

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-169

Complainant: No. 1421810936A

Judge: No. 1421810936B

ORDER

The complainant alleged that a municipal court judge improperly permitted an attorney to represent the opposing party despite the fact the attorney had previously represented the complainant in a materially related case and in the same court. He further alleged the judge allowed the opposing party to lie under oath.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the all of the information provided by the complainant, the response from the judge, and the recording of the hearing, the commission decided to dismiss this matter with a private warning letter to the judge. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: October 21, 2011.

FOR THE COMMISSION

/s/ Louis Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on October 21, 2011.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2011-169

COMPLAINT AGAINST A JUDGE

Your name: _____ Judge's name: _____ Date: July 02-2011

Instructions: Use this form or plain paper of the same size to file a complaint. Attach additional pages, as needed. Please describe in your own words what the judge said or did that you believe constitutes judicial misconduct. To help us understand your concern, be specific and list all of the names, dates, times and places where the conduct occurred. Include only copies of original documents or court recordings that are relevant to your allegations. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

At the beginning of the hearing I asked Judge _____ to take notice
of the fact that Attorney Cathy Johnstone was representing the defendant
Tim Burgess, that Johnstone's representation of the defendant was unethical
considering Johnstone had represented me a few months earlier in the
same court against Tim Burgess in a matter of the same material issues.

Judge _____ said she found nothing wrong with the conflict since
there weren't many attorneys in Page AZ and continued with the hearing.

I further asked Judge _____ to take notice of the fact that the
defendant, Tim Burgess, had lied under oath to the court in his
application for an injunction against harassment with me as the

defendant, Judge _____ summarily ignored my request.

Judge _____ denied me of due process in this case and ignored her
duty to dismiss Cathy Johnstone in view of the conflict and admonish
her for her violation of ethics. Judge _____ further ignored her
duty to have Tim Burgess investigated for his lying to the court in
his application for injunction against harassment.

Judge _____ demonstrated her lack of knowledge of the cannons of
ethics as well as a disregard for justice on my behalf, in my opinion
Judge _____ should be removed as a pro tem judge.

(Attach additional sheets as needed)