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LD 1823

Complaint Against Justice John O'Neil, Jr.

Introduction

To: Maine Committee on Judicial Responsibility and Disability (Judicial Conduct Board)

Re: Complaint of Judicial Misconduct – Justice John O'Neil, Jr., Maine Superior Court (Cumberland County)

Regarding: Pierce v. Rinaldi, Docket No. CV-2021-138 (Cumberland County Superior Court)

This complaint concerns the conduct of Justice John O'Neil, Jr. during his oversight of the case Pierce v. Rinaldi. The judge's actions in that matter demonstrate a pattern of legal misjudgment, bias in favor of one party, and disregard of fundamental judicial duties. As detailed below, Justice O'Neil repeatedly failed to apply controlling law, ignored evidence of fraud on the court, and thereby violated multiple canons of judicial ethics. His conduct undermined the fairness of the proceedings and compromised public confidence in the judiciary. The Maine Code of Judicial Conduct requires judges to uphold the law impartially and diligently, and to avoid even the appearance of impropriety or bias. By his actions in Pierce v. Rinaldi, Justice O'Neil breached these duties, as well as specific ethical rules described herein.

Factual Allegations and Misconduct in Pierce v. Rinaldi

1. Granting Ex Parte Relief on False Premises (April 2021): On April 14, 2021, the plaintiffs in Pierce v. Rinaldi obtained an ex parte attachment against Defendant Rinaldi's property by filing a verified complaint that relied on fabricated allegations and even named a non-party company as a defendant. Justice O'Neil approved this extraordinary ex parte relief without appropriate scrutiny or verification of the claims. By granting a prejudgment attachment based on demonstrably false assertions (the plaintiffs knew Defendant had no ownership interest in the LLC they sued), the judge failed his gatekeeping role. This lack of diligence allowed the case to proceed on a faulty foundation, contrary to the law and to the rights of the defendant.

2. Failure to Remedy Fraudulent Attachment (May 20, 2021 Hearing): When Defendant Rinaldi moved to dissolve the ex parte attachment, Justice O'Neil presided over a hearing on May 20, 2021. At that hearing, the plaintiffs ambushed the defendant with an entirely new theory and four new affidavits, effectively changing their story and going beyond the original attachment's basis. This was a clear procedural violation – the purpose of an attachment dissolution hearing is to test the original evidence, not to introduce new allegations. The defendant had no meaningful opportunity to respond to this surprise evidence. Despite the plaintiffs' improper tactics and shifting narrative, Justice O'Neil denied the motion to dissolve. He offered no legal rationale beyond stating that "the attachment was approved after hearing," providing no substantive consideration of the new evidence or the procedural unfairness. By refusing to dissolve or even question an attachment obtained through misrepresentation, and by failing to sanction or even acknowledge the plaintiffs' abuse of process, the judge condoned a fraud on the court.

3. Ignoring Evidence of Perjury (March 14, 2022 Motion): On March 14, 2022, Defendant Rinaldi moved under Rule 60(b) to vacate the ex parte attachment, now armed with proof of the plaintiffs' fraud. He demonstrated that the plaintiffs' original story and their revised story (presented at the May hearing) were irreconcilably fabricated and contradictory. He also presented clear evidence that Plaintiffs' counsel, Attorney James Monteleone, had committed perjury at the May hearing – i.e. lied under oath in his representations to the court. These were serious allegations of fraud on the court. Justice O'Neil nevertheless denied the motion to vacate without addressing the fraud allegations at all. He gave no explanation for disregarding the incontrovertible evidence that the attachment was obtained through falsehood. By

failing to investigate or even comment on the evidence of perjury by an officer of the court, Justice O'Neil abdicated his duty to maintain the integrity of the proceedings. A judge who becomes aware that an attorney or party may have perpetrated a fraud upon the court is obligated to take appropriate action; here, the judge did nothing, effectively rewarding the wrongdoing. This inaction is not only a violation of judicial ethics, it contravenes fundamental justice. As the U.S. Supreme Court has observed, "tampering with the administration of justice ... involves far more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public," and fraud in the judicial process "cannot complacently be tolerated". Justice O'Neil's tolerance of proven falsehoods undermined the integrity of the court.

4. Misapplication of Summary Judgment Law (July 2, 2022): After discovery closed, Defendant Rinaldi moved for summary judgment, pointing out that the plaintiffs had no evidence to establish essential elements of their claims (either breach of contract or illegal eviction). Indeed, all the competent evidence showed Rinaldi had not breached any duty, and that plaintiffs were not legally "tenants" at all. In opposition, the plaintiffs offered no timely affidavits or admissible proof of their own – only arguments and disputed assertions. Despite the one-sided evidentiary record, Justice O'Neil denied the defendant's motion for summary judgment, stating vaguely that "a myriad of issues" remained in dispute. This reasoning ignored Maine's well-settled summary judgment standard: a claim cannot proceed to trial on mere allegations or denials; the non-moving party must show a prima facie case with admissible evidence on each element. By allowing the case to survive without any factual support, the judge departed from the law. In fact, Maine law is explicit that "a party seeking to avoid summary judgment must adduce prima facie evidence as to each element of a claim or defense that the party asserts." Justice O'Neil's failure to require such evidence – and his choice to send the case to trial despite a complete lack of proof on the plaintiffs' side – represents a serious error and bias. It gave undue advantage to the plaintiffs, forcing the defendant to face a baseless trial. This abuse of discretion violated the defendant's right to a fair process and suggests a prejudgment in favor of the plaintiffs.

5. Contradicting Law and Excusing Lack of Evidence (April 11, 2023): Recognizing the legal error in the summary judgment ruling, Defendant Rinaldi filed a motion to reconsider. At the hearing on April 11, 2023, Rinaldi underscored that the plaintiffs had failed to submit any affidavit or evidence in opposition to summary judgment, and thus failed to meet the requirements of Maine Rule of Civil Procedure 56(e). In response, Justice O'Neil made an astounding pronouncement on the record: he ruled that the plaintiffs "don't need to present prima facie evidence to survive summary judgment" and that they "don't need to do anything but deny, object, and cite evidence." This statement flatly misstates the law – as noted, Rule 56 and decades of case law require the opposite (the party opposing summary judgment must produce evidence, not merely deny). By effectively rewriting the summary judgment standard to favor the plaintiffs, Justice O'Neil again showed bias and a disregard for the law he is sworn to uphold. His ruling ignored the due process rights of the defendant, who was entitled to judgment as a matter of law absent any genuine factual dispute. Instead, the judge's action kept a meritless case alive, subjecting the defendant to further litigation burdens. Such a departure from basic legal principles cannot be justified and indicates an intent to shield the plaintiffs' claims from rightful dismissal, regardless of the evidence.

In sum, Justice O'Neil's handling of *Pierce v. Rinaldi* was marked by systemic judicial missteps. At every critical juncture – the ex parte stage, the attachment review, and dispositive motions – he favored the plaintiffs by overlooking their procedural abuses and lack of evidence. He declined to enforce fundamental rules of procedure and evidence, and he ignored clear instances of perjury and fraud by the plaintiffs and their attorney. This pattern of rulings exhibits a bias or willful indifference to one side's misconduct. It also deprived the defendant of a fair, impartial adjudication. Indeed, an expert analysis of the case described it as a "sustained failure of judicial gatekeeping" in which the court "repeatedly

disregard[ed] dispositive evidence” and allowed a baseless, fraudulent case to proceed . Such conduct by a judge not only harms the immediate litigant but erodes public trust in the judicial system’s integrity.

Violations of Judicial Canons and Ethical Rules

Justice O’Neil’s actions described above constitute clear violations of the Maine Code of Judicial Conduct and related ethical mandates:

- Failure to Uphold the Law (Competence and Diligence):** Canon 2A of the prior Maine Code (and Rule 1.1 of the current Code) requires a judge to respect and comply with the law. Canon 3A(1) similarly mandates that a judge “be faithful to the law and maintain professional competence in it.” Justice O’Neil breached these duties by repeatedly ignoring or misapplying black-letter law. His refusal to apply the proper summary judgment standard – effectively nullifying Rule 56’s requirements – is a prime example. The Maine Supreme Judicial Court has disciplined judges for such conduct in the past. In *Matter of Benoit*, the Court found violations of Canons 2A and 3A(1) where a judge failed in his “judicial decisionmaking to respect and comply with the law” and did not maintain competence . Here, Justice O’Neil’s decisions (e.g. stating that a prima facie showing was “not needed” to survive summary judgment) display an even more blatant disregard for the law. This conduct violated the duty of competence, diligence, and fidelity to legal requirements (see Maine Code of Judicial Conduct, Rule 2.5(A): duty to perform judicial duties diligently and fairly). By ruling based on personal sentiment or bias rather than law, the judge also violated Rule 2.2, which requires a judge to “uphold and apply the law, and ... perform all duties fairly and impartially.” Justice O’Neil did not uphold the law – he subverted it – to the detriment of justice.

- Impartiality and Appearance of Bias:** A fundamental judicial ethical principle is that judges must remain impartial and avoid even the appearance of bias (Canon 2 of the Code; Rule 2.2 and 2.11). A reasonable person, apprised of the facts, would unquestionably question Justice O’Neil’s impartiality in *Pierce v. Rinaldi*. Throughout the pretrial phase, his rulings systematically favored the plaintiffs, despite evidence that the plaintiffs were abusing the process. He gave the plaintiffs repeated “second chances” (allowing new affidavits, new theories, and denying summary judgment despite no evidence) while holding the defendant to strict standards. Moreover, his dismissive treatment of the defendant’s fraud allegations — not even addressing them — suggests he prejudged the defendant’s concerns as unworthy of consideration. Maine’s Code of Judicial Conduct states that a judge shall disqualify himself in any proceeding in which “the judge’s impartiality might reasonably be questioned.” Although Justice O’Neil did not recuse, his conduct demonstrates that his impartiality was compromised. The appearance of favoritism toward the plaintiffs violated Canon 2 and Rule 2.11(A). Even if he believed himself impartial, what transpired in the courtroom – e.g., expressing that one side need not produce evidence – created at least the appearance of bias, undermining public confidence. As the U.S. Supreme Court has noted, our system of justice must prevent even “the probability of unfairness.” Justice O’Neil’s handling of this case gave rise to more than a mere probability; it showed an actual skewing of the process in one party’s favor.

- Failure to Address Attorney Misconduct and Fraud (Integrity of the Court):** Under Maine’s Code of Judicial Conduct, a judge who becomes aware of substantial misconduct by a lawyer or litigant has an obligation to take appropriate action (see e.g. Code of Judicial Conduct Rule 2.15(D) and (E)). Justice O’Neil was presented with prima facie evidence that Plaintiffs’ counsel committed perjury and that the plaintiffs perpetrated a fraud upon the court (by submitting false affidavits and claims) . Yet the judge took no action: he neither reported the attorney’s apparent perjury, nor issued any sanction, nor even rebuked the misconduct on the record. By turning a blind eye to this behavior, Justice O’Neil violated his ethical duty to uphold the integrity of the judiciary. Canon 1 of the Code commands judges to uphold the integrity and independence of the judiciary. Canon 2A further requires judges to act in a manner that promotes public confidence in the judiciary’s integrity. Here, ignoring blatant fraud signals tolerance of perjury and undermines the truth-seeking function of

the court. Case law underscores that courts must not tolerate fraud or dishonesty in proceedings. For instance, the U.S. Supreme Court in *Hazel-Atlas Glass Co. v. Hartford-Empire Co.* emphasized that when a judgment is obtained by fraud, it is “a wrong against the institutions ... in which fraud cannot complacently be tolerated”. Justice O’Neil’s inaction in the face of fraud is incompatible with this principle and with his duty under Rule 2.15 of the Code. This failure allowed a litigation founded on falsities to progress, violating the rights of the opposing party and diminishing the court’s integrity.

•**Denial of Fundamental Fairness and Due Process:** The cumulative effect of Justice O’Neil’s conduct was to deny Defendant Rinaldi basic due process. Due process requires an impartial tribunal and decisions based on evidence and law. Here, instead of adjudicating impartially on the merits, the judge repeatedly favored one side regardless of the evidence. He denied the defendant a meaningful opportunity to be heard – for example, by refusing to consider the fraud evidence and by allowing plaintiffs to introduce new claims last-minute (to which the defendant could not respond). The U.S. Constitution and Maine law entitle litigants to a fair hearing; a judge must not stack the deck by excusing one party’s non-compliance with legal standards. Justice O’Neil’s actions forced the defendant to proceed to trial on claims that, by all legal measures, should have been disposed of earlier. This is reminiscent of the extreme scenarios in which higher courts have found due process violations when judges failed to recuse or were biased (see *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), recognizing that an extreme “probability of actual bias” offends due process). While the facts here differ, the principle is the same: when a judge’s conduct destroys the balance of fairness in the proceedings, the litigant’s right to due process is infringed. Justice O’Neil’s pattern of rulings exhibited a mindset not open to the defendant’s legitimate arguments, raising serious due process concerns.

Applicable Precedents

Several precedents and authorities highlight the gravity of Justice O’Neil’s misconduct:

•**Maine Precedent – Matter of Benoit:** In *Matter of John W. Benoit, Jr.*, 487 A.2d 1158 (Me. 1985), the Maine Supreme Judicial Court disciplined a judge who had, across multiple cases, failed to follow the law and maintain competence. Judge Benoit’s misconduct included entering rulings that did not align with legal requirements, akin to what occurred in *Pierce v. Rinaldi*. The Court in *Benoit* held that such behavior violated Canons 2A and 3A(1) – the same Canons implicated by Justice O’Neil’s actions. Notably, the *Benoit* decision reaffirmed that judges must “be faithful to the law” and cannot act outside the bounds of governing law without facing discipline. Justice O’Neil’s misapplication of Rule 56 and other legal standards is precisely the kind of conduct that warranted sanctions in *Benoit*.

•**Maine Summary Judgment Standard:** Maine’s Law Court has consistently held that a plaintiff must produce evidence on each element of a claim to overcome a defense motion for summary judgment. For example, in *Savell v. Duddy*, 2016 ME 139, ¶ 18, 147 A.3d 1179, the Court stated: “A party seeking to avoid summary judgment must adduce prima facie evidence as to each element of a claim or defense that the party asserts.” Justice O’Neil’s statement that the plaintiffs “don’t need to present prima facie evidence” is in direct conflict with this precedent. His ruling cannot be reconciled with Maine law, indicating a disregard of binding precedent and an arbitrary approach to adjudication.

•**Judicial Bias and Recusal – Standard:** The Maine Code of Judicial Conduct, Rule 2.11(A) (and former Canon 3E(1)) embodies the principle that judges must recuse in any proceeding where their impartiality might reasonably be questioned. Although Justice O’Neil did not recuse himself, the standard for impartiality is important: if a judge’s words or actions betray favoritism or antagonism such that a fair judgment is unlikely, the judge is obligated to step aside. The U.S. Supreme Court in *In re Murchison* stated, “our system of law has always endeavored to prevent even the probability of unfairness” in judicial proceedings. This means that even without incontrovertible proof of actual bias, a situation like the one at hand – where a judge

consistently rules in a manner favoring one side contrary to evidence – is unacceptable. In extreme cases, such conduct can rise to a constitutional violation of due process (see *Caperton*, 556 U.S. at 887, noting that extreme facts of bias require recusal to satisfy due process). Justice O’Neil’s pattern of decisions would lead any objective observer to question his neutrality, thus contravening these recusal and bias standards.

•Duty to Address Lawyer Misconduct: Judges have a duty to uphold the integrity of proceedings by addressing lawyer or party misconduct. Under the Model Code of Judicial Conduct (mirrored in Maine’s Code), Canon 3(D) / Rule 2.15 requires that a judge take appropriate action if there is a substantial likelihood a lawyer has committed a violation of ethics rules . Lying to the court and submitting false evidence are clear violations of the Rules of Professional Conduct for attorneys (e.g., Maine Rule of Prof. Conduct 3.3, Candor to Tribunal). In this case, the evidence presented to Justice O’Neil showed exactly that sort of misconduct . The judge’s failure to act stands in contrast to this ethical mandate. Other jurisdictions have disciplined judges for ignoring attorney misbehavior. While there may not be a published Maine decision squarely on point, the general principle is well-recognized: a judge who knowingly permits perjury or fraud to go unaddressed fails in his duty to ensure justice. This principle is intertwined with the concept of “fraud on the court” – as seen in *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, where the Supreme Court set aside a judgment due to fraud, stressing that courts must not be made instruments of injustice .

Conclusion and Request for Discipline

Justice John O’Neil, Jr.’s conduct in the *Pierce v. Rinaldi* case represents a serious departure from the standards of judicial conduct expected in Maine. By favoring one party, ignoring uncontroverted evidence, and flouting established law, he violated the canons of impartiality, integrity, and competence. Such behavior not only injured the defendant in that case – forcing him to endure a prolonged fraudulent lawsuit – but also undermines public confidence in the judicial system’s fairness. Canon 1 of the Maine Code of Judicial Conduct requires judges to uphold the integrity of the judiciary, and Canon 2 demands that judges perform their duties impartially and diligently . Justice O’Neil’s actions, as documented above, fell egregiously short of these requirements.

In light of the detailed factual allegations and the clear ethical breaches, I respectfully request that the Committee on Judicial Responsibility and Disability investigate Justice O’Neil’s conduct and impose appropriate disciplinary action. The following specific Code provisions were violated: Canon 1 (integrity of judiciary), Canon 2A (compliance with law), Canon 2B (appearance of impropriety), Canon 3A(1) (faithfulness to law and competence), and Rule 2.11(A) (failure to recuse despite obvious appearance of bias). His actions also implicate constitutional due process guarantees of an impartial tribunal. Holding Justice O’Neil accountable is necessary to preserve the integrity of Maine’s courts and to send a clear message that partiality and indifference to the rule of law will not be tolerated on the bench. The complainant urges the Board to take all appropriate measures to ensure that such misconduct is addressed and that the ideal of equal justice under law is upheld in Maine’s courts.

Complaint Against Justice Daniel Billings

Introduction

To: Maine Committee on Judicial Responsibility and Disability

Re: Complaint of Judicial Misconduct – Justice Daniel Billings, Maine Superior Court (Cumberland County)

Regarding: *Pierce v. Rinaldi*, Docket No. CV-2021-138 (Cumberland County Superior Court)

This complaint concerns the conduct of Justice Daniel Billings in presiding over the latter stages of *Pierce v. Rinaldi* (specifically, pre-trial and trial proceedings in 2023–2024). Justice Billings’s actions in this case raise serious questions about his

impartiality, adherence to the law, and willingness to address misconduct. Despite numerous red flags indicating fraud by the plaintiffs, Justice Billings displayed bias against the self-represented defendant, refused to recuse himself after making prejudicial comments, and allowed procedurally improper tactics that disadvantaged the defense. Ultimately, he entered judgment for the plaintiffs in a case marred by perjury and then refused to correct or address the injustice even when presented with irrefutable evidence post-trial. Such conduct violates fundamental judicial canons requiring neutrality, integrity, and the faithful application of the law. The tone of this complaint is firm but factual, focusing on documented events and statements. The goal is to ensure accountability for conduct that fell short of the high standards expected of a judicial officer.

Factual Allegations of Misconduct in Pierce v. Rinaldi

Justice Billings took over the Pierce v. Rinaldi case in 2023 as the trial judge. At that point, the case's record already suggested significant problems (including indications that the plaintiffs' claims were built on false testimony). Rather than course-correct these issues, Justice Billings's management of the case exacerbated the unfairness.

Key events and misconduct include:

1. Ignoring Jurisdictional and Legal Defects: Upon assuming the case, Justice Billings was faced with a defense motion under Rule 12(b)(1) to dismiss for lack of subject-matter jurisdiction. Defendant Rinaldi (appearing pro se) argued that the plaintiffs' "illegal eviction" claim was not properly before the Superior Court at all, because it arose from landlord-tenant law (and the plaintiffs were not lawful tenants). He also argued that the breach of contract claim had become moot once the property was sold to someone else. These were substantial issues that ordinarily must be addressed before a trial on the merits. Indeed, as Rinaldi noted to the court, when a jurisdictional motion is filed, the court "assumes it lacks jurisdiction until Plaintiffs prove otherwise." Justice Billings, however, did not rule on the 12(b)(1) motion prior to trial. He allowed the case to proceed to trial without any written decision or detailed finding on jurisdiction, effectively ignoring a threshold legal issue. By proceeding in this manner, Justice Billings implicitly rejected the jurisdictional challenge without analysis. This is problematic because if the court truly lacked jurisdiction (as reasonably argued), conducting a trial and issuing a judgment would be an ultra vires act. A judge's failure to determine jurisdiction when credibly questioned is a failure to follow the law and violates the duty to ensure his court has authority over the case. It suggests a predisposition to push forward against the defendant regardless of legal merit, rather than impartially evaluate the arguments.
2. Entertaining a Harassing Motion Against the Defendant: Instead of timely addressing the defendant's motions, Justice Billings allowed the plaintiffs to employ a disruptive tactic: on the eve of trial, the plaintiffs' attorney sought a so-called "Spickler order" declaring Mr. Rinaldi a vexatious litigant. This extraordinary request (citing *Spickler v. Dube*, 626 F. Supp. 1092 (D. Me. 1986)) aimed to bar Rinaldi from filing any further actions or even an appeal without court permission. The plaintiffs justified this by labeling Rinaldi's legitimate motions – such as his fraud allegations and jurisdictional challenge – as frivolous or harassing. Rather than recognize this gambit as a dilatory tactic and an infringement on Rinaldi's rights, Justice Billings granted the plaintiffs leave to file the Spickler motion and considered it on the eve of trial. This decision effectively sidelined Rinaldi's own motions (like the motion to dismiss) and put the self-represented defendant on the defensive, having to justify his right to continue even participating in the case. Mr. Rinaldi protested that this was an improper diversion intended to delay or avoid a ruling on his motion to dismiss – a protest that appears well-founded. By indulging the plaintiffs' Spickler-order request, Justice Billings deviated from impartial adjudication and lent the court's authority to what was essentially an attack on the defendant's character and rights. Notably, at the start of trial, Justice Billings ultimately denied the Spickler motion as unwarranted, suggesting it lacked merit. However, the damage was done – the judge's willingness to even entertain such extreme relief against the pro se

defendant on the eve of trial demonstrated bias and a lack of fair play. It also wasted judicial resources and time that could have been spent on the merits (for instance, resolving the jurisdiction question).

3. Evidence of Prejudgment and Refusal to Recuse: In the lead-up to trial, Justice Billings made remarks on the record that indicated a negative predisposition toward Defendant Rinaldi's case. Although the exact wording of these remarks was not preserved in the official trial transcript, Rinaldi obtained an audio transcript of a prior hearing where the judge's statements were troubling. According to subsequent discussions in court, Justice Billings acknowledged that he might have made comments to the effect that Rinaldi's fraud claims were not credible or that Rinaldi was perhaps wasting the court's time. In fact, Justice Billings himself summarized the situation by saying the quotes "certainly sound like things I remember saying," and he remarked that if he had "crossed any lines" with those comments, the Supreme Judicial Court could tell him so on appeal. These admissions are remarkable: the judge essentially recognized that he may have spoken in a manner unbecoming a neutral arbiter, but chose to proceed regardless. On June 10, 2024 (the day before trial), Mr. Rinaldi formally moved for Justice Billings to recuse himself based on these indications of bias. Rather than seriously consider the motion, Justice Billings summarily denied the recusal request at the start of trial on June 11, 2024, calling it untimely and without merit. He stated on record that if his conduct ultimately favored one side, an appeal could address it. This refusal to recuse, despite acknowledging the appearance of prejudgment, violates the fundamental ethical rule that a judge must step aside if his impartiality might reasonably be questioned. A reasonable observer, hearing a judge concede he might have "crossed lines" in fairness, would indeed question the judge's ability to be impartial. By insisting on presiding over the trial, Justice Billings put his personal stake (completing the case) above the parties' right to an impartial judge. This conduct directly contravenes Maine Code of Judicial Conduct Rule 2.11(A). It is notable that the Maine Committee on Judicial Conduct has emphasized the "reasonable person" standard for recusal – i.e., if a reasonable person would question the judge's neutrality, recusal is required. In this case, that standard was met, and Justice Billings's failure to recuse was a serious misjudgment and ethical lapse.

4. Unusual Trial Procedure Disadvantaging the Defense: The trial itself (bench trial, jury-waived) was conducted in an unusual manner that further disadvantaged Mr. Rinaldi. Instead of consecutive trial days, Justice Billings split the trial into segments spread over several weeks (Day 1 on June 11, 2024, then Day 2-4 on July 22, 25, and 26, 2024). This six-week gap between the first day and the remainder of the trial was ostensibly due to scheduling issues, but it had the effect of interrupting trial momentum and potentially impairing the fact-finder's (the judge's) continuity of recall. Moreover, it placed the self-represented defendant at a disadvantage in maintaining his trial presentation. While perhaps not a rule violation per se, this fragmented scheduling raises questions about whether the case was given the diligent attention it deserved. During the trial, multiple witnesses testified and numerous exhibits were introduced. The evidence included admissions and contradictions that strongly favored the defense – for instance, the plaintiffs' own real estate agent (Andy "Andy" Lord) conceded under oath that no formal change orders were signed for alleged contract modifications, and he contradicted the plaintiffs' narrative about an "eviction," acknowledging that Rinaldi had merely asked them to retrieve their belongings without physical force. Mr. Rinaldi himself highlighted, through cross-examination, that many of the plaintiffs' assertions were refuted by written communications (texts, emails) from the time. Despite these developments, Justice Billings often appeared impatient with Mr. Rinaldi's attempts to put evidence on the record. He sustained numerous objections from the plaintiffs' counsel, at times in a manner that seemed to cut off Rinaldi's legitimate efforts to establish inconsistencies in testimony (for example, limiting Rinaldi's use of recorded conversations that demonstrated prior inconsistent statements by witnesses). While a judge has discretion over evidence, the pattern here was that Rinaldi's evidence was frequently curtailed, whereas the plaintiffs (represented by counsel) were given leeway in

presenting their story. The overall management of the trial, combined with Justice Billings's prior comments, indicates that the judge may have prejudged the facts and thus did not fully consider the defense evidence with an open mind.

5. Findings and Judgment Contrary to Evidence, and Post-Trial Inaction: At the conclusion of the trial, Justice Billings found in favor of the plaintiffs. In July 2024, he issued a verdict awarding the plaintiffs approximately \$102,000 in damages. This award was ostensibly for breach of contract damages (including the difference in home value and other costs) and perhaps emotional distress or other claims. The judge's decision came despite clear evidence presented at trial that the plaintiffs' claims lacked merit and that their testimony included falsehoods. For example, Plaintiff Drew Pierce testified that he was unable to purchase a comparable home and suffered financial and career harm due to the failed sale – however, evidence emerged (only after trial) that Pierce had, in fact, purchased a new home in June 2023 for \$400,000 and stood to make a large profit on it. This directly contradicted the claimed damages of homelessness or inability to relocate. Just days after the verdict, Mr. Rinaldi obtained certified documents confirming Pierce's real estate purchase and profit. This evidence proved that key trial testimony by Pierce was false, i.e., perjury had occurred. Mr. Rinaldi promptly submitted this new evidence to the court in a post-trial motion or communication, expecting the court to take notice of the fraud. Shockingly, the court clerk's office withheld filing this submission for two weeks, only docketing it after the judgment had been formally entered. (The clerk later admitted this filing delay was "unusual" with no explanation.) Once the evidence of Pierce's perjury was before Justice Billings, the defendant requested relief: at minimum, reconsideration of the judgment or sanctions against the plaintiffs for their fraud. Justice Billings, however, refused to revisit his verdict or grant any relief, and he declined to sanction the plaintiffs for lying under oath. In doing so, he stated, in substance, that the time for evidence had passed and it was up to the appellate court to sort out any issues. This response represents a profound failure of justice. When a judge is confronted with "irrefutable proof" that the judgment rests on perjured testimony, the judge has inherent authority (and indeed a duty) to take corrective action – for example, by reopening the judgment or at least referring the matter for investigation. Justice Billings's refusal to act condoned the perjury and allowed a judgment arguably based on fraud to stand. This undermines the integrity of the judicial process at a fundamental level.

In summary, Justice Billings's conduct in *Pierce v. Rinaldi* shows a judge who: (a) was not impartial, as evidenced by his own comments and one-sided rulings; (b) failed to address legal requirements and factual truth, allowing a case with serious red flags of fraud to proceed and succeed; and (c) abdicated his responsibility to ensure honesty in his courtroom, by ignoring proven perjury. The result was that a self-represented defendant was denied a fair trial and was hit with a judgment that the facts did not support. These actions violate multiple judicial canons, as detailed below.

Violations of Judicial Canons and Ethical Duties

Justice Billings's handling of the case breached several key Canons of the Maine Code of Judicial Conduct:

- **Canon 2 & Rule 2.2 – Impartiality and Fairness:** Judges must perform their duties impartially, without bias or prejudice. Rule 2.2 specifically requires that a judge "uphold and apply the law, and shall perform all duties of judicial office fairly and impartially." Throughout *Pierce v. Rinaldi*, Justice Billings did not remain impartial. His own acknowledgments show he had prejudged aspects of Mr. Rinaldi's case – for instance, making statements downplaying Rinaldi's fraud claims before hearing all evidence. This contravenes the expectation that a judge approach each issue with an open mind. Moreover, by permitting the plaintiffs to sidetrack proceedings with a Spickler motion and by failing to give due consideration to the defendant's jurisdictional challenge, Justice Billings demonstrated a bias in procedural handling. The Maine Code (Canon 2 and Rule 2.2) is violated not only by overt favoritism but also by conduct creating an appearance that one party is disfavored. A reasonable

person would conclude that Justice Billings favored the plaintiffs and was impatient with, if not hostile to, the defendant. This is a textbook example of when a judge's impartiality might reasonably be questioned (triggering Rule 2.11, see below). By not correcting his course – and indeed by explicitly refusing recusal – Justice Billings breached the duty of neutrality.

•Rule 2.11(A) – Failure to Recuse in the Face of Bias: Maine's recusal rule mandates that a judge "shall disqualify... himself in any proceeding in which the judge's impartiality might reasonably be questioned." Among the circumstances requiring disqualification is when the judge has a personal bias or prejudice concerning a party (Rule 2.11(A)(1)). In this case, Justice Billings was made aware (by the recusal motion) that his statements had conveyed an appearance of bias. His response – "if I crossed any lines, the Law Court can tell me so" – is an admission that a reasonable observer could indeed question his impartiality. Ethically, he should have recused himself at that juncture. His failure to do so violates Rule 2.11.

Importantly, the Maine Committee on Judicial Conduct recently determined in another matter that a Justice (Catherine Connors) should have recused in cases where her impartiality was reasonably in doubt, even though she had consulted an advisory opinion to the contrary. That committee stated that Justice Connors' prior involvement in related cases would cause a reasonable person to question her impartiality, thus her failure to recuse "violated the Judicial Code of Conduct". By analogy, Justice Billings's situation – where his own words indicated a prejudgment – required recusal to maintain the appearance and reality of fairness. His refusal to step aside, and proceeding to judge the case, was a willful violation of the recusal standard. The duty to recuse is self-executing: it does not depend on a party's motion, but here a motion was made and backed by evidence of bias, removing any doubt. A judge placing the burden on an appellate court to "call out" his bias (as Billings did) is effectively flouting Canon 2 (which demands avoidance of even appearance of impropriety). This failure strikes at the heart of judicial integrity and is one of the gravest allegations here.

•Canon 3B(5) – No Bias or Harassment: Canon 3B(5) of the older Maine Code (paralleling Rule 2.8(B)) provides that a judge shall perform judicial duties without bias or harassment and shall not by words or conduct manifest bias against parties. Justice Billings, by making dismissive remarks about Mr. Rinaldi's claims and showing open impatience, arguably manifested bias. For example, the need for Mr. Rinaldi to go outside the official transcript to capture the judge's remarks suggests that the judge's tone or off-the-record commentary was problematic. Additionally, the Spickler motion scenario could be seen as the court lending weight to an attempt to harass or intimidate the defendant (essentially threatening to label him vexatious for filing motions). This is inconsistent with a judge's role to ensure proceedings are fair and that pro se litigants are not unfairly bullied. The Code of Conduct specifically cautions judges to be patient and courteous to litigants (Rule 2.8(B)); instead, Justice Billings allowed a climate where the self-represented litigant was treated as a nuisance rather than a party with equal standing. This behavior infringes on the ethical obligation to treat all parties fairly and respectfully.

•Canon 3A(1) / Rule 2.5 – Competence and Adherence to Law: Judges must dispose of matters in accordance with law and maintain competence (Canon 3A(1) and Rule 2.5). Justice Billings failed to adhere to legal standards on multiple fronts. First, by not addressing the subject-matter jurisdiction argument head-on, he potentially acted beyond the court's authority (if indeed the eviction claim belonged elsewhere). Maine law holds that subject-matter jurisdiction is fundamental and cannot be assumed; a judge is supposed to determine it whenever it's contested. His neglect of this issue indicates a lapse in the diligent application of law. Second, his management of the case allowed multiple per se legal errors or irregularities: e.g., considering a vexatious litigant order without basis in a pending case, delaying ruling on important motions, and ultimately entering a judgment that was procured by perjured evidence. A judge exercising proper competence and diligence would have taken the fraud allegations seriously and at least investigated them before ruling. The fact that Justice Billings entered judgment for the plaintiffs "despite clear perjury and contradictions in

plaintiff testimony” shows that he either overlooked critical evidence or chose to ignore it. Either explanation signals a breach of the duty to adjudicate based on the evidence and law. The Code obligates a judge to not “abdicate the responsibility” to decide matters according to law; however, Justice Billings effectively abdicated by letting the trial result stand even when it was shown to be based on falsehoods. This is comparable to the misconduct in *Matter of Benoit*, where the judge was found to have violated Canons by not being faithful to law in multiple cases. Similarly, Justice Billings’s serial misapplications of law in *Pierce v. Rinaldi* (recusal law, jurisdiction law, evidentiary standards) constitute a failure of competence warranting discipline.

•Canon 1 and 2A – Undermining Public Confidence (Integrity): Perhaps most importantly, Justice Billings’s conduct undermined the integrity of the judiciary and public confidence in justice. Canon 1 of the Maine Code states that a judge shall uphold the integrity and independence of the judiciary. Canon 2A (and the equivalent Rule 1.2) states a judge should act at all times in a manner that promotes public confidence in the judiciary’s integrity and impartiality. The sequence of events in this case – a judge refusing to recuse despite apparent bias, presiding over a trial replete with indications of perjury, ruling for the side who benefited from that perjury, and then refusing to address newly revealed truth – is exactly the kind of scenario that erodes public trust. An average citizen learning of this case would reasonably conclude that the judge was not interested in finding the truth, but rather in concluding the case even if that meant a miscarriage of justice. That perception is damaging to the reputation of the courts. Moreover, Justice Billings’s remark that the Supreme Court could fix any lines he crossed reflects a cavalier attitude that undermines confidence in the trial court’s sense of responsibility. Judges are supposed to self-police their compliance with ethics and not pass the buck to higher courts. His refusal to meaningfully engage with the allegations of fraud and perjury – effectively sweeping them under the rug – fails to “protect the judicial system from the stain of improper conduct.” It also contravenes Rule 2.15 (Responsibility to Report or act on Misconduct). A judge who allows a judgment procured by fraud to stand without comment is not promoting integrity; quite the opposite, it signals that the court can be deceived without consequence. This violates Canon 1’s core mandate. In the words of the U.S. Supreme Court, “tampering with the administration of justice” (here by perjury) “is a wrong against the institutions” of justice – by not responding to that tampering, the judge here compromised the institution he represents.

•Obligation to Address Perjury – Ethical Responsibility: While not a separate Canon in title, the obligation of a judge to take appropriate steps when fraud is discovered is derived from the above duties of integrity and competence. In extreme cases elsewhere, judges have faced discipline for turning a blind eye to clear perjury. Justice Billings was shown, within days of his verdict, that a central factual premise of the plaintiffs’ case (their alleged inability to find housing) was false. Yet he took no action. This inaction is equivalent to sanctioning dishonesty in his courtroom. Maine’s Code (Rule 2.15) would suggest at least reporting the misconduct or reconsidering the judgment to prevent an unjust enrichment by fraud. The judge did neither. This lack of action violates the spirit of Canon 3B(2), which requires a judge to “require order and decorum” in proceedings – allowing false evidence to remain uncorrected is contrary to order and truth. It also violates Canon 3C(1) (a judge should diligently discharge administrative responsibilities – which include ensuring accuracy of the record/judgment). The situation at hand mirrors the ethical failing identified in *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, where the Supreme Court decried how fraud corrupts the judicial process. By doing nothing, Justice Billings tacitly approved a corrupted outcome, an act inconsistent with his role as guardian of justice.

Relevant Precedents and Comparisons

•*Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009): In *Caperton*, the U.S. Supreme Court held that due process can require a judge’s recusal when the circumstances create a serious risk of actual bias. While *Caperton* involved extreme facts (a party’s financial influence on a judge’s election), the principle is that

objective probability of bias violates litigants' rights. Justice Billings's case, though not involving financial influence, presented an objective probability of bias due to his own comments and attitude. The refusal to recuse despite that probability goes against the grain of Caperton's teaching that fairness of the tribunal is paramount.

- *In re Murchison*, 349 U.S. 133 (1955): The Supreme Court in *Murchison* famously said, "No man can be a judge in his own case, [and] no man is permitted to try cases where he has an interest in the outcome." It added that our system tries to prevent even "the probability of unfairness." Justice Billings, by effectively judging a case in which his impartiality was compromised (given his pretrial views), ran afoul of this fundamental principle. He was not literally a party to the case, but his interest in proving himself "right" or in finishing the trial despite bias can be seen as a personal interest that should have prompted recusal under the *Murchison* standard.

- *Maine Committee on Judicial Conduct Recommendation* (2024) – Justice Connors Recusal Issue: As referenced earlier, an ethics inquiry in Maine involving Justice Catherine Connors (Maine Supreme Judicial Court) concluded that she should be disciplined for not recusing in certain cases. In that matter, Justice Connors had participated in decisions that overturned precedent in foreclosure cases where she had prior involvement as an attorney. The Committee found that "Justice Connors' representation of [interested parties] would reasonably question her impartiality," thus failing the reasonable person test. That scenario is instructive here: although Justice Billings did not have a prior involvement, he had made statements evidencing a mindset against one party. If prior involvement in a related case merited recusal in Connors' case, then prior expressions of bias should merit recusal in Billings's case. The comparison underscores that Maine's current disciplinary bodies view failure to recuse in questionable impartiality situations as a serious ethical breach.

- *Matter of Benoit* (Maine 1985) & *Matter of Kellam* (Maine 1986): These are historical Maine cases where judges were disciplined for misconduct. In *Matter of Benoit*, as discussed above, the judge's pattern of legal errors and failure to follow law led to discipline. Justice Billings's conduct has a parallel in that he too ignored certain legal mandates (e.g., the need to address jurisdiction, the need to base decisions on evidence). In *Matter of Kellam*, 503 A.2d 1308 (Me. 1986), Judge Kellam was disciplined for inappropriate demeanor and misuse of authority in multiple cases. One takeaway from *Kellam* was that even absent malicious intent, a judge's repeated deviations from proper judicial behavior warranted sanction to maintain public confidence. Justice Billings's demeanor (impatient, dismissive of the pro se defendant) and his misuse of authority (allowing a meritless vexatious litigant motion to distract from the real issues) resonate with concerns from *Kellam*. The Maine Supreme Judicial Court noted that the seriousness of misconduct must be assessed relative to its impact on the litigants and public perception (*Kellam*, 503 A.2d at 1310-11). Here, the impact was severe: an unjust outcome and a pro se litigant who likely feels the system was rigged against him.

- *Fraud on the Court Jurisprudence*: Finally, case law on fraud on the court (such as *Hazel-Atlas*, cited above, and others) emphasizes that when fraud is discovered, courts have inherent power to vacate judgments to protect the integrity of the process. By refusing to even consider doing so, Justice Billings's stance was at odds with this jurisprudence. It's virtually unheard of for a judge to be presented with clear proof of perjury so soon after trial and to take no interest in it. This could be seen as an abdication of the judge's fundamental responsibility to do justice (as Justice Cardozo said, "justice, though due to the accused, is due to the accuser also, but... justice is due to the society" – here society's interest in truthful proceedings was ignored).

Conclusion and Request

Justice Daniel Billings's conduct in the *Pierce v. Rinaldi* matter reflects a pattern of bias, indifference to misconduct, and disregard for legal standards that is incompatible with the role of a fair and impartial judge. His actions violated multiple provisions of the Code of Judicial Conduct – including Canon 1 (integrity), Canon 2 (impartiality and appearance of impropriety), Canon 3 (diligence, competence, and decorum), and Rule 2.11 (recusal). By failing to recuse himself or to check his apparent biases,

Justice Billings denied the parties, especially Mr. Rinaldi, the basic right to a neutral decision-maker. By failing to address known perjury and fraud, he allowed a judgment to be obtained by illicit means, betraying the judiciary's obligation to seek the truth.

Such conduct, if left unaddressed, undermines public confidence in the courts. Litigants must be assured that outcomes depend on facts and law, not on a judge's predispositions or a willingness to "overlook" perjury. Here, the outcome appears to have been influenced by both. The fact that a self-represented litigant was the victim of these missteps also raises concerns about equal access to justice – judges have a duty to ensure pro se parties are not steamrolled by procedural maneuvering or bias.

Accordingly, I respectfully request that the Committee investigate Justice Billings's actions and impose appropriate discipline. Possible remedies might include reprimand, mandatory education on impartiality and procedure, or any stronger sanction the Committee deems fit, up to recommending removal, if warranted. The goal of this complaint is not punitive for its own sake, but to uphold the honor of the judiciary. Maine judges must be held to the highest standards of fairness and honesty. In this case, Justice Billings fell short of those standards, and accountability is necessary to restore trust. The Canons state that judges should aspire to conduct that ensures "public confidence in their independence, integrity, fairness, and competence". Through this complaint, I urge the Committee to affirm those principles and to make clear that what transpired in *Pierce v. Rinaldi* is unacceptable in Maine's courts.

Complaint Against Justice Catherine R. Connors

Introduction

To: Maine Committee on Judicial Responsibility and Disability

Re: Complaint of Judicial Misconduct – Associate Justice Catherine R. Connors, Maine Supreme Judicial Court

Regarding: Conduct in *Pierce v. Rinaldi* Extraordinary Petition (2023) and Related Matters

This is a formal complaint regarding Justice Catherine R. Connors of the Maine Supreme Judicial Court, focusing on her actions in connection with an extraordinary petition arising from *Pierce v. Rinaldi*, Cumberland County Superior Court Docket No. CV-2021-138. Justice Connors's handling of that petition – specifically, her failure to recuse despite a conflict of interest, and her summary dismissal of the petition without substantive explanation – constituted judicial misconduct. Her actions violated the canons of judicial ethics requiring impartiality, transparency, and avoidance of impropriety. This complaint draws on established facts and context, including information provided in prior proceedings and publicly reported ethical inquiries. The tone is firm and factual, as Justice Connors's conduct is addressed not out of personal animus but out of concern for the integrity of the judiciary. The Maine Code of Judicial Conduct holds justices of the state's highest court to the same standards as all judges, and indeed the public expects even greater vigilance from those in the state's court of last resort. As detailed below, Justice Connors's decisions in this matter fell short of those standards and warrant investigation and discipline.

Factual Background and Allegations

In late 2023, after the trial in *Pierce v. Rinaldi* had concluded (with a judgment entered against Mr. Rinaldi under highly questionable circumstances), Mr. Rinaldi sought extraordinary relief from the Maine Supreme Judicial Court. Specifically, Mr. Rinaldi filed a petition for a writ of mandamus or other extraordinary writ, essentially asking the Law Court to intervene and rectify what he asserted was a fraud-tainted and legally erroneous outcome in the trial court. This petition detailed the numerous irregularities and evidence of fraud that had been ignored by the lower court, and it pleaded for the Supreme Judicial Court to take action to prevent a miscarriage of justice.

- Initial Assignment and Transfer of the Petition: The mandamus petition was

initially assigned to a single Justice of the Supreme Judicial Court (believed to be Justice Thomas D. Douglas) upon filing. However, sua sponte (on the court's own initiative), the petition was suddenly transferred to Justice Catherine Connors, even though Justice Connors had known conflicts of interest related to the matter. Justice Connors's assumption of the case was not at the request of any party; it was an internal court decision. The precise nature of Justice Connors's conflicts was well-understood within the court. It is known publicly that Justice Connors, prior to joining the bench in 2020, was a longtime attorney whose work included representing clients in real estate and banking sectors, and she had been involved in cases with similar issues (for example, she had represented a bank in a notable foreclosure case, Pushard, which later came before the Law Court). More directly, at the time of the Rinaldi petition, Justice Connors was facing an ethics complaint herself for failing to recuse in two foreclosure appeals where her former advocacy role created an appearance of bias. These circumstances constituted "known conflicts" in that there were questions about her impartiality on matters involving real estate fraud or foreclosure-type scenarios. Mr. Rinaldi's petition centrally alleged fraud on the court by the plaintiffs in his case – an issue that requires a judge to be especially impartial and free from any predisposition. Given Justice Connors's background and the pending recusal controversy she was embroiled in, her impartiality in adjudicating a fraud-related petition could reasonably be questioned. Despite this, the petition was placed in her hands.

- Denial of the Writ Without Explanation:** On or about October 10, 2023, Justice Connors issued an order dismissing Mr. Rinaldi's petition for a writ of mandamus. This dismissal was done without any hearing and without any substantive explanation of the reasoning. The entire petition was rejected in a summary fashion. The order denying relief was strikingly terse; it provided virtually no analysis of the petition's merits or the applicable standards. In fact, the order was essentially "void of any explanation regarding the merits," merely reciting that the petitioner had not met the stringent criteria for such extraordinary relief. It did not engage with the detailed allegations of fraud, nor did it address the serious due process issues raised. In short, Justice Connors refused to grapple with the content of Mr. Rinaldi's claims. By issuing a summary dismissal, she left Mr. Rinaldi (and the public) with no understanding of why the court would not intervene in the face of apparent injustice. This lack of transparency is highly unusual for a judicial ruling, especially at the appellate level where reasoning is expected. It gave the appearance that the petition was not given fair or adequate consideration.

- Misstatement of Law and Advocacy in the Order:** Not only was the dismissal order unreasoned, but what little it did say was problematic. The order, as later described in a motion for reconsideration, misstated case law and facts in a manner adverse to the petitioner. For example, Justice Connors's order quoted or referenced Rinaldi's own prior statements out of context, seemingly to undermine his claim of fraud. One particular point in the order noted that in an earlier affidavit (from July 2022), Mr. Rinaldi had stated under oath that he was the "owner and sole member" of Southern Maine Construction LLC – the very entity he claimed the plaintiffs had improperly named in their complaint. The order implied that this admission contradicted Rinaldi's position that the plaintiffs sued the wrong party or committed fraud by naming the LLC. However, Mr. Rinaldi explained that this affidavit statement was a mistake carried over from his prior attorney's paperwork, essentially an error caused by the plaintiffs' initial false allegation, and not a true fact. By seizing on this point, Justice Connors appeared to be lawyering for the plaintiffs (the respondents in the writ proceeding), using a technical detail to dismiss the broader context of fraud. The petitioner's motion for reconsideration pointed out that "stating you [own] an LLC under oath doesn't make it so," and accused Justice Connors of acting as an advocate for the respondents rather than an impartial jurist. This is a serious charge – essentially that Justice Connors cherry-picked a detail to justify denial, rather than addressing the core issues raised. It suggests that her order mischaracterized evidence and law to reach a predetermined outcome. Indeed, the order's perfunctory nature and reliance on such points gives rise to an inference that Justice Connors may have been

predisposed to deny relief regardless of the merits, an impression only strengthened by her lack of full disclosure of reasoning.

•**Failure to Recuse Despite Conflict and Appearance of Bias:** As noted, Justice Connors had known conflicts that should have precluded her from handling this petition. A key conflict was the fact that at the time, Justice Connors was under an active ethics investigation for failing to recuse in cases with similar circumstances. In November 2024, news broke that the Committee on Judicial Conduct had recommended discipline against Justice Connors for not recusing in two foreclosure appeals (the Pushard and Moulton cases) where her impartiality was questioned due to her prior involvement as an attorney. In those cases, Justice Connors had participated in decisions overturning precedent in favor of banks – clients similar to those she once represented – without stepping aside, and the Committee determined this “violated the Judicial Code of Conduct.” This context is relevant because the *Pierce v. Rinaldi* petition likewise involved allegations of improper foreclosure-like eviction and fraud. If Justice Connors had a tendency or perceived bias in favor of certain interests (e.g., against claims of homeowners or individuals raising fraud), that should have been a red flag. Additionally, Justice Connors’s former law firm (*Pierce Atwood LLP*) was not counsel of record in *Rinaldi*, but Justice Connors had represented similar parties in her practice. The appearance is that she was part of the legal establishment that might sympathize with the position of the *Pierce* plaintiffs or the trial judge, rather than with a pro se litigant alleging systemic fraud. Furthermore, internal court procedure aside, Justice Connors was not obligated to accept the assignment of this petition – if she recognized her conflicts, she should have recused herself immediately. Instead, she took on the case and promptly dismissed it. This sequence, to an objective observer, suggests that the petition may not have received a fair shake because it was handled by a Justice with possible biases and a personal stake (she was, at that moment, sensitive to recusal issues). In essence, Justice Connors adjudicated a matter despite circumstances that “would cause a reasonable person to question her impartiality.” This directly violates Maine Code of Judicial Conduct Rule 2.11(A) which mandates recusal under such conditions. It is worth noting that Justice Connors’s failure to recuse in the foreclosure cases led to a first-of-its-kind disciplinary recommendation for a sitting Maine high court justice. Her failure to recuse in the *Rinaldi* petition is in line with that pattern – demonstrating either a lack of awareness or disregard for the appearance of bias.

•**Abdication of Judicial Responsibility:** The net effect of Justice Connors’s actions was that a petition alleging “massive fraud” and due process violations was swept aside without meaningful judicial consideration. The legislative testimony and reports on this case have characterized the judiciary’s handling (including at the Law Court level) as an “abdication of judicial responsibility.” Indeed, one report explicitly notes: “The petition was transferred ... to Justice Connors (despite her known conflicts) and was denied without substantive opinion — another abdication of judicial responsibility.” That language encapsulates the crux of this complaint: Justice Connors abdicated her duty as a judge to carefully and impartially evaluate a litigant’s claims. By failing to provide any reasoning, she deprived the petitioner of a reasoned decision and the ability to understand or challenge the basis of the ruling. This is antithetical to the role of an appellate judge. Typically, even when denying extraordinary relief, Law Court justices provide at least a brief explanation, especially if the case is of public interest or involves allegations of fraud on the judiciary. The absence of explanation here speaks volumes – it suggests that the merits were possibly never truly weighed. This not only injured Mr. Rinaldi but also set a poor example for the administration of justice, implying that inconvenient or uncomfortable claims can be disposed of without discussion.

In light of these facts, the following ethical violations are evident:

Ethical Violations by Justice Connors

•**Violation of Recusal and Conflict of Interest Rules (Canon 3E(1) / Rule 2.11):** Justice Connors should have recused herself from handling the *Pierce v. Rinaldi* petition. Under Maine’s Code of Judicial Conduct, a judge must disqualify herself in any proceeding where her impartiality might reasonably be questioned. This includes

cases where the judge has a personal bias concerning a party or has previously participated as a lawyer in the matter (or a related matter) . Here, while Justice Connors had not been a lawyer in the Pierce case, she had prior involvement as an advocate in strikingly similar subject matter (contested home foreclosure/eviction cases, e.g., Pushard and others) and was publicly known to have sided with interests adverse to claimants like Rinaldi. Additionally, given the concurrent ethics inquiry into her own recusal practices, a reasonable person would question whether she could approach Rinaldi's petition with an open mind – especially if granting relief might implicitly criticize the lower court judges (her peers) or vindicate a pro se litigant's claims of systemic failure. The standard is not actual bias, but appearance of possible bias. The Maine Judicial Conduct Committee, in Justice Connors's own situation, determined that her failure to recuse when her impartiality was in question was a violation . That precedent applies equally here. By not stepping aside, Justice Connors violated Canon 3 and Rule 2.11. The fact that the petition was "handed" to her by the court administration does not absolve her – recusal is a personal duty. If anything, knowing her background, she should have declined to take the assignment. This failure undermines public confidence in the court's neutrality. To put it plainly: no litigant should have their fate decided by a judge with a stake or bias in the outcome. Justice Connors, however, put herself in that position, to the detriment of the appearance of justice.

•Canon 1 and 2A – Appearance of Impropriety and Public Confidence: Canon 1 requires judges to uphold the integrity and independence of the judiciary, and Canon 2A (and Rule 1.2) requires judges to avoid both impropriety and the appearance of impropriety in all activities . By acting on the Rinaldi petition despite her conflicts, Justice Connors created at minimum an appearance of impropriety. The scenario – a justice under scrutiny for not recusing, once again not recusing in a case with parallels – could lead a neutral observer to suspect that she placed expediency or personal perspective over the impartial adjudication of the petition. This erodes public trust. The Bangor Daily News, reporting on her disciplinary case, noted it was unprecedented for a sitting Law Court justice to be in that position . That underscores how seriously Maine views recusal breaches. Every judge, particularly a Supreme Court Justice, must be vigilant about avoiding any hint of bias or conflict. Justice Connors's involvement in denying the Pierce v. Rinaldi petition failed this standard. The lack of explanation in her order further gives an appearance that something was awry – as if offering a rationale might expose the weak grounds of denial or her predisposition. The Code's emphasis on "appearance" is critical: even if Justice Connors believed herself impartial, what matters is what the public or parties reasonably perceive . Here the perception of unfairness is strong. This constitutes a violation of Canon 2's directive to avoid the appearance of impropriety .

•Failure to Uphold and Apply the Law (Canon 3A(1) / Rule 2.2): Judges are obligated to uphold the law and ensure every proceeding is adjudicated according to the rule of law. By dismissing the mandamus petition without addressing the merits or applying the relevant legal standards, Justice Connors failed to perform her judicial duty competently. While it is true that writs like mandamus are discretionary and used sparingly, the law still requires that certain criteria be met and that a petition be examined to see if those criteria are present (such as the lack of alternate remedies, a clear entitlement to relief, etc.). Justice Connors's order did not discuss any of these. It gave no indication that she considered whether the extraordinary circumstances of Pierce v. Rinaldi might warrant an extraordinary remedy. Instead, it simply conclusively stated the petition didn't meet the standard, without explaining why. This is akin to a dereliction of judicial duty – essentially not doing the work of judging. Canon 3A(1) (from the former Code) required a judge to be faithful to the law and maintain professional competence. Here, there is an argument that Justice Connors either didn't thoroughly review the case or chose to gloss over the law to reach a quick denial. Either scenario reflects poorly on her competence or diligence. Maine's current Rule 2.2 also requires fairness and adherence to law. Summary dispositions can be fair when obvious, but this case was far from routine – it involved allegations of an ongoing fraud on the court system. A competent, fair approach

would have been to write a reasoned denial at least. By not doing so, Justice Connors may have violated Rule 2.2's spirit. Additionally, one can argue she violated Rule 2.5(A) which requires judges to perform judicial duties diligently and without undue delay. If she rushed to dispose of the petition due to inconvenience or personal conflict (rather than properly transferring it to a neutral justice), that is a lack of diligence and fairness.

- Canon 3B(8) – Decorum and Demeanor (Respect for Litigants): Though less directly at issue, judges should treat litigants and their claims with respect. Mr. Rinaldi's petition was effectively his plea for justice from Maine's highest court. To dismiss it in a cursory manner could be seen as showing a lack of respect or due consideration for a self-represented litigant's serious grievances. This touches on Canon 3B(8)'s requirement that a judge dispose of matters promptly, but also fairly. Promptness is not a virtue if it sacrifices fairness. The manner in which the petition was dismissed suggests a mindset of brusque disposal rather than thoughtful adjudication, potentially reflecting impatience or annoyance at the petitioner. If so, that demeanor does not comport with the ideal of judicious temperament.

- Due Process and the Right to a Reasoned Decision: Although an appellate justice denying a petition is not strictly required to provide a detailed opinion, the context here arguably imposed a higher duty. Mr. Rinaldi had no other avenue – this was an original jurisdiction petition (likely under M.R. App. P. 21, the old Rule 21 for extraordinary relief). Summary denial without comment effectively slammed the last courthouse door shut in his face. In analogous situations, courts have held that litigants should receive at least a minimal explanation. For instance, in *Williams v. Pennsylvania*, 579 U.S. ____ (2016), the U.S. Supreme Court found a due process violation where a state supreme court justice failed to recuse in a case where he had prior involvement as a prosecutor. That scenario is instructive: Justice Connors had prior involvement in related issues, yet did not recuse. While that is a direct due process issue (a biased judge), additionally, the idea of a fair tribunal includes that the tribunal not arbitrarily dismiss claims. If we hold the analogy, one could argue Mr. Rinaldi's due process rights were affected by Justice Connors's approach (though one could also argue mandamus is discretionary). Nonetheless, ethically, a judge should strive to enhance, not thwart, the perception that a litigant was heard. Justice Connors's order did not give any assurance that Mr. Rinaldi's voice was heard at the highest level – instead it reads as a summary rejection. This undermines the notion of procedural justice (people feeling they had a fair chance).

To sum up: Justice Connors violated the recusal mandate (Rule 2.11) by handling a matter despite clear conflicts and an appearance of bias. She violated the impartiality and integrity canons (Canon 1, Canon 2) by doing so and by failing to give any substantive rationale, raising suspicion of arbitrary action. She potentially violated the competence and diligence requirement (Canon 3A(1), Rule 2.5) by not properly engaging with the petition's merits. Collectively, these actions amount to serious judicial misconduct.

Relevant Precedents and Context

- Maine Recusal Discipline (Justice Connors's own case): The situation with Justice Connors is nearly unprecedented in Maine's history. The Committee on Judicial Conduct's recommendation to discipline her (as reported in late 2024) is highly relevant. In that recommendation, it was found that Justice Connors's failure to recuse from cases where she had a prior role or apparent bias "violated the Judicial Code." The committee specifically cited the standard that if a judge's impartiality might reasonably be questioned, the judge must not sit on the case. Furthermore, they concluded that her participation cast doubt on the fairness of those decisions, leading to a disciplinary referral. This ongoing matter underscores that recusal is a live and serious issue, not a trivial or technical one. For Justice Connors to have also failed to recuse in Mr. Rinaldi's petition is consistent with the behavior the committee flagged. It shows a pattern: she tends to err on the side of not recusing, even when she should. The recommendation for discipline in the other cases suggests that similar discipline is warranted here. The fact that Justice Connors was the first sitting Law Court justice to face such proceedings demonstrates the gravity. The same gravity attaches to the

Rinaldi matter in terms of public perception – it looks like another instance of her not removing herself despite a conflict.

- Caperton and Williams Cases (U.S. Supreme Court): As mentioned earlier, Caperton v. Massey and Williams v. Pennsylvania are two U.S. Supreme Court cases that highlight extreme recusal situations. In Williams, the Court held that due process was violated when a state supreme court justice (formerly a district attorney) did not recuse himself in a case where he had been involved as a prosecutor in the same defendant's case decades earlier. The parallel to Justice Connors is notable: while she wasn't a prosecutor, she had been an advocate in a case (Pushard) whose precedent she then helped overturn as a judge, and in Rinaldi, she arguably had a perspective from her background that could influence her. The Williams Court emphasized an "objective standard": recusal required when the probability of bias is too high to be tolerable. Also, In re Murchison, though older, reinforces that even the probability of unfairness is to be avoided. If one applies these standards, Justice Connors objectively should have stepped aside. These cases show that the law takes a hard line on perceived bias at the appellate level.

- Hazel-Atlas and Fraud on the Court: While not directly about judicial conduct, the Hazel-Atlas case stands for the proposition that courts must not turn a blind eye to fraud. Justice Connors's dismissal of the petition "without addressing fraud on the court" can be seen as the Law Court ignoring possible fraud. Ethically, that's problematic because it suggests form (finality of a judgment) trumped substance (the integrity of that judgment). Her order's failure to mention the fraud allegations at all is conspicuous. In context, if a judge knew the system might have been deceived, one would expect at least a mention or concern. Its absence speaks to a broader issue of not upholding the integrity of the judiciary (Canon 1).

- Public and Legislative Scrutiny: The Pierce v. Rinaldi case became the subject of legislative scrutiny and media attention in Maine as an example of "systemic legal failure". A legislative hearing in 2025 discussed it as a "case study in systemic judicial misconduct." The transfer to Justice Connors and the summary denial were highlighted as part of that systemic failure. This means Justice Connors's actions haven't just raised concerns for the parties, but have become a point of concern for policymakers. That adds weight to the need for formal accountability. The judiciary's independence is crucial, but so is its accountability when things go wrong. Here, Maine's other branches and free press have taken note that something went wrong at the top of the judicial branch. Addressing Justice Connors's role through this complaint is part of the process to restore faith.

- Justice Connors's Own Statements: The Maine Monitor article indicates that Justice Connors, in her communications about the foreclosure recusal issue, maintained that she had no actual bias and noted technical reasons she thought recusal wasn't necessary. However, the Committee disagreed, focusing on how things appear. If Justice Connors were to similarly rationalize the Rinaldi petition handling, it likely would not pass muster under the reasonable person standard. The fact that two separate recusal-related incidents have arisen involving Justice Connors suggests a pattern of misjudgment on her part regarding impartiality. This pattern itself is concerning and relevant to the Committee's consideration.

Conclusion and Prayer for Relief

Justice Catherine R. Connors's conduct in relation to the Pierce v. Rinaldi case violated the letter and spirit of the judicial canons. She failed to disqualify herself despite clear conflicts of interest and an appearance of bias, violating Rule 2.11(A) and Canon 2. She issued a ruling on the petition that lacked transparency or any reasoning, undermining the integrity of the judicial decision-making process and violating her duty to act in a manner that promotes confidence in the judiciary (Canon 1, Canon 2A). The manner of dismissal indicates a lack of impartial diligence, raising concerns under Canon 3A(1) and Rule 2.2. Collectively, these actions amount to misconduct that is prejudicial to the administration of justice.

The complainant respectfully requests that the Committee on Judicial Responsibility and Disability investigate Justice Connors's role in the Pierce v. Rinaldi petition and

take appropriate disciplinary action. Given that Justice Connors is already under recommended discipline for similar behavior, this complaint should be considered in conjunction to show a recurring issue. Potential sanctions could range from a public reprimand to suspension. Because she serves on the state's highest court, any discipline must be imposed by that court; however, it is noteworthy that her colleagues would now have to judge conduct that aligns with what a separate Committee has already flagged as unethical. The Committee might consider a recommendation that Justice Connors undergo further ethics training specifically on recusal and impartiality, or even that she recuse herself for a period from cases involving certain subject matters where her objectivity might be questioned (to restore public faith).

Above all, the goal of this complaint is to ensure that no litigant in Maine faces a situation where their pleas are dismissed by a judge who isn't completely impartial and transparent. The judiciary's power is founded on public trust, and every justice has the responsibility to preserve that trust by adhering to the highest ethical standards. Justice Connors, in this instance, fell short. The Committee's strong response will reinforce the message that justice must not only be done, it must be seen to be done – even at the highest levels of our court system.

Ethics Complaint Against Justice Catherine Connors and Writ Assignment Protocol in Maine

Ethics Complaint Over Justice Connors' Failure to Recuse in Bank Cases

A Portland Press Herald article published on October 24, 2024 revealed that Maine Supreme Judicial Court Justice Catherine Connors was the subject of a judicial ethics complaint for failing to recuse herself from two cases involving banks she had previously represented. A state judicial conduct panel found that Justice Connors violated the Maine Code of Judicial Conduct by participating in two foreclosure appeals – *Finch v. U.S. Bank, N.A.* and *JPMorgan Mortgage Acquisition Corp. v. Moulton* – which “overturned recent precedent” and weakened protections for homeowners struggling with mortgages. Connors, who had been a private attorney with a “long history of representing banks” (including filing briefs in the very precedent-setting foreclosure cases that were overturned), did not step aside in those appeals. The panel took the rare step of recommending that she be sanctioned – likely via a public reprimand – for not recusing herself in these matters, which effectively upended the state's foreclosure process to the benefit of lenders.

According to the Press Herald, prominent foreclosure defense attorney Thomas A. Cox filed the ethics complaint in January 2024 after observing Connors's role in the *Finch* and *Moulton* decisions. Cox argued that Connors had a clear conflict of interest – her past advocacy for banks and involvement in the earlier foreclosure precedent (*Pushard and Deschaine*, decided in 2017) meant her impartiality could be reasonably questioned. Indeed, Maine's judicial code requires judges to recuse themselves whenever their impartiality “might reasonably be questioned” – an objective standard meant to protect public trust. The conduct committee's counsel, John A. McArdle, stressed that Justice Connors showed a “lack of sensitivity to the appearance of impropriety” in these cases. He wrote that her failure to recuse not only violated the ethics code, but “undermines public confidence in the judiciary”. In other words, even if no intentional bias occurred, her participation created an appearance of partiality that erodes trust – especially problematic for a high court justice whose rulings set statewide precedent.

The key findings of the ethics inquiry underscore the appearance of judicial misconduct. The committee noted that Connors's votes in *Finch* (decided 4–3 in favor of the bank) and *Moulton* (5–2 for the bank) tipped the outcomes toward the banks – outcomes which “enrich[ed] Connors' former clients,” according to Cox. Cox and other experts stated that had Connors stepped aside as she promised to do, those precedents protecting homeowners likely would have stood. (In fact, during her 2020 confirmation hearing, Connors acknowledged the potential conflicts and testified that she anticipated “significant recusals” in foreclosure cases and would “err on the side of recusal” when in doubt.) Despite this, Connors chose to hear the appeals. Former

State Representative Jeff Evangelos, who had formally urged Connors to recuse from the Moulton case in 2022, told the Press Herald that Connors “betrayed his trust” by participating . The public outcry over her involvement was significant enough that the committee cited it as evidence that any “reasonable person” would question her impartiality in these circumstances . As McArdle summed up, “Justice Connors’ failure to be sensitive to the appearance of impropriety and recuse herself...not only violates the Judicial Code of Conduct, but it undermines public confidence in the judiciary.” . These facts and statements, reported in the Press Herald, could be powerful in demonstrating an appearance of impropriety in an ethics complaint or legislative oversight report.

(Source: “Maine Supreme Judicial Court justice violated ethical code, committee says,” Portland Press Herald, Oct. 24, 2024 .)

Standard Protocol for Writ Assignments and Deviation in Connors’ Case

In Maine’s Supreme Judicial Court, petitions for extraordinary writs (such as writs of mandamus or habeas corpus) are generally handled by a single justice rather than the full court. Court procedure indicates that such petitions are automatically assigned to a particular justice, often based on jurisdiction. In fact, a deputy clerk of the Maine SJC explained that under the Chief Justice’s “Single Justice Assignments” order (issued May 31, 2022, docket SJC-213), incoming writ petitions are routed to a designated single justice for initial review . For Cumberland County matters, that designated justice is Justice Wayne R. Douglas, who maintains chambers at the Cumberland County Courthouse and routinely handles single-justice petitions from that region . For example, in one high-profile case in 2023, a petition for extraordinary relief filed in Cumberland County was formally assigned to Justice Douglas by order of the Court , consistent with this standard protocol.

Given this usual practice, the reassignment of a recent mandamus petition to Justice Connors appeared to be a deviation from protocol. According to legislative testimony by a petitioner, the Supreme Court initially docketed his mandamus petition with Justice Douglas as the single justice (per the clerk’s office, the petition “was automatically assigned to Justice Douglas” under the SJC-213 assignment system) . However, the case was then removed from Justice Douglas and reassigned to Justice Catherine Connors for decision, without a clear explanation. The petitioner noted that Justice Douglas is “assigned to Cumberland County,” making him the logical choice to hear the writ under normal procedure . The fact that Justice Connors ultimately issued the ruling – despite not being the justice ordinarily tasked with Cumberland County filings – was flagged as highly unusual . This irregular assignment raised concerns about improper handling. In the petitioner’s view, the court “hand-pick[ed]” a different justice instead of following its own assignment rule, contributing to an appearance of favoritism or conflict in a matter that involved Justice Connors’s colleague . Such an unexplained departure from standard practice can be cited in a judicial complaint to suggest a procedural anomaly undermining confidence in the court’s impartial case assignment.

In summary: Justice Wayne Douglas typically handles all single-justice writs for Cumberland County, as evidenced by the Supreme Court’s assignment order system and clerk communications . The decision to have Justice Connors decide a Cumberland County mandamus petition – rather than Justice Douglas – deviated from the usual protocol . This deviation, alongside the aforementioned ethics concerns, may bolster claims of an appearance of impropriety or inconsistent application of judicial rules, and it is well-documented through public sources (court records and news reports) for use in an ethics complaint or legislative review.

Sources:

- Hannah LaClaire, “Maine Supreme Judicial Court justice violated ethical code, committee says,” Portland Press Herald, Oct. 24, 2024 .
- Legislative Testimony of Michael Rinaldi (petitioner), Apr. 24, 2025, quoting a Maine SJC clerk’s explanation of single-justice assignment (docket SJC-213) .
- Maine Judicial Branch, Single Justice Docket (example case Angelina Dube Peterson et al. v. Johnson, SJC-23-2), showing assignment to Justice Wayne Douglas .

