets did run too late when she first became a judge and particularly before Chief Justice Minton appointed Judge McCarty to help relieve the heavy docket. With more experience and improved procedures, the situation is much better

now. Statement of Joann Lee, June 21, 2021. [Exhibit O at p. 16]; Statement of Kim Emberton, June 21, 2021. [Exhibit P at p. 16].

In retrospect, Judge Gordon realizes she should not have posted the picture of the clock on Facebook. She apologizes for that lapse in professionalism, which she attributes to exhaustion.

On more than one occasion, you extended the lengthy JDNA dockets by leaving the bench for prolonged periods of time to attend to personal matters and family events, all while the juveniles and case parties waited at the courthouse.

Response: Without more specifics as to the allegation, Judge Gordon is forced to guess how to prove a negative. She does recall on one occasion informing all stakeholders in advance that she would need to leave at a designated time (around normal close of business) to watch her children's last cross-country race of the season; she had missed all prior meets due to work. *See* Declaration of Kim Emberton. [Exhibit M at ¶7]. She offered to return to court after the meet if the parties had not settled the matter, which Claud Porter informed her they did, obviating her need to return to court. Campos-Glover Declaration. [Exhibit N at ¶7]. Therefore, no litigants or attorneys were inconvenienced by Judge Gordon's brief absence.

You allowed CASA employees and volunteers to stay in your courtroom during confidential JDNA cases, even before they were appointed in any of the cases.

Response: Judge Gordon's procedures for CASA are consistent with best practices and similar to that of many family courts around the state.

Pursuant to KRS 620.505(8), each CASA volunteer, program director, and other program staff takes an oath, administered by a member of the Court of Justice, to keep confidential all information related to the appointed case except in conferring with or reports to the court, parties to the case, the cabinet, the Citizen Foster Care Review Board, others designated by the court, and as provided by law.

In addition to the 30 hours of pre-service training, if allowed by the court, the program requires each CASA volunteer to visit the court served while the court is in session to observe abuse/neglect proceedings before appearing in court for an assigned case. *See* CASA Elements of Practice (attached as Exhibit 18 to Judge Gordon's July 21, 2018 response).

You allowed Lonnie Lyles to stay in your courtroom during Confidential JDNA cases, even before he was appointed in any of the cases. This also led to Mr. Lyles receiving therapist referrals during confidential hearings, when other providers were not present.

Response: The Commission previously addressed Judge Gordon's interactions with Lyles and determined to take no action. June 25, 2018 letter. [Exhibit Q].

You have either removed or threatened to remove attorneys from your GAL list for arbitrary reasons including removal of attorney Janelle Farley after hearing she was not supportive of addicts.

Response: To the best of her recollection, Judge Gordon has only removed one attorney from the GAL List when he moved to Louisville. She did temporarily pause appointing Janelle Farley as a GAL in cases involving drugs after the Judge was informed that Farley had made a derogatory statement about people dealing with substance abuse. In her interview with the Commission's investigator, Farley acknowledged that she should not have made the derogatory remark about drug addicts. *See* Statement of Janelle Farley, June 18, 2021. [Exhibit R at p. 8]. Farley and Judge Gordon met to discuss the situation. Farley is again getting numerous appointments from Judge Gordon to serve as a GAL. Indeed, data for the last three fiscal years show that Farley made \$61,400 from GAL appointments in Daviess County, putting her squarely in the upper tier of appointments there. [Exhibit I].

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 including but not limited to,

In your July 21, 2021 response to the Commission, you 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, you told Dalton that you pay thousands of dollars for Dalton to have the best attorney represent him in order to minimize the damage and buy Dalton another shot. On March 11, 2018, when Dalton complained that you were terminating Mr. Wilkey’s representation, you responded that you were not terminating his services, just that you are not paying him. You later said you could not stop paying Mr. Wilkey with a felony hanging over Dalton’s head.

Response: As Clay Wilkey observed in his Statement of September 1, 2021, “do I think it’s uncommon for parents to procure legal services for their sibling, or for their children, no, I mean it happens literally all the time.” [Exhibit H at p. 29]. Ultimately, however, it is for the defendant to agree to be represented by the lawyer. Because Judge Gordon was conscious of her ethical duties, her husband paid Wilkey to represent Dalton. The attorney-client relationship was between Dalton and Wilkey, regardless of who paid the fees. The conversation in which Judge Gordon tells Dalton that she has paid thousands of dollars so he can have a good lawyer reflects the reality that even though Sale Gordon paid, that affected the entire Gordon family. It was just a poor choice of words in a difficult conversation between a mother and her mentally ill son in prison. Dalton misunderstood that Judge Gordon could fire Wilkey by Gordon not paying him: she could not, because she was not the client. Only the client can fire the lawyer.

With Dalton’s permission, Judge Gordon asked Wilkey to explain when Dalton was unclear about what he was being told; at Dalton’s request, she also asked Wilkey to meet with Dalton in person (Dalton did not want to talk to his lawyer over the jail phone.). According to Wilkey, Judge Gordon “was very sensitive of, of the optics and tried to stay as hands off as possible.” [*Id.* at p. 22].

You told the Commission that you do not get involved with Dalton’s criminal cases, but you have 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.

Response: Judge Gordon was necessarily “involved” with Dalton’s case in the sense that she was the victim and complaining witness and had certain constitutional rights pursuant to Marsy’s Law. That is the only capacity in which Judge Gordon was “involved”; she did not understand the Commission to be asking her about exercising her constitutional rights and apologizes for not having noted that distinction, and for any confusion this may have caused.

You stated that your staff has always undergone the training provided by the drug testing companies you use to be qualified drug testers, but you have not provided any proof that your staff has undergone the requisite trainings to administer and interpret the tests. You also stated you are no longer using your staff for drug testing, but Carolina Glover is still performing the drug testing you require when the Annex is closed.

Response: Carolina Glover is no longer performing drug testing. Declaration of Carolina Campos-Glover. [Exhibit N at ¶6].

In your July 21, 2021 Response to the Commission, you stated that you never monitored or asked your staff to monitor any case of Judge John McCarty's from which you had recused, and likewise do not listen in on any of his cases. Evidence indicates this to be a misrepresentation.

Response: It is true that Judge Gordon’s staff assisted Judge McCarty before he hired his own staff. However, Judge Gordon was much too busy with her own docket to watch another Judge’s docket. Judge McCarty, when asked about Judge Gordon or her staff eavesdropping upon him, told the Commission’s investigator “Frankly, I could, could care less.” Statement of Judge John McCarty, August 5, 2021. [Exhibit S at p. 21]. “It wasn’t a big deal to me, I don’t care if anybody, I don’t care if she knew how I would want to handle a case . . . so if you want to learn something from me, fine. If you just want to criticize me, that’s fine too.” [*Id.*].

You misrepresented the nature of your interactions with Judge Lisa Jones to the Judicial Conduct Commission.

Response: The Commission and Judge Gordon resolved this issue prior to the instant investigation. April 16, 2018 letter. [Exhibit T].

In your July 21, 2021 Response to the Judicial Conduct Commission, you stated that you have never requested to drop charges against Dalton and that you cannot recall a single time you have ever requested Dalton not go to jail. On June 4, 2020 you told Sgt. Duane Harper with the Daviess County Sheriff's Office that you did not want to charge Dalton with Criminal Trespassing and that you did not want Sgt. Harper to charge Dalton. You have also asked a deputy to take Dalton to a treatment facility instead of the Detention Center. On other occasions, you have stated that you do not wish to press charges against Dalton and officers have noted their reasons for not pressing charges stem from Judge Gordon not wishing to pursue criminal charges.

Response: Dalton is an addict. Judge Gordon has always felt that to learn accountability, he must suffer the consequences of his actions. That is why she called the police when he stole her van, etc. However, to the extent that he can get treatment for his addiction and mental health issues, that is preferable to ordinary incarceration. It is a very difficult to be both a parent and a victim to a crime by one's child. Judge Gordon has struggled with what to do and has been ambivalent about her role as the complaining witness – whether to press charges and what charges she, as the victim, should request. In some instances, she called the police, for example, when Dalton was missing, but then when he was found determined not to press charges, as was her right. Likewise when she was able to recover property he had stolen. Judge Gordon apologizes if she was unclear about this when addressing the Commission; it was not her intent to mislead.

COUNT V

During your tenure as Family Court Judge, you failed to recognize and avoid conflicts of interest which brought your impartiality into question including but not limited to,

You have failed to avoid a conflict in interest in your 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 your courtroom and regularly receives Guardian ad Litem (GAL) appointments.

Response: As set forth above, Sale Gordon paid for Wilkey's fees. Judge Gordon is not the client, Dalton is, and therefore only he could retain Wilkey. Judge Gordon and Wilkey each obtained ethics opinions that confirmed Wilkey could serve as Dalton's counsel and still appear in Judge Gordon's court. They complied with the terms of those opinions. [Exhibit U; Exhibit V].

On March 9, 2018, you told Dalton that you pay thousands of dollars for Dalton to have the best attorney represent him in order to minimize the damage and buy Dalton another shot. On March 11, 2018, Dalton told you that you were 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 she 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 you that Mr. Wilkey is not his lawyer, because you are the one who hired him. You misrepresented to the Judicial Ethics Committee (JEC) that you had not retained Mr. Wilkey as Dalton's attorney and were not paying Mr. Wilkey's legal fees.

Response: Judge Gordon, in the heat of the moment, exaggerated to Dalton about the fees. It was Sale Gordon who paid the fees, although as a practical matter that meant the entire family suffered that expenditure. Judge Gordon's statement to the Commission that she did not pay the fee was true; her conversation with Dalton was less precise. Dalton was incorrect that Judge Gordon was "terminating" Wilkey's representation. She had no authority to do so, because she was not the client, Dalton was. Dalton misunderstood that Judge Gordon not paying Wilkey meant that she somehow had terminated him. This is not a misrepresentation on Judge Gordon's part to the Commission; it is a misunderstanding by a deeply troubled adolescent. Dalton was entitled to choose to use Wilkey instead of a public defender. He was able to do so because his father helped with the fees. There is nothing unethical about that.

You engaged in a conflict of interest by presiding over cases where attorney Pat Flaherty represented a party after you hired his brother, Brian Flaherty, as your staff attorney. You later recused yourself from presiding over all of Pat Flaherty's cases, but fearing that individuals were forum shopping and avoiding your

courtroom by seeking the representation of Pat Flaherty, you issued a General Order on August 28, 2019 stating that you could preside over cases where in 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, you failed to disclose this conflict on the record, and you failed to recuse or seek waivers of the conflict.

Response: Judge Gordon sought and received an ethics opinion on this issue. [Exhibit W]. She complied with that opinion. When she became aware that the ethics opinion was causing the unintended consequence of forum shopping, she reached out to the Judicial Ethics Commission . [Exhibit W]. The Standing Order (also signed by Judge McCarty) was issued to address the problem of forum shopping but still leave a method for recusal. The Standing Order was sent to all attorneys, in effect a blanket disclosure. [Exhibit W]. *See Declaration of Amanda Bragg. [Exhibit F at ¶7] (“Judge Gordon is acutely aware of “conflicts of interest” and understands the perception of “conflicts of interest”. If anything, Judge Gordon may be too cautious when it comes to identifying and disclosing potential conflicts.”)*

You were not candid with the JEC in seeking opinions regarding possible conflicts.

Response: This allegation does not give Judge Gordon enough notice to be able to defend herself. To the best of her knowledge, she was candid with the JEC. She is willing to supplement this Response if the Commission will let her know more clearly what the concern is.

You failed to avoid conflicts of interest in your assignment GALs. You misrepresented to the JEC that Daviess County bench clerks were randomly assigning GALs to cases. You took control of GAL assignments for your JDNA docket, showing favoritism to attorneys Clay Wilkey, who represents your son in criminal matters, and Andrew Johnson, who works at your husband’s law firm, Gordon Goetz Johnson Caldwell, PSC. Awarding GAL assignments to Mr. Wilkey and Mr. Johnson constitute a conflict of interest.

Response: This allegation was addressed in response to Count II, *supra*.

COUNT VI

During your tenure as Family Court Judge, you have ignored and violated the law which brought your integrity into question and created the appearance of impropriety by,

Discussing the details of confidential cases with Dalton. These conversations are often held on the Daviess County detention center's recorded phone lines that are available to the public.

Response: Judge Gordon admits that she and Dalton discussed the names of inmates who were incarcerated with him, some of whom had appeared in Judge Gordon's court. She did not discuss details of confidential cases with Dalton. If the Commission would identify which of the 574 recordings it is referencing, Judge Gordon would welcome the chance to supplement and clear up this misunderstanding².

Judge Gordon admits that in Audio file 20180113_205628_02-033_42 she discussed with Dalton a case that had been reported in the Courier-Journal. She did not reveal any names to him. The information was not confidential because it was publicly available.

Ignoring Dalton's bond conditions and allowed Dalton to remain at your residence despite explicit knowledge that he was violating his bond conditions.

Response: The bond requirements were for the benefit of the victim. Judge Gordon had a constitutional right pursuant to Marsy's Law to express her preference as the victim. It is not up to the victim to police the defendant obeying the bond restrictions.

CONCLUSION

Judge Gordon is acutely aware of her duty to comport herself at all times in a way that will not undermine the public's confidence in the judiciary and the rule of law. And she has endeavored to do so, in horrific circumstances. Judge Gordon has used this investigation as

² On November 4, 2021, respondent respectfully requested the Commission provide specific references to the factual file as to clarify the bases of its allegations. This request was denied. Procedural due process demands that factual allegations be "sufficiently specific to fairly inform the respondent of the charges against him and of the nature of the facts sought to be proved so as to enable him to prepare his defense." Florence R. Peskoe, *Procedures for Judicial Discipline: Type of Commission, Due Process & (and) Right to Counsel*, 54 CHI.-KENT L. REV. 147 (1977) (quoting *In re Haggerty*, 241 So. 2d 469, 475 (La. 1970)).

an opportunity to scrutinize and reflect upon how she can better uphold the dignity and impartiality of the judiciary, even in the midst of her adopted son's transgressions. She never attempted to abuse her position, but is now more cognizant, as a result of this investigation, that she is never just a parent, or just a crime victim, but always a judge – on and off the bench.

Finally, we would like to leave the Commission with a few observations that witnesses have made about Judge Gordon:

- “From my observation in the courtroom, Judge Gordon has always focused on the best interest of the children involved. She is highly ethical, and holds herself to a high standard” Declaration of Carolina Campos-Glover. [Exhibit N at ¶4].
- “I have never seen Judge Gordon do anything dishonest or unethical. She has always been genuine in trying to do things the right way.” Declaration of Carolina Campos-Glover. [Exhibit N at ¶8].
- “From my observation in the courtroom, and based on my daily interactions with Judge Gordon I have never seen Judge Gordon do anything improper or unethical.” Declaration of Jinniffer Ward. [Exhibit J at ¶4].
- “I have worked in the legal system for many years and Judge Gordon may be the best Judge I have encountered.” Declaration of Jinniffer Ward. [Exhibit J at ¶5].
- “I have never seen Judge Gordon do anything that is self-serving. She takes her job seriously and genuinely cares about making the best decisions possible.” Declaration of Jinniffer Ward. [Exhibit J at ¶10].
- “I have never met a judge who is more well intended than Judge Gordon.” Declaration of Amanda Bragg. [Exhibit F at ¶4].
- “I have never once seen any misconduct or favoritism by Judge Gordon.” Declaration of Amanda Bragg. [Exhibit F at ¶5].
- “I have no knowledge of any questionable or improper conduct by Judge Gordon.” Declaration of Joe Welsh [Exhibit C at ¶6].
- “I have never seen Judge Gordon make decisions that were self-serving nor have I seen her engage in favoritism.” Declaration of Kim Emberton. [Exhibit M at ¶11].

- “Though at times I may disagree with the way Judge Gordon does things, I have never seen Judge Gordon engage in any behavior that I believe to be unethical or improper.” Declaration of Kim Emberton. [Exhibit M at ¶13].
- She is a good Judge and cares about her job and what, the families and what she does here and any decisions she makes are because that’s what she thinks is the right thing to do. She’s not trying to manipulate...” Statement of Cortney Skinner, September 1, 2021. [Exhibit X at p. 26].
- “She has a real passion for the, for the children and the families and trying to fix things. I know that. To make things better for these kids and I think that’s, that’s her number one passion in the Family Court.” Statement of Brian Flaherty, September 2, 2021. [Exhibit Y at p. 7].

We hope that Judge Gordon’s written response to the foregoing allegations will result in an informal resolution of all the charges. Should the Commission require any additional information, Judge Gordon will promptly provide it.

VERIFICATION

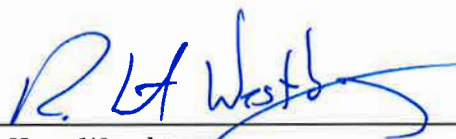
I, Judge Julia P. Gordon, have read the above and it is true and correct to the best of my knowledge.



Hon. Julie P. Gordon

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on Ms. Jimmy Shaffer, Executive Secretary, Kentucky Judicial Conduct Commission, PO Box 4266, Frankfort, KY, 40604-4266, by electronic mail and U.S. Mail, postage prepaid, on this 22nd day of November, 2021.



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Counsel for Judge Julie Hawes Gordon

EXHIBIT A:

Statement of Sgt. Duane Harper

STATEMENT OF SGT. DUANE HARPER

May 6, 2021

TAKEN BY:

Gene Weaver
Gene Weaver & Associates
11 East Tenth Street
Covington, KY 41011

A. I wouldn't say, I wouldn't say that, no. Not, not in her position, no. I don't know if she's doing it as a friend that, you know, she can rely on, you know, that, you know. I, like I said, I, I get the job done. I mean that's just, that's why, you know, I get assigned a lot of duties, because I get the job done.

Q. And she may be coming to you and Deputy Payne and Cpl. Ashby because she has confidence in you,

A. Well, she knows Cpl. Ashby and Deputy Payne because when the Judicial Center's short, we'll send Kelly over there. Now she may be, Kelly may be Judge Gordon's bailiff that day, but Cpl. Ashby, coming from Clarksville, we didn't have no position within the Sheriff's Office, so he started his career out as a bailiff over in the Judicial Center. When we had an opening, he come over here full time.

Q. Transferred back over here.

A. Uh-huh.

Q. Okay. Do you have any estimate, I know you had given me a stack of CAD reports there? There's probably 10 or 12, and you said that's probably half of

A. Yeah, I, I could go down there and, you know, of course, you know, not, you know, some of them may be calls that are not of him, but I could go there and pull up her address, it will tell, it will print out.

Q. And maybe we can do that at some point. That would be good to have as many of those as we possibly can. Has, have you ever experienced with Judge Gordon where she would want you to file a, complete a report that medications were stolen from her so she could get the prescription renewed, but she didn't want you to pursue criminal charges?

A. No.

EXHIBIT B:

Statement of Claud Porter

STATEMENT OF CLAUD PORTER

August 4, 2021

TAKEN BY:

Gene Weaver
Gene Weaver & Associates
11 East Tenth Street
Covington, KY 41011

Q. And going back to March of last year, and I know you want to see the materials, but in the absence of that, do you recall having any conversation with Judge Gordon about the pending charges and the possible resolution?

A. I don't know how, I don't know how it started, so we wrote a warrant, yeah, we, we'd have some kind of contact, cause we would have had, if she was the one who's the complaining witness and we wrote a warrant, then we would have had contact. She would have been through our office. We do, not every prosecutor or County Attorney or prosecutor does this. We, we do a lot of public warrants and things, so if someone comes in, fills out paperwork, files a complaint. We file, we file that warrant. So we, we complete the warrant. We put it in. They have to come back and sign it. So they do that. It's not all done by law enforcement. Now, I don't know whether this was one that law enforcement filed. I don't know.

Q. Well, we'll have to see.

A. Yeah.

Q. Do a lot of people in the community have your cell phone number?

A. Yes.

Q. They do?

A. Uh-huh.

Q. Would Judge Gordon have your cell phone number?

A. Yes. Every Judge in the building does.

Q. They do. Okay.

A. Every, every Commissioner, the Judge-Executive, every elected official, half of every staff member in every elected official's office has it. I'd say 95% of every law enforcement officer does, and anytime anybody, the other thing is that people will google the

Claud Porter's the County Attorney, so they google it and they pick it up and what they, what they get is my old private office number, which rings to my cell phone so, yeah, I probably had 50 calls already today.

Q. (Laughing) So you can run, but you can't hide.

A. Right. Right. I'm just curious about phone calls. You know what, and also people have learned that they can email, not email, they can send me a text and more likely get a response that way and, of course,

Q. Is it a regular practice that victims and families have influence or suggestions and recommendations about bond?

A. We consult them. We don't, particularly in domestic violence and those situations, and one where they're family members, we always at least ask them what, what they're looking for, what they're trying to do. We have a lot of, in Northern Kentucky, I know you all have got a lot of opioids and that kind of thing. Our, our big drug of choice down here is meth, so we have a lot of people who are concerned about their father, their son, their daughter, their mother, their sister, or whatever, not wanting them to get out because they want to get them into treatment or something, so yeah, I, I would guess half of our cases are somewhat drug related, and somebody, somebody is wanting either them out into treatment, or wants to hold them so they can get them to treatment, and we, we at least consider all that stuff in making decisions.

Q. Certainly take it into your thought process.

A. Right.

Q. Is it a usual or an unusual practice for victims and family members to request warrants on defendants for non-compliance?

A. Often, we've said we've talked to the police officer or the complaining witness and sometimes they even sign. In domestic violence, it's almost always true that the com, complaining witness will sign.

Q. With regard to DNA cases, what is your role in prosecuting those before and after Judge Gordon took the Bench?

A. Well, really, it hasn't, I represent the Commonwealth and the Cabinet, so I, I put on whatever is required for the proof in those to get it to that point. I, I'm negotiating with the other lawyers who represent the parents, possibly the petitioners, if they are not the Cabinet, and the parents who are involved or the persons who have, who've had custody of the child and they have been listed as persons who are responsible. So I, I'm looking for the Cabinet's sort of requests. I'm looking for what the situation is to see does it fit within the statute to see what kind of recommendation we would make for treatment, that sort of thing.

Q. What's your perception or opinion about CASA's involvement in cases?

A. Well, it's a statutory organization required by, by statute to be involved where the Judge has appointed them. Uhm, my position has been that I, I didn't really want CASA appointed until after, at least until after an adjudication. I, I, we had gotten into some issues where there have been some CASAs who want to take some, some CASA representatives, not necessarily the persons who are, who are the CASA people, who, who want, who want to prosecute things a little bit more, rather than just dealing with, you know, what the parents are and whether the parents are dealing with their children and how well they're handling all that stuff.

Q. Okay.

A. No, I don't think he was, yeah, that was 20, he was here then. No, these are OPD

Q. Oh, those are, okay.

A. 2800 block of East Yellowstone regards to a physical disturbance. Spoke with Julia Gordon who advised she had been looking for her son, Dalton, who is driving her vehicle that expired and should not be on the roadway. She advised speaking with Dalton regards to getting the keys to her vehicle and that she told Dalton that she was tired of him making poor choices. At that time, he punched her in the left side of her face. Officer spoke with Dalton, who said he got in a fight with his mom, and I don't know what hither means. Officer asked additional questions, but it was irrelevant as to why they were fighting. Observed redness to the side of her face. She didn't want an EPO. Based on the information, Dalton was arrested for assault four, domestic violence because he intentionally caused, and so he was arrested by an officer because he punched her in front of the officer.

Q. Right. And that was the case we were originally talking about

A. Right.

Q. when we first started this.

A. Right.

Q. Do you have any memory of Judge Gordon contacting you about how that case should be resolved or the conditions upon

A. She probably would have said that, but that's not any different than any other mother who'd been hit by her son. I probably told her that she probably ought to get an EPO, but I understand why she didn't want to. Let's see, fourth degree, oh, he pled guilty, found him guilty and there's a contempt and there was, looks like he was, looks like he spent 21 days in jail,

Q. Okay. Well, what are some of the things she's asked you to do?

A. Well, like getting some of those warrants and things, and I'll say I, I'll do this and I'll see what I can do about filing it or whatever. And most of that, you know, a lot of them I will say all right, I'll do that, I'll see what I can do about it. One of the reasons I don't do that is because about the time I get ready to get one and get it out, well, he'll show up at where he's supposed to be, or do what he's supposed to be, and I'm just not going to file one where he's doing now again what he's supposed to be doing.

Q. Okay, I understand.

A. And

Q. It sounds like you got a heavy load and a lot of cases.

A. There's a lot of them, yeah. And, you know, this is a mom, and the way I look at it, it's not the Judge, it's a mom. A mom is calling cause she's concerned that her son is going to kill himself, or he's going to kill himself by drinking all this or doing drugs or whatever, or getting involved with somebody, so I understand that. We have a number of those and, of course, she sees the kids or whoever are involved in all that, so, and I, I try to, I try to understand that this is a mother who's asking for something, and I try to take that into consideration.

Q. Does, does the average mother, father, parent out there in the community, have the same access to you as Judge Gordon would have?

A. Yeah. In fact, I got a call before you came in from a dad about his son who had been beaten by a couple of other kids, let's see (Inaudible), and wanted to know about restitution and they hadn't done this and what can I do, and so yeah.

Q. So you get a lot of those kind of calls.

A. Yeah. I mean, I don't get hundreds a day. We get them in the office,

EXHIBIT C:

Statement of Joe Welsh

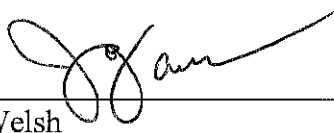
DECLARATION OF JOE WELSH

Comes now, the undersigned, Joe Welsh, and makes the following declaration, under penalty of perjury, that the facts contained herein are true and correct and based upon my personal knowledge:


1. My name is Joe Welsh.
2. I am an adult and competent to make this Declaration based on my own knowledge.
3. I am the Executive Director of a drug and alcohol treatment program in Daviess County, Kentucky. The program is called Friends of Sinners. I have been the Executive Director since 2015.
4. A few years ago, Dalton Gordon was a client in the program. He left the program and reentered the program sometime later.
5. At no time did Judge Julia Gordon exert pressure or use her position as a Judge to get Dalton admitted to the program.
6. I have no knowledge of any questionable or improper conduct by Judge Gordon.

I declare under penalties of perjury under the laws of the Commonwealth that the foregoing Declaration is true and correct to the best of my knowledge and belief and that such facts are made based on my personal knowledge.

Executed on November 19, 2021



Joe Welsh


624954
Notary Eganoo 6/22/2023

STATE OF KY)
COUNTY OF Davess)^{ss}

On the ^{19th} day of Nov, 2021, before me, a notary public in and for the State and County aforesaid, personally appeared Joe Welsh, who executed the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

[Signature] #624954
Notary Public

My Commission Expires: 6/22/2023

EXHIBIT D:

Statement of Kristy Fulkerson

STATEMENT OF KRISTY FULKERSON

June 17, 2021

TAKEN BY:

Gene Weaver
Gene Weaver & Associates
11 East Tenth Street
Covington, KY 41011

payment, because they already are receiving mental health services through their foster homes situation, but the Judge was ordering they receive it somewhere else and they were, they were worried about having to be paid twice. Things like that. So, so I did file several appeals with the Court of Appeals, of course, cause that's the next level after Fam, from Family Court, challenging those and the first one I filed was granted, the Court of Appeals agreed the Judge could not order that type of thing and so I think that only one of those appeals actually went all the way to an opinion, and the others, I ended up dismissing because Judge Gordon vacated her own orders after that first one. I think she realized that okay, you know, I, I'm, the Court of Appeals is not going to allow me to do that type of thing, so she voluntarily vacated the rest that were under appeal, so I think the Court of Appeals would probably show me voluntarily dismissing the others after that, because it was moot to that point.

Q. Do you have any

A. There were those.

Q. And I didn't mean to interrupt you.

A. That's okay.

Q. Do you have any specific case names, the one that went through the process of the Court of Appeals or, or others?

A. I, I do, I only remember, I only remember Hayden was the name and probably we could get that to you. I don't have a print, I mean it's in archives, it's long gone.

Q. And that's H A Y D E N?

A. I just remember that the last name of the child that we appealed on, their last name was Hayden. I think that was the one that went all the way through.

Q. Okay.

and asked for hearings and motions to vacate and such on all of those immediately. I do remember that, and we, we ended up having some meetings and I kept asking for hearings. I kept asking for hearings and at one point I was not granted any hearings on those motions and there was some tension. That was probably the most contentious time that we had. I filed motions to vacate and I filed, you know, a reconsider and things like that. I was trying to avoid going to the Court of Appeals, but she, I, I, they wouldn't give me a hearing date. They wouldn't give me a hearing date.

Q. And when you say they, you're talking Judge Gordon?

A. I, I guess. I mean I wouldn't speak with her directly about that but, you know, her office, you had to schedule through her office. I couldn't get a hearing date and so we had meetings and at one point, she, she was questioning why we were filing anything and, and just, I mean she was upset about it. (Laughing) She was mad that we were, you know, fighting those, those directives about paying and sanctions and we really had a hard time with that and she ended up issuing some orders without allowing me to have a hearing and that was probably the, the worst kind of negative time that we had. But I think in the end she didn't require anybody to pay anything because we really raised a fuss about it. I mean we just really said that's completely inappropriate and they shouldn't have to be pulling money out of their own pocket when they do something wrong, so that was probably one of the most contentious times we had. She, we wouldn't get hearing date, I wouldn't get a hearing date on any of my motions or she ended up saying that they, that, you know, my motions were ridiculous and that if I wanted a hearing date, she was going to set them outside of work hours and she would only set them at 6 or 6:30 in the morning, or at night, if I was going to demand hearings.

Q. Well,

Q. Okay.

A. I mean she could hold the Cabinet in contempt, or something like that, and we would deal with it, but she was, this was individual workers.

Q. So she was targeting named people.

A. Uh-huh. And I think, if I recall correctly, at the time she would just, just the supervisors and, you know, if their worker had something late, she would, the sanctions were about the supervisor, themselves, trying to incentivize them, I guess, but we, it was, it didn't work.

Q. In your 18 years with the Cabinet, and your practice prior to that, you ever seen anything like that happen before?

A. Uhm, no, not directly. I mean I, I have heard, a couple of Judges over the state, maybe, threatening to fine workers in the past, but never one of them that I work directly with.

Q. Okay.

A. And that would be just me hearing that a Judge did that somewhere, you know, I don't, but none, none, I've never had to do anything like that.

Q. But you never got a hearing.

A. No, I, we didn't have any hearings on any of those, and I, honestly, it, I know it sounds strange that I can't remember the actual resolution, but I think it might be that our County Attorney, Claud Porter, and I, or he just really, really helped to smooth it over and to talk her into just not following through with that because, you know, there was so much tension about it, and it just wasn't working. So I think eventually she just didn't follow through with them.

Q. So it just kind of fell off the table.

A. Yeah. Yeah. That, that's the best that I can recollect.

Q. to attend these hearings and

A. Yeah, we complained about that. We really tried to plead that there were a lot of cases where they didn't need to be brought, taken out of school. They might have been placed on the other side of the state and we had workers driving, working, I mean having to drive five, six hours, have court hearing, drive five, six hours back. It was real taxing. I mean, you know, we never have enough workers,

Q. Sure.

A. so those were the complaints that I was hearing. I mean people were exhausted and exasperated and just what do we do and foster parents were bringing them down and sitting all day waiting and there was a lot of complaints about sitting and waiting all day and night.

Q. So people are losing a day's work and children were losing a day of school, potentially.

A. Probably, yeah, I'm sure, yeah, and you have babies up there just screaming and yelling and there's, there's no food up there and, you know, it was just, and then I, I do remember that the, I think the court kind of started having snacks down there for the kids or started asking, you know, her staff to make sure there were snacks around. I mean they made, you know, they had made a room where kids could be that was, and you don't see that in a lot of courtrooms, so that was probably a positive that came from it, but during COVID, you know, they haven't had in-person court, but I, I think that the general rule was bring the child to court. At some point, she gave them the option of being able to ask ahead of time for an exception to not have to bring the child and they had to convince her why that was necessary.

Q. So that was something that had to be argued beforehand.

A. Uh-huh.

Q. Or presented, I guess.

A. Yeah. And in my termination cases, I had to do the same thing. I had to ask permission yes or no, do we have to bring the children. We never bring children to TPR's in all my cases, but she, she wanted them in most of her cases, so that was something different.

Q. So

A. She did grant except, she started granting exceptions more often.

Q. But, but she would grant exceptions, but if you didn't have an exception, you had to have the child there with you.

A. That's right, uh-huh.

Q. Okay. Have you heard of court going up into the evening, 8, 9, 10:00, later?

A. Oh, yeah. Later. I mean I've heard that way frequently. I mean I think even last week I heard, last week or the week before, recently that it went late.

Q. Oh, so it just went

A. There were some times that it was 11 or 12, I heard. I don't, I'm sure that wasn't, you know, often, but yeah, I've heard some, some of the attorneys would talk about it oh, we were down there until 10:00 or midnight or something. I just remember thinking no way, no way. I wouldn't want to do that.

Q. Right.

A. Workers would talk about it a little bit.

Q. And you bring up a good point with the attorneys. Are some of those retained by the, by the

A. Clients.

Q. clients, yeah.

A. There were times, I may have made a note about that when it happened. Yeah, that was something, there were times that I remember Heather, usually Heather being the SRA, would come to me and say we got an order telling us that we have to place at this particular place, you know, particular agency, or with this particular foster home and, you know, they would say well, we don't, we don't think that's appropriate because, or it's okay, you know, it's fine. And so we would have those discussions. So yeah, I think that there were definitely times that she would order placement, but over time, instead of ordering it, there's a spot on a lot of these orders for advisory recommendations, so I think after we had some push back initially, Judge Gordon started, instead of ordering something, that I believe she felt like she knew she couldn't, she would make it an advisory recommendation, which she can do.

Q. But then you

A. I know our workers felt a lot of pressure about that, though. They would, they would worry that if they didn't follow the recommendation, that it was, they were going to be looked upon negatively down there.

Q. That there may be a payback or something.

A. It was just hard to deal, you know, it was hard to deal with, with them, because I didn't feel like I could help them with that, but I really wanted to.

Q. Sure.

A. And we had lots of discussions, I mean I talked to Claud Porter so many times over the years, initially more so than now, about how he might assist them or help them or speak up for them in certain instances, cause I'm not down there.

Q. Right. And he is there every day.

EXHIBIT E:

Statement of Heather Cann

STATEMENT OF HEATHER CANN

May 6, 2021

TAKEN BY:

Gene Weaver
Gene Weaver & Associates
11 East Tenth Street
Covington, KY 41011

the morning or 7 in the morning, or on the weekends, and we just all sat there in awe. Like how could she even, but she never did do it, but she put it out there.

Q. So the threat was certainly out there.

A. Implied, yes. And different, you know, we'll put your, certain workers' cases at the very end of the docket and have you stay all night. You know, this things like that that she would say.

Q. And she's actually verbalized those kinds of things.

A. Yes.

Q. So

A. In front of all my staff, all my supervisors.

Q. So, so the, I believe I said it's necessarily implied, it's a pretty direct threat

A. Yes.

Q. if you mess with me, there's going to consequences.

A. Yes.

Q. And you've heard those comments made.

A. Yes. To the point where she even said that the, when she, when Christy has to file whatever she's got to file stating, you know, don't agree with this, or whatever.

Q. Sure, a motion or something.

A. She would make sure those hearings were set at 7 in the morning, and it was like oh, you know, just things like that, or that we would have Saturday court, or, you know, not even just because she filed that, but if we continued to do so, then she would have A, B, C and D given back to us.

Q. So, so it's kind like you mess with me, you're going to pay.

EXHIBIT F:

Declaration of Amanda Bragg

DECLARATION OF AMANDA BRAGG

Comes now, the undersigned, Amanda Bragg, and makes the following declaration, under penalty of perjury, that the facts contained herein are true and correct and based upon my personal knowledge:

1. My name is Amanda Bragg.
2. I am an adult and competent to make this Declaration based on my own knowledge.
3. I am currently employed as a private practicing attorney primarily in Daviess County, Kentucky. I focus on family law. I previously worked for Judge Julia Gordon, for about one year as her staff attorney. I also previously worked for the Administrative Office of the Courts in Kentucky and assisted Judges in instituting best practices in their courts. As a result of my experiences I have encountered many judges in Kentucky.
4. I have never met a judge who is more well intended than Judge Gordon.
5. I have never once seen any misconduct or favoritism by Judge Gordon.
6. Judge Gordon maintains a tally sheet and she assigns GALs fairly and in the best interests of the parties involved.
7. Judge Gordon is acutely aware of "conflicts of interest" and understands the perception of "conflicts of interest". If anything, Judge Gordon may be too cautious when it comes to identifying and disclosing potential conflicts.
8. Judge Gordon is one of the busiest Family Court Judges in Kentucky and is only motivated by helping families and kids.

EXHIBIT G:

Statement of Thomas Vallandingham

STATEMENT OF THOMAS VALLANDINGHAM

September 1, 2021

TAKEN BY:

**Gene Weaver
Gene Weaver & Associates
11 East Tenth Street
Covington, KY 41011**

Q. Okay.

A. So, my understanding, based on and, again, the new Family Court Rules came out regarding Guardian Ad Litem lists, is my understanding. There are some, when they updated Family Court Rules, it was a lot focused on Guardian Ad Litem lists. Basically doing away with like closed lists. That if they need, if they need, an attorney who's qualified wants to be on the Guardian Ad Litem list, they can be. That you can't have the same five people rotating. My understanding is that there is a roster, and I don't know if it's alphabetical or as people got added, I don't know any of that, that in theory, they go down for appointments. Now, there is some wiggle room in, in that based on maybe prior representation, conflicts, etc. So if, and I don't know how much you know or have experience with juvenile dependency, neglect, abuse actions, but if there is a petition filed in January of this year, that gets resolved, that's trailer 1, and then a second trailer comes later. Even so, on the second trailer, if I was the Guardian Ad Litem for the child, the court would strive to appoint me as Guardian Ad Litem for the child in trailer 2 because I have prior knowledge of trailer 1, the case, and the same attorney. So even if that might deviate from the list, but for good cause.

Q. Okay, I understand what you're saying. If you, if you handled trailer 1 and 2, the logical, for what you're saying, the logical thing would be for you to be appointed on trailer 3.

A. Yes. Yes. And, and to my experience, if, that's every Judge. Even, you know, that if, if, for, for a litany of reasons. A, I have a better understanding of the family, so for the same reasons that we would have one family, one court, would be the same reasons that, if I'm Guardian Ad Litem, I, I'm, I have a better relationship or working knowledge with this child versus somebody fresh.

Q. Okay.

attorney on the Guardian Ad Litem list, the Guardian Ad Litem panel, and she was in, when, before Daviess County JDNA cases consolidated, she was on multiple Judges' appointment lists. So is it that, you know, is it that she's getting appointed because she was previously appointed a lot to other families and because of her prior representation that spurs further representation in multiple trailers or subsequent trailers? Is it that she does great work and, and is trusted to do great work? I, I don't know the reasonings behind that. I can say from a personal standpoint, I, I've never really felt over appointed or, or under appointed. But I'm more of a just put your head down and do the work type guy.

Q. Okay. I didn't mean to cut you off.

A. No, I'm, I'm

Q. Well, are you familiar with Clay Wilkey and Andrew Johnson?

A. Yes.

Q. Do they seem to get more appointments than other attorneys?

A. I don't know if it's an individual thing and, and I, I wouldn't be able to say that I think they, I, they are of, I, I wouldn't put it as individuals. I put it as tiers. So there, there appears to be a, a tier of people that are generally always available and routinely appointed. There tends to be a middle tier of people that are most often available, most often appointed, and then there seems to be a bottom tier of, of people that get the least amount of appointments. And I don't know the specific reasons why each of us fall in each tier. It might be private case load. It might be hey, I don't want anything more than X amount of appointments. It, it, he's no longer on the list, but at, and I'm, I know of certain attorneys that, that say that I, the attorney, he retired, and I hate this, he may have since passed away, it's Ben Hawes.

Q. Ben Hawes?

A. Ben Hawes. And I know he had informed the court that he didn't want to take, he didn't want to represent children. He only wanted to represent parents.

Q. Okay.

A. So that could limit your appointments.

Q. Some people, I prefer to do children, not parents, others vice-versa.

A. Yeah. I know of attorneys that have said I don't want to be involved in sexual abuse allegations, and, and so I don't know what specific conversations have gone into saying, I don't know all the factors that would say well, I'm limiting appointments based on the attorney's own preferences, I'm limiting their appointments based on availability or, you know, we did a poll and they had, or we did a tallying of cases and they are, they have way too many, so now I'm trying to appoint others to catch up to balance it out and, or if it's simply because somebody appoint, represented them in one case and, and therefore, they're getting the subsequent trailer. So I, I don't know, A, I've not done the math to, to tally them up to see where they're at, and B, I don't know if that, if those tallies are disproportionate, all the reasons why that might be.

Q. Okay. Anything else about the GAL appointments that you can think of?

A. No.

Q. Have you ever experienced on, either in a privately retained case or when you're appointed as a GAL, have you ever been contacted directly by Judge Gordon, and contact could be anything, a conversation in the hallway, text message, a phone call, email, where she wanted to discuss a particular case?

A. I don't recall any ex parte communication stemming from her office in any of my cases.

Q. Okay, have, I'm sorry,

EXHIBIT H:

Statement of Clay Wilkey

STATEMENT OF CLAY WILKEY

September 1, 2021

TAKEN BY:

Gene Weaver
Gene Weaver & Associates
11 East Tenth Street
Covington, KY 41011

Q. the Judge's son.

A. Yes.

Q. You have represented him in the past, correct?

A. I have.

Q. How did that representation come about?

A. He wanted me to be his attorney and I said okay, provided you can pay me.

Q. Did he call you or come meet with you or

A. Yeah.

Q. Did Judge Gordon play any role in that?

A. Probably. I would assume, yeah.

Q. Did she ever talk to you about, you know, hey, Clay, I'd like for you to represent him?

A. Yeah.

Q. Tell me about those conversations between you and Judge Gordon about

A. Well, I mean it, they weren't too terribly different from conver, when I was doing criminal defenses, with conversations I had with defendant's family on a daily basis, you know. How much is it going to cost for you to represent my son? What do you think he's looking at? When can we meet? I mean, it, it's just, I mean, what you do.

Q. And Judge Gordon would meet with you and Dalton, as well?

A. I don't know that she ever did. I think she was very sensitive of, of the optics of this, and tried to stay as hands off as possible, you know.

Q. But she was discussing

A. I, I, I have discussed, of course, I mean it's her son,

A. I, I don't want to say definitively she's never paid me for representing him. I don't believe she has.

Q. Okay.

A. Again, I think she's probably sensitive to how that might look to people who want to stir up s**t in her life. You know, she has to maintain some level of, of separation from those events, for obvious reasons.

Q. Sure.

A. Here we are because people are not happy with her, and I, I think that people would, would seize upon that to try to make her life miserable. Do I, do I think that it's uncommon for parents to procure legal services for their sibling, or for their children, no, I mean it happens literally all the time.

Q. Do you find it common that the victims of criminal acts help secure legal counsel and pay legal fees?

A. I, I don't know how typical that is. Do I think it's typical that family members are victims, yes. Do I think it's typical that family members pay, yes. But the ven diagram there is rather, is rather limited, I think.

Q. Okay.

A. I, I'm going to try to crawl inside Judge's head here for a minute, okay.

Q. Okay.

A. Which is kind of what we're doing anyways, right? I think she goes through these cycles where she gets exasperated that Dalton is literally driving her crazy and then she feels guilty for having taken the actions she's taken and tries to take steps to undo that so that his life doesn't end in a prison sentence. You know what I mean? It's like this, thankfully I, I don't

A. I think she was on maternity leave two different times. She worked from home quite a bit. It was difficult to tell what Megan did, frankly.

Q. Okay, that's fair, okay. But, anything else you'd like to add?

A. I'm not romantically involved with Judge Gordon.

Q. And if I asked any questions, I was not implying that in any way.

A. No, I, I just, I would not be surprised, like I said, I have heard, from more than one person on the street, that, that was the rumor. And so to the extent that that was part of the complaint that I am having a relationship with Judge Gordon, I just want to set the record straight. I have never felt as if I got any sort of preferential treatment from her in her court. I, I think it is an impossible job. She is doing the best she can and she would be crazy to run again. It is, you can't do that job and continue to have empathy and compassion for people. It will beat it out of you, and I know that the Family Court representative on the panel can relate to that. I don't know that even the District Court Judge representative on the panel could relate to that. It is a different animal, and you are dealing with people at their worst every day, all day. And there is a reason why Justice Minton has said you all need a second Family Court. There is a reason a District Court Judge is hearing Family Court cases over here, because the Legislature won't fund it. And the system is failing because of that, frankly.

Q. Because there's not a second Family Court Judge?

A. There's too much work. There's too much work.

Q. I, I, and I don't know how cases are assigned in Daviess County, but like does every other case go to, one case go to Judge Gordon, the next case go to Judge Payne? Is it back and forth like that?

A. I think,

EXHIBIT I:

Finance and Administration Cabinet Data

DAVISS COUNTY FAMILY COURT GAL ATTORNEY PAYMENTS FY20-FY22 (09-12-2021)

Vendor/Attorney Name	Fiscal Year	Amount Paid
Gordon Goetz Johnson Caldwell, PSC	2020	33,750.00
	2021	39,000.00
	2022	3,500.00
Gordon Goetz Johnson Caldwell, PSC Total		76,250.00
JENNIFER HENDRICKS	2020	37,750.00
	2021	31,000.00
	2022	7,500.00
JENNIFER HENDRICKS Total		76,250.00
PAGE LAW OFFICES PLLC	2020	44,150.00
	2021	24,500.00
	2022	5,500.00
PAGE LAW OFFICES PLLC Total		74,150.00
THE LAW FIRM OF SEXTON & VALLANDINGHAM PLLC	2020	32,850.00
	2021	28,600.00
	2022	3,800.00
THE LAW FIRM OF SEXTON & VALLANDINGHAM PLLC Total		65,250.00
DAN CLARK	2020	40,500.00
	2021	20,500.00
	2022	3,500.00
DAN CLARK Total		64,500.00
WILKEY & WILSON PSC	2020	35,000.00
	2021	27,500.00
	2022	2,000.00
WILKEY & WILSON PSC Total		64,500.00
JANELLE R FARLEY	2020	27,500.00
	2021	28,700.00
	2022	5,200.00
JANELLE R FARLEY Total		61,400.00
Thacker, Hodskins & Knight LLP	2020	34,250.00
	2021	24,000.00
	2022	2,500.00
Thacker, Hodskins & Knight LLP Total		60,750.00
NATALIE L RALPH MEIER	2020	19,750.00
	2021	32,000.00
	2022	4,000.00
NATALIE L RALPH MEIER Total		55,750.00
AMANDA BRAGG	2020	22,000.00
	2021	21,000.00
	2022	8,000.00
AMANDA BRAGG Total		51,000.00
JOHN AUSTIN	2020	26,750.00
	2021	16,000.00
	2022	5,000.00
JOHN AUSTIN Total		47,750.00
LAW OFFICE OF STEVEN L BOLING	2020	20,000.00
	2021	22,750.00
	2022	4,000.00
LAW OFFICE OF STEVEN L BOLING Total		46,750.00
JOSEPH H BENNETT	2020	15,500.00
	2021	22,000.00
	2022	5,000.00
JOSEPH H BENNETT Total		42,500.00
DAVID CURLIN ATTORNEY AT LAW PLLC	2020	13,400.00

	2021	25,000.00
	2022	4,000.00
DAVID CURLIN ATTORNEY AT LAW PLLC Total		42,400.00
STEVENSON & TIERNEY	2020	22,250.00
	2021	15,500.00
STEVENSON & TIERNEY Total		37,750.00
LAW OFFICES OF CLIFTON A BOSWELL PLC	2020	12,500.00
	2021	20,000.00
	2022	1,500.00
LAW OFFICES OF CLIFTON A BOSWELL PLC Total		34,000.00
JERRY LOGAN JOHNSON	2020	19,500.00
JERRY LOGAN JOHNSON Total		19,500.00
EVAN TAYLOR LAW PSC	2020	15,500.00
EVAN TAYLOR LAW PSC Total		15,500.00
STEVENSON LAND & TIERNEY	2020	6,750.00
STEVENSON LAND & TIERNEY Total		6,750.00
		942,700.00
		942,700.00

EXHIBIT J:

Declaration of Jinniffer Ward

DECLARATION OF JINNIFFER WARD

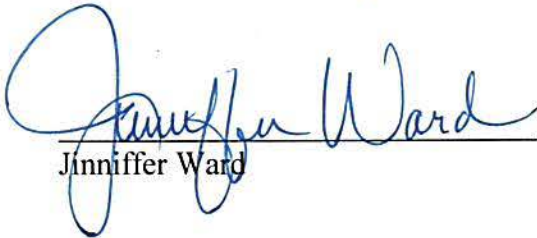
Comes now, the undersigned, Jinniffer Ward, and makes the following declaration, under penalty of perjury, that the facts contained herein are true and correct and based upon my personal knowledge:

1. My name is Jinniffer Ward.
2. I am an adult and competent to make this Declaration based on my own knowledge.
3. I am currently employed by the Administrative Office of the Courts as a Legal Assistant in Daviess County, Kentucky Family Court for Judge Julia Gordon, and have been for approximately six (6) months.
4. I had previously worked as Administrative Assistant with the Daviess County Family court under Judge John McCarty from May 1, 2020 to February 14, 2021.
5. From my observation in the courtroom and based on my daily interactions with Judge Gordon I have never seen Judge Gordon do anything improper or unethical.
6. I have worked in the legal system for many years and Judge Gordon may be the best Judge I have encountered.
7. There are no staff members that are employed by Judge Gordon who are currently conducting drug testing. Any allegation that I, or anyone else, are conducting them is incorrect.

8. I have not seen Judge Gordon engage in favoritism with respect to any aspect of her job. She assigns GALs fairly and in the best interests of the parties involved.
9. Judge Gordon is keenly aware of “conflicts of interest” and understands the perception of “conflicts of interest”. She recuses herself from cases much more frequently than is required because she wants to avoid any appearance of wrongdoing.
10. Judge Gordon runs her courtroom much like any other Judge. She has one of the busiest Family Court dockets in the state and she works very hard each and every day trying to do what is best for all parties.
11. I have never seen Judge Gordon do anything that is self-serving. She takes her job seriously and genuinely cares about making the best decisions possible.

I declare under penalties of perjury under the laws of the Commonwealth that the foregoing Declaration is true and correct to the best of my knowledge and belief and that such facts are made based on my personal knowledge.

Executed on November 17, 2021


Jinniffer Ward

STATE OF KENTUCKY
COUNTY OF DAVIESS)^{ss}

On the 17 day of November 2021, before me, a notary public in and for the State and County

aforesaid, personally appeared Jinniffer Ward, who executed the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Tasha G. Cox
Notary Public

My Commission Expires: 01-13-2025
Notary id # KYNP21188

EXHIBIT K:

Statement of Art Maglinger

STATEMENT OF JAILER ARTHUR MAGLINGER

June 16, 2021

TAKEN BY:

**Gene Weaver
Gene Weaver & Associates
11 East Tenth Street
Covington, KY 41011**

Q. It would have been in the evening then.

A. Yes, sir.

Q. And it would have been certainly outside of your normal work day.

A. Yes, sir, yeah.

Q. How long would the visits last, if you can recall?

A. Say about 30 minutes.

Q. And they would sit here at this time that we're sitting at now.

A. Yeah.

Q. And your desk is ten feet away, something like that,

A. Yes.

Q. so, so you would just kind of sit and monitor what was taking place.

A. Yes.

Q. Anything else about those visits, anything you can think of?

A. Yeah, I don't think so. I never saw it as doing anything unethical. I mean it was just something, it's a professional courtesy that I extended to her. She didn't try to abuse her po, I didn't feel like she tried to abuse her position as a Judge, and pressure me into doing it, so I did allow her to, so I take responsibility for allowing it, and I just kind of, I guess, relate that, you know, she's working hours during the day where she didn't have the same opportunity maybe, as others, that would be able to schedule a visit or something at different times.

Q. Sure. And please don't take what I'm asking you, I'm not trying to, you know, say you did anything unethical.

A. Oh, sure, yeah, that's fine. Yeah, no, I'm not trying to hide anything, you know.

EXHIBIT L:

Daviess County Detention Center Visitation



DAVIESS COUNTY DETENTION CENTER

3337 Hwy 144, Owensboro, KY 42303 | Phone 270-685-8466 | Fax 270-685-8449

- Home
- Application for Employment
- Commissary
- Contact Us
- History
- Inmate Handbook
- Inmate Lookup
- Inmate Programs
- Links
- Medical
- Ministry Program
- Mission Statement
- Money for Inmates
- Open Records Requests
- PREA / Sexual Abuse
- Professional Visitors
- Public Information
- Visitation

VISITATION

1. Video visits are available online at JailFunds.com, 16 hours after an inmate is booked into facility.
2. Visits are available 24 hours a day, except during head counts.
3. Head count times are about 7a-8a, 3p-4p and 11p-12a.
4. Visits require an appointment that may be made by the inmate or visitor.
5. Inmate and visitor will receive a notification/reminder of the scheduled visit.
6. Inmates may cancel a visit up to two minutes before the visit.
7. One free 15-minute visit is allowed per inmate per week.
8. Four additional paid visits are allowed per inmate per week.
9. Paid visits cost \$5.70 for a 15-minute block of time.
10. Minutes not used during a visit will expire after each visit.
11. Public defenders and private attorneys may register for confidential visits online at JailFunds.com.
12. Upon verification and approval by DCDC, registered PD and attorney visits will not be monitored or recorded.
13. During a scheduled visit time, the kiosk will only operate for the inmate named in the visit.
14. Inmates may report visit issues on kiosks under "Video Visitation" tab.
15. Visitors may report visit issues online at JailFunds.com.
16. All parties shall keep their faces toward the camera at all times or the screen will go dark.



**Owensboro
Police Dept**
270-687-8888
[Website](#)



**Daviess Co
Sheriff**
270-685-8444
[Website](#)



**Ky State
Police**
270-685-3927
[Website](#)



**Federal
Bureau of
Investigation**
270-926-3441
[Website](#)



17. No sexual acts are permitted by any viewed party.
18. All viewed parties shall follow the dress code, to include, no nudity, no clothing deemed inappropriate, no exposed undergarments, no gang attire, nothing covering the head, etc.
19. Visits may be terminated for a rule violation, by any party, or for safety and security reasons.
20. Future visits may be restricted, if appropriate.
21. All visits are monitored and recorded.

Daviess County Detention Center © 2009

3337 Highway 144 Owensboro, Kentucky 42303
270-685-8466 | Fax 270-685-8449

Hosting provided by [JailTracker](#)

EXHIBIT M:

Declaration of Kim Emberton

DECLARATION OF KIM EMBERTON

Comes now, the undersigned, Kim Emberton, and makes the following declaration, under penalty of perjury, that the facts contained herein are true and correct and based upon my personal knowledge:

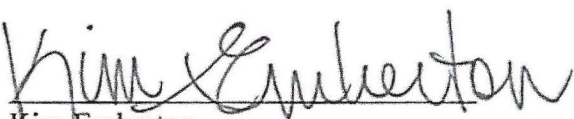
1. My name is Kim Emberton.
2. I am an adult and competent to make this Declaration based on my own knowledge.
3. I am a Deputy Clerk in the Daviess County, Kentucky Clerk's Office. I supervise Family Court matters within the clerk's office.
4. I have been employed in various positions within the judiciary for twenty-two years. During those twenty-two years I have worked with and become familiar with many different judges.
5. I became acquainted with Julia Gordon when she was a private attorney and have become better acquainted since she has become the Family Court Judge in Daviess County.
6. As a result of my position with the Clerk's Office I interact with Judge Gordon frequently and I am familiar with the manner in which she runs her court.
7. Judge Gordon has an excessive workload and she works very hard day in and day out. She has often put the responsibilities of her job ahead of herself and her family.
8. I am aware of a complaint that was anonymously filed with the Judicial Conduct Commission against Judge Gordon. The complaint was signed "3rd floor family

clerks” intimidating employees in the Clerk’s Office filed the complaint. I know the clerks did not submit that complaint and I consider that complaint to have been forged.

9. It is my belief that someone has a vendetta against Judge Gordon.
10. I have found Judge Gordon to be a “bleeding heart” and someone who genuinely tries hard to make life better for the children and families who come before her.
11. I have never seen Judge Gordon make decisions that were self-serving nor have I seen her engage in favoritism.
12. Judge Gordon runs her courtroom much like the myriad of other Judges I have worked with over the last twenty-two years.
13. Though at times I may disagree with the way Judge Gordon does things, I have never seen Judge Gordon engage in any behavior that I believe to be unethical or improper.

I declare under penalties of perjury under the laws of the Commonwealth that the foregoing Declaration is true and correct to the best of my knowledge and belief and that such facts are made based on my personal knowledge.

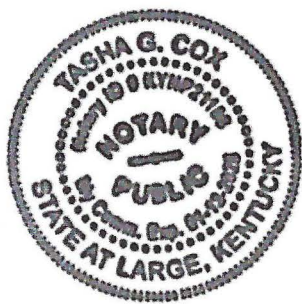
Executed on November 18, 2021


Kim Emberton

STATE OF Kentucky)
)ss
COUNTY OF Daviess)

On the 18th day of Nov., 2021, before me, a notary public in and for the State and County aforesaid, personally appeared Kim Emberton, who executed the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Tasha G. Cox
Notary Public

My Commission Expires: 01-13-2025
Id # KYNP21188

EXHIBIT N:

Declaration of Carolina Campos-Glover

DECLARATION OF CAROLINA CAMPOS-GLOVER

Comes now, the undersigned, Carolina Campos-Glover, and makes the following declaration, under penalty of perjury, that the facts contained herein are true and correct and based upon my personal knowledge:

1. My name is Carolina Campos-Glover.
2. I am an adult and competent to make this Declaration based on my own knowledge.
3. I am currently employed by the Administrative Office of the Courts as a case manager in Daviess County, Kentucky Family Court for Judge Julia Gordon, and have been for approximately four (4) years.
4. From my observation in the courtroom, Judge Gordon has always focused on the best interest of the children involved. She is highly ethical, and holds herself to a high standard.
5. Judge Gordon has not favored any individuals, be they attorneys, social workers, or otherwise when presiding over cases, or assigning Guardians Ad Litem.
6. There are no staff members that are employed by Judge Gordon who are currently conducting drug testing. Any allegation that I, or anyone else, are conducting them is incorrect.
7. Only once have I ever witnessed a time when Judge Gordon left the bench for an extended period of time during a docket. It was around 5:30p.m., and she

EXHIBIT O:

Statement of Joann Lee

STATEMENT OF JOANN LEE

June 21, 2021

TAKEN BY:

**Gene Weaver
Gene Weaver & Associates
11 East Tenth Street
Covington, KY 41011**

Q. What is the general hours of operation of, of the Family Court? What time does it normally start, what time does it normally end?

A. It could, it normally starts at 8:00. It used to end pretty late. I think it's gotten a lot better now, but when we first started doing Family Court and before, especially before the Judge had Judge McCarty to help, it would run pretty late sometimes.

Q. So how late?

A. It could go 8, 9, 10:00, sometimes.

Q. Were you ever here

A. I was not because I didn't sit in the courtroom.

Q. So you, you did your stuff, left at your normal quitting time.

A. Sometimes I would stay a little late, like even when Judge McCarty first got here, even his court would go over sometimes, like child support court and things like that, there were some hearings, it would go to like 6, even, I think I was here til 7 or 8 every great once in a while, but not very often.

Q. And that was Judge McCarty's court or

A. That was Judge McCarty's court every once in a while, yeah, because we had so much stuff, and they were trying to catch up. But that was very unusual. That wasn't, that wasn't the norm.

Q. Now, is Family Court all virtual or zoom, I mean whatever?

A. I think Judge Gordon is doing almost all of hers virtual, and Judge McCarty is starting to do some of his in person.

Q. But you don't know, say within the last two months, how late court has lasted or not?

EXHIBIT P:

Statement of Kim Emberton

STATEMENT OF KIM EMBERTON

June 21, 2021

TAKEN BY:

**Gene Weaver
Gene Weaver & Associates
11 East Tenth Street
Covington, KY 41011**

A. But we never got to that. We never really had the need because once we got some good routines in place, got some good organization in place, made some changes to how, you know, our files were being handled and stuff, I feel like, I feel like I came into the Family Court system that it like everything kind of got a little bit more manageable, so we're not seeing as many late days.

Q. Okay.

A. And, and I did have, like I said, the rotation of the staff, so.

Q. Well, and I would guess with, with the, the COVID situation that that kind of changed some operation of the court. It's not in person or wasn't for quite some time.

A. No, and that changed things drastically because we learned a lot more about doing all of our orders email, so things, instead of us sitting in a court and printing out an order for each case, the Judge does the order in One Drive. Her staff, so her case manager is preparing the order. She's listening to the hearing and so when they're pre-trying a case, all the attorneys will go to the case manager and say okay, on, on the Jones case, we've decided the kids are going to stay with mom. Mom's going to complete such and such program. We're going to come back for dispo, or adjudication or whatever, on this day. So staff, case manager is typing those orders up ready, so when the Judge calls the case, she can pull it up in her One Drive, everybody's already signed off on it, and she can like make her adjustments and her orders and sign the order electronically.

Q. And who is that case manager?

A. That would be Carolina Glover.

Q. So Ms. Glover wears a variety of hats then in that office.

A. Yes. She largely handles all of the dependency, neglect, abuse cases, and dockets.

EXHIBIT Q:

JCC Letter, June 25, 2018

MEMBERS:

STEPHEN D. WOLNITZKE, CHAIR
COVINGTON

JUDGE JEFF S. TAYLOR
OWENSBORO

JUDGE EDDY COLEMAN
PIKEVILLE

JUDGE DAVID BOWLES
LOUISVILLE

MICHAEL A. NOFTSGER
SOMERSET

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
P.O. Box 4266
FRANKFORT, KENTUCKY 40604-4266
PHONE 502-564-1231 FAX 502-564-1233

ALTERNATES:

R. MICHAEL SULLIVAN
OWENSBORO

JUDGE GLENN E. ACREE
LEXINGTON

JUDGE MITCH PERRY
LOUISVILLE

JUDGE KAREN THOMAS
COVINGTON

EXECUTIVE SECRETARY
Ms. JIMMY SHAFFER

June 25, 2018

PERSONAL AND CONFIDENTIAL

Hon. Julia H. Gordon
901 Yelvington Grandview Rd.
Maceo, KY 42355-9749

RE: JCC Case Number 2018-097

Dear Judge Gordon:

At its last meeting, the Judicial Conduct Commission again considered the complaint filed against you relative to your relationship with Mr. Lonnie Lyles.

Following consideration of your response, dated June 5, 2018, the Commission determined to take no action. The matter is concluded.

The members of the Commission thank you for your assistance in this matter.

Please be advised, Judge Jeff Taylor and Mr. Michael Sullivan recused from any consideration of this matter.

Sincerely,


Ms. Jimmy Shaffer
Executive Secretary

EXHIBIT R:

Statement of Janelle Farley

STATEMENT OF JANELLE FARLEY

June 18, 2021

TAKEN BY:

Gene Weaver
Gene Weaver & Associates
11 East Tenth Street
Covington, KY 41011

the drug cases because she had heard from someone else that I was not supportive of addicts.

That I, my personal views regarding drug addiction meant that she just took me off of the drug cases.

Q. And you were taken off with no conversation, questioning or anything on her part?

A. Correct. I said what, what, I was really quite taken aback, cause it was the first I had heard of that, and I said what, what do you mean, and she said that there was a time when I was in like one of the pre-trial rooms with all of like, there were a bunch of attorneys and County Attorneys. Only professionals. No clients. Social workers, and I had made a comment about how it's frustrating because all of my clients that have really serious opioid addictions end up dying, whereas my (Inaudible) clients that, they just keep having children and it, they just, it just never ends. It's just destruction after destruction after destruction. And now I was just making a flip comment that I probably shouldn't have, but it was, like we were just talking. *stmt. pg 8*

Q. Just chit chat.

A. We were just chit chatting. We were just blowing off steam, and I think it was interpreted, turns out CG is who it was, was in that room.

Q. Now who is CG?

A. I, I, her real name is Hawaiian, so I don't know her full name, but she is, was a peer support on the START team. So that meant that she's somebody who is in recovery and was on the START team.

Q. Okay.

EXHIBIT S:

Statement of Judge John McCarty

STATEMENT OF JUDGE JOHN MC CARTY

August 5, 2021

TAKEN BY:

Gene Weaver
Gene Weaver & Associates
11 East Tenth Street
Covington, KY 41011

A. Frankly, I could, could care less.

Q. You didn't care, right?

A. I didn't care. It didn't, it didn't, now the only thing where it becomes a problem is if, if it's a confidential situation and there are con, really, I think that, that's a gray area. If I am, got a confidential case, and it's not your case, should you be privy to any of the facts that go on when you are a judicial officer, but your staff, I can't answer that question. That's one of, that's one of those Gene Collier question I guess you have to as, but I, I, you know, it wasn't a big deal to me. I don't care if anybody, I don't care if she knew how I would want to handle a case, I mean I, I do them the way I do them because I've been doing them ever how many years, so if you want to learn something from me, fine. If you just want to critique me, that's fine, too.

Q. Sure. Well, when Judge Gordon approached you that day, was she in her robes or was she

A. Uh-huh, she had her robe on, still.

Q. She had her robe on. So she came straight from the courtroom.

A. Yeah.

Q. So it would be, and I'm not trying to surmise things here, but from all indications, someone went to her,

A. Uh-huh.

Q. Judge Gordon, while she was on the Bench, and she left the Bench and came and addressed Megan's comments with you.

A. Uh-huh.

Q. Can you recall what she said to you?

EXHIBIT T:

JCC Letter, April 16, 2018

MEMBERS:

STEPHEN D. WOLNITZEK, CHAIR
COVINGTON

JUDGE JEFF S. TAYLOR
OWENSBORO

JUDGE EDDY COLEMAN
PIKEVILLE

JUDGE DAVID BOWLES
LOUISVILLE

MICHAEL A. NOFTSGER
SOMERSET

VACANT

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
P.O. Box 4266
FRANKFORT, KENTUCKY 40604-4266
PHONE 502-564-1231 FAX 502-564-1233

ALTERNATES:

R. MICHAEL SULLIVAN
OWENSBORO

JUDGE GLENN E. ACREE
LEXINGTON

JUDGE MITCH PERRY
LOUISVILLE

JUDGE KAREN THOMAS
COVINGTON

EXECUTIVE SECRETARY
MS. JIMMY SHAFFER

April 16, 2018

CONFIDENTIAL

Charles E. English, Jr.
English, Lucas, Priest & Owsley, LLP
1101 College St.
P.O. Box 770
Bowling Green, KY 42102-0770
benglish@elpolaw.com

Hon. Julia Gordon
901 Yelvington Grandview Rd.
Maceo, KY 42355-9749
juliagordon@kycourts.net

RE: JCC Case Number 2017-231

Dear Judge Gordon:

The Commission would like to thank you for attending the meeting on April 13, 2018, and participating in the informal conference. Following the conference, the Commission considered the matter in closed session. While formal proceedings would be necessary to decide whether your actions violated the Code of Judicial Conduct, the Commission directed that I inquire about your willingness to accept a Private Admonition in settlement of this matter. The Private Admonition is an agreement between you and the Commission that your actions may have been in violation of the Code.

If you agree to accept the Commission's settlement offer, this letter will constitute the Private Admonition. The Private Admonition will be filed with the Commission but will not be public and will not be published in any form.

If you accept the offer, you may indicate your acceptance by signing this letter and returning it to the address provided above. Please advise on or before May 9, 2018, if you will accept this offer.

Sincerely,


Jimmy A. Shaffer
Executive Secretary

I accept this Private Admonition:

Judge Julia H. Gordon

_____, 2018.

Judge Jeff Taylor recused from any consideration of this matter.

EXHIBIT U:

Ethics Opinion Received by Judge Gordon

July 18, 2018



Judge Irv Maze
Court of Appeals

Donald H. Combs
Attorney

Commonwealth of Kentucky
Judicial Ethics Committee
Robert F. Stephens District Courthouse
150 North Limestone, Suite 301
Lexington, Kentucky 40507
Phone 859-246-2296 Fax 859-246-2510

Judge Jeffrey Scott Lawless
District Court

David V. Kramer
Attorney

Judge Jean Chenault Logue
Chair

July 18, 2018

The Honorable Julia H. Gordon
Judge, Daviess Circuit Court, Family Division
Morton J. Holbrook Jr., Judicial Center
100 East Second Street
Owensboro, KY. 42303

Dear Judge Gordon:

Thank you for contacting the Judicial Ethics Committee. As the Committee understands your question, there is a dissolution action pending in your court. Both the involved attorneys are known to you outside the courtroom. Attorney 1, who regularly practices in family court, also practices criminal law. He was hired by your now adult son to represent him in criminal matters that presently are resolved. Your husband paid some, if not all, of Attorney 1's fees on behalf of your son.

Attorney 2 also regularly practices in your court. Attorney 2 also knows your son because as a teen he spent several months in a group home founded and named after Attorney 2. It is partly because of the recommendations of the group home that your family adopted your son. Attorney 2's wife also did the interior decorating of your family's home.

In the dissolution action, Attorney 2 has raised the issue of Attorney 1's prior representation of your son. Attorney 1, prior to representing your son, obtained an ethics opinion from (retired) Judge Benjamin Dickinson. A copy of that opinion was provided to you by Attorney 1 and you attached it to your request for the Committee's review. The

EXHIBIT

1

Letter to Family Court Judge Julia H. Gordon
July 18, 2018
Page 2

opinion stated that Attorney 1 could represent your son and still practice in front of you in family court. After holding an in-chambers conference with both attorneys, it was agreed that you would request an ethics opinion from the Judicial Ethics Committee. You have stated that you do not believe your relationship with either attorney would keep you from being fair and impartial. Both attorneys appear at least weekly in your court if not several times a week. You have also stated that you fear requiring your recusal in cases in which they are involved would establish a precedent that could severely impact local attorneys' ability to practice law as you live in a close-knit community with many overlapping professional and social ties.

Even though this case has been pending before you for some time, Attorney 1 has just entered the case after the previous counsel withdrew following the first hearing. The second hearing was set for Wednesday of last week. Because time was of the essence the Committee sent what was basically an outline opinion to give you guidance until a letter could be prepared. The first hearing lasted several hours, providing another reason why having you recuse now would be extremely burdensome.

The Committee agrees, unanimously, that if you believe you can be fair and impartial, you may continue to sit. Regarding such determination there is essentially a five-step process.

1. You must first decide that you can be fair and impartial.
2. You must hold a hearing and hear the arguments of the attorneys.
3. You must enter a finding on the record regarding your decision. The authority for your decision is the case of *Stopher v. Commonwealth*, 57 S.W.3d 787 (Ky. 2001).
4. If you believe you can be fair and impartial, the attorneys may either accept your decision or attempt to swear you off the bench with an appeal to the Chief Justice.
5. Your decision to go ahead and sit will then be subject to further appeal down the line.

Please be aware that opinions issued by or on behalf of the Committee are restricted to the content and scope of the Canons of Judicial Ethics and legal authority interpreting those Canons, and the fact situation on which an opinion is based may be affected by other laws or regulations. Persons contacting the Judicial Ethics Committee are strongly

Letter to Family Court Judge Julia H. Gordon
July 18, 2018
Page 3

encouraged to seek counsel of their own choosing to determine any unintended legal consequences of any opinion given by the Committee or some of its members.

Very truly yours,

/s/ Jean Collier

Executive Secretary
The Ethics Committee of the
Kentucky Judiciary

Cc: The Honorable Jean Chenault Logue, Judge, Circuit Court and Chair
The Honorable Irv Maze, Judge, Court of Appeals
The Honorable Jeffrey Scott Lawless, Judge, District Court
Donald H. Combs, Esq.
David V. Kramer, Esq.

EXHIBIT V:

Ethics Opinion Received by Clay Wilkey

November 17, 2017

KENTUCKY BAR ASSOCIATION
514 WEST MAIN STREET
FRANKFORT, KENTUCKY 40601-1812



**Ethics Hotline
Committee**



**(502) 564-3795
FAX (502) 564-3225**

November 17, 2017

Hon. Clay Wilkey
Wilkey and Wilson, PSC
111 West 2nd Street
Owensboro, Kentucky 42303


Re: Ethics Opinion **CONFIDENTIAL**

Dear Mr. Wilkey:

This is in response to your request for advice from the Kentucky Bar Association's Ethics "Hotline" Committee. This advice is provided to you based upon the following two representations; first, that you have not contacted nor conferred with another member of the Ethics "Hotline" Committee regarding the subject matter of this request, and second, that your request pertains to a "professional act contemplated by" you within the meaning of SCR 3.530(1) and does not pertain to the propriety of another attorney's actions.

I acknowledge receipt of your letter of November 9, 2017. You correctly understood my advice. You may ethically represent the family court judge's son in a criminal action and you may ethically continue your practice in family court as a GAL and Court Appointed Counsel for indigent families.

I trust that this advice has been of assistance to you and that if you have any further questions you will contact me. This advice is limited to the scope granted the writer as a representative of the "Hot Line," pursuant to SCR 3.530, the purpose of which is clearly stated that *"no attorney shall be disciplined for any professional act on his part performed in compliance with an opinion furnished to him on his petition, provided his petition clearly, fairly, accurately and completely states his contemplated professional act."* This opinion is not binding upon any Court in the Commonwealth of Kentucky. It is your responsibility to retain a copy of this letter in your file for further use if needed.

Yours truly, ^{SLD}

Benjamin L. Dickinson
Ethics "Hot Line" Member

**CC: Hon. Bill Fortune
714 Bullock Pl
Lexington, Kentucky 40508**

**Hon. Grace Giesel
Professor of Law
Louis D. Brandeis School of Law
University of Louisville
Louisville, Kentucky 40292**

EXHIBIT W:

Documentation Regarding Pat Flaherty



Judge Irv Maze
Court of Appeals

Donald H. Combs
Attorney

Commonwealth of Kentucky
Judicial Ethics Committee
Robert F. Stephens District Courthouse
150 North Limestone, Suite 301
Lexington, Kentucky 40507
Phone 859-246-2296 Fax 859-246-2510

Arnold S. Taylor
Attorney Chair

Judge Jean Chenault Logue
Circuit Court

Judge Jeffrey Scott Lawless
District Court

October 26, 2017

The Honorable Julia H. Gordon
Family Court Judge
Holbrook Judicial Center
100 East Second Street
Owensboro, KY. 42303

Dear Judge Gordon:

Thank you for contacting the Judicial Ethics Committee. The facts of your question as you reported them are that you are losing your current staff attorney. The best possible replacement is the brother of an attorney who practices quite often in your court. This potential staff attorney is currently working on a few of his brother's cases on a contract basis.

You have requested that the Committee answer three questions:

- (1) Where an attorney is a sibling of a member of the judge's staff, must the judge automatically disqualify from cases involving said attorney?
- (2) May the brother of the attorney, acting as a member of the judge's staff, conduct case management conferences involving said attorney?
- (3) If you hire the brother of this attorney, may the brother then work on the same cases for you that he had worked on for his brother on a contract basis?

The Judicial Ethics Committee believes disqualification would be required by you in all three situations, and the brother staff attorney could not act on your behalf either by conducting case management conferences involving said attorney or by working on cases for you that he had "practiced" for his brother on a contract basis.

Letter to Family Court Judge Julia H. Gordon
October 26, 2017
Page 2

The rationale for the Committee's conclusion is contained in Canon 3(E)(1)(d) which states as follows:

A judge shall disqualify himself or herself in any case in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

.....

- (d) the judge or the judge's spouse, or a person within the third degree of relationship to either of them, of the spouse of such a person

.....

- (ii) is acting as a lawyer in the proceeding

While the language of Canon does not mention a judge's staff attorney, it is common knowledge that the judge and his or her staff attorney work together on the cases on the judge's docket. In that sense the staff attorney is a judicial officer and the attorney you have referred to is within the third degree of relationship. Therefore, the appearance of impropriety, Canon 2A and Commentary, make it necessary that a judge remove himself or herself from a situation that the man on the street would have reasonable cause to consider compromising. Even if you and your staff attorney were to make every effort to handle the three situations you stipulated in an entirely above-board manner, and the Committee believes you would certainly attempt to do so, it would be very difficult for inside information and bias not to creep into the equation. And, the man on the street, not to mention other attorneys in your jurisdiction, would find it very difficult to believe that the brother of your staff attorney was not being given special consideration.

Please be aware that opinions issued by or on behalf of the Committee are restricted to the content and scope of the Canons of Judicial Ethics and legal authority interpreting those Canons, and the fact situation on which an opinion is based may be affected by other laws or regulations. Persons contacting the Judicial Ethics Committee are strongly

Letter to Family Court Judge Julia H. Gordon
October 26, 2017
Page 3

encouraged to seek counsel of their own choosing to determine any unintended legal consequences of any opinion given by the Committee of some of its members.

Very truly yours,

Jean Collier
Executive Secretary
The Ethics Committee of the
Kentucky Judiciary

Cc: Arnold Taylor, Esq., Chair
Don Combs, Esq.
Judge Irv Maze
Judge Jean Logue
Judge Jeffrey Scott Lawless

Gordon, Julia

From: Gordon, Julia
Sent: Thursday, August 29, 2019 12:35 PM
To: Collier, Jean
Cc: Skinner, Cortney (CortneySkinner@kycourts.net)
Subject: RE: Daviess Family Court Disqualification Issue

EXHIBIT

3

Dear Ms. Collier:

More issues have arisen with regard to the JEC ethics opinion letter. Judge McCarty and I have spoken at length, and to provide additional insight, have provided the attached as a General Standing Order.

The previous policy of treating any litigants' retention of Pat Flaherty as a nonwaivable conflict has caused nothing but controversy, docket overcrowding, delays, inefficiency, and numerous (understandable) claims of unfairness by the local bar. It is my position that by responding to the ethics letter the way that we were previously instructed, we may be unwittingly and unwillingly violated two ethical canons: the duty to hear cases assigned to us, and the duty to avoid the appearance of bias or impropriety. It is the general view of the local family bar that by the Court recusing on all of Pat Flaherty's cases, he IS being given preferential treatment because he is not subject to the customary "judge draw", and he is arguably able to give litigants "another bite at the apple." If litigants are unhappy with a ruling in my court with a different attorney, they have quickly learned they can fire their attorney, hire Mr. Flaherty, and file their motion to alter, amend, or vacate in front of a different trial court judge. Doing so creates a rampant market for forum shopping, and it undermines the constitutional purpose of family court: "one family, one court, one judge." Additionally, Mr. Flaherty has been accused of securing his "own personal judge" by reason of his brother working here. It is the furthest thing from the truth, but I am concerned that it is damaging the reputation of a court system that relies upon the confidence of the community to be successful in helping families resolve difficult issues.

Neither Judge McCarty nor I feel the slightest bit biased or partial to OR against Pat Flaherty, and it is our position that more damage is being done to the judiciary as an institution by my blanket recusal than by the policy we set forth in the attached Order.

I understand that the members of the Committee are busy, but I did want to give you this additional information. Is any member of the JEC willing to talk with me over the phone to perhaps share their insights?

I appreciate all of your assistance with this matter.

Sincerely,



Daviess Family
Court General S...

Hon. Julia H. Gordon
Judge, Daviess Circuit Court, Family Division
Morton J. Holbrook Jr., Judicial Center
100 East Second Street

Owensboro, Kentucky 42303
(270) 689-0169

From: Collier, Jean <JeanCollier@kycourts.net>
Sent: Tuesday, August 27, 2019 2:00 PM
To: Gordon, Julia <JuliaGordon@kycourts.net>
Cc: Collier, Jean <JeanCollier@kycourts.net>
Subject: RE: Daviess Family Court Disqualification Issue

Dear Judge Gordon: Thank you for contacting the Judicial Ethics Committee. The Committee is still attempting to finish your earlier question which is being finalized into a formal opinion. We have also received two other questions before yours today and there is another question asked by you earlier this year. We will get back to you as soon as possible.

Very truly yours,

/S/ Jean Collier

Executive Secretary
The Ethics Committee of the
Kentucky Judiciary

From: Gordon, Julia <JuliaGordon@kycourts.net>
Sent: Tuesday, August 27, 2019 2:44 PM
To: Collier, Jean <JeanCollier@kycourts.net>
Cc: McCarty, John <JohnMcCarty@KYCOURTS.NET>
Subject: Daviess Family Court Disqualification Issue

Dear Ms. Collier:

I have attached a pleading filed today by a local attorney. The reasoning and sentiments he has conveyed are widespread in the local family bar - and shared by myself and Judge McCarty. It is our opinion that, to the extent any perceived conflict exists, the only party/ies able to waive or refuse to waive the disqualification would be the party/ies in opposition to the party/ies represented by Pat Flaherty.

Judge McCarty and I, having discussed this multiple times at length, are in complete agreement. The opportunity for forum shopping is great. Parties hear "through the grapevine" that they may be able to achieve a different result with Judge McCarty, so they fire their counsel - often far into the case - and hire Pat Flaherty to try for another bite of the apple, causing additional delays, costs, and time on both courts' dockets.

Could you let me know whether or not the Commission agrees with this assessment?
Sincerely,

Hon. Julia H. Gordon
Judge, Daviess Circuit Court, Family Division
Morton J. Holbrook Jr., Judicial Center
100 East Second Street
Owensboro, Kentucky 42303
(270) 689-0169

-----Original Message-----

From: noreply@kycourts.net <noreply@kycourts.net>
Sent: Tuesday, August 27, 2019 1:03 AM
To: Gordon, Julia <JuliaGordon@kycourts.net>
Subject: Daviess Family Court

DISQUALIFICATION MEMO/MOTION << File: image2019-08-27-020309.pdf >>

Kentucky Court of Justice Confidentiality Notice

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COMMONWEALTH OF KENTUCKY
DAVISS CIRCUIT COURT, FAMILY DIVISION

GENERAL STANDING ORDER

This matter having come to the attention of the two jurists hearing cases in Daviess Family Court, and the jurists having conferred with each other and with the Judicial Ethics Committee, the following henceforth be a General Standing Order of the Daviess Family Court:

The Judicial Ethics Committee has opined that due to Brian Flaherty's position as Staff Attorney for Judge Julia Gordon, pursuant to Kentucky Code of Judicial Conduct Canon 2 Rule 2.11, she is disqualified on cases on actions involving Brian's brother, Pat Flaherty: "A lawyer in the proceeding is a person within the third degree of relationship to a member of the Judge's staff, causing an appearance of impropriety and making it necessary for the Judge to remove herself from the case."

Pursuant to K.R.S. 26A.015(d)(2), the disqualification is a waivable one, waivable "by stipulation of counsel in the proceeding filed therein."

The Jurists presiding in Daviess Family Court hereby find and order that the policy henceforth and for so long as Brian Flaherty remains employed by the Daviess Family Court shall be as follows:

1. In cases in which Pat Flaherty has filed his Entry of Appearance, at the first subsequent hearing date scheduled on the case, Judge Gordon shall give the standard "disqualification" disclosure regarding Brian Flaherty's employment in the Daviess Family Court Offices. If they choose to do so, the party or parties in opposition to Pat Flaherty's client or clients shall then be given the opportunity to confer outside the Judge's presence to determine whether they wish to waive the disqualification.
2. It is the standing order and finding of the Daviess Family Court and by Judges Gordon and McCarty that neither jurist believe they would be biased or prejudiced in any way by Pat Flaherty's representation of a party to a case. To the extent either judges' impartiality might reasonably be questioned, the party or parties *in opposition*


to the party or parties represented by Pat Flaherty would be the only parties with grounds to question that impartiality.

3. If the party or parties *in opposition* to the party or parties represented by Pat Flaherty do not wish to waive the disqualification, Judge Gordon will transfer the case pursuant to K.R.S. 26A.015.
4. If the party or parties *in opposition* to the party or parties represented by Pat Flaherty waive the disqualification in writing after conferring outside the presence of the Court, the case will proceed with the presiding judge.

This the 28th day of August, 2019.



Judge John McCarty



Judge Julia H. Gordon

EXHIBIT X:

Statement of Cortney Skinner

STATEMENT OF CORTNEY SKINNER

September 1, 2021

TAKEN BY:

**Gene Weaver
Gene Weaver & Associates
11 East Tenth Street
Covington, KY 41011**

A. Okay.

Q. But, you know, if there's anything else you would like to say, I'd certainly want to hear what you have to say.

A. I mean I don't know, I guess, what all has been said, but she is a good Judge and cares about her job and what, the families and what she does here and any decisions she makes are because that's what she thinks is the right thing to do. She's not trying to manipulate or, I don't, I don't even know what's been said, but I can only imagine who's said it and why, so, and I can, I feel like it's just a lot of retaliation. And I could be wrong. I could be wrong.

Q. So you have not said it, but I'll ask the question, do you believe Jinniffer, or excuse me, Megan Dunn Jackson is, is behind all this, is that what you're saying?

A. She has to be in some capacity. She has to be. She has to be. I mean she has to be. That's the only thing I can, I mean because all we want to do is our job and it's like ever since she came here, that's been one thing that is so hard to do, because it's just constant her stirring up trouble, so now that she's gone and hopefully after this, we can get back to doing our jobs.

Q. And I know this is very hard on you and you're, you know, you're nervous, you're emotional

A. Yeah.

Q. about it and

A. Well, you know, when you think, sorry, I didn't mean to interrupt you.

Q. No, no, no, you go right ahead.

A. When you're trying, you know you're doing the right thing, and I know she does the right thing. She goes above and beyond to make sure to get those JEC opinions, or to ask on

EXHIBIT Y:

Statement of Brian Flaherty

STATEMENT OF BRIAN FLAHERTY

September 2, 2021

TAKEN BY:

Gene Weaver
Gene Weaver & Associates
11 East Tenth Street
Covington, KY 41011

A. No. She never said. I just know that that's, that's what she's, she has a real passion for the, for the children and the families and trying to fix things. I know that. To make things better for these kids and I think that's, that's her number one passion in the Family Court. Other than that, I can't really answer that.

Q. And you said sometimes hearings would go on for a couple or three hours, something of that nature.

A. Every now and then.

Q. Did Judge Gordon ever, on Tuesdays, say, you know, hey, this hearing's going to take some time, let's, let's set this for another day of the week so it didn't, you know,

A. Yeah, every, I mean occasionally. Occasionally she would do that.

Q. And what, was, why wouldn't she do that in all cases, you know, if they're contested hearings, I mean other people are waiting and I guess the docket's getting backlogged as these hearings are going on for a number of hours?

A. Again, I can't answer that. I mean sometimes there's, I can remember a few cases where we needed medical records, especially when COVID came in, it's just hard to get exhibits in. I mean if there was a ton of exhibits, she may say let's put this off to another day when we have more time, get everything in, and there's a couple of other instances, I'd have to think about it, that yeah, I, I don't really have a firm answer to that.

Q. Okay, I understand. And, obviously, like you said, you can't get inside her head.

A. Right.

Q. I didn't know if those were matters that you openly discussed with her.

A. No, that's just part of the, part of the day. I mean it was, Tuesdays were long days and, you know, sometimes we'd have zero hearings and the days would go fairly routinely and,

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

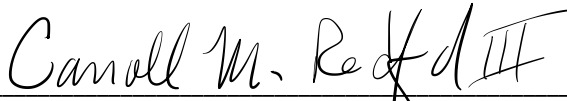
IN RE THE MATTER OF:

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

**ORDER AND NOTICE OF HEARING
ON SUSPENSION FROM DUTIES PENDING FINAL ADJUDICATION**

Pursuant to SCR 4.020(1)(a)(ii) it is hereby ORDERED that a hearing will be held on the 15th day of December, 2021, at the time of 8:30 a.m., in District Courtroom D, 2nd floor, Warren County Justice Center, 1001 Center Street, Bowling Green, Kentucky, as to whether it will be in the best interest of justice that Judge Julie Hawes Gordon be suspended temporarily from acting in her official capacity as a judge and from the performance of her duties, without affecting her pay status, until final adjudication of the pending formal proceedings.

11/24/2021
Date



CARROLL M. "TRIP" REDFORD, III
CHAIR, JUDICIAL CONDUCT COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Judge Julie Hawes Gordon, by mailing and emailing the same to her attorney R. Kent Westberry, Landrum and Shouse, LLP, 220 West Main Street, Suite 1900, Louisville, KY 40202, Kwestberry@landrumshouse.com, this 24th day of November, 2021; and counsel for the Commission, Jeff Mando, Adams Law, PLLC, 40 W. Pike St., Covington, KY 41011, JMando@adamsattorneys.com.



JIMMY SHAFFER, EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

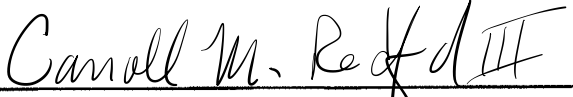
IN RE THE MATTER OF:

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

**AGREED ORDER OF TEMPORARY SUSPENSION
FROM DUTIES PENDING FINAL RESOLUTION**

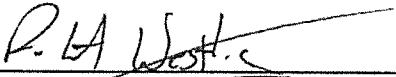
Upon agreement of the parties, and pursuant to SCR 4.020(1)(a)(ii), Julia Hawes Gordon shall be and is hereby suspended temporarily, effective 5:00 p.m. C.S.T. on December 3, 2021, from acting in her official capacity as a judge and from the performance of her duties, without affecting her pay status, until final resolution of the pending formal proceedings by the Commission. During her suspension, Judge Gordon shall refrain from performing the duties of her office, shall not access or utilize court resources, and shall not appear at the Daviess County Courthouse. In light of this Order, the hearing set for December 15, 2021 is hereby cancelled.

SO ORDERED this 2nd day of December, 2021




CARROLL M. "TRIPP" REDFORD, III
Chairman, Kentucky Judicial Conduct Commission

Have Seen and Agreed:

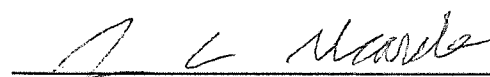


R. Kent Westberry, Esq.
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Attorney for Judge Julia Hawes Gordon



Judge Julia Hawes Gordon



Jeffrey C. Mando, Esq.
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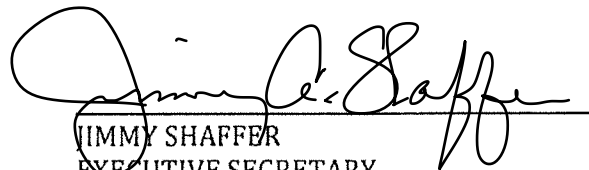
Attorney for the Judicial Conduct Commission

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served via electronic and regular mail on this the 2nd day of December, 2021, upon the following:

R. Kent Westberry, Esq.
Bridget M. Bush, Esq.
LANDRUM & SHOUSE, LLP
220 West Main Street
Suite 1900
Louisville, KY 40202

Jeffrey C. Mando, Esq.
ADAMS LAW, PLLC
40 West Pike Street
Covington, KY 41011



JIMMY SHAFFER
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

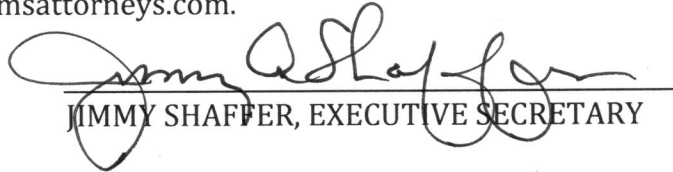
**JULIE HAWES GORDON, FAMILY COURT JUDGE
6TH JUDICIAL CIRCUIT**

NOTICE FOR TIME AND PLACE FOR HEARING

NOTICE is hereby given that the hearing in these formal proceedings will be held commencing on the 4th day of April, 2022, at the time of 8:30 a.m., in District Courtroom D, 2nd floor, Warren County Justice Center, 1001 Center Street, Bowling Green, Kentucky.

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Judge Julie Hawes Gordon, by mailing and emailing the same to her attorney R. Kent Westberry, Landrum and Shouse, LLP, 220 West Main Street, Suite 1900, Louisville, KY 40202, Kwestberry@landrumshouse.com, this 14th day of December, 2021; and counsel for the Commission, Jeff Mando, Adams Law, PLLC, 40 W. Pike St., Covington, KY 41011, JMando@adamsattorneys.com.


JIMMY SHAFFER, EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

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

MOTION TO EXPEDITE HEARING

Julia Hawes Gordon ("Judge Gordon"), through Counsel, respectfully requests that the hearing in these formal proceedings, currently scheduled for April 4, 2022 at 8:30a.m. CST, be expedited to the earliest possible date.

As grounds for this Motion, Judge Gordon states that as of this date, she has been voluntarily suspended from her official duties as Family Court Judge for Daviess County since December 3, 2021, more than 45 days. An April hearing date will result in a suspension without a final resolution of over four (4) months. During that time, the already voluminous Daviess County Family Court docket continues to operate on a delayed schedule, negatively affecting all litigants. Several courtroom employees have tendered their resignation due to the uncertainty and worries about their future, further affecting the already short-staffed Family Court. The negative impact on both litigants and stakeholders of having a Family Court Judge in limbo for months cannot be overstated.

Additionally, April 4, 2022, falls in the middle of spring break week, a popular travel week for Kentucky families. At least one subpoena witness has already informed the Judicial Conduct Commission ("JCC") that he will be unavailable that day due to travel plans. It is likely that several other witnesses will have the same problem. Should the

hearing be continued until after spring break week, it would compound the issues already mentioned.

Judge Gordon has a right to due process. She has timely responded to all requests from the JCC. Furthermore, Counsel for Judge Gordon has repeatedly expressed the desire to come to a mutually agreeable settlement with the JCC to resolve this matter quickly and efficiently.

For reasons stated above, Judge Gordon respectfully requests that the hearing in this matter, currently scheduled for April 4, 2022, be expedited to the first available date.

Respectfully Submitted:



R. Kent Westberry, Esq.
Bridget M. Bush, Esq.
LANDRUM & SHOUSE, LLP
220 West Main Street
Suite 1900
Louisville, KY 40202
kwestberry@landrumshouse.com
*Attorney for Judge Julia Hawes
Gordon*

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served via electronic and regular mail on this the 19th day of January 2022, upon the following:

Jeffrey C. Mando, Esq.
ADAMS LAW, PLLC
40 West Pike Street
Covington, KY 41011

Ms. Jimmy Shaffer
Judicial Conduct Commission
PO Box 4266
Frankfort, KY 40604-4266



R. Kent Westberry, Esq.
Bridget M. Bush, Esq.
Attorney for Judge Julia Hawes Gordon

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

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

ORDER DENYING MOTION TO EXPEDITE HEARING

Upon consideration of the motion by Judge Gordon that the hearing in these formal proceedings be expedited to the earliest possible date, it is by the Commission,

ORDERED that the request be, and it is hereby **DENIED**. The hearing date was set for the earliest possible date for the Commission to comply with SCR 4.220.

1/25/2022
Date

Carroll M. Redford III
CARROLL M. "TRIP" REDFORD, III
CHAIR, JUDICIAL CONDUCT COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Judge Julie Hawes Gordon, by mailing and emailing the same to her attorney R. Kent Westberry, Landrum and Shouse, LLP, 220 West Main Street, Suite 1900, Louisville, KY 40202, Kwestberry@landrumshouse.com, and counsel for the Commission, Jeff Mando, Adams Law, PLLC, 40 W. Pike St., Covington, KY 41011, JMando@adamsattorneys.com this 25th day of January, 2022.

Jimmy A. Shaffer
JIMMY SHAFER, EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

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

PREHEARING ORDER

This case has been assigned for a hearing commencing on April 4, 2022 at 8:30 A.M. and up to five (5) days have been allotted for its completion. For efficiency of the use of the allotted days, the Judicial Conduct Commission (“Commission”) enters this pre-hearing order, and

IT IS ORDERED AS FOLLOWS:

1. On or before March 25, 2022, the attorneys for each party shall exchange, and file with the Commission, a witness list that includes a list of the names and addresses of all persons who will testify at the hearing. If a party intends to offer any witness as an expert witness, then the party shall also disclose the substance of the facts and opinions to which the witness is expected to testify and a summary of the grounds for each opinion.
2. On or before March 25, 2022, counsel for each party shall exchange an exhibit list of, and mark and make available to opposing counsel, all documents, tangible things, evidence and exhibits of any kind to be presented at the hearing.

3/14/22
Date

Carroll M. Redford III
CARROLL M. “TRIP” REDFORD, III
CHAIR, JUDICIAL CONDUCT COMMISSION

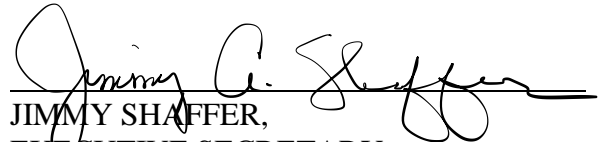
Mr. R. Michael Sullivan and Judge Jeff S. Taylor recused from any consideration of this matter.

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Judge Julie Hawes Gordon, by mailing and emailing the same to her attorney R. Kent Westberry, Landrum and Shouse, LLP, 220 West Main Street, Suite 1900, Louisville, KY 40202, Kwestberry@landrumshouse.com, and counsel for the

Commission, Jeff Mando, Adams Law, PLLC, 40 W. Pike St., Covington, KY 41011,

JMando@adamsattorneys.com this 14th day of March, 2022.


JIMMY SHAFFER,
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

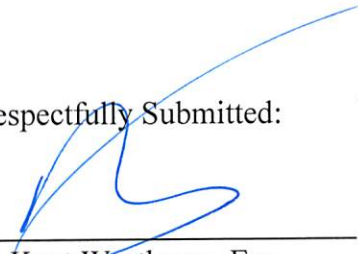
**JULIA HAWES GORDON, FAMILY COURT JUDGE
6TH JUDICIAL CIRCUIT**

NOTICE TO TAKE DEPOSITION IN LIEU OF LIVE TESTIMONY

Judge Julia Hawes Gordon, by and through Counsel, and gives notice that the deposition of the witness, CORTNEY SKINNER, will be taken on Thursday, March 24, 2022, at the hour of 9:00 a.m. EST. Said deposition will take place via Zoom. Zoom information will be sent to all Counsel listed in the attached Certificate of Service by the court reporter listed on said Certificate of Service on or before the March 24, 2022 deposition date.

Said deposition is being taken in lieu of live testimony pursuant to Kentucky Rules of Civil Procedure 32.01(c) and in light of the witness being at a distance greater than 100 miles away on the date of the hearing, April 4, 2022, on spring break vacation with her family, and shall continue from day to day until complete.

Respectfully Submitted:



R. Kent Westberry, Esq.
Bridget M. Bush, Esq.
LANDRUM & SHOUSE, LLP
220 West Main Street
Suite 1900
Louisville, KY 40202
kwestberry@landrumshouse.com
*Attorney for Judge Julia Hawes
Gordon*

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served via electronic and regular mail on this the 17th day of March 2022, upon the following:

Jeffrey C. Mando, Esq.
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jmando@adamsattorneys.com

Ms. Jimmy Shaffer
Judicial Conduct Commission
PO Box 4266
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jimmyshaffer@kycourts.net

Laurin Harrill
Kentuckiana Court Reporters
730 West Main St., #101
Louisville, KY 40202
laurin@kentuckianareporters.com



R. Kent Westberry, Esq.
Bridget M. Bush, Esq.
Attorney for Judge Julia Hawes Gordon

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

JULIA HAWES GORDON, FAMILY COURT JUDGE
6TH JUDICIAL CIRCUIT

NOTICE TO TAKE DEPOSITION IN LIEU OF LIVE TESTIMONY

Judge Julia Hawes Gordon, by and through Counsel, and gives notice that the deposition of the witness, KIM EMBERTON, will be taken on Thursday, March 24, 2022, at the hour of 10:30 a.m. EST. Said deposition will take place via Zoom. Zoom information will be sent to all Counsel listed in the attached Certificate of Service by the court reporter listed on said Certificate of Service on or before the March 24, 2022 deposition date.

Said deposition is being taken in lieu of live testimony pursuant to Kentucky Rules of Civil Procedure 32.01(c) and in light of the witness being at a distance greater than 100 miles away on the date of the hearing, April 4, 2022, on spring break vacation with her family, and shall continue from day to day until complete.

Respectfully Submitted:



R. Kent Westberry, Esq.
Bridget M. Bush, Esq.
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Suite 1900
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kwestberry@landrumshouse.com
*Attorney for Judge Julia Hawes
Gordon*

CERTIFICATE OF SERVICE

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Jeffrey C. Mando, Esq.
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jmando@adamsattorneys.com

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R. Kent Westberry, Esq.
Bridget M. Bush, Esq.
Attorney for Judge Julia Hawes Gordon

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JULIA H. GORDON, FAMILY COURT JUDGE
6TH JUDICIAL CIRCUIT**

ORDER FOR EXTENSION

Determining that additional time is needed for the final disposition in this matter, the Commission finds good cause for an extension of time, and it is therefore by the Commission,

ORDERED that the time within which the Commission shall make final disposition be and hereby is, pursuant to SCR 4.260(3), extended to and including May 19, 2022.



CARROLL M. "TRIP" REDFORD, III, Chair

Mr. R. Michael Sullivan and Judge Jeff S. Taylor Recused from any consideration of this matter.

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Judge Julie Hawes Gordon, by mailing and emailing the same to her attorney R. Kent Westberry, Landrum and Shouse, LLP, 220 West Main Street, Suite 1900, Louisville, KY 40202, Kwestberry@landrumshouse.com, and counsel for the Commission, Jeff Mando, Adams Law, PLLC, 40 W. Pike St., Covington, KY 41011, JMando@adamsattorneys.com this 14th day of April, 2022.



JIMMY SHAFFER, EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

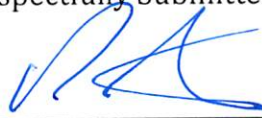
**JULIA HAWES GORDON, FAMILY COURT JUDGE
6TH JUDICIAL CIRCUIT**

MOTION TO RECONSIDER

Julia Hawes Gordon ("Judge Gordon"), through Counsel, respectfully requests that the Commission reconsider its April 14th, 2022 Order for Extension of time for final disposition.

As grounds for this Motion, Judge Gordon states that the Commission has given themselves a new deadline of May 19, 2022 for final disposition in this matter, which is after the Daviess County primary election date of May 17, 2022. Although the Commission is within their rights to do so under SCR 4.260(3), the delay in final disposition creates a burden on the voters of Daviess County, who will be in limbo on election day. Further, it severely hampers Judge Gordon's efforts to campaign and seek reelection. For reasons stated above, Judge Gordon respectfully requests that the Commission reconsider its April 14, 2022 Order and deliver a final disposition in this matter.

Respectfully Submitted:



R. Kent Westberry, Esq.
Bridget M. Bush, Esq.
LANDRUM & SHOUSE, LLP
220 West Main Street
Suite 1900
Louisville, KY 40202
kwestberry@landrumshouse.com
*Attorney for Judge Julia Hawes
Gordon*

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served via electronic and regular mail on this the 15th day of April 2022, upon the following:

Jeffrey C. Mando, Esq.
ADAMS LAW, PLLC
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Covington, KY 41011
jmando@adamsattorneys.com

Ms. Jimmy Shaffer
Judicial Conduct Commission
PO Box 4266
Frankfort, KY 40604-4266
jimmyshaffer@kycourts.net



R. Kent Westberry, Esq.
Bridget M. Bush, Esq.
Attorney for Judge Julia Hawes Gordon

**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

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

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

MOTION FOR RECONSIDERATION

Comes Judge Julia Hawes Gordon (“Judge Gordon”), by and through Counsel, and pursuant to CR 60.02(a), respectfully requests that the Judicial Conduct Commission (“Commission” or “JCC”) reconsider its “Findings of Fact, Conclusions of Law and Final Order” entered in this matter on April 22, 2022. As grounds for this Motion, Judge Gordon states as follows:

The Formal Proceedings and Hearing on the Charges in this matter commenced on April 4, 2022 (the “Hearing”). At the Hearing, counsel for both the Commission and Judge Gordon presented their evidence over three (3) business days, and the Hearing concluded on Wednesday, April 6, 2022. At the conclusion of the Hearing and presentation of all proof and defense by counsel for the parties, the Commission deliberated on the Charges and entered its “Findings of Fact, Conclusions of Law and Final Order” on April 22, 2022 (the “Order”).

The Commission’s Order concerned, among other things, conclusions that Judge Gordon had improperly involved herself in her son Dalton’s criminal proceedings. Specifically, it is stated that Judge Gordon engaged in communications with the judge presiding over her son’s criminal proceeding, as well as County Attorney Claude Porter.

Notably, however, the Commission's Order does not appear to consider or address the specific rights afforded to Judge Gordon as the victim of her son's crimes under Ky. Const., §26A (also known as "Marsy's Law").¹

In her "Response to Formal Notice of Proceedings and Charges" filed on November 22, 2021, Judge Gordon argued as follows:

With regard to her input on bond restrictions, Judge Gordon directs the Commission to the Kentucky constitutional amendment known as Marsy's Law, Ky. Const., §26A. Although the amendment is very new and does not appear to have been applied to a judge as victim yet, Judge Gordon respectfully submits that her rights under the Kentucky Constitution as a victim are not diminished by Judicial Canons. She urges the Commission to not read the Judicial Canons to conflict with Marsy's law as adopted in the Kentucky Constitution. . . .

Judge Gordon was necessarily "involved" with Dalton's case in the sense that she was the victim and complaining witness and had certain constitutional rights pursuant to Marsy's Law. That is the only capacity in which Judge Gordon was "involved"; she did not understand the Commission to be asking her about exercising her constitutional rights and apologizes for not having noted that distinction, and for any confusion this may have caused. . . .

¹ Pertinent here, Marsy's Law affords victims of criminal acts or public offenses the following rights:

[T]he reasonable right, upon request, to timely notice of all proceedings and to be heard in any proceeding involving a release, plea, sentencing, or in the consideration of any pardon, commutation of sentence, granting of a reprieve, or other matter involving the right of a victim other than grand jury proceedings; the right to be present at the trial and all other proceedings, other than grand jury proceedings, on the same basis as the accused; the right to proceedings free from unreasonable delay; **the right to consult with the attorney for the Commonwealth or the attorney's designee**; the right to reasonable protection from the accused and those acting on behalf of the accused throughout the criminal and juvenile justice process; the right to timely notice, upon request, of release or escape of the accused; the right to have the safety of the victim and the victim's family considered in setting bail, determining whether to release the defendant, and setting conditions of release after arrest and conviction; the right to full restitution to be paid by the convicted or adjudicated party in a manner to be determined by the court, except that in the case of a juvenile offender the court shall determine the amount and manner of paying the restitution taking into consideration the best interests of the juvenile offender and the victim; the right to fairness and due consideration of the crime victim's safety, dignity, and privacy; and the right to be informed of these enumerated rights, and shall have standing to assert these rights.

Ky. Const., §26A.

The bond requirements were for the benefit of the victim. Judge Gordon had a constitutional right pursuant to Marsy's Law to express her preference as the victim. It is not up to the victim to police the defendant obeying the bond restrictions.²

Judge Gordon's rights under Marsy's Law were also addressed by counsel during the Hearing. During cross examination of County Attorney Claud Porter, counsel for Judge Gordon posed the following question: "Do you [Claud Porter] like to talk to parents and victims?"³ To which Mr. Porter responded by stating, "I think it's part of my job. Of course, now we're statutorily required to do that through Marsy's Law"⁴ Counsel also made mention of Judge Gordon's rights as a victim under Marsy's Law during his closing statements.⁵

WHEREFORE, Judge Gordon respectfully requests that the Commission vacate its Findings of Fact, Conclusions of Law and Final Order entered on April 22, 2022 entered on April 22, 2022, and enter new findings that take into consideration Marsy's Law and Judge Gordon's rights thereunder.

Respectfully Submitted:



R. Kent Westberry, Esq.
Bridget M. Bush, Esq.
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Attorney for Judge Julia Hawes Gordon

² Response to Formal Notice of Proceedings and Charges (filed November 22, 2021), at pg. 2-3, 15, 19.

³ Hearing Tape 2022-04-05_10.58.09.390 at 1:16:48.

⁴ *Id.*

⁵ See Hearing Tape 2022-04-06_16.44.18.156 at 13:23 ("What are [Judge Gordon's] rights as a victim? Marsy's Law - we mention that just to preserve the issue, nothing more. . . . - for now, until Supreme Court tells us otherwise, it's still a law that has some applicability. I offer you that.").

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served via electronic and regular mail on this the 26th day of April 2022, upon the following:

Jeffrey C. Mando, Esq.
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jmando@adamsattorneys.com

Ms. Jimmy Shaffer
Judicial Conduct Commission
PO Box 4266
Frankfort, KY 40604-4266
jimmyshaffer@kycourts.net



R. Kent Westberry, Esq.
Bridget M. Bush, Esq.
Attorney for Judge Julia Hawes Gordon

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

JULIE HAWES GORDON, FAMILY COURT JUDGE
6TH JUDICIAL CIRCUIT

ORDER DENYING MOTION TO RECONSIDER

Upon consideration of the motion by Judge Gordon to reconsider the Order of Extension for Final Disposition, it is by the Commission,

ORDERED that the motion be, and it is hereby DENIED AS MOOT.

4/27/2022
Date

Carroll M. Redford III
CARROLL M. "TRIP" REDFORD, III
CHAIR, JUDICIAL CONDUCT COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Judge Julie Hawes Gordon, by mailing and emailing the same to her attorney R. Kent Westberry, Landrum and Shouse, LLP, 220 West Main Street, Suite 1900, Louisville, KY 40202, Kwestberry@landrumshouse.com, and counsel for the Commission, Jeff Mando, Adams Law, PLLC, 40 W. Pike St., Covington, KY 41011, JMando@adamsattorneys.com this ^{27th} day of April, 2022.

Jimmy A. Shaffer
JIMMY SHAFFER, EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

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

RESPONSE IN OPPOSITION TO MOTION TO RECONSIDER

Counsel for the Commission, for his Response in Opposition to Judge Gordon's Motion to Reconsider, states as follows:

1. Invoking Civil Rule 60.0(a), Judge Gordon's requests that the Commission reconsider its April 22, 2022 Findings of Fact, Conclusions of Law and Final Order and enter "new findings that take into consideration Marsy's Law and Judge Gordon's right thereunder". Judge Gordon's Motion should be denied because she has failed to present any evidence of "mistake, inadvertence, surprise or excusable neglect", a prerequisite to securing relief under CR 60.02.

2. Citing her November 22, 2021 Response to the Formal Notice of Proceedings and Charges, Judge Gordon contends that her rights as a crime victim under §26A of the Kentucky Constitution ("Marsy's Law") "are not diminished by Judicial Cannons". While Marsy's Law provides crime victims with the right to be timely notified of criminal proceedings, to be present and heard at hearings, to consult with the attorney for the Commonwealth, and to have their safety considered, those rights do not trump Judge Gordon's sworn duty to comply with the Cannons in the Kentucky Code of Judicial Conduct, SCR 4.300. More specifically, Marsy's Law does not authorize a judge, who may be a victim

of a crime, to use her influence, contacts and position of authority to direct, control, or impact the outcome of a family member's criminal charges.

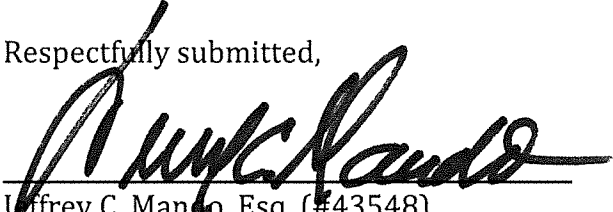
3. Timing likewise undermines Judge Gordon's argument that Marsy's Law justifies her actions. Section 26A of the Kentucky Constitution was not adopted and ratified until November 3, 2020. Judge Gordon's text messages, telephone calls and meetings with County Attorney Claud Porter, defense attorney Clay Wilkey, and Judge Burlew started in 2017 and continued up through and including the time that Marsy's Law was ratified. Accordingly, Judge Gordon could not have reasonably thought that she was exercising her constitutional right as a crime victim when no such right had yet been codified in the Kentucky Constitution.

4. Substantively, Judge Gordon's recorded jail telephone calls with Dalton, her text messages with Claud Porter and Clay Wilkey, and the testimony and other evidence presented at the hearing demonstrated clearly and convincingly that she was not communicating with Claud Porter, Clay Wilkey and Judge Burlew to protect her rights as a crime victim. To the contrary, from any fair reading and assessment of the evidence, she was acting as an advocate for Dalton. She was using her influence as a judge and leveraging her relationships to secure favorable treatment for Dalton in his criminal cases. Marsy's Law cannot be co-opted to endorse Judge Gordon's actions.

5. Canon 1 of the Kentucky Code of Judicial Conduct provides that "A judge shall uphold and promote the independence, integrity and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety". For that reason, "public perception of judicial integrity is a state interest of the highest order" *Williams-Yulee v. Florida Bar*, 135

S. Ct. 1656 (2015). Section 26A of the Kentucky Constitution does not diminish that duty or counter that compelling state interest, and cannot be read to shield Judge Gordon's actions.

For all these reasons, Counsel for the Commission respectfully requests that Judge Gordon's Motion to Reconsider be denied.

Respectfully submitted,

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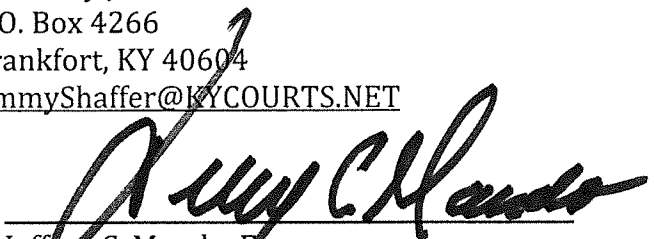
Counsel for Judicial Conduct Commission

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served via electronic mail on this **28th** day of April, 2022, upon the following:

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Executive Secretary
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JimmyShaffer@KYCOURTS.NET


Jeffrey C. Mando, Esq.

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

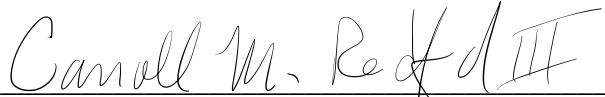
**JULIE HAWES GORDON, FAMILY COURT JUDGE
6TH JUDICIAL CIRCUIT**

ORDER DENYING MOTION TO RECONSIDER

Upon consideration of the motion by Judge Gordon to reconsider the Findings of Fact, Conclusions of Law and Final Order entered on April 22, 2022, it is by the Commission,

ORDERED that the motion be, and it is hereby DENIED.

5/2/2022
Date

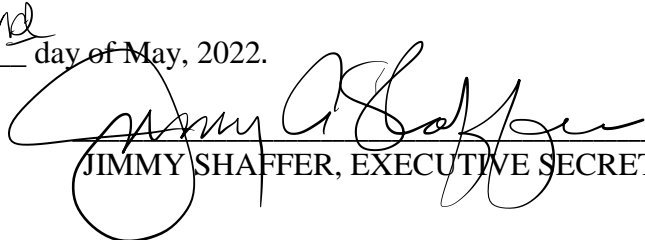


CARROLL M. "TRIP" REDFORD, III
CHAIR, JUDICIAL CONDUCT COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Judge Julie Hawes Gordon, by mailing and emailing the same to her attorney R. Kent Westberry, Landrum and Shouse, LLP, 220 West Main Street, Suite 1900, Louisville, KY 40202, Kwestberry@landrumshouse.com, and counsel for the Commission, Jeff Mando, Adams Law, PLLC, 40 W. Pike St., Covington, KY 41011, JMando@adamsattorneys.com this 2nd day of May, 2022.



JIMMY SHAFFER, EXECUTIVE SECRETARY