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Denver News

Conflict Questioned For Judge In Mental Health Cases

Documents Show Judge Was Married To State Attorney Advising Hospital

Arthur Kane and John Ferrugia, CALL7 Investigators

POSTED: 10:38 am MST December 10, 2009
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DENVER -- A judge who for more than a year oversaw involuntary medication cases at the Pueblo state mental hospital is married to the assistant attorney general who provides legal advice for the institution.

Daniel Vigil, who teaches legal ethics at the University of Denver and sits on the advisory committee for the state Office of Attorney Regulation, said there is a potential conflict of interest in the Pueblo courthouse.

"We want judges to conduct themselves at all times in a manner that creates confidence in the integrity and the impartiality of the judiciary," Vigil said after reviewing documents obtained by CALL7 investigators. "In this case, you could ask did she favor one side over the other because of her marital relationship. We don't know the answer to that, but it doesn't matter because it creates the question and the question is what we are concerned about."

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Documents obtained under state open records laws show Jill Mattoon recused herself once in a case where the hospital was one of the parties in a case. There was no reason for the recusal.

The involuntary medication cases are brought by the county attorney so Attorney General John Suthers and Pueblo Chief Judge Dennis Maes also said that prevents any conflict.

"I don't see it as a direct conflict," Maes said, adding he did not know if the relationship was disclosed in court.

Suthers, who was angry that we were raising questions about the ethics of his staff, was even more adamant.

"I know it when I see it and this is not," he said. "This is not a conflict of interest. If I thought there was an appearance of impropriety I would do something about it."

But Vigil said there is no doubt the situation is a problem.

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Video: Conflict Questioned For Judge In Mental Health Cases

For more than a year, Pueblo District Judge Jill Mattoon ruled on involuntary medication cases for patients of Colorado State Mental Health Institute at Pueblo. During that time, she was married to Rick Mattoon, an assistant attorney general whose job is to advise Institute administrators on legal issues.

Both Mattoons declined to appear on camera for an interview, but Rick Mattoon said there was no conflict of interest because he doesn't appear in his wife's courtroom.

Documents obtained under state open records laws show Jill Mattoon recused herself once in a case where the hospital was one of the parties in a case. There was no reason for the recusal.

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"It's pretty clear cut in my opinion," he said. "I think it does create the appearance of impropriety because any citizen could say could this judge be impartial under the circumstances."

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