

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-093

Complainant: No. 1390200606A

Judge: No. 1390200606B

ORDER

The complainant alleged a superior court judge acted as an advocate for an unrepresented party during a hearing, engaged in ex parte communications by contacting the litigant on her cell phone, held a hearing without providing notice to the parties, and routinely fell asleep on the bench. After analyzing the allegations, the response from the judge, and the relevant minute entries, transcripts and recordings of the hearings, the commission found no evidence of ethical misconduct on the part of the judge. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: July 21, 2010.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on July 21, 2010.

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

1. Sleeping

trial case # (still pending)

I, myself, witnessed falling asleep during court hearings. This happened multiple times in the afternoons of a full day in court.

In the case of vs a highly profiled murder trial in Pima county was noted to be sleeping also in the afternoons. Judge sleeping has been witnessed by Whether in a divorce trial or a murder trial if a judge is unable to perform his or her duties then they should not be allowed to make decisions that effect the lives of others. Could that court case have turned out better for the ? There were published concerns that Judge had not done all reasonable making sure justice was served. As has been noted in the trial of Judge sleeping in the courtroom has given concerns that she has missed information that is important to making life-altering decisions of a 6 year old child.

2. Case # injunction of harassment December 10, 2009

Judge placed on the stand and immediately began questioning her prior to my attorney. was representing herself. Judge had step down from the stand without giving opportunity for my attorney to cross. Judge called myself to the stand. After my attorney questioned me, the judge began her own questioning. After Judge questioned myself she then asked if had any questions, thus giving the opportunity to cross. My understanding of the legal system is minimal, but I do know Judge acting as an attorney for the self-representing party is misconduct, any judge presenting himself or herself as an attorney is misconduct. And protecting the party from cross by my attorney is also misconduct and interfering. Judge was not representing and should not have made improper questioning and aiding on behalf of Though the final verdict was in my favor I have concerns regarding the conduct of Nanette abilities to remain unbiased, and impartial.

3. Judge Chambers called my mobile phone November 25, 2009, 2:49pm.

from Judge chambers contacted me leaving a voice mail Wednesday November 25, 2009, 2:49pm. left the phone number I have understanding there should be no contact between the judge and myself when I have an attorney representing myself. Referencing the Arizona Code of Judicial Conduct states this specifically.

4. _____ in case _____ has my witness take the stand, after my case is dismissed. Warner states it is to discuss the case against _____ case
This is without _____ attorney present, which he wanted present.

This is not appropriate in any way. Judge _____ questioned both parties and made decisions based on this unscheduled hearing. _____ made no attempt prior to the hearing to contact either party's attorneys. During the questioning in what can only be considered a CYA attempt she asked both parties to call their attorneys. Judge _____ states she is uncomfortable discussing the case with the parties without the representation of attorney's. This statement clearly acknowledges her misconduct. I don't recall this being appropriate to hold court without representation that the two parties clearly have and the judge obviously knows. Each party tried to call their respective attorney, _____ successful and _____ unsuccessful. Judge _____ continued to hold court without either attorney present and without permission from either party or attorney. What judge has the authority to behave in this manner? I have discussed with 3 attorneys and found agreement that her actions are clearly questionable and inappropriate.

In conclusion:

I am aware Judge _____ has in her history many accolades. My points are simple:

1. Follow the rules of judicial conduct. If Judge _____ believes herself to be above reprimand and she can continue these actions without regard to right and wrong, what is she doing in the judicial system, which basic concept is upholding the law
2. I question if she has been around so long that retirement is nearing and as I write this complaint I have understanding that she is transitioning into retirement. That Judge _____ continued to sleep for years on the job while having the authority to make decisions on the livelihoods of others is immoral. If an afternoon nap is needed, then maybe also is an immediate retirement. Information is given throughout a trial; the vital information isn't just restrained to the morning sessions. All information needs to be taken into account. How would we know that is being accomplished when the judge is asleep? We don't, no one is able to hold court and sleep at the same time.

I recommend Judge _____ retire immediately. Judge _____ should disqualify herself from all her court proceedings immediately. I recommend the cases she has made judgment on within the last 5 years be reviewed, for that is the time frame she has been witnessed to sleep on the job. I strongly recommend the review of any case that has been under appeal based on Judge _____ ruling. She has no longer been capable to perform the duties required of a judge. Since she is unable to hear all the evidence brought

forth, that is simply impossible while she is sleeping. Nor is she able to remain impartial and unbiased while asked to hear all the evidence. Becoming biased to the self representing party and behaving as the attorney is wrong. The judicial superior court will not be losing what may have at one time been an outstanding judge for she seems to have already left.

I ask this be a permanent part of Judge file. Should Judge decide to return to any type of place where she is capable again of misusing her position there needs to be a red flag alerting others to her previous misconduct and immoral behavior.

Sincerely, -