

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Case No. 14-311

Judge:

Complainant

ORDER

A part-time magistrate self-reported an incident that could arguably have been an improper ex parte communication.

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 found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the file in this matter is closed pursuant to Rules 16(a) and 23.

Dated: October 29, 2014

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

A copy of this order was mailed to the judge on October 29, 2014.

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

From:
To:
Subject:
Date:

Morning;

An event occurred yesterday that I feel should be brought to the attention of the committee. My contract calls for me to work days. Yesterday a joint motion to continue a pretrial was sent to my court, and arrived after I had left for the day. The was scheduled for this morning at . Since I did not get the order before I left and was unable to sign it, the prosecutor emailed me in the evening asking if the matter had been continued, and if she needed to drive from to for hearing. I responded telling her that she did not need to appear. counsel was not part of the email string, although at this morning, I debated whether to cc: her on the email. Her email read in part

"I know my was communicating with today about the cases set for pre-trial tomorrow and the continuances and that both were . We received the order on but not on and I was under the impression both were being continued but we received the order on but not on . Please advise so I do not make an unnecessary trip to ."

Thank you, and again I apologize for contacting you directly."

My response was On wrote:

"You do not need to appear. The order arrived after I left for the day but I got the email on my phone. and I discussed it before I left and we agreed I could sign it in the morning as a formality. The order is approved as submitted. No need to appear."

As stated above, I could counsel to avoid any ex parte communication, or, since Defense counsel and Prosecutor had agreed to a continuance, I could leave it as it stands.

Please advise, Thank you for your time.