

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-230

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace unreasonably refused to allow another attorney to cover a hearing for him.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Commission members Roger D. Barton, Peter J. Eckerstrom, Art Hinshaw and Diane M. Johnsen did not participate in the consideration of this matter.

Dated: November 8, 2017

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie
Executive Director

Copies of this order were distributed to all appropriate persons on November 8, 2017.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

17-230

COMPLAINT AGAINST A JUDGE

Name: _____ **Judge's Name:** _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

There was a status conference scheduled for _____ at _____ for this case. This case was transferred to _____ on _____ however my office did not receive notice of the transfer from the _____ court and I learned of the _____ court date after my client received a letter that he had a warrant for failing to appear. That matter was handled and the _____ court date was scheduled. Due to the _____ each side agreed to _____ to try and settle the case, I filed a motion to continue for _____ with no objection from the state.

I had a matter in _____ at the same time so I contacted _____ a _____ prior to the _____ hearing and asked her to cover the hearing. She agreed. When the case was called, Judge _____ would not allow her to appear for the case.

The Judge set another pre trial conference and an order to show cause for _____ instead of granting the agreed on motion to continue. _____ also asked to file a motion to be recognized as temporary counsel, after to the Judge refused to allow her to appear in my place, which was denied.

My client lives in _____ and traveled to be at the hearing on _____ and will now need to travel _____ and take more time off work to attend the hearing now set for _____ and the _____ will still be needed to try and resolve this case.

It is common practice to have a coverage attorney when attorneys of record are not able to be present. Having the parties come back in unacceptable and unnessecary when arrangements had been made prior to the hearing.

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