

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-141

Complainant: No. 1335610693A

Judge: No. 1335610693B

ORDER

The commission reviewed the complaint filed in this matter as well as the transcript of the hearing and determined that the judge did not engage in unethical conduct. The complaint was dismissed with a private comment pursuant to Rules 16(a) and 23.

Dated: September 12, 2008.

FOR THE COMMISSION

 \s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on September 12, 2008.

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

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

COMPLAINT AGAINST A JUDGE

Date: 5/24/8

I RECEIVED A PHONE CALL FROM ONE . THIS IS A MAN
AGAINST WHOM MY COMPANY WAS AWARDED A JUDGEMENT IN A COURT FOR BREACH OF CONTRACT. MR.
STATED THAT HE WAS CALLING FROM JUDGE CHAMBERS . IMMEDIATELY, JUDGE
GOT ON THE PHONE AND IDENTIFIED HIMSELF TO ME.

JUDGE THEN WENT ON TO TELL ME THAT I MUST NOT CALL MR. AGAIN IN CONNECTION WITH OUR
JUDGEMENT. THE JUDGE TOLD ME I SHOULD USE OTHER AVENUES IN MY ATTEMPT TO COLLECT THE JUDGEMENT.

JUDGE WENT ON TO TELL ME THAT IF I COMPLIED WITH HIS WISHES HE WOULD NOT ISSUE A "CEASE AND DESIST"
ORDER AGAINST ME. I FELT THREATENED BY THIS *EX PARTE* ACTION AGAINST ME AND I TOLD THE JUDGE THAT I WOULD
COMPLY WITH HIS WISHES. IN FACT, WE MAY HAVE TWO SEPARATE ISSUES TO DEAL WITH. FIRST IS THE *EX PARTE* SITUATION.
MY UNDERSTANDING IS THAT A JUDGE MAY NOT CONVENE A "HEARING" WITHOUT BOTH PARTIES BEING PRESENT. IT WAS
IMPROPER FOR MR. TO BE WITH JUDGE WITHOUT MY BEING PRESENT AS WELL. SECOND..IS THE FACT THAT
MY CASE AGAINST MR. HAS NOTHING WHATSOEVER TO DO WITH JUDGE OR HIS COURT. THE CASE WAS
SETTLED IN MY COMPANY'S FAVOR IN ANOTHER JURISDICTION.

INITIALLY, I HAD A HARD TIME BELIEVING A JUDGE WOULD ACT SO UNETHICALLY. I AT FIRST SUSPECTED A RUSE BY MR.
I CALLED THE COURT AND SPOKE TO TOLD ME
HAD NO PROBLEM TELLING ME THE FOLLOWING:

SAID SHE COULD NOT BELIEVE THAT THE JUDGE WOULD DO SOMETHING LIKE THAT BUT AFTER DOING SOME CHECKING
WITH HER SUPERVISOR, SHE FOUND THAT THE CALL DID INDEED ORIGINATE FROM THE JUDGE'S CHAMBERS OR OFFICE. I
OFFERED MY OPINION THAT THIS WAS AT LEAST HIGHLY IRREGULAR IF NOT ILLEGAL. SHE AGREED WITH ME WHOLEHEARTEDLY
AND SAID IT WAS NOT THE FIRST TIME THIS HAS HAPPENED. INDICATED HER DISGUST WITH THE GOINGS ON AT THIS
PARTICULAR COURT. I SUGGEST CONTACTING IMMEDIATELY BEFORE HER TESTIMONY IS LOST.

NEXT, I SPOKE TO

WHEN I TOLD HIM OF THE JUDGE'S ACTION, NEARLY CHOKED. HE STATED THAT THIS *EX PARTE* ACTION WAS AT
BEST UNETHICAL IF NOT DOWNRIGHT ILLEGAL. IT WAS WHO SUGGESTED CONTACTING YOUR OFFICE. I'VE SINCE SPOKEN
TO SEVERAL OTHER ACQUAINTANCES IN THE LEGAL FIELD AND ALL WERE APPALLED AT THE JUDGE'S SEEMING LACK OF ETHICS.
THEY TOO SUGGESTED FILING THIS COMPLAINT.

THIS JUDGE HAS ABSOLUTELY NOTHING TO DO WITH OUR CASE AGAINST . AS I STATED, THIS CASE WAS
RESOLVED IN THE COURT AND WE WERE AWARDED A JUDGEMENT. JUDGE OBVIOUSLY
ACTING AS FRIEND IN THIS MATTER, WAS ISSUING ME ORDERS IN A SITUATION IN WHICH HE HAS ABSOLUTELY

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NO LEGAL STANDING. AS WELL, MY ACTIONS IN THIS MATTER ARE TAKEN ON BEHALF OF MY EMPLOYER,

I CAN THINK OF NO REASON WHY THE JUDGE IS CONTACTING ME IN THIS MATTER. SURELY, THE JUDGE HAS ENOUGH EXPERIENCE IN THESE MATTERS TO REALIZE THAT AND TO ACT ACCORDINGLY. THE JUDGE SHOULD HAVE CONTACTED THE STATION BUT AS HE WAS ACTING AS A FRIEND TO AND TRYING TO INTIMIDATE ME, HE CHOSE TO CONTACT ME DIRECTLY.

I WAS NOT ABLE TO RECORD THE CALL BUT WAS ABLE TO SHARE THE PHONE WITH MY BROTHER WHO WAS WITH ME AT MY HOME WHEN THIS CALL CAME IN. AS WELL, I'M SURE THAT TECHNOLOGY CAN SHOW A CALL ORIGINATING FROM THE COURT AND TERMINATING AT MY PHONE DURING THE TIME PERIOD UNDER DISCUSSION. YOU MIGHT ALSO SIMPLY CALL AND REFERENCE THE CALL FROM JUDGE I THINK IS JUST STUPID ENOUGH TO BLURT OUT THE TRUTH AND MAKE THINGS EASIER FOR ALL OF US.

I HOPE YOU ARE AS CONCERNED AS I AM BY THE JUDGE'S ACT AND HOPE YOU'LL TAKE APPROPRIATE ACTION. NO LAW ABIDING CITIZEN SHOULD BE HELD HOSTAGE BY PEOPLE WHO HAVE "FRIENDS IN HIGH PLACES". I'M SEEKING FURTHER ADVICE AS TO WHETHER OR NOT I SHOULD TAKE THIS SITUATION TO THE PRESS.

IN CLOSING, I FIND IT UNSETTLING THAT A MAN IN JUDGE POSITION WITH HIS PRESUMED EDUCATION, SHOULD DEEM IT PROPER TO INTERFERE IN A LEGAL PROCEEDING IN WHICH NEITHER HE NOR HIS COURT HAS ANY STANDING, MERELY TO "DO A FRIEND A FAVOR". IT WOULD BE EQUALLY DESPICABLE IF JUDGE WERE ALLOWED TO SIDESTEP ALL RESPONSIBILITY AND PENALTIES FOR THIS BLATANT THUMBING OF HIS NOSE AT THE ETHICAL TENETS OF HIS PROFESSION.