

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-100

Complainant: No. 1331610650A

Judge: No. 1331610650B

ORDER

This complaint involves four judges. The commission reviewed the complaint and found no intentional ethical misconduct on the part of three of the judges named in the complaint. The fourth judge is the subject of the same claims in a related complaint that will be resolved separately. This complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: June 30, 2008.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on June 30, 2008.

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

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CJC-08-100

IN THE SUPERIOR COURT OF ARIZONA

Defendants and Respondent(s)

) **CASE NO. :**
)
) **DISQUALIFICATION UNDER**
) **ARIZONA PURSUANT TO ARTICLE**
) **6.1, § 2 OF THE CONSTITUTION,**
) **FROM ACTING AS JUDGES; A**
) **PREDICATE FACT CONTITIONAL**
) **VIOLATION'S JUDICIAL CONDUCT**
) **AND BOTH CODES CONTAIN THE**
) **FIVE MAJOR CANONS ALSO**
) **AMENDMENTS TO THE CODE OF**
) **CIVIL PROCEDUARE SECTION**
) **171.1, SUBDIVISION (a) (6) (A(iii) 16**
) **A.R.S., RULES CIVIL PROCEDURE**
) **RULE 81, AZ-ST-RCP RULE 81:**
) **RULE 53 (2) MASTERS (Refs and**
) **Annos) ARTICLE § 2 COMMISSION**
) **ON JUDICIAL CONDUCT**
) **EXECUTIVE DIRECTOR, STATE OF**
) **ARIZONA, (PHOENIX); IMMEDIATE**
) **DISQUALIFICATION (S) OF**
) **COMMISSIONER/PRESIDING**
) **JUDGE/CHIEF MAGISTERIAL AND**
) **JUDGE. Preliminary Investigation Of**
) **The Attach Additional Seven -Pages**
) **and Exhibit's: (A-17((B-3) (C-4) (D-13)**
) **(E-4) (F-3) (G-9) IN ALL 60 PAGES**
)

To the Commission On Judicial Conduct, Executive Director, E. Keith Stott, Jr.,
State of Arizona,(Phoenix). Please take notice of Defendant/Successor Trustee
No.1/ and Defendant/Successor Trustee No. 2/

1 we declare as follows: That the accused candidates COMMISSION

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3
4 has done judicial misconduct within the Judicial System of the
5 County of State of Arizona with the Petitioners activity
6 proceedings. These public Officer's appointed to precede and to administer
7 the law in a court of justice that is written under the CANONS OF
8 JUDICIAL CONDUCT:. Arizona judges are subject to the Code of Judicial
9 Conduct adopted by the Arizona Supreme Court in 1993 and most recently
10 amended in June 2004. The Arizona code is based on the 1990 version of the
11 American Bar Association's Model Code of Judicial Conduct, and both codes
12 contain the five major canons:

13 *CANON 1: A Judge Shall Uphold the Integrity and Independence of the*
14 *Judiciary*

15 *CANON 2: A Judge Shall Avoid Impropriety and a the Appearance of*
16 *Impropriety in All of the Judge's Activities*

17 *CANON 3: A Judge Shall Perform the Duties of Judicial Office Impartially*
18 *and Diligently*

19 *CANON 4: A Judge Shall So Conduct the Judge's Extra-Judicial Activities as*
20 *to Minimize the Risk of Conflict with Judicial Obligations*

21 *CANON 5: A Judge or Judicial Candidate Shall Refrain from Inappropriate*
22 *Political Activity*

23 All of the Respondent'(s) public officers: Goaded the Defendant/Successor
24 Trustee No.1/ and Defendant/Successor Trustee No. 2/
25 into a conflict in their egregious act of malfeasance
26 and have made a force of the entire proceedings. Defendant/Successor
27 Trustee No. 1/ and Defendant/Successor Trustee No.2/
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minute entry oral motion to disqualify Hon.
is denied, as untimely.

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filed a Disqualification to the
and Superior Court of Arizona at the
Presiding Judge,
Probate Court . A copy was also hand delivered to Commissioner
judicial assistance. (see attached filed disqualification).

court declines to rule on (see
attached minute entry). I , did not receive a written nor voice
message notice regarding this hearing from the court.

stated that the judicial assistance
informed her of the Telephonic Status Conference while
hand delivering a copy of the disqualification to Commissioner
judicial assistance. stated that she did not receive a
written notice from the court in a timely manner to give proper notice to her
employer.

made a telephone call
to the Presiding Judge office I spoke
with I asked for the presiding judge and was informed that I would
need to speak with her assistant and that she would be back on

Uncertain about whom to trust and needing to find out the status of the
disqualification. I spoke with to verify if Presiding Judge
had received the disqualification. asked if there was a case
number. I gave the case number and she informed me
that the judge had not received a copy. state that the disqualification
must have been mailed. I stated that it was hand delivered to
Commissioner office. replied that she would call me back on
, after speaking with the Presiding Judge because
the case has to be assigned for ruling. I informed that
Commission gave copies of the disqualification to the other parties
and stated by law that they should have had copies. I stated to that I
would call back on , since your office does not make long
distance calls. informed me that the Presiding Judge office is allowed to

1 make long distance calls. also stated that if she was not available that I
2 could also speak with This telephone conversation lasted for
3 15 minutes.

4 called. She left a message informing me that Judge
5 had been assigned to the disqualification, but she would not
6 be back until telephone number
7 was also left on the message. However, called on a
8 telephone number that was not recorded on the telephone message or a call
9 back number.

10 On at 8:47 AM, I called the Presiding Judge
11 office. I asked for but she was not available. I spoke with
12 to verify that I had received the information.

13 repeated the information mention above. At this time I informed that
14 a certified mailed copy of the disqualification was mailed to The Honorable
15 Janet Napolitano, Governor of Arizona, replied that the Presiding
16 Judge spoke with the Governor already regarding the
17 disqualification. We ended the conversation.

18 Commissioner minute entry states
19 Disqualification is denied.

20 after court and I went to the
21 office of the Presiding Judge and spoke with
22 who informed us that we would need to file an Appeal regarding the
23 Disqualification. We also physically appeared at
24 office to Governor of Arizona , the Honorable Janet
25 Napolitano office. We approached the information counter and were
26 informed that the certified mail regarding Commissioner was not a
27 matter that the Governor would not have responded to. We were directed to
28 the State of Arizona Commission on Judicial Conduct Office located at 1501
W. Washington Street, Suite 229, Phoenix, Arizona 85007. We were

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informed that Commissioner should not have ruled on
her own disqualification. We were instructed to file a complaint with this
office against the commissioner which was filed We
informed this office that Judge was assigned to this
disqualification on and there has been no response. As the
defendants in this matter the only ruling has been from Commissioner

RESPECTFULLY SUBMITTED this 21st day of April 2008

Defendant / Successor Trustee No.1

In Propria Personna

Defendant / Successor Trustee No. 2

In Propria Personna

**ORIGINAL of foregoing filed
This 21st day of April 2008
Clerk of the Probate Court**

**COPY of the foregoing hand-delivered
This 21st day of April 2008**