

Syllabus

IN RE COMPLAINT AGAINST CHIEF JUDGE XOLA
LAZ

JUDICIAL ETHICS COMPLAINT

No. 6JD-02. Argued October 29, 2022—Decided November 21, 2022.

The Supreme Court received a judicial complaint against Chief Judge Xolaaz alleging that he contravened Canons 1-3 of the Code of Conduct for Judges in the State of Mayflower. The Court thoroughly analyzed the complaint, the evidentiary pieces therein, and the response supplied by the Complainee. It is patently clear that Chief Judge Xolaaz did not contravene any of the revered judicial canons. Instead, the Complainant merely submitted a complaint full of conjecture.

Held: Chief Judge Xolaaz is cleared of any of the allegations brought against him, and no punishment is issued. Pp. 18–24.

(a) The facts of this case ultimately position Chief Judge Xolaaz into a position of safety, as his actions did not directly contravene our Judicial Canons of Ethics. Pp. 18–24.

(b) Judges, at their discretion, may message parties in an ongoing case so long as the messages do not grant either party a “procedural, substantive, or tactical advantage.” Canon 3, Code of Conduct for Mayflower State Judges. Pp. 20-21.

(c) The Supreme Court is not, and never has been, in possession of the power to *expel* inferior Judges from their bench. Such a power lies with the Legislature. Our disciplinary powers, as per Mayf. St. Const. Art XI., Sec. 6, merely levy us the ability to indefinitely *suspend* a member of the Judiciary. Pp. 21–22.

(d) District Court Judges, in the absence of a Court Clerk, are to continue to attach files in order to preserve the judicial economy. This does not mean that the Judges are mandated to serve at the whims of our litigants; rather, it is a voluntary duty that should typically be done at one’s earliest convenience. Chief Judge Xolaaz’s failure to attach a file to a Trello card does not contravene the canons for judicial ethics. Pp. 22–23.

Turntable5000, J., delivered the opinion of a unanimous Court.

JUSTICE TURNTABLE5000 delivered the opinion of the Court.

In this case, the Supreme Court of the State of Mayflower was presented with a judicial complaint against sitting Chief Judge Xolaaz. The question presented to us is whether Chief Judge Xolaaz violated Canons 1 – 3 of the Code of Conduct for State of Mayflower Judges. The basis for the report relies solely upon the complaint provided to the Court, with additional exhibits of evidence affixed throughout the complaint.

Under our precedents, it is absolute that prior to issuing any sort of judicial discipline, we must maintain that the adjudication of the complaint is thorough, while affording both parties opportunities to expound their claims. It is indisputable that both parties have done so here. With our constitutionally empowered mechanism—the inherent ability to “discipline any Judge in the Supreme Court and [our] inferiors as [we] see[] fit.” Mayf. St. Const. Art XI., Sec. 6. With such a potent judicial weapon, we “ought to be reluctant to approve its aggressive or extravagant use, and instead we should exercise it in a manner consistent with our history and traditions.” See *Missouri v. Jenkins*, 515 U. S. 70, 124 (1995) (citing *Chambers v. NASCO, Inc.*, 501 U. S. 32, 63–76 (1991) (Kennedy, J., dissenting)).

Through a thorough review of all the statements, responses, and arguments, the Court has collectively decided that Chief Judge Xolaaz did not contravene any of the canons that sitting Judges are mandated to adhere to. As such, this complaint is discharged, and Chief Judge Xolaaz is absolved of any such allegations.

Opinion of the Court

In August 2022, the Court received a judicial complaint against Chief Judge Xolaaz, alleging that he violated Canons 1 – 3 of the Code of Conduct for Judges in the State of Mayflower. Complainants listed a string of distasteful characterizations, spewing that Chief Judge Xolaaz was a “hostile, unfair, inconsiderate, disrespectful, and immoral Judge.” See Complainant’s Letter to the Supreme Court, at 1. There have been numerous accusations littered throughout the complaint, as such, the Court finds it appropriate to separate every allegation into a distinct portion of this opinion.

A

First, we acknowledge the Chief Judge’s “fail[ure] to acknowledge a recusal motion.” The Chief Judge, questionably glosses over the Plaintiff’s request for recusal, however, while redirecting the Plaintiff to the Chief Justice of the State of Mayflower. This approach is certainly inconsistent with our prioritizations of court-related matters; this does not amount to a violation of the Code of Conduct for State of Mayflower Judges. Our code serves to impugn the oblivious, and incompetent, not to discipline those over harmless procedural errors. It is typical for motions to be submitted in PDF format, while oral motions are available at the Presiding Judge’s discretion; in this matter, Plaintiff apparently did not exhaust all his methods, such as submitting a detailed PDF motion outlining why recusal is mandated in that situation. After all, “[i]t is well established that a judge may not preside over a case in which he has a direct, personal, substantial pecuniary interest.” See *Caperton v. A. T. Massey Coal Co.*, 556 U.S. 868, 894 (internal quotations omitted)

(citing *Turney v. Ohio*, 273 U.S. 510, 523 (1927)). Situations that warrant mandatory recusal, often fall under the Due Process Clause, however, states are, and always have been, “free to adopt broader recusal rules than the Constitution requires.” *Id.*, at 896 (ROBERTS, C. J., dissenting). After all, our own Code of Conduct for State Judges is modeled after Code of Conduct for United States Judges.¹

B

Next, we turn to the next allegation that “[Chief] Judge Xolaaz produced an informal summons to the Plaintiff and felt the [...] need to express his distaste for Plaintiff Rippdan.” See Complaint, at 1, ¶3. We are presented with a screenshot which captures a conversation between Chief Judge Xolaaz, and Plaintiff rippdan. Chief Judge Xolaaz declares that “[w]e are not friends.” *Ibid.*, see image affixed. Although the messages may seem unsolicited, that alone does not merit the title of “distastefulness.” Complaint’s Letter, at 1. True distastefulness would merit far more than a simple declaration that two individuals are not friends, and this certainly does not merit any judicial discipline. Complainants also seem to confuse the situations where a Presiding Judge can message parties involved. Our own Code of Conduct clarifies that Judges “may permit *ex parte* communications [...] when the communication does not address substantive matters and the judge reasonably believes no party will gain a procedural, substantive, or tactical advantage.” See Canon 3, Sec. 1, ¶2. The act of summon-

¹ See Code of Conduct for State of Mayflower Judges, at 1 (introduction outlining the Supreme Court’s disciplinary authority).

Opinion of the Court

ing an individual certainly does not levy any sort of advantage; it merely serves to initiate proceedings by ordering the attendance of all relevant parties. Complainant mistakenly believes that only counsel can summon parties; this is incorrect as the Judge *may* permit counsel to summon parties, however the Judge may stamp his signature to any summons and forward it to all relevant parties. Afterall, the lower court is empowered to draft summons to all parties involved in civil matters. See May. Civ. P. 10.

It is patently clear that Chief Judge Xolaaz has not committed any action here that would directly contravene the Code of Conduct, therefore, we must move to the last allegation.

C

Lastly, we are presented with a series of demands from the Complainant, including a request for Chief Judge Xolaaz's "removal from the District Court." See Complainant's Letter at 1, ¶4. Such a request is impossible to grant. Justices, and Judges alike, are only permitted to hold our "[o]ffices during good behavior." Mayf. St. Const. Art XI., Sec. 1. Our disciplinary powers are solely limited to "suspend[ing] [one] from the bench for an indefinite number of days." Mayf. St. Const. Art XI., Sec. 6. We are not permitted to do anything further, as removal from the bench is something that can only be initiated by the Legislature. Mayf. St. Const. Art XIII., Sec. 11. Violating such a tenet would be an injustice levied upon our own Constitution, that cherishes and is inherently powered by the respect gathered for the separation of powers. After all, "[s]eparation of powers is in no sense a formalism." See *Nixon v. Administrator of General Services*, 433

U. S. 425, 507 (1977) (Blackmun, J., concurring in part and concurring in the judgment). The request for us to remove an individual from the bench is wholly incomprehensible. Next, we move on to the issue of updating the Judicial Trello. The Trello system exists to serve an equitable purpose; the judicial branch requires the organization of all cases, and documents to ensure future viability of review, as well as future studies of certain cases. The job as Chief Judge is inherently administrative, while the individual is still expected to function with their regular judicial duties. Here, we are presented with a situation where the Complainant seeks to add an *additional duty* to the exhaustive list already preserved for the Chief Judge. It is bizarre to suggest that the Chief Judge is obligated to serve on the whims of the parties who come before his court, when it comes to trivial matters such as the organization and filing of case documents. Such a job is already enshrined: it is reserved for the Clerk of the District Court. In cases of such absence, the District Court has typically replaced another member of the Judiciary to deal with the task as an *interim* clerk. This certainly does not mandate our Judges to strip themselves from their robes to descend down to deal with such a trivial task and serve at the beck and call of our litigants, rather they are simply to accommodate such a request at their own discretion. The Complainant is correct in his declaration that the civil complaint is an important cog in the civil apparatus, however, he is certainly mistaken when he posits such as a detrimental harm to the Plaintiff, simply due to the Chief Judge's decision to not *immediately* attach the civil complaint to the Trello card.

Opinion of the Court

As such, Chief Judge Xolaaz is wholly absolved of any of the allegations brought against him. The Judge did *not* violate any of the Judicial Canons, when he failed to affix the civil complaint to the Trello card; mandating such would be a fool’s decision.

II

Complainant comes before the Court with a string of errant declarations, all of which unjustly paint Chief Judge Xolaaz in a negative light; his actions certainly did not contravene the judicial canons we have implemented, as such, no disciplinary action would be just. Complainant’s accusations have no backing, and it seems to contain more conjecture, rather than meritorious allegations that would mandate more severe punishment. Complainant seeks to illustrate a narrative where the Chief Judge is “genuinely disliked by attorneys and most likely other Judiciaries [sic] simply because he is a distasteful and overall unfair judge,” and the Complainant empowers themselves into a position where they believe that they possess the qualifications to effectively determine whether an individual “deserve[s] to be [...] a Judge.” See Complainant’s Letter, at 2. Complaint is certainly erroneous in this behalf, and the Court is not here to entertain absent declarations, where such an extreme form of punishment is outwardly demanded.

III

We have determined that *no punishment* is to be issued in this disciplinary matter. The actions of Chief Judge Xolaaz—although some may be inherently questionable—were indisputably within the bounda-

Opinion of the Court

ries set by our Code of Conduct. As such, we order that this complaint is discharged.

It is so ordered.