

**STATE OF NEW MEXICO
COUNTY OF SAN JUAN
IN THE DISTRICT COURT**

**THE HONORABLE TRUDY REED-CHASE,
THE HONORABLE BARRY SHARER,
LORI PROCTOR, AND AMY VERHULST,
Plaintiffs,**

vs.

No.: D-1116-CV-2018-_____

**THE NEW MEXICO JUDICIAL STANDARDS COMMISSION, through
RANDALL D. ROYBAL (DIRECTOR OF JUDICIAL STANDARDS COMMISSION)
Defendants.**

CIVIL COMPLAINT FOR RESTITUTION OF RECORDINGS

COMES NOW the Plaintiffs, by and through their attorney, The Titus & Murphy Law Firm, and for their Complaint against the Defendants states:

JURISDICTION

1. Plaintiffs are residents of San Juan County, New Mexico.
2. The acts which give rise to this action occurred in San Juan County, New Mexico.

ALLEGATIONS

3. On or about August 2014, Connie Lee Johnston became a Magistrate Court Judge in San Juan County, New Mexico.
4. Connie Lee Johnston worked in the Aztec Magistrate Court Building in Aztec, New Mexico.
5. Plaintiffs, the Honorable Trudy Reed-Chase and the Honorable Barry Sharer, were also Magistrate Court Judges in the Aztec Magistrate Court.
6. Plaintiff, Lori Proctor, was the Court Manager for the Aztec Magistrate Court.
7. Plaintiff, Amy Verhulst, was a Lead Worker for the Aztec Magistrate Court.

8. After August of 2014, Connie Lee Johnston placed an apparatus in the Aztec Magistrate Court Building for the purpose of listening to and recording the oral and telephone communications of other persons, without the consent of the Plaintiffs.
9. After August of 2014, Connie Lee Johnston placed an apparatus in the private office of Judge Barry Sharer for the purpose of listening to and recording the oral and telephone communications of Judge Barry Sharer and other unknown persons, without the consent of the Plaintiffs.
10. After August of 2014, Connie Lee Johnston placed an apparatus in the private office of Judge Trudy Reed-Chase for the purpose of listening to and recording the oral and telephone communications of Judge Trudy Reed-Chase and other unknown persons, without the consent of the Plaintiffs.
11. After August of 2014, Connie Lee Johnston placed an apparatus in the private office of Court Manager Lori Proctor for the purpose of listening to and recording the oral and telephone communications of Court Manager Lori Proctor and other unknown persons, without the consent of the Plaintiffs.
12. After August of 2014, Connie Lee Johnston placed an apparatus in the work space of Lead Worker Amy Verhulst for the purpose of listening to and recording the oral and telephone communications of Lead Worker Amy Verhulst and other unknown persons, without the consent of the Plaintiffs.
13. After August of 2014, Connie Lee Johnston placed an apparatus in the restroom facilities of the Aztec Magistrate Court Building for the purpose of listening to and recording the oral and telephone communications of the Plaintiffs, without the consent of the Plaintiffs.
14. After August of 2014, Connie Lee Johnston placed an apparatus in the Clerk's work area of the Aztec Magistrate Court Building for the purpose of listening to and recording the

oral and telephone communications of the Plaintiffs and the other clerks, without the consent of the Plaintiffs or the other clerks.

15. For approximately nine months, Connie Lee Johnston, while employed as a Magistrate Judge, covertly recorded hundreds of hours of the Plaintiffs' private oral and telephone communications within the Aztec Magistrate Court Building.
16. These secret recordings included Plaintiffs' private telephone conversations, in violation of State and Federal law.
17. Connie Lee Johnston did place or caused to be placed a device or apparatus which took, copied, recorded, eavesdropped or transmitted the oral communications of the Plaintiffs while communicating on the telephone and/or cell phones in violation of NMSA 1978 § 30-12-1.
18. Connie Lee Johnston recorded and/or eavesdropped on the oral communication of the Plaintiffs and other persons while they were speaking on a telephone and/or cell phone without the consent of the parties of the communication in violation of NMSA 1978 § 30-12-1.
19. These secret recordings contain intimate details of personal life, relationship details, family details, marriage details, intimacy, autonomy, private debts, protected medical information, and other personal details of the Plaintiffs.
20. No reasonable person would have discussed these intimate details if they knew the communication was being recorded by unknown third parties.
21. Connie Lee Johnston intentionally intruded and violated the solitude, seclusion, personal autonomy, intimacy, confidentiality, security, communication, private affairs and fundamental concepts of human dignity of the Plaintiffs and other persons.

22. Connie Lee Johnston listened to and transcribed the secret recordings of the Plaintiffs and other persons.
23. Connie Lee Johnston's actions of recording the oral and telephone communications of the Plaintiffs and other persons served no legitimate purpose
24. The Plaintiffs reported this, among other unethical and illegal behavior on the part of Connie Lee Johnston, to the Judicial Standards Commission.
25. The New Mexico Judicial Standards Commission is an independent state agency tasked with investigating allegations of judicial misconduct against New Mexico judges.
26. On December 3, 2015, the Judicial Standards Commission filed a Verified Petition for Immediate Temporary Suspension without Pay against Connie Lee Johnston.
27. On February 10, 2016, counsel for Connie Lee Johnston admitted to the New Mexico Supreme Court that Connie Lee Johnston had recorded "hundreds of hours" of oral and telephonic communication within the Aztec Magistrate Court Building.
28. Connie Lee Johnston disclosed the secret recordings, which contained the Plaintiffs' private oral and telephone communications to the Judicial Standards Commission.
29. The Judicial Standards Commission took possession of the secret recordings.
30. The Judicial Standards Commission used the secret recordings in its investigation of the allegations of judicial misconduct against Connie Lee Johnston.
31. The matter of Connie Lee Johnston's removal came before the Judicial Standards Commission for a merits hearing on December 5, 2016.
32. Each of the Plaintiffs testified as a material witness for the Judicial Standards Commission.
33. Portions of the secret recordings were introduced as exhibits during the merits hearing.

34. On April 10, 2017, the Judicial Standards Commission filed a Petition for Permanent Removal From Judicial Office against Connie Lee Johnston in the New Mexico Supreme Court.
35. On April 10, 2017, the Judicial Standards Commission also filed a 110-page "Findings of Fact, Conclusions of Law, and Recommendation for Removal from Judicial Office" in the New Mexico Supreme Court.
36. In its recommendations for removal, the Judicial Standards Commission noted that Connie Lee Johnston concealed "surreptitious recordings that she was ordered to disclose but kept secret until mid-trial when she perceived a personal advantage to disclosure."
37. On October 23, 2017, the New Mexico Supreme Court permanently removed Connie Lee Johnston from judicial office, upon the recommendation of the Judicial Standards Commission.
38. The proceedings concerning Connie Lee Johnston are no longer confidential.
39. The Judicial Standards Commission no longer has jurisdiction over Connie Lee Johnston.
40. The Judicial Standards Commission has the secret recordings in its possession and/or control.
41. Now that Connie Lee Johnston has been permanently removed from Judicial Office, the secret recordings have no value, evidentiary or otherwise, to the Judicial Standards Commission.
42. Plaintiffs have made repeated requests to the Judicial Standards Commission to recover the secret recordings of their private conversations.
43. The Judicial Standards Commission, through Executive Director and General Counsel, Randall D. Roybal, has refused to relinquish the secret recordings to the Plaintiffs.

ABUSE OF PRIVACY

- 44. The Judicial Standards Commission disclosed or used the Plaintiffs' private oral communications, in violation of NMSA 1978 § 30-12-11(A).
- 45. Plaintiffs request this Court enter an Order for Restitution of the secret recordings to the Plaintiffs.
- 46. Plaintiffs are not seeking monetary damages.

WHEREFORE, The Plaintiffs respectfully request the District Court to enter an Order compelling the Judicial Standards Commission to relinquish, to the Plaintiffs, all of the secret recordings in its possession and/or control, reasonable attorney's fees, costs and such other relief as the Court deems just and proper.

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