

FY06

Several years ago, an attorney/small claims judge pro tem issued a judgment in a small claims case. Later, the attorney's legal assistant agreed to assist the defendant in attempting to set the judgment aside. The legal assistant prepared a motion, and the attorney signed the motion while signing other documents. The attorney did not intend to become involved in the litigation, and did not intend to practice law in the same small claims division in which he serves as a judge pro tem. The JCC found that the attorney/judge violated the applicability section of the Code of Judicial Conduct, which prohibits attorneys from practicing in the small claims division in which they serve as judges pro tem, but that under the circumstances, the conduct constituted only troubling but relatively minor misconduct for which no public sanction was warranted.

A justice court judge, at the request of counsel but without a subpoena, signed an affidavit explaining a ruling in a misdemeanor case. Counsel filed the affidavit in federal court in support of a particular legal position in a pending civil case. The JCC found that the judge violated Canon 3B(9), which prohibits judges from making public statements that might reasonably be expected to affect the outcome of a pending proceeding, but that under the particular facts and circumstances presented, the conduct constituted only troubling but relatively minor misconduct for which no public sanction was warranted.

A justice court judge authored a letter endorsing and recommending a specific counseling program. Copies of the judge's letter were included by the program's administrators in promotional materials sent to other judges throughout the state. The judge's sole intent was to benefit criminal offenders, and not to secure any financial benefit to himself or the program. When approached by the JCC, the judge immediately recognized and apologized for his conduct, and took appropriate action to ensure against future similar violations. The JCC found that the judge violated Canon 2B, which prohibits judges from lending the prestige of the judicial office to advance the private interests of others, but that the conduct constituted only troubling but relatively minor misconduct for which no public sanction was warranted.