

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-150

Judge: Clancy Jayne

Complainant: Anonymous

ORDER

An anonymous complainant alleged Judge Jayne improperly handled a case involving an individual with whom he has both personal and professional relationships.

Rules 1.1 and 2.2 generally require judges to abide by and apply the law. Rule 2.11(A) generally requires a judge to disqualify himself “in any proceeding in which the judge’s impartiality might reasonably be questioned.” An individual who personally contributed to Judge Jayne’s campaign, and whose business took over a debt owed by the campaign, filed a request to serve as his granddaughter’s representative during mediation in a case pending before the judge. Judge Jayne improperly granted this request even though the individual is not an attorney and thus not legally permitted to serve as another party’s representative in a legal proceeding. Judge Jayne has received direct education on this legal issue at least twice. Beyond this clear legal error, Judge Jayne should have disqualified himself from making any rulings in the underlying case given his relationship with a party.

Accordingly, Judge Clancy Jayne is hereby publicly reprimanded for his conduct as described above and pursuant to Commission Rule 17(a). The record in this case, consisting of the complaints, the judge’s response, and this order shall be made public as required by Rule 9(a).

Dated: August 21, 2013.

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Louis Frank Dominguez
Commission Chair

A copy of this order was mailed to the judge
on August 21, 2013

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

CONFIDENTIAL
State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

JUN 13 2013

COMPLAINT AGAINST A JUDGE

RE: CLANCY JAYNE, DESERT RIDGE JUSTICE OF THE PEACE

On or about February 17, 2011 a Civil Summons and Complaint was filed with the Desert Ridge Justice Court on behalf of Maracas, LLC. against Colt House and Jane Doe House; Stephanie M. Smith fka Stephanie M. House and the community of Stephanie M. Smith fka Stephanie M. House and Nathan Smith (CC2011-033389RC).

On or about October 13, 2011, the Defendant's Nathan and Stephanie Smith filed an Answer to the Complaint.

On or about December 12, 2011, Defendant Stephanie M. Smith fka Stephanie M. House file a Request to the Court to Appoint Representative (see attached exhibit "A"). The Request is to have the court permit Horst E. Kraus, her maternal Grand Father to be her sole representative for all matters in the above cited case in general and the arbitration meeting scheduled for December 15, 2011 in particular. The Defendant Stephanie M. Smith fka Stephanie M. House cites as her reason for needing a representative is she is a stay at home mother and cannot afford a babysitter.

On or about December 13, 2011 Clancy Jayne signs an Order to Grant Appointment of A Representative for Stephanie M. Smith (see attached exhibit "B"). The Order states in part:

IT IS ORDERED AND DECREED BY THE COURT THAT HORST E. KRAUS MY REPRESENT HIS GRANDDAUGHTER STEPHANIE M. SMITH AS HER REPRESENTATIVE IN FACT IN ALL MATTERS CONCERNIND THE ABOVE CITED CASE.

On or about December 19, 2011 the case was dismissed with prejudice against Stephanie and Nathan Smith.

Complaint Allegation #1:

Clancy Jayne and Horst E. Kraus have both a personal and professional relationship and therefore Clancy Jayne should have recused himself from the case for that reason. Horst E. Kraus, his wife and family members have personally contributed to Clancy Jayne's political campaign JAYNE2008. More specifically Horst Kraus on 12/4/2007 in the amount of 390.00 as reported on Schedule A of the JAYNE2008 CAMPAIGN FINANCE REPORT dated January 17, 2008 (see attached exhibit "C"). And Elvira Kraus-Gifford on 8/7/08 in the amount of 110.00 and Gisela Kraus on 8/7/08 in the amount of 390.00 as reported on Schedule A of the JAYNE2008 CAMPAIGN FINANCIAL REPORT dated August 21, 2008 (see attached exhibit "D").

Clancy Jayne and Horst Kraus aka Kraus Investments have a professional relationship as stated on JAYNE 2012 CAMPAIGN FINANCIAL REPORT, SCHEDULE D, and again on SCHEDULE F3 dated

6/28/2012 (see attached exhibit "E"). This would indicate that Kraus Investments took over a debt previously owed to Primary Consultants by Clancy Jane's political committee.

For the above reason, Clancy Jane should have recused himself from this case. By not disclosing his relationship with all parties, he violated his ethical duty of full disclosure. It would also appear that Clancy Jayne is willing to compromise his Judicial Duties in favor of personal relationships.

Complaint Allegation #2:

Horst Kraus is not a licensed attorney permitted to practice in the State of Arizona and Clancy Jayne, by his personal relationship knew this and allowed him to represent another person in a Court Of Law. Clancy Jayne does not have the authority under the Arizona Supreme Court or any other Court to appoint a non-attorney to represent another in a Court Of Law. This is not within the scope of duties of a Justice of The Peace.

Clancy Jayne clearly showed that he will put his personal relationships above his Oath of Office. Clancy Jayne knew or should have known that he did not have the authority to appoint legal counsel, especially for someone he has a personal and professional relationship with. Clancy Jayne has continued violating the public's trust and is unable and unfit to hold the Office of Justice of the Peace and should be removed from the bench.

JUL 25 2013

July 22, 2013

COMMISSION ON JUDICIAL CONDUCT
1501 W. Washington Street, Suite 229
Phoenix, AZ 85007

Subject: *Notice of Complaint and Opportunity to Respond (Case No. 13-150)*

Honorable Commissioners,

I am in receipt of your letter dated June 27, 2013 and am taking this opportunity to submit my response to this Complaint and the supporting documents contained therein.

While this was filed in Desert Ridge Justice Court I never heard the case, as it went to mediation and was resolved within that process.

In the future if I have knowledge of Horst Kraus or his family filing a case in my Court, I will immediately transfer it to another Court so any question of conflict will be avoided. But without such knowledge, I could not request the transfer. In reviewing the subject complaint and supporting documents it is my opinion the appointment of Mr. Kraus as the representative on this case was probably not legally correct. As no opposition was recorded it made sense to me to settle this case through the mediation process. There was no harm done and a fair decision made on the merits of the evidence presented. I will not sign off on such an appointment again and will transfer any cases received involving the Horst Kraus family to another Court.

Again, I appreciate the opportunity to respond to this complaint and clarify the issue in question. If the investigative panel has any additional questions or concerns I would be happy to provide them with the information requested.

Respectfully,

Judge Clancy Jayne
Justice of the Peace, Desert Ridge Court

CJ:kj