

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-033

Judge:

Complainant:

ORDER

The complainant alleged a pro tem justice of the peace had improper ex parte communications and improperly allowed comments on the record by an attorney not representing any party in a proceeding.

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 complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: May 13, 2015

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer

Executive Director

Copies of this order were mailed to the complainant and the judge on May 13, 2015.

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

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

(1) On _____ Judge _____ was presiding over a hearing on my _____ Complaint -
 filed _____ in _____ Court No. _____ Defendant _____ was representing
 himself; no attorney filed a notice of appearance in the case. During the course of the proceedings, an
 attorney, _____, interrupted the proceedings without seeking leave of court to address the Court.
 I objected to _____ unauthorized interruption and statements, but Judge _____ allowed
 _____ to continue to address the Court until _____ said everything he wanted to say.
 made legal arguments on behalf of the Defendant _____ concerning the issues in the case to
 Judge _____ and Judge _____ allowed those comments by an attorney not of record to be made and
 recorded as part of the record in the case. (Note: _____ is attorney of record for _____ who
 is the defendant in a _____ in _____ Court, No. _____ But _____ had
 entered no appearance for _____ in the case before Judge _____ No. _____) At the end of
 the hearing, Judge _____ entered an order dismissing the complaint in accordance with the unauthorized
 statements made by

(2)
 addressed Judge _____ ex parte concerning another earlier case involving the same two parties -
 _____ No. _____ which was an
 _____ case filed by _____ on _____ The _____ Court,
 _____ presiding, had issued a _____ against Defendant
 No. _____ That Order was not appealed, and it has not been set aside.
 However, on _____ Judge _____ was listening to and considering the ex parte request by
 _____ not an attorney of record in No. _____ to _____ the case
 _____ (See copy of Order entered _____ by Judge _____ in No. _____)
 Judge _____ was considering a request to conduct an _____ a case to a different Justice
 for _____ some _____ months after the final order in the case had been issued and entered of record, not by

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Judge _____ a _____ but by the _____ (It should further be noted that the
_____ Court is located in _____ which is only _____ from the law office of

Conclusion:

(1) _____ Judge _____ violated the following Rules of the Arizona Code of Judicial Conduct:

1.1; 1.2; 2.2; 2.8 (A) & (B).

(2) On _____, Judge _____ violated the following Rules of the Arizona Code of Judicial Conduct:

1.1; 1.2; 2.2; 2.8 (A) & (B); 2.9 (A) "A judge shall not initiate, permit or consider ex parte communications,
or consider other communications made to the judge outside the presence of the parties or their lawyers,
concerning a pending or impending matter"; 2.9 (B) "If a judge inadvertently receives an unauthorized ex
parte communication bearing upon the substance of a matter, the judge shall make provision to promptly
notify the parties of the substance of the communication and provide the parties with an opportunity to
respond." (This counsel was unaware of the ex parte communication by _____ to Judge _____ until
he received (on _____ from his client) a copy of the Order issued by Judge _____ on _____ It
appears that Judge _____ had no intentions of notifying the parties of the prohibited communication by
_____ on _____)

