

Benton-Franklin Counties Superior Court–Press Release–01/18/2022

The Superior Court for Benton and Franklin Counties has a duty to the public to ensure that all judges of this bench are fit to serve. Where the conduct of a judge, actual or alleged, raises a real and substantial question regarding the trust and confidence of the public, this bench has an obligation to act.

Canon 1 of the Code of Judicial Conduct requires that each judge “shall uphold and promote the independence, integrity and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.”

The Preamble to the Code provides, in part, that “[i]nherent in all the Rules contained in [the] Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.”

Rule 1.2, Comment [1] of the Code states that “[p]ublic confidence in the judiciary is eroded by improper conduct.”

Therefore, on January 13, 2022, at a regular Judge’s Meeting at which Judge Sam Swanberg was not present, the six other judges unanimously voted, under applicable court rules, that 1) Judge Swanberg be removed for the remainder of his term as Administrative Presiding Judge; 2) that Judge Jackie Shea-Brown assume the position of Administrative Presiding Judge for the remainder of the term ending December 31, 2022; and 3) that Judge Jacqueline Stam assume the position of Assistant Administrative Presiding Judge for the remainder of the same term.

Judge Swanberg has been advised of Judge Shea-Brown’s decision, as Administrative Presiding Judge, to restrict his assignment to any matters, dockets, hearings, trials or any other court business in the bi-county judicial district until further notice, and that this decision is temporary and subject to ongoing review pending receipt of additional information.

All of the six (6) other Superior Court Judges supported each of the above actions, and all three (3) Superior Court Commissioners concurred.