



# Judicial Watch

*Because no one is above the law!*

**VIA E-MAIL (RMcGregor@courts.az.gov)**  
**AND U.S. MAIL**

November 7, 2008

The Honorable Ruth V. McGregor  
Chief Justice  
Arizona Supreme Court  
1501 West Washington Street  
Suite 432  
Phoenix, Arizona 85007-3231

**Re: Use of Certain “Derogatory Terms” In Court Documents**

Dear Chief Justice McGregor:

This letter is in response to a telephone call from the spokesperson of Arizona Supreme Court, Cari Gerchick, to our office. Ms. Gerchick stated that she believed a recent blog entry on the Judicial Watch website was untrue and even “slanderous.” For the reasons explained herein, we believe these concerns are unfounded.

The item of concern to Ms. Gerchick relates to recent correspondence between you and the Los Abogados Hispanic Bar Association. The blog entry summarizes the September 12, 2008 letter from the bar association asking your assistance in preventing the use of certain “inflammatory immigration-related terms” in court documents because they allegedly create perceptions of judicial bias. The entry further recounts the bar association’s view that attaching “illegal” status to a person establishes a brand of contemptibility and creates the appearance of anti-immigrant prejudice. The bar association’s letter then criticizes your Court for certain word choices in recent opinions. The bar association’s letter is accompanied by a list of “immigration terms” it considers acceptable and unacceptable. As recited in the blog entry, the list of “unacceptable” words includes “illegal aliens” and other terms such as “immigration crisis,” “immigration epidemic,” and “open border advocates.” The blog entry then states that

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you agreed to “ban” the use of these terms and provides a link to copies of both the bar association’s letter and your October 2, 2008 response letter.

We have reviewed your letter to the bar association in light of your spokesperson’s contention that the letter does not state that usage of the terms to which the bar association objected has been banned. Your letter, however, does characterize the terms at issue as “derogatory” and states that you have taken several steps to address the issue. You appear to have notified all judges in the Arizona court system of the bar association’s complaint and request to “refrain” from using such “derogatory terms” in court documents and proceedings. The letter then recites your request that the Commission on Minorities in the Judiciary determine whether further distribution would be “helpful.”

We believe your letter clearly implies that you agree with the bar association’s view that use of the terms at issue is inappropriate and that you have acted on its request that they not be used. In addition, by using your position as Chief Justice to disseminate the letter throughout the Arizona court system, we believe that recipients would fairly interpret your letter as an instruction to refrain from usage of the terms the bar association considers unacceptable.

We are surprised and disappointed that your spokesperson would describe Judicial Watch’s blog entry as “slanderous,” thereby implicitly threatening some form of legal action by the Court against Judicial Watch on account of this blog entry. As you may know, Judicial Watch is an educational organization that seeks to promote transparency, integrity, and accountability in government and fidelity to the rule of law. We believe that our blog entry more than fairly represents the correspondence between you and the bar association and does nothing more than inform the public of an extraordinary request by members of the bar to censor the word choice of the Arizona courts – a request to which you appear to have acceded.

If the Court would like to clarify its position regarding any of the above or has additional concerns regarding this matter, please do not hesitate to contact me.

Sincerely,



Paul J. Orfanedes  
Director of Litigation