

DISTRICT COURT, JEFFERSON COUNTY, COLORADO 1st Judicial District Court Jefferson County Court & Administrative Facility 100 Jefferson County Parkway Golden, CO 80401-6002	<div style="text-align: right; font-size: 2em; opacity: 0.5; transform: rotate(-15deg);">COPY</div> <div style="text-align: center; font-weight: bold; margin-top: 20px;">▲ COURT USE ONLY ▲</div>
<hr/> Christy Ryan Petitioner, and Sean Harrington Respondent.	<hr/> Case No. 99DR3717 Division 6, Courtroom 5-B
ORDER	

Mr. Harrington, representing himself *pro se*, asks the undersigned in his capacity as Chief Judge to disqualify all judges in this district from further participation in the case and to transfer the case to another judicial district. This case is presently assigned to Division 9 of this court to which it was randomly reassigned following the decision of the judge in the division to which the case was initially assigned to disqualify herself from further participation in the case.

Colorado law provides a procedure, both by statute and by procedural rule, to seek a change of judge. C.R.S. 16-6-201 ; C.R.C.P. 97. The statute provides that the verified motion must be "supported by the affidavits of at least two credible persons not related to the defendant, stating facts showing the existence of grounds for disqualification." The rule similarly requires that the motion must be supported by affidavit. If a properly verified and supported motion is filed, the judge on the case rules on the motion. If the judge declines to disqualify himself or herself, the moving party has a right of appeal to the Colorado Court of Appeals.

To the extent that the motion seeks a change of judge from the judge in Division 9, it must be filed in that division and considered by that division.

To the extent that the motion seeks disqualification of the entire bench, it is denied. The motion is not supported by the required affidavits. It states no facts showing the existence of facts for disqualification of all judges in this district. It is critical of the judge in Division 3,

who has already disqualified herself. It speculates that the judge in Division 9 might have spoken with the judge in Division 3 about the case, without any evidence that this occurred or reason to believe as he suggests that the judge in Division 3 has tried to "poison" the judge in Division 9 against him. He speculates that the judge in Division 9 might have accessed a web site in which Mr. Harrington has placed information critical of the judge in Division 3, without any evidence either that this has happened or that even if the judge has accessed the web site, it amounts to a ground for disqualification. He cites an article in a local bar association journal in which it is reported that the judges in this district regularly confer with one another about issues in cases and occasionally about lawyers. This provides no ground even to speculate that all the judges in the district have talked about him or his case, much less that there is any across the district bias or prejudice that might serve as grounds to disqualify all the judges.

The Court finds that the exchanges in the motion, response and reply between Mr. Harrington and his ex-wife's counsel of record are largely extraneous to the pending motion. The party with standing to oppose the motion for a change of judge is the petitioner. Although it appears that Ms. Wilson is still petitioner's counsel of record, as there is no indication that her motion to withdraw has been acted upon, Ms. Wilson's response focuses on Mr. Harrington's accusations levied at Ms. Wilson and her attorney rather than serving as a response on behalf of the petitioner with respect to a possible change of judge. The Court does not condone unfounded accusations in pleadings. However, it does not appear to the Court that the petitioner has incurred attorney's fees in opposing the pending motion. Therefore, while this Court might well have awarded attorney's fees under C.R.S. 13-17-102 had petitioner incurred them, in the circumstances the Court declines to make an award of attorney's fees.

Dated in Golden, Colorado, this 2nd day of April, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "R. Brooke Jackson", written over a light gray rectangular background.

R. BROOKE JACKSON
District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of April, 2009 I served a true and accurate copy of the foregoing document via the method indicated:

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Division Clerk