

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 07-133

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Complainant: No. 1310610025A

Judge: No. 1310610025B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The golf instructor the judge excused from sitting on the jury (but not from jury service in another courtroom) was personally acquainted with the judge's family and thus could not serve on the panel. The complainant's status as a parent of a disabled child was taken into account later in the proceeding in accordance with the court's customary procedures, and the complainant was promptly excused from jury service.

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

Dated: June 13, 2007.

FOR THE COMMISSION

/s/ Keith Stott  
Executive Director

Copies of this order were mailed  
to the complainant and the judge  
on June 13, 2007.

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

February 6, 2007

CJC-07-133

Superior Court of Arizona

The Honorable Judge

I recently received a summons for Jury Duty and was required to appear today, [redacted] After checking in downstairs, I was ultimately called to Judge [redacted] courtroom. After her brief instructions regarding the time element involved in the case that was to be heard, she asked for reasons why some might not be able to fulfill their civic duty. I listen to various reasons, some sounded pretty legitimate, some, I am not so sure. I was also given the opportunity to explain my situation. I am a single mother who is self-employed and works out of my home. However, the real issue is that I have a daughter who is disabled. She is [redacted] due to [redacted] She is enrolled in a program at [redacted] and attends that program [redacted] Due to the conditions of this world, state, city and all communities, I do not want her being dropped off in our community (at the club house in our [redacted] to walk home alone. Although she is able to do that, she is not wise enough to avoid possible dangerous situations. I told Judge [redacted] that I have a disabled daughter and that serving on a jury, even for one day, would pose a problem for me, as I would not be able to be there when she arrived home and due to the fact that I have no one who could be there for her, I would request being dismissed.

During the "first round" of dismissed persons, she dismissed, to my amazement, a [redacted] among others. The others seemed to be more legitimate than that, but still, a [redacted] I, however, was not dismissed. I was quite taken back by that. After further questioning of all prospective jurors, the issue came up regarding family members or close friends who were in the [redacted] field. I did indicate to Judge [redacted] that my brother-in-law owns his own [redacted] business.

When, we were later asked to answer the questions on the back of our juror numbers, I again emphasized that I have a [redacted] daughter. I don't know if she just ignored me or what, but again I felt that that was irrelevant. We were then asked to wait outside the courtroom while the lawyers and judge made their final selections. I had several other prospective jurors express their amazement that I had not been dismissed. And I personally was close to tears. Imagine, being a [redacted] [redacted] was a more legitimate reason for being dismissed from jury duty than having a [redacted] child! I could have pointed out that every phone call I miss in relation to my work was costing me potential income. As a single parent, I can assure you that is well-needed income. Still, I would have served if that were my only adverse situation.

Even though I was not among those selected for jury duty, I still am extremely upset over the situation. We were sent back downstairs to the jury pool with the possibility of being called again for the afternoon. Fortunately for me, and my daughter, there was to be no further jury selections for the day. In the event, however, that there

would have been, I could have easily had to sit through another round of questions, explanations, etc. Somehow, this just seems like a "no brainer". A mother of a disabled child should be excused!

If Judge [ ] has difficulty in seeing this, it certainly raises questions as to her ability to see these cases fairly.

I sincerely believe that I was not selected due to the fact that my brother-in-law is [ ] with his own business, not because of my personal situation. I believe this because the individuals selected for this case were individuals who did not have friends or relatives in the [ ] field, or had had a bad or good experience with a [ ] or something related to [ ]

I realize that there is nothing that can be done after the fact. However, I believe that Judge [ ] did not act appropriately. I do believe that there needs to be rules and guidelines set in order to prevent people from frivolously getting out of jury duty. But I also believe that there needs to be good judgment exercised and a human side considered. Perhaps, Judge [ ] needs to show more sensitivity when dealing with the special needs of the disabled.

I came prepared with documentation to show whomever I needed to, proof that I am not making up the disability of my daughter. But, again, I was treated as though that was not a legitimate reason to be dismissed. In my opinion, I believe it was a blatant act of discrimination towards the disabled. But I will let you be the judge on that.

