



# The Commonwealth of Massachusetts

## COMMISSION ON JUDICIAL CONDUCT

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### PRESS RELEASE

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FOR IMMEDIATE RELEASE  
October 6, 2010

### **COMPLAINT NUMBERS 2007-89 AND 2007-108 AGAINST JUDGE DIANE E. MORIARTY ARE RESOLVED BY A CONDITIONAL SUBMISSION TO THE SUPREME JUDICIAL COURT PURSUANT TO COMMISSION RULE 13B**

**BOSTON, MA (October 6, 2010)** – On September 9, 2010, the Commission on Judicial Conduct and Associate Justice of the District Court, Diane E. Moriarty, filed with the Supreme Judicial Court a Conditional Submission Upon Acknowledged Evidence (attached\*) pursuant to G.L. c. 211C and Commission Rule 13B on Commission Complaint Numbers 2007-89 and 2007-108.

Complaint Number 2007-89 was filed by the Supreme Judicial Court. Complaint Number 2007-108 was filed anonymously.

These complaints included allegations that Judge Moriarty conducted improper *ex parte* hearings, displayed discourtesy toward parties appearing before her, created an appearance of bias and lack of impartiality, and failed to be faithful to the law in connection with her handling of several District Court criminal matters from January 18, 2005 to September 24, 2007.

After a thorough investigation of these complaints, the Commission issued a Statement of Allegations to Judge Moriarty on June 9, 2010. Judge Moriarty provided the Commission with a written response to the Statement of Allegations on June 30, 2010 and, pursuant to Commission



Rule 6L, made a personal appearance before the Commission on July 20, 2010 with her attorney, Daniel W. O'Malley, Esq.

By Order dated October 6, 2010, the Supreme Judicial Court accepted the joint recommendation on Complaint Numbers 2007-89 and 2007-108 and publicly censured Judge Moriarty for violating General Laws Chapter 211C, Section 2(5)(b) and Canons 1A, 2A, 3B (2), 3B (4), 3B (5) and 3B (7) of the Code of Judicial Conduct (SJC Rule 3:09). Judge Moriarty is subject to conditions and further monitoring by the Commission for a period of up to two years from the effective date of the Court's Order.

The Commission's statute and rules are available on the Commission's website:

[www.mass.gov/cjc](http://www.mass.gov/cjc) .

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\*A copy of the Rule 13B Conditional Submission in this matter (with the redactions ordered by the Court) can be found on the Commission's website at the following address:

<http://www.mass.gov/cjc/judgemoriarty13B.htm>

COMMONWEALTH OF MASSACHUSETTS  
SUPREME JUDICIAL COURT

SUFFOLK, SS

NO. OE-124

ORDER

Upon consideration, the agreed recommendation for discipline contained in the "Conditional Submission To The Supreme Judicial Court Upon Acknowledged Evidence By The Commission On Judicial Conduct And The Honorable Diane E. Moriarty Pursuant To G. L. C. 211C And Commission Rule 13B On Commission Complaint Numbers 2007-89 And 2007-108" is accepted.

Judge Diane E. Moriarty is hereby publicly censured, and subject to conditions and further monitoring by the Commission as described in the Conditional Submission.

Judge Moriarty's medical records, which were referenced in her response to the Statement of Allegations as Exhibits 6, 7 (in part), 8,9,10,11 and 12, shall remain impounded. Exhibits 15-19 attached to the judge's response are confidential judicial evaluation reports, which also shall remain impounded.

By the Court,

  
Clerk

Entered: October 6, 2010