

IN RE: CATHERINE CONNORS

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)**JOINT STATEMENT OF FACTS**

1. Before Catherine Connors became an Associate Justice of the Maine Supreme Judicial Court she practiced for 34 years as primarily an appellate attorney at the law firm of Pierce Atwood. Catherine Connors represented various clients in many areas of law. While she represented banks, The Maine Bankers Association, and the National Mortgage Bankers Association from time to time on appeals relating to foreclosure interests, she did not ever pursue a foreclosure at the trial level.

2. At the time of the Confirmation Hearing, Attorney Connors had practiced law for 34 years at the firm of Pierce Atwood and had written and argued more than 100 appeals primarily, but not exclusively, to the Maine Supreme Judicial Court.

3. Cases in which Attorney Connors represented banks and/or banking interests included, but were not limited to *Bank of America, N.A. v. Cloutier*, 2013 ME 17, *Federal National Mortgage Association v. Deschaine*, 2017 ME 190 and *Bank of New York Mellon v. Shone*, 2020 ME 122.

4. In the case of *Pushard et al. v. Bank of America*, which was a foreclosure appeal before the Maine Supreme Court, Attorney Catherine Connors and Attorney John J. Aromondo wrote, signed, and filed a brief on behalf of the lender and appellee Bank of America, N.A. dated September 14, 2016.

5. On December 12, 2017 the Maine Supreme Court decided the *Pushard* case, vacating the bank's prior judgment and remanding for judgment in favor of the Pushards, the homeowners, and against the Bank of America due to the bank's failure to file statutory notice requirements.

6. In the foreclosure case of *Federal National Mortgage Association v. Deschaine et al.*, Attorney Catherine Connors and Attorney John J. Aromondo

wrote, signed, and filed an *amici curiae* brief to the SJC on behalf of the Maine Bankers Association and the National Mortgage Bankers Association.

7. The Maine Supreme Judicial Court, in the *Deschaine* case on December 7, 2017, held that *res judicata* barred a mortgage company from bringing a second foreclosure action against a mortgagor involving the same property and based on the same note and mortgage.

8. On January 30, 2020 Catherine Connors testified at a public hearing before the Joint Standing Committee on the Judiciary in Augusta, Maine for the purpose of considering her for appointment as an Associate Justice to the Maine Supreme Judicial Court.

9. At the Confirmation Hearing, Nominee Connors was questioned about possible conflicts of interest, including potential conflicts of interest relating to her participating in cases relating to foreclosures. The entire transcript of that testimony is submitted by the parties here by agreement.

10. At the Confirmation Hearing, Nominee Connors testified about circumstances and timeframes for which recusal would be required.

11. Justice Connors has reviewed her Confirmation Hearing testimony and confirms that it accurately reflects her testimony at that hearing.

12. The appeal of *Finch v. U.S. Bank, N.A.* case involved Maine foreclosure law and the question of reconsidering *res judicata* which had previously been decided in the *Deschaine* and *Pushard* cases.

13. On June 6, 2022, as an Associate Justice of the Maine Supreme Judicial Court, Catherine Connors participated in the oral argument of the appeal of *Finch v. U.S. Bank, N.A.*

14. In August of 2022 the Law Court invited *amicus* briefs in *Moulton* and instructed the parties to file new briefs in *Finch*.

15. On September 30, 2022 Justice Connors wrote to the Judicial Ethics Advisory Committee asking if she should recuse herself from her participation in the *Finch v. U.S. Bank, N.A.* appeal case and the *J. P. Morgan Chase Acquisition Group v. Camille J. Moulton* foreclosure case appeal. She said that she was not asking for a formal opinion.

16. In her inquiry to the Judicial Ethics Advisory Committee, Justice Connors noted, *inter alia*, that the Maine Bankers Association had filed an *amicus* brief in the *Moulton* case.

17. In her inquiry to the Judicial Ethics Advisory Committee Justice Connors stated that she became a Justice on the Maine Supreme Judicial Court in 2020 and that although she didn't think that she was ethically required, that she had recused herself from any mortgage foreclosure appeal for two years.

18. On October 4, 2022 the Maine Judicial Ethics Committee opined and informed Justice Connors that she did not need to recuse herself from the *Finch* and *Moulton* appeals stating that the two pending cases before the Court were totally separate from the *Deschaine* and *Pushard* matters decided five years earlier.

19. On November 1, 2022 Associate Justice Connors participated in the oral argument in the *J. P. Morgan Chase Acquisition Corp. v. Moulton* case.

20. Justice Connors continued to sit on the *Finch* and *Moulton* cases.

21. On January 11, 2024 by 4-3 vote, with Justice Connors voting with the majority in *Finch* which ruled in the bank's favor, overturning the *Pushard* and *Deschaine* decisions.

22. At no time during or after the pendency of the *Finch* and *Moulton* cases, did any party, litigant or participant in those cases object to Justice Connors' participation, or file a motion for Justice Connors' disqualification or recusal.

23. On January 18, 2024 Attorney Thomas Cox wrote to the Committee on Judicial conduct alleging that Justice Connors violated Rule 2.11(A) of the Code of Judicial Conduct by failing to recuse herself from the case of *Finch v. U.S. Bank, N.A.*, 2024 ME 2 and by continuing her involvement in the companion case of *J.P. Morgan Chase Acquisition Corp. v. Camille J. Moulton* which was decided by the Law Court on January 30, 2024.

24. Attorney Cox alleged that Justice Connors sat on the panel at oral arguments on the *Finch* and *Moulton* cases. (Cox Complaint, pp. 1-4).

25. The Maine Code of Judicial Conduct Rule 2.7 states that a judge shall hear and decide matters except when disqualification or recusal is required. Rule 2.11(A) states that a judge shall disqualify or recuse himself or herself in any

proceeding in which the judge's impartiality might reasonably be questioned, and notes, without limitation, a variety of circumstances that require recusal.

26. The Committee on Judicial Conduct wrote to Justice Connors and asked why she did not recuse herself from the *Finch* and *Moulton* appeals. Justice Connors responded to the Committee initially, and the Committee asked further questions relating to Justice Connors testimony before the Legislative Committee considering her nomination to the Maine Supreme Judicial Court. Justice Connors replied from memory without having the transcript or audio recording of her testimony available to her.

27. After evaluating Justice Connors' responses the Committee on Judicial Conduct's questions, her e-mail exchange with the Judicial Ethics Advisory Committee, considering her testimony at her Judicial Confirmation Hearing and examining Rule 2.11(A), the Committee on Judicial Conduct found that Justice Connors violated Canon 2, Rule 2.11(A) which requires recusal when a reasonable person would question her impartiality in participating in the *Finch* and *Moulton* appeals. The Committee on Judicial Conduct further recommended that Justice Connors should receive a public reprimand for creating and maintaining the appearance of impropriety. (Committee letter 2/28/24, Connors letter 2/28/24, Committee letter 5/28/24, Connors letter 6/7/24, Committee Report 010/11/24, Committee Amended Report 12/16/24).

28. The Committee on Judicial Conduct submitted a Report to the Supreme Judicial Court Recommending Disciplinary Action, Justice Connors filed a Response to that Submission, the Supreme Judicial Court issued a Remand of the matter and the Committee on Judicial Conduct filed an Amended Report to the Supreme Judicial Court Recommending Disciplinary Action. (6/7/24 Committee Report, Connors' Response, 11/14/24 Remand, 12/16/24 Amended Report).

29. As a result of procedural changes for the handling of a Judicial Conduct Complaint against a Maine Supreme Court Justice, the Chief Justice of the Maine State Superior and District Courts appointed a hearing officer in the matter and jurists to serve on a panel to decide this disciplinary matter.

30. The parties stipulate that the Agreed Statement of Facts, the Record in this matter and the parties' briefs, are sufficient for the appointed jurists to decide this matter.

DATED: July 31, 2025

/s/ John A. McArdle, III
John A. McArdle, III, Esq., Bar No. 6789
Counsel to the Committee on Judicial
Conduct

DATED: July 31, 2025

/s/ James M. Bowie
James M. Bowie, Esq., Bar No. 2496
Counsel for Justice Catherine Connors