

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-128 (Amended)

Complainant: Self-report

Judge: Anne Fisher Segal

ORDER

After reviewing Judge Segal's self-report and related documents, the commission finds that the judge violated the Code of Judicial Conduct.

Rule 3.10 forbids a full-time judge from practicing law. Although a judge may represent herself in a legal proceeding, this rule prohibits the judge from representing others including family members. Pursuant to direction from the presiding superior court judge of Pima County, Judge Segal self-reported that she filed a lawsuit on behalf of herself and her husband, clearly designating herself as counsel of record in the matter for both parties. Judge Segal's action is a clear violation of Rule 3.10.

Accordingly, the judge is hereby reprimanded for her conduct pursuant to Commission Rule 17(a). Further, pursuant to its authority under Commission Rule 18, the Commission orders Judge Segal to attend National Judicial College Course JS 611 (Special Jurisdiction, Advanced) in June 2013 at her own expense. The record in this case, consisting of the judge's self-report letter and this order, shall be made public as required by Rule 9(a).

Dated: December 4, 2012.

FOR THE COMMISSION

/s/ Louis Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on December 4, 2012.

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

Pima County
Consolidated Justice Courts
TUCSON, ARIZONA 85701-1199

MAY 16 2012

HONORABLE ANNE F. SEGAL
JUDGE
PRECINCT NUMBER ONE

May 14, 2012

The Honorable Louis Dominguez
Chairman, Commission on Judicial Conduct
Mr. George Reimer
Counsel for the Commission
1501 W. Washington Street, Ste. 229
Phoenix, AZ 85007

Dear Sirs and Members of the Commission:

Please accept this letter as a confirmation of my self-report of a violation of the Arizona Judicial Rule 3.10, a prohibition of representation of a family member. Insofar as I was in Dubrovnik, Croatia attending and presenting lectures at an academic conference when this matter was presented to me via email late Friday May 4, 2012, I felt that it was most advisable to immediately self-report the issue by telephone and follow-up with this letter. I had extremely limited email access, but I believe I also sent an email transmission to the Commission. On Monday, May 7, 2012, I telephoned the chairman of the Commission, the Honorable Louis Dominguez as well as the co-chairman, the Honorable Lawrence Winthrop to self-report the violation. I returned from Croatia on Saturday, May 12th.

Specifically, I filed a legal tort action and named myself as the Plaintiff, but apparently failed to insure that my husband, Dr. Robert Segal, enter and execute a *pro se* entry of appearance as a named co-Plaintiff. Immediately upon learning of this error, my husband requested attorney Margie Cunningham enter an appearance as his attorney. She also substituted as counsel for me as well. She or another attorney will remain as the attorney of record to avoid any further conflict or difficulty.

The lawsuit arises from a claim we have as victims of second-degree felony arson of our residential rental dwelling. The purpose of the lawsuit was only intended to identify a vehicle for restitution for our substantial personal losses through the defendant's insurance company rather than continue to rely on our insurance company. The fire and ensuing loss are emotionally distressing for my family as the conflict regarding restitution was identified as a problematic barrier to a plea agreement. We filed the lawsuit to try to avoid a restitution hearing given the

alleged mental instability of the defendant.

Please be further advised that there were no court appearances, depositions or discovery actions regarding the civil proceeding filed as of the time we left for Croatia. The attorneys for the insurance company of the defendant had advised us that they were not filing an answer or engaging in any discovery action until the defendant entered a guilty plea or was adjudicated guilty. We were further advised that the defendant's insurance company planned to informally resolve our claim. Since returning, however, we received copies of requests for discovery disclosure and provided all to Mrs. Cunningham.

Throughout the lengthy criminal proceedings, despite my position as a victim, I have been vigilant to require all references to our loss be in the name of the Segal Family Trust and I be referred to only as Anne Segal or Dr. Anne Segal to avoid any implication of authority or self-importance due to my judicial position. My husband and I recently appeared for a criminal hearing, but only he addressed the court.

Please accept my sincerest apologies for this grave oversight and violation of the Canons. I thought, in good faith, that the documents were in proper order and am extremely concerned that I failed to act in accordance to the standards required of me. Please advise me if you need further information or clarification of my actions for the Commission. Again, I appreciate the high standards of integrity that are required of me and I am appreciative of the opportunity to allow me to self-report my action.

I am, very sincerely,

Anne Segal
Justice of the Peace
Tucson Consolidated Courts

CC: The Honorable Sally Simmons
Presiding Judge
Pima County Superior Court
Tucson, AZ