

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-098

Complainant: No. 1390710330A

Judge: No. 1390710330B

ORDER

The complainant alleged a superior court judge failed to address his motions, did not follow the probate procedural rules, and mistreated him. After analyzing the allegations, the response from the judge, and the relevant transcripts of the proceedings, the commission found no evidence of ethical misconduct on the part of the judge. Therefore, 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.

APR 16 2010

April 16, 2010

Judicial Conduct Commission
1501 W. Washington St.
Suite 229
Phoenix, AZ. 85007

Re: Complaint against Superior Court Judge

Dear Judicial Conduct Commission,

I am writing to complain about a judge in Pima Arizona Superior Court who I didn't think gave me a fair chance to be heard and showed bias towards me in his court. I am talking about Pima County Superior Court Judge _____ and his conduct in a case in Pima County in which I was a party. I am not complaining that the case did not go my way, but about the conduct of Judge _____ in *failing entirely to rule on my many motions, his utter disregard for the Arizona Rules of Probate Procedure as well as portions of the Judicial Code of Conduct, and his discourteous conduct* toward me which resulted in the appearance if not actual bias against me in the proceedings in blatant violation of several portions of the Canons of the Arizona Judicial Code of Conduct. The facts of my complaint, as well as the relevant portions and rules of the Judicial Code I believe apply to my four general areas of complaint, are as follows:

1. WILLFUL DISREGARD FOR ESTABLISHED COURT RULES UNDER RULES 1.1, 1.2.

A. Law and Facts Re: Alleged Canon 1 violations

Rule 1.1- Compliance with the Law

"A judge shall comply with the law, *including the Code of Judicial Conduct.*"

Arizona Code of Judicial Conduct, Canon 1, Rule 1.1, emphasis added

INITIAL STATEMENT

Such a pronouncement of law and simple court rules this party should think is axiomatic in this day and age in which our system of justice steadfastly relies on the fair administration and adherence to the rules at the hands of judges in interpreting and applying the laws. Nevertheless, due to the facts as herein laid out, the below-signed party now comes forth with his complaint against the Honorable Judge _____ of Pima Superior Court, under the Canons and rules of

the Arizona Judicial Code of Conduct, for his conduct in the matter of the various Guardianship and other cases involving this party's mother, Accordingly, the below signed party presents the following and requests, upon full investigation and establishment of these facts, that appropriate sanctions be levied to discourage conduct so blatantly against the spirit if not the letter of the Arizona Code of Judicial Conduct. Minute entries, as well as other relevant exhibits in support of the claims made, are attached. The facts and relevant codes/rules are as follows:

1). At an initial hearing in the above case(s) on Feb 8, 2010, and pursuant to my motion to appear telephonically, the honorable Judge allowed me to appear at the hearing and make oral objection to the granting of the pending Guardianship/conservatorship and related PB petitions and ordered I be allowed to file written objections within eight days in accord with Rule 17 D. 2. of the Arizona Rules of Probate Procedure, which states:

D. Objection to Petition. Any interested person who opposes the relief requested in the petition shall file with the court, at least three days before the hearing, either an objection to the petition or a motion authorized by Rule 12, Arizona Rules of Civil Procedure, or the person may appear at the hearing and orally object to the petition.

1. If a party files an objection to the petition or a motion under Rule 12 of the Arizona Rules of Civil Procedure fewer than three days before the hearing date, the objection or motion shall not be stricken solely for failure to comply with this rule. The objecting party shall attend the hearing and inform the court that a written objection or Rule 12 motion has been filed.

2. If the person objecting to the relief requested in the petition does not file an objection or motion with the court before the hearing date but instead orally objects to the petition at the hearing, the person objecting shall subsequently file a written objection or motion, as directed by the court or agreed to by the parties, setting forth the grounds for the person's objection.

Note: In the subsequent "Comment" section of the explanation for this rule is found the following:

Regarding Rule 17(D).

The judicial officer should be informed at the hearing on a petition whether a party objects to the petition. Thus, to ensure that the judicial officer is timely informed of any objection, a written objection to a petition must be filed at least three days before the hearing on the petition. If a written objection has not been filed at least three days before the hearing, the objecting party should appear at the hearing and make his or her presence and objection known to ensure that the judicial officer is aware of the objection. *Rule 28 sets forth the procedure to be followed once an objection to a petition has been made and the proceeding has become contested.*"

Rule 17 D. 2. of the Arizona Rules of Probate Procedure and comments, emphasis added

However, instead of obeying Canon 1, Rule 1.1, which lays out the primary obligation of a judge in the State of Arizona to obey law *and court rules*, instead of ordering a “scheduling conference” as clearly required by the governing Rules of Civil and Probate Procedure once a petition becomes contested, *Judge completely ignored his obligations under Rules 27 and 28 of the Arizona Rules of Probate Procedure, which state in relevant part:*

V. CONTESTED PROBATE PROCEEDINGS

RULE 27. HOW A PROBATE PROCEEDING BECOMES CONTESTED

A probate proceeding becomes contested when an objection, *whether written or oral*, is made to a petition. A contested probate proceeding shall be limited to the disputed facts and issues raised in the petition and the objection thereto. Provided that the rights of the parties are not adversely affected, the contested probate proceeding shall not affect other issues or pleadings in the same probate case that are not disputed.” *Rule 27 AZ Rules of Probate Procedure, emphasis added.*

RULE 28. PRETRIAL PROCEDURES

A. Initial Procedures; Scheduling Conference.

1. *If a matter is contested, unless the parties agree otherwise, the court shall set a scheduling conference that shall occur promptly after the date of the initial hearing on the petition.* The scheduling conference may be held at the time set for the initial hearing on the petition. At the scheduling conference, the court and the parties *shall* address the following issues:

- a. the deadline for filing a written objection if one has not already been filed;
- b. the deadline for filing a joint alternative dispute resolution statement pursuant to Rule 16(g), Arizona Rules of Civil Procedure;
- c. any other issues the court or the parties deem relevant.

2. Unless inconsistent with these rules, Rule 16(b), Arizona Rules of Civil Procedure, shall apply to all pre-trial conferences.

3. Following the scheduling conference, the court shall enter an order setting forth the deadlines determined at the scheduling conference.

B. Discovery and Disclosure. Unless inconsistent with these rules, *Rules 26 through 37(f), Arizona Rules of Civil Procedure, shall apply to discovery and disclosure in contested probate proceedings.*

C. Procedure for Evidentiary Hearing. Except as otherwise provided in A.R.S. Title 14 or these rules, Rules 38 and 39 through 53, Arizona Rules of Civil Procedure, shall apply to evidentiary hearings in probate proceedings. Rule 38.1, Arizona Rules of Civil Procedure, shall not apply to contested probate proceedings unless otherwise ordered by the court. *Rule 28, Arizona Rules of Probate Procedure, emphasis added*

Instead, upon my filing my written objections and various motions for discovery pursuant to Arizona Rules of Civil Procedure Rules 26, 33, 34, 35, and 36, (as expressly stated is allowed in Rules of Probate Procedure Rule 28 B.), as well as specifically moving under Arizona Rules of Civil Procedure 16(b) for a scheduling conference to address such matters-- over my objections Judge (before he hung up and/or ordered my phone conference connection at the hearing to be disconnected for objecting), *completely ignored my written objections and motions for discovery and proceeded to trial on the merits, willfully disregarding the clear requirement of the Rules of Probate Procedure Rules 27 and 28 governing such cases.*

B. Argument re: Rule 1.1 and 1.2 violations

In addition to being entirely unfair to me and the judicial process, (Cf. my complaint under Rules 2.2, 2.3, 2.6 and 2.8 of the Code of Judicial Conduct below), this was in stark contrast to Rule of Probate Procedure 28 A. 1., which clearly does not leave whether to have the scheduling conference to rule on such matters such as I had raised in my various motions, (i.e., requests for discovery, challenging the Investigator's and Examiner's reports, seeking additional mental examinations, etc.) up to the judge's discretion. Indeed, Probate Rule 28 A. 1 states:

If a matter is contested, unless the parties agree otherwise, the court *shall* set a scheduling conference... At the scheduling conference the court and the parties *shall address...*"

various critical matters including deadlines for additional motions and pleadings, discovery, and possible alternative resolution as required by the rule. (see Rule 28 A. 1., Arizona Rules of Probate Procedure, in part and emphasis added).

Moreover, as a practical result, by ignoring Rule 28 A. 1.'s extremely clear instruction to hold a scheduling conference to address, among other things, requests for discovery, not only did Judge conduct seriously impact upon my ability to present my objections and be prepared for the hearing, (as without discovery I hadn't even seen all the documents in the case yet and was handicapped in filing my objections, a matter I raised in one of my motions for discovery), but such conduct is the basis of my further complaint that these actions of Judge clearly evidenced bias towards me, (as detailed below in section 2.). Here, in addition to violating Rule 1.1, Judge actions clearly violate Rule 1.2 of Canon 1 of the Rules of Judicial Conduct, which states in relevant part:

Rule 1.2 -Promoting Confidence in the Judiciary

“A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.”

Comment

1. Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional and personal conduct of a judge.

5. Actual improprieties include violations of law, *court rules*, or provisions of this code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge.

Judicial Code of Conduct Canon 1, rule 1.2 with comments, emphasis added

As a pro-se litigant, such violations of the Code of Judicial Conduct as well as relevant court rules under the Arizona Rules of Probate Procedure and Rules of Civil Procedure have had a disproportionate impact upon me and, I suspect, would upon other similarly situated persons, as without full knowledge and skills of how to get such matters addressed barring appropriate regulatory and administrative discipline it creates an extremely unfair situation. I therefore also request investigation and sanctions upon Judge _____ for such conduct and improprieties as pertaining to its effect of undermining public confidence in the integrity and the impartiality of the judiciary under Rule 1.2 of the Arizona Judicial Code of Conduct.

2. APPEARANCE OF IMPROPIETY, BIAS, AND RIGHT TO BE HEARD- Rules 2.2, 2.3, and 2.6 of the Arizona Code of Judicial Conduct.

A. Law and Facts Re: Rule 2.2, 2.3, and 2.6 violations

Moreover, in spite of allowing my participation previously on Feb 8, 2010 by phone conference, Judge _____ *excluding entirely from consideration my written objections and related motions* for discovery pursuant to Arizona Rules of Civil Procedure as well as *any participation whatsoever* at the final Feb. 19, 2010 hearing stating instead “You can listen to the proceedings as an observer but not participate” and ordering my participation by phone conference to be terminated when I simply inquired into the status of my motions and asked if I would be allowed to ask any questions, evidenced negative and inappropriate bias towards me as a pro-se litigant. Indeed, his rulings from the bench Feb 8, 2010 ordering I procure a lawyer on extremely short notice in order to participate raises serious constitutional questions as well as indicates a willful violation of Rules 2.2, 2.3, and 2.6 of Canon 2 of the Arizona Judicial Code of Conduct, which state, in relevant parts:

RULE 2.6. -Ensuring the Right to Be Heard

(A) A judge shall accord to *every person* who has a legal interest in a proceeding, or that person's lawyer, *the right to be heard according to law*.

RULE 2.3. -Bias, Prejudice, and Harassment

(A) A judge shall perform the duties of judicial office, including administrative duties, *without bias or prejudice*.

(B) A judge shall not, in the performance of judicial duties, *by words or conduct manifest bias or prejudice*, or engage in harassment, including *but not limited to bias, prejudice*, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

RULE 2.2. -Impartiality and Fairness

A judge shall uphold and apply the law, and *shall perform all duties of judicial office fairly and impartially*.

Comment

1. To ensure impartiality and fairness to all parties, a judge must be objective and open-minded.
2. Although each judge comes to the bench with a unique background and personal philosophy, a judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question.
3. A good faith error of fact or law does not violate this rule. However, a pattern of legal error or an intentional disregard of the law may constitute misconduct.
4. It is not a violation of this rule for a judge to make reasonable accommodations to *ensure self-represented litigants* the opportunity to have their matters fairly heard.

Arizona Rules of Judicial Conduct Rules 2.6, 2.3, and 2.2 with comments, emphasis added.

B. Argument re: Rule 2.2, 2.3 and 2.6 violations

I submit in light of the facts here it is obvious that Judge _____ conduct in these matters did not meet the required standards and indicated an intent to discriminate against my pro-se status, particularly in light of comments 1, 3, and 4 of Rule 2.2 and Rules 2.6 (A) and Rule 2.3 (A) above, and thus requires investigation and appropriate sanction to insure future violations don't occur to others and prejudice the cause of justice as occurred in my case. *In the very least*, his conduct clearly ran afoul of Canon 2, Rule 2.8 (B) which states:

Rule 2.8 Decorum, Demeanor, and Communication with Jurors-

(B) A judge shall be *patient, dignified, and courteous* to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control. *Canon 2, Rule 2.8, (B) Judicial Code of Conduct, emphasis added.*

Indeed, it could hardly be said that hanging up on me in the middle of a court hearing for doing nothing more than inquiring into the status of my extremely relevant motions pending before the court and pointing out my right to be heard was "courteous." Thus, for all of the above reasons, this party believes appropriate sanctions should be imposed on Judge [redacted] to prevent this kind of conduct from recurring in the future.

3. IGNORING MY MANY MOTIONS BEFORE THE COURT CONTRARY TO RULE 2.7

A. Law and Facts Re: Alleged Rule 2.7 violation

Moreover, Rule 2.7 of the Arizona Rules of Judicial Conduct states:

RULE 2.7. Responsibility to Decide

"A judge shall hear and decide matters assigned to the judge, except when disqualification is required by Rule 2.11 or other law."

Rule 2.7, Canon 2, Arizona Judicial Code of Conduct

B. Argument re: alleged Rule 2.7 violations

By failing to rule on virtually all of my motions and objections before proceeding to final hearing, including accelerated motions to join the two cases and order discovery, the Court seriously violated both the Rules of Judicial conduct as well as my rights to be fairly heard resulting in a fundamentally unfair proceeding. Moreover, after having received my objections and motions in chambers on Feb 16, 2010 as a result of a snafu with court clerk personnel improperly routing said motions and objections by accident to the judge's personal chambers, (see attached emails between this party and Clerk of Court Administrative staff, to wit, clerk Tracy Lebon and Roger Murray, Deputy Director Probate Division), as well as being made aware of their pending status orally at the beginning of the Feb 19, 2010 and the court's previous comments from the bench disallowing my participation without counsel, it appears the court's decision to proceed to trial anyway without resolving them constituted a willful and flagrant disregard of both court rules and the effect such actions would have on this litigant's ability to fairly intervene in the legal matter(s) in question, (as was his right under established court rules and Arizona law). Therefore this party suggests stern and swift sanctions are especially appropriate in this case to discourage such conduct contrary to law and court rules from ever occurring again to any litigant, pro-se or otherwise in the future.

4. ORDERING A COURT EMPLOYEE TO ALTER DATE STAMPS OF FILED RECORDS SO AS TO NOT REFLECT THE ACTUAL TIME OF RECEIPT- Rule 2.12 of the Arizona Code of Judicial Conduct

A. Law and Facts re: violation of Rule 2.12 of the Arizona Code of Judicial Conduct

My final and last complaint about the conduct of Judge _____ in this case is as serious as my first and indisputable from the record, (see attached emails between this party and Director of the Pima County Probate Division Roger Murray), namely, *that Judge _____ directly and unethically violated Canon 2.12 (A) and (C) of the Judicial Code of Conduct by interfering in the proper administration of records in this case by ordering Roger Murray, said Director and custodian of records of the Pima County Probate Court, to back-date previously filed court documents erroneously routed to Judge _____'s office so as not to reflect their true date of filing with the Clerk as of their date of receipt of Feb 16, 2010 but rather as of Feb 19, 2010 in violation of the Arizona Code of Conduct for Judicial Employees, which reads, in pertinent part:*

Arizona Code of Conduct for Judicial Employees, Canon 1

A JUDICIAL EMPLOYEE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.

RULE 1.1 -Compliance with the Law

(A) A judicial employee *shall comply with the law.*

(B) A judicial employee shall not use public funds, property or resources wastefully or for any private purpose not authorized by judicial or administrative authorities.

(C) A judicial employee shall not do business on behalf of the court with a person known to be a former judicial employee who left the court's employment during the preceding twelve months and who represents a person or business entity concerning any matter in which the former employee was directly and personally involved and over which the former employee exercised substantial and material administrative discretion.

Comment

1. As public servants, judicial employees should not act in any way that would violate specific laws or the provisions of this code. Public confidence in the judiciary is maintained by the willingness of each employee to live up to this standard. When faced with conflicting loyalties, judicial employees should seek first to maintain public trust.

Employees should not, for example, knowingly make false entries on time cards or personnel records; ***backdate a court document***, falsely claim reimbursement for mileage or expenses; misuse the telephone, facsimile machine, or copying machine; or take supplies home for private use. This conduct may be theft, a class 1 misdemeanor ranging to a class 3 felony under A.R.S. § 13-1802 or fraud, a class 2 felony under A.R.S. § 13-2310.

Arizona Code of Conduct for Judicial Employees , Rule 1.1, emphasis added

Moreover, Rule 1.2, “Promoting Confidence in the Judiciary,” tracking Rule 1.2 of the Judicial Code of Conduct, reads as follows:

“A judicial employee shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.”

Comment

1. The fundamental attitudes and work habits of individual judicial employees reflect on the integrity and independence of the judiciary and are of vital importance in maintaining the confidence of the public in the judiciary. Honesty and truthfulness are paramount.
2. Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both professional conduct and personal conduct that affects the public perception of the court.
3. A judicial employee should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens, and must accept the restrictions imposed by the code.
4. Conduct that compromises or appears to compromise the independence, integrity, and impartiality of the judiciary or of a judicial employee undermines public confidence in the judiciary. Because it is not practicable to list all such conduct, this rule is necessarily cast in general terms.
5. *Actual improprieties include violations of law, court rules or provisions of this code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judicial employee violated this code or engaged in other conduct that reflects adversely on the judicial employee's honesty, impartiality, temperament, or fitness. A judicial employee's personal and family circumstances are generally not appropriate considerations on which to presume an appearance of impropriety. Rule 1.2 Arizona Code of Conduct for Judicial Employees, emphasis added.*

Finally, A.R.S. 38-421 clearly states:

Stealing, destroying, altering or secreting public record; classification

A. An officer having custody of any record, map or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his hands for any purpose, who steals, or knowingly and without lawful authority destroys, mutilates, defaces, alters, falsifies, removes or secretes the whole or any part thereof, or who permits any other person so to do, is guilty of a class 4 felony.

B. A person not an officer who is guilty of the conduct specified in subsection A of this section is guilty of a class 6 felony.

B. Argument re: Rule 2.12 violations

In light of these court rules and Arizona law, there can be little doubt of a violation of Rule 2.12 of the Arizona Code of Judicial Conduct in this matter. As Roger Murray's correspondence and discussions with this party show, (see correspondence between this party and Director of the Probate Division Roger Murray, attached), it is clear Judge [redacted] in spite of Roger Murray, Director of the Probate Division of Pima County Superior Court Clerk's Office conceding that certain motions and papers of this party were properly and timely filed with the Clerk's office on Feb 16, 2010 and Judge [redacted] secretary and Judicial Assistant Linda Foss' admission to this party she mistook these original papers erroneously routed to the judge's office as mere courtesy copies (instead of the originals they were), unethically interfered in the administrative duties of same said official of the Clerk's Office and Deputy Director over the records of the Probate Division Roger Murray by ordering him to file said original papers, in spite of being received on Feb 16, 2010 as being filed on Feb 19, 2010, in violation of Canon 2, Rule 2.12 (A) and (C) of the Judicial Code of Conduct of the Code of the State of Arizona, which states:

Rule 2.12- Supervisory Duties

(A) A judge shall require court staff, court officials, and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under this code.

(B) A judge with supervisory authority for the performance of other judges shall take reasonable measures to ensure that those judges properly discharge their judicial responsibilities, including the prompt disposition of matters before them.

(C) A judge shall require staff, court officials, and others subject to the judge's direction and control to comply with the provisions of the Code of Conduct for Judicial Employees adopted by the supreme court.

Comment

1. A judge is responsible for his or her own conduct and for the conduct of others, such as staff, when those persons are acting at the judge's direction or control. A judge may not direct court personnel to engage in conduct on the judge's behalf or as the judge's representative when such conduct would violate the code if undertaken by the judge. Arizona Code of Judicial Conduct Canon 2, Rule 2.12, in part, emphasis added.

Moreover, and equally important, there is some indication from the record, in light of the court's stringent time frame in which it ordered this party to file his objections at the Feb 8, 2010 hearing, that said Superior Court judge [redacted] may have ordered said objections to be filed as of Feb 19, 2010 instead of the actual Feb 16, 2010 date so as to insulate itself from any chances of a potentially successful appeal in this case by claiming this party somehow ran afoul of the court's stringently imposed deadline and therefore disqualified himself from the court's consideration of his objections, (see attached). Notwithstanding that this does not explain

why the court failed to rule on *any of this party's many other motions* prior to the final Feb 19, 2010 hearing, this party suggests this manifest bias against him and/or pro-se litigants in general rather than any procedural default is the reason for its conduct due to the following factors:

1) Judge _____ had already expressed his displeasure at the Feb 8, 2010 hearing towards the prospect of delaying, *for any reason*, the final hearing in this matter(s) due to his own time management desires; 2) The judge's statements and rulings as recorded in the minute entry of Feb 8, 2010 *never indicates any intention to schedule the required conference hearing as required by the Arizona Rules of Probate Procedure Rule 28 and Arizona Rules of Civil Procedure 16(b) and as would be expected at that stage of the proceedings pursuant to Probate Rule 28 A. 1 once an objection, oral or written, is made*; 3) To the contrary the judge's rulings (and minute entries, see attached) *rather indicate a clear intention to discriminate against this pro-se petitioner's participation at the final hearing if he lacked counsel, AND*; 4) *There is no mention of any procedural default of this party in the court's final order(s) or the Feb 19, 2010 minute entry in this case, which, as big as a deal as that would have been had it occurred in this case, would presumably be noted in the judge's final and subsequent rulings if it played any significant role in the court's decision-making process in this case at all.*

Regardless however of Judge _____ motives in ordering this party's filings to be back-date stamped to reflect an inaccurate date of filing of this party's motions and objections in this case, *there can be little doubt that such order to back-date this party's filings was, if not criminal, at least a violation of the Judicial Code of Conduct under Rule 2.12 and as such constituted an unlawful interfering with the administrative duties of Director of the Probate division Roger Murray as an officer and custodian of the records of the court.*

Conclusion and Request for Investigation and Sanctions

Therefore, as a result of the above detailed matters and facts and relevant provisions of the Code of Judicial Conduct as cited, I respectfully request investigation and, upon confirmation of these facts, corrective discipline and/or sanctions be entered against the Honorable judge _____ as appropriate.

Submitted this 13th day of April, 2010

cc: Chief Judge Jan. E. Kearney, Pima County Superior Ct.