

IN THE SUPREME COURT OF THE STATE OF UTAH **MAY 19 2005**

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In re: Judicial Conduct Commission
 Inquiry Concerning a Judge;

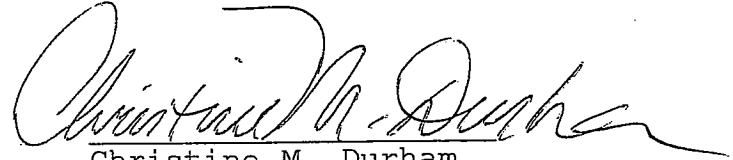
Case No. 20050249-SC
JCC 05-5PT-003

Hon. Shawn T. Farris

ORDER

Pursuant to the authority vested in the Supreme Court by Article VIII, Section 13 of the Utah Constitution and Utah Code Ann. § 78-8-107, the Court approves the implementation of the Judicial Conduct Commission's Order of Reprimand.

For The Court:


Christine M. Durham
Chief Justice

May 19, 2005
Dated

MAILING CERTIFICATE

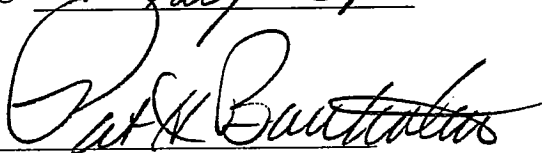
I certify that on the 23rd day of May, 2005, I mailed a true and correct copy of the foregoing Notice, postage prepaid, to the following addresses:

Colin R. Winchester
Utah Judicial Conduct Commission
645 South 200 East, Suite 104
Salt Lake City, Utah 84111

Hon. Shawn T. Farris
Farris & Utley, P.C.
189 North Main Street
St. George, Utah 84770

Date

May 23, 2005



Pat H. Bartholomew
Clerk of Court

Case No. 20050127-SC
JCC 05-5PT-003

CONFIDENTIAL

BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION


IN RE:)
) ORDER OF PUBLIC REPRIMAND
))
HON. SHAWN T. FARRIS) Case No. 05-5PT-003
))

On March 8, 2005, the Judicial Conduct Commission received and reviewed a written Stipulation signed by Colin R. Winchester and the Honorable Shawn T. Farris. The Stipulation sets forth facts and conclusions that support both a finding of judicial misconduct and the issuance of a public reprimand. The Commission voted to approve the Stipulation and to recommend that the Supreme Court impose a public reprimand in this matter.

Based on the Stipulation and the Commission's approval of the same, the Judicial Conduct Commission hereby orders that the Hon. Shawn T. Farris be publicly reprimanded.

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

DATED this 8th date of March, 2005.



Ruth Lybbert, Chair
Judicial Conduct Commission

CERTIFICATE OF SERVICE

I certify that on the 9th day of March 2005, I mailed, via postage pre-paid first class mail, a true and correct signed copy of the foregoing Order of Public Reprimand to:

Hon. Shawn T. Farris
Farris & Utley, P.C.
189 North Main Street
St. George, Utah 84770



Colin R. Winchester
Executive Director

CONFIDENTIAL

BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

IN RE:)
) STIPULATION
)
 HON. SHAWN T. FARRIS) Case No. 05-5PT-003
)

The Honorable Shawn T. Farris ("Judge Farris") and the Executive Director of the Judicial Conduct Commission ("JCC") hereby stipulate and agree as follows:

1. Judge Farris is a practicing attorney, and is one of several attorneys who volunteer their time to hear small claims cases in the Washington County Justice Court. Judge Farris has served as a volunteer small claims judge since at least July 1998. He hears small claims cases approximately one afternoon every other month, and his calendar is generally quite large.
2. Douglas and Sharon Petty filed a small claims affidavit in the Washington County Justice Court on December 17, 2003. Their case was initially tried before Judge Farris on February 6, 2004. On that date, Judge Farris took the Pettys' case and one other case under advisement.
3. When Judge Farris had not ruled on either case by March 30, 2004, the small claims clerk set both cases for additional hearing on April 7, 2004. Judge Farris presided over these additional hearings.
4. Shortly after April 7, 2004, Judge Farris issued a decision in the other case. He continued to hold the Pettys' case under advisement.

5. Shortly after the April 7, 2004 hearing, Judge Farris prepared a memorandum decision in the Pettys' case and took steps to have the memorandum decision delivered to the Washington County Justice Court. When he later learned that the memorandum decision had not been delivered, he unsuccessfully attempted to locate the document on his computer server.

6. The Pettys filed a written complaint with the JCC on July 12, 2004, alleging that Judge Farris had failed to render a timely decision in their small claims case.

7. On September 15, 2004, the JCC sent a letter to Judge Farris, asking him to respond to the Pettys' complaint.

8. On September 29, 2004, Judge Farris issued a written decision in the Pettys' case.

9. Judge Farris's delay in issuing the decision was neither intentional nor attributable to any improper motive.

10. During the period of delay, Judge Farris was dealing with the death of a younger sibling and the terminal illness of his mother.

11. Judge Farris has accepted responsibility for the delay, and has taken appropriate measures to ensure against future delays.

12. Utah Code Ann. §78-7-25(1) states, "[a] judge of a trial court shall decide all matters submitted for final determination within two months of submission, unless circumstances causing the delay are beyond the judge's personal control."

13. Code of Judicial Conduct Canon 3B(8) requires judges to "dispose of all judicial matters promptly"

14. Judge Farris's delay constitutes conduct prejudicial to the administration of justice which brings a judicial office into disrepute, in violation of: Article VIII, Section 13 of the Constitution of Utah; Utah Code Ann. §78-8-103(1)(e); and Canon 3B(8) of the Code of Judicial Conduct.

15. Judge Farris has never been publicly, privately or informally disciplined by the JCC or the Utah Supreme Court. Nor has he been the subject of any other complaint filed with the JCC.

16. This matter is not widely known among court employees, the judicial system or the public. Nor has it been reported in the media.

17. Judge Farris has neither profited nor satisfied personal desires as a result of the delay.

18. Given the facts as set forth herein, a public reprimand is an appropriate sanction in this matter.

19. If the JCC approves this stipulated resolution, it will recommend that the Utah Supreme Court issue a public reprimand to Judge Farris. However, the Supreme Court is not bound by any JCC recommendation. Rather, it may approve, reject, or modify the recommendation as it sees fit.

Colin Winchester 1/31/05
Colin R. Winchester Date
Executive Director,
Judicial Conduct Commission

[Signature] 2/7/05
Hon. Shawn J. Farris Date

Judicial Conduct Commission:

Ruth Lybbert 3/8/05
Ruth Lybbert, Chair Date