

Commission on Judicial Conduct  
1501 W. Washington St., Suite 229  
Phoenix, Arizona 85007  
Telephone: (602) 452-3200

**FILED**

**MAY 20 2008**

ARIZONA COMMISSION ON  
JUDICIAL CONDUCT

**STATE OF ARIZONA**

**COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning Judge,	)	
	)	
<b>CARLOS A. MENDOZA</b>	)	Case No. 06-094, et seq.
Justice of the Peace	)	
Maricopa County	)	<b>ORDER</b>
State of Arizona	)	
	)	
Respondent	)	
	)	

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On May 20, 2008, counsel for Respondent and disciplinary counsel filed an Amended Stipulation with the Commission on Judicial Conduct containing all of the provisions requested by the hearing panel during previous negotiations in this case. A copy of the stipulation is attached hereto and incorporated by this reference. Now, therefore,

**IT IS ORDERED** that the Amended Stipulation is accepted as the final resolution of this case and that the formal judicial disciplinary proceedings against the Respondent will be concluded on the date he submits his resignation to the Chief Justice of the Arizona supreme Court and the Board of Supervisors.

**IT IS FURTHER ORDERED** that the hearing set for May 28, 2008, is vacated.

**DATED** this 20th day of May 2008.

**HEARING PANEL**



---

Hon. Robert M. Brutinel  
Presiding Member

Copy sent via U.S. mail and e-mail  
transmission on May 20, 2008, to:

Richard L. Strohm, P.C.  
Counsel for the Respondent

Linda Haynes  
Disciplinary Counsel

by: *Barbara Wanders*  
Clerk of the Commission

Linda Haynes  
Disciplinary Counsel (Bar #12178)  
Commission on Judicial Conduct  
1501 West Washington Street, Suite 229  
Phoenix, Arizona 85007  
Telephone: 602-452-3200

**FILED**

**MAY 20 2008**

ARIZONA COMMISSION ON  
JUDICIAL CONDUCT

**STATE OF ARIZONA  
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning Judge )  
 )  
 **CARLOS A. MENDOZA** ) Case No. 06-094, et seq.  
 Downtown Justice Court )  
 Maricopa County ) **AMENDED STIPULATION**  
 State of Arizona )  
 Respondent )

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COME NOW Judge Carlos A. Mendoza, Respondent, through his attorney, Richard L. Strohm, and Linda Haynes, 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 AND BACKGROUND**

1. The Commission has jurisdiction pursuant to Article 6.1 of the Arizona Constitution.
2. Respondent has served as a justice of the peace in the Downtown Justice Court since January 2, 2003, and has been serving in this capacity at all times relevant.

3. As justice of the peace for the Downtown Justice Court, Respondent annually deals with thousands of criminal and civil cases, and hears over a hundred emergency orders of protection and injunctions against harassment each year in his court.

Respondent states he has no cases on his docket that are over 60 days old, of which he is aware, and no DUI cases over 180 days old, with the possible exception of cases with open warrants, if any, which cases are out of his control, which conforms to the guidelines suggested by The Arizona Supreme Court.

4. As a justice of the peace, Respondent is and has been subject to the Code of Judicial Conduct (Code) as set forth in Supreme Court Rule 81.

5. On February 15, 2008, Disciplinary Counsel filed a formal Statement of Charges against Respondent after a duly appointed investigative panel found reasonable cause to commence formal proceedings.

6. On March 4, 2008, Respondent timely filed a Response denying all formal charges.

7. Respondent wishes the Commission to know that, while sitting as justice of the peace he has received Certificates of Recognition from the Governor's Office of Highway Safety; television network Telemundo; Phoenix Herrera Elementary School (PESD); Court Eyes; Arizona Foundation for Legal Services and Education; Maricopa County Juvenile Probation Department in connection with his work as a justice of the peace.

8. Respondent further wishes the Commission to know that he has been the subject of numerous favorable news articles which indicate that Judge Mendoza has been particularly sensitive to the special needs of Spanish speaking members of the community.

9. On November 16, 2006, over three months prior to the initiation of the present proceedings, Respondent sustained, and continues to suffer from, a severe medical condition that prevents him from actively carrying out his duties as a justice of the peace. Since November 16, 2006, he has been unable to resume his full time duties and has been unable to work consistently since his injury of November 16, 2006. This medical injury also has severely limited Respondent in his ability to cooperate with counsel in preparing for the hearing in this matter.

#### **MUTUAL CONSIDERATION**

10. In exchange for Respondent taking a voluntary retirement for medical reasons, effective August 31, 2008, Disciplinary Counsel hereby withdraws all the allegations in the complaint and further agrees to dismiss without prejudice pending cases 07-291, 07-170, and 07-226.

11. This stipulation does not prohibit Respondent from sitting as a judge or hearing officer pro tem, if his medical condition so allows for such in the future.

13. This agreement, if accepted by the hearing panel, fully resolves all issues raised in the Statement of Charges and may be used in accordance with the Commission's Rules. If the hearing panel does not accept this agreement as a full resolution, the matter will be set for hearing without use of this agreement.

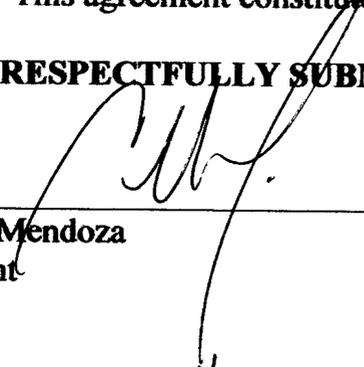
14. Pursuant to Commission Rule 28(a), both parties waive their right to appeal the charges at issue in this matter, including the appeal procedures set out in Commission Rule 29.

15. Both parties will bear their own costs and attorneys' fees associated with this case.

16. Respondent has read and understands the terms and conditions of this agreement and fully agrees with its terms.

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

**RESPECTFULLY SUBMITTED** this 20th day of May, 2008.

  
\_\_\_\_\_  
Carlos A. Mendoza  
Respondent

5-19-08  
Date Signed

 462V  
\_\_\_\_\_  
Richard L. Strohm  
Attorney for Respondent

May 19, 2008  
Date Signed

  
\_\_\_\_\_  
Linda Haynes, Disciplinary Counsel  
Commission on Judicial Conduct

5-19-08  
Date Signed



DOWNTOWN JUSTICE COURT  
620 WEST JACKSON  
PHOENIX, AZ 85003

**FILED**

**JUN 20 2008**

ARIZONA COMMISSION ON  
JUDICIAL CONDUCT

CARLOS A. MENDOZA  
Justice of the Peace

JOHN L. POWERS  
Constable

June 20, 2008

Hon. Ruth V. McGregor, Chief Justice  
Arizona Supreme Court  
1501 West Washington, Room 432  
Phoenix, Arizona 85007-3327

*By Hand Delivery*

Mr. Andy Kunasek, Chairman  
Maricopa County Board of Supervisors  
301 West Jefferson  
Phoenix, Arizona 85003

***Re: Resignation Carlos A. Mendoza, Justice of the Peace***

Dear Chief McGregor and Chairman Kunasek:

Pursuant to the Amended Stipulation filed with the Commission on Judicial Conduct ("Commission") on May 20, 2008, and solely for medical reasons, I hereby resign from the bench, effective August 31, 2008.

On November 16, 2006, over three months prior to being contacted by the Commission, I suffered a serious back injury from a fall sustained while carrying out my duties as judge and in the course and scope of my duties as a duly elected Justice of the Peace. As you know, since that time my condition has worsened, such that I am continuing to treat with several physicians, under medication and restricted from carrying out my duties as a duly elected Justice of the Peace. I have been on limited work status because of my physician's strict orders, for over a year. The necessary medications as well as the inherent limitations of my serious back and neck injuries have prevented me from performing my duties with the same vigor that I had when I took the bench on January 2, 2003.

I have served my constituents with pride, enthusiasm and fairness. But because of my physical limitations I can no longer provide the kind excellence and fairness I have a reputation for providing as a sitting judge for the Downtown Justice Court. As you know, my record for resolving cases speedily with fairness to all is exceptional, as is my record for timely

McGregor/Kunasek  
June 20, 2008  
Page 2

adjudicating cases on the docket. I have consistently met or exceeded the Arizona Supreme Court guidelines for processing cases assigned to me.

For example, there are no cases on my docket of which I am aware, that are over 60 days old, and no DUI cases over 180 days old, excepting cases in which the defendants are unavailable and warrants have been issued for them.

As Justice of the Peace for the Downtown Justice Court, I have typically handled thousands of criminal and civil cases each year. I have successfully resolved hundreds of orders of protection and injunctions prohibiting harassment thus protecting the lives, health and valuable property of my constituents. The community has respected my work and I am proud to have received many commendations and awards.

For example, The Governor's Office of Highway Safety commended my innovative approach in removing DUI offenders from the general public. Similarly, Maricopa County Juvenile Probation Department has commended my efficiency in dealing with juvenile offenders in a way that balances the interest of the young offender and the community. "Court Eyes," a citizen's watchdog group, has provided me with a certificate of recognition after observing the stellar workings of my court and my commitment to fairness.

I have successfully demonstrated by personal example to Hispanic youth that Americans who come from diverse backgrounds, and who are willing to work hard, educate themselves and refrain from complaining will succeed in our great country. Because of my example, I have been the subject of many favorable articles and news stories in the mainstream and Hispanic press, including Univision and Telemundo.

I have been especially sensitive to the needs of all my constituents and litigants who appear in my courtroom. My biggest disappointment as a sitting judge was experiencing the divisive effects of the passage of various laws that create a chilling effect for my Spanish speaking constituents who are fearful of exercising their rights. I have prided myself on making the justice system understandable and user friendly. Those of Hispanic heritage could always expect fair treatment in my court---I have never used my position as a robed judge to polarize our diverse community. If I were physically able I would continue to be a source of strength and example for those right thinking Hispanic citizens who deserve to be treated equally with all other American citizens.

I am stepping down because my health requires that I do so. I can no longer do the important work my constituents expect and deserve. I wish to make clear that the allegations of Commission counsel in Case 06-094 have nothing to do with my decision. The timing is unfortunate, but any fair minded person, interested in the truth who researches the record will see that the ill effects of my injury began months before Commission counsel made her allegations. I cannot be expected to ignore my health and continue to battle the meritless allegations of Commission counsel, while also simultaneously dealing with uncooperative and often petty administrative staff and small minded colleagues who continually undermine me for their own gratification.

In addition, I wish for the record to reflect as shown in the Amended Stipulation, Paragraph 6, that I have denied the three allegations that have been made, and that I have fought these charges in order to show how baseless and down right petty they are. The first charge that I failed to disclose all my financial holdings is without merit. As we have shown, during the period in question I was going through a contentious divorce. My wife and I had numerous interests in property and companies that in turn held partial ownership of various properties. I explained this to the Board of Supervisors clerk when I filed my papers and was told to "do the best" I could, which I did. The properties I did not disclose belonged to or were managed by my wife by court order. I specifically stated in the papers that I would amend them when the property settlement was complete and final.

The next charge is based on the personal vendetta of Israel Correa, a convicted criminal who has harassed me and my family for many years and against whom I have been awarded many injunctions against harassment, after hearings in which his credibility was completely rejected by the trier of fact. The Commission Counsel assumed that Mr. Correa was telling the truth when he told officers in my court that he did nothing to antagonize or harass me. But in fact he made obscene and threatening gestures, which, given his pattern of abusive harassment against me, concerned me a great deal. I reported his conduct to security, and officers elected to ask him to leave the courthouse. It should also be noted that this is the same man who staged a phony home invasion and claimed I did it before his accomplice admitted it was all a hoax perpetrated to get the police to come to my home and embarrass me in front of my family. Ultimately I received an apology from the City Council. This is the same Israel Correa who gave false information to Maricopa County Sheriff's Office and so outraged Sheriff Arpaio that he called a press conference to warn the public about him. There is nothing to the Commission allegation.

Finally, the last allegation involves a dispute between me and another sitting Justice of the Peace over fees earned from performing civil wedding ceremonies. All Justices of the Peace have the authority to perform weddings and have input as to the assignment of random weddings. However, during my six years on the bench I was repeatedly passed over and prevented from having any input into wedding assignments. I was not given the same opportunity to perform wedding services as all of the other Justices of the Peace. In fact, on one occasion I was confronted in my courtroom, in full view of those citizens present, grabbed by the back of the neck by another judge, who was in his robe and who physically forced me out of my courtroom and demanded that I pay him fees I had legitimately earned for weddings I had performed that day. When I refused, he threatened me. I intended to report this unprofessional and criminal conduct to the Arizona Judicial Commission and the police. When I spoke with the presiding and associate presiding judges about the matter, I was told not to report it, but that it would be handled internally by the "Standards Committee." I regret that I followed their advice. It should be noted that we have settled our differences with the help of a mediator, provided by the presiding judge.

The "Standards Committee" is an unsanctioned *ad hoc* committee of like minded Justices of the Peace who use their collective power to the prejudice of other judges whom they target. Unfortunately, I was such a target. The Arizona Supreme Court, which supervises lower courts, ought to investigate the partisan use of this "Standards Committee" because it is nothing more than a Star Chamber; it subverts the power and authority of the Arizona Judicial Commission, as well as the Arizona Supreme Court.

I want there to be no mistake. I am an excellent, fair minded judge who is highly regarded. The allegations pending against me will be dismissed by the Amended Stipulation that has been filed with the Commission. These allegations would have been shown to be baseless, had we gone to hearing.

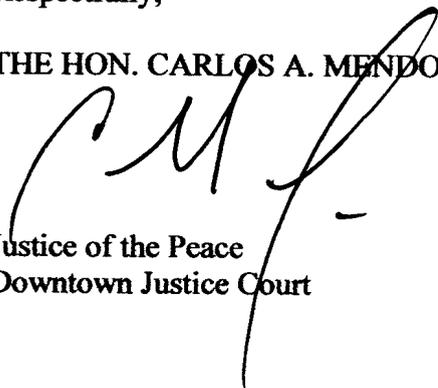
As counsel for the Commission will confirm, these are not the kind of "offenses" that cause a sitting judge to be removed from office. I am leaving entirely of my own accord for medical cause that predates the commission's charges. I would have preferred, had my health been better, to proceed to hearing.

McGregor/Kunasek  
June 20, 2008  
Page 5

In closing, I would like to remind you that Paragraph 11 of the Amended Stipulation "does not prohibit Respondent from sitting as a judge or hearing officer pro tem, if his medical condition so allows in the future." This is clear indication that I have been vindicated concerning the meritless allegations brought by Commission counsel. I regretfully must leave the bench because I physically cannot do the work, at this time, and I can no longer afford to further compromise my health trying to do important work in an environment that has become unproductive, toxic and personally very challenging. Thank you.

Respectfully,

THE HON. CARLOS A. MENDOZA

  
Justice of the Peace  
Downtown Justice Court

6-20-8

CAM: mot  
cc:

Richard L. Strohm, Esq.  
Linda Haynes, Esq., Counsel,  
Arizona Commission on Judicial Conduct

1 Richard L. Strohm, Arizona Bar 04622  
2 LAW OFFICES OF RICHARD L. STROHM, PC  
3 8121 East Indian Bend Road, Suite 128  
4 Scottsdale, Arizona 85250  
5 Email: [rlslaw@att.net](mailto:rlslaw@att.net)  
6 Telephone: 480.889.3518  
7 Facsimile: 480.889.3521  
8 *Attorneys for: The Hon. Carlos A. Mendoza*

**FILED**

**MAR 04 2008**

ARIZONA COMMISSION ON  
JUDICIAL CONDUCT

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10  
11 **STATE OF ARIZONA**  
12 **COMMISSION ON JUDICIAL CONDUCT**  
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14 Inquiry concerning Judge

Case No. 06-094, et.seq.

15 **CARLOS A. MENDOZA**  
16 Downtown Justice Court  
17 Maricopa County  
18 State of Arizona

**RESPONSE TO CHARGES**

19 Respondent.

- 20
- 21 1. Jurisdiction and venue are admitted. Each allegation not specifically  
22 admitted herein is denied.
  - 23 2. Respondent admits the allegations contained in Paragraphs 1, 2, 3, 4,  
24 15, 16, 19, 24, 25, 26 and 27 of Statement of Charges.
  - 25 3. Respondent is without information or facts sufficient to form a belief  
26 as to the truth of the allegations set forth in Paragraphs 5, 20, 21 and 28 of Statement of  
27 Charges, and therefore denies same.
  - 28 4. Respondent admits the allegations contained in Paragraph 6 of  
Statement of Charges that A.R.S. § 38-542 governs financial disclosures, requires verified  
disclosure of property ownership and that Respondent in fact complied with the law and

1 filed disclosures. Respondent denies each and every other allegation contained in  
2 Paragraph 6 of Statement of Charges not specifically admitted herein.

3           5. Respondent admits the allegations contained in Paragraph 7 of  
4 Statement of Charges that Respondent and his former marital community maintained  
5 interests in real property in the State of Arizona, and that Respondent divorced in  
6 September, 2007, but denies each and every other allegation contained in Paragraph 7 of  
7 Statement of Charges, not specifically admitted herein.

8           6. Respondent admits the allegations contained in Paragraph 8, 9, 10,  
9 11, 12, 13 and 14 of Statement of Charges that Respondent filed timely financial  
10 disclosure statements for the years 2002, 2003, 2004, 2005, 2006 and 2007 but denies  
11 each and every other allegation contained in Paragraphs 8, 9, 10, 11, 12, 13 and 14 of  
12 Statement of Charges, not specifically admitted herein.

13           7. Respondent denies each and every allegation contained in  
14 Paragraphs 17, 18, 23, 29, 30, 31, 33 and 34 of Statement of Charges.

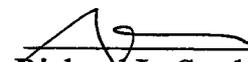
15           8. Respondent admits the allegations contained in Paragraph 22 that he  
16 had obtained a valid injunction against harassment against a citizen, but denies each and  
17 every other allegation contained in Paragraph 22 of Statement of Charges, not specifically  
18 admitted herein.

19           9. Respondent admits the allegation contained Paragraph 32 that his  
20 court is located in a shared court facility with other justice courts, but denies each and  
21 every other allegation contained in Paragraph 32 of Statement of Charges, not specifically  
22 admitted herein.

23           WHEREFORE, Respondent, The Hon. Carlos A. Mendoza having fully responded  
24 to the Commission's Statement of Charges, respectfully requests a full and complete  
25 hearing under the Rules, and that the Statement of Charges be dismissed, that the  
26 Commission grant such other relief as is appropriate.  
27  
28

1 RESPECTFULLY SUBMITTED this 3d day of March, 2008.

2  
3 LAW OFFICE OF RICHARD L. STROHM, P.C

4  
5  
6  4622  
Richard L. Strohm

7 8121 East Indian Bend Road, Suite 128

8 Scottsdale, Arizona 85250

9 *Attorney for Respondent, the Hon. Carlos A. Mendoza*

10  
11 ORIGINAL of the foregoing filed  
12 this 3d day of March, 2008  
13 with Clerk, COMMISSION ON JUDICIAL CONDUCT  
14 1501 West Washington Street, Suite 229  
Phoenix, Arizona 85007

15 Copy Hand delivered  
16 This 3d day of March, 2008 to:

17 Linda Haynes, Esq.  
18 Disciplinary Counsel  
19 COMMISSION ON JUDICIAL CONDUCT  
20 1501 West Washington Street, Suite 229  
Phoenix, Arizona 85007  
21 *Disciplinary Counsel*

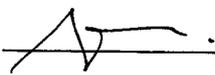
22 Copies mailed  
23 This 3d day of March, 2008 to:

24 Dennis I Wilenchik, Esq.  
25 Kathleen E. Rapp, Esq.  
26 WILENCHECK & BARTNESS  
27 The Wilenchik and Bartness Building  
28 2810 North Third Street  
Phoenix, AZ 85004

And to:

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Daniel Inserra, Esq.  
ATTORNEY AT LAW  
P.O. Box 2976  
Carefree, AZ 85377

  
\_\_\_\_\_

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**FILED**

**FEB 15 2008**

**ARIZONA COMMISSION ON  
JUDICIAL CONDUCT**

**STATE OF ARIZONA  
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning Judge	)	
	)	
<b>CARLOS A. MENDOZA</b>	)	Case No. 06-094, et seq.
Downtown Justice Court	)	
Maricopa County	)	<b>STATEMENT OF CHARGES</b>
State of Arizona	)	
Respondent	)	
	)	

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An investigative panel composed of three members of the Commission on Judicial Conduct (Commission) has determined that there is reasonable cause to commence formal proceedings against the Respondent, Carlos A. Mendoza, for misconduct in office. This statement of charges sets forth the jurisdiction of the Commission and specifies the nature of the alleged misconduct.

**JURISDICTION**

1. The Commission has jurisdiction of this matter pursuant to Article 6.1, § 4 of the Arizona Constitution.
2. This Statement of Charges is filed pursuant to Rule 24(a) of the Rules of the Commission on Judicial Conduct (Commission Rules).

3. Respondent has served as a justice of the peace in the Downtown Justice Court since January 2, 2003, and was serving in these capacities at all times relevant to the allegations contained herein.

4. As a justice of the peace, Respondent is and has been subject to the Code of Judicial Conduct (Code) as set forth in Supreme Court Rule 81.

5. Closed files pertaining to discipline of Respondent may be referred to and used by the Commission or by Respondent for the purpose of determining the severity of the sanction, a pattern of misconduct, or exoneration of the Judge. Commission Rule 22(e). Respondent knows of the existence of each file that might be used in determining the severity of the sanction.

**COUNT I  
FAILURE TO UPHOLD THE  
INTEGRITY OF THE JUDICIARY**

**A. Respondent Filed False Financial Statements.**

6. Pursuant to A.R.S. §38-542, justices of the peace are required to file financial disclosure statements with the Secretary of State as candidates for judicial office. [Disclosure Statement, Attachment 1]. If elected, justices of the peace must file annual reports with the county board of supervisors. (See A.R.S. §38-545 and Attorney General Opinion R78-9.) The financial reports must include all Arizona real property owned by the judge or a member of the judge's household, exclusive of his or her private residence. The reports must also include all Arizona real property owned by a judge's business. The reports must be verified

by the submitting judicial officer. Although the Respondent has filed financial reports each year, his reports have been incomplete as to the number of properties disclosed. Attachment 2 to this document lists the properties disclosed by Respondent, as well as several additional Arizona properties owned by Respondent during his tenure on the bench.

7. Respondent and his ex-wife, during their marriage, owned various corporations which held title to properties in Arizona, including Commercial Diversified Services, Casa Mendoza, De la Renta, and Los Amigos Management, as well as properties held in their own names. Respondent was divorced on September 10, 2007 and transferred his award of various Arizona properties into Ditat Deus, a limited liability corporation.

8. On June 12, 2002, Respondent timely filed an initial financial disclosure statement with the Secretary of State and disclosed ownership of 14 Arizona properties. In fact, Respondent owned, either alone, with his wife, or through a corporation, 18 additional Arizona properties.

9. On January 29, 2004, Respondent timely filed a 2003 financial disclosure statement with Maricopa County and listed ownership of eight Arizona properties. In fact, Respondent either alone, with his wife, or through a corporation, owned 17 additional Arizona properties.

10. On January 31, 2005, Respondent timely filed a 2004 financial disclosure statement with Maricopa County and disclosed ownership of three Arizona properties. In fact, Respondent owned, either alone, with his wife, or through a corporation, an additional 20 Arizona properties.

11. On January 30, 2006, Respondent timely filed a 2005 financial disclosure statement with Maricopa County and disclosed ownership of three Arizona properties.

12. On or about January 30, 2006, after Respondent was notified that the Commission on Judicial Conduct had requested copies of Respondent's financial disclosure statements, Respondent filed an amended statement listing four additional Arizona properties. In fact, Respondent, either alone, with his wife, or through a corporation, owned 17 additional Arizona properties.

13. On January 31, 2007, Respondent timely filed a 2006 financial disclosure statement with Maricopa County and disclosed that the properties he owned were, "Same as last year's report," (which, as amended, listed seven properties) and added one property, for a total of eight Arizona properties. In fact, Respondent, either alone, with his wife, or through a corporation owned 16 additional Arizona properties.

14. On January 31, 2008, Respondent timely filed a 2007 financial disclosure statement with Maricopa County and listed no real property. In fact, Respondent, either alone, or through the corporation Ditat Deus, owns 17 additional Arizona properties.

15. In the verification section of the 2006 financial statement Respondent crossed out the words swearing that his verification was "in all things true and correct, and fully [complete] . . . ," substituting the words, "Based upon all information available to me at this time and upon information and belief the attached information is accurate to the best of my knowledge. Subject to amendment."

16. In the verification section of the 2007 financial statement Respondent added the words “to the best of my knowledge with information known to me at this time. Subject to amendment,” prior to signing the document.

17. By filing grossly inaccurate financial statements for six years, Respondent did not comply with A.R.S. §38-542., et. seq. This conduct also violated Canon 1, which requires a judge to maintain high standards of conduct, Canon 2A, which requires a judge to comply with the law, Canon 3C(1), which requires that judge “diligently discharge” his or her administrative responsibilities, and constitutes conduct prejudicial to the administration of justice that brings the judicial office into disrepute within the meaning of Article 6.1, § 4 of the Arizona Constitution.

18. By altering the affidavit language and changing its meaning on the 2006 and 2007 financial disclosure statements, Respondent did not comply with A.R.S. §38-544(A) which states that any public officer who “knowingly fails to file or who knowingly files an incomplete or falsified financial disclosure statement is guilty of a class 1 misdemeanor.” This conduct also violates Canon 2A, which requires a judge to comply with the law, Canon 3C(1), which requires that judge “diligently discharge” his or her administrative responsibilities, and constitutes conduct prejudicial to the administration of justice that brings the judicial office into disrepute within the meaning of Article 6.1, § 4 of the Arizona Constitution.

## **B. Respondent Gave False Testimony under Oath**

19. On May 26, 2006, Respondent obtained a valid injunction against harassment against a citizen. Respondent had obtained valid injunctions against the same citizen in the previous two years. The injunction expired on May 26, 2007.

20. On May 31, 2007, the citizen went to the downtown justice center, which is a central area comprised of five justice courts, including Respondent's court, in order to file paperwork with another precinct.

21. Upon arrival, the citizen contacted court security and explained that he was there only to file the paperwork, and explained he did not intend to have any contact with Respondent.

22. After a few minutes, Respondent came out into the public area from a door near his counter space, then withdrew and called security. Respondent informed security that he had a valid injunction against harassment against the citizen and ordered that the citizen be removed from the court building. Respondent did not provide a copy of the injunction to the security officers.

23. In reporting the citizen's conduct to security on the day of the incident, Respondent never mentioned gang signs or obscene gestures.

24. On June 8, 2007, the citizen filed a petition for an injunction against harassment against Respondent.

25. On June 18, two weeks after the incident and after the citizen filed his petition, Respondent filed a petition for a new injunction against harassment and in his sworn petition

alleged that the citizen had gone to Respondent's workplace and "give sme [sic] hand signs and flips me off." In his oral avowal to the court, Respondent stated that the citizen "gave me some gang signs," and said, "at that time I did not know if I had an injunction in place or not."

26. On June 22, a hearing was held on Respondent's petition for the injunction against harassment, and Respondent stated under oath that the citizen was taunting the Respondent on May 31, and that the citizen had made sings "under the counter" and "flipped [him] off."

27. On July 30, 2007, in a response to the allegations provided to the Commission on Judicial Conduct, Respondent stated that on May 31, the citizen was "flashing some kind of hand signals," making "several obscene hand gestures," and that the citizen refused to leave the courthouse after being asked to leave.

28. Security officers who were watching the citizen as he waited in line saw no evidence of any gang signs or improper hand movements. The Security Sergeant stated the citizen was calm and cooperative and left the courthouse when asked to do so.

29. By filing a petition for a sworn injunction against harassment that included false information regarding the citizen making gang signs or obscene gestures, Respondent violated Canon 2A, which mandates that a judge comply with the law.

30. By testifying in Superior Court, under oath, that the citizen had made an obscene gesture, Respondent gave false testimony in violation of §13-2702(A)(1). This conduct violated Canon 1, which mandates that a judge uphold the integrity of the judiciary, Canon

2A, which requires that a judge comply with the law, and constitutes conduct prejudicial to the administration of justice that brings the judicial office into disrepute within the meaning of Article 6.1, § 4 of the Arizona Constitution.

31. By filing false information with the commission that stated the citizen was making obscene gestures and that the citizen refused to leave the courthouse after being asked to go, Respondent violated Canon 1, which requires that a judge comply with the law, and constitutes conduct prejudicial to the administration of justice that brings the judicial office into disrepute within the meaning of Article 6.1, § 4 of the Arizona Constitution.

**COUNT II**  
**FAILURE TO MAINTAIN HIGH STANDARDS OF CONDUCT**

32. Respondent's court is located in a shared court facility with other justice courts. On June 20, 2007, Respondent arrived at the shared courthouse to perform weddings. Another judge had arrived prior to Respondent and the wedding parties were all assigned to the other judge's courtroom. When Respondent arrived, he ushered all of the couples into Respondent's courtroom and began handing out paperwork for the people to fill out.

33. After performing the first wedding, the other judge found the couples in Respondent's courtroom and asked Respondent to talk with him about the situation outside the presence of the wedding couples. The two judges spoke in chambers and Respondent accused the other judge of "stealing" all the weddings, telling him he was going to teach the other judge a lesson by doing them all. When the other judge objected, Respondent said, "Do you want to step out in the parking lot right now and we'll settle this man-to-man?"

34. By challenging another judge to a fist fight outside the courthouse, the judge violated Canon 1A, which requires that he enforce high standards of conduct and personally observe those standards. Additionally, offering to physically fight with another judge for “stealing” weddings is extraordinarily juvenile behavior that brings the judiciary into disrepute. This conduct also constitutes conduct prejudicial to the administration of justice that brings the judicial office into disrepute within the meaning of Article 6.1, § 4 of the Arizona Constitution.

### **CONCLUSION**

Rule 6 of the Commission Rules provides that grounds for discipline include “conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or a violation of the code.” Each of the charges alleged in this pleading constitute conduct prejudicial to the administration of justice that brings the judicial office into disrepute within the meaning of Rule 6, as well as Article 6.1 §4 of the Arizona Constitution. Additionally, each count violates Canon 1A, which requires that a judge maintain, enforce and personally observe high standards of conduct and uphold the integrity of the judiciary, and Canon 2A (“A judge shall . . . act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary”). Article 6.1 §4 of the Arizona Constitution provides that the Supreme Court may censure, suspend, or remove a judge for conduct that brings his judicial office into disrepute.

WHEREFORE, the Commission, upon conclusion of a hearing and a finding of good cause, may recommend to the Supreme Court that Respondent be publicly censured, suspended or removed from judicial office, and that the Court grant other relief as may be deemed appropriate.

Respectfully submitted this 15th day of February, 2008.

  
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Linda Haynes  
Disciplinary Counsel

ORIGINAL of this pleading filed  
this 15th day of February, 2008, with:

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Copy of this pleading served  
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