

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Case Nos. 15-022 and 15-066

Judge:

Complainants:

ORDER

The commission considered, on its own motion in Case No. 15-022, and in response to a complaint in Case No. 15-066, whether a superior court judge engaged in judicial misconduct based on a personal relationship.

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 no evidence of ethical misconduct and concluded that the judge did not violate the Code in these cases. Accordingly, the commission's file in Case No. 15-022 is closed and the complaint in Case No. 15-066 is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: May 13, 2015

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant in Case No. 15-066 and the judge on May 13, 2015.

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

Attachment to Complaint Against Judge

Although I am a [redacted], I make this complaint in my [redacted] Judge [redacted] then [redacted] from [redacted] do not indicate whether a complaint has been filed against her with the Commission on Judicial Conduct. The filing of this complaint is intended to ensure that the Commission investigates [redacted] conduct in connection with [redacted] and whether it violates any of the provisions of the Arizona Code of Judicial Conduct.

The facts, as [redacted], are that Judge [redacted] had been in [redacted] with [redacted] for the last [redacted] and that [redacted] in [redacted] is a [redacted], and is under [redacted]. Apparently, [redacted] a prison sentence with the [redacted] to commit a [redacted] warrant at [redacted] used [redacted] where [redacted] for [redacted] There is no [redacted] with [redacted] indication that [redacted] has stated that [redacted] had no knowledge of any of [redacted] and denied [redacted] knowing of [redacted] is also quoted [redacted] as stating that [redacted] with [redacted] and that [redacted] no longer [redacted] However, once [redacted] it appears that [redacted] was able to get [redacted] on a [redacted] cash bond over the objections of the [redacted] (who wanted [redacted]) and the [redacted] County Attorney (who wanted a [redacted] would not answer [redacted] inquiries about whether [redacted] and whether [redacted] It has also been [redacted] that further proceedings in Arizona regarding [redacted] will be handled by a [redacted] County [redacted] Court Judge due to a conflict of interest by the [redacted] County bench.

Many members of the public question Judge [redacted] conduct in this situation and whether that conduct violates any of the Rules of Judicial Conduct. Some specific concerns that need to be addressed are:

- 1. Did Judge [redacted] know that [redacted] and, if so, did [redacted]
2. Did [redacted] know anything about [redacted] before [redacted] If so, did [redacted]
3. Was [redacted] If so, did [redacted] at any time use or attempt to [redacted]
4. Once [redacted] use or attempt to use [redacted] ? Did [redacted] ?

How Judge [redacted] conducted [redacted] in this matter could involve violations of one or more of the following Rules of Judicial Conduct: Rule 1.1 (requiring a judge's compliance with the law); Rule 1.2 (requiring that a judge act in a manner that promotes public confidence in the integrity of the judiciary

and avoid impropriety or the appearance of impropriety); Rule 1.3 (requiring that judges not abuse the prestige of the office to advance the personal or economic interest of the judge or others); Rule 3.3 (requiring that a judge not vouch for the character of a person in a legal proceeding); and Rule 3.10 (prohibiting a judge from practicing law).

The Comment to the Rules make clear that it is important to maintain public confidence in the judiciary. Confidence is eroded when conduct—even in the judge’s —is actually improper or looks improper. Judges are to expect public scrutiny and act in a way that is above reproach. Without the Commission’s full investigation of conduct—including interviewing the and any other members of —public knowledge of Judge will undermine confidence in the judiciary and in this Commission. The Commission must determine whether there were actual improprieties involving violations of law concerning , for example, or code violations such as abuse of office or engaging in the practice of law. But the appearance of impropriety is just as much of a problem if involvement in this situation creates a reasonable public perception that conduct reflects negatively on honesty or fitness to serve as a judge. The integrity of the judicial system as whole depends on a close examination of actions or inactions in connection with . The public and Judge deserve a full investigation of this matter.