

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-127

Complainant: Commission

Judge: Theresa Ratliff

ORDER

Commissioner Ratliff advised the commission that she had been charged with assault and disorderly conduct. After reviewing the information provided by the commissioner and the related case documents, the Commission finds that Commissioner Ratliff violated the Code of Judicial Conduct.

Rule 1.2 of the Code requires judges to promote confidence in the judiciary through their actions, and Rule 1.3 prohibits a judge from abusing the prestige of her office to advance her personal interests. In this case, the commissioner was cited for assault and disorderly conduct as a result of a domestic dispute with her husband. She had many opportunities to avoid what happened but failed to do so. When interviewed by law enforcement, the commissioner asked the officers not to pursue charges because it would negatively impact her job, and then disclosed that she is a judicial officer. The commission determined that the judge's conduct violated Rules 1.2 and 1.3 of the Code.

Accordingly, the judge is hereby reprimanded for her conduct pursuant to Rule 17(a), and the record in this case, consisting of the complaint, the judge's response, and this order, shall be made public as required by Rule 9(a).

Dated: December 20, 2011,

FOR THE COMMISSION

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on December 20, 2011.

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



Pinal County court commissioner arrested for domestic violence



Credit: Pinal County Sheriff's Office

Theresa Ratliff

by Jennifer Thomas

azfamily.com

Posted on May 3, 2011 at 12:37 PM

Recommend

FLORENCE, Ariz. -- The commissioner of Pinal County's family law court was arrested on suspicion of domestic violence after an argument with her husband Saturday evening.

The Department of Public Safety received a 911 call at 6 p.m. from a man reporting that his wife had hit him and was refusing to let him out of their SUV on Interstate 10.

Sheriff's deputies went to the couple's Casa Grande home and police officers were already on scene.

According to sheriff's spokesman Tim Gaffney, Theresa Ratliff, 41, and her husband were on their way home from Phoenix when the assault took place.

Ratliff told deputies that she and her husband were arguing over marital issues and at one point she "inadvertently hit" him in the chest or arm with her right hand.

Ratliff's husband said his wife was yelling and wouldn't let him get in a word edgewise, according to Gaffney. He was scared because of the way his wife was driving so he told her to stop the vehicle and let him out. She refused and he called 911 for help.

Gaffney said the couple had signs and symptoms of recent alcohol consumption.

Theresa Ratliff was arrested and booked into the Pinal County Adult Detention Center for one count each of domestic violence assault and disorderly conduct.

"Government employees and officials are treated in the exact same manner as any citizens when they have allegedly committed crimes," said Pinal County Sheriff Paul Babeu. "Domestic violence is a crime which affects people of every race, religion, sex, job position and financial status. Domestic violence destroys any family or relationship it touches, unless it is recognized, treated and stopped."

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COMMISSION ON JUDICIAL CONDUCT

Complaint #: 11-127
Complainant: Commission
Judge: Theresa Ratliff

MOTION FOR RECONSIDERATION

The Commission on Judicial Conduct ("the Commission"), by its Order of December 20, 2011, found my actions relating to a domestic dispute with my husband violated Rules 1.2 and 1.3 of the Code of Judicial Conduct ("the Code"). By the same Order, a reprimand was issued by the Commission. While I understand and respect the Commission's determination that, based on the record before the Commission, my conduct violated Rule 1.2 of the Code, I respectfully request that the Commission reconsider its determination that I violated Rule 1.3 and enter an order rescinding the Commission's finding as to Rule 1.3.¹ The basis for this request for reconsideration is more fully set forth below.

As an initial matter, please accept my apology to you, as an expression of my apology to the judiciary at large. I recognize and fully acknowledge the wrongful and regrettable nature of my conduct on the day in question, and I deeply regret that I placed myself or the judiciary in a negative light by virtue of my actions. To this end, before the Commission issued its order, I took significant steps to accept and deal with my poor decisions in these events. I assure the Commission that I will not repeat my mistakes. Having accepted accountability for my failure to act in a manner properly expected of a member of the judiciary in this isolated incident, I do not request reconsideration of the Commission's determination regarding a violation of Rule 1.2.

I cooperated fully and honestly with the responding officers at all times on the date of the incident. Thereafter, I promptly self-reported the incident to the Commission. At the time of my self report, the police report was unavailable and, therefore, I had no knowledge that there was any inference that I requested special treatment due to my position as a judicial officer. Once the police report became available, I expected that I would have an opportunity

¹ On January 3, 2012, the Executive Director of the Commission authorized an extension of time for filing a Motion for Reconsideration pursuant to Rule 23(b) of the Rules of the Commission on Judicial Conduct ("the Rules"). The deadline was extended from Wednesday, January 5, 2012 to Friday, January 13, 2012.

to respond to the Commission's questions and concerns, but this did not occur. As I was not provided an opportunity to respond prior to the issuance of the Commission's Order, I respectfully request the Commission deem this Motion for Reconsideration my official response to the Rule 1.3 issue and that this Motion become part of the record for public dissemination based on Rule 9(a).

I did not exploit my position as a judicial officer for an improper purpose. Therefore, I do not believe I violated Rule 1.3. I dispute the 1.3 finding on three grounds. First, I live in a smaller community, where it is commonly known that I am a judicial officer, and the information was already in the possession of the investigating officer, Deputy Pass. Second, I do not believe that I ever disclosed my status as a judicial officer, except in response to a direct question from one of the assisting Casa Grande Police Officers and, even upon responding to that inquiry, I never requested special consideration due to my position. Third, it is my impression the basis for the finding of a violation of Rule 1.3 was the report of one of the assisting Casa Grande Police Officers. Although the assisting Casa Grande Police Officers interviewed me jointly, their individual accounts of that conversation are in conflict in important respects.

As to my first point, I have served in my current position as a judicial officer for seven years; and having lived most of my life in Casa Grande, I think it fair to say that I am well known in the community. Not only do I see officers on a regular basis in the courthouse, but I also sign transportation orders and am available for search warrants. The investigating officer, Deputy Pass, made the decision to arrest me. Deputy Pass states he recognized me as Theresa Ratliff upon his arrival at my residence (and prior to interviewing me). Deputy Pass makes no suggestion that I made any statements regarding my status as a judicial officer or that I requested any special consideration, whether during the arrest, transportation to Florence, or prior to my initial appearance. Thus, as reported by the officer who actually handled this case, there is no inference that I ever violated Rule 1.3 by requesting special treatment in order to avoid an adverse outcome.

As to the second point, I know that my initial interaction with the Casa Grande Officers was stressful and certainly embarrassing, which admittedly may impair my recall, but I am confident that I never volunteered to the assisting officers that I am a judge. I am aware that we are not to use our judicial positions for our personal benefit, and any effort to do so is not in my nature. My conversation with the Casa Grande Officers was in my capacity as a private person and as a wife. I asked that I not be arrested for accidental physical contact with my husband during our dispute and stated to officers that an arrest would have an adverse impact on my job. However, I did not volunteer the nature of my employment. It is not a violation of Rule 1.3 to ask an officer to exercise his legal discretion, just as any other private person. I know, at some point, I was asked by the Casa Grande Officers where I work or what I do; and in answer to their direct question, I answered truthfully. I never asked for favorable treatment.

As to the third point, please note that although each attempt to document the same conversation with me, the statements of the Casa Grande Police Officers are in conflict with

each other. The supplemental statements, written at the request of Deputy Pass in order to supplement his investigative report, are undated and perhaps some time had lapsed before each produced their respective reports.

Officer Peters describes my explanation of incident, my request "not to do this" and, following a direct inquiry, my response that I was a Pinal County Judge. Officer Rush states that in the middle of my explanation of the incident, and without prompting, I paused and then volunteered I was a Pinal County Judge and stated I did not want to lose my job. Although the officers disagree whether I volunteered the information or answered their question, neither alleges that I sought special treatment. I was a private person in a stressful situation, who responded to officers questions as best I could, albeit while crying and visibly upset. I did not allude to my judicial status to obtain preferential treatment, and I sought consideration no different than any private person is due.

Please remember, from the first available opportunity, I have held myself accountable for this unfortunate incident on my employment as a judicial officer. As stated in my initial self-report, I promptly reported the incident to Pinal County Presiding Judge, Carter Olson, calling him on the night in question. Thereafter, I self-reported the incident and the resulting charges (subsequently dismissed with prejudice) to the Commission.

For the reasons set forth herein I request the Commission affirm its order issuing a reprimand based on a finding of a violation of Rule 1.2, but I respectfully request the Commission withdraw its finding that I abused the prestige of my judicial office to advance my personal interests, in violation of Rule 1.3. I thank the Commission for your thoughtful consideration of this request.

January 13, 2012

THERESA H. RATLIFF