

SUPREME COURT OF ARIZONA

In the Matter of:) Arizona Supreme Court
) No. JC-12-0001
HONORABLE CARYL PARKER)
Chandler Municipal Court) Commission on Judicial
Maricopa County) Conduct
State of Arizona,) No. 11-259
)
Respondent.)
) **FILED 06/01/2012**
)
_____)

O R D E R

This matter having come before the Commission on Judicial Conduct, it having duly rendered and filed its Recommendation, and all applicable rights to object to or petition for modification of the recommendation having been waived by Respondent, and the Court having no further responsibility for review pursuant to Rule 29(g) of the Rules of Procedure for the Commission on Judicial Conduct,

IT IS ORDERED that Pro Tem Judge Caryl Parker is hereby censured for violations of the Code of Judicial Conduct as set forth in the Recommendation and the Stipulated Resolution, which are attached hereto.

DATED this _____ day of June, 2012.

Janet Johnson
Clerk of the Court

Supreme Court No. JC-12-0001

Page 2 of 2

TO:

Caryl Parker

Jennifer M Perkins

George A Riemer

Barbara Wanlass

Lexis Nexis

Mary Pieper

Netz Tuvera

chj

Arizona Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, AZ 85007
Telephone: (602) 452-3200

FILED

MAY 31 2012

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning Pro Tem Judge)	
	)	Case No. 11-259
CARYL PARKER)	
Chandler Municipal Court)	
Maricopa County)	
State of Arizona	)	RECOMMENDATION
Respondent)	
)	

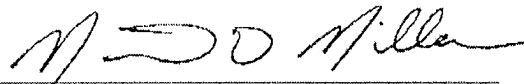
On May 1, 2012, the Commission on Judicial Conduct (“Commission”) filed a Statement of Charges against Pro Tem Municipal Court Judge Caryl Parker (“Respondent”) following a finding of reasonable cause by a three-member investigative panel assigned to oversee the investigation in this case. Simultaneously, the Commission chairperson appointed an eight-member hearing panel to hear and take evidence in the case and designated the undersigned as the presiding member of the panel.

On May 25, 2012, Respondent and Disciplinary Counsel subsequently submitted a Stipulated Resolution (“Resolution”) to the hearing panel in which Respondent agreed to a public censure for misconduct in office. On May 31, 2012, the hearing panel unanimously voted via e-mail to accept the Resolution (newly appointed Public Member Roger Barton did not participate). As part of the Resolution, the Respondent waived her right to appeal and all other procedural rights set forth in Rule 29 of the Rules of the Commission on Judicial Conduct.

All of the conditions in the Resolution having been met, the hearing panel now recommends to the Arizona Supreme Court that the Respondent be censured for misconduct in office.

RESPECTFULLY SUBMITTED this 31st day of May 2012.

FOR THE HEARING PANEL



Michael O. Miller
Presiding Member

Copies of this pleading were delivered and e-mailed this 31st day of May 2012 to:

Pro Tem Judge Caryl Parker, Respondent
8886 S. Grandview Drive
Tempe, AZ 85284

Jennifer Perkins
Disciplinary Counsel
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

By: 
Clerk of the Commission

Jennifer M. Perkins
Disciplinary Counsel (Bar #023087)
Commission on Judicial Conduct
1501 W. Washington St., Suite 229
Phoenix, Arizona 85007
Telephone: (602) 452-3200

FILED

MAY 25 2012

**ARIZONA COMMISSION ON
JUDICIAL CONDUCT**

**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning)
)
Judge Caryl Parker) Case No. 11-259
Pro Tem, Chandler Municipal Court)
Maricopa County)
State of Arizona) **STIPULATED RESOLUTION**
Respondent.)

COME NOW Judge Caryl Parker, Respondent, on her own behalf, and Jennifer Perkins, Disciplinary Counsel for the Commission on Judicial Conduct (Commission), and hereby submit the following proposed resolution of this case pursuant to Rule 30 of the Commission's Rules.

JURISDICTION

1. The Commission has jurisdiction over these matters pursuant to Article 6.1 of the Arizona Constitution.
2. Respondent has served as a pro tem justice of the peace in Maricopa County since 2003, and has served as a pro tem municipal court judge in the Chandler Municipal Court since 2000. She was serving in her capacity as a judge at all times relevant to these allegations.
3. As a pro tem judge, Respondent is and has been subject to the relevant provisions of the Code of Judicial Conduct (Code) as set forth in Supreme Court Rule 81.

BACKGROUND

4. On May 1, 2012, Disciplinary Counsel filed a Statement of Charges against Respondent after an investigative panel found reasonable cause to begin formal proceedings. The Statement of Charges is hereby incorporated into this stipulated agreement in its entirety.

ADMISSION

5. Respondent admits the facts contained in the Factual Background of the Statement of Charges. She further agrees that these facts establish the violations described in the charges of judicial misconduct delineated in Counts 1 and II of the Statement of Charges.

6. With regard to the facts contained in paragraphs 19-24 of the Statement of Charges, Respondent notes that her responses to the Commission were based on her understanding that this matter concerned a different underlying case and hearing. She was referring to that other hearing in preparing her response. Respondent now acknowledges her error and the appearance that she failed to cooperate with the Commission.

7. Further, with regard to the facts contained in paragraph 15 establishing improper ex parte communications, Respondent states that she indicated to the Defendant the injunction order would be issued and then allowed Defendant to disconnect from the call. Only then did Respondent realize she needed additional facts in order to complete the paperwork for the order. Respondent fully admits that her actions in taking additional factual testimony without both parties present amounted to improper ex parte communications, but wanted to note for the record the context of those communications.

AGREED UPON SANCTION

8. The parties agree that Respondent's misconduct in the underlying case warrants a formal sanction. Because Respondent previously received two informal public reprimands and two informal private comments for related conduct, the parties agree that the appropriate sanction for this matter is a public censure.

OTHER TERMS AND CONDITIONS

9. This agreement, if accepted by the hearing panel, fully resolves all issues raised in the Statement of Charges and may be used as evidence in later proceedings in accordance with the Commission's Rules. If the hearing panel does not accept this agreement as a full resolution, then the admissions made by Respondent will be withdrawn, and the matter will be set for hearing without use of this agreement.

10. Respondent waives her right to file a Response to the Statement of Charges, pursuant to Commission Rule 25(a).

11. Pursuant to Commission Rule 28(a), both parties waive their right to appeal the charges at issue in this matter, including the appeal procedures set out in Commission Rule 29.

12. Both parties agree not to make any statements to the press that are contrary to the terms of this agreement.

13. Both parties will pay their own costs and attorneys' fees associated with this case.

14. Respondent clearly understands the terms and conditions of this agreement and fully agrees with its terms.

15. This agreement constitutes the complete understanding between the parties.

SUBMITTED this 25th day of May, 2012.

s/Caryl Parker
Caryl Parker
Respondent

5/25/12
Date Signed

s/Jennifer Perkins
Jennifer Perkins, Disciplinary Counsel
Commission on Judicial Conduct

5/25/12
Date Signed

Commission on Judicial Conduct
1501 W. Washington St., Suite 229
Phoenix, Arizona 85007
Telephone: (602) 452-3200


STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT

Inquiry concerning Pro Tem Judge)	
	)	Case No. 11-259
CARYL PARKER)	
Chandler Municipal Court	)	TRANSMITTAL OF THE RECORD
Maricopa County	)	TO THE SUPREME COURT
State of Arizona)	
Respondent)	
)	

1. Notice of Filing with the Supreme Court
2. Notice of Institution of Formal Proceedings
3. Statement of Charges
4. Response
5. Record of Appointment of Hearing Panel
6. Stipulated Resolution
7. Acceptance of Stipulated Resolution
8. Recommendations

DATED this 31st day of May 2012.

COMMISSION ON JUDICIAL CONDUCT


Barbara Wanlass
Clerk of the Commission

Commission on Judicial Conduct
1501 W. Washington St., Suite 229
Phoenix, Arizona 85007
Telephone: (602) 452-3200

STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT

Inquiry concerning Pro Tem Judge	)	Commission No. 11-259
)	
CARYL PARKER)	
Chandler Municipal Court)	
Maricopa County	)	NOTICE OF FILING WITH
State of Arizona	)	THE SUPREME COURT
Respondent)	
)	

PLEASE TAKE NOTICE that the Commission's Recommendations in the above-entitled case, together with all other pertinent pleadings contained in the record, were filed on this date with the Clerk of the Arizona Supreme Court, 1501 W. Washington, Suite 402, Phoenix, Arizona 85007. Copies of the pleadings, along with this notice, were promptly served on Respondent.

The Commission accepted a stipulated resolution for discipline by consent in this case in the best interest of the public and pursuant to guidance provided in previous cases in which the Commission was encouraged to pursue alternative resolutions. *In Re Braun*, 180 Ariz. 240, 242, 883 P.2d 996, 998 (1994); *In Re Garcia*, 180 Ariz. 294, 296, 884 P.2d 180, 182 (1994).

The Clerk of the Supreme Court is advised that the Respondent has waived the right in Rule 29(c) of the Rules of the Commission on Judicial Conduct to petition the Court to modify or reject the Commission's recommendations and the right to request oral argument. This matter, therefore, may be deemed submitted pursuant to Rule 29(e).

DATED this 31st day of May 2012.

COMMISSION ON JUDICIAL CONDUCT



George A. Riemer
Executive Director

Copies of this notice were e-mailed
this 31st day of May 2012 to:

Caryl Parker, Pro Tem Judge
Respondent
8886 S. Grandview Drive
Tempe, AZ 85284

Jennifer M. Perkins
Disciplinary Counsel
Commission on Judicial Conduct
1501 W. Washington, Suite 229
Phoenix, Arizona 85007

By: *Barbara Winkless*
Clerk of the Commission

Commission on Judicial Conduct
1501 W. Washington St., Suite 229
Phoenix, Arizona 85007
Telephone: (602) 452-3200

FILED

MAY 01 2012

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT

Inquiry concerning Pro Tem Judge)	
	)	Case No. 11-259
CARYL PARKER)	
Chandler Municipal Court)	
Maricopa County	)	NOTICE OF INSTITUTION OF
State of Arizona	)	FORMAL PROCEEDINGS
)	
Respondent.)	

TO PRO TEM JUDGE CARYL PARKER:

You are hereby notified that the Commission on Judicial Conduct has instituted formal proceedings against you in accordance with Rule 24 of the Rules of the Commission on Judicial Conduct ("Rule") to inquire into the charges specified in the attached Statement of Charges. You are also notified that a hearing will be held before the Commission to determine whether or not these charges constitute grounds for your censure, suspension, removal from office as a judge, or other appropriate discipline as provided in Article 6.1 § 4 of the Arizona Constitution.

You are further notified that:

1. Jennifer Perkins, Attorney at Law, will act as disciplinary counsel for the Commission in this matter, to gather and present evidence before the Commission on the charges.

2. You have the right, pursuant to Rule 25(a), to file a written response to the charges made against you within 15 days after personal service of this notice upon you or within 20 days of the date this notice is mailed. An original signed copy of the response must be filed in the Commission's office by 5:00 p.m. on the required date.

3. Upon receipt of your response, or upon expiration of the time in which a response may be filed, the Commission will open and maintain a public file containing the Notice of Institution of Formal Proceedings, the Statement of Charges, and all subsequent pleadings filed with the Commission. This file and the formal hearing in this case shall be open to the public in accordance with Rule 9(a).

4. You have the right to be represented by counsel, to examine and cross-examine witnesses and to require the issuance of subpoenas for the attendance of witnesses or for the production of any evidentiary matters necessary for your defense.

5. During the pendency of these proceedings, you or the Commission may refer to or use prior cases, if any, pertaining to previous complaints or discipline for the purpose of determining the severity of the sanction, a pattern of misconduct, or exoneration.

Dated this 1st day of May 2012.

COMMISSION ON JUDICIAL CONDUCT



George A. Riemer
Executive Director

Copy of this pleading delivered via certified mail on May 1, 2012, to:

Caryl Parker
8886 S. Grandview Drive
Tempe, AZ 85284

Jennifer Perkins
Disciplinary Counsel
Commission on Judicial Conduct

By: Barbara Wambless

Jennifer M. Perkins
Disciplinary Counsel (Bar #023087)
Commission on Judicial Conduct
1501 W. Washington St., Suite 229
Phoenix, Arizona 85007
Telephone: (602) 452-3200

FILED

MAY 01 2012

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning)
)
Judge Caryl Parker) Case No. 11-259
Pro Tem, Chandler Municipal Court)
Maricopa County)
State of Arizona) **STATEMENT OF CHARGES**
Respondent.)

An investigative panel of the Commission on Judicial Conduct (Commission) has determined that there is reasonable cause to commence formal proceedings against Judge Caryl Parker (Respondent) for misconduct in office. This statement of charges sets forth the Commission's jurisdiction and specifies the nature of the alleged misconduct.

JURISDICTION

1. The Commission has jurisdiction of this matter pursuant to Article 6.1, § 4 of the Arizona Constitution.
2. This Statement of Charges is filed pursuant to Rule 24(a) of the Rules of the Commission on Judicial Conduct (Commission Rules).
3. Respondent has served as a pro tem justice of the peace in Maricopa County since 2003, and has served as a pro tem municipal court judge in the Chandler Municipal Court since

2000. She was serving in her capacity as a judge at all times relevant to these allegations.

4. As a judge, Respondent is and has been subject to the relevant provisions of the Code of Judicial Conduct (Code) as set forth in Supreme Court Rule 81.

PRIOR DISCIPLINE

5. Closed files pertaining to discipline of Respondent may be referred to and used by the Commission or by Respondent for the purpose of determining the severity of the sanction, a pattern of misconduct, or exoneration of the judge pursuant to Commission Rule 22(e).

6. Consistent with the requirements of Commission Rule 22(e), undersigned Disciplinary Counsel (Counsel) notified Respondent on April 11, 2012 that her prior disciplinary history may be referenced.

Private Advisory

7. In 2007, Respondent failed to assess costs despite a clear and established statutory requirement that she do so. On July 11, 2007, the Commission sent Respondent a private advisory comment noting the legal error and reminding Respondent that the Code requires all judges to maintain competence in the law.

Private Warning

8. In 2010, Respondent stated during a hearing that “neither substantive nor procedural due process was applicable in these photo enforcement matters” and was unable to provide any authority for this comment other than declaring to the litigant that “there is a whole bunch of case law I guess you have not been able to find.” Respondent was likewise unable to identify any legal authority for her assertion when asked by the Commission to do so in response to the complaint. On December 20, 2010, the Commission sent Respondent a

private but strongly worded warning letter reminding Respondent of her obligations under the Code, and particularly of her obligation to remain patient, dignified, and courteous and to act consistently in a manner that promotes confidence in the judiciary.

Public Reprimand

9. In 2010, Respondent made derogatory statements directed at a litigant, who was identified as a volunteer hearing officer, and directed at a justice of the peace who was not present. Because of her previous warning letter relating to similar conduct combined with Respondent's failure to acknowledge or accept any responsibility for her misconduct, on July 26, 2011, the Commission issued a public reprimand finding that Respondent violated Rules 1.2 and 2.8 of the Code.

Public Reprimand

10. In 2011, Respondent presided over a trial during which she made two clear misstatements of law. First, she incorrectly stated that she lacked jurisdiction to consider a punitive damages claim, and second she prevented a litigant from asking leading questions of an adverse witness. The Commission did not believe that either error affected the outcome of the underlying case, but found that Respondent clearly misstated or ignored the law.

11. When the Commission requested her response, Respondent provided inaccurate and misleading information. First, she claimed that she refused to allow the litigant to introduce 26 photographs because they were cumulative. The recording of the proceeding clearly revealed that the exhibits at issue were not photographs but instead involved an ongoing series of communications between the parties. Second, the judge claimed that she had to "continually admonish [the complainant] for interrupting when others were speaking on the record. This

was not consistent with the recording, which revealed that the complainant did not interrupt others during the proceeding.

12. On December 20, 2011, the Commission issued a public reprimand of Respondent finding that she violated Rule 2.2 requiring a judge to uphold and apply the law. The Commission also found that Respondent violated Rule 2.16(A), which requires a judge to cooperate candidly and honestly with the Commission.

FACTUAL BACKGROUND

13. On January 27, 2011, Respondent presided over a hearing prior to the issuance of an injunction against harassment. The plaintiff requesting the injunction appeared in person, while the Defendant, who was located in the State of New Mexico, appeared telephonically. There is an audio recording of the hearing.

14. The hearing lasted approximately 28 minutes, according to the audio recording. At the beginning of the recording Respondent confirmed, "You're correct, this is a hearing prior to issuance." Approximately sixteen minutes into the hearing, Respondent stated, "It is clear to me that the two of you must be kept apart. I'm going to leave this order intact." Respondent closed the discussion with the Defendant noting that a copy of the order would be sent in the mail and stated, "that concludes these proceedings." Respondent then disconnected the call with the Defendant. This occurred at just over 17 minutes into the proceeding.

15. Respondent continued to speak with the Plaintiff for an additional ten minutes. During that time she advised the Plaintiff that her other option for "dealing with" the situation would be to pursue criminal charges. While Plaintiff waited, Respondent completed paperwork on the injunction and made several comments about the Defendant including the statement,

“people don’t understand that the way they comport themselves in a hearing is important.” Respondent then asked, “For purposes of the record, do you know anybody else in Albuquerque?” The plaintiff responded, “nobody” and Respondent stated, “I didn’t think so.” Respondent also questioned the plaintiff whether any third parties were to be included in the injunction, and the plaintiff provided information about her daughter. Respondent asked, “have any of these calls been placed to her [the daughter]?” The plaintiff responded, “yes” and provided additional information about the defendants’ alleged contacts.

16. At approximately 23:30 of the recording, Respondent stated, “This will have to be served on her in Albuquerque, okay? . . . These are good for one year from the date on which [the defendant] is served in Albuquerque.” Thereafter Respondent and the plaintiff discussed the existence and procedural history of a prior injunction, which had been served, and the need to serve the current order.

17. On February 3, 2011, City Magistrate Gary LaFleur issued an order in response to the Defendant’s request for a dismissal or appeal of Respondent’s decision. Judge LaFleur noted, “As the Defendant has not been served with the injunction, any notice of appeal is premature.” The judge further explained that the Defendant would have a right to a hearing after service of the injunction. On March 8, 2011, Judge LaFleur issued a second order in response to the Defendant’s request to quash the injunction and noted, “the Court’s file does not contain proof the injunction has ever been served on the Defendant and until there is personal service the injunction has no legal force.”

18. The Commission received a complaint on October 17, 2011, and began a confidential initial investigation that included a review of the audio recording of Respondent’s

January 27, 2011, hearing. As a result of the initial investigation, Counsel sent Respondent a letter on November 28, 2011, requesting a response to the allegations in the complaint. The letter specifically asked, “please review the recording of the hearing and explain the extended discussion you engaged in with the plaintiff ex parte after [the defendant’s] call was terminated. Please also provide a legal reference for the Chandler Municipal Court’s jurisdiction over a [sic] New Mexico individual. Finally, please address the allegation that you failed to establish proper service of process as required by law in an injunction against harassment matter.”

19. Respondent sent a letter response received on December 12, 2011, in which she failed to indicate that she had reviewed the recording, failed to provide a legal reference, and did not address the service of process issue at all. Respondent affirmatively asserted that she did not issue the original order but rather merely presided over the hearing after the order had been issued by another judge.

20. On December 13, 2011, Counsel sent a follow up request letter noting that Respondent’s letter failed to address the specific requests listed in the November 18 letter and asked Respondent to please review the recording of the proceeding and specifically address the issues raised. The December 13 request letter quoted the relevant language from the November 18 letter to ensure Respondent knew the specific issues she was to address.

21. On December 16, 2011, Respondent sent a subsequent response reiterating that she did not issue the order, but rather presided over the post-issuance hearing. Respondent then stated, “I have been informed by various Presiding Judges that Orders of Protection can now be issued against out of state parties, but the petitioner must bear the responsibility of having the

Order served on the Defendant in person and provide proof to the Court. Moreover, if the defendant was on the phone for the hearing, this is not the hearing I was thinking of in my initial response. I am careful not to engage in improper ex parte [sic] communication. If I spoke to the other party after the hearing was concluded, it was not pertaining to any probative matters involved in the Order. Regarding proper service, if I did not address that issue [sic] on the record, that tells me that service was in the file and did not need to be addressed on the record.” Respondent then indicated she would be out of the country for the remainder of the month and if a further response was necessary, she would seek to search the records and recording.

22. Because Respondent apparently still failed to have reviewed the recording, as directed, and thus could not specifically and accurately respond to concerns regarding ex parte communications, Counsel sent a third request for a response on January 3, 2012. In this letter, Counsel again quoted the original request language and asked for a specific response. Further, Counsel now alerted Respondent to the additional concern that her Responses failed to satisfy Rule 2.16(A) of the Code, which requires cooperation with the Commission.

23. Respondent submitted two responses to this request, one received on January 17, 2012, and the other received on January 18. Taking the letters together, Respondent did provide some legal references for her belief that the Chandler Municipal Court maintains jurisdiction over out of state individuals for purposes of issuing an injunction against harassment. She further denied making any improper ex parte statements suggesting that “I did not take any additional testimony from the plaintiff” [January 17 letter] and stating “any comments made by me after [the result had been announced] were of no consequence

whatsoever. . . We were finished with all proceedings and the parties were excused” [January 18 letter].

24. Respondent’s statements are inconsistent with the audio record of the hearing at issue. Respondents’ January letters taken together with that audio record indicate she affirmatively misrepresented what occurred as described above in Paragraph 15.

COUNT I

Improper Ex Parte Communications

25. Rule 2.9 of the Code prohibits ex parte communications except in limited circumstances. Respondent engaged in improper ex parte communications as described above in Paragraph 15, and none of the allowable circumstances listed in Rule 2.9(A)(1-6) apply. Respondent’s conduct is a violation of Rule 2.9 and is conduct prejudicial to the administration of justice that brings the judicial office into disrepute, a violation of Article 6.1, Section 4, of the Arizona Constitution.

COUNT II

Failure to Cooperate and Be Honest and Candid with the Commission on Judicial Conduct

26. Rule 2.16(A) of the Code requires judges to “cooperate and be candid and honest with judicial and lawyer disciplinary agencies.” As described in Paragraphs 17-22 above, Respondent failed to cooperate with requests from the Commission despite being provided with numerous opportunities to do so. Further, Respondent’s answers include affirmative misrepresentations of the facts relevant to the Commission’s investigation. In particular, Respondent denied taking additional testimony from the Plaintiff when the recording reveals

she did, in fact, specifically ask for additional information from the Plaintiff “for the record.”

REQUESTED RELIEF

WHEREFORE, Disciplinary Counsel hereby requests that the members of the Hearing Panel recommend to the Supreme Court that Respondent be censured, suspended, or removed from judicial office; that costs be assessed against Respondent pursuant to Commission Rule 18(e); and that the court grant such other relief as it deems appropriate.

Dated this 1st day of May, 2012.

COMMISSION ON JUDICIAL CONDUCT

s/Jennifer M. Perkins

Jennifer M. Perkins
Disciplinary Counsel

Copies of this pleading sent via
Certified mail on May 1, 2012, to:

Hon. Caryl Parker
8886 S. Grandview Dr.
Tempe, AZ 85284

Respondent

By: Barbara Wankless

Commission on Judicial Conduct
1501 W. Washington St., Suite 229
Phoenix, Arizona 85007
Telephone: (602) 452-3200

FILED

MAY 15 2012

**ARIZONA COMMISSION ON
JUDICIAL CONDUCT**

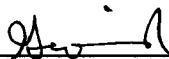
**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning Pro Tem Judge)	
	)	Case No. 11-259
CARYL PARKER)	
Chandler Municipal Court)	
Maricopa County	)	RECORD OF APPOINTMENT
State of Arizona	)	OF HEARING PANEL
Respondent)	
)	

Acting pursuant to Rules 3(f) and 27(a) of the Rules of the Commission, Judge Louis Frank Dominguez, Chair of the Commission, appointed Judge Michael Miller to serve as the presiding member of the hearing panel in the above-entitled proceeding and designated the following as members of the panel: Colleen Concannon, Louis Dominguez, Peter Eckerstrom, George Foster, Sherry Geisler, Roger Barton, and Ty Taber.

DATED this 15th day of May 2012.

COMMISSION ON JUDICIAL CONDUCT



George A. Riemer
Executive Director

8886 S. Grandview Dr.
Tempe, Arizona 85284

FILED

MAY 16 2012

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

May 9, 2012

Commission on Judicial Conduct
1501 W. Washington St., Suite229
Phoenix, Arizona 85007

Re: Case no. 259

To the Commission:

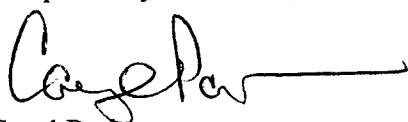
As Respondent in the above numbered case, I submit the following:

As regards Count 1, any conversation with anyone else in the Courtroom after the proceedings were concluded, was certainly not intended or meant to comprise ex parte communication. In my opinion and as memory serves, I had already ruled and told the Defendant that. She hung up. My involvement in the case was finished and anything else that I may have said was conversation meant to calm the other party. These hearings are almost always very stressful to everyone, including me. If the conversation did include something which the Commission considers improper communication, then I am very sorry and completely mortified to make such an error. I do wish to state that there was a question about whether Jurisdiction over out-of-state parties is proper. I believe A.R.S 13-3602,R. is dispositive of that question.

As regards Count 2, As I stated above, no additional testimony was required after the call with the Defendant was terminated. The proceedings were concluded and no additional rulings were made outside the hearing of the other party. I have always done my best to cooperate with each of the Complaints I have received. It is extremely upsetting to receive one. I reiterate, no statement which would be considered testimony for the purpose of making any rulings or decisions was taken, as I understand the rule.

In conclusion, if the errors are mine, then I will admit to what took place, but I certainly had no intent to act outside the Rules of Procedure. This took place over one year ago and I wish to be seen as cooperating with the Commission. Thank you for the opportunity to respond.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Caryl Parker', followed by a long horizontal flourish.

Caryl Parker
CKP:mos

Jennifer M. Perkins
Disciplinary Counsel (Bar #023087)
Commission on Judicial Conduct
1501 W. Washington St., Suite 229
Phoenix, Arizona 85007
Telephone: (602) 452-3200

FILED

MAY 25 2012

**ARIZONA COMMISSION ON
JUDICIAL CONDUCT**

**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning)	
)	
Judge Caryl Parker	)	Case No. 11-259
Pro Tem, Chandler Municipal Court)	
Maricopa County)	
State of Arizona	)	STIPULATED RESOLUTION
Respondent.)	

COME NOW Judge Caryl Parker, Respondent, on her own behalf, and Jennifer Perkins, Disciplinary Counsel for the Commission on Judicial Conduct (Commission), and hereby submit the following proposed resolution of this case pursuant to Rule 30 of the Commission's Rules.

JURISDICTION

1. The Commission has jurisdiction over these matters pursuant to Article 6.1 of the Arizona Constitution.
2. Respondent has served as a pro tem justice of the peace in Maricopa County since 2003, and has served as a pro tem municipal court judge in the Chandler Municipal Court since 2000. She was serving in her capacity as a judge at all times relevant to these allegations.
3. As a pro tem judge, Respondent is and has been subject to the relevant provisions of the Code of Judicial Conduct (Code) as set forth in Supreme Court Rule 81.

BACKGROUND

4. On May 1, 2012, Disciplinary Counsel filed a Statement of Charges against Respondent after an investigative panel found reasonable cause to begin formal proceedings. The Statement of Charges is hereby incorporated into this stipulated agreement in its entirety.

ADMISSION

5. Respondent admits the facts contained in the Factual Background of the Statement of Charges. She further agrees that these facts establish the violations described in the charges of judicial misconduct delineated in Counts 1 and II of the Statement of Charges.

6. With regard to the facts contained in paragraphs 19-24 of the Statement of Charges, Respondent notes that her responses to the Commission were based on her understanding that this matter concerned a different underlying case and hearing. She was referring to that other hearing in preparing her response. Respondent now acknowledges her error and the appearance that she failed to cooperate with the Commission.

7. Further, with regard to the facts contained in paragraph 15 establishing improper ex parte communications, Respondent states that she indicated to the Defendant the injunction order would be issued and then allowed Defendant to disconnect from the call. Only then did Respondent realize she needed additional facts in order to complete the paperwork for the order. Respondent fully admits that her actions in taking additional factual testimony without both parties present amounted to improper ex parte communications, but wanted to note for the record the context of those communications.

AGREED UPON SANCTION

8. The parties agree that Respondent's misconduct in the underlying case warrants a formal sanction. Because Respondent previously received two informal public reprimands and two informal private comments for related conduct, the parties agree that the appropriate sanction for this matter is a public censure.

OTHER TERMS AND CONDITIONS

9. This agreement, if accepted by the hearing panel, fully resolves all issues raised in the Statement of Charges and may be used as evidence in later proceedings in accordance with the Commission's Rules. If the hearing panel does not accept this agreement as a full resolution, then the admissions made by Respondent will be withdrawn, and the matter will be set for hearing without use of this agreement.

10. Respondent waives her right to file a Response to the Statement of Charges, pursuant to Commission Rule 25(a).

11. Pursuant to Commission Rule 28(a), both parties waive their right to appeal the charges at issue in this matter, including the appeal procedures set out in Commission Rule 29.

12. Both parties agree not to make any statements to the press that are contrary to the terms of this agreement.

13. Both parties will pay their own costs and attorneys' fees associated with this case.

14. Respondent clearly understands the terms and conditions of this agreement and fully agrees with its terms.

15. This agreement constitutes the complete understanding between the parties.

SUBMITTED this 25th day of May, 2012.

s/Caryl Parker
Caryl Parker
Respondent

5/25/12
Date Signed

s/Jennifer Perkins
Jennifer Perkins, Disciplinary Counsel
Commission on Judicial Conduct

5/25/12
Date Signed

Commission on Judicial Conduct
1501 W. Washington, Suite 229
Phoenix, AZ 85007-3327
602-452-3200

FILED

MAY 31 2012

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT

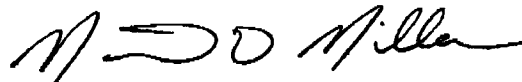
Inquiry concerning Pro Tem Judge	)	Case No. 11-259
)	
CARYL PARKER)	
Chandler Municipal Court	)	ACCEPTANCE OF STIPULATED
Maricopa County	)	RESOLUTION
State of Arizona)	
Respondent)	
)	

The duly appointed hearing panel of the Commission on Judicial Conduct in the above-entitled case hereby accepts the Stipulated Agreement for Discipline by Consent signed by the Respondent for the following reasons: the issues set forth in the Statement of Charges have been adequately resolved; the parties agree that the Respondent's conduct in the underlying case warrants a formal sanction; and the prompt and expeditious resolution of this case is in the best interests of the public and the judiciary. Therefore, pursuant to Rule 30,

IT IS HEREBY ORDERED that the Recommendation along with the official record of these proceedings shall be transmitted to the Supreme Court as required by Rule 29.

DATED this 31st day of May 2012.

COMMISSION ON JUDICIAL CONDUCT



Michael O. Miller
Presiding Member of the Hearing Panel

Copies of this pleading were delivered via mail
and email this 31st day of May 2012 to:

Caryl Parker, Pro Tem Judge
Chandler Municipal Court
8886 S. Grandview Drive
Tempe, AZ 85284

Jennifer M. Perkins
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

By: *Barbara W. Lass*
Clerk of the Commission

Arizona Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, AZ 85007
Telephone: (602) 452-3200

FILED

MAY 31 2012

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning Pro Tem Judge)	
	)	Case No. 11-259
CARYL PARKER)	
Chandler Municipal Court)	
Maricopa County)	
State of Arizona	)	RECOMMENDATION
Respondent)	
)	

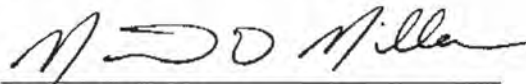
On May 1, 2012, the Commission on Judicial Conduct (“Commission”) filed a Statement of Charges against Pro Tem Municipal Court Judge Caryl Parker (“Respondent”) following a finding of reasonable cause by a three-member investigative panel assigned to oversee the investigation in this case. Simultaneously, the Commission chairperson appointed an eight-member hearing panel to hear and take evidence in the case and designated the undersigned as the presiding member of the panel.

On May 25, 2012, Respondent and Disciplinary Counsel subsequently submitted a Stipulated Resolution (“Resolution”) to the hearing panel in which Respondent agreed to a public censure for misconduct in office. On May 31, 2012, the hearing panel unanimously voted via e-mail to accept the Resolution (newly appointed Public Member Roger Barton did not participate). As part of the Resolution, the Respondent waived her right to appeal and all other procedural rights set forth in Rule 29 of the Rules of the Commission on Judicial Conduct.

All of the conditions in the Resolution having been met, the hearing panel now recommends to the Arizona Supreme Court that the Respondent be censured for misconduct in office.

RESPECTFULLY SUBMITTED this 31st day of May 2012.

FOR THE HEARING PANEL



Michael O. Miller
Presiding Member

Copies of this pleading were delivered and e-mailed this 31st day of May 2012 to:

Pro Tem Judge Caryl Parker, Respondent
8886 S. Grandview Drive
Tempe, AZ 85284

Jennifer Perkins
Disciplinary Counsel
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

By: 
Clerk of the Commission