

IN THE SUPREME COURT OF THE STATE OF UTAH

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FILED
UTAH APPELLATE COURTS

APR 23 2014

Re: Inquiry Concerning a Judge

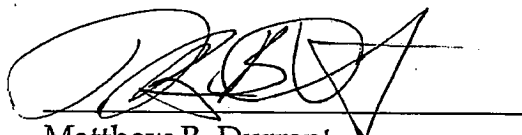
No. 20140240-SC
JCC Case No. 13-2JU-078

AMENDED 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:

4-22-14
Dated


Matthew B. Durrant
Chief Justice

MAILING CERTIFICATE

I certify that on the 23rd day of April 2014, I mailed a true and correct copy of the foregoing ORDER, postage prepaid, to the following addresses:

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

Hon. Mark Andrus
Second District Juvenile Court
800 West State Street
P.O. Box 325
Farmington, Utah 84025

Date 4/23/2014



Andrea R. Martinez
Clerk of the Court

Supreme Court Case No. 20140240-SC
JCC Case No. 13-2JU-078

BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

IN RE:

HON. J. MARK ANDRUS

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ORDER OF REPRIMAND

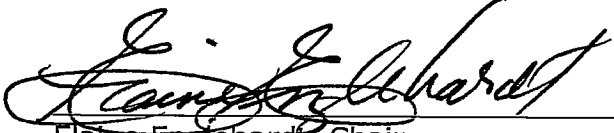
Case No. 13-2JU-078

On March 18, 2014, the Judicial Conduct Commission ("JCC") received and reviewed a written Stipulation signed by the Honorable J. Mark Andrus ("Judge Andrus"). The Stipulation sets forth findings of fact and conclusions of law that support both a finding of judicial misconduct and the issuance of a reprimand. The JCC voted to approve the Stipulation and to recommend that the Utah Supreme Court impose a reprimand in this matter.

Based on the Stipulation and the JCC's approval of the same, the Judicial Conduct Commission hereby orders that the Hon. J. Mark Andrus be reprimanded.

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

DATED this 18th day of March, 2014.


Elaine Englehardt, Chair
Judicial Conduct Commission

CERTIFICATE OF SERVICE

I certify that on the 19~~th~~ day of March, 2014, I mailed, via postage pre-paid first class mail, a true and correct signed copy of the foregoing Order of Reprimand to:

Hon. J. Mark Andrus
Second District Juvenile Court
800 West State Street
P.O. Box 325
Farmington, Utah 84025

William Manchester

COLIN R. WINCHESTER [4696]
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:)
) STIPULATION
))
 HON. J. MARK ANDRUS) Case No. 13-2JU-078
)

The Honorable J. Mark Andrus ("Judge Andrus") and the Judicial Conduct Commission ("JCC") hereby stipulate and agree to jointly recommend to the Utah Supreme Court that Judge Andrus receive a reprimand in this matter. In support of that recommendation, Judge Andrus and the JCC stipulate and agree to the following:

FINDINGS OF FACT

1. Judge Andrus was appointed to the Second District Juvenile Court in 1994 and has served continuously since that time.
2. Judge Andrus has never been publicly, privately or informally disciplined by the JCC or the Utah Supreme Court.
3. On May 23, 2013, Judge Andrus presided over an adoption hearing. At the beginning of the hearing, Judge Andrus allowed the maternal grandparents and biological mother of the subject children to address the court regarding their objections to the adoption.

4. During the proceedings, Judge Andrus became frustrated. Judge Andrus repeatedly raised his voice and interrupted the maternal grandfather, eventually yelling at the maternal grandfather.

5. Judge Andrus's demeanor was impatient, undignified and discourteous.

6. Judge Andrus accepts full responsibility for his conduct, and is extremely remorseful about this incident and the harm it has caused to the integrity of the judiciary.

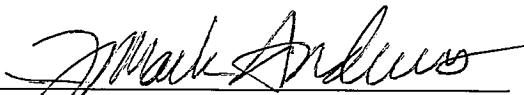
CONCLUSIONS OF LAW

1. Judge Andrus's conduct violated Rule 2.8(B) of the Code of Judicial Conduct, which states, "A judge shall be patient, dignified, and courteous to litigants . . . and others with whom the judge deals in an official capacity."


2. Judge Andrus's conduct 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 and Utah Code Ann. §78A-11-105(1)(e).

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

DATED this 18th day of March, 2014.



Hon. J. Mark Andrus



Elaine Englehardt, Chair
Judicial Conduct Commission