

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 14-055

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Judge: Clancy Jayne

Complainant: Anonymous

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**ORDER**

Several anonymous complaints alleged that a justice of the peace engaged in improper conduct in soliciting sponsors for a radio show and engaging in other self-promotional activity.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After review, the commission found that there is not clear and convincing evidence of ethical misconduct and thus concluded that the judge did not violate the Code in this case. The commission approved sending the judge a warning letter regarding the judge's website and other self-promotional activity. Pursuant to a finding allowing for discretionary disclosure under Commission Rule 9(c), that warning letter is available to the public. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: August 22, 2014

FOR THE COMMISSION

/s/ Louis Frank Dominguez

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Hon. Louis Frank Dominguez  
Commission Chair

Copies of this order were mailed  
to the complainant and the judge  
on August 22, 2014

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

**Louis Frank Dominguez**  
Judicial Member  
Chair

**Lawrence F. Winthrop**  
Judicial Member  
Vice-chair

**Colleen E. Concannon**  
Public Member  
Secretary

**Gus Aragón**  
Judicial Member

**Roger D. Barton**  
Public Member

**Peter J. Eckerstrom**  
Judicial Member



**COMMISSION ON JUDICIAL  
CONDUCT**

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Attorney Member

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Public Member

**J. Tyrrell Taber**  
Attorney Member

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**George A. Riemer**  
Executive Director

August 22, 2014

**CONFIDENTIAL**

Hon. Clancy Jayne  
Desert Ridge Justice Court  
18380 N. 40th St., Ste. 130  
Phoenix, AZ 85032

Re: Case No.: 14-055

Dear Judge Jayne:

The Commission on Judicial Conduct reviewed the complaints filed against you, and as the enclosed order reflects, decided to dismiss the matter and send you a public warning letter pursuant to Commission Rules 9(c) and 16(a).

The members of the commission determined that clear and convincing evidence of a violation of the Code of Judicial Conduct that would warrant the imposition of a sanction does not exist at this stage. The commission is concerned, however, regarding several aspects of your conduct raised through this case.

First, your response to the Commission, dated June 10, 2014, unequivocally stated, "we will remove from the website any solicitation for new sponsors until such time as Western Justice is brought back to the airwaves." You also indicated that you will notify the Commission prior to restarting your Western Justice Show. Commission staff has received no such notification, and as of August 8, 2014, when the Commission considered this matter, you had not yet removed the solicitation as you promised two months prior. The Commission expects that you will comply with your promise no later than August 31, 2014, and remove solicitations for sponsorships from your website.

Second, your website contains an open invitation for any member of the public to contact you directly, and specifically states, "Ask Clancy Jayne Anything" on your contact page. An

open solicitation for communications implicates both Rules 1.2 and 2.9 of the Code of Judicial Conduct. Your invitation opens the door to solicitations for legal advice and improper *ex parte* communications. You are urged to either remove this broad-based invitation from your website or to clarify that you cannot answer legal questions or engage in *ex parte* communications concerning pending or impending cases that violate Rule 2.9 of the Code of Judicial Conduct.

The members are certainly aware that, as an elected judge, you are permitted to engage in promotional conduct as part of a campaign for reelection. At the same time, as a judge and judicial candidate, you are subject to the Code of Judicial Conduct. We encourage you to be mindful of your duty to maintain the integrity, impartiality, and independence of the judiciary in all that you do, including self-promotional campaign activity.

Your taking the above action is necessary to bring your judicial practice into conformity with ethical standards – which require not just the absence of actual unethical behavior but also avoiding the appearance of impropriety. Please note, however, that such action would also protect you against inadvertently ruling on cases which might, unbeknownst to you, involve parties who had previously contacted you, who had provided you campaign contributions or who had provided sponsorship to your Western Justice program. Most importantly, it would protect you against the appearance that you had invited current or future parties to attempt to so influence you. Thus, this warning is designed not only to protect the integrity of the state judiciary as a whole, but also to protect your own reputation as a justice of the peace.

This letter is intended to serve only as a warning against potential future misconduct. It does not constitute any type of sanction. The members nevertheless determined that this letter should be made public in light of your prior public discipline concerning your website (Cases No. 11-155 and 12-104) and improper *ex parte* communications (Cases No. 11-050 and 11-159).

Our file concerning this complaint is now closed.

Sincerely,

/s/ Louis Frank Dominguez

Louis Frank Dominguez  
Commission Chair

JP/kw  
Encl.

**CONFIDENTIAL**

State of Arizona  
Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

**FOR OFFICE USE ONLY**

2014 055

**COMPLAINT AGAINST A JUDGE**

**FEB 24 2014**

Name: ANONYMOUS Judge's Name: CLANCY JAWA

**Instructions:** Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

See ATTACHED

As someone who uses the Maricopa county Justice Courts, it is highly disturbing to see a Justice of the Peace regularly conduct an event that encourages the public to come in to contact with him outside of the courtroom. The attached email was "blasted" out to the public in an effort to encourage people to attend an event that gives them the opportunity to meet the judge, as well as **"developing friendships that will last long after the meals are gone"**. This is a direct quote from the actual email promotional piece. It gives the clear impression that the public can come to get to personally know the judge, thereby fostering the idea that ex-parte discussions might be possible about matters the public may have coming before that judge. This is further reinforced by the fact that the event is held on weekdays during court operational hours of 8:00 to 10:00 am. In the eyes of the public, this is a great chance to influence the judge by merely being in attendance.

Additionally, it is unbelievable that Judge Jayne would be soliciting sponsors for these types of events. The email clearly shows a specific encouragement to **"Support Judge Clancy Jayne today and be advertised on our sites"**. This implies multiple commercial venues for having sponsors marketed to the public. The average citizen would assume that becoming a sponsor of Judge Clancy Jayne requires a monetary payment.

Prior to submitting this complaint, his background was checked and shows at least four (4) reprimands from the Commission, one of which was specifically for prior ethical issues with a similar type of event. Either Judge Jayne feels he is above the rules of ethical conduct or realizes that blatant violations will not have serious consequences. Regardless, everything about his involvement in "Breakfast with the Judge" gives off a very clear impression of being highly improper for a judicial officer. The message being communicated to the public is that anymore can secure special access to this judge by merely supporting his events.

In filing this complaint, the decision was made to remain anonymous because the actual email was sent publically within the county and therefore the ethical issues affect the total citizenship of Maricopa County. The email is in the public domain and it speaks for itself. Also, it's clear he is using his judicial position and title for commercial gain and representing that attendees could obtain a unique access or special relationship with him. He is openly advertising himself as a judge. The violations of the rules governing judicial ethics are numerous, as is the overall appearance judicial impropriety. The added use of social networking sites to promote himself as a judge, like Facebook, further document his unethical actions.

FEB 26 2014

I found the enclosed on the Internet. I am appalled that a sitting Justice of the Peace is advertising on a commercial website. The inference given is that a person can have special access to the judge if he/she attends one of his 'events', or contributes to his re-election campaign -

What is being done about this?

**CONFIDENTIAL**

State of Arizona  
Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

**FOR OFFICE USE ONLY**

**COMPLAINT AGAINST A JUDGE**

Name: (I would rather not say.) Judge's Name: Clancy Jayne

**Instructions:** Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

I have enclosed a copy of part of Judge Clancy Jayne's web page. It really bothers me that he openly asks for people and businesses to give him money by sponsoring him. I thought that judges were supposed to be independent. I don't know whether Judge Jayne is corrupt; but it sure looks like he is.

His web page says, "YOU COULD BE HERE. Sponsor Judge Clancy Today and be advertised on our site!" In the paragraph next to his solicitation, it says the purpose of this web page is to "have access" to the judge through his web page and events. One of these invites people to have breakfast with him. Another is for his "Jayne 2016 election committee." Since when can elected judges ask for and receive contributions that help their campaign? Everything about this web page seems unethical.

# CLANCY JAYNE

JUN 10 2014

June 10, 2014

COMMISSION ON JUDICIAL CONDUCT  
1501 W. Washington Street, Suite 229  
Phoenix, AZ 85007

## **RE: Formal Response to Notice of Complaint Case No. 14-055**

Honorable Commission Members,

I received Notice of Complaint and Opportunity to Respond (Case No. 14-055) and appreciate the opportunity to provide specifics and explanations:

1. Western Justice with Judge Clancy Jayne is no longer being pod-cast.
2. I have considered hosting this program again but there is no set timeline. If and when it is decided to start Western Justice again, as was done previously, the Commission will be notified prior to the start of any broadcast schedule.
3. While Western Justice has been put on hold for an undetermined time. If and when we start it up again the future sponsors will be solely for the purpose of covering the cost of production as was the case while we were on the air in January. We will remove from the website any solicitation for new sponsors until such time as Western Justice is brought back to the airwaves.
4. "Breakfast with the Judge" was started and continues to be an event that is held as a forum where anyone can come and hear speakers on a variety of subjects in the public interest i.e., wild land fire safety; watercraft rules and safety; wildlife preservation; discussion of Game and Fish regulations and their role in protecting public lands, species and habitat, etc.
5. It is my express intent in hosting both the radio show and the "Breakfast with the Judge" events to educate Arizona residents as to issues which may impact their daily lives. The breakfast is held every quarter, at most and sometimes less frequently, and only on Saturday mornings. Attendees pay for their own meal, if they decide to partake;



and they have no other obligations either express or implied to do anything but listen and ask questions if they so choose. These breakfasts are held at the Deer Valley Airport Restaurant and there are no special offers or discounts related to the meal, other than what is available to the public at large.

6. I can assure you that at no time were there any “*ex parte* discussions” held or allowed. The event is strictly informational, and people appear to enjoy meeting new friends and visiting with old colleagues.
7. No campaign literature is distributed and the only thing I will do if approached, is to give out my business card.
8. I have never imposed any restrictions on our guest speakers as to the content of their presentations, and ask that they answer every question openly and honestly.
9. Attendees represent a wide political spectrum and I have yet to be approached to address anything related to my Court or its operations.
10. The “wrap” on my truck is for parades and my re-election and the referred to “billboard” are actual campaign trailer signs, which I own, that have been used for years, not just since I was elected a Justice of the Peace. In fact if you were to check at this time the trailers actually have campaign signs for other elected officials running for re-election. There is a Facebook page for me but I only check it to get updated on family and friends. I do not post any comments.
11. As you can well imagine, name recognition is critical to all of us and that is the purpose for my name and picture on my privately owned vehicle.

I have reviewed each of the six Rules cited in Judge Winthrop’s letter. First of all, I flatly reject the suggestion that I have violated Rule 2.1 by failing to give precedence to my judicial duties. I am a hard working judge. I work harder than most and will defend my record on that point against all critics. Secondly, I recognize it is very important both to comply with Rules 1.3, 2.4 and 2.9, and also avoid any appearance that suggests a violation of these Rules. I welcome each and every chance to respond to concerns about perceptions regarding my conduct and these Rules. Finally, I know that I comply with Rule 1.2 and Rule 3.1. I also know that there are more conservative judicial minds that view these issues differently. I respect different views. But I chose not to allow those different views to chill my

efforts to inform the public about, and invite the public to participate with the judicial system.

Because I choose to do things differently does not mean I feel I can do anything I want and there will be no action taken. But in my opinion, I have not violated any campaign rules or judicial ethics; the complaints lodged against me have no merit, and in some cases are factually incorrect. I have the utmost respect for the bench and the sanctity of our job and would never do anything to bring disgrace to the position of Justice of the Peace.

Thank you for the opportunity to respond to this complaint. I would be happy to provide any additional information should you have further questions or concerns.

Respectfully,

Clancy Jayne  
Justice of the Peace, Desert Ridge Court