

Dimick

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STATE OF UTAH  
JUDICIAL CONDUCT COMMISSION

IN THE UTAH SUPREME COURT

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Re: Inquiry Concerning A Judge  
Joseph L. Dimick, District  
Judge F-96-~~407~~047

No. 981597-SC

ORDER

Pursuant to the authority vested in the Supreme Court by article VIII, section 13 of the Utah Constitution, and section 78-7-30(4) (a) of the Code, the court accepts the stipulation consenting to the implementation of the Commission's Findings of Fact, Conclusions of Law, and Order, in this matter.

For The Court



Richard C. Howe  
Chief Justice

Date Jan. 22, 1999

BEFORE THE JUDICIAL CONDUCT COMMISSION  
INQUIRY CONCERNING A JUDGE

RECEIVED  
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In re:	:	FINDINGS OF FACT, CONCLUSIONS
Inquiry Concerning	:	OF LAW, AND ORDER
a Judge	:	Case No. 96-4D-047

A quorum of the Judicial Conduct Commission, having considered the record in this case, enters the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

In August of 1995, Judge Dimick was cited for driving an unregistered vehicle. Judge Dimick paid a bail schedule fine of \$37.00. At the time Judge Dimick received the citation, he had been driving the vehicle for several months knowing that the registration had expired. Newspaper articles and photographs appeared in *The Salt Lake Tribune* and *Deseret News* publicizing the fact that Judge Dimick had been driving a vehicle for several months knowing that the registration had expired.

CONCLUSIONS OF LAW

1. Judge Dimick engaged in conduct prejudicial to the administration of justice which brought a judicial office into disrepute, in violation of Utah Code Ann. Section 78-7-28(1)(e), because he prejudiced public esteem for the judicial office and violated Canon 4A of the Code of Judicial Conduct, which requires judges to conduct their extra-judicial activities so that those activities do not demean the judicial office; Canon 2, which requires judges to avoid impropriety

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and the appearance of impropriety in all activities; and Canon 1, which requires judges to personally observe high standards so that the integrity and independence of the judiciary will be preserved.

2. A public censure is the appropriate sanction to be imposed on Judge Dimick as a result of his statutory and Code-of-Judicial-Conduct violations.

**ORDER**

Judge Dimick is publicly censured for engaging in conduct prejudicial to the administration of justice which brought a judicial office into disrepute, in violation of Utah Code Ann. Section 78-7-28(1)(e), because he prejudiced public esteem for the judicial office and violated Canon 4A of the Code of Judicial Conduct, which requires judges to conduct their extra-judicial activities so that those activities do not demean the judicial office; Canon 2, which requires judges to avoid impropriety and the appearance of impropriety in all activities; and Canon 1, which requires judges to personally observe high standards so that the integrity and independence of the judiciary will be preserved.

DATED this 2 day of September, 1997.

**THE JUDICIAL CONDUCT COMMISSION**

*Francis M. Wikstrom*  
Francis M. Wikstrom, Chair

**APPROVED AS TO FORM AND CONTENT:**

*August 10, 1998*  
*Joseph I. Dimick*  
Hon. Joseph I. Dimick

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of September, 1998, I served a copy of the foregoing **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER** on the Hon. Joseph I. Dimick, Fourth District Court Judge, by mailing a copy thereof, postage prepaid, to him at 98 North Center Street, American Fork, Utah 84003.

  
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Kay Carleson

**BEFORE THE JUDICIAL CONDUCT COMMISSION  
INQUIRY CONCERNING A JUDGE**

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**In re:** : **SETTLEMENT STIPULATION**  
: **Inquiry Concerning** :  
: **Case No. 96-4D-047**  
: **a Judge** :  
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Fourth District Court Judge Joseph I. Dimick (Judge Dimick) and the Judicial Conduct Commission (Commission) stipulate as follows:

**A. Stipulated Facts.** In August of 1995, Judge Dimick was cited for driving an unregistered vehicle. Judge Dimick paid a bail schedule fine of \$37.00. At the time Judge Dimick received the citation, he had been driving the vehicle for several months knowing that the registration had expired. Newspaper articles and photographs appeared in *The Salt Lake Tribune* and *Deseret News* publicizing the fact that Judge Dimick had been driving a vehicle for several months knowing that the registration had expired.

**B. Findings of Fact, Conclusions of Law, and Order.**

1. The Commission shall enter the foregoing stipulated facts in its formal Findings of Fact.
2. The Commission shall enter conclusions of law and an order publicly censuring Judge Dimick for engaging in conduct prejudicial to the administration of justice which brought a judicial office into disrepute, in violation Utah Code Ann. Section 78-7-28(1)(e), because he prejudiced public esteem for the judicial office and violated Canon 4A of

the Code of Judicial Conduct, which requires judges to conduct their extra-judicial activities so that those activities do not demean the judicial office; Canon 2, which requires judges to avoid impropriety and the appearance of impropriety in all activities; and Canon 1, which requires judges to personally observe high standards so that the integrity and independence of the judiciary will be preserved.

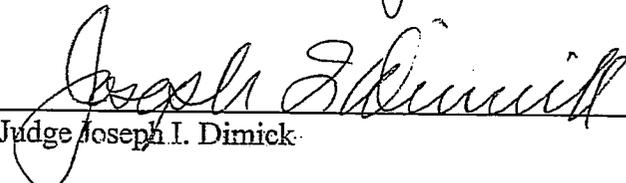
3. Before entry, the Commission shall obtain approval as to form from Judge Dimick with respect to its proposed Findings of Fact, Conclusions of Law, and Order.

**C. Formal hearing.** Judge Dimick waives the formal hearing required by Utah Code Ann. Section 78-7-30(2)(b) and consents that after approval as to form by him, the Commission's Findings of Fact, Conclusions of Law, and Order may be entered by the Commission and certified to the Utah Supreme Court for review.

**D. Mandatory Supreme Court Review.** Consistent with Utah Code Ann. Section 78-7-30(4), the record of the proceedings, which shall consist of the original complaint, Judge Dimick's response, the Notice of Formal Proceedings, Judge Dimick's response, this Stipulation, and the Findings of Fact, Conclusions of Law and Order, shall be certified to the Utah Supreme Court for review. Judge Dimick consents that the Findings of Fact, Conclusions of Law and Order may be implemented by the Utah Supreme Court without a hearing. Neither the Commission nor Judge Dimick shall file additional pleadings with, or request oral argument before, the Utah Supreme Court. If, on its own motion, the Utah Supreme Court schedules oral argument, counsel for the Commission and Judge Dimick shall appear for oral argument and jointly recommend that the Supreme Court implement the Commission's Findings of Fact, Conclusions of Law, and Order. Neither the Commission's counsel nor Judge Dimick shall

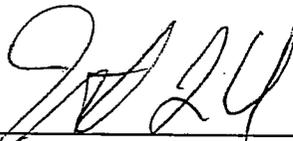
make any other recommendation to, nor argue any other position before, the Utah Supreme Court, unless requested to do so pursuant to Utah Code Ann. Section 78-7-30(5). This Stipulation will become void if the Utah Supreme Court refuses to implement the Commission's Findings of Fact, Conclusions of Law, and Order.

DATED this 23 day of June, 1998.

  
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Judge Joseph I. Dimick

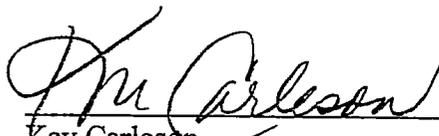
DATED this 26<sup>th</sup> day of July, 1998.

**THE JUDICIAL CONDUCT COMMISSION**

  
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Kenneth L. Warnick, Chair

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of September, 1998, I served a copy of the foregoing **SETTLEMENT STIPULATION** on the Hon. Joseph I. Dimick, Fourth District Court Judge, by mailing a copy thereof, postage prepaid, to him at 98 North Center Street, American Fork, Utah 84003.

  
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Kay Carleson

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