

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-065

Complainant: No. 0308110327A

Judge: No. 0308110327B

ORDER

The Commission on Judicial Conduct reviewed a self-reported incident involving two judges and found no wrongdoing on the part of either one. The Code of Judicial Conduct does not allow judges to solicit contributions for charitable or other similar organizations, and, knowing this, the judges in this instance had taken steps to avoid any problems in the organization to which they belonged. Unfortunately, newly installed officers were not aware of their instructions and inadvertently allowed the judges' names and titles to remain on the organization's solicitation letter. Upon learning of the error, the judges immediately corrected the situation and notified the commission.

The complaint is dismissed pursuant to Rule 16(a).

Dated: April 3, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on April 3, 2006.

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



FEB 24 2006

February 23, 2006

CJC-06-065

Hon. J. William Brammer, Chairman
And Honorable Members
Arizona Commission on Judicial Conduct
Attn: Keith Stotts, Executive Director
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

Re: Self-Report of Solicitation Letter on Letterhead
Involving Judges [redacted]

Dear Judge Brammer and Honorable Members:

We write to self-report the inadvertent use of our names and positions on a recent solicitation letter by a charitable board on which we both serve, along with our prior preventative and curative efforts.

We serve on the board of the [redacted] an Arizona non-profit corporation which is tax-exempt pursuant to Section 501(c)(3) of the Internal Revenue Service Code. The organization held a fund-raiser on [redacted] on behalf of its annual needs. Our newly installed president and interim executive director sent out the attached solicitation letter, which included in the letterhead each of our respective names ("Honorable....") and positions [redacted]. As you can see, our names appear in the listing of the twenty-five board members. The listing of the board of directors is printed automatically by the computer as part of the letterhead.

Canon 4C(4)(b) states clearly that a judge may not be listed as an "officer, director, or trustee" of an organization if the listing is "used for fund-raising purposes," the concern being, of course, that a judge is soliciting funds or allowing the use of prestige of a judicial office for fund-raising purposes. See Ariz. Op. 00-06 (2000) p. 9.¹

¹ Of course, "[m]erely listing the judge by name only, without title, on an organization's stationary that is generally used for all purposes, however, does not necessarily equate to a use of such list "for fund-raising purposes."

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A year or so prior to this letter, Judge [] had a conversation with the person in charge of sending out fund-raising letters and materials. He explained on our behalf that our names could not appear in any of those materials. In prior solicitations our names had been removed from the listing of board members. With respect to this letter, it appears, there was an oversight, where someone simply forgot to remove our names, as had been done in the past.

Once we learned in early February of the erroneous solicitation with the letterhead, we immediately raised the issue at the group's meeting on []. The board approved a resolution removing from mention our names or positions on the board's letterhead. This was done to eliminate the possibility of an incorrect letterhead being used in future fundraising efforts. We also had our names and positions removed from the listing of the board in the group's newsletter.

Beyond that, on [] Judge [] by phone notified Keith Stotts, your executive director. Mr. Stotts advised that this self-report/resolution letter should be sufficient to resolve this matter. However, should there be a need for any additional inquiry or action, please do not hesitate to contact either of us.

