

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-084

Complainant: No. 1439100313A

Judge: No. 1439100313B

ORDER

The complainant alleged that a superior court judge improperly denied him access to a public record.

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 review, the commission decided to dismiss this matter with a private advisory comment reminding the judge that litigants have a right to access the record of their proceedings in court, whether by access to an audio recording or to an official transcript. The case is dismissed pursuant to Rules 16(b) and 23(a).

Dated: May 31, 2012.

FOR THE COMMISSION

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on May 31, 2012.

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

2012-084

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date:

3/22/12

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.

See enclosed documents - we requested many times a copy of either a recording of a hearing that occurred on 12-20-10 before Judge _____ or a copy of a transcript of that recording. First, the Clerks Office of Cochise Co. Superior Court told us it did not exist. We hired a private detective and learned a recording did exist. We requested the recording. We sent a subpoena & as you see through correspondence the court told us if we would quash the subpoena, & simply do a motion & order, a judge would sign the order granting us a copy of the recording. We quashed the subpoena, sent a motion & order and Judge _____ Denied our request for this public record. We contacted the Clerk's office & several local attorneys as well as a local legal service - none of whom were able to obtain what the court & Clerk's admit is a public record. I am one of the parties to that record and it was an open court case. Nothing was sealed. The court in _____ knows I need these records for a proceeding in Washington State but they refuse to give it to me. Local attorneys and the local press tell me, my wife (a Washington attorney) and my own Washington attorney that the court typical denies public record request. As I said we have gone to the press about this, we are proceeding with a claim against _____ County & a claim against my Arizona former attorney _____ for failing to provide a copy of the recording or obtain it upon request.

(Attach additional sheets as needed)