

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-144

Complainant: No. 1287110647A

Judge: No. 1287110647B

ORDER

The commission reviewed the complaint filed in this matter as well as the recording of the proceeding. The judge told the complainant he was "out of order," meaning he was out of order on the calendar, not that he was in contempt. There was no ethical misconduct on the part of the judge.

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

Dated: September 18, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on September 18, 2006.

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

26 May 2006

Judicial Ethics Committee
Arizona Supreme Court
1501 W Washington Ave
Phoenix, AZ 85003

MAY 30 2006

CJC-06-144

Ref:

Honorable Sirs,

I am writing this letter, after considerable thought, regarding my experiences in [] Municipal Court with my son, [] on [] in regards to a traffic citation that he received. I find that I am still quite upset over this matter. As a former [] officer, I have never experienced anything quite like the way that I was treated in this court.

My son received a traffic citation and was scheduled to be in court on or before 8:00 a.m. on []. On the afternoon of [] I became aware that he was sent home from work due to an excruciating tooth ache. Due to hour of the day, I was unable to make a dental appointment with my oral surgeon for him until the following morning [] [] On the morning of [] because my son was in pain and having difficulty talking, I personally contacted the court to advise them that [] would not be there due to a dental emergency. I was told that if he did not appear as ordered, a warrant for his arrest would be issued. I was further told that judges were available in the afternoon to see defendants, as time was available.

Emergency oral surgery was performed the morning of []. Following surgery, [] elected not to take the prescribed pain killers, so that he would not be impaired during court that afternoon. Surgery was completed, with two molars extracted and stitches put in, at approximately 10:00 a.m. We arrived at the court building and checked in at approximately 12:45pm. At approximately 1:00 p.m., we were sent to the assigned court room. By the time that we arrived in the court room, Kevin was already in considerable pain from the surgery, but he was determined to see the court appearance through. A docketed case was being initiated even as we arrived; however, there was another man who had missed court that morning who entered the courtroom and seated himself just before us, and as we were sitting down, she addressed him and his problem. She looked at us, but did not address us. The docketed case lasted until approximately 2:15 p.m. By this time, Kevin was in considerable pain and beginning to exhibit signs of physical distress.

At the conclusion of that case, the judge, Judge [] was seated on the bench and waiting for the next case. I asked the Judge if I could approach the bench and was

given her permission. As I approached the bench, she suddenly asked if I was one of the defendants that had missed morning court. I stated that I was, and was immediately ordered to be seated. I tried to explain that there was a medical emergency in the court and was declared out of order and told to sit down and remain silent. I again tried politely to make her aware of the problem and was threatened with contempt of court. I once again, under threat of contempt, made the single statement, "medical emergency in the court." She apparently heard that statement, and under my continued chastisement from the bench, she issued an extension of the case.

I am well aware that strict discipline in the courtroom must be maintained at all times. I am aware that the court routinely entertains all manner of individuals, some of which need restraint. However, I am also aware that there are times in a court when things of a crisis nature really do occur. In my particular case, it was a medical situation. From our first contact with the court at 8:00 a.m., to the clerk when we checked in at noon, to the Judge herself, every attempt was made to make the court aware and prove by documentation, that a medical problem existed. Our attempts to gain the court's aid were met with threats and chastisement. I find it unbelievable that there is not a way that an individual acting in a dignified manner can convey such an emergency to the court without being threatened with contempt. I approached the bench in the same manner that I had always done as a officer, and with great respect. I believe that the Judge's response to my approach was both callous and disrespectful of my attempt to bring a pertinent matter to her attention. I would hope that this letter would at least give the court some pause to reflect upon how it treats individuals who are acting in good faith and in a dignified manner to approach the court.

Sincerely,