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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:

**PETITION TO AMEND RULE 81,
RULES OF THE SUPREME
COURT**

Supreme Court No. R-20-0019

**Comment of the Arizona
Commission on Judicial Conduct**

The Arizona Commission on Judicial Conduct (“Commission”) files this comment in opposition to the petition seeking to amend Rule 2.3(C) of the Arizona Code of Judicial Conduct.

The petition effectively seeks to abrogate Rule 2.3’s requirement that judges require lawyers, court staff, and “others subject to the judge’s direction and control” to refrain from manifesting bias or prejudice on the basis of “sexual orientation.” The petition states, in pertinent part:

Recently I helped a buddy/defendant write a (successful) appeal against a (bogus) civil Injunction Against Harassment.

Tangential to the matter was the plaintiff's spouse (testifying as a witness), who chooses to dress like a woman and who, at the time, was a Councilman in Quartzsite.

In court the plaintiff referred to her spouse as a woman. As did the hearing judge.

However we (my buddy and I), because of our sincerely held convictions, could not, in good faith, refer to the transvestite as "Councilwoman."

The Commission submits that this anecdotal recitation of a theoretical (but not actual) dilemma falls short of establishing good cause for amending Rule 2.3. The pronoun and title "dilemma" described in the petition could be avoided by referring to individuals based on their role in the proceedings – e.g., "Plaintiff," "Defendant," or "Witness Doe."

RESPECTFULLY SUBMITTED this 30th day of April, 2020.

/s/ Margaret H. Downie
Executive Director
Commission on Judicial Conduct