

**FILED**  
MAR 13 2007  
RACHELLE M. RESNICK  
CLERK SUPREME COURT  
BY

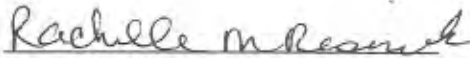
**SUPREME COURT OF ARIZONA**

IN THE MATTER OF JUDGE ) Supreme Court No. JC-07-0002  
)  
**ROSENDO MORALES, JR.,** ) Commission No. 06-154  
San Luis Municipal Court )  
Yuma County ) **JUDGMENT AND ORDER**  
State of Arizona )  
Respondent )  
\_\_\_\_\_ )

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, ADJUDGED AND DECREED** that Rosendo Morales, Jr., a city magistrate in the City of San Luis of Yuma County, is hereby suspended for a period of 60 days without pay from the date of this order for violations of the Code of Judicial Conduct as set forth in, and according to all terms and conditions of, the Recommendation and the Amended Agreement for Discipline by Consent, which are attached hereto.

DATED this <sup>13<sup>th</sup></sup> day of March, 2007.

  
Rachelle M. Resnick  
Clerk of Court

TO:  
Rosendo Morales, Jr., Respondent, San Luis Municipal Court  
(Certified Mail, Return Receipt and Regular Mail)  
James T. Gregory, Attorney for Respondent  
Linda Haynes, Disciplinary Counsel, Commission on Judicial Conduct  
E. Keith Stott, Jr., Executive Director, Commission on Judicial Conduct  
Jode Ottman, West Publishing Company, Editorial Department, D 3-40 #4467  
Lexis-Nexis

tel

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

**FILED**

**JAN 24 2007**

**ARIZONA COMMISSION ON  
JUDICIAL CONDUCT**

**STATE OF ARIZONA  
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning Judge	)	
	)	Supreme Court No.
<b>ROSENDO MORALES, JR.</b>	)	
Municipal Court	)	Commission Case No. 06-154
City of San Luis	)	
State of Arizona	)	<b>RECOMMENDATION</b>
Respondent	)	
	)	

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On October 2, 2006, the Commission on Judicial Conduct ("Commission") filed formal charges against Judge Rosendo Morales ("Respondent") based on a finding of reasonable cause by the three-member investigative panel appointed to oversee the investigation in this case. On October 17, 2006, the chairperson of the Commission 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 December 12, 2006, Respondent and Disciplinary Counsel submitted an Agreement for Discipline by Consent ("agreement") containing a waiver of Respondent's right to appeal and all other procedural rights set forth in Rule 29 of the Rules of the Commission on Judicial Conduct.

On December 15, 2006, the hearing panel met telephonically to consider the terms of the agreement and the nature and extent of Respondent's conduct. At the conclusion of the discussion, the panel unanimously rejected the agreement and advised counsel that it would accept an agreement for a sixty-day suspension under the same terms and conditions contained in the original agreement.

On January 23, 2007, Disciplinary Counsel and Respondent jointly submitted the attached Amended Agreement for Discipline by Consent ("amended agreement"), which the undersigned presiding member reviewed and accepted on behalf of the hearing panel in an order dated January 23, 2007.

In full accordance with the terms and conditions of the amended agreement, which are incorporated herein by reference, the hearing panel recommends to the Arizona Supreme Court that Respondent be suspended for sixty days without pay for violating the Code of Judicial Conduct as admitted in the amended agreement; that the parties shall pay their own costs and attorneys' fees associated with this case; and that the parties shall comply with all other conditions set forth in the agreement.

**RESPECTFULLY SUBMITTED** this 24th day of January 2007.

FOR THE HEARING PANEL



Hon. Harriett Chavez  
Presiding Member of the Hearing Panel

Copies of this pleading were delivered via fax and mail this 24th day of January 2007 to:

James T. Gregory, Counsel for Respondent  
217 South Second Avenue  
Yuma, AZ 85364

Linda Haynes  
Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

By:   
Acting Clerk

Linda Haynes  
Disciplinary Counsel (Bar #12178)  
Commission on Judicial Conduct  
1501 W. Washington St., Suite 229  
Phoenix, Arizona 85007  
Telephone: (602) 452-3200

**FILED**

**JAN 23 2007**

**ARIZONA COMMISSION ON  
JUDICIAL CONDUCT**

**STATE OF ARIZONA  
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning Judge	)	
	)	Case No. 06-154
<b>ROSENDO MORALES, JR.</b>	)	
	)	<b>AMENDED</b>
City of San Luis	)	<b>AGREEMENT FOR</b>
State of Arizona	)	<b>DISCIPLINE BY CONSENT</b>
Respondent	)	
	)	

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COME NOW Judge Rosendo Morales, Jr., (Respondent) and Linda Haynes, 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 of this matter pursuant to Article 6.1 § 4 of the Arizona Constitution.
2. This Agreement for Discipline by Consent is filed pursuant to Rule 30(a) of the Rules of the Commission on Judicial Conduct (Commission Rules).
3. Respondent has served as a full-time magistrate in the city of San Luis since January 1999, and was serving in this capacity at all times relevant to the allegations contained herein.

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

#### **BACKGROUND**

5. On October 2, 2006, Disciplinary Counsel filed a formal Statement of Charges against Respondent after a duly appointed investigative panel found reasonable cause to commence formal proceedings.

#### **MUTUAL CONSIDERATION**

6. Respondent admits committing the acts of judicial misconduct and corresponding ethical violations described in this agreement, and in consideration thereof, the Commission shall dismiss any allegations not specifically referred to in the agreement. The dismissal of charges by the Commission should not be construed as a comment as to whether there was sufficient evidence to prove those allegations by clear and convincing evidence.

#### **MATERIAL FACTS**

7. Respondent admits that on April 13, 2006, Respondent issued an order of protection to a man (father) who was cohabitating with his son's mother. The order was issued against mother and was based on mother's alleged alcoholism and her verbal and emotional abuse of the child. On April 18, 2006, Respondent presided over a hearing on the order which he dismissed.

8. Respondent admits that between April 25 and May 1, 2006, mother and Respondent engaged in several flirtatious phone conversations which included Respondent giving mother legal advice on how to obtain an order of protection against father, telling mother an off-color joke, and

exchanging intimate sexual information with mother. All the telephone calls except one were conducted while Respondent was at the courthouse, on the court telephone.

9. Respondent further admits that on or about May 3, 2006, he met with mother and son at the courthouse and lectured the child. Father was not notified of this meeting and did not attend. Respondent told the son that if he did not obey mother, that Respondent would put him in jail.

#### **ADMISSIONS CONCERNING CODE OF JUDICIAL CONDUCT**

10. Respondent admits that by engaging in intimate sexual conversations while at the courthouse, he violated Canons 1 and 2 of the code. Canon 1 requires a judge to uphold the integrity and independence of the judiciary. The comment relating to this canon defines a judiciary of integrity as one where judges are known for "honesty, uprightness and soundness of character." Canon 2 requires a judge to avoid impropriety and the appearance of impropriety. Canon 2B specifically prohibits a judge from conveying the impression that anyone is in a "special position to influence the judge."

11. Respondent admits that by having the minor child brought to the courthouse, lecturing him without notifying father, and threatening the child with jail if he did not obey mother, Respondent abused his authority and violated Canon 2B which prohibits a judge from allowing his relationships to "influence the judge's judicial conduct or judgment." The comment to this canon prohibits a judge from "lending the prestige of judicial office for the advancement of the private interests of others."

12. Respondent admits that his actions constitute conduct prejudicial to the administration of justice that brings the judicial office into disrepute within the meaning of Article 6.1 §4 of the Arizona Constitution.

#### **AGREED UPON SANCTION**

13. Respondent agrees that a sixty day suspension is an appropriate sanction for his misconduct.

#### **OTHER TERMS AND CONDITIONS**

14. 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.

15. Both parties waive their right, under Commission Rule 28(a), to object to the hearing panel's proposed recommendations and their right to appeal the charges at issue in this matter, including the appeal procedures set out in Commission Rule 29.

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

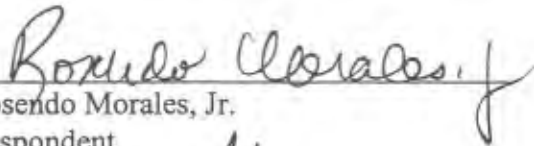
17. Both parties will pay their own costs and attorneys' fees associated with this case.

18. Respondent clearly understands the terms and conditions of this agreement and fully agrees with its terms.



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


SUBMITTED this 22 day of January, 2007.

  
\_\_\_\_\_  
Rosendo Morales, Jr.  
Respondent

JAN 17, 2007  
Date Signed

  
\_\_\_\_\_  
James T. Gregory  
Attorney

1-17-07  
Date Signed

  
\_\_\_\_\_  
Linda Haynes, Disciplinary Counsel  
Commission on Judicial Conduct

January 3, 2007  
Date Signed



Linda Haynes  
Disciplinary Counsel (Bar #12178)  
Commission on Judicial Conduct  
1501 W. Washington St., Suite 229  
Phoenix, Arizona 85007  
Telephone: (602) 542-5200

**FILED**

**OCT 02 2006**

ARIZONA COMMISSION ON  
JUDICIAL CONDUCT

**STATE OF ARIZONA  
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning Judge	)	
	)	
<b>ROSENDO MORALES, JR.</b>	)	Case No. 06-154
Municipal Court	)	
City of San Luis	)	
State of Arizona	)	<b>STATEMENT OF CHARGES</b>
Respondent.	)	

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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 the Respondent, Judge Rosendo Morales, Jr., for misconduct in office. This statement of charges sets forth the jurisdiction of the Commission and specifies the nature of the alleged misconduct.

**JURISDICTION**

1. The Commission has jurisdiction of this matter pursuant to Article 6.I, § 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 full-time magistrate in the city of San Luis since January 1999, and was serving in this capacity at all times relevant to the allegations contained herein.

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

### **CHARGES**

5. On April 13, 2006, Respondent issued an order of protection to a Spanish-speaking man (father) who was cohabitating with his son's mother (JV). The order was issued against JV and was based on JV's alleged alcoholism and her verbal and emotional abuse of the child. On April 18, 2006, Respondent presided over a hearing on the order which he dismissed.

6. On or about April 25, 2006, a city councilwoman called JV and said she had called Respondent at his home and more thoroughly explained JV's problems with father to Respondent. The councilwoman also told JV that she could meet with Respondent about the problems. This conversation and all ensuing phone calls were conducted in Spanish.

7. After JV spoke with the councilwoman on or about April 25, she called Respondent's court and asked to speak to Respondent. She and Respondent engaged in a flirtatious conversation, ending with Respondent saying he had been thinking about her. Respondent gave JV his cell phone number.

8. On May 1, 2006, JV called Respondent on his cell phone and asked Respondent if the clerk at the courthouse was upset when she had called there. The two arranged a meeting and discussed swimming in the canal. The tone of the conversation was intimate and sexually charged.

9. Later that day, JV called Respondent at the courthouse and asked about getting an order of protection against father. Respondent discussed her legal options with her.

10. On May 2, JV called the court and asked the clerk if the judge was busy. After the call was put through, Respondent and JV had an intimate conversation including Respondent stating, "You smelled good, you looked good," "I'd give you a hug and kiss on the lips," and "When I think of canals, I think of you." The conversation continued in this vein for several minutes, during which Respondent related an off-color joke about having sex with a dog and discussed orgasms.

11. On May 3, JV called the court and asked for Respondent. When Respondent came on the line JV told him that she had found a cassette tape with one of their phone conversations recorded on it. Respondent advised her to "destroy the tape," and "burn the box." Respondent urged destruction of the tape at least twice.

12. On or about May 3, 2006, Respondent met with JV and the son at the courthouse and lectured the child. Father was not notified of this meeting and did not attend. Respondent told the son that if he did not obey JV, that Respondent would put him in jail.

#### **APPLICABLE CANONS**

13. By talking with a councilwoman about a case he had presided over, and by agreeing to meet privately with the defendant and her son, Respondent violated Canon 2B(7), which provides that a judge "shall not initiate, permit or consider ex parte communications, or consider other communication made to the judge outside the presence of the parties concerning a pending or impending proceeding . . . ." Although the proceeding had ended, Respondent subsequently met

with the minor child outside father's presence and lectured the boy after being influenced by the councilwoman and by JV.

14. By engaging in intimate sexual conversations while at the courthouse, Respondent violated Canons 1 and 2. Canon 1 requires a judge to uphold the integrity and independence of the judiciary. The comment relating to this canon defines a judiciary of integrity as one where judges are known for "honesty, uprightness and soundness of character." Canon 2 requires a judge to avoid impropriety and the appearance of impropriety. Canon 2B specifically prohibits a judge from conveying the impression that anyone is in a "special position to influence the judge." Clearly, Respondent gave the impression that JV was in a special position to influence him, and her position was evident to the clerks in the courthouse, as well as to father.

15. By having the minor child brought to the courthouse, lecturing him without notifying father, when Respondent knew father was concerned about JV's actions in relation to the son, and by threatening the child with jail if he did not obey JV, Respondent abused his authority. Canon 2B prohibits a judge from allowing his relationships to "influence the judge's judicial conduct or judgment." The comment to this canon states, "A judge must avoid lending the prestige of judicial office for the advancement of the private interests of others." By giving the child the impression that Respondent had legal authority to place him in jail if he disobeyed his mother, Respondent abused the prestige of his judicial office.

16. By counseling JV on what legal steps she could take to keep her son away from father and by lecturing and intimidating JV's son, Respondent, who is not an attorney, engaged in the practice of law. Canon 4G states that a "Judge shall not practice law."

17. By advocating the destruction of father's tape recording, Respondent engaged in promoting the commission of criminal damage, a class one misdemeanor. A.R.S. §13-1602. Additionally, Canon 3B(2) mandates that "a judge shall be faithful to the law and maintain professional competence in it."

### **CONCLUSION**

18. Rule 6 of the Commission Rules provides that grounds for discipline include "conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or a violation of the code." Each of the charges alleged in this pleading constitute conduct prejudicial to the administration of justice that brings the judicial office into disrepute within the meaning of Rule 6, as well as Article 6.1 §4 of the Arizona Constitution. Additionally, each count violates Canon 1A, which requires a judge to maintain, enforce and personally observe high standards of conduct and to uphold the integrity of the judiciary, and Canon 2A ("A judge shall . . . act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary"). Article 6.1 §4 of the Arizona Constitution provides that the Supreme Court may censure, suspend, or remove a judge for conduct that brings his judicial office into disrepute.

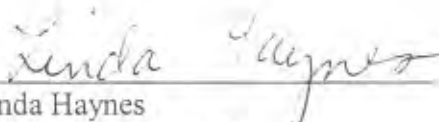
### **REQUESTED RELIEF**

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 Rule 18(e) of the Arizona Commission on Judicial Conduct Rules; and that the court grant such other relief as may be deemed appropriate.

Dated this 2nd day of October 2006.

**COMMISSION ON JUDICIAL CONDUCT**

  
\_\_\_\_\_  
Linda Haynes  
Disciplinary Counsel

ORIGINAL of this pleading filed  
this 2nd day of October 2006, with:

The Arizona Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, AZ 85007

Copy of this pleading mailed  
this 2nd day of October 2006, to

Rosendo Morales, Jr.  
San Luis Municipal Court  
San Luis, AZ 85349

1 James T. Gregory  
2 Law Office of James T. Gregory, PLLC  
3 217 South Second Avenue, Suite C  
4 Yuma, Arizona 85364  
(928) 343-2705  
AZ Bar No: 021499

**FILED**

**NOV 21 2006**

ARIZONA COMMISSION ON  
JUDICIAL CONDUCT

5 STATE OF ARIZONA  
6 COMMISSION ON JUDICIAL CONDUCT

8 ) Case No.: 06-154

9 Inquiry concerning Judge

) RESPONSE TO STATMENT OF CHARGES

10 ROSENDO MORALES, JR.

11 Municipal Court  
12 City of San Luis  
13 State of Arizona,

Respondent.

14  
15  
16  
17 An investigative panel composed of members of the Commission on Judicial Conduct  
18 (Commission) has determined that there is reasonable cause to commence formal proceedings  
19 against the Respondent, Judge Rosendo Morales. Jr., for misconduct in office. This is a response  
20 to the statement of charges set forth in which jurisdiction of the Commission is admitted and  
21 denies the alleged misconduct.

22  
23 JURISDICTION

24 1. Admit

25 2. Admit

RESPONSE



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- 3. Admit
- 4. Admit


**CHARGES**

- 5. Deny
- 6. Deny
- 7. Deny
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- 9. Deny
- 10. Deny
- 11. Deny
- 12. Deny

**APPLICABLE CANONS**

- 13. Deny
- 14. Deny
- 15. Deny
- 16. Deny
- 17. Deny

Dated this 20<sup>th</sup> day of November, 2006

  
James T. Gregory  
Attorney for Respondent

RESPONSE