

COMMITTEE ON JUDICIAL CONDUCT
P.O. BOX 127
AUGUSTA, MAINE 04332
(207) 623-1121

May 28, 2024

Honorable Catherine R. Connors

[REDACTED]
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RE: Docket No 24-033

Dear Justice Connors:

Thank you for your letter/response dated February 28, 2024 with an enclosure. At its May meeting the Committee on Judicial Conduct reviewed these documents and statements that you made at your judicial confirmation hearing when you were probed on the topics of conflicts of interest and the appearance of impropriety. As a result, the Committee determined that additional information from you is necessary to fully understand your actions in light of statements you made at your judicial confirmation hearing and the applicability of Canon 2, Rule 2.11 (A) which requires that "[a] judge shall recuse himself or herself in any proceeding in which the judge's impartiality might be reasonably questioned... ."

At your confirmation hearing you answered questions including the following:

Q: And you have no problem recusing yourself from anything that gives the appearance of a conflict?

A: Correct. When there is any doubt err on the side of recusal...

Q: So, what you are telling us today you would recuse yourself in those cases involving those issues if you are approved and confirmed?

A: So, what we're talking about is the appearance of impropriety, So, even if the Code of Judicial Conduct didn't say in black and white Cathy you can't do this, I

think it would make sense as a logical matter for me to stay away from that and other clients that I've spent a long time with over many years dealing with a variety of subjects.

Q: What is the shelf life of the appearance of impropriety?

A: You ask a very good question. And if someone is represented by Pierce Atwood, I recuse whoever the client may be. If it's someone who was once my client then I believe it's going to be a significant period of time for recusal no matter what the issue was or worked on, recuse forever.

Q: With respect to banks and foreclosures?

A: Well um

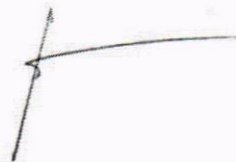
Q: You did a lot of those cases

A: I think I've appeared; I think I've appeared on a number of foreclosure appeals on behalf of banks and a couple of *Amici* briefs so I'd probably be recused from, certainly from those particular clients, those particular banks and I'd have to back and look at the cases. I think that we're talking about significant recusals.

We understand that the parties in the *Finch* and *Moulton* appeals were not clients of Peirce Atwood. However, given that your extensive history of work on behalf of banks in foreclosure actions could, or would, give the appearance of impropriety, why did you actively participate at the *Finch* oral argument before consulting with the Judicial Ethics Committee about your potential recusal and why did you choose not to err on the side of caution with respect to recusal from the *Finch* and *Moulton* cases?

The Committee looks forward to your response.

Sincerely,

A handwritten signature in black ink, consisting of a vertical line on the left and a horizontal line extending to the right, with a small loop at the end of the horizontal line.

John A. McArdle, III
Committee Counsel