

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-331

Judge:

Complainant:

ORDER

The complainant alleged an appellate court judge made an improper public statement.

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial officer 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 judicial officer did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Commission members Gus Aragón, Diane M. Johnsen and J. Tyrrell Taber did not participate in the consideration of this matter.

Dated: February 20, 2019

Copies of this order were distributed to all appropriate persons on February 20, 2019.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY**2018-331****COMPLAINT AGAINST A JUDGE**

Name: _____ Judge's Name: _____

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 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 am writing because I am concerned with statements made by _____ Judge _____
in the case of: _____ Ariz. (). Judge _____ writes in his dissent at
that Prosecutor _____ along with two other prosecutors, "
" He also targets Mr. _____ specifically, "see also
(concluding that another _____ County
prosecutor, _____)". The judge
concludes his comments on the _____ prosecutors by citing a website article supporting his notion that the
other prosecutors " _____

I have attached a copy of the _____ case.

In searching the internet I learned that Judge _____ the Attorney _____
According to the _____ entry that pops up after entering Judge _____ name in
I also now know that after a committee meeting " _____

" I have attached a copy of the
article containing this information. The complaint to be reinvestigated was filed by attorneys
and _____ That entire complaint is included as part of the _____ on the _____ I have not
seen any reports indicating that the reinvestigation has been concluded.

Judge _____ statements in the _____ opinion strike me as highly improper because he is
calling _____ unethical. He is basing his opinion on a news article which is obviously wrong. I have
checked the _____ and Mr. _____ has no discipline history. This is especially
concerning for me because Judge _____ is making negative comments about a person who has a
pending _____ complaint that this same judge ordered to be reinvestigated. I think Judge _____ violated
his own ethical responsibilities by making public statements about an individual who presently has a case
before him. Even if Judge _____ was not directly involved in the case, he is still impugning the
character of a person with a matter that hasn't been resolved. There is a danger that his public comments
could unfairly sway the opinion of committee members who happen to read his statements. It can't be
ignored that the other _____ members are probably friends of his who would likely be influenced by
his opinion.

Thank you for your attention to this matter.

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