

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-147

Complainant: No. 1294700544A

Judge: No. 1294700544B

ORDER

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: August 21, 2009.

FOR THE COMMISSION

 /s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on August 21, 2009.

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

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

FOR OFFICE USE ONLY

CJC 09-147

COMPLAINT AGAINST A JUDGE

Your name: _____

_____ Judge's name: _____

_____ Date: 6/3/2009

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

_____ was elected to the _____ Council in 2001 and will be leaving office June 16, 2009. Prior to being elected to the Town Council Mr. _____ served as both Presiding Judge and Judge Pro Tempore in _____. In his position as Town Council member Mr. _____ participated in the evaluation of former Presiding Judge _____, he lobbied on behalf of retaining Judge _____, argued against raising our court standard to require the presiding judge to have both a law degree and be a member in good standing of the Bar Association.. Judge _____ did not have a law degree. When _____ retired, again _____ lobbied to change the standards for presiding Judge, this time lowering the requirement of ten years experience on the bench to five years experience. Mr. _____ then lobbied on behalf of a close friend, who had only the five years experience on the bench. As a former Presiding Judge, Mr. _____ had tremendous influence on the other members of the _____ Council during the selection process. The person _____ lobbied for was in fact selected.

The reason for my complaint is that for the last eight years _____ has not only been a member of the _____ Council, but has worked regularly as a Judge Pro Tem for the _____ Municipal Court. As _____ of _____ I have been advised there is a constitutional separation of powers. It is clear that _____ has been sitting in two of the three branches of government and using his position in the legislative branch to benefit himself (selecting Presiding Judges) to insure assignments as a Pro Tem when ever it suited him. I am attaching Advisory Opinion 88-03. Applicable Code Sections: Arizona Code of Judicial Conduct of Judicial Conduct, Canons 1 and 2 (1985) other references Matter of Walker, 153 ARIZ. 307, 736 P...2D 790 (1987).

I believe that because of the misuse of his elected office to secure employment as a Pro Tem Judge, Mr. _____ should be required to return all money he was paid by the _____ for his work as a Pro Tem after June 2001 and be restricted from acting as a Pro Tem in any Jurisdiction for a period of not less than ten years.

(Attach additional sheets as needed)