

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-307

Complainant:	William Rucker	No. 1183710773A
Judge:	Alan Cody Williams	No. 1183710773B

AMENDED ORDER

After reviewing the complaint, the evidence gathered during preliminary investigation, and the judge's response, the Commission on Judicial Conduct found that Judge Williams violated Rules 1.2, 1.3, 2.1, 2.4(B), 2.5(A), 2.7, 2.11, and 3.1(A) of the Code of Judicial Conduct.

Preliminary investigation revealed that Judge Williams consistently fails to appear for work on Wednesdays and Fridays except to perform weddings in the evenings for a fee. Computerized records of the judge's presence in the courthouse revealed that he is at the courthouse, on average, less than 25 hours per week. The judge's failure to be present or immediately available to promptly attend to court business violates Rules 1.2, 1.3, 2.1, 2.4(B), 2.5(A), and 3.1(A) of the Code of Judicial Conduct, and is contrary to the general principles set forth in Article 6.1 of the Arizona Constitution as well as Judicial Ethics Advisory Opinion 06-04. A judge's primary obligation is to his court business.

Accordingly, the judge is hereby reprimanded for his conduct pursuant to Rule 17(a), and the record in this case, consisting of the complaint, the judge's response and this order, shall be made public as required by Rule 9(a).

Dated: December 9, 2010.

FOR THE COMMISSION



Hon. J. William Brammer, Jr.
Commission Chair

Copies of this order were mailed to the complainant and the judge on December 9, 2010.

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

COMPLAINT & REQUEST FOR INVESTIGATION

To: The Commission On Judicial Conduct

From: William Rucker 11-07-09

Referenced: "Cody Williams" AKA Alan Cody Williams.

Attached are copies of documents of my investigation into the (2) two identities of a Justice of The Peace of south Mountain Justice court.

Sir or Madam,

On Thursday the 5th of November 2009, I was attempting to obtain a photo radar ticket from the South Mountain Justice Court. I had filled my request and the lady at counter was typing in the case number I had given her on the request form. She became what I would call nervous and told me that she had to go get the file. Approximately two minutes later she comes back with the "Judge" of the South Mountain Justice Court known as "Cody Williams" he put his hand through the space below the glass that separates the public from the employees and I, shook his hand as he introduced himself as "Cody Williams" then asked about my inquiry, I advised him that it was public record and all I wanted was the copy of the ticket. He then stated, "Now I can put a face with a name" (in a manner that was offensive and intimidating) and I replied "and now I can put a face to two (2) names Alan" he (Williams) demanded that I tell him who hired me to investigate him stating that it should be public record also. I advised him that I did not have to tell him anything and he should go back to his chambers so I could get what I came for. He made a comment to me that was "unclear"(because of the glass between us) and I said to him, would it not be more honorable to use your sir name instead of a nick name on the bench, he stopped and glared at me then realized that others were around him and put what I would call a fake smile on and walked away. I feel that his actions are an attempt to intimidate me from future or ongoing investigation(s). For an appointed/elected official(s) to use county personnel to "alert" him when I was in the building is UN-ethical and an abuse to his authority as a "Judge" and having court personnel see me as a nuisance or what ever else he may have told them. His demeanor in the public area asking me questions and demanding I tell him who hired me is UN-ethical and was confusing to the people (waiting to appear before him) within earshot listening to him question me about my request in the manner he was speaking as to "demean me in public". I felt I was being intimidated and as a threat to stop my investigation of an appointed/elected official(s).

Attached are:

A complaint to the Sheriffs office dated 7-29-09.

A letter to whom it may concern.

A letter to : T. Abrahamson "request for an investigation of Cody Williams aka Alan Cody Williams.

A letter to: T. Abrahamson notary's journal for Cody Williams dated 11-8-2007

Copies of the journals of the notary's.

A copy of the Oath of Office

A letter to Senator Pearce

Letter to: T. Abrahamson request to Fran McCarroll Letter to: T. Abrahamson
request to take time to look at time lines.

Public records request to Sherry Ellis

A picture of Alan Cody Williams as of 8-8-09 (photo radar) complaint
#50458727, which was to be heard in his own court, and as of 11-05-09, had not
been paid. And all the South mountain justice court had, was the ticket and no
docket of appearance or payment.

And attached are several other tickets that have been dismissed because of lack of
service. Which is understandable because he is using (2) different names. And could he
pay the ticket? I would think so because the court where they were due is literally next to
each other in the same building as he is. This appears to me as total deception to his
colleagues, the public and the court as of his identity and could face embarrassment as to
his real identity.

Respectfully,

William H. Rucker

Cc: Maricopa County Sheriffs Office.

To: The Commission on Judicial Conduct

From: William Rucker

The reason that he "Cody Williams" "AKA Alan Cody Williams" should be investigated is,

False information on financial statements.

False information on notary's journal.

False information to a notary.

Using an *alias* to obtain a government position.

Filing a *false document* to a government entity.

Forgery, *false, fake, identity theft, and or different name* to a government entity.

Hiding information on a financial statement of a judgment of 130,000 under "Alan Cody Williams" while using "Cody Williams" to hide the Judgment and identity.

Hiding his identity to avoid tickets and embarrassment by other Judges.

Prosecuting, fining citizens for the same crimes he has done but won't admit because it has a different name he can use.

Deceiving the public on his true identity.

Rude and UN-ethical treatment to a citizen *in a government building*. Within eye and earshot of other citizens *using court personnel*.

Intimidation, to the extent of a threat by his actions using court personnel.

Using county time and personnel to intimidate a citizen in a public area (court building).

Using county personnel for personal reasons to intimidate the public.

Attempting to obstruct a citizen from public records using court personnel.

Using court personnel to "alert" him for personal reasons of a public record.

Using a name that is not a "sir" name on an Oath of office/deception.

Signing an Oath of office under a name not on his driver's license/as deception.

False registration ARS 16-182

False document ARS 16-183

False swearing ARS 16-184

Failure to abide by election rules as to *not using his exact name/ sir name on ballot.*
And using *abbreviated versions without using "quotation marks" to deceive the public to obtain a government position.*

Fraud, securing his appointment by an elected official under an alias/false name.
(Appointed by Mary Rose Wilcox).

CODY WILLIAMS
Judge



SOUTH MOUNTAIN JUSTICE COURT

JUL 02 2010

Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, AZ 85003

July 2, 2010

Regarding Complaint #09-307

To Whom It May Concern:

Thank you for the opportunity to respond to these allegations. I believe that there is a difference between misconduct and error and while I am sure that I have made mistakes, especially as a new judge, I deny that I have committed judicial misconduct.

I am concerned about the tone of the June 3, 2010 letter I received from the Commission. It reads almost like an indictment and seems very accusatory. It even creates the impression that a conclusion has already occurred. It is also somewhat difficult for me to respond to these allegations because none of them reference any dates or even time periods. Furthermore, it should be noted that William Rucker, the person who is said to have brought the initial complaint against me, is working for one of my political opponents. And, given that most, if not all, of the additional issues raised have their origins prior to his complaint being filed; I would, therefore, respectfully request that he not be given my response to the issues he did not raise in his complaint.

Allegation Concerning the Use of Multiple Names

The name that I was given at birth is Alan Cody Williams. And, therefore, my legal name is Alan Cody Williams. Alan Cody Williams appears on my driver license. I have used Alan Williams, Cody Williams, A. Cody Williams, Alan C. Williams, A. C. Williams, AW, CW, and Alan Cody Williams on legal documents throughout my life. As an elected official, with the Phoenix City Council and with Maricopa County, I have only used Cody Williams on campaign documents. There is no discrepancy. I have been an active member of the communities in which I have lived and served. I have never tried to hide who I am or use an alias to hide anything. Like a Jonathan uses John sometimes or Samuel uses Sam or Jennifer uses Jen, or like others who use their legal middle name rather than their legal first name, or like others who use their first or middle initials, I use my name as I am legally allowed to. I have provided a copy of my birth certificate for your reference.

Allegations Concerning Photo Radar Tickets

I don't know the exact number of photo radar tickets I have received since I began driving. I don't have copies of tickets that I have not received. However, with regard to those that I have been made aware of, I either paid for them or requested that they be dismissed if they had not been sent to me or notice provided to me within the required time, as required by law. To my knowledge, I have no outstanding tickets, photo or otherwise. I have always resolved my traffic citations myself. I have never asked anyone to intercede on my behalf or otherwise manipulate the system. Like hundreds of thousands of people, judges included, who have received photo enforcement citations, I paid my fine and fees as I was required to or I have fought them in the courts as I am legally allowed to do. Highway photo enforcement tickets do not appear on individual driving records (often camera tickets from city governments do), but I have attached a copy of my MVD record for your reference.

Allegations Concerning Failure to Work Full-Time

Although there are generally no time standards for when elected officials must be present at work, the justices of the peace in Maricopa County require judges to make sure their courts are always covered, even for unscheduled and unannounced litigants (e.g. someone appearing with an active arrest warrant). A justice of the peace must be either physically present or be able to timely respond to a court need. If neither is possible, then the judge should arrange for coverage from either another judge or a pro tem judge.

I make sure that my court is covered at all times. My staff has access to me 24/7; they have my home and cell numbers as well as my several email addresses. I have worked closely with my staff to establish working protocol that takes advantage of the space we have and the issues that arise that are not part of a set schedule. The South Mountain Justice Court is one of the most efficient of the 25 courts in Maricopa County. Our intake and closure rates are among the highest in our system.

There are times where I may not be in the building 40 hours per week but, I spend 40 or more hours on Justice Court related business. There are also days when I work late into the evening/night and on Saturday and Sunday as well. Hourly staff is often not aware of my schedule or where and how long I work each day. I am an elected official who has the dual responsibility to interact with my constituency in the courtroom and throughout the community and I must balance my work schedule to create efficiencies in all areas possible. I inherited the current court calendar and schedule that the South Mountain Justice Court has today. Wednesday and Friday were, and continue to be, used for civil traffic, small claims, and jury trials. My attendance at civil traffic and small claims hearings is not required or necessary because hearing officers hear those cases.

Allegations Concerning Backlog of Civil Cases

No backlog of civil cases exists in my court. Over the last 18-24 months, the South Mountain Justice Court is taking in and closing civil cases at a higher and more efficient rate than at any point in its history (see the attached reports). While I am required by statute to dispose of all cases or request for action within 60 days of files/cases being given to me; I on average handle them within 30 days. I do not "rely" on Pro Tem Judges to "clean up" backlogs. Like all judges who bring in Pro Tems, if there are files that need to be signed and they can get to them then I, and the staff, appreciate them signing them. In my first months of being a Judge, I stepped into an environment where there had not been a regular or consistently present Judge for nearly 8 months. There were more files than average for me, and whenever possible, for Pro Tems to sign. As a result, Pro Tems assisted greatly in moving files through our system. But, over the last 18-24 months I only allow Pro Tems to handle case files that require the least amount of work (i.e. writs, motions to extend service, dismissal, etc). And, I do not ask or expect Pro Tems to do anything other than what they are paid to do on a given day. If they can sign files it's appreciated, but I have no expectation that they will do additional work for me.

Allegations Concerning Back Dating Documents

I do not back date any documents in my court. I may have inadvertently placed the wrong date on a document; but I have quickly corrected the mistake once it was brought to my attention. There are days when I sign several hundred documents and there have been times that I have signed the same date on document on the following day. In the first months of being a judge this occurred and my court administrator brought it to my attention. I have tried very hard to make sure I don't make those kinds of mistakes since that time. Some documents I have signed and forgot to date them; some I have dated and forgot to sign; but in each case my staff catches it and sends it back for me to correct. I sign hundreds of documents each week and I do my best to be correct 100% of the time. Am I perfect? No, I am not perfect and I correct my mistakes, but I have never intentionally back dated files.

Waiving the Time Payment Fee

The judicial enhancement fund is funded by the judicial collection of fees for payment of fines, various surcharges and fees collected in connection with electronic filing. It is established under A.R.S. § 12-113(A). A \$20 time payment fee is imposed when defendants apply for a payment plan to pay for their civil and criminal fines. A.R.S. § 12-116(A) states that this \$20 fee cannot be waived. In contrast, surcharges and warrant fees can be waived.

In the first few weeks of being a judge I attempted to waive the time payment fee but was informed by my court administrator that the fee couldn't be waived, and therefore wasn't waived. That was in October or November of 2007. I didn't and couldn't waive the fee then and I have not attempted to waive that fee since.

Alleged Dislike of Attorneys

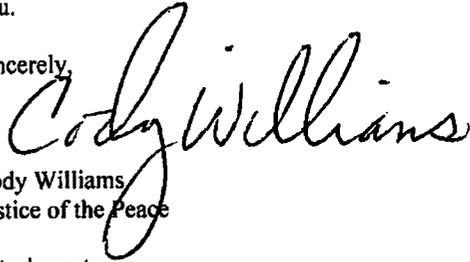
I do not dislike attorneys. My brother has been an attorney for over 30 years. I have dealt with, worked with, depended on, and relied upon the trusted council of a variety of attorneys throughout my professional and personal life. I may have candidly spoken to a member of my staff and mentioned that I dislike anyone, including attorneys and pro se plaintiffs or defendants, who attempts to bully people in my courtroom. But I do not recall having said to anyone that I unilaterally dislike all attorneys. I have not and will not disregard the law in my courtroom and I will treat everyone with respect. There have been times when I need to maintain decorum and/or control on a given day. But what happens on a given day has never carried over to a new day or affected how I treat a given individual the next time they are in my court. To suggest that I am bias toward attorneys in any way is erroneous.

Conclusion

If all of these charges were true, then some type of formal charges against me would appear to be appropriate. Thankfully, they are not true; but I cannot tell where the Commission is in its investigative process and am especially concerned because I am currently in the middle of an election campaign. If an investigative panel has been formed, I respectfully request an opportunity to hire an attorney and to meet with that panel prior to it making any possible reasonable cause finding that there may be grounds for a formal charge.

It is my sincere hope that this letter, and the attachments to it, address any concerns you may have and allow you to close this case. If you have any questions or need any additional information, please feel free to contact me. Thank you.

Sincerely,



Cody Williams
Justice of the Peace

Attachments:

1. Birth Certificate
2. MVD Driving Record
3. Statistical Reports from South Mountain Justice Court