

SUPREME COURT OF ARIZONA

Inquiry concerning Judge	)	Supreme Court No. JC-10-003
)	
Carmine Cornelio	)	Commission No. 10-131
Superior Court)	
Pima County)	
State of Arizona)	
)	
Respondent)	
_____)	

ORDER

This matter having come before the Commission on Judicial Conduct, it having duly rendered and filed its recommendation, and all applicable rights to object to or petition for modification of the recommendations having been waived by Respondent, and the Court having no further responsibility for review pursuant to Rule 29(g) of the Rules of Procedure for the Commission on Judicial Conduct,

IT IS ORDERED that **CARMINE CORNELIO**, Pima County Superior Court judge, is hereby censured for violations of the Code of Judicial Conduct in accordance with the conditions set forth in the Recommendation and the Amended Stipulated Resolution, which are attached hereto.

DATED this 9th day of December 2010.

Rachelle M Resnick
Rachelle M. Resnick
Clerk of the Court

TO:
Mark Harrison and Kathleen O'Meara, Counsel for the Respondent
Jennifer Perkins, Disciplinary Counsel, Commission on Judicial Conduct
E. Keith Stott, Jr., Executive Director, Commission on Judicial Conduct
Barbara Wanlass, Clerk of the Commission on Judicial Conduct
Jode Ottman, West Publishing Company, Editorial Department, D3-40 #4467
Lexis-Nexis
chj

Arizona Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, AZ 85007
Telephone: (602) 452-3200
Facsimile: (602) 452-3201

FILED

NOV 12 2010

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT

Inquiry concerning Judge)	
	)	Supreme Court No. JC-10-003
CARMINE CORNELIO)	
Superior Court	)	Commission Case No. 10-131
Pima County)	
State of Arizona	)	RECOMMENDATION
)	
Respondent)	

On September 16, 2010, the Commission on Judicial Conduct (“Commission”) filed a Statement of Charges against Pima County Superior Court Judge Carmine Cornelio (“Respondent”) following a finding of reasonable cause by a three-member investigative panel assigned to oversee the investigation in this case. Simultaneously, the Commission chairperson appointed an eight-member hearing panel to hear and take evidence in the case and designated the undersigned as the presiding member of the panel.

On September 17, 2010, Counsel for Respondent and Disciplinary Counsel submitted a Stipulated Resolution (“Resolution”) to the hearing panel in which Respondent agreed to accept a public censure for misconduct in office. On October 8, 2010, the hearing panel met telephonically to discuss the terms of the stipulation and unanimously voted to reject it in the form presented. The hearing panel subsequently voted to accept the stipulation with amendments specified in the minute entry dated October 20, 2010.

On November 4, 2010, Counsel for Respondent and Disciplinary Counsel submitted an Amended Stipulated Resolution, which the undersigned presiding member reviewed and accepted on behalf of the hearing panel in an order dated November 12, 2010. As part of the Stipulated Resolution, the Respondent waived his right to appeal and all other procedural rights set forth in Rule 29 of the Rules of the Commission on Judicial Conduct. All of the conditions in the Stipulated Resolution having been met, the hearing panel now recommends to the Arizona Supreme Court that the Respondent be censured for misconduct in office.

RESPECTFULLY SUBMITTED this 12th day of November 2010.

FOR THE HEARING PANEL



Hon. Louis Frank Dominguez
Presiding Member

Copies of this pleading were delivered and mailed this 12th day of November 2010 to:

Mark Harrison
Kathleen Brody O'Meara
Counsel for the Respondent
Osborn Maledon
2929 North Central Ave., Suite 2100
Phoenix, AZ 85012

Jennifer Perkins
Disciplinary Counsel
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

By: 
Clerk of the Commission

Jennifer M. Perkins
Disciplinary Counsel (Bar #023087)
Commission on Judicial Conduct
1501 W. Washington St., Suite 229
Phoenix, Arizona 85007
Telephone: (602) 452-3200

FILED

NOV 04 2010

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning)
)
Judge Carmine Cornelio) Case No. 10-131
Superior Court)
Pima County) **AMENDED**
State of Arizona) **STIPULATED RESOLUTION**
Respondent.)

COME NOW Judge Carmine Cornelio, Respondent, through his attorneys, Mark I. Harrison and Kathleen O'Meara, and Jennifer Perkins, Disciplinary Counsel for the Commission on Judicial Conduct (Commission), and hereby submit the following proposed resolution of this case pursuant to Rule 30 of the Commission Rules.

JURISDICTION

1. The Commission has jurisdiction over these matters pursuant to Article 6.1 of the Arizona Constitution.
2. Respondent has served as a superior court judge in Pima County since May 2002 and was serving in this capacity at all times relevant to the allegations contained herein.

3. As a superior court judge, Respondent is and has been subject to the Code of Judicial Conduct (Code) as set forth in Supreme Court Rule 81.

BACKGROUND

4. On September 17, 2010, Disciplinary Counsel filed a formal Statement of Charges against Respondent after an investigative panel found reasonable cause to commence formal proceedings. The Statement of Charges is hereby incorporated into this stipulated agreement in its entirety.

MUTUAL CONSIDERATION

5. Respondent admits the facts contained in the Factual Background of the Statement of Charges. He further concedes that these facts support the charges of judicial misconduct delineated in the Statement of Charges.

6. As explanation for his behavior, Respondent suggests that his misconduct occurred in part because he conducted a settlement conference involving an attorney who is a close friend and that their familiarity encouraged Respondent to engage in casual conduct and frank language typically reserved for such friends. Nonetheless, Respondent acknowledges that in future situations involving individuals he knows outside of the courtroom he will be more mindful of his demeanor and will refrain from undignified and discourteous language in any context that could bring the judiciary into disrepute.

7. The parties agree that Respondent has served as the presiding judge for Pima County's alternative dispute resolution program and, in that capacity, has aided in the settlement of many cases. Respondent presides over approximately 70-80 settlement conferences per year,

and is considered by his colleagues to be uniquely effective in settlement conferences. The Pima County Bar Association gave Respondent an award in June 2010 for his “extraordinary service to the bench and bar” through his efforts in settlement conferences.

AGREED UPON SANCTION

8. The parties agree that Respondent’s misconduct in the underlying case warrants a sanction. Because Respondent previously received an informal reprimand for similar conduct, the parties agree that the appropriate sanction for this matter is a formal censure.

OTHER TERMS AND CONDITIONS

9. This agreement, if accepted by the hearing panel, fully resolves all issues raised in the Statement of Charges and may be used as evidence in later proceedings in accordance with the Commission’s Rules. If the hearing panel does not accept this agreement as a full resolution, then the admissions made by Respondent are withdrawn, and the matter will be set for hearing without use of this agreement.

10. Respondent waives his right to file a Response to the Statement of Charges, pursuant to Commission Rule 25(a).

11. Pursuant to Commission Rule 28(a), both parties waive their right to appeal the charges at issue in this matter, including the appeal procedures set out in Commission Rule 29.

12. Both parties agree not to make any statements to the press that are contrary to the terms of this agreement.

13. Both parties will pay their own costs and attorneys’ fees associated with this case.

14. Respondent clearly understands the terms and conditions of this agreement, has reviewed it with his attorneys, and fully agrees with its terms.

15. This agreement constitutes the complete understanding between the parties.

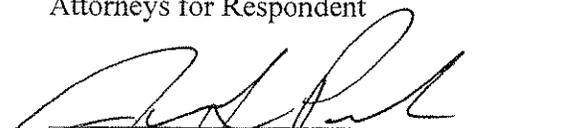
SUBMITTED this 5th day of November, 2010.



Mark I. Harrison
Kathleen O'Meara
Attorneys for Respondent

11/4/10

Date Signed



Jennifer Perkins, Disciplinary Counsel
Commission on Judicial Conduct

11/4/10

Date Signed

Commission on Judicial Conduct
1501 W. Washington St., Suite 229
Phoenix, Arizona 85007
Telephone: (602) 452-3200

STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT

Inquiry concerning Judge)	
	)	Case No. 10-131
Carmine Cornelio)	
Superior Court	)	TRANSMITTAL OF THE RECORD
Pima County	)	TO THE SUPREME COURT
State of Arizona)	
Respondent)	
)	

1. Notice of Filing with the Supreme Court
2. Statement of Charges
3. Waiver of Notice
4. Minute Entry
5. Amended Stipulated Resolution
6. Record of Appointment of Hearing Panel
7. Acceptance of Stipulated Resolution and Order
8. Recommendation

DATED this 12th day of November 2010.

COMMISSION ON JUDICIAL CONDUCT



E. Keith Stott, Jr.
Executive Director

Commission on Judicial Conduct
1501 W. Washington St., Suite 229
Phoenix, Arizona 85007
Telephone: (602) 452-3200

FILED

NOV 12 2010

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT

Inquiry concerning Judge	)	Commission No. 10-131
)	
CARMINE CORNELIO)	
Superior Court)	
Pima County	)	NOTICE OF FILING WITH
State of Arizona	)	THE SUPREME COURT
Respondent)	
)	

PLEASE TAKE NOTICE that the Commission's Recommendation in the above-entitled case, together with all other pertinent pleadings contained in the record, were filed on this date with the Clerk of the Arizona Supreme Court, 1501 W. Washington, Suite 402, Phoenix, Arizona 85007. Copies of the pleadings, along with this notice, were promptly served on Respondent.

The Commission accepted a stipulated resolution in this case in the best interest of the public and pursuant to guidance provided in previous cases in which the Commission was encouraged to pursue alternative resolutions. *In Re Braun*, 180 Ariz. 240, 242, 883 P.2d 996, 998 (1994); *In Re Garcia*, 180 Ariz. 294, 296, 884 P.2d 180, 182 (1994).

The Clerk of the Supreme Court is advised that the Respondent has waived the right in Rule 29(c) of the Rules of the Commission on Judicial Conduct to petition the Court to modify or reject the Commission's recommendations and the right to request oral argument. This matter, therefore, may be deemed submitted pursuant to Rule 29(e).

DATED this 12th day of November 2010.

COMMISSION ON JUDICIAL CONDUCT



E. Keith Stott, Jr.
Executive Director

Copies of this notice were delivered and mailed
this 12th day of November 2010 to:

Mark Harrison
Kathleen Brody O'Meara
Counsel for the Respondent
Osborn Maledon
2929 North Central Ave., Suite 2100
Phoenix, AZ 85012

Jennifer M. Perkins
Disciplinary Counsel
Commission on Judicial Conduct
1501 W. Washington, Suite 229
Phoenix, Arizona 85007

By: 
Clerk of the Commission

Jennifer M. Perkins
Disciplinary Counsel (Bar #023087)
Commission on Judicial Conduct
1501 W. Washington St., Suite 229
Phoenix, Arizona 85007
Telephone: (602) 452-3200

FILED
SEP 16 2010
ARIZONA COMMISSION ON
JUDICIAL CONDUCT

STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT

Inquiry concerning)
)
Judge Carmine Cornelio) Case No. 10-131
Superior Court)
Pima County) **STATEMENT OF CHARGES**
State of Arizona)
Respondent.)

An investigative panel composed of members of the Commission on Judicial Conduct (Commission) has determined that there is reasonable cause to commence formal proceedings against Judge Carmine Cornelio (Respondent) for misconduct in office. This statement of charges sets forth the Commission's jurisdiction and specifies the nature of the alleged misconduct.

JURISDICTION

1. The Commission has jurisdiction of this matter pursuant to Article 6.1, § 4 of the Arizona Constitution.
2. This Statement of Charges is filed pursuant to Rule 24(a) of the Rules of the Commission on Judicial Conduct (Commission Rules).

3. Respondent has served as a superior court judge in Pima County since May 2002, and was serving in his capacity as a judge at all times relevant to these allegations.

4. As a judge, Respondent is and has been subject to all provisions of the Code of Judicial Conduct (Code) as set forth in Supreme Court Rule 81.

PRIOR DISCIPLINE

5. Closed files pertaining to discipline of Respondent may be referred to and used by the Commission or by Respondent for the purpose of determining the severity of the sanction, a pattern of misconduct, or exoneration of the judge pursuant to Commission Rule 22(e).

6. Consistent with the requirements of Commission Rule 22(e), undersigned counsel notified Respondent on August 27, 2010, that his prior disciplinary history may be referenced.

7. On July 12, 2007, the Commission issued a reprimand finding that Respondent's conduct violated the Code. First, he confronted a court employee on a public street and made a hand gesture in an accusatory manner, and thus failed to observe high standards of conduct, in violation of what was then Canon 1A, and failed to remain patient, dignified, and courteous, in violation of what was then Canon 3B(4). Second, he used an obscene expletive in open court and thus failed to maintain order and decorum in the courtroom, in violation of former Canon 3B(3), and again violated former Canon 3B(4).

FACTUAL BACKGROUND

8. Respondent conducted a settlement conference for a civil case involving complainants Charles and Ellen Hardtke.

9. The Hardtkes' attorney, Dennis Rosen, is a personal friend of the Respondent's and, as a result, Respondent does not hear cases involving Rosen and rarely will conduct settlement conferences for Rosen. In this case, he initially refused Rosen and opposing counsel Richard Parrish when they asked him to conduct the settlement conference at issue. He later gave in to their persistent requests and agreed to conduct the settlement conference after full disclosure of his relationship with Rosen.

10. As part of the request, Rosen made representations about the issues in the case and his clients' settlement position. Rosen and Parrish were familiar with Respondent's "blunt" style as a settlement judge, which is one reason they insisted on his conducting the settlement conference.

11. During the settlement conference, when the Respondent proceeded to ask the Hardtkes to settle along the lines of the position Rosen had articulated earlier, Rosen and the Hardtkes did not adhere to that position. Respondent was upset and he pointed at Rosen and stated, "Fuck you" showing his middle finger. Respondent also told Rosen that it was "shitty" of him to arrange for the settlement conference based on representations of his clients' settlement position and then change that position.

**COUNT I
IMPROPER DEemeanor**

12. Rule 2.8(B) of the Code requires judges to "be patient, dignified, and courteous to litigants . . . and others with whom the judge deals in an official capacity."

13. Respondent failed to maintain a dignified and courteous demeanor during the Hardtkes' settlement conference in violation of Rule 2.8(B).

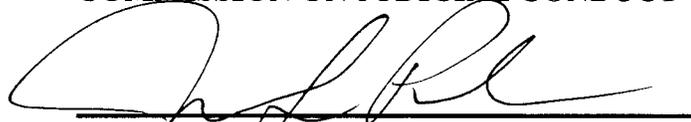
14. Respondent's actions also constitute a violation of the Arizona Constitution, which forbids "conduct prejudicial to the administration of justice that brings the judicial office into disrepute." Article 6.1, § 4.

REQUESTED RELIEF

WHEREFORE, the Commission, upon conclusion of a hearing and a finding of good cause, may recommend to the Supreme Court that Respondent be publicly censured, suspended or removed from judicial office; that costs be assessed against Respondent pursuant to Commission Rule 18(e), and that the court grant such other relief as may be deemed appropriate.

Dated this 16th day of September 2010.

COMMISSION ON JUDICIAL CONDUCT



Jennifer M. Perkins
Disciplinary Counsel

Copies of this pleading delivered
via electronic and first class mail
on September 16, 2010, to:

Mark I. Harrison
Kathleen O'Meara
Osborn Maledon
2929 North Central Ave., Suite 2100
Phoenix, AZ 85012
mharrison@omlaw.com
komeara@omlaw.com

Counsel for Respondent

FILED

SEP 28 2010

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning)	
	)	Case No. 10-131
JUDGE CARMINE CORNELIO)	
Superior Court)	
Pima County	)	WAIVER OF NOTICE
State of Arizona)	
)	
Respondent.)	

Under Rule 24(b), the Respondent is entitled to a formal notice advising him of the charges, his right to be represented by counsel, and his right to file a written response. In this case, however, the Respondent engaged counsel before the filing of formal charges, and the Commission on Judicial Conduct provided informal notice to counsel of the impending filing as well as the Respondent's right to respond. Respondent therefore agrees that the right to formal notice was effectively waived.

Dated this ^{24th} ~~22~~nd day of September 2010.

COUNSEL FOR THE RESPONDENT


 Mark I. Harrison
 Kathleen O'Meara

Copies mailed and/or delivered on
September 23, 2010, to:

Barbara M. Wanlass
Clerk of the Commission

Jennifer M. Perkins
Disciplinary Counsel

By: _____

Commission on Judicial Conduct
1501 W. Washington St., Suite 229
Phoenix, Arizona 85007
Telephone: (602) 452-3200

FILED

OCT 20 2010

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT

Inquiry concerning	)	Case No. 10-131
)	
CARMINE CORNELIO)	
Superior Court)	
Pima County	)	MINUTE ENTRY
State of Arizona)	
Respondent.)	
)	

A telephonic meeting of the hearing panel in the above-entitled action convened at 10:30 a.m. on October 8, 2010, with the following panel members in attendance: Louis Frank Dominguez, presiding member, J. William Brammer, Harriett Chavez, Lloyd Claycomb, Colleen Concannon, Sherry Geisler, and Catherine Stewart. Michael Miller recused himself from this matter and did not participate in the hearing. E. Keith Stott, Jr., executive director of the Commission on Judicial Conduct, and Barbara Wanlass, clerk of the commission, were also present. Counsel for the parties were not present. A court reporter was not present.

The meeting was called to consider the Stipulated Resolution ("stipulation") jointly filed by Jennifer Perkins, Disciplinary Counsel, and Mark Harrison, attorney for the Respondent, on September 16, 2010. Copies of the stipulation were distributed via e-mail to the panel members in advance of the meeting.

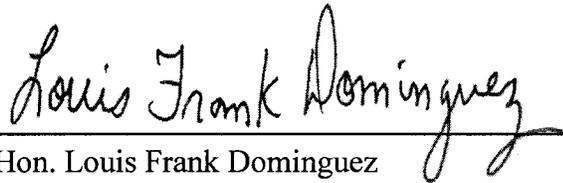
The members of the hearing panel discussed the terms of the stipulation and unanimously agreed to reject it in its present form. The hearing panel will accept the stipulation with paragraph six amended to read as follows:

As justification for his behavior, Respondent suggests that his misconduct occurred in part because he conducted a settlement conference involving an attorney who is a close friend and that their familiarity encouraged Respondent to engage in casual conduct and frank language typically reserved for such friends. Nonetheless, Respondent acknowledges that in future situations involving individuals he knows outside of the courtroom he will be more mindful of his demeanor and will refrain from undignified and discourteous language in any context that could bring the judiciary into disrepute.

If the parties agree, the undersigned presiding member is authorized to sign an amended stipulated agreement without further review by the hearing panel.

DATED this 20th of October 2010,

FOR THE HEARING PANEL



Hon. Louis Frank Dominguez
Presiding Member

Copy sent via U.S. mail and e-mail
transmission on October 20, 2010 to:

Mark Harrison
Kathleen O'Meara
Counsel for the Respondent

Jennifer Perkins
Disciplinary Counsel

by: 
Clerk of the Commission

Jennifer M. Perkins
Disciplinary Counsel (Bar #023087)
Commission on Judicial Conduct
1501 W. Washington St., Suite 229
Phoenix, Arizona 85007
Telephone: (602) 452-3200

FILED

NOV 04 2010

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning)
)
Judge Carmine Cornelio) Case No. 10-131
Superior Court)
Pima County) **AMENDED**
State of Arizona) **STIPULATED RESOLUTION**
Respondent.)

COME NOW Judge Carmine Cornelio, Respondent, through his attorneys, Mark I. Harrison and Kathleen O'Meara, and Jennifer Perkins, Disciplinary Counsel for the Commission on Judicial Conduct (Commission), and hereby submit the following proposed resolution of this case pursuant to Rule 30 of the Commission Rules.

JURISDICTION

1. The Commission has jurisdiction over these matters pursuant to Article 6.1 of the Arizona Constitution.

2. Respondent has served as a superior court judge in Pima County since May 2002 and was serving in this capacity at all times relevant to the allegations contained herein.

3. As a superior court judge, Respondent is and has been subject to the Code of Judicial Conduct (Code) as set forth in Supreme Court Rule 81.

BACKGROUND

4. On September 17, 2010, Disciplinary Counsel filed a formal Statement of Charges against Respondent after an investigative panel found reasonable cause to commence formal proceedings. The Statement of Charges is hereby incorporated into this stipulated agreement in its entirety.

MUTUAL CONSIDERATION

5. Respondent admits the facts contained in the Factual Background of the Statement of Charges. He further concedes that these facts support the charges of judicial misconduct delineated in the Statement of Charges.

6. As explanation for his behavior, Respondent suggests that his misconduct occurred in part because he conducted a settlement conference involving an attorney who is a close friend and that their familiarity encouraged Respondent to engage in casual conduct and frank language typically reserved for such friends. Nonetheless, Respondent acknowledges that in future situations involving individuals he knows outside of the courtroom he will be more mindful of his demeanor and will refrain from undignified and discourteous language in any context that could bring the judiciary into disrepute.

7. The parties agree that Respondent has served as the presiding judge for Pima County's alternative dispute resolution program and, in that capacity, has aided in the settlement of many cases. Respondent presides over approximately 70-80 settlement conferences per year,

and is considered by his colleagues to be uniquely effective in settlement conferences. The Pima County Bar Association gave Respondent an award in June 2010 for his “extraordinary service to the bench and bar” through his efforts in settlement conferences.

AGREED UPON SANCTION

8. The parties agree that Respondent’s misconduct in the underlying case warrants a sanction. Because Respondent previously received an informal reprimand for similar conduct, the parties agree that the appropriate sanction for this matter is a formal censure.

OTHER TERMS AND CONDITIONS

9. This agreement, if accepted by the hearing panel, fully resolves all issues raised in the Statement of Charges and may be used as evidence in later proceedings in accordance with the Commission’s Rules. If the hearing panel does not accept this agreement as a full resolution, then the admissions made by Respondent are withdrawn, and the matter will be set for hearing without use of this agreement.

10. Respondent waives his right to file a Response to the Statement of Charges, pursuant to Commission Rule 25(a).

11. Pursuant to Commission Rule 28(a), both parties waive their right to appeal the charges at issue in this matter, including the appeal procedures set out in Commission Rule 29.

12. Both parties agree not to make any statements to the press that are contrary to the terms of this agreement.

13. Both parties will pay their own costs and attorneys’ fees associated with this case.

14. Respondent clearly understands the terms and conditions of this agreement, has reviewed it with his attorneys, and fully agrees with its terms.

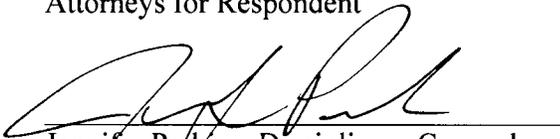
15. This agreement constitutes the complete understanding between the parties.

SUBMITTED this 5th day of November, 2010.



Mark I. Harrison
Kathleen O'Meara
Attorneys for Respondent

11/4/10
Date Signed



Jennifer Perkins, Disciplinary Counsel
Commission on Judicial Conduct

11/4/10
Date Signed

Commission on Judicial Conduct
1501 W. Washington St., Suite 229
Phoenix, Arizona 85007
Telephone: (602) 452-3200

FILED

NOV 12 2010

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

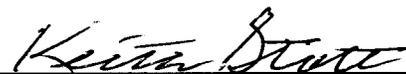
**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning Judge)	
	)	Case No. 10-131
CARMINE CORNELIO)	
Superior Court)	
Maricopa County	)	RECORD OF APPOINTMENT
State of Arizona	)	OF HEARING PANEL
)	
Respondent)	
)	

Acting pursuant to Rules 3(f) and 27(a) of the Rules of the Commission, Judge J. William Brammer, Jr., Chair of the Commission, appointed Judge Louis Frank Dominguez to serve as the presiding member of the hearing panel in the above-entitled proceeding and designated the following as members of the panel: William Brammer, Harriet Chavez, Sherry Geisler, Lloyd Claycomb, Sheila Polk, Angela Sifuentes, and Lawrence Winthrop. The appointments were made on July 27, 2010.

DATED this 12th day of November 2010.

COMMISSION ON JUDICIAL CONDUCT



E. Keith Stott, Jr.
Executive Director

Copies delivered by mail or in person
on November 12, 2010, 2010, to:

Mark Harrison
Kathleen Brody O'Meara
Counsel for the Respondent

Jennifer M. Perkins
Disciplinary Counsel
Commission on Judicial Conduct

by: Barbara W. Winters
Clerk of the Commission

Commission on Judicial Conduct
1501 W. Washington, Suite 229
Phoenix, AZ 85007-3327
602-452-3200

FILED
NOV 12 2010
ARIZONA COMMISSION ON
JUDICIAL CONDUCT

STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT

Inquiry concerning Judge	)	Case No. 10-131
)	
CARMINE CORNELIO)	
Superior Court	)	ACCEPTANCE OF AMENDED
Pima County	)	STIPULATED RESOLUTION
State of Arizona	)	AND ORDER
Respondent)	
)	

The duly appointed hearing panel of the Commission on Judicial Conduct in the above-entitled case hereby accepts the Amended Stipulated Resolution signed by the Respondent for the following reasons: The issues set forth in the Statement of Charges have been adequately resolved; the parties agree that the Respondent's conduct in the underlying case warrants a formal sanction; and the prompt and expeditious resolution of this case is in the best interests of the public and the judiciary. Therefore, pursuant to Rule 30,

IT IS HEREBY ORDERED that the executive director of the Commission shall promptly prepare and transmit the Commission's Recommendation, along with the official record of these proceedings, to the Supreme Court as required by Rule 29.

DATED this 12th day of November 2010.

COMMISSION ON JUDICIAL CONDUCT


Hon. Louis Frank Dominguez
Presiding Member of the Hearing Panel

Copies of this pleading were delivered via fax
and mail this 12th day of November 2010 to:

Mark Harrison
Kathleen O'Meara
Counsel for the Respondent
Osborn Maledon
2929 North Central Ave., Suite 2100
Phoenix, AZ 85012

Jennifer M. Perkins
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

By: Barbara Warless
Clerk of the Commission

Arizona Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, AZ 85007
Telephone: (602) 452-3200
Facsimile: (602) 452-3201

FILED

NOV 12 2010

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT

Inquiry concerning Judge)	
	)	Supreme Court No. JC-10-003
CARMINE CORNELIO)	
Superior Court	)	Commission Case No. 10-131
Pima County)	
State of Arizona	)	RECOMMENDATION
)	
Respondent)	

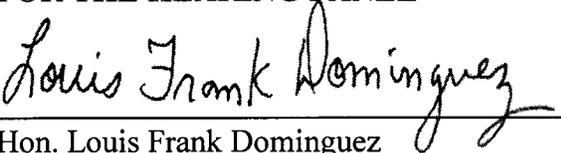
On September 16, 2010, the Commission on Judicial Conduct (“Commission”) filed a Statement of Charges against Pima County Superior Court Judge Carmine Cornelio (“Respondent”) following a finding of reasonable cause by a three-member investigative panel assigned to oversee the investigation in this case. Simultaneously, the Commission chairperson appointed an eight-member hearing panel to hear and take evidence in the case and designated the undersigned as the presiding member of the panel.

On September 17, 2010, Counsel for Respondent and Disciplinary Counsel submitted a Stipulated Resolution (“Resolution”) to the hearing panel in which Respondent agreed to accept a public censure for misconduct in office. On October 8, 2010, the hearing panel met telephonically to discuss the terms of the stipulation and unanimously voted to reject it in the form presented. The hearing panel subsequently voted to accept the stipulation with amendments specified in the minute entry dated October 20, 2010.

On November 4, 2010, Counsel for Respondent and Disciplinary Counsel submitted an Amended Stipulated Resolution, which the undersigned presiding member reviewed and accepted on behalf of the hearing panel in an order dated November 12, 2010. As part of the Stipulated Resolution, the Respondent waived his right to appeal and all other procedural rights set forth in Rule 29 of the Rules of the Commission on Judicial Conduct. All of the conditions in the Stipulated Resolution having been met, the hearing panel now recommends to the Arizona Supreme Court that the Respondent be censured for misconduct in office.

RESPECTFULLY SUBMITTED this 12th day of November 2010.

FOR THE HEARING PANEL

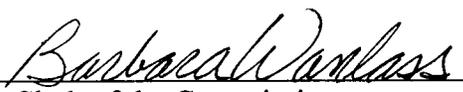


Hon. Louis Frank Dominguez
Presiding Member

Copies of this pleading were delivered and mailed this 12th day of November 2010 to:

Mark Harrison
Kathleen Brody O'Meara
Counsel for the Respondent
Osborn Maledon
2929 North Central Ave., Suite 2100
Phoenix, AZ 85012

Jennifer Perkins
Disciplinary Counsel
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

By: 
Clerk of the Commission