

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 12-205

---

Complainant: No. 1448000313A

Judge: No. 1448000313B

---

**ORDER**

The complainant alleged a superior court judge engaged in a course of conduct that constituted habitual intemperance or conduct prejudicial to the administration of justice that brought his judicial office into disrepute.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge 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 reviewing all of the information provided by the complainant and the judge's response, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: November 29, 2012.

FOR THE COMMISSION

/s/ George Riemer

---

George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on November 29, 2012.

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



July 25, 2011

***CONFIDENTIAL***

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT  
1501 W. Washington Street, Suite 229  
Phoenix, AZ 85007

RE: Complaint: Judge

MEMBERS OF THE COMMISSION:

I am writing to apprise the Commission regarding conduct by a member of the Superior Court bench in \_\_\_\_\_ which I believe to be inappropriate, and which appears to me to undermine the integrity of judicial office.

In addition to his regular duties as a Superior Court judge, sitting in Division II of our Superior Court, Judge \_\_\_\_\_ has been serving as the “juvenile drug court judge – venue” for approximately two years. This therapeutic-model court meets one night per week (Tuesday evenings), with a staffing held among team members just prior to the court hearing. Shortly after Judge \_\_\_\_\_ appointment to the drug court position, I received complaints that he was inappropriate in his demeanor and with his comments toward drug court participants and their families. At that time, I contacted our lead drug court judge and long-serving superior court judge, Associate Presiding Judge \_\_\_\_\_ and asked him to intervene by providing assistance and counsel to Judge \_\_\_\_\_ in this regard. Subsequently, I was advised that the situation had improved.

However, in early June of this year, I was approached by a department head who is directly involved in overseeing the juvenile drug court. The department head was quite distraught, and shared with me her concerns over reports of continuing inappropriate comments and behavior by Judge \_\_\_\_\_. Accordingly, as the Presiding Juvenile Court Judge, I initiated an inquiry, and spoke with four drug court team members, as well as with two supervisors, in this regard.

Information relayed to me concerning Judge \_\_\_\_\_ performance on the drug court bench greatly concerned me. I was told by each person I spoke with that Judge \_\_\_\_\_ was at times “inappropriate” on the bench. Other comments regarding Judge \_\_\_\_\_ behavior ranged from “bullying” to “rude and disrespectful”. Additionally, I was told that Judge \_\_\_\_\_ “enjoys embarrassing” the children, is “offensive,” “arrogant,” “treats the white children

differently,” and is “hurtful”. Team members said of Judge [redacted] that “he shocks me,” “he is not the best at what he’s doing,” “he needs mentoring,” “he is impatient,” “he operates in isolation,” and “he reveals inappropriate information in open court.” Two team members reported to me that they –also-- had previously asked Judge [redacted] to speak with Judge [redacted] about his behavior.

Additionally, it has come to my attention that, very recently, Judge [redacted] purchased several used books to be utilized as “fishbowl” gifts – incentives which the children are given when they have earned the right to “go to the fishbowl”. Judge [redacted] told the drug court participants that “I picked these books out myself,” and, although he apparently asked other team members to review the books for appropriateness, it is evident that this was not done. A 15 year-old female drug court participant “went to the fishbowl” and as a “prize” was awarded a book, which Judge [redacted] informed her she would have to read, report on, and return. The book she chose included a short story, which she reported on at the next drug court hearing, and related – accurately-- that the story was “about whores.” While a drug court team member apologized to the girl and her mother, Judge [redacted] neither accepted responsibility for having chosen the age-inappropriate reading material, nor apologized.

Accordingly, on June 15, 2012, I spoke with our Presiding Judge Wallace Hoggatt, apprised him of all of the information which I had to date, and suggested that Judge [redacted] be removed as the juvenile drug court judge. [redacted] were then included in the discussion, and the unanimous decision was made to replace Judge [redacted]. Judge [redacted] spoke with Judge [redacted] the following Monday, discharging him as the juvenile drug court judge for [redacted] and I am advised that Judge [redacted] accepted the news with equanimity. Thereafter, beginning on June 19, 2012, Judge [redacted] took over responsibilities as the juvenile drug court judge for [redacted].

On July 17, 2012, Judge [redacted] attended a “graduation ceremony” for a juvenile who was graduating from drug court that evening. I believe that the juvenile had invited Judge [redacted] and I do know that he discussed this with both [redacted] and [redacted] that he was authorized by them to attend the graduation celebration. Judge [redacted] informed the drug court team, during the staffing, that Judge [redacted] had been invited to the graduation and was planning on attending [redacted].

The following morning, I received calls and e-mails from several drug court team members and supervisors who were extremely disturbed about Judge [redacted] behavior at the drug court graduation the night before. I was told it was apparent that he did not attend in order to be part of the celebration, but attended instead in an effort to “embarrass and humiliate” the team members who had complained about his behavior on the drug court bench, and whose complaints ultimately led to his removal. I was told that Judge [redacted] was rude, offensive, unprofessional, and ignored certain team members while attempting to “divide and conquer” with others. I was advised that Judge [redacted] was physically intimidating toward one Court employee, refusing to move as he blocked her path. It was perceived that Judge [redacted] was attempting, by his words and conduct, to intimidate those people who had complained about him. Team members have told me that, in addition to being offended by Judge [redacted] unprofessional behavior, they are now afraid of retaliation from him. Court employees who were

present at the graduation have shared with me that they fear ever having to appear in Judge courtroom.

In fact, since the graduation incident, Judge continues to bring up the matter of his removal, offering details in inappropriate venues in what may be a bizarre effort to garner sympathy or support. For example, at a July 21, 2012 memorial gathering for a recently deceased colleague, Judge bemoaned his removal to a retired Court employee who had no prior knowledge of the situation, and at a weekend juvenile detention hearing, Judge commented, from the bench and in front of Court employees, the juvenile and his father: "I don't know what it is about our judicial system, but people like to find fault, and I seem to be the target of it of recent times."

In light of the sum total of all of this information, I have come to the conclusion that I would be remiss to not bring Judge conduct to the attention of the Commission. It appears to me that his behavior may evidence habitual intemperance, and conduct which prejudices the administration of justice, and which brings the judicial office into disrepute. Court employees and drug court team members who voiced dissatisfaction with Judge performance should not be belittled or intimidated, nor should they be subjected to Judge continuing efforts to portray himself as having been victimized by them. I believe that unprofessional, inappropriate, offensive behavior and temperament demean the office of superior court judge, and reflect poorly on the bench as a whole. Accordingly, I submit these concerns for your consideration.

Thank you for your attention to this matter.

Sincerely,