

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-052

Complainant: No. 0308110855A

Judge: No. 0308110855B

ORDER

The judge self-reported an incident involving the hiring of a close relative in a county that allows such practice when the board of supervisors is aware of the circumstances and the employee is not directly supervised by the related county official. When the judge recently discovered the Code of Judicial Conduct prohibits nepotism, the employee immediately resigned and the judge notified the commission of a possible violation of the code. Pursuant to Rule 16(b), the commission dismissed the matter with a private comment reminding the judge of his obligation to comply with Rule 2.13(A)(2) of the code and to avoid conduct that gives even an appearance of impropriety.

Dated: April 27, 2010.

FOR THE COMMISSION

\s\ William Brammer

J. William Brammer, Jr.
Commission Chair

Copies of this order were mailed
to the complainant and the judge
on April 27, 2010.

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

February 17, 2010

FEB 24 2010

Arizona Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, AZ 85007
Attention: Keith Stott

To Whom It May Concern:

I am writing this letter to self-report and explain a possible violation of Canon 2, Rule 2.13(A)(2) of the Code of Judicial Conduct, "In making administrative appointments, a judge shall...avoid nepotism..." This could also be a possible violation of ARS 38-481, Employment of Relatives.

A family member of mine worked as a part-time, temporary employee in this Court from July 1, 2007 until February 10, 2010, during which time, I have continuously been employed as the Justice of the Peace in the

My mother had worked in this court previously in the mid 1990's, and before I became the Justice of the Peace. I was appointed as the Justice of the Peace in August 2004. In 2007 the Court was in need of part-time help because of our caseload. My mother was suggested because she already had experience and so would be able to help immediately. The issue of nepotism was discussed at that time and our county HR department was contacted, a letter was written and the situation, relationship and possible conflict were fully disclosed to them. I did not at that time do any research regarding possible conflicts with state law or judicial canons.

The County has a policy that allows immediate family members to work in the same department if it is fully disclosed and the actual appointment/hiring must be specifically done by the Board of Supervisors Merit Rule 201.B - employment of relatives). The process to hire my mother was followed in accordance with county procedures and on May 7, 2007, the issue was heard and unanimously approved by the Board of Supervisors in their regular public meeting(*Item #58, Consent Agenda, Board of Supervisor Meeting Minutes, May 7, 2007*).

As a part-time employee, she would work on projects that were outstanding or help clerks who needed to get caught up. I did not at any time direct or supervise her. Any assignment of clerical duties occurred through our Court supervisor, however, as the department head, ultimately I would be in charge of any employee of this Court.

The fact that I might be in violation of state law and the Code of Judicial Conduct did not arise until February 9, 2010 in a phone call from our lower courts administrator where this issue was raised. That day, my mother had been working. She left work as soon as this issue was brought to my attention and as stated earlier, submitted her resignation the next day. She has not worked here since.

My regret is not researching the issue sufficiently to determine a possible conflict with the Judicial Canons and state law. While I do not believe that any violation on my part was intentional, I do see that I should have researched the issue more thoroughly. Knowing now, that even though I may be acting in accordance with County policies but still in violation of ethical

rules or state law, I have determined that in the future I will be diligent in researching state law and judicial canons.

I sincerely apologize for this situation and hope that it can be resolved promptly. I am willing to cooperate in any way that the commission feels appropriate in this matter. Please contact me at your convenience. Thank you for your time and understanding.

Sincerely,