

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 18-392

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Judge:

Complainant:

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**ORDER**

An anonymous complainant alleged an appellate court judge engaged in improper lobbying activity.

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 Denise K. Aguilar and Louis Frank Dominguez did not participate in the consideration of this matter.

Dated: March 25, 2019

Copies of this order were distributed to all appropriate persons on March 25, 2019.

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

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

Dear Members of the Commission on Judicial Conduct:

It is of utmost importance that the public have faith that the Arizona Judiciary is fair and impartial. With that in mind, the accusations of the \_\_\_\_\_ "are extremely concerning.

If the allegations are true and can be verified then \_\_\_\_\_ has violated the Judicial Code of Conduct. Some \_\_\_\_\_ show text messaged purportedly between \_\_\_\_\_ and \_\_\_\_\_ It would seem unimaginable that a \_\_\_\_\_ would seek to have political influence \_\_\_\_\_ the \_\_\_\_\_ has \_\_\_\_\_ in a number of cases before the \_\_\_\_\_ and is a \_\_\_\_\_

Here are some of the comments to the rules that likely cover this concerning conduct.

Rule 1.3 (comment 1) It is improper for a judge to use or attempt to use his or her position to gain personal advantage or deferential treatment of any kind. For example, it would be improper for a judge to allude to his or her judicial status to gain favorable treatment in encounters with traffic officials. Similarly, a judge must not use judicial letterhead to gain an advantage in conducting his or her personal business.

Rule 1.2 (comment 1) Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional and personal conduct of a judge.

Rule 1.2 (comment 3) Conduct that compromises or appears to compromise the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary. Because it is not practicable to list all such conduct, the rule is necessarily cast in general terms.

Rule 1.2 (comment 5) Actual improprieties include violations of law, court rules, or provisions of this code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge. An appearance of impropriety does not exist merely because a judge has previously rendered a decision on a similar issue, has a general opinion about a legal matter that relates to the case before him or her, or may have personal views that are not in harmony with the views or objectives of either party. A judge's personal and family circumstances are generally not appropriate considerations on which to presume an appearance of impropriety.

I am hopeful that the Commission will fully investigate this matter and take appropriate action.

FROM: A Concerned Citizen