

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-104

Judge:

Complainant:

ORDER

June 14, 2024

The Complainant alleged a superior court judge declined to correct a minute entry in a motion to set aside.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission member Barbara Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 14, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2024-104

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.

Please see attached emails

you have received the message in error and then immediately delete it. Thank you in advance for your anticipated cooperation.

In the end, we will remember not the words of our enemies, but the silence of our friends.

- Dr. Martin Luther King, Jr.

On _____ at _____ () _____ wrote:

Good morning,

I apologize for any inconvenience this may have caused, but Judge _____ is keeping the minute entries the way they were endorsed.

Thank you,

Judicial Assistant to the Honorable
Court of Arizona in _____ County

From: _____ ()
Sent: _____
To: _____ ()

Cc:
Subject:

Good Afternoon

_____ beat me to the punch, as I was drafting an email to inquire about the same issue. I have cc'ed the defendant, _____, who now goes by the last name of _____

I am writing to try to clarify with the Court who the parties are in this defendant's cases, and to whom documents should be endorsed.

In _____ the defendant filed pro per motions to set aside. In _____ I responded on behalf of the State. I included my name and firm information (_____) and endorsed the defendant, _____ in my response.

On _____ a minute entry was issued setting the matter for oral argument on _____ . That minute entry endorsed _____ as the prosecutor and _____ as the defense attorney. _____ left the

County Attorney's office approximately [redacted] years ago, and it is the State's understanding [redacted] is no longer practicing law. I was alerted to the hearing by staff in my office who noticed my name on the Court's calendar.

The defendant and I both appeared in person at the hearing [redacted] days ago. Oral argument was held, and the Court granted the defendant's motions. On [redacted], a minute entry was issued with the Court's ruling. This minute entry endorsed [redacted] as the prosecutor and [redacted] as the defense attorney. [redacted] is an attorney with [redacted], however he has no involvement in these matters. [redacted] as indicated below, is also not involved in these matters.

The State is not aware of whether any of the four endorsed attorneys has previously dealt with or handled any of the defendant's cases over the last [redacted] plus years. In any event, they are not involved at this time and it is unknown why they were endorsed. The State requests that the minute entries in all seven of the defendant's cases be corrected as necessary to reflect [redacted] as the prosecutor, and [redacted] as the pro-per defendant.

Warm regards,

*Deputy County Attorney
Probation Violation Bureau
County Attorney's Office*

From:

Sent:

To:

Cc:

Subject: Re: Minute Entry

Dear Judge [redacted] division,

I'm gravely concerned with the minute entry that issued today in which it shows that I did not appear for a court hearing on the federal holiday of [redacted].

This appears to be an error and greatly impacts my reputation as a [redacted] attorney practicing in [redacted] County. The county has already ceased assigning me new cases due to its dissatisfaction with my advocacy. Hence, I'm making efforts to correct the record when possible. I copied those at higher levels for informational purposes.

Please let me know if you can be so kind as to issue a Nunc immediately. If I'm incorrect on any of my assessments please let me know. Please see the email thread below.

Please also be aware a lady in criminal admin advised she was not allowed to provide your email address to me. I'm an attorney requesting the email address of a judicial assistant. Her name is [redacted]. She did provide your phone number and I left a voicemail. I had to reach out to a prosecutor I know to obtain this basic information. Have a wonderful evening.

<image003.png>

Attorney at Law

On _____ at _____ (_____) _____ wrote:

My job at this office involves civil work and has so for the last _____ decades. I have no contact with criminal prosecution in general and no contact with this matter in particular. A review of the file makes it clear that the court's clerk made a mistake in its endorsement of me on the minute-entry order. I will forward you concerns to the attorney at this office who appears to have had last contact with the file. That attorney will get back to you and the court clerk as they deem most appropriate. Let me know if anything more specific is requested of me at this time.

From:
Sent:
To:
Subject: Minute Entry

Good morning Attorney _____ and Attorney _____

I'm a bit concerned with a minute entry that issued today in which I'm endorsed as defense counsel and it reflects that I did not appear.

In reviewing the docket, it looks like I did not receive notice of the hearing being set and the notice went to Attorney _____. (See Below)

I'm very concerned and want to make sure that the record is straight. I'm not familiar with Judge _____ other than his biography reflecting he attended _____. Had I received notice, I would have requested to reset as _____ is a federal holiday that I observe as it represents the _____

I kindly ask you respond to my inquiries below:

Do either of you show I'm the attorney of record?

Was I endorsed on the State's response filed almost a year ago? Can either of you forward a copy of the State's response filed _____ please?

Finally, can either of you forward me the email address to the division?

<image004.png>
<image005.png>

Attorney at Law

Change in Business Hours:

Effective _____ Attorney _____ will be available Monday-Friday between the hours of 8 a.m.-5 p.m. Evening, weekend, and holiday communications will be limited. Exceptions will be made on a case-by-case basis.