

## JUDICIAL CONDUCT COMPLAINT – JUSTICE ANDREW HORTON

Justice Horton's actions demonstrates willful and repeated disregard of explicit requirements of the law. Not only did Justice Horton Err as a Matter of Law he also misrepresented the Defendant's arguments, failed to report Attorney James Monteleone, failed to protect one of Maine indigent litigants and refused to address the WORST ABUSE OF THE LEGAL SYSTEM IN MAINE HISTORY when brought to his attention. The actions described herein were not the actions of a confused Justice rather of one acting in a knowing, intelligent and deceptive manner.

First and foremost, I'm not using the complaint process as a weapon or to get an advantage in my current case. Protecting the rights of Pro Se and Indigent litigants and defending against abuse of the legal system (fraud on the court) are two of the biggest challenges facing the legal system today, therefore it's vitally important to investigate allegations of fraud or misconduct when raised. One of the Judges biggest duties is to protect the integrity and fairness of the legal system as the constitution intended. The Maine Code of Judicial Conduct Preamble states,

“Inherent in the rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the justice system.

To implement fully the principles of this Code as articulated in the Canons, judges **should strive to exceed the standards of conduct established by the Rules**, holding

themselves to the highest ethical standards and seeking to achieve those aspirational goals, thereby enhancing the dignity of the judicial office.”

Chief Justice Stanfill was recently quoted stating, “We are failing in this state in our justice systems — criminal and civil, to be honest.” She said that mainly due to the failure to protect the rights of indigent litigants. I'm an indigent litigant who was forced to represent myself. At least criminal defendants get an attorney at some point but that same right doesn't extend to the civil court. It seems insane that the Judicial system is attempting to protect the rights of indigent litigants all while abusing my rights (an indigent litigant) on a level never seen before in Maine.

## **INTRODUCTION**

On 12/31/22 I filed a Notice of Appeal and followed the exact process outlined in Ex E and Ex F. As a Pro Se Litigant I've spent countless hours studying the M.R.C.P. and M.R.A.P. in order to file proper Motions and to not waste the courts valuable time.

A notice of appeal in civil court is a simple process that puts the trial and law court on notice that an appeal will be filed. The form is very basic and doesn't even ask what the Appellants is appealing but instead asks for the date in which the Judgment, order or ruling was entered. Once a notice of appeal is filed with payment and transcript order form, the clerk of the law court will issue a briefing schedule. The Law Court Justices normally don't see an appeal until it is fully briefed so it's extremely odd that Justice Horton would immediately deny my appeal without knowing why I filed it or which order it was even referring to. I'd honestly like to know

who brought my notice to his attention and what transpired for Justice Horton to intervene a couple days after my Notice was filed.

## **ARGUMENTS**

### **I. JUSTICE HORTON ERRED AS A MATTER OF LAW REGARDING HIS ORDER DISMISSING APPELLANT'S NOTICE OF APPEAL**

On 1/3/23 Justice Andrew Horton issued an order denying my Notice of Appeal stating, "The Denial of a motion for Summary Judgment is an Interlocutory ruling and not appealable" The Appellee didn't file a Motion to Dismiss so Justice Horton's decision to deny my properly filed Notice of Appeal was unprovoked and completely atypical to normal procedure.

1. Justice Horton misinterpreted the law by barring interlocutory appeals.
2. Justice Horton acted as the Appellees lawyer when he argued for dismissal.
3. Justice Horton erred as a matter of law when he unlawfully dismissed the appeal without satisfying the requirements of M.R.A.P. Rule 4
4. Justice Horton deprived the Appellant of Due Process when he dismissed his appeal without allowing the Appellant to submit a brief or argument.

**\*\*SEE APPELLANTS MOTION TO RECONSIDER EXHIBIT JJ**

## **II. JUSTICE HORTON ERRED AS A MATTER OF LAW REGARDING HIS ORDER DENYING APPELLANT'S MOTION TO RECONSIDER**

On 2/8/23 Justice Andrew Horton issued a order denying my Motion to Reconsider Interlocutory Appeal stating the following arguments:

1. Rinaldi argues first that this court misinterpreted the law by "Barring Interlocutory appeals" Mot 10.

**In Justice Horton 1/3/23 Order he states. "The Denial of a motion for Summary Judgment is an Interlocutory ruling and not appealable" Justice Horton clearly erred as a matter of law for dismiss the Appellants Notice of Appeal. Horton was unaware why the Appellant filed a Notice of Appeal and wasn't even aware of which ruling the appellant was contesting because (3) separate orders were denied on 12/10/22 and Notice of appeals don't required a statement of issue. They only require the date of which the appeal is regarding.**

### **M.R.A.P. RULE 2A. NOTICE AND FILING OF APPEAL**

#### **(b) Notice and Appearances**

**(1) Notice. The appeal shall be commenced by filing a notice of appeal with the clerk of the trial court from which the appeal is taken. A notice of appeal shall be filed in conformity with the rules then in effect for the trial court from which the appeal is taken. The notice of appeal shall be signed by each appellant or the appellant's attorney. The notice of appeal shall specify the party taking the appeal and designate the judgment or part thereof appealed from. A copy of the notice of appeal shall be served on the other parties to the trial court proceeding.**

**Restyling Notes – June 2017**

**The requirement of former Rule 2(a)(2) that notices of appeal in civil actions include a statement of the issues is removed.**

2. At the beginning of his motion, Rinaldi claims that this appeal is also regarding several orders entered from May 20, 2021 through October 1, 2022 Mot 2 At one point in his motion, Rinaldi claims that “this is an appeal from an Interlocutory ruling vacating an attachment Mot 6 He appears to mean that he is appeal from the trial court order of May 20, 2021, denying his Motion to Dissolve an attachment and trustee process. Although at least one of those orders may be proper subject to Interlocutory appeals, Rinaldi’s appeal does not “regard” that order because it was not timely and was not designated on his notice of appeal. See M.R.A.P. 2A(b)(1) and untimely See 2B(c)(1)

**Justice Horton misrepresents what the appellant states in his Motion to Reconsider.**

**The appellant was very clear what his Interlocutory appeal is regarding stating,**

**“Motion the court to Reconsider Justice dismissal of the appellant Interlocutory appeal regarding the following trial court orders: 1. 12/10/22 Denial or Summary Judgment 2. 12/10/22 Denial of the Appellants Request for Summary Judgment Hearing 3. 12/10/22 Denial of the appellants Motion to Reconsider**

**56(f)**

**The appellant then goes on to state, "The Appellants Interlocutory appeal is also regarding the following trial court orders with Good Cause show 1. 5/20/21 Denied Motion to Dissolve 2. 3/14/22 Denied Motion to Vacate Rule 60(b) Fraud 3. Motion to Rexonsider Motion to Vacate 4. 9/7/22 Denied Motion to Recuse and Denied Jury Trial Request 5. 10/1/22 Discovery Order"**

**M.R.A.P. Rule 2A(b)(1) Requires a notice of appeal to be filed within 21 days of the order, judgment or ruling unless good cause is shown. The WORST ABUSE OF THE LEGAL SYSTEM IN MAINE HISTORY might be the best example of good cause shown ever put forth. Nonetheless, the appellants was deprived his right to file a proper brief which would allow himself to fully articulate how egregious the conduct was of the Plaintiffs and how meritless their claims are.**

3. Rinaldi also asserts that because the appellate rules require the inclusion in the appendix of the parties statement of facts if the appeal relates to the entry or denial of summary judgment Motion, M.R.A.P. 8(d)(1), orders on motions for summary judgment must be appealable. This argument fails because orders on Motion for Summary Judgment may be appealed (to the extent that it is not moot given any other proceedings that occur after it) after the final judgment in the matter is entered.

**Justice Horton again misrepresents what the appellant states. The appellant clearly didn't frame his argument in that manner stating, "If Summary Judgments aren't**

appealable then why would there be a section in the Maine Rules of Appellant Procedure that only references Summary Judgment.” The Appellant never stated Summary Judgments Must be appealable nor was he attempting to articulate such. Justice Horton stated in his prior order “ The Denial of a motion for Summary Judgment is an Interlocutory ruling and not appealable” so the appellant was simply pointing out that Summary Judgments can be appealed.

4. Rinaldi's appeal was dismissed because of when it was taken, not because the order is never appealable.

Justice Horton again, erred as a matter of law because Summary Judgments can be appealed while Interlocutory if they meet one of the three well established exceptions to the final judgment rule.

5. He mentions the “extraordinary circumstances” exception to the final judgment rule but does not analyze it or show that his appeal fits under that exception. Rinaldi has not shown that any of the exceptions to the final judgment rule apply.

Justice Horton again, erred as a matter of law. Notice of appeals don't required a statement of issue. They only require the date of which the appeal is regarding. The appellant isn't required to analyze or show that his appeal fits under that exception. Nonetheless, the appellant provided the court with an overwhelming amount of

evidence showing that this situation is extraordinary and meets not one, but all of the three exceptions to the final judgment rule.

**M.R.A.P. RULE 2A. - Restyling Notes – June 2017**

The requirement of former Rule 2(a)(2) that notices of appeal in civil actions include a **statement of the issues is removed.**

6. Rinaldi next argues that it is “completely inappropriate and unlawful for a court to dismiss an appeal without either party filing a Motion to dismiss.” That is an incorrect statement of law. This court can, and does, dismiss appeals on its own without having received any motions or arguments from a party. See *Me.Equal Justice Partners v Comm’r* 2018, ME 127, 8, 193 A.3d796

Justice Horton again, erred as a matter of law. It is in fact complete inappropriate for a Justice to Dismiss an Appeal unprovoked. Justice Horton cites *Me.Equal Justice Partners v Comm’r* 2018, ME 127, 8, 193 A.3d796 This argument fails for multiple reasons.

In *Me.Equal Justice Partners v Comm’r* the opinion states, “Even where neither party has raised the issue of a judgment’s finality, “we may dismiss [an] appeal sua sponte[4] if we determine that the appeal is unripe.” Brickley, 2008 ME 111, ¶ 9, 951 A.2d 801. When there is further action to be taken in a given case, that case is interlocutory and not ripe for appellate review. See *Taylor v. Walker*, 2017 ME 218, ¶ 8, 173 A.3d 539. When a “decision from us at this stage would be entirely premature,”



dismissal of the interlocutory appeal is proper. Brickley, 2008 ME 111, ¶ 10, 951 A.2d 801. [¶19] We conclude that this appeal is interlocutory “because a decision from us at this stage would be entirely premature.” Id. The initiating petition in this case requested numerous forms of relief. See *infra* ¶ 3. No factual record was created, and the Superior Court addressed only one component of the requested relief because it concluded that certain key components and deadlines of the Act were “still on the horizon”—namely, the Act’s mandate that the Department”

In *Me.Equal Justice Partners v Comm’r* the panel of Justices were presented a fully briefed appeal and were aware of the issues at hand so it was appropriate to dismiss the Interlocutory appeal in that case after they reviewed all relevant information. Justice Horton has no clue why the appellant filed his Interlocutory appeal so his decision to dismiss the appellants Notice of Appeal without having any idea what it was about is inappropriate and deviates from standard procedure. Therefore, Justice Horton did act as an advocate when he dismissed the Appellants Notice of Appeal which deprived the appellant of Due Process. .

7. Rinaldi then argues that the court erred by dismissing the appeal without satisfying the requirements of M.R.App.P. 4 Again, he misstates the law. This court retains the authority to suspend a rule including Rule 4 on its own Motion in order to expedite a decision or for other good cause. M.R.A.P. 14(c) See *Me.Equal Justice Partners v Comm’r* 2018, ME 127, 8, 193 A.3d796 (dismissing appeal as Interlocutory even though no party raised the issue of the judgments finality)

Justice Horton again, erred as a matter of law by dismissing the appeal without satisfying the requirements of M.R.App.P. 4 The court does have the authority to suspend a rule to expedite a proceeding or for good cause shown. Justice Horton didn't provide good cause to suspend the rule or good cause to dismiss the appeal so it's puzzling that he would emphasize that I'm misinterpreting the law "Again, he (Rinaldi) misstates the law" when he misstated the law.

8. Rinaldi then argues that the dismissal denies him of Due Process because he was not given the opportunity to file a brief or arguments. This argument is moot because Rinaldi has now presented his arguments on why the court should not have dismissed his appeal, and the court has now considered them.

Justice Horton again, erred as a matter of law by acting like the appellant was able to present a full and complete appeal when he had only days to file a Motion to Reconsider. The appellant was deprived his right to file a proper Interlocutory appeal and instead was forced to file a Motion to Reconsider that points out how Justice Horton erred. Nonetheless, the appellant did present the complete Summary Judgment and Cross Motion for Summary Judgment which show without question how frivolous and fraudulent the Plaintiffs claims are. The following are undisputed facts:

- 1. Failure to present Prima Facie Evidence**
- 2. Failure to Cite Evidence**
- 3. Failure to Refute the Defendants evidence.**
- 4. Failure to present a plausible claim that's not based off speculation alone.**
- 5. Failure to submit the required affidavit per rule 56**
- 6. Unable to Refute Judicial Estoppel**
- 7. Unable to Refute Unclean Hands**
- 8. Anticipatory Repudiation**
- 9. The Defendants Motion was unopposed (12/10/22 Denied 56(f))**

**Justice Horton is aware that Justice O'Neil should have ruled in the Defendant's favor if only (1) of the (9) reasons stated above were true, so it's a massive miscarriage of Justice that Justice O'Neil Denied the Defendants Motion considering all (9) are true. Furthermore, The Plaintiffs admitted that their original filing is all false so why is this case still in litigation. It's unconscionable that Justice Horton would deprive the Appellant his right to an Interlocutory appeal given the massive amount of evidence proving fraud. The craziest part is that the Appellant doesn't need evidence, he just needs to show that the Plaintiffs lack a triable issue so it's incredible that the Plaintiffs have no evidence, no witnesses and are still being protected by the court system.**

- 9. In any event, there is no due process right to an Interlocutory appeal In re Dustin C., 2008 ME 89, 5-7, 952 A.2d 993.**

Justice Horton again, erred as a matter of law by misquoting established case law. In *Re Dustin* isn't even close to the situation at hand and the order isn't saying "No Due Process Right to an Interlocutory Appeal" The order is simply saying that the litigants argument that she is being deprived due process fails for several reasons. The Due Process Clause appears in both the Fifth Amendment and the Fourteenth Amendment to the U.S. Constitution. These provide that nobody may be deprived of life, liberty, or property without due process of law. Courts have developed two branches of due process doctrine: procedural due process and substantive due process.

First, procedural due process involves the steps that must be taken before someone is deprived of an interest involving life, liberty, or property. These vary depending on the situation but typically include notice and an opportunity to be heard, as well as an unbiased decision-maker. Sometimes procedural due process also may entail a right to present evidence, a right to cross-examine opposing witnesses, and an opportunity to be represented by counsel, among other protections.

The law has clearly established (3) exceptions to the final judgment rule so it is a fact that Justice Horton is depriving the appellant of due process by barring Interlocutory appeals.

10. Rinaldi then argues that there are several issues of interpretation of law that "can end this litigation" Mot 20-48, apparently attempting to show that the "Judicial Economy"

exception to the final judgment rule applies. The judicial economy exception may apply where “a decision could end the litigation and there is some additional reason to accept the appeal” Cutting v Down E. Orthopedic Assoc 2021 ME 1, 18, 244 A.3d 226 Here even assuming that Rinaldi is correct that a decision on one of the issues that he raises might end the litigation, there is no “additional reason to accept the appeal”

**Justice Horton again, erred as a matter of law by misquoting established case law. In Cutting the opinion states, “Down East has not convinced us that this is the rare case that warrants the application of the judicial economy exception. Far from being a clear application of claim preclusion, see Norton , 2003 ME 25, ¶¶ 7-9, 816 A.2d 59, this appeal would require us to undertake a complex application of state and federal laws to the facts presented in order to determine whether Cutting's malpractice claims are precluded.” Like, Me.Equal Justice Partners v Comm’r in Cutting the panel of Justices were aware of the issues at hand so it was appropriate to dismiss the Interlocutory appeal in that case given the information they had. In both of those cases the Justice was making informed decisions that were unbiased. Justice Horton has no clue why the appellant filed his Interlocutory appeal so citing caselaw like Me Equal and Cutting misrepresents the case law. Furthermore, the Appellant provide (9) separate decisions that could end the litigation not just (1). The case law is clear, if a decision could end the litigation then the Judicial Economy exception applies.**

11. The judicial economy exception does not apply where there is a complex application of laws to the facts presented in order to determine the legal issues involved *Id.*, 2021 ME 1, 17, 19, 244 A.3d 226.

**Justice Horton again, erred as a matter of law by misrepresenting the facts of this case. The Plaintiffs don't have any evidence, witnesses, committed perjury, abused discover, withheld evidence and they've told (5) different stories. How is there a complex application of laws to the facts if the Plaintiffs don't have any facts?? Furthermore, Justice O'Neil refuses to make any order or judgment based on the actual facts of the case and he's actively trying to silence the Defendant.**

12. Contrary to the way Rinaldi frames the circumstances, it's clear from Rinaldi's descriptions and arguments that this case involves an ordinary dispute of facts between parties.

**Justice Horton again, erred as a matter of law by misrepresenting the facts of this case. The Plaintiffs don't have any evidence, witnesses, committed perjury, abused discover, withheld evidence and they've told (5) different stories. How is there a complex application of laws to the facts if the Plaintiffs don't have any facts?? Furthermore, Justice O'Neil refuses to make an order or judgment based on the actual facts of the case and he's actively trying to silence the Defendant.**

13. Judicial economy would not be served by this courts consideration of the facts and the numerous defenses that Rinaldi raises before the trial court has a full opportunity to find facts and apply them to law.

**Justice Horton again, erred as a matter of law by misrepresenting the trial court record. The Defendant has filed a Motion to Dissolve, Motion to Vacate fraud, Motion for Summary Judgment and over (30) other motions that are attempting to find facts and apply them to law. This case has dragged on for 2.5 years and the court have had countless chances to apply facts to law but refuse to do so because they are aware of how frivolous and fraudulent the Plaintiffs case is. The Defendant has brought Fraud on the Court to Justice O'Neils attention over (10) times and he refuses to address it even once. The only thing that is clear is that this case is the WORST ABUSE OF THE LEGAL SYSTEM IN MAINE HISTORY.**

### **III. JUSTICE HORTON ERRED AS A MATTED OF LAW REGARDING HIS ORDER DENYING APPELLANT'S 2<sup>nd</sup> INTERLOCUTORY APPEAL**

On 5/23/23 Justice Andrew Horton issued a order denying my 2<sup>nd</sup> Interlocutory Appeal stating the following arguments:

1. Rinaldi is not a member of the Maine Bar and therefore may not appear in court or file a notice of appeal on behalf of a limited liability company (LLC) See 4 M.R.S. 807(3)(C), (S) (2023) (Permitting a member of an LLC to appear in court for the LLC only in small claims

actions, certain transportation related civil violations actions and actions of forcible entry and detainer) In an attachment to the notice of appeal, Rinaldi claims that the Superior court “erred regarding LLC’s, the Defendant can represent himself Pro Se per” 4 M.R.S. 807(3)(B), (J) 2023) Paragraph J permits an officer of a small corporation and to represent the corporation “for purposes of defending a civil action filed against the corporation” but the LLC is not a corporation, see 13-C M.R.S. 102 (4) (2023) defining “corporations” as a corporation that is organized under the Maine Business Corporation Act 13-C M.R.S. 101-1832 (2023)

**Both Justice Horton and Justice O’Neil are attempting to use this LLC issue against the Defendant even though the Plaintiffs erroneously misnamed him. The Defendant has filed a Motion to Amend Parties Due to Plaintiffs Error and Motion to Misjoinder Due to Plaintiffs Error but Justice O’Neil refuses to correct this simple mistake even though the Plaintiffs didn’t oppose the change. Nonetheless, why would a corporation be allowed to represent them self Pro Se and not an LLC. The Defendant is a Sole Proprietor not an LLC and Justice O’Neil is attempting to Default the Defendant even though the Plaintiffs Erroneously Misnamed him.**

2. The Appeal is untimely, M.R.A.P. 2B(c)(1) Rinaldi filed the notice of appeal 22 days after the entry of the orders.

**Justice Horton again, erred as a matter of law. The Appellants notice of appeal was delivered 2 days early not late. Me. R. Civ. P. Rule 6 states, “Whenever a party has the**



right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon the party and the notice or paper is served upon the party by mail, 3 days shall be added to the prescribed period.”

The Law Court has since clarified this rule stating, “The logic behind this rule is that generally service by mail is complete upon mailing, M.R.Civ.P. 5(b), and therefore, three days is added to a prescribed time period for acts that follow such service. 1 Field, McKusick Wroth, Maine Civil Practice § 6.9 at 181 (2d ed. 1970). Scott Dugas Truck v. Homeplace Bldg, 651 A.2d 327 (Me. 1994)”

Per the law I filed this Interlocutory appeal two days early because I mailed it and they received in on the 12<sup>th</sup>. Therefore the date of service would be the 9<sup>th</sup>.

3. Although, Rinaldi argues in his attachment to the notice of appeal that “this Interlocutory appeal satisfies the collateral order Exception, Judicial Economy Exception, death knell Exception and the extraordinary exception.” He does not state any facts or circumstances that support the claim, and the orders do not appear to be immediately appealable. The various orders Rinaldi appeals from are Interlocutory and not appealable.

Justice Horton again, erred as a matter of law. Notice of appeals don't required a statement of issue. They only require the date of which the appeal is regarding. The

appellant isn't required to analyze or show that his appeal fits under that exception. Nonetheless, even though the appellant wasn't required to, he provided the court with a four page letter discussing the fact that all three exceptions to the final judgment rule will apply. The appellant did so just to make sure his notice of appeal doesn't get dismissed again but nonetheless, Justice Horton dismissed it.

#### **M.R.A.P. RULE 2A.**

##### **(b) Notice and Appearances.**

**(1) Notice.** The appeal shall be commenced by filing a notice of appeal with the clerk of the trial court from which the appeal is taken. A notice of appeal shall be filed in conformity with the rules then in effect for the trial court from which the appeal is taken. The notice of appeal shall be signed by each appellant or the appellant's attorney. The notice of appeal shall specify the party taking the appeal and designate the judgment or part thereof appealed from. A copy of the notice of appeal shall be served on the other parties to the trial court proceeding.

#### **Restyling Notes – June 2017**

The requirement of former Rule 2(a)(2) that notices of appeal in civil actions include a statement of the issues is removed.

### **VIOLATIONS OF THE MAINE CODE OF JUDICIAL CONDUCT**

Justice Horton's actions demonstrates willful or repeated disregard of explicit requirements of the law. Justice Horton sits atop the highest court in Maine and discusses established case law on a

daily basis. Not only did Justice Horton Err as a Matter of Law he also misrepresented the appellants arguments, failed to report Justice O'Neil, failed to report Attorney James Monteleone, failed to protect one of Maine indigent litigants and refused to address the WORST ABUSE OF THE LEGAL SYSTEM IN MAINE HISTORY when brought to his attention. The actions described by herein were not the actions of a confused Justice rather of one acting in a knowing, intelligent and deceptive manner.

Justice Horton has violated the following Canons of the Maine Code of Judicial Conduct

1.1, 1.2, 2.2, 2.3A, 2.5A, 2.6A, 2.6C, 2.9A(3), 2.9C, 2.9D, 2.12A, 2.12B, 2.15A-D, 3.10

#### **CANON 1**

A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary; shall avoid impropriety; and should avoid the appearance of impropriety.

**Justice Horton refused to follow established case law and refused to address the massive fraud committed by the Plaintiffs not once, not twice but three times.**

#### **RULE 1.1 - Compliance with the Law**

A judge shall comply with the law and the Maine Code of Judicial Conduct.

#### **RULE 1.2 - Promotion of Confidence in the Judiciary**

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary; shall avoid impropriety; and should avoid the appearance of impropriety.

## **CANON 2**

A judge shall perform the duties of judicial office impartially, competently, and diligently.

### **RULE 2.2 - Impartiality and Fairness; Upholding the Law**

A judge shall uphold and apply the law, and shall perform all judicial and administrative duties promptly, fairly, and competently. An error of law in a judicial decision, whether recognized on appeal or not, shall not constitute a violation of this Code unless the judge's action demonstrates willful or repeated disregard of explicit requirements of the law.

### **RULE 2.3 - Bias, Prejudice, and Harassment**

- A. A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

### **RULE 2.5 - Competence, Diligence, and Cooperation**

- A. A judge shall perform judicial and administrative duties competently and diligently.

### **RULE 2.6 - Ensuring the Right to Be Heard**

- A. judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.
- B. A judge may encourage parties to a proceeding and their lawyers to settle matters in dispute but shall not act in a manner that forces any party to settle. A judge may participate in case management conferences, judicial settlement conferences, and dispositional conferences, and such participation alone does not disqualify the judge from participating in later adjudicatory proceedings
- C. judge may take affirmative steps, consistent with the law, as the judge deems appropriate to **enable an unrepresented litigant to be heard**. A judge may explain the

requirements of applicable rules and statutes so that a person appearing before the judge understands the process to be employed. A judge may also inform unrepresented individuals of free or reduced cost legal or other assistance that is available in the courthouse or elsewhere.

**RULE 2.9 - Ex Parte Communications**

- A. A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers concerning a pending or impending matter except as follows:
3. A judge may consult with court staff and court officials whose functions are to aid the judge in carrying out the judge's adjudicative responsibilities, or with other judges, provided the judge makes reasonable efforts to avoid receiving factual information that is not part of the record and does not abrogate the responsibility personally to decide the matter.
  - c. Judge shall not investigate facts in a matter independently and shall consider only the evidence presented and any facts that may properly be judicially noticed.
  - d. A judge shall make reasonable efforts, including by providing appropriate supervision, to ensure that this Rule is not violated by court staff, court officials, and others subject to the judge's direction and control.

### **RULE 2.12 - Supervisory Duties**

- A. A judge shall require court staff, court officials, and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under this Code.
- B. A judge with supervisory authority for the performance of other judges should take reasonable measures to ensure that those judges properly discharge their judicial responsibilities, including the prompt disposition of matters before them.

### **RULE 2.15 - Disciplinary Responsibilities**

- A. A judge having knowledge that another judge has committed a violation of this Code that raises a substantial question as to the judge's honesty, trustworthiness, or fitness as a judge in other respects shall inform the Committee on Judicial Responsibility and Disability or the appropriate authority.
- B. A judge having knowledge that a lawyer has committed a violation of the Maine Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the Board of Overseers of the Bar and any other appropriate authority including disciplinary boards of other jurisdictions in which the lawyer is admitted to practice.
- C. A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code should take appropriate action.
- D. A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Maine Rules of Professional Conduct should take appropriate action.

**CANON 3**

A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently.

**RULE 3.10 - Practice of Law A judge shall not practice law.**

A judge may represent himself or herself in any proceeding and may, without compensation, give legal advice to and draft or review documents for a member of the judge's family, but is prohibited from serving as the family member's lawyer before any forum.