

IN THE SUPREME COURT OF THE STATE OF UTAH

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Re: Inquiry Concerning A Judge

No. 20130036-SC

JCC Case No. 13-6JC-020

Hon. Gary Johnson

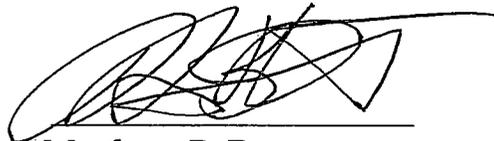
ORDER

Pursuant to the authority vested in the Supreme Court by Article VIII, Section 13 of the Utah Constitution and Utah Code Ann. § 78A-11-111, the Court approves the implementation of the Judicial Conduct Commission's Order of Reprimand.

For The Court:

3-26-13

Dated



Matthew B. Durrant
Chief Justice

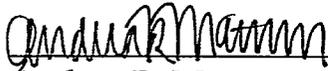
MAILING CERTIFICATE

I certify that on the 27th day of March 2013, I mailed a true and correct copy of the foregoing NOTICE, postage prepaid, to the following addresses:

Colin Winchester
Executive Director
Utah Judicial Conduct Commission
2540 Washington Blvd. Suite 703
Ogden, Utah 84401

Gary L. Johnson
P.O. Box 128
Kanab, Utah 84741

Date March 27, 2013



Andrea R. Martinez
Clerk of the Court

Supreme Court Case No. 20130036-SC
JCC Case No. 13-6JC-020

BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

IN RE:)
) ORDER OF REPRIMAND
)
)
 HON. GARY JOHNSON)
) Case No. 13-6JC-020
)

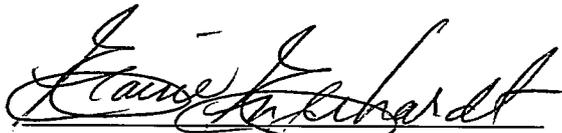
This matter came before the Judicial Conduct Commission ("JCC") on January 8, 2013. The JCC reviewed, discussed and approved the stipulated facts and stipulation for reprimand, and entered its findings of fact and conclusions of law.

Based on the foregoing, the JCC hereby orders that the Hon. Gary Johnson be reprimanded.

This Order shall only take effect upon implementation of the same by the Utah Supreme Court.

DATED this 8th day of January, 2013.

JUDICIAL CONDUCT COMMISSION


Elaine Englehardt, Chair

CERTIFICATE OF SERVICE

I certify that on the 9th day of January, 2013, I served a true and correct signed copy of the foregoing ORDER OF REPRIMAND upon the Hon. Gary Johnson by depositing the same in the United States mail, first-class postage prepaid, and addressed as follows:

Hon. Gary Johnson
Kanab City Justice Court
P.O. Box 128
Kanab, Utah 84741

Colin W. Winkler

BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

IN RE:)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
HON. GARY JOHNSON)
) Case No. 13-6JC-020
)

This matter came before the Judicial Conduct Commission (“JCC”) on January 8, 2013. The JCC reviewed, discussed and approved the stipulated facts and stipulation for reprimand, and now enters the following:

FINDINGS OF FACT

1. Judge Johnson has served as the Kanab City Justice Court judge from 1998 to the present.
2. On July 31, 2012, Judge Johnson presided over a small claims trial in the matter of Richard Lewellen v. Ron Parker. Lewellen claimed in the lawsuit that he had purchased a propeller from Parker that was missing parts. Lewellen argued that Parker should reimburse him for the full amount he had paid for the propeller, plus court costs, for a total of \$2,909.47.
3. At the conclusion of the trial, Judge Johnson took the matter under advisement.
4. After the trial, but before issuing his decision, Judge Johnson engaged in an improper ex parte conversation with Parker about how the case should be

resolved. Judge Johnson told Parker that Parker should pay Lewellen the cost of the missing parts for the propeller.

5. Parker then sent a check for \$1,170 to Lewellen with a letter explaining that the check constituted payment for the missing parts.

6. Upon receiving the check from Parker, on August 15, 2012, Lewellen called the Kanab City Justice Court and engaged in an improper ex parte conversation with Judge Johnson. During that conversation, Judge Johnson told Lewellen that if he were to issue a ruling in the case, he would order Parker to pay Lewellen \$1,170.

7. On August 20, 2012, Judge Johnson entered a judgment in favor of Lewellen in the amount of \$1,170.

8. Judge Johnson acknowledges that the ex-parte conversations with Parker and Lewellen were improper and accepts full responsibility for his actions.

9. Judge Johnson will not engage in any future improper ex parte communications.

10. Judge Johnson has never been publicly, privately, or informally disciplined by the Judicial Conduct Commission or the Utah Supreme Court.

CONCLUSIONS OF LAW

1. Judge Johnson's conduct violated Rule 2.9(A) of the Code of Judicial Conduct which provides, in pertinent part, "A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter"

2. Judge Johnson's conduct constitutes conduct prejudicial to the administration of justice which brought his judicial office into disrepute in violation of Article VIII, Section 13 of the Constitution of Utah and Utah Code Ann. §78A-11-105(1)(e).

3. A reprimand is the appropriate sanction in this matter.

DATED this 8th day of January, 2013.

JUDICIAL CONDUCT COMMISSION



Elaine Englehardt, Chair

CERTIFICATE OF SERVICE

I certify that on the 9th day of January, 2013, I served a true and correct signed copy of the foregoing FINDINGS OF FACT AND CONCLUSIONS OF LAW upon the Hon. Gary Johnson by depositing the same in the United States mail, first-class postage prepaid, and addressed as follows:

Hon. Gary Johnson
Kanab City Justice Court
P.O. Box 128
Kanab, Utah 84741

Alan Winchester

SUSAN L. HUNT [6574]
Utah Judicial Conduct Commission
2540 Washington Blvd. #703
Ogden, Utah 84401
Telephone: (801) 626-3369
Facsimile: (801) 626-3390

BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

IN RE:

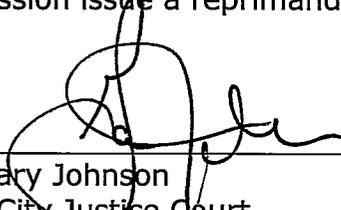
HON. GARY JOHNSON

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STIPULATION FOR REPRIMAND

Case No. 13-6JC-020

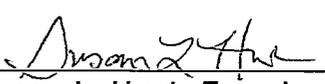
The Honorable Gary Johnson ("Judge Johnson") and Examiner Susan L. Hunt hereby stipulate and agree to jointly recommend that the Judicial Conduct Commission issue a reprimand to Judge Johnson in this matter.



Hon. Gary Johnson
Kanab City Justice Court

12-17-2012

Date



Susan L. Hunt, Examiner
Judicial Conduct Commission

December 24, 2012

Date

SUSAN L. HUNT [06574]
Judicial Conduct Commission
2540 Washington Blvd., Suite 703
Ogden, Utah 84401
Telephone: (801) 626-3369
Facsimile: (801) 626-3390

BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

IN RE:

HON. GARY JOHNSON

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STIPULATED FACTS

Case No. 13-6JC-020

The Honorable Gary Johnson ("Judge Johnson") and Susan Hunt, Examiner, hereby stipulate and agree as follows:

1. Judge Johnson has served as the Kanab City Justice Court judge from 1998 to the present.
2. On July 31, 2012, Judge Johnson presided over a small claims trial in the matter of Richard Lewellen v. Ron Parker. Lewellen claimed in the lawsuit that he had purchased a propeller from Parker that was missing parts. Lewellen argued that Parker should reimburse him for the full amount he had paid for the propeller, plus court costs, for a total of \$2,909.47.
3. At the conclusion of the trial, Judge Johnson took the matter under advisement.

4. After the trial, but before August 15, 2012, Judge Johnson engaged in an improper ex parte conversation with Parker about how the case should be resolved. Judge Johnson told Parker that Parker should pay Lewellen the cost of the missing parts for the propeller.

5. Parker then sent a check for \$1,170 to Lewellen with a letter explaining that the check constituted payment for the missing parts.

6. Upon receiving the check from Parker, on August 15, 2012, Lewellen called the Kanab City Justice Court and engaged in an improper ex parte conversation with Judge Johnson. During that conversation, Judge Johnson told Lewellen that if he were to issue a ruling in the case, he would order Parker to pay Lewellen \$1,170.

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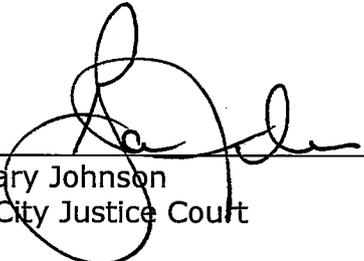
8. Judge Johnson's conduct violated Rule 2.9(A) of the Code of Judicial Conduct which provides, in pertinent part, "A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter"

9. Judge Johnson's conduct constitutes conduct prejudicial to the administration of justice which brought his judicial office into disrepute in violation of Article VIII, Section 13 of the Constitution of Utah and Utah Code Ann. §78A-11-105(1)(e).

10. Judge Johnson recognizes that the ex-parte conversations with Parker and Lewellen were improper and accepts responsibility for his actions.

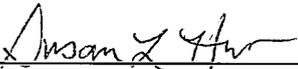
11. Judge Johnson will ensure that he will not engage in any future improper ex parte communications.

12. Judge Johnson has never been publicly, privately, or informally disciplined by the Judicial Conduct Commission or the Utah Supreme Court.



Hon. Gary Johnson
Kanab City Justice Court

Date 12-17-2012



Susan L. Hunt, Examiner
Judicial Conduct Commission

Date Dec. 24, 2012