

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 16-151

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court commissioner engaged in improper ex parte communication.

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

Commission member Peter J. Eckerstrom did not participate in the consideration of this matter.

Dated: July 20, 2016

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the commissioner on July 20, 2016.

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

I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and th have provided upon which my allegations of judicial misconduct are base true and correct.

Signature \_\_\_\_\_

Date: \_\_\_\_\_

INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint why you believe what the judge did constitutes judicial misconduct. Be specific ar names, dates, times, and places relevant to your allegations. Additional pages ma and relevant copies of documents may be sent with your complaint (please do original documents). Use one side of each page only and write legibly or type your c Please keep a copy of your complaint for your records.

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The defendants counsel submitted a motion to reduce bond and the motion wThe as submitted prior to court as listed in the attached minute entry. As Attorney was sitting next to the prosecution, Attorney argued against the release and reduction of bail. The motion The commissioner stipulated resolution on initial bond release amount (\$) As in each hearing Attorney misconduct of representing the states prosecution, yet be acting as defense attorney in Criminal case. Obvious conflicts arise Attorney was counsel for plead to the defendant over years the commissioner acquiescences of Attorney involvement, inter alia, based on attorney/clientele communication, banter, ex-parte communication, confidentiality, fairness and judicial equality, participating in communication with non party attorney re: (a) Bond Amount The commissioner requested his baliff call Attorney The defendants counsel counsel made no motion in or out of court and a non-party attorney engaged in prejudicial. The judge did not contest that his conduct, as described in the stipulated resolution, violated Rules 1.3, 4.1(A)(2), 4.1(A)(3), and 4.1(A)(5) of the Arizona Code of Judicial Conduct, and constituted conduct prejudicial to the administration of justice that brings the judicial office ease into disrepute, a violation of Article 6.1, Section 4, of the Arizona Constitution. Rule 1.3 provides that a judge "shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so." Rule 4.1(A)(2) prohibits a judge from making speeches on behalf of a political organization or another candidate for public office. Rule 4.1(A)(3) prohibits a judge from endorsing or opposing another candidate for any public office. Rule 4.1(A)(5) prohibits a judge from actively taking part in any political campaign other than his own campaign for election, reelection or retention in office. The factual basis for the stipulation and censure involved the judge's conduct related to his client privileged communications legislative recall election. The judge agreed to pay a portion of the costs associated with the proceeding.