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publication in the Pacific Reporter.*

IN THE SUPREME COURT OF THE STATE OF UTAH

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In Re Inquiry of a Judge,
The Honorable Walter K. Steed.

No. 20050127

F I L E D

February 24, 2006

Utah Judicial Conduct Commission

Attorneys: Colin R. Winchester, Ruth Lybbert, Salt Lake City,
for the Commission
Rodney R. Parker, Salt Lake City, for Judge Steed

WILKINS, Associate Chief Justice:

¶1 Judge Walter K. Steed has served as a justice court judge in the predominately polygamous community of Hildale, Utah, since his appointment by the town council in 1980. At the time of his appointment, Judge Steed had one wife to whom he was legally married, and one to whom he believed himself to be married according to the traditions of their mutual religious faith. In 1985, a third wife was added to this "plural marriage" relationship by the same religious ceremony. Judge Steed and his wives were all adults at the time their marriage relationships began. They have lived together as a family, and thirty-two children have been born as a result of the three wives' unions with Judge Steed.

¶2 At the time of his original appointment to the bench, and at each subsequent time of reappointment by the Hildale town council, Judge Steed took the legally prescribed oath of office as a judge, by which he pledged himself to obey and defend the Utah constitution.

¶3 The constitution of Utah grants to the Legislature the authority to enact criminal laws by which all citizens are bound. Pursuant to that authority, it has enacted Utah Code section 76-7-101, which provides in relevant part:

(1) A person is guilty of bigamy when, knowing he has a husband [sic] or wife or knowing the other person has a husband or wife [sic], the person purports to marry another person or cohabits with another person.

(2) Bigamy is a felony of the third degree.

¶4 Judge Steed's relationship with his three plural wives for more than twenty years clearly runs afoul of the prohibition of section 76-7-101. In the case of a sitting judge, it is of little or no consequence that the judge may believe a criminal statute is constitutionally defective. A judge ignores the clearly stated criminal prohibitions of the law at his or her peril.

¶5 Pursuant to a complaint filed with and investigated by the Judicial Conduct Commission, we have received the Commission's recommendation that Judge Steed be removed from office. The removal recommendation is founded upon the Commission's conclusion that Judge Steed's behavior violates canon 2A of the Code of Judicial Conduct, which requires a judge to respect and comply with the law, something the Commission concludes is belied by Judge Steed's flaunting of the prohibitions of the bigamy statute for more than twenty-five years. This behavior, the facts of which Judge Steed admits, is seen by the Commission as conduct prejudicial to the administration of justice which brings the judicial office into disrepute. Moreover, Judge Steed has given every indication that he intends to continue his "plural marriage" arrangement.

¶6 Judges in this state are expected to abide by all of the laws applicable to them. Civil disobedience carries consequences for a judge that may not be applicable to other citizens. The dignity and respect accorded the judiciary is a necessary element of the rule of law. When the law is violated or ignored by those charged by society with the fair and

impartial enforcement of the law, the stability of our society is placed at undue risk.¹

¶7 We agree with the Commission's recommendation. Having reviewed the matter as to both the facts and the law, and after reviewing the submissions by the parties and hearing oral arguments, the order of removal proposed by the Judicial Conduct Commission is adopted.

¶8 Justice Durrant, Justice Parrish, and Justice Nehring concur in Associate Chief Justice Wilkins' opinion.

¶9 Chief Justice Durham concurs in the result.

¹ We note that Utah Code section 78-8-107(8)(c) contains a provision requiring this court to act on judicial discipline matters within 90 days. Such a statutory regulation of this court's internal process is beyond the constitutional authority given to the Legislature to regulate the composition and procedures of the Judicial Conduct Commission. Thus, while we share the Legislature's apparent view that these matters require our prompt attention, we view the statutory limit as being without effect.

BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

IN RE:

HON. WALTER K. STEED

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ORDER OF REMOVAL

Case No. 04-5JC-039

CONFIDENTIAL

A confidential hearing was held in this matter on January 20, 2005, beginning at approximately 5:30 p.m. The following Commissioners attended and participated in the hearing, constituting the hearing panel: Representative Neal Hendrickson, Judge Russell Bench, Representative Gordon Snow, Senator Michael Waddoups, Senator Gene Davis, Ronald Russell, Flora Ogan, Judge Darwin Hansen, Rod Orton and Ruth Lybbert, Chair.

Judge Steed appeared with counsel, Rodney R. Parker of the law firm of Snow, Christensen & Martineau. Colin Winchester presented the Examiner's case.

Following the presentation of evidence and arguments, Judge Steed, Mr. Parker and the Examiner were dismissed and the hearing panel deliberated. After deliberations, the hearing panel issued its Memorandum Decision. The Chair then entered Findings of Fact and Conclusions of Law.

Based on the Memorandum Decision and the Findings of Fact and Conclusions of Law, the Judicial Conduct Commission hereby orders that the Hon. Walter K. Steed shall be removed from office.

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

DATED this 8th date of February, 2005.



Ruth Lybbert, Chair
Judicial Conduct Commission

CERTIFICATE OF SERVICE

I certify that on the 8th day of February, 2005, I hand-delivered a true
and correct signed copy of the foregoing Order of Removal to:

Rodney R. Parker
Snow, Christensen & Martineau
P.O. Box 45000
Salt Lake City, Utah 84145-5000



Colin R. Winchester
Executive Director

BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

IN RE:) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
))
HON. WALTER K. STEED) Case No. 04-5JC-039
)

CONFIDENTIAL

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Judge Steed appeared with counsel, Rodney R. Parker of the law firm of Snow, Christensen & Martineau. Colin Winchester presented the Examiner's case.

Following the presentation of evidence and arguments, Judge Steed, Mr. Parker and the Examiner were dismissed and the hearing panel deliberated.

After deliberations, the hearing panel issued its Memorandum Decision. Based on that Memorandum Decision, the Chair now enters the following:

FINDINGS OF FACT

1. Judge Steed was appointed to the office of Hildale Justice Court Judge in October, 1980, and has served in that capacity from that time to the present. Upon appointment and at the beginning of each successive term of office, Judge Steed took the constitutional oath of office.

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

3. Judge Steed married J.J. on or about August 1, 1965, in Las Vegas, Nevada in a civil ceremony. He has also been sealed to J.J. in a religious ceremony. Both were adults at the time of their marriage, and both consensually entered into the marriage relationship. They are still married, still reside together, and are the parents of eleven children.

4. On or about February 10, 1975 in Hildale, Utah, Judge Steed and M.J. were sealed in a religious ceremony, which according to the traditions of their mutual religious faith, constituted a marriage. Both were adults at the time they entered into the relationship, both consensually entered into the relationship, and both understood that the relationship would not be recognized as a marriage by any civil authority. They are still engaged in that relationship, still reside together, and are the parents of fourteen children.

5. On or about September 14, 1985 in Hildale, Utah, Judge Steed and V.J. were sealed in a religious ceremony, which according to the traditions of their mutual religious faith, constituted a marriage. Both were adults at the time they entered into the relationship, both consensually entered into the relationship, and both understood that the relationship would not be recognized as a marriage by any civil authority. They are still engaged in that relationship, still reside together, and are the parents of seven children.

6. Judge Steed is a member of the Fundamentalist Church of Jesus Christ of Latter-Day Saints, and as a member of that faith, engages in the practice of celestial marriage (commonly referred to as plural marriage) as promulgated by the Prophet Joseph Smith in Section 132, Doctrine and Covenants.

7. This proceeding is limited to an allegation that Judge Steed is voluntarily engaged in the ongoing practice of celestial or plural marriage. The Judicial Conduct Commission has neither received nor investigated any credible allegation that Judge Steed's ability to act independently as a judicial officer has been compromised or otherwise affected by his practice of plural marriage.

CONCLUSIONS OF LAW

1. Judge Steed has willfully engaged in bigamy, in violation of Utah Code Ann. § 76-7-101, which is a third degree felony in the State of Utah.

2. By engaging in bigamy, Judge Steed has brought the judiciary into disrepute, in that he has violated his oath of office to uphold the laws and constitution of Utah. Moreover, his conduct is in open disrespect and violation of the law. This behavior is contrary to the purpose of the judiciary, which is to enforce and uphold the law.

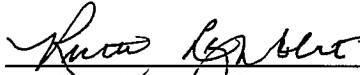
3. By engaging in bigamy, Judge Steed has violated Canon 1 of the Code of Judicial Conduct, which states in pertinent part, "A judge . . . shall personally observe high standards of conduct so that the integrity and independence of the judiciary will be preserved."

4. By engaging in bigamy, Judge Steed has violated Canon 2A of the Code of Judicial Conduct, which states in pertinent part, "A judge shall respect and comply with the law"

5. Judge Steed has engaged in "conduct prejudicial to the administration of justice which brings a judicial office into disrepute." In reaching this conclusion, the hearing panel notes that the Utah judicial system is statewide and is not limited

to Judge Steed's jurisdiction of Hildale, Utah. Consequently, from an objective standard, Judge Steed has brought the judiciary into disrepute.

DATED this 8th date of February, 2005.




Ruth Lybbert, Chair
Judicial Conduct Commission

CERTIFICATE OF SERVICE

I certify that on the 8th day of February, 2005, I hand-delivered a true and correct signed copy of the foregoing Findings of Fact and Conclusions of Law to:

Rodney R. Parker
Snow, Christensen & Martineau
P.O. Box 45000
Salt Lake City, Utah 84145-5000



Colin R. Winchester
Executive Director