

Commission on Judicial Conduct

COMPLAINT INVOLVING JUDGE JOHN LAMB  
NAVAJO COUNTY SUPERIOR COURT

CASE NO. 08-284

**Complaint Initiated on the Commission's Motion**

On its own motion, the Commission on Judicial Conduct opened a file in this case to investigate the conduct of Superior Court Judge John Lamb. This notice, the judge's response, and the reprimand imposed on the judge for his conduct constitute the record in this case.

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 08-284

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Complainant:	Commission on Judicial Conduct	No.
Judge:	John Lamb	No.

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**ORDER**

After reviewing the complaint, the evidence gathered during preliminary investigation, and the judge's response, the Commission on Judicial Conduct finds that Judge Lamb's conduct in this case violated Canon 2 of the Code of Judicial Conduct which requires that a judge avoid impropriety and the appearance of impropriety in all of the judge's activities.

Accordingly, the judge is hereby reprimanded for his conduct pursuant to Rule 17(a), and the record in this case, consisting of the complaint, the judge's response and this order, shall be made public as required by Rule 9(a).

Dated: June 23, 2009.

FOR THE COMMISSION

\s\ J. William Brammer

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Hon. J. William Brammer, Jr.  
Commission Chair

Copies of this order were mailed to the complainant and the judge on June 23, 2009.

*This order may not be used as a basis for disqualification of a judge.*



Robert B. Van Wyck  
*Attorney at Law*

September 24, 2009

Linda Haynes  
Commission on Judicial Conduct  
1502 West Washington, Suite 229  
Phoenix, Arizona 85007

REDACTED

Re: Honorable John Lamb  
Case No. 08-284

Dear Mr. Stott, Ms. Haynes and Members of the Commission:

I represent the Honorable John Lamb in responding to the Commission's letter of January 21, 2009. The focus of inquiry is an incident that occurred last year in Holbrook. You have asked that he respond to those allegations.

At the outset, Judge Lamb regrets deeply the events of the night of October 31, 2008, and accepts responsibility for his conduct on that evening. In regard to the rumors about him and his reputation, Judge Lamb is now aware of these perceptions. These allegations are based, for the most part, on rumors with little or no substance. Even so, Judge Lamb takes them very seriously, and has modified his personal conduct accordingly in order to eliminate any role he may have played in sparking the rumors that created the misperceptions. He also acknowledges that the October 31, 2008 event may well have "given legs" to any rumors that existed prior to that time. Judge Lamb is deeply sorry for his conduct and is very humbled by his present circumstances.

The Canon implicated by this matter is Canon 2, which requires a judge to avoid impropriety, **and** the appearance of impropriety, in all of the judge's activities. The primary concern in this matter relates to Canon 2(A), which states in pertinent part:

The judge shall respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and the impartiality of the judiciary.

The commentary to Canon 2A is instructive both as to the importance of this rule and to the types of conduct prohibited. It is designed to underscore the importance of the integrity, dignity and impartiality of the judiciary. While stated in general terms, the specific improprieties given as examples include... a violation of law, court rules or other specific provisions of the Code. The test for **the appearance** of impropriety is whether the conduct would create, in reasonable minds, a perception that the judge's ability to carry out judicial responsibilities with integrity, impartiality and competence is impaired.

Canon 2(B) and (C) do not appear to be implicated in any way. Judge Lamb is a universally respected judge. He is competent, knowledgeable, and prepared. He maintains an orderly courtroom. He is fair and impartial and treats everyone with respect. There is no allegation that he ever improperly favored anyone while he was acting in his judicial capacity. In fact, he is scrupulous in this regard and takes pride in the manner with which he treats each person who comes before him. In addition, there is no allegation that Judge Lamb used his position to gain a personal advantage during the Holbrook incident, or in any other incident. Again, he has never done so. Finally, there is no issue involving membership in an organization that practices discrimination.

Returning to Canon 2(A), in regard to the Holbrook incident of October 31, 2008, and as previously stated, Judge Lamb accepts full responsibility for his conduct. He understands that he could have simply stayed home that night. He and his wife chose to go out for the evening. While this choice was entirely proper, it carried certain responsibilities. He acknowledges that he could have carried out these responsibilities by going out with his wife, socializing with a few friends briefly at the Young's Corral and returning home. Instead, his wife left and he stayed. He had a few drinks with friends. Realizing he should not drive, he got someone to drive him and others home. He got in the back seat of his vehicle, and was headed home. Just as they were leaving, a person unknown to him requested a ride from the driver and got in the vehicle. This person, later identified as Larry Parker, asked to stop at Woody's, a convenience store to buy beer for himself. The driver stopped at the store. Mr. Parker went in by himself, walked back alone and got into the vehicle with beer. Shortly thereafter, a Holbrook police officer stopped the vehicle. Mr. Parker was arrested for taking the beer from Woody's. Judge Lamb got a ride home from a friend.

Judge Lamb did not drive the vehicle at any time. Neither he nor any of the others were aware that Mr. Parker did not pay for the beer. In addition, Judge Lamb left his home that night with his wife. He did not come from Flagstaff that night with Ms. Carmines. Although he knew her, he had not seen her in some time, and did not know she had any outstanding warrants. Judge Lamb did not intend to go to a "motel to sleep" as suggested in the supplemental police report, but intended to go home. Finally, the Judge denies having any shots of liquor with Violet Nez or anyone else that night. Notwithstanding the above, the Judge understands that the concern is not so much the precise details of the incident, but that he was there under those circumstances in the first place.

Judge Lamb did not break the law, violate a court rule or another Canon. It seems clear that Judge Lamb's conduct was not improper as strictly defined under the Code. However, he can see that his conduct that night could certainly be construed in such a way to raise the appearance of impropriety. The distinction between improper conduct and the appearance of impropriety is mentioned here, not to minimize the conduct or its effect, but to focus the analysis in this response. The behavior was admittedly irresponsible and unacceptable under any label. However, his conduct in carrying out his duties has not been impaired by this incident, and that should be considered a strong mitigating factor.

Although Judge Lamb denies conduct that would lead to the reported reputation, he acknowledges that there were rumors that contributed to the reputation. Prior to your letter, however, the Judge was not aware of having such a reputation. He was aware of certain rumors from time to time, but attributed those to living in a small community and being in the public eye for many years. Judge Lamb's personal style, which is open, gregarious and friendly toward all, and his mistaken belief that he could be a regular member of his own town despite his position, may have contributed to the reputation.

Judge Lamb now understands that his prior belief that he could be a regular member of the community was naïve and wrong. He understands that he must be more careful and he has taken steps to make sure he is. He understands that in this day and age, a judge is never "off duty". A judge wears the uniform of the robe, literally or figuratively twenty-four hours a day, seven days a week. A judge's conduct while off the bench is key to the public's perception about the fairness and impartiality of the judicial system.

The incident of October 31, 2008, and the subsequent investigation, has been a painful but fortuitous awakening for Judge Lamb. He now fully appreciates how rumors and reputation, whether based in fact or utter falsehoods, can influence how the public perceives a judge and the judiciary in general. He also understands that his own past behavior contributed to those rumors and the apparent resulting reputation that is embarrassing, humbling and regrettable.

As a result, Judge Lamb has changed his behavior so as to eliminate any possibility of misperception. Though a social drinker in the past, he has now stopped drinking entirely. He does not go out at night. He has sold the vehicle involved in the incident.

Judge Lamb fully appreciates the scope of these changes and understands that he must be very careful in every aspect of his personal life. This includes his choice of the people with whom he associates, his choice of restaurants, social organizations to join and events to attend. The steps that Judge Lamb has taken are significant and enduring. He understands and appreciates the problems caused by his past conduct. He takes responsibility for that conduct and is committed to never again engaging in personal behavior that might raise the appearance of impropriety. He has adjusted his behavior substantially since the incident of October 31, 2008.

The Judge has taken action to ensure the protection of the public, and to uphold the dignity and integrity of the judiciary. The steps also demonstrate that virtually all of the mitigating factors set forth in Rule 19 of the Rules of the Commission on Judicial Conduct apply to this matter.

This is the only complaint against Judge Lamb of this kind in over fourteen (14) years on the bench. He has no prior disciplinary sanctions as an attorney or as a judge. When the rumors were brought to his attention for the first time, Judge Lamb addressed the issues immediately and has accepted responsibility for his conduct. The October 31, 2008 incident, while serious, was isolated and will not recur. He took affirmative steps to demonstrate that a reoccurrence of the October 31, 2008 incident will not happen. Furthermore, he has taken affirmative steps to ensure that his personal conduct does not give rise to further rumors, false or otherwise.

In the past Judge Lamb has, at the request of the Supreme Court, been a mentor judge to others. He has taught classes to new judges on how to run an efficient court and how to conduct court. He has helped write bench books for judges. He served as the County's Limited Jurisdiction Court Presiding Judge for eight (8) years. The Arizona State Senate President selected Judge Lamb to sit on a joint legislative committee on funding for the courts. The Chief Justice selected him as one of the few judges to sit on her Court Leadership Institute. He serves on the Publications Board and the Wendell Board of the Judicial College. In addition, he serves as a member of the State Bar Committee that redrafted the criminal jury instructions read by all judges in the state in criminal trials. He helped start both the Holbrook Teen Court and the Superior Court Mental Health courts. In addition, he coaches the youth in his community and belongs to several civic organizations. All of these accomplishments should be considered in mitigation.

Having fully responded to the concerns of the Commission, Judge Lamb requests that this matter be dismissed with a strong comment, together with any requirement that the Commission may deem appropriate, including counseling and/or monitoring. The event has cost Judge Lamb dearly both professionally and personally. The incident, the rumors, this inquiry, the resulting soul searching and the positive steps that Judge Lamb has taken demonstrate that the public and the dignity of the judiciary will be well served by such a dismissal under the unique circumstances of this case. If there are further questions, please do not hesitate to contact me. Thank you for giving Judge Lamb the opportunity to address the Commission on this matter.

Very truly yours,

RBV/klb