

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-027

Judge:

Complainant:

ORDER

A justice of the peace self-reported that he had improperly served in a fiduciary capacity.

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. The commission approved sending the judge a warning letter to ensure any fiduciary appointments comply with Rule 3.8 and do not give the appearance of impropriety in violation of Rule 1.2. The commission's file in this matter has been closed, pursuant to Rules 16(b) and 23(a).

Commission members Louis Frank Dominguez and Art Hinshaw did not participate in the consideration of this matter.

Dated: March 30, 2016

FOR THE COMMISSION

/s/ Peter J. Eckerstrom
Hon. Peter J. Eckerstrom
Commission Vice-Chair

Copies of this order were mailed to the complainant and the judge on March 30, 2016.

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

Arizona Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, Arizona 85007

RE: Self-report a violation of Canon 3.8

Dear Commission Members:

The purpose of this letter is to self-report an unintentional violation of Canon 3.8.

For more than _____ had been a close personal friend of mine. Several months ago, my friend informed me that he was _____ and asked me to _____. A _____ later, I accepted his request knowing that none of his _____ were located _____. Unfortunately, I had completely forgotten about the mandate of Canon 3.8.

A _____ later I was discussing this _____ with Judge _____. He suggested I contact _____ about this. _____ referred me to Canon 3.8.

During this same time frame that I was reminded of Canon 3.8, my friend _____ and my _____ became _____. I needed to devote my attention to _____. I had to leave town several times to take care of _____ matters. _____ passed away just before _____. After laying to rest, I immediately resigned as _____ of my _____.

For the short time that I actually served as _____, I never did any _____ work during routine court hours. All my efforts as _____ were expended on nights and weekends. I never asked for, and never received, one penny of compensation from _____. I was simply doing a favor for a _____ who had no _____ he could trust. Upon my resignation, the _____, immediately took over _____. During my brief stint as _____, no litigation was ever filed in my court regarding the _____.

I do realize that I should review the Judicial Canons on a more frequent basis so that these types of violations do not happen in the future. I did take the affirmative step to resign as soon as practical. Should you need any additional information, please do not hesitate to contact me. My cell phone is: _____. My email address is: _____.

Sincerely,

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