

Motion for Reconsideration Filed with Arizona Commission on Judicial Conduct
Information & Perspective by Warren Woodward
Sedona, Arizona ~ December 30, 2015

Last November I filed a complaint with the Arizona Commission on Judicial Conduct regarding two Maricopa County Superior Court judges involved in my appeal of the Arizona Corporation Commission's "smart" meter decision made earlier in the year.

In my opinion, the judge in my case (Judge McClennen, someone with previous ethics violations) acted unethically by doing the work of the Defendants by asking me to prove jurisdiction. I tried to change judges but was incorrectly denied that option by Superior Court Presiding Judge Warner.

Last week I received notice that the Arizona Commission on Judicial Conduct dismissed my complaint against the two judges, finding "no evidence of ethical misconduct" or that the judges violated the Code of Judicial Conduct.

Total nonsense!

Actually, five Rules of the Code plus a Section of the Arizona Constitution were violated. So yesterday I filed a Motion for Reconsideration with the Commission on Judicial Conduct.

Here's what I wrote:

Motion for Reconsideration of Commission Order re Complaint 15-320

Under Commission Rule 23(b)(1) I ask that you reconsider your Order dismissing my Complaint # 15-320.

In my opinion you have shirked your responsibility, and are not paying attention to either the Arizona Constitution or the Code of Judicial Conduct.

I looked up Article 6.1 of the Arizona Constitution that you mentioned. You could actually retire both Judge McClennen and Judge Warner if you had the resolve to do what's right.

Article 6.1, Section 4. On recommendation of the commission on judicial conduct, the supreme court may retire a judge for disability that seriously interferes with the performance of his duties and is or is likely to become permanent, and may censure, suspend without pay or remove a judge for action by him that constitutes wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance or **conduct prejudicial to the administration of justice that brings the judicial office into disrepute.**

McClennen's and Warner's conduct was "prejudicial," and as far as I am concerned their offices are in disrepute as a result. Others I know feel the same way, that McClennen and Warner have brought disrepute upon their "judicial office." In fact many see it as "business as usual."

You said the judges did not violate the Code of Judicial Conduct. Nonsense!

RULE 1.1. Compliance with the Law

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

Warner did not comply with the law. I should have been granted a new judge. McClennen did not even understand the law under which I was appealing. And neither of them were in compliance with other Rules in the Code of Judicial Conduct.

To wit:

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.

McClennen was not being impartial *or* fair by doing the work of the Defendants. Warner was not being impartial *or* fair by backing McC and not letting me change judges, and by not even getting the case law right (which I proved to you previously).

RULE 2.3. Bias, Prejudice, and Harassment

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

Of course McClennen was biased, else he would not have done the Defendants' work! Of course Warner was biased, else he would not have backed McClennen.

RULE 2.5. Competence, Diligence, and Cooperation

(A) A judge shall perform judicial and administrative duties competently, diligently, and promptly.

McClennen, by doing the work of the Defendants and by not understanding the law under which I was appealing, was neither competent nor diligent. Warner, by not allowing me to change judges and not knowing the law thereof, was neither competent nor diligent.

RULE 2.15. Responding to Judicial and Lawyer Misconduct

(A) A judge having knowledge that another judge has committed a violation of this code that raises a substantial question regarding the judge's honesty, trustworthiness, or fitness as a judge in other respects **shall inform the appropriate authority**.

(C) A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this code **shall take appropriate action**.

I showed Warner that McClennen was biased by doing the work of the Defendants but he did not "inform the appropriate authority" or "take appropriate action." According to this Rule, he should have been the one to file a complaint, not me!

So that's five Rules plus the Arizona Constitution that were violated, and you are telling me in

your Order that the judges did nothing wrong? You need to reconsider, or explain how a judge doing the work of the Defendants is ethical, or how another judge covering up for that judge is ethical, or how it's ethical for either one of them to sit on the bench and not know the law.

Sincerely,

Warren Woodward