

*People v. John E. Scipione. 23PDJ050. November 13, 2023.*

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and publicly censured John E. Scipione (attorney registration number 25527). The public censure, which takes into account significant mitigating factors, took effect November 13, 2023.

In the summer of 2021, Scipione was a district court judge in Arapahoe County. His staff included a legal assistant and a law student interning as a summer law clerk. During the law clerk's internship, Scipione referred to his legal assistant using a derogatory gendered term. Scipione also made comments that made the law clerk feel uncomfortable. He commented about the law clerk's appearance, including about the law clerk's arms and hairstyle, and he joked that he was "jealous" of the law clerk's relationship with another court employee. On one occasion, after the law clerk inquired about a ring Scipione was wearing, Scipione explained that he was consensually non-monogamous and discussed details about a "ranch" that catered to that "lifestyle." He asked the law clerk to assist him in using the Tinder dating application.

During the same summer, Scipione emailed the judge presiding over a probate action for his father's estate. Using his judicial email address, Scipione requested that the judge expedite an order of appointment and letters testamentary in the case. Scipione ultimately filed a motion seeking the same relief, which was primarily ministerial in nature.

In a stipulation reached in judicial discipline proceedings for this conduct, Scipione agreed to be publicly censured and resigned from the bench.

Through this conduct, Scipione violated Colo. RPC 3.5(b) (a lawyer must not communicate ex parte with a judge by means prohibited by law unless authorized to do so by law or court order or unless a judge initiates the communication and the lawyer reasonably believes that the subject matter of the communication is within the scope of the judge's authority under a rule of judicial conduct) and Colo. RPC 8.4(i) (a lawyer must not engage in conduct, in connection with the lawyer's professional activities, that the lawyer knows or reasonably should know constitutes sexual harassment).

The case file is public per C.R.C.P. 242.41(a).