

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-336

Judge:	No. 1104930810A
Complainant:	No. 1104930810B

ORDER

A superior court commissioner voluntarily reported a medical disability that prevents him from performing his duties as a judicial officer. He subsequently retired as a result of his disability.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 found no evidence of ethical misconduct and concluded that the commissioner did not violate the Code in this case. Accordingly, the matter is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: February 3, 2014.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

A copy of this order was mailed to the
the commissioner on February 3, 2014.

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

Subject:

From:
Sent:
To:
Cc:
Subject:

George,

Pursuant to my obligation under the Arizona Code of Judicial Conduct, I need to advise you that Commissioner [redacted] with our court apparently will not be able to return to work due to a physical disability described below in his most recent email to me. He took [redacted] leave starting around [redacted] and we had expected him to return to work immediately after [redacted] but his condition has not remediated such that he now indicates his return will not be possible. I believe he will be applying for disability retirement through [redacted] in the immediate future, and we would appreciate any assistance you can provide to facilitate a resolution of that process. Thank you for all you do.

-----Original Message-----

From:
Sent:
To:
Subject:

Sorry for not returning the telephone message you left at my home on [redacted] concerning my disability. I had eye outpatient surgery on [redacted] but I experienced breathing issues that caused me to be admitted to the hospital. I'm now at home and feeling a bit better but my speech is pretty bad and my wife had to return to work today so I'm responding to your message via e-mail. But if you still need to talk to me, then I can have my wife call on my behalf next week.

Last week I met with the [redacted] neurologist. Based on the test he performed and my symptoms, he concurs that I am suffering from a [redacted] disorder of the [redacted] that [redacted] and part of [redacted]. This disorder is called [redacted] and falls under the [redacted] but so far it has only affected my speech. There is known cure for what I have so I have no choice but to retire on disability as I can't perform my job duties. So I will not be returning to work upon the expiration of the extension of my [redacted]. I want to thank you and the Court for the support I have received as a [redacted] but also the support I have received while dealing with my health issues. I guess I need to know from you what is the next step in formalizing my departure from the Court? By the way, I have been informed by the [redacted] that it will take a few months to process my application so if its not too much trouble can you have [redacted] confirm that [redacted] will continue for the [redacted] so that I don't have to worry about my financial circumstances for a while. Thank you.