

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 08-327

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Complainant: No. 1199910569A

Judge: No. 1199910569B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge and commends the judge for taking prompt and correct action in this matter. When the morning calendar ended, the judge immediately contacted the sheriff's office to determine what had happened and then met with the court's presiding and associate presiding judges to ensure that the problem was appropriately resolved. Every effort was made to make sure that the problem would not recur. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: April 7, 2009.

FOR THE COMMISSION

    /s\ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on April 8, 2009.

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

COUNTY

December 22, 2008

DEC 22 2008

Mr. Keith Stott  
Executive Director  
Commission on Judicial Conduct  
1501 West Washington, Suite 229  
Phoenix, AZ 85007

Re: County Superior Court

The County hereby files this complaint concerning of the County Superior Court. The grounds for this complaint are 's violations of Canons 1, 2, and 3 of the Arizona Code of Judicial Conduct, as set forth below.

On December 16, 2008, notified the County prosecution and defense offices that she planned to limit access to her courtroom on December 17, 2008 because of the size of the calendar. indicated that only attorneys, defendants and victims would be allowed into the courtroom until space became available as matters were handled. See Exhibit 1.

On December 17, 2008, Sheriff's deputies were stationed by 's courtroom to control access. The deputies allowed attorneys into the courtroom without demanding proof that they were attorneys, with two exceptions: two female African-American attorneys, and , were singled out and required to show proof of their status as attorneys before they were allowed to enter or remain in the courtroom.<sup>1</sup> See Exhibits 2 - 4.

When Ms. came before the court to handle her matter, she made the following statement:

"Your Honor, real quickly before I get started, I just want to point out that myself and the other only African American attorney here, we were almost denied admission into the courtroom and then we were asked for our identification, I.D. No. 16 please."  
See Exhibit 7 at 10:51:30.

<sup>1</sup> It was later learned that a third African-American attorney, was also required to produce identification for the deputies to gain entry into the courtroom. See Exhibit 6. Another attorney, who is African-American but appears Caucasian, was admitted without being asked for identification. See Exhibit 5.

then called Ms. [redacted]'s case, completely ignoring [redacted]'s statement. There were a number of people in the courtroom at the time, including [redacted]; numerous other attorneys, clients, members of the public and the deputies who demanded identification from [redacted] and [redacted]. See Exhibit 4 and 6.

[redacted]'s utter lack of comment or action upon hearing of these blatant acts of racial discrimination was insulting and demeaning to the attorneys and sent a clear message to all present that she either did not believe what she had heard or she did not care. She implicitly condoned the actions of the deputies, who were present during [redacted]'s statement and [redacted]'s reaction. It is reasonable to assume that these deputies now feel that they have the authority of the court to engage in similar activity in the future.

Canon 3(B)(5) of the Code of Judicial Conduct provides that:

A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, *and shall not permit staff, court officials and others subject to the judge's direction and control to do so.* [Emphasis added.]

The deputies guarding the doors of [redacted]'s courtroom were there at her request and were subject to her direction and control. She therefore had a duty under Canon 3(B)(5) to prevent the deputies from manifesting prejudice in the performance of their duties. She failed to do so despite notice of the racial discrimination that was taking place.

Canon 1(A) of the Code of Judicial Conduct provides that:

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in *establishing, maintaining and enforcing* high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved. The provisions of this code are to be construed and applied to further that objective. [Emphasis added.]

Canon 2(A) of the Code of Judicial Conduct provides that:

A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

[redacted] was advised that staff members subject to her direction and control were engaging in racial discrimination at the doors of her courtroom, and she did nothing. She therefore failed in her duty to establish, maintain and enforce the high standards of conduct that are necessary to maintain the public's confidence that their courts are impartial. As the comments to Canon 1 note, "Deference to the judgments and rulings of courts depend upon public confidence in the integrity and independence of judges." [redacted]'s lack of concern and failure to act sent a clear

message to those present that the court condoned the racial discrimination of the deputies, bringing discredit to the court and undermining the public's confidence in it.

clearly violated the foregoing provisions of the Code of Judicial Conduct.  
We therefore ask that the Commission take appropriate action.

Sincerely,