

SUPREME COURT OF ARIZONA

Inquiry concerning Judge)	Supreme Court No. JC-10-003
)	
Carmine Cornelio)	Commission No. 10-131
Superior Court)	
Pima County)	
State of Arizona)	
)	
Respondent)	
_____)	

ORDER

This matter having come before the Commission on Judicial Conduct, it having duly rendered and filed its recommendation, and all applicable rights to object to or petition for modification of the recommendations having been waived by Respondent, and the Court having no further responsibility for review pursuant to Rule 29(g) of the Rules of Procedure for the Commission on Judicial Conduct,

IT IS ORDERED that **CARMINE CORNELIO**, Pima County Superior Court judge, is hereby censured for violations of the Code of Judicial Conduct in accordance with the conditions set forth in the Recommendation and the Amended Stipulated Resolution, which are attached hereto.

DATED this 9th day of December 2010.

Rachelle M Resnick
Rachelle M. Resnick
Clerk of the Court

TO:
Mark Harrison and Kathleen O'Meara, Counsel for the Respondent
Jennifer Perkins, Disciplinary Counsel, Commission on Judicial Conduct
E. Keith Stott, Jr., Executive Director, Commission on Judicial Conduct
Barbara Wanlass, Clerk of the Commission on Judicial Conduct
Jode Ottman, West Publishing Company, Editorial Department, D3-40 #4467
Lexis-Nexis
chj

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FILED

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ARIZONA COMMISSION ON
JUDICIAL CONDUCT

STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT

Inquiry concerning Judge)	
)	Supreme Court No. JC-10-003
CARMINE CORNELIO)	
Superior Court)	Commission Case No. 10-131
Pima County)	
State of Arizona)	RECOMMENDATION
)	
Respondent)	

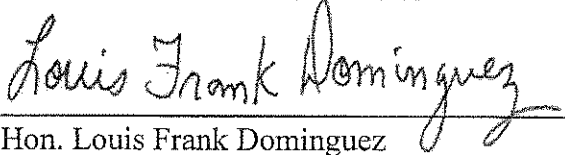
On September 16, 2010, the Commission on Judicial Conduct (“Commission”) filed a Statement of Charges against Pima County Superior Court Judge Carmine Cornelio (“Respondent”) following a finding of reasonable cause by a three-member investigative panel assigned to oversee the investigation in this case. Simultaneously, the Commission chairperson appointed an eight-member hearing panel to hear and take evidence in the case and designated the undersigned as the presiding member of the panel.

On September 17, 2010, Counsel for Respondent and Disciplinary Counsel submitted a Stipulated Resolution (“Resolution”) to the hearing panel in which Respondent agreed to accept a public censure for misconduct in office. On October 8, 2010, the hearing panel met telephonically to discuss the terms of the stipulation and unanimously voted to reject it in the form presented. The hearing panel subsequently voted to accept the stipulation with amendments specified in the minute entry dated October 20, 2010.

On November 4, 2010, Counsel for Respondent and Disciplinary Counsel submitted an Amended Stipulated Resolution, which the undersigned presiding member reviewed and accepted on behalf of the hearing panel in an order dated November 12, 2010. As part of the Stipulated Resolution, the Respondent waived his right to appeal and all other procedural rights set forth in Rule 29 of the Rules of the Commission on Judicial Conduct. All of the conditions in the Stipulated Resolution having been met, the hearing panel now recommends to the Arizona Supreme Court that the Respondent be censured for misconduct in office.

RESPECTFULLY SUBMITTED this 12th day of November 2010.

FOR THE HEARING PANEL



Hon. Louis Frank Dominguez
Presiding Member

Copies of this pleading were delivered and mailed this 12th day of November 2010 to:

Mark Harrison
Kathleen Brody O'Meara
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Jennifer Perkins
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By: 
Clerk of the Commission

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ARIZONA COMMISSION ON
JUDICIAL CONDUCT

**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning)	
)	
Judge Carmine Cornelio)	Case No. 10-131
Superior Court)	
Pima County)	AMENDED
State of Arizona)	STIPULATED RESOLUTION
Respondent.)	

COME NOW Judge Carmine Cornelio, Respondent, through his attorneys, Mark I. Harrison and Kathleen O'Meara, and Jennifer Perkins, Disciplinary Counsel for the Commission on Judicial Conduct (Commission), and hereby submit the following proposed resolution of this case pursuant to Rule 30 of the Commission Rules.

JURISDICTION

1. The Commission has jurisdiction over these matters pursuant to Article 6.1 of the Arizona Constitution.
2. Respondent has served as a superior court judge in Pima County since May 2002 and was serving in this capacity at all times relevant to the allegations contained herein.

3. As a superior court judge, Respondent is and has been subject to the Code of Judicial Conduct (Code) as set forth in Supreme Court Rule 81.

BACKGROUND

4. On September 17, 2010, Disciplinary Counsel filed a formal Statement of Charges against Respondent after an investigative panel found reasonable cause to commence formal proceedings. The Statement of Charges is hereby incorporated into this stipulated agreement in its entirety.

MUTUAL CONSIDERATION

5. Respondent admits the facts contained in the Factual Background of the Statement of Charges. He further concedes that these facts support the charges of judicial misconduct delineated in the Statement of Charges.

6. As explanation for his behavior, Respondent suggests that his misconduct occurred in part because he conducted a settlement conference involving an attorney who is a close friend and that their familiarity encouraged Respondent to engage in casual conduct and frank language typically reserved for such friends. Nonetheless, Respondent acknowledges that in future situations involving individuals he knows outside of the courtroom he will be more mindful of his demeanor and will refrain from undignified and discourteous language in any context that could bring the judiciary into disrepute.

7. The parties agree that Respondent has served as the presiding judge for Pima County's alternative dispute resolution program and, in that capacity, has aided in the settlement of many cases. Respondent presides over approximately 70-80 settlement conferences per year,

and is considered by his colleagues to be uniquely effective in settlement conferences. The Pima County Bar Association gave Respondent an award in June 2010 for his “extraordinary service to the bench and bar” through his efforts in settlement conferences.

AGREED UPON SANCTION

8. The parties agree that Respondent’s misconduct in the underlying case warrants a sanction. Because Respondent previously received an informal reprimand for similar conduct, the parties agree that the appropriate sanction for this matter is a formal censure.

OTHER TERMS AND CONDITIONS

9. This agreement, if accepted by the hearing panel, fully resolves all issues raised in the Statement of Charges and may be used as evidence in later proceedings in accordance with the Commission’s Rules. If the hearing panel does not accept this agreement as a full resolution, then the admissions made by Respondent are withdrawn, and the matter will be set for hearing without use of this agreement.

10. Respondent waives his right to file a Response to the Statement of Charges, pursuant to Commission Rule 25(a).

11. Pursuant to Commission Rule 28(a), both parties waive their right to appeal the charges at issue in this matter, including the appeal procedures set out in Commission Rule 29.


12. Both parties agree not to make any statements to the press that are contrary to the terms of this agreement.

13. Both parties will pay their own costs and attorneys’ fees associated with this case.

14. Respondent clearly understands the terms and conditions of this agreement, has reviewed it with his attorneys, and fully agrees with its terms.

15. This agreement constitutes the complete understanding between the parties.

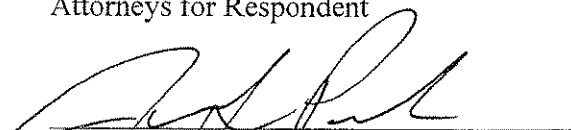
SUBMITTED this 5th day of November, 2010.



Mark I. Harrison
Kathleen O'Meara
Attorneys for Respondent

11/4/10

Date Signed



Jennifer Perkins, Disciplinary Counsel
Commission on Judicial Conduct

11/4/10

Date Signed