

FILED
UTAH APPELLATE COURT

IN THE SUPREME COURT OF THE STATE OF UTAH

JUN - 1 2006

-0000000-

In re: Judicial Conduct Commission
Inquiry Concerning a Judge;Case No. 20060411-SC
JCC 05-7D-096

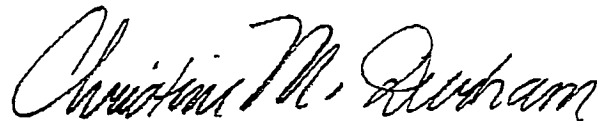
Hon. Bruce K. Halliday

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:

Dated

June 1, 2006Christine M. Durham
Chief Justice

MAILING CERTIFICATE

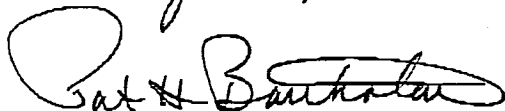
I certify that on the 1st day of June, 2006, I mailed a true and correct copy of the foregoing Notice, postage prepaid, to the following addresses:

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

Hon. Bruce K. Halliday
Seventh District Court
149 East 100 South
Price, Utah 84501

Ronald J. Yengich
YENGICH, RICH, & XAIZ
175 East 400 South, Suite 400
Salt Lake City, Utah 84111

Date

June 1, 2006

Pat H. Bartholomew
Clerk of Court

Case No. 20060411-SC
JCC 05-7D-096

BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

IN RE:)	
)	ORDER OF PUBLIC REPRIMAND
)	
HON. BRUCE K. HALLIDAY)	
)	Case No. 05-7D-096
)	

On March 14, 2006, the Judicial Conduct Commission held a confidential hearing in this matter beginning at 11:00 a.m. Present from the Commission were: Chair Ruth Lybbert, Judge Darwin Hansen, Rod Orton, Representative Gordon Snow, Joe Judd, Representative Neal Hendrickson, Judge Russell Bench and Senator Michael Waddoups. Senator Gene Davis joined the confidential hearing in progress at approximately 11:30 a.m.

The Examiner's position was presented by Susan Hunt. Judge Halliday was present and was represented by Ronald Yengich and Peter Goodall. The confidential hearing was transcribed by a certified court reporter.

At the beginning of the confidential hearing, the parties presented a written stipulation of facts, and supplemented the same with one oral stipulation of fact.

Witnesses were called, examined, cross-examined, and questioned by Commission members, and documents were submitted to the Commission for consideration.

At the conclusion of the evidence and arguments, the Commission excused the Examiner and Judge Halliday and his counsel and deliberated upon and considered the evidence.

Having fully deliberated, having unanimously¹ agreed upon a decision, having issued a Memorandum Decision, and having issued Findings of Fact and Conclusions of Law, the Judicial Conduct Commission hereby orders that the Hon. Bruce K. Halliday be publicly reprimanded.

¹ At the conclusion of Mr. Wood's testimony, counsel conferred about the late arrival of Senator Davis, and Mr. Yengich presented the following stipulation to the Commission (TR. pp. 32 and 33):

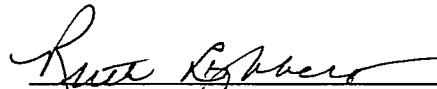
Madam Chairman, I understand that Mr. Davis came in after we had begun, and we believe that or we would submit that he's entitled to deliberate and participate, but we think that what will need to be done would be that during or before the course of the deliberations, that he have the same opportunity to read the subject matter that we submitted to the committee at large, and then also have the court reporter read him those portions, because he didn't get any of the direct of that gentleman that testified. Read him the direct, and then the initial portion of the cross-examination that he missed to bring him up to snuff prior to deliberations.

Senator Davis did read the written materials that had been distributed by counsel. However, because the court reporter departed at the end of the evidence and arguments, Senator Davis did not read that portion of Mr. Wood's testimony that was received prior to Senator Davis's arrival.

The Commission considered this issue in closed session on April 11, 2006, with Senator Davis abstaining from the resolution of the issue. The Commission unanimously concluded that Senator Davis's participation in the deliberations and decision on March 14, 2006 constitutes harmless error because: (1) the facts supporting the finding of judicial misconduct arose from the parties' written and oral stipulations and the testimony of Judge Halliday; and (2) Commission decisions require only a majority vote of the participating Commissioners -- Senator Davis's participation and vote was not necessary to either establish a quorum or achieve a majority.

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

DATED this 18th day of April, 2006.



Ruth Lybbert
Chair, Judicial Conduct Commission

CERTIFICATE OF SERVICE

I certify that on the 18th day of April, 2006, I served a true and correct copy of the foregoing Order of Public Reprimand on the Honorable Bruce K. Halliday by mailing the same via postage prepaid first-class mail addressed to the following:

Ronald J. Yengich
Peter D. Goodall
Yengich, Rich & Xaiz
175 East 400 South #400
Salt Lake City, Utah 84111



BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

IN RE:)	FINDINGS OF FACT AND
)	CONCLUSIONS OF LAW
HON. BRUCE K. HALLIDAY)	
)	Case No. 05-7D-096
)	

On March 14, 2006, the Judicial Conduct Commission held a confidential hearing in this matter beginning at 11:00 a.m. Present from the Commission were: Chair Ruth Lybbert, Judge Darwin Hansen, Rod Orton, Representative Gordon Snow, Joe Judd, Representative Neal Hendrickson, Judge Russell Bench and Senator Michael Waddoups. Senator Gene Davis joined the confidential hearing in progress at approximately 11:30 a.m.

The Examiner's position was presented by Susan Hunt. Judge Halliday was present and was represented by Ronald Yengich and Peter Goodall. The confidential hearing was transcribed by a certified court reporter.

At the beginning of the confidential hearing, the parties presented a written stipulation of facts, and supplemented the same with one oral stipulation of fact.

The following witnesses were called, examined, cross-examined, and questioned by Commission members: Jeff Wood, Adult Probation and Parole officer in Price, Utah; William Brent Langston, Deputy Emery County Attorney; and the Honorable Bruce K. Halliday.

The following documents were submitted to the Commission for consideration: Formal Charges, dated October 19, 2005; Response to Formal Charges submitted by Judge Halliday through counsel, dated November 15, 2005, along with its exhibits; Examiner's Position Paper, dated March 7, 2006; and Stipulation, dated March 14, 2006.

At the conclusion of the evidence and arguments, the Commission excused the Examiner and Judge Halliday and his counsel and deliberated upon and considered the evidence. Having fully deliberated, having unanimously¹ agreed

¹ At the conclusion of Mr. Wood's testimony, counsel conferred about the late arrival of Senator Davis, and Mr. Yengich presented the following stipulation to the Commission (TR. pp. 32 and 33):

Madam Chairman, I understand that Mr. Davis came in after we had begun, and we believe that or we would submit that he's entitled to deliberate and participate, but we think that what will need to be done would be that during or before the course of the deliberations, that he have the same opportunity to read the subject matter that we submitted to the committee at large, and then also have the court reporter read him those portions, because he didn't get any of the direct of that gentleman that testified. Read him the direct, and then the initial portion of the cross-examination that he missed to bring him up to snuff prior to deliberations.

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upon a decision, and having issued a Memorandum Decision, the Commission now enters the following:

FINDINGS OF FACT

1. Judge Halliday was appointed to the office of Seventh Circuit Court Judge in February 1987. He was appointed to the office of Seventh District Court Judge in January 1992 and has served in that capacity from that time to the present.

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

3. Natalie Blanton ["Blanton"] was the defendant in three criminal cases set before Judge Halliday: Seventh District Court Case Nos. 011700201, 021700382, and 021700383. Judge Halliday sentenced Blanton to serve a prison sentence for the cases, but stayed the prison term and placed Blanton on probation. As part of her probation, Blanton was ordered to serve one year in jail during which time other conditions of her probation would be determined.

4. Judge Halliday was concerned about the impact of Blanton's incarceration on her family. At the time of sentencing, Blanton had three young children (including an infant). Judge Halliday was concerned about Blanton's husband's ability to provide for both the financial and physical needs of his family while Blanton was incarcerated.

5. During Blanton's probation, Judge Halliday held several review hearings to track her progress and to determine the best way to allow her to return home to her family while dealing with her drug addiction. At the review hearings, Judge Halliday received input from Blanton, her probation officer, the victims

involved in her cases, Blanton's mother, the prosecutor, counselors who had worked with Blanton, and the Carbon County Sheriff.

6. Blanton was on probation to Judge Halliday from June 2003 until November 2004. There were no reports of violations of her probation, which was terminated successfully at the request of Adult Probation and Parole on November 10, 2004.

7. During Blanton's probation, Judge Halliday met with Blanton several times outside of court.

8. The first meeting occurred sometime between June 2003 and April 2004 at Blanton's home in Price, Utah. Judge Halliday went to Blanton's home on that date to check her progress. Blanton was wearing an ankle monitor as ordered by the court. Blanton's children, one of her sisters, and Cami Short, a student assisting with the children, were present at the house during the visit. The visit lasted no more than twenty to twenty five minutes. During the visit, Judge Halliday asked Blanton about her progress, complimented her on her attitude and suggested that he might ask her for future input as a former drug offender and addict if this "experiment" was successful.

9. The second meeting also occurred sometime between June 2003 and April 2004. This meeting was initiated by Judge Halliday as a result of a discussion he had with one of Blanton's counselors who had expressed concern over Mr. Blanton's continued support for Blanton. Judge Halliday volunteered to meet with the Blantons and encourage both of them to continue in their efforts. This meeting was pre-announced to assure Mr. Blanton's presence. At this meeting, both

Blantons expressed a commitment to a continued effort. This meeting lasted about one-half hour.

10. The third meeting occurred sometime between April 26 and April 28, 2004 at Judge Halliday's chambers at the Seventh District Court in Price. When Judge Halliday arrived at work that morning, Blanton was at the courthouse. Blanton appeared agitated and asked Judge Halliday if she could speak with him. Judge Halliday invited Blanton into his chambers. Blanton described concerns she had with a sentence imposed by Judge Halliday on April 26, 2004 for Camille Stansfield, Case No. 031700277. Blanton told Judge Halliday she felt the sentence was too lenient. She told Judge Halliday that she had also told her probation officer, Jeff Wood, about her anger about the sentence. Judge Halliday said nothing to Blanton during the meeting other than thanking her for her input. He then ushered her out of his chambers.

11. The fourth meeting occurred shortly after the meeting in Judge Halliday's chambers in April or May 2004. Judge Halliday went to Blanton's home unannounced and brought her a small bunch of roses. Judge Halliday intended the roses to be a "keep up the good work/sorry the Judge did something that made your recovery even more difficult" offering. During the visit, Judge Halliday discussed with Blanton the idea of using addicts as a resource for the court. The visit lasted less than one hour. During the visit, Judge Halliday sat at the kitchen table while Blanton got her children ready to go to an activity. Blanton and her children were in and out of the room during the visit.

Judge Halliday believes during this visit that he asked Blanton whether she felt a woman who had lost her children in Family Drug Court could be expected to

succeed in the Adult Court setting in a probation experiment similar to what Judge Halliday was doing with Blanton. Blanton said "no." Judge Halliday did not tell Blanton the name of the woman in question.

12. Judge Halliday sent Blanton a congratulatory card after her successful termination of probation in November or December 2004.

13. There is no evidence of romantic involvement between Judge Halliday and Blanton.

14. Judge Halliday's actions were driven by his goal of reducing recidivism and were well intentioned.

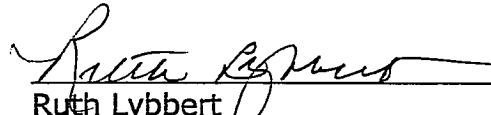
CONCLUSIONS OF LAW

1. Judge Halliday's contacts with Blanton at her home and in his chambers constituted impermissible ex parte contacts in violation of Code of Judicial Conduct Canon 3B(7). Judge Halliday's contacts with Blanton created the appearance of impropriety in violation of Code of Judicial Conduct Canon 2A, and adversely affected the integrity and independence of the judiciary in violation of Code of Judicial Conduct Canon 1.

2. Judge Halliday's contacts with Blanton constitute conduct prejudicial to the administration of justice which bring his judicial office into disrepute, in violation of Article VIII, Section 13 of the Constitution of Utah, and Utah Code Ann. §78-8-103(1)(e).

3. Judge Halliday should be publicly reprimanded for his actions.

DATED this 18th day of April, 2006.



Ruth Lybbert
Chair, Judicial Conduct Commission

CERTIFICATE OF SERVICE

I certify that on the 18th day of April, 2006, I served a true and correct copy of the foregoing Findings of Fact and Conclusions of Law on the Honorable Bruce K. Halliday by mailing the same via postage prepaid first-class mail, addressed to the following:

Ronald J. Yengich
Peter D. Goodall
Yengich, Rich & Xaiz
175 East 400 South #400
Salt Lake City, Utah 84111

Alan Winchester
