

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 10-303

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Complainant:	No. 0308110901A
Judge:	No. 0308110901B

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**ORDER**

A justice court hearing officer voluntarily reported that he may have violated Rule 1.3. by identifying himself as a hearing officer during a proceeding involving a personal traffic citation. After listening to the recording of the hearing, the commission found no misconduct on the part of the hearing officer. Accordingly, the commission dismissed the matter and closed the file pursuant to Rules 16(a) and 23.

Dated: March 8, 2011

FOR THE COMMISSION

/s/ Keith Stott

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Executive Director

Copies of this order were mailed to the complainant and the judge on March 8, 2011

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

12 November 2010

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Commission Members:

It has been brought to my attention that there is a concern on the part of the executive staff of the Maricopa Justice Courts regarding a civil traffic hearing in which I was the defendant before Judge Parker in the Downtown Justice Court 10, 2010.

During the course of my defense before Judge Parker I made the statement, "I am a hearing officer and have sat where you sit." It has been explained to me that this is a possible breach of canons, "Rule 1.3 Avoiding Abuse of the Prestige of Judicial Office. A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so." The attached comment reads: "1. It is improper for a judge to use or attempt to use his or her position to gain personal advantage or deferential treatment of any kind. For example, it would be improper for a judge to allude to his or her judicial status to gain favorable treatment in encounters with traffic officials. Similarly, a judge must not use judicial letterhead to gain advantage in conducting his or her personal business."

Please let me explain what happened; I am doing this from memory and do not have a copy of the recording or a transcript of the hearing. While giving my defense before Judge Parker and in an attempt to explain why the specific location where the infraction occurred was an ongoing problem—even for Redflex—I referenced a conversation I had with a lawyer/lobbyist for Redflex. I told the judge that the Redflex representative agreed that because of that ongoing problem some corrections had been made to the location after I was ticketed, and he thought, because of those mitigating circumstances, I would probably win my case. After hearing this, Judge Parker was more than a little upset, apparently taking personal umbrage at what she perceived to be an attack on her position as the judge in the case. I attempted to assure her that was not my intent, but it didn't seem to help the matter. Judge Parker got more upset. In my attempt to assure her I was not trying to upstage her, I panicked and in a knee-jerk reaction just blurted out, "I am a hearing officer and have sat where you sit." This didn't sit well with Judge Parker and she became even more outraged. (You can listen to the recording which does more justice [pun intended] to the level of her outrage than just reading the transcript.)

I assure the Members of the Commission that it was never my plan nor my intent to use my position as a Hearing Officer to gain any advantage in this case. It was simply a panicked reaction to a very upset judge and I was trying to assure her, possibly improperly (?), and certainly unsuccessfully, that I was empathetic to her position and in no way was I trying to upstage her or unduly influence her decision.

I will certainly be more restrained in the future. I apologize for any trouble or inconvenience this has caused. Your understanding and mercy would be greatly appreciated.