

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-008

Judge:	No. 1460011000A
Complainant:	No. 1460011000B

ORDER

The complainant alleged that a pro tem superior court judge made inappropriate comments during a post-settlement conversation and improperly communicated with his client on a social networking site.

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 concluded that the judge did not violate the Code in this case. The commission approved sending the judge a private advisory letter regarding the need to ensure he fully understands his ethical duties under the Code of Judicial Conduct. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: April 2, 2013.

FOR THE COMMISSION

/s/ Louis Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on April 2, 2013.

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

JAN 09 2013

December 14, 2012

State Bar of Arizona
4201 N. 24th Street, Ste. 100
Phoenix, AZ 85016

Re:

Dear

As you may recall, we previously spoke concerning a legal malpractice lawsuit my client, filed against The parties to such lawsuit participated in a Court ordered Settlement Conference on October 26, 2012. The Court's alternative dispute resolution office assigned Jr. as the Judge Pro Tem.

While at the location of the Settlement Conference, but after Ms. had left the premises, Ms. and I spoke to Mr. about the merits of taking Ms. video-taped deposition because the case had not been settled. Mr. stated that he thought it would be a good idea to take a video-taped deposition because Ms. was not as attractive as Ms. Such comment struck me as both unprofessional and inappropriate.

Ms. notified me that on the evening of the Settlement Conference, Mr. sent a "friend request" to Ms. on Facebook. I have enclosed a copy of the Facebook print-off that Ms. provided to me. As you will note, it does not appear that Mr. who is pictured with a young child, was making the friend request on behalf of his firm.

I believe that Mr. acted unprofessionally and inappropriately. Hence, I believe I have a duty to report such information. I believe that Mr. has destroyed any possibility that he would be able to appropriately conduct a second Settlement Conference if either Ms. or Ms. requested one. Also, I wonder whether this is not the first time that Mr. acted unprofessionally and inappropriately while serving as a Judge Pro Tem.

RECEIVED

DEC 18 2012

STATE BAR OF ARIZONA
LAWYER REGULATION

State Bar of Arizona
December 14, 2012
Page 2

Please feel free to contact me should you have any questions regarding the foregoing.

Yours very truly,

Enclosure