

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-046

Complainant: No. 1355910782A

Judge: No. 1355910782B

ORDER

The commission reviewed the complaint and supplemental information and voted to dismiss the matter with comment. Although the judge did not technically violate the Code of Judicial Conduct in allowing litigants to meet in his chambers, permitting one party to enter may give an observer the impression that something inappropriate may be taking place even though the judge had recused himself from all cases involving both parties. Canon 2 requires judges to avoid even an appearance of impropriety. The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: June 23, 2009.

FOR THE COMMISSION

Commission Chair

Copies of this order were mailed to the complainant and the judge on June 23, 2009.

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

February 21, 2009

VIA FACSIMILE , letter and concerns (4 pages)
VIA US MAIL, letter, concerns, and exhibits

Dear Ms. ,

Attached are many concerns my husband and I have attempted to resolve with Justice Court. Yesterday evening a Sheriff's Deputy arrived at our gate to question my husband about his alleged harassment of Judge , who oversees the court noted. We have had no direct contact with Judge since a hearing held before him in March, 2008. Since we informed the Deputy that we were represented by an attorney, we are unaware of the actual allegations; however, we feel that they are related to our continual questioning of court records in Judge 's court. This is the only contact we have had relative to Judge , and the contact actually has been with his staff and not with him.

We do have concerns about Judge . He is an elected, public figure, and we feel it is appropriate to question the integrity of his office. He is currently, personally involved with Ms. . She is a prominent person in the record requests we made. Ms. , along with her husband, filed a lawsuit against us, and we countered. In our counter, we claimed defamation of character. Depositions are occurring within the next month, and we are suspect of the timing with Judge 's claim. Additionally, we are concerned with the security and confidentiality of the records. Ms. , as well as her daughter, have been seen sitting in the Judge's office, where the records we request are housed and then retrieved by the clerk.

We are concerned with the current investigation initiated by Judge and feel that we are now unable to use the normal channels available to us to request records as well as to question their validity. We are asking for your assistance in this matter. If after you review the attachment and need further information, please contact us at our home phone number, . We believe our concerns are valid and also feel an audit of records would provide a better understanding of what is going on, relative to our cases.

Sincerely,

CC: County Justice Court – without exhibits
Commission on Judicial Conduct