

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-248

Complainant: No. 1292710514A

Judge: No. 1292710514B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. Canon 5B(3) of the Code of Judicial Conduct expressly permits an incumbent judge to obtain publicly-stated support for re-election to office as explained in Advisory Opinion 96-12.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

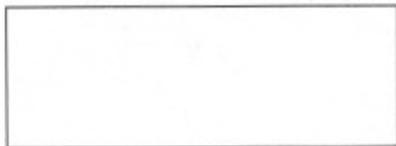
Dated: November 3, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on November 3, 2006.

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



AUG 23 2006

CJC-06-248

August 21, 2006

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

Re: Conduct of Judge [redacted] Candidate for [redacted] Justice of the Peace:

1. Failed to keep an Independent and Honorable judiciary, Cannon 1.
2. Failed to avoid the appearance of impropriety. Cannon 2.
3. Failed to maintain the dignity appropriate to judicial office and act in a manner consistent with the impartiality, integrity and independence of the judiciary. Cannon 5B(1)(a).

Dear Members of the Commission:

Judge [redacted] is the judge filling in the vacant position left by the former Justice of the Peace [redacted]. Therefore, you have jurisdiction over [redacted].

Mr. [redacted] is currently running for the seat of [redacted] Justice of the Peace. He is currently mailing out flyers that state that he is being endorsed by a senator, a number of representatives, a Board of Supervisor member, a constable and [redacted] City Counsel members and a number of persons who are heads of block watches or members of the block watches.

Cannon 1A states: "A judge shall uphold the integrity and independence of the judiciary."

[redacted] obtained the above described persons to endorse him. Will [redacted] give them something in return for allowing him to put them in his flyer as endorsers? Will they receive preferential treatment? However, to the voters, [redacted] endorsers will receive preferential treatment from the judge. That is a complete violation of Cannon 1A. He is failing to uphold the integrity and independence of the judiciary.

Cannon 2A states: "A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities."

Again, the endorsers can be seen by the voters as having an in with Judge [redacted] and that Judge [redacted] will give the endorsers preferential treatment. This is the appearance of impropriety.

A constable is part of the Executive Branch of Government. Is Judge [] very favorable to the Executive Branch? Will Judge [] favor the testimony of witnesses from the Executive Branch over other witnesses? The endorsers who are from City, County and State Legislative Branches, are they going to be given preference over other litigants? The heads of block watches and their members who are listed, are they to be given preferential treatment? The voters believe that Judge [] will give these endorsers preferential treatment. All of this leads up to the appearance of impropriety. [] has failed to avoid the appearance of impropriety.

Cannon 5B(1)(a) which sets forth the Judicial Campaign Conduct states: A judge "shall maintain the dignity appropriate to judicial office and act in a manner consistent with the impartiality, integrity and independence of the judiciary..."

Again, if we view [] conduct of getting the above described endorsers for his flyers, his conduct has the appearance of impropriety and violates the impartiality, integrity and independence of the judiciary.

The voters will believe that all of the endorsers will receive preferential treatment and that the Court cannot act independently from the legislative or executive branches of government. If we review the argument under Cannon 2A, will the endorsers be given preferential treatment? The voters will feel that the Court cannot be impartial.

Is the court so entwined with the legislative and executive branches of government that it cannot operate independently? These are the appearances which the voters will see as occurring.

[] should be ordered to stop using endorsers. If he continues to use this method of campaigning, it will reduce the court's integrity and impartiality and independence in the eyes of the voters.

Sincerely,

[]

Enclosure: Copy of [] flyer