

BEFORE THE COMMISSION ON JUDICIAL CONDUCT

AGREED DISPOSITION

Complaint No. 95-148

The Commission on Judicial Conduct ("the Commission") and Judge Richard A. Mori ("Judge Mori"), Associate Justice of the District Court Department, Malden Division, hereby agree to dispose of Complaint No. 95-148 pursuant to G.L. c.211C §8, upon the following terms and conditions:

1. It is agreed that the facts are as follows.

a. On May 17, 1995, a number of lawyers representing defendants in a criminal case being prosecuted by the Office of the Attorney General requested an informal "off-the-record" conference with Judge Mori, in order to narrow disputed issues and discuss with Judge Mori the dispositions recommended by the Assistant Attorney General, in the event that a plea of guilty was tendered by one or more of the defendants.

b. The conference which followed in Judge Mori's chambers involved the prosecution of seven Cambodian defendants, each of whom was represented by separate counsel. In addition to the seven defense lawyers and the Assistant Attorney General who was prosecuting the cases, two court personnel were present.

c. During the conference, the Assistant Attorney General made statements about the defendants which one of the defense attorneys characterized as racist. Judge Mori responded, "I don't think that's racist at all. We ought to send them right back to the Killing Fields."

2. Judge Mori agrees to waive his right to a hearing in this matter.

3. The Commission hereby privately reprimands Judge Mori, pursuant to c.211C §8(3), for the following misconduct:

a. failing to uphold the integrity and independence of the judiciary, and failing to establish, maintain, enforce and observe high standards of conduct so that the integrity and independence of the judiciary may be preserved, all in violation of Canon 1 of the Code of Judicial Conduct (SJC Rule 3:09);

b. failing to avoid impropriety and the appearance of impropriety, in violation of Canon 2;

c. failing to respect and comply with the law, and failing to conduct himself in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in

violation of Canon 2(A);

d. failing to perform the duties of his office impartially, without manifesting, by words, bias or prejudice based upon race, national origin or socioeconomic status, in violation of Canon 3(B)(5);

e. failing to require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, national origin or socioeconomic status, against parties, in violation of Canon 3(B)(6) and

f. engaging in conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

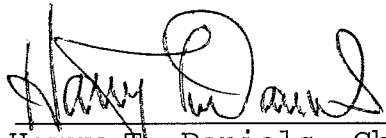
4. During the period of this agreement, Judge Mori shall participate and cooperate fully in an educational program to be designated for him by the Commission.

5. During the period of this agreement, Judge Mori shall meet regularly with a mentor judge to be designated by the Commission, at intervals to be determined by the mentor judge in consultation with the Commission.



Judge Richard A. Mori

Date: 12-18-96



Harry T. Daniels, Chairperson
Commission on Judicial Conduct

Date: 12-26-96

Effective Date of this Agreement: 12/26/96