

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-125

Complainant: No. 0308110082A

Judge: No. 0308110082B

ORDER

The commission considered the facts in this case and decided to dismiss the matter. After attending a fund-raising event as a guest speaker, the judge realized that his participation might have been prohibited by the Code of Judicial Conduct. The commission agreed that the conduct was improper, but decided not to discipline the judge because he self-reported the incident and did not actually raise money for the organization.

The complaint is dismissed pursuant to Rule 16(a).

Dated: July 11, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on July 11, 2006.

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

Commission on Judicial Conduct
Attention Keith Stott
1501 W. Washington
Phoenix, Arizona 85007-3231

MAY 09 2006

CJC-06-125

Re: Apparent Violation of Canon 4C(4)(b)

Dear Mr. Stott,

After our recent exchange of telephone calls and e-mails, I have concluded I must report that I may have violated Canon 4C(4)(b), by being the guest speaker on [redacted] at the [redacted] fund-raising event.

I serve as [redacted]. Among other duties, I have administrative obligations with regard to the Court Appointed Special Advocate (CASA) Program. I have regular and continuing contact with persons who serve as CASA volunteers and I have longstanding friendships with several of the CASA volunteers who formed ACCI as a fund-raising agency for CASA.

I was asked by a couple of the CASA and ACCI volunteers if I would serve as the guest speaker at the fund-raiser. I told them I would check to determine if I could do so without violating any provision of the Code.

I will admit I made a very cursory review of the rules, but I felt, pursuant to Canon 4C(3), that if I restricted my comments to what CASA is, what the volunteers do and to how helpful they are to the Dependency caseload, I could speak without violating the Code. Specifically, my thinking was that CASA is a Juvenile Court Program, the work the volunteers do is all for greatly disadvantaged children who most often have no other adult support and the Courts use the information the CASA volunteers provide to assist in the administration of justice for the children involved. In fact, I have had occasion to consider and use information gathered by CASA volunteers to make decisions in both dependency and delinquency matters concerning specific children.

I don't deny that in accepting the invitation to speak, I was probably less guarded than usual because of the entity involved.

[redacted]

I will also note that I made it clear to the organizers that I could not and would not try to raise any money for the organization. I did not do so.

I have enclosed with this correspondence a copy of the receipts I received for the Two Hundred (\$200.00) Dollars my wife and I paid to attend the event. These are the only documents I have to show the event occurred. I don't recall seeing any type of advertisements or other literature that indicated I would be the guest speaker. I have asked the persons who invited me to speak to send me any such documentation but I decided to send what I have now and if I receive anything else, I will forward it later.

I feel compelled to add that the delay in this report was occasioned by the fact that I was concerned that my self report might result in issues being raised as to other judges who were present at the same event. In fact, a few days after the event I met with my Presiding Judge and asked for his input. I related the above facts and added my greater concern that one of my colleagues had apparently planned to and did play the role of auctioneer at the same event. He suggested I take a closer look at the Code and do whatever I felt was best.

I have now wrestled with this matter and lost sleep over it for two months. I finally decided to call you. After our initial telephone call I felt some relief in that your initial reaction seemed favorable to my position. After our call, I did review the Code again and although I was still of the opinion that I had not violated the Code, once you e-mailed me that my act might be a violation, I decided to follow-up with this report.

If you need any further information, please let me know.

