

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-218

Complainant: Commission

Judge: Keith David Barth

ORDER

It came to the attention of the Commission that Justice of the Peace Keith David Barth submitted a character reference letter on behalf of an attorney seeking reinstatement to the active practice of law in a reinstatement proceeding pending before the Presiding Disciplinary Judge.

The commission called Rule 3.3 of the Code of Judicial Conduct to the attention of Judge Barth and he conceded his character reference letter violated this rule. Whether the judge's letter was the equivalent of testimony as a character witness in the attorney's reinstatement proceeding or served to vouch for the character of the attorney in a legal proceeding, the judge was not duly summoned by the attorney to provide character witness testimony or otherwise vouch for his character in a legal proceeding. Judge Barth is informally reprimanded for violation of Rule 3.3.

The commission believes Judge Barth's violation of Rule 3.3 is substantially mitigated for the following reasons. First, Comment 2 to Rule 1.3 states that a judge may provide a reference or recommendation for an individual based on the judge's personal knowledge. Judge Barth may not have fully appreciated that the attorney's reinstatement proceeding involved an evidentiary hearing before a three member panel chaired by an Acting Presiding Disciplinary Judge and that his letter would be submitted as evidence in that proceeding on behalf of the attorney. Second, Judge Barth's intentions were good in attempting to assist a person in obtaining the reinstatement of his license to practice law. Judge Barth had personal knowledge of the attorney's background and activities and felt the attorney had tackled his problems and was now ready to return to the active practice of law. Finally, Judge Barth accepted full responsibility for his error and the Commission is confident that Judge Barth is now fully aware of the limitations placed on judges serving as character witnesses for or otherwise vouching for the character of another person as set forth in Rule 3.3.

Dated: September 7, 2012.

FOR THE COMMISSION

/s/ Louis Dominguez

Louis Frank Dominguez
Commission Chair

A copy of this order was mailed to the judge on September 7, 2012.

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

April 30th 2012

Honorable William O'Neil
Chief Disciplinary Judge
Arizona Supreme Court
Phoenix, Arizona

To the Honorable William O'Neal:

It is my honor to provide a character reference for Jeffrey Silrtola. I have known Jeff for over 20 years. First when I was working for the Cochise County Sheriff's Office, the Marshal of Patagonia, and now as Santa Cruz County Justice of the Peace Precinct # 2.

Mr. Silrtola has been well respected by his peers. With my 23 years experience in Law Enforcement and 6 years as Justice of the Peace, I feel fully qualified in giving a sound and just character reference for Mr. Silrtola.

I have been involved in many criminal cases with Mr. Silrtola as a police officer and Justice of the Peace. Mr. Silrtola has shown a great degree of knowledge and stability when dealing with sensitive and complex cases. He makes time for those in need and is available to those who ask.

I am aware of Mr. Silrtola's accident which occurred approximately a year and a half ago. I know it has created many challenges in his life. Mr. Silrtola has proven to me that he has tackled those challenges and is now ready to return to practicing law.

Please feel free to contact me personally for more information regarding Mr. Silrtola.

Respectfully,

Keith David Barth

AUG 21 2012

**FROM THE CHAMBERS
OF
KEITH DAVID BARTH
JUSTICE OF THE
PEACE**



East Justice Court
COUNTY OF SANTA CRUZ

**POST OFFICE BOX 1330
3147 HIGHWAY 83
SONOITA, ARIZONA**

August 21, 2012

Commission on Judicial Conduct
1501 West Washington Suite 229
Phoenix, AZ 85007

RE: Case Number: 12-218

Dear Commission Members,

Several years ago Jeffery Silrtola, an attorney in Sierra Vista AZ, whom I have known professionally for over 20 years was involved in a serious accident. Those injuries I understood were the catalyst that led to the decline of his performance as an attorney.

In April 2012 I was contacted by Jeffery asking for a character reference. At this time I was under the impression that the Canons had been modified for such a request. Based on my knowledge of his turn around and my past respect for him, I agreed to write a letter.

On April 30, 2012 I wrote a character reference letter addressed to the Honorable William O'Neal on behalf of Jeffery Silrtola.

After receiving this complaint and reviewing rule 3.3 it is clear that I have violated Arizona's Code of Judicial Conduct. I accept full responsibility for my actions.

I apologize for this violation and wish to express my most sincere apology to the Commission but more importantly to the office in which it is indeed an honor to hold.

Sincerely,

Keith D. Barth