

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-313

Complainant: No. 0192210836A

Judge: No. 0192210836B

ORDER

The commission learned that a city magistrate married to an assistant chief of police did not disclose the relationship in traffic cases in which the police department was acting as the prosecutor. After reviewing the judge's response, the commission found insufficient evidence of ethical misconduct. The judge is not obligated to disclose the relationship because her husband works in the administrative division of the police department. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: March 3, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed
to the complainant and the judge
on March 3, 2011.

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

November 15, 2010

is an attorney practicing at (downtown area).
Telephone:

client, who was cited for running a red light, asked for a trial. On the day of the trial, , a special magistrate in the Tucson City Court, was very friendly with the police officer who appeared but unfriendly, or at least indifferent, toward defense counsel. (In this type of case, the city prosecutor does not appear and the police officer is the only witness.)

After the trial, discovers that the judge is married to the
believes the judge should have disclosed the relationship. He also noted that the judge is not a lawyer, i.e., he can't find her name in the bar directory.

believes the client should have won and has evidence to back up his arguments. He talked with the client about an appeal but does not expect to file one because it would be too costly for the client. He thinks a lot of people are being railroaded in this court because most people are not represented. The proceedings were probably recorded. does not want to file a complaint out of fear that it would seriously affect his practice in a down economy. He said that he would appeal the case and file a complaint if his client's liberty were at issue.

— EKS