

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-196

Complainant: No. 1398300221A

Judge: No. 1398300221B

ORDER

The complainant, who is a court clerk, alleged that a justice of the peace yelled at court staff in front of the public counter, was routinely absent from the court for personal matters, and caused a backlog of cases because of time spent away from the court. After analyzing the allegations, the judge's response, and letters from court staff supporting the response, the commission found no misconduct on the part of the judge. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: November 23, 2010.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on November 23, 2010.

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

I am currently a _____ with the _____ of Maricopa County. I work in the _____ All of the alleged judicial misconduct took place at this location.

March 17, 2010

On this date at around 11:55 am to 12:00 pm Judge _____ yelled loudly at myself and a fellow co-worker named _____ in front of the public at the counters of the courthouse and the remaining _____ Court staff present at that time- _____ Judge _____ had a lunch meeting with a person I did not recognize as having court business with our court. Judge _____ did not tell my direct supervisor _____ or the Court Manager _____ about this meeting so he could leave for lunch earlier than his usual 12:30 pm lunch time. The supervisors always let the clerks know what is going on with Judge _____ as far as his meetings go and when he needs to get to lunch. On Wednesday mornings _____ and myself process criminal misdemeanor cases and plea agreements. We type up the plea paper work and motions and get them into the judge in the courtroom every Wednesday morning. Judge _____ came out of his courtroom around the above time frame and proceeded to yell rather loudly at us. He said "All right, SOMEBODY get over here NOW and help process these plea agreements RIGHT NOW!!!" He then went up to the court's counter and talked with his lunch appointment who was waiting in the lobby for him. There were only two or three remaining plea agreements to get the paperwork ready for Judge _____ at this time. We ended up getting these pleas to him as soon as we could after this incident for fear of losing our jobs. Judge _____ exhibited uncomfortable behavior toward me and _____. He was extremely Red-Faced and made physical movements toward both of our cubicles that I thought was very threatening to us both. These actions are in direct violation of The Code of Judicial Conduct Canons 1, 3, and 4. This series of events has caused myself extreme stress and discomfort while working on these criminal cases and plea agreements as part of my duties as a judicial clerk in his court. Judge _____ has the sole authority to fire any member of his court staff and has done so several times in the past few years.

July 27, 2010 and July 28, 2010

We had a Pro-Tem Judge _____ covering the morning arraignment calendar for Judge _____ absence. Judge _____ had a meeting that morning and we were told so by _____ that day. Judge _____ was also gone July 28, 2010 all day for another meeting and Pro-Tem Judge _____ covered the court for this day. Some of the clerical staff at the other courts in the building (San Marcos, University Lakes, and the Kyrene Justice Courts) had stated out loud in the clerical area that Judge _____ of the San Marcos Justice Court had mentioned that Judge _____. I feel this should be investigated further because if true it would be a violation of Judicial Canons 1, 2, 3, and 4.

Judge [redacted] would be the one to confirm or deny he made this statement to anyone. But I heard this going around the clerical area on July 28, 2010. Only Judge [redacted] can provide his true whereabouts on these two days but I do not find it funny that other Justices of the Peace in the same building are making such statements that make it around to all the court clerks in the [redacted] Regional Center. Judge [redacted] has had a lot of meetings over the last several years and this statement makes me as one on his court clerks wonder if he is really going to these meetings or taking care of personal non-court related business. A further inquiry into this incident is needed.

July 28, 2010

In the morning on these two days Judge [redacted] had at least 100 cases waiting for him to sign or rule on pending motions before the court. These motions are put into several baskets on a long table in the back for the Judge to sit down at and sign. Over the past two years Judge [redacted] has been extremely inconsistent in signing or ruling on these court files. The litigants of the court call multiple times weekly and sometimes monthly to see if Judge [redacted] has looked at their file(s). Once I put my files in the basket for Judge [redacted] to take care of he gets them back to me in a 4 to 6 to 8 week time frame. All the clerical staff of the [redacted] Justice Court know that Judge [redacted] is rarely at court available to sign or work on his baskets. [redacted] and [redacted] know about this issue as well. This issue has still not been fully addressed by anyone. It is now court policy that we have to bring urgent file matters to [redacted] attention for the Judge to sign or rule on because he is gone so frequently. Clerks will get written up for not abiding by the policy because the Judge is not taking care of all of his duties as Justice of the Peace. The [redacted] Justice Court is the highest filing Justice Court in Maricopa County for the last two years. There are statistics on court reports that prove this fact. As such is the case Judge [redacted] should at a minimum be available to sign or rule on files on a weekly or bi-weekly basis. It is unfair to put this burden on the Pro-Tem Judges who visit our court to clear up the mess of files sitting on his judicial signing desk. A violation of Judicial Canons 3 and 4 should be looked into for this issue. On this day at about 12:00 pm I took a picture on my cell phone of the files he had signed on July 27 and July 28 before he went to his meetings those mornings. This picture shows two rather highly stacked piles of files signed by Judge [redacted]. To me this shows a non-diligent effort by Judge [redacted] to take care of ALL of his Judicial Duties as the elected Justice of the Peace in the [redacted] Justice Court. If the piles of files waiting to be distributed and processed by the clerks and the piles of files waiting to be signed by the Judge both are ridiculously high and spilling over the top of clerks cubicles—something is very wrong! [redacted] know about or witnessed me taking this cell phone picture.

Please contact me anytime at home or work regarding these issues or if any further information is needed. I look forward to hearing from you.