

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-056

Complainant: No. 1387410862A

Judge: No. 1387410862B

ORDER

The complainant alleged that a municipal judge's position as a grant administrator reporting to the town council and her marriage to a police sergeant are conflicts of interest. An investigation revealed that the judge had contacted the Judicial Ethics Advisory Committee about both issues and received appropriate guidance. Because the judge is not required to work full-time for the court, her position as a part-time grant administrator is not a conflict of interest per se without evidence showing that her judicial independence is compromised or that she is biased because of her non-judicial position.

Moreover, the judge had taken steps to resolve any potential problems resulting from her marriage to a police officer by disclosing the relationship and offering defendants an opportunity to request a different judge or waive disqualification as permitted under Rule 2.11 of the Code of Judicial Conduct. The waiver form used by the judge was informally approved by the advisory committee.

In view of this information, the commission found insufficient evidence to justify further investigation and dismissed the complaint pursuant to Rules 16(a) and 23.

Dated: April 22, 2010.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on April 22, 2010.

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

MAR 03 2010

Commission on Judicial Conduct
Chief Justice Rebecca White Berch
1501 W. Washington Street, Suite 229
Phoenix, AZ 85007

Your Honor,

I am writing this letter to formally complain about a series of intentional violations of the Canons of Ethics and ask that the Supreme Court of Arizona take immediate action.

Judge is the Municipal Judge of the Town of Quartzite. She was appointed in large part because her husband is a Sergeant with the Town of Quartzite Police Department. She requests that every defendant sign a standard form for a waiver of a conflict defense on all cases brought by the Quartzite Police Department. This standard form supplied by her court implies that she recognizes that such conflict does exist. In addition she has accepted employment as a regular town employee as the grants administrator of the town, and takes this income as a regular employee of the Town subject to the will of the Council, not as an independent officer serving a term of office.. All of this was intentionally approved by the Town Attorney who, despite these obvious violations of the Canons of Ethics actually helped set this up, and in so doing, violated the ethical rules governing attorneys. Witnesses who may be contacted to verify these facts include the council members in executive session where Ms. contract was discussed. Also a review of the minutes of the Town Council for the date of November 24, 2009 will confirm these facts.

Obvious the role of a judge is to be an independent, neutral, objective tribunal. A court must be independent of the Town Council or else it is a violation of the constitutional requirement of separation of powers and the independence of the judiciary. When one is related to one of the litigating parties and litigating witnesses, and derives personal income from their involvement, one cannot even begin to imagine the violations. As a wife she enjoys not only her income, but the income of her husband. He not only cites cases into her court that she hears, but he supervises officers that do so. The police department is a small one and he is frequently the person in charge. Mrs. by this conduct, not just has the appearance of impropriety and the appearance of acting in conflict of interest, the conduct is in fact improper and she does in fact have a monetary and financial interest in the outcome of the cases in front of her. The budget of the Police Department, the salary her husband enjoys, his evaluations as a town employee, are dependent on the citations through Mrs. court and the revenue to the Town these tickets and her decisions provide.

By taking cases from a police department where her husband is employed as a supervising officer Judge is violating, at a minimum, Canons 1.2, 2.1, 2.2, 2.4, and 3.1 of the Canons of Judicial Ethics.

By taking additional employment from the Town as a regular employee as the grants administrator, while being the judge on cases where the town is a litigating party, in addition to further violating the aforementioned Canons, she is violating Canons 1.3, 3.1, 3.2, 3.4, 3.12 and 3.13 of the

Canons of Judicial Ethics. Grants administration involves fiduciary obligations and therefore a violation of Canons 3.8 and 3.12 would be involved as well.

Again the financial entanglement with the general fund of the Town into which fine money from her court is deposited is poisonous to the image of a neutral objective tribunal, and the need to maintain the independence of the judiciary.

Rule 2.15 places a duty upon Judge Burke of La Paz County to take action when he sees a violation of the Canons of Ethics. He is Presiding Judge. There are not that many courts in La Paz County. There are only two towns and one sheriff's office. It is hard to imagine that he did not know that Mrs. is married to a Sergeant on the Town Police force. Yet he did nothing. Is this not a violation of this Canon by him?

Pam Walsma, the Town Attorney, not only knew of these conflicts and violations of ethics, but actually helped set them up.

As a result the Supreme Court cannot count on these people to either investigate or take proper action. The only way that this mess can be properly handled is if the Supreme Court seizes this court directly, removes Judge audits the court to discover all cases that she has heard where the Town of Quartzsite was the citing party, have those cases reheard before a neutral objective judge, and take action to ensure that such conduct never occurs again.

Candidate for Mayor
Quartzsite, Az