State of Arizona COMMISSION ON JUDICIAL CONDUCT

| | Disposition of Complaint 07-301 | | |
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| Complainant: | | No. | 1323410720A |
| Judge: | | No. | 1323410720B |

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. At the time of the hearing, the judge did not know that the complainant was associated with her old firm because the case file containing the notice of appearance was not provided to the court.

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

Dated: February 5, 2008.

FOR THE COMMISSION

\g\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on February 5, 2008.

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

CJC-07-301

On I had an Order of Protection hearing scheduled before Commissioner I represented the Petitioner/Wife, who had secured the Order against her former husband. The result of the hearing was to quash the Order.

At the time of appearance, the commissioner assigned to the case was not present. Judge heard the matter.

I was not aware that Judge is a former employee of the law firm with which I am associated, nor that she left under less than benign circumstances that resulted in litigation in which she was adverse to the firm. This creates an obvious possibility for continuing animosity on the part of Judge unfair position for Petitioner/Wife. Judge did not to my knowledge at any time indicate to either attorney that she had formerly been employed by my firm, much less that the circumstances of her departure were less than amicable. I have ordered the CD of the hearing to verify that Judge neither addressed the possibility of reusing herself nor informed the parties and their attorneys of this apparent conflict of interest. For the benefit of all involved, and to avoid even the appearance of impropriety, Judge should have at least brought her relationship to my firm to the attention of counsel and the parties.

I have advised my client that I believe we are entitled to a trial *de novo* but she is unable to afford attorney's fees for a second hearing. This issue could have been avoided if Judge had followed accepted procedure in advising us of the potential conflict of interest. I believe Judge acted improperly and should be sanctioned for her lack of disclosure.

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