

IN THE SUPREME COURT OF THE STATE OF UTAH

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Re: Inquiry Concerning a Judge

No. 20180843-SC

JCC Case No. 19-6JU-001

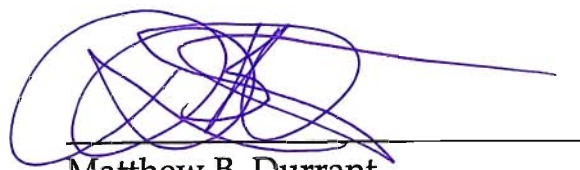
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ORDER

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 . The following shall be deemed public documents: (1) this order; (2) the Judicial Conduct Commission's Order of Reprimand dated 25 October 2018; and (3) the Judicial Conduct Commission's Findings of Fact and Conclusions of Law. All other materials, records, and proceedings of the above-captioned matter will remain private and confidential pursuant to Subpart (6) of Utah Supreme Court Standing Order 5 and Utah Code § 78A-11-112(3) for a period of thirty (30) years from the date of this order.

FOR THE COURT:

12-28-14  
Dated

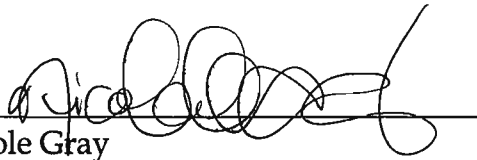
  
Matthew B. Durrant  
Chief Justice

CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2019, a true and correct copy of the foregoing ORDER was deposited in the United States mail or was sent by electronic mail to be delivered to:

19-6JU-001  
614 E 400 S  
MANTI UT 84642

ALEX G PETERSON  
JUDICIAL CONDUCT COMMISSION  
apeterson@utah.gov

By   
Nicole Gray  
Clerk of Court

Case No. 20180843  
JUDICIAL CONDUCT COMMISSION, 19-6JU-001



CERTIFICATE OF SERVICE

I certify that on the 25<sup>th</sup> day of October 2018, I mailed, via postage pre-paid first class mail, a true and correct signed copy of the foregoing Order of Reprimand to:

Hon. Brody L. Keisel  
614 East 400 South  
Manti, Utah 84642



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BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

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IN RE:

HON. BRODY KEISEL

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

Case No. 19-6JU-001

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The Judicial Conduct Commission ("JCC"), having reviewed the parties' Stipulation and having approved the same, now therefore enters the following:

FINDINGS OF FACT

1. The Hon. Brody Keisel ("Judge Keisel") was appointed to the Sixth District Juvenile Court in February 2018 and has served continuously as a Juvenile Justice Court Judge since that time.
2. Judge Keisel has never been privately or publicly disciplined by the Judicial Conduct Commission ("JCC") or the Utah Supreme Court.
3. In March 2018, Judge Keisel began working on juvenile cases.
4. Over time, Judge Keisel became acquainted with various Juvenile Justice Services ("JJS") case workers.
5. Judge Keisel was assigned a particularly difficult and long-running juvenile case ("Case J").
6. As he oversaw Case J, Judge Keisel regularly interacted with the assigned JJS case worker ("Ms. CW") in the courtroom.
7. In late April / early May, Ms. CW requested a meeting with Judge

Keisel to discuss various difficulties with Case J.

8. In late April / early May, Judge Keisel met with Ms. CW and discussed substantive matters regarding Case J. They also briefly discussed personal matters regarding each other's health and medical concerns.

9. After a May 8<sup>th</sup> hearing regarding Case J, Ms. CW called Judge Keisel regarding Case J and updated him on the progress, difficulties and a possible order requesting return to detention.

10. During the early evening on May 15<sup>th</sup>, Judge Keisel received a phone call from Ms. CW requesting a pickup order in Case J.

11. On May 16<sup>th</sup>, during a detention hearing in Case J, these earlier communications were not disclosed. Judge Keisel scheduled the next hearing for 23 May.

12. During the next several days, Judge Keisel received messages from Ms. CW regarding Case J, possible resolutions and possible orders.

13. Subsequent to May 16<sup>th</sup>, but prior to the 23 May scheduled hearing, Judge Keisel had a meeting with Ms. CW in his Manti office, where they discussed possible resolutions of Case J. They also briefly again discussed their own personal medical histories.

14. At the May 23<sup>rd</sup> scheduled hearing these communications were not disclosed.

15. In hindsight, Judge Keisel recognizes that these communications with Ms CW regarding Case J were ex parte in nature and should have been disclosed to all the parties in Case J.

16. On 5 July 2018, Judge Keisel self-reported this matter to the Utah Judicial Conduct Commission.

17. Judge Keisel submitted a letter addressed to the Judicial Conduct Commission admitting responsibility, acknowledging the communications, apologizing for his conduct, expressing his regret, and acknowledging that he should have disclosed these communications to all the parties.

18. Code of Judicial Conduct Rule 2.9 Ex Parte Communications provides that "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, except as follows:"

19. Judge Keisel acknowledges and admits that his communications with Ms. CW were ex parte and did not fall under the allowed exceptions.

20. Judge Keisel did not intend any violation of the Code of Judicial Conduct.

#### CONCLUSIONS OF LAW

1. Nevertheless, Judge Keisel's communications with Ms. CW violated Code of Judicial Conduct Rule 2.9.

2. Judge Keisel negligently (but not intentionally, willfully or with bad faith) engaged in conduct prejudicial to the administration of justice which brings a judicial office into disrepute.

3. Judge Keisel has accepted responsibility for his actions and has

expressed sincere remorse for any harm his actions may have caused.

4. A public reprimand is an appropriate sanction in this matter and Judge Keisel agrees to accept the same.

DATED this 15<sup>th</sup> day of October, 2018.

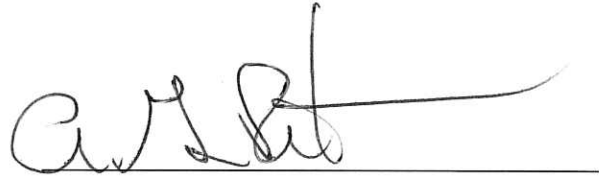
  
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James S. Jardine, Chair  
Judicial Conduct Commission



CERTIFICATE OF SERVICE

I certify that on the 15 day of October, 2018, I mailed, via postage pre-paid first class mail, a true and correct signed copy of the foregoing Findings of Fact and Conclusions of Law to:

Hon. Brody Keisel  
614 East 400 South  
Manti, Utah 84642

A handwritten signature in black ink, appearing to read 'Brody Keisel', is written over a horizontal line.