

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-241

Complainant: No. 1427610355A

Judge: No. 1427610355B

ORDER

The complainant alleged that a superior court judge colluded with counsel to improperly instruct a jury on the meaning of a term in an adverse possession case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the information provided by the complainant, the members of the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Whether the judge improperly instructed the jury is an issue that involves alleged legal error, which the commission has no authority to review. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: November 10, 2011.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on November 10, 2011.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2011-241

COMPLAINT AGAINST A JUDGE

Your name: _____ Judge's name: _____ Date: 9-9-2011

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

1. Judge _____ colluded in her chambers with the attorneys both mornings of the trial over coffee.

2. Judge _____ knowingly allowed the wrong definition of Hostile to be used, in order to force the Jury's decision.

How do I know this?

A. Hostile as used in Adverse Possession has a very specific meaning (Blacks Law Dictionary)

B. Hostile was misused not once, but twice within the Jury Instructions.

C. During the Post trial meeting with the jury in the deliberating room, Judge _____ abruptly entered the room without pause and told everyone to be quiet, seconds after the jury had stated the definition of Hostile was "the only thing we couldn't get around" in their decision.

Finally, It is my responsibility to file this complaint.