

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-174

Complainant: No. 1270910699A

Judge: No. 1270910699B

ORDER

The commission reviewed the complaint filed in this matter and found no misconduct on the part of the judge. The judge did not have an intimate relationship with a staff member and had no relationship of any kind with the juror.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

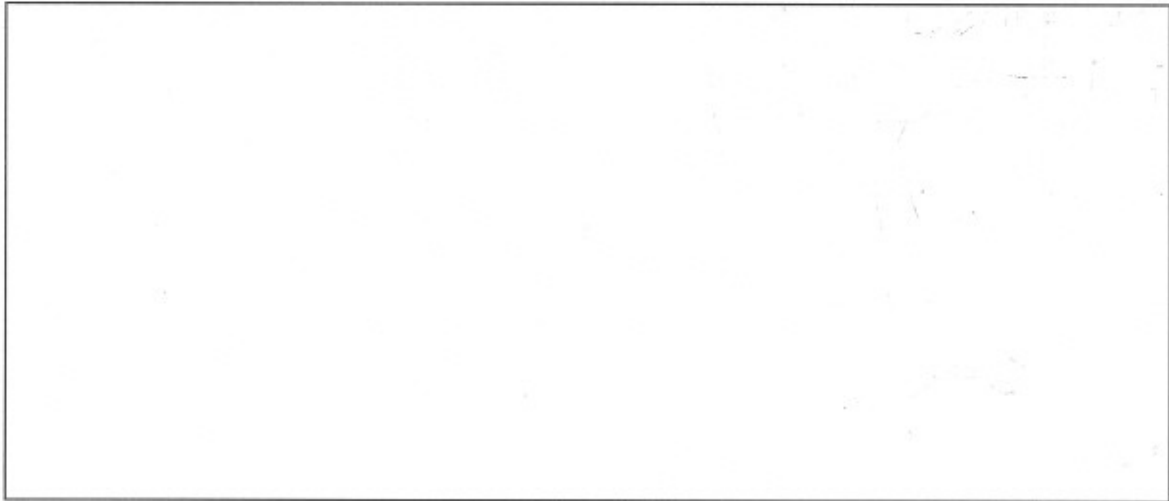
Dated: August 1, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on August 1, 2007.

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



May 10, 2007

CJC-07-174

Mr. Keith Stott
Executive Director
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, AZ 85007

Re: Superior Court Judge [redacted]
[redacted]

Dear Mr. Stott:

[redacted] Superior Court, it is my duty and responsibility to inform the Commission on Judicial Conduct when issues come to my attention that I believe might potentially indicate misconduct on the part of a judicial officer.

Information was recently brought to my attention that a Superior Court Judge and a female court reporter might be involved in a sexual relationship. At the same time, I was also hearing a rather vague rumor about Judge [redacted] possibly being involved in a personal relationship with a male juror who had served on a trial that the Judge had presided over. Concerned that such situations can sometimes result in claims of sexual harassment, I asked [redacted] our Human Resources Director, to look into both concerns.

During our initial meeting, [redacted] advised me that under our policies, if we could establish that the rumored relationship between the Judge and the court reporter was consensual, there might not be a concern. He decided to first talk with [redacted] the court reporter, to try to determine if she was a willing participant in any possible relationship. Upon meeting with her, she assured him that while she and the judge were very good friends, there was no romantic relationship between them. [redacted] also asked if she knew anything about a rumor that the judge had a friendship with a recent juror that had served on one of his trials. She reported that the judge had told her that while he [redacted] a book had been left as a gift by someone that may have served on a recent jury, but that he wasn't certain who it was from. She said that he told her that it might have come from a group of jurors that knew he was getting ready to [redacted] in the near future.

However, within 20 minutes of leaving [redacted] office, [redacted] placed a call back to the H.R. Director and advised that she had recalled more details about the nature of the gifts that had been given to the judge. [redacted] proceeded to provide a verbal report of his findings, and directed [redacted] the Assistant Human Resources Director, who had sat in on the interviewing of [redacted] to document that discussion for the record. A copy of that initial report is attached.

Within 30 to 40 minutes of the time that [redacted] left [redacted] office, Judge [redacted] contacted [redacted] our court administrator, and told him that he wished to meet with him about the recent inquiries of [redacted] [redacted] offered to immediately come to his chambers, and asked [redacted] to join him for the meeting.

After a short delay, they went into his chambers, and Judge [redacted] immediately asked if he was being investigated. They advised him of the rumor regarding [redacted] and assured him that their sole interest was to be sure that [redacted] was a willing and consensual partner in the rumored relationship. The judge reiterated what [redacted] had reported, that they were indeed very close friends, and that he considered her to be one of his very best friends. However, he also insisted that they were not romantically involved, and reported that [redacted] had a boyfriend.

After 10 to 15 minutes of discussions, where they assured the judge that it was not their intent to pry into his personal life, they started to get up to leave, when the judge advised that there was one more thing he wanted to talk about. It was at that point that the judge brought up the issue about the rumored juror situation. Up until this point, neither [redacted] had said anything to the judge about that rumor. Nevertheless, he reported to them that while he hadn't said anything before now, he had recently been the victim of a stalking incident involving a juror. He reported that a former male juror had brought him flowers and a book while he had been [redacted] Then the juror became more aggressive and started calling him at work, and calling on his personal cellular telephone. He reported that he initially thought he could handle the situation himself, and that the juror had only stopped when he threatened to call in the Sheriff's Department. He described the juror as being unstable and frightening. Judge [redacted] said he didn't know how the juror had gotten his personal cellular and work telephone numbers, or how he knew [redacted]

[redacted]

It is not known whether the judge had contact with the juror during or after the trial on which he served or whether the situation between the judge and the juror may have affected the outcome of the trial. It is also not known why the judge did not make a report to law enforcement or our court security department that he was being stalked by an "unstable and frightening juror." It is also not known how the juror would have obtained the judge's private telephone numbers and the location of [redacted]

I will direct my staff to cooperate fully with any inquiry that the Commission elects to conduct. Likewise, I too am available to provide any information that you might deem helpful in your handling of this report.

