

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF THE INQUIRY ) No. 99-648
CONCERNING ROBERT MOORE, )
JUDICIAL MAGISTRATE. ) ORDER

This matter comes before the court upon a joint motion of the complainant, State of Iowa, and the respondent, the Honorable Robert Moore, judicial magistrate, asking the court to impose a reprimand on the respondent as recommended by the Judicial Qualifications Commission.

Upon full consideration, the parties' joint request is granted Judge Moore is hereby reprimanded for the Code of Judicial Conduct violations outlined in the attached joint motion.

Dated this 18th day of June, 1999.

THE SUPREME COURT OF IOWA

By Arthur A. McGiverin
Arthur A. McGiverin, Chief Justice

Copies to:

Richard Williams
Assistant Attorney General
Hoover Building
LOCAL

Michael J. Schilling
P.O. Box 821
Burlington, IA 52601

Copies to (cont'd):

- ✓ Hon. Robert Moore  
Judicial Magistrate  
30 West Division  
Morning Sun, IA 52640
  
- ✓ William J. O'Brien  
State Court Administrator  
LOCAL
  
- ✓ Members of the Court

FILED  
JUN 15 1999  
CLERK SUPREME COURT

IN THE SUPREME COURT OF IOWA

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IN THE MATTER OF THE INQUIRY : NO. 99.648  
CONCERNING ROBERT MOORE, :  
JUDICIAL MAGISTRATE FOR LOUISA : JOINT REQUEST TO COURT  
COUNTY :

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COME NOW Judicial Magistrate Robert Moore and designated prosecutor Richard A. Williams who state to the Court as follows:

1. The Commission on Judicial Qualifications heard this matter on April 8, 1999 and has entered its order finding that Magistrate Moore has violated the Code of Judicial Conduct as follows:

1a. By almost flagrant disregard for the provisions of rule 200 for a period extending from May of 1997 through June of 1998, during which time he had seven cases under submission for more than sixty days which were not listed on Rule 200 reports he filed; that he failed to check to see if he had overdue submissions prior to filing the reports. The Commission found this failure to be "Persistent failure to perform his duties" and "A Substantial violation of the canons of judicial ethics." For this violation, the Commission recommended public reprimand.

1b. The Commission found that in November of 1998, two judgment entries were signed by Magistrate Moore with date entries reflecting they were signed on the 3rd of November when, in fact, they were signed a number of days later. The Commission found that these actions constituted a violation of Canons 1 and 2(A) as well as a violation of the statements made in Committee

on Professional Ethics & Conduct v. O'Donohoe, 426 N.W.2d 166 (Iowa 1988).

1c. The Commission found that Magistrate Moore has regularly required a prosecutor to be present for initial appearances on charges brought under the traffic laws which is not required by the law or court rules; that such action constitutes a violation of Canon 3(A)(1) in that there is no legal authority to require the prosecutor to be present.

1d. The Commission found that Magistrate Moore has been discourteous to others who work in the criminal justice system and to at least one litigant who testified. This violation was primarily established by Magistrate Moore's testimony, and that these actions are violations of Canon 3(A)(3) of the Code of Judicial Conduct.

2. No additional sanctions were recommended by the Commission for the violations referred to in paragraphs 1b through 1d.


3. Both Magistrate Moore and the Commission feel that the recommended reprimand is an acceptable disposition of this case.


4. Going through the process of briefing and argument would add little to the case, take a great deal of resources, and delay imposition of the sanction.

WHEREFORE, Magistrate Moore and the Commission ask the Court to extend the period of time allowed for filing of briefs and other pleadings in this case and to give consideration to

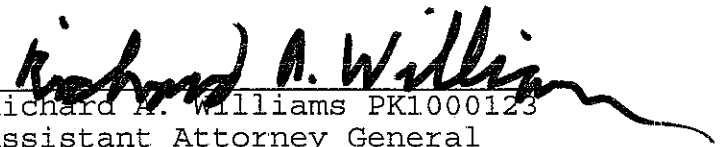
imposing the reprimand recommended by the Commission; that if the Court is unwilling to agree with the recommended sanction or otherwise feels that the briefing process is needed, that the Court reinstate the schedule for briefing.

Dated this 09 day of June, 1999.

  
Robert Moore

  
Michael J. Schilling  
Attorney at Law  
P.O. Box 821  
Burlington, IA 52601  
(319) 752-3641

Dated this 14 day of June, 1999.

  
Richard A. Williams PK1000123  
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