

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-266 and 12-275

Complainant: Commission
Steven McMurry

Judge: Melanie DeForest

ORDER

A justice of the peace falsified or exaggerated educational qualifications in her resume and online biography, and misrepresented her judicial training history.

After reviewing media reports, the complaints, complaint attachments, and the judge's response, the Commission finds that Judge DeForest violated the Code of Judicial Conduct. Specifically, Judge DeForest provided incorrect information about her educational qualifications for purposes of her online judicial biography, included incorrect information on her resume that inflated her qualifications, and claimed to have completed or been excused from judicial training that she did not complete and was not excused from. These actions violated Rule 1.2 of the Code.

The Commission notes that the evidence established in this case may have otherwise warranted the filing of formal charges except that at the time of consideration by the Commission the judge had not only ceased appearing on the bench and withdrawn from the election for her position, but also indicated her intent to leave the State of Arizona.

Accordingly Judge Melanie DeForest is hereby reprimanded for her conduct as described above and pursuant to Commission Rule 17(a). The record of this case, consisting of the complaints, the judge's response, and this order, shall be made public as required by Rule 9(a).

Dated: December 4, 2012.

FOR THE COMMISSION

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judges on December 4, 2012.

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

Glendale

Maricopa County judge drops election campaign amid scrutiny

Some of candidate's credentials questioned

by **Sonu Munshi** - Oct. 6, 2012 09:33 PM
The Republic | azcentral.com

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A Maricopa County justice of the peace has withdrawn from her election campaign, a week after *The Arizona Republic* questioned her education claims and other credentials.

Melanie DeForest apparently does not have the college degrees she claims to have and embellished her previous job experience, *The Republic* has found.

Melanie DeForest resume | Justice Courts website inaccurate

DeForest's profile on the Maricopa County Justice Courts website, which has now been removed, stated she has a bachelor's degree from the University of Utah and a master's degree from Arizona State University. A county court spokeswoman said the profile was provided by DeForest, who told *The Republic* she has bachelor's and master's degrees in criminal justice from the universities.

But a records check shows DeForest holds neither degree. She attended just more than one year at the University of Utah and was enrolled at ASU, but not in its master's program, according to the universities.

DeForest's resume does not go as far as the court website. The resume does not list her as graduating with a college degree, but it shows errors in the years of attendance. It also claims that she supervised 10 employees in a previous job. However, a human-resources executive with the company said that was not the case.

The Maricopa County Board of Supervisors in August appointed DeForest to lead the Arrowhead Justice Court, which covers cases out of Peoria, Sun City and Glendale.

Justices of the peace handle criminal and civil cases such as traffic violations, small claims and restraining orders.

DeForest replaced former judge Phillip Woolbright, whom the state Supreme Court this summer ousted from the office because of ethical missteps.

DeForest had been running against nine others in the Nov. 6 election for the remaining two-year term on the post that pays \$101,500 annually.

DeForest sent *The Republic* an e-mail on Friday to announce her withdrawal from the race.

"I cannot provide (college transcripts) in a timely manner and I would rather focus more on my family than politics at this time," the e-mail said.

She said she plans to remain until another justice of the peace takes office. She will then return to Utah to be with her children and family, she said.

The Arizona Commission on Judicial Conduct has jurisdiction over all Arizona judges and judicial candidates. The commission has authority to reprimand a judge or recommend his or her removal for making misleading comments about education or past employment, according to a commission spokesman.

County officials said DeForest has promised to provide her transcripts.

County Board of Supervisors spokesman Richard de Uriarte noted in an e-mail that DeForest's resume did not claim the degrees and her appointment was based on strong recommendations, not academics.

"It is disappointing that in her subsequent comments that she might have inflated her credentials. All you have in this life is your word," he said.

Sheryl Rabin, spokeswoman for the Maricopa County Justice Courts, said the courts typically do not verify academics because justices of the peace in Arizona are not required to have any specific education.

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The elected office requires each candidate be an Arizona resident, at least 18 years old, able to read and write English and a qualified voter in his or her precinct.

2012-268

Seeking answers

DeForest told *The Republic* in a phone interview Sept. 27 that she'd attended school under a different last name. *The Republic* researched her university attendance under three different last names she has held.

DeForest said that she has transcripts to show she has the degrees and that she would drop them off the next day. She did not. She sent an e-mail that evening saying she had been busy with work and would contact a reporter "sometime next week."

The following week, *The Republic* reached out to the justice-court spokeswoman, who spoke with DeForest.

Rabin said she would work with DeForest to get the transcripts by Thursday. That evening, DeForest sent an e-mail that she had ordered transcripts from the schools but could not meet the deadline. She said she realized "that you may have to go forward with printing your article."

County officials on Friday removed DeForest's biography from the county justice-courts website until DeForest provides transcripts.

The same day, DeForest announced her campaign withdrawal, noting it was "not a decision that I came to lightly."

Fudging the facts

Prominent figures have gotten into trouble over false claims about their education.

A Notre Dame football coach in 2001 resigned after the university learned he lied about his academic and athletic background.

Earlier this year, Scott Thompson stepped down from a short-lived position as Yahoo's chief executive after it was discovered he didn't have a degree in computer science, as he claimed.

Locally, in 2010, former Democratic lawmaker Cloves Campbell Jr. claimed on the state legislative website to have a college degree, which academic records showed he had not completed.

Studies show as many as 40 percent of resumes contain phony information, according to Lester Rosen, chief executive of Employment Screening Resources, a San Francisco-based firm that conducts background checks.

He cautioned employers to verify credentials. If job seekers are dishonest as they seek work, there's a possibility that same characteristic would surface as an employee, Rosen said.

College degrees, inflated job titles or responsibilities and employment dates are among the most common embellishments, he said.

Although DeForest's resume to county supervisors did not claim a college degree, the document contains errors involving how long she attended school, how long she served in job posts and her work responsibilities:

DeForest's resume states she attended the University of Utah from January 2001 to June 2005. She attended just more than a year, from August 2004 to December 2005, with no degree earned, according to the university's verification system.

The resume indicates she attended Arizona State University from August 2006 to May 2008. She attended from fall 2005 to spring 2010, according to ASU records. She was a senior at the time of her last attendance and pursued, but did not complete, a bachelor of science degree in criminal justice and criminology, according to university records.

The resume indicates she had been an accounting manager overseeing 10 employees and handling personnel issues at a private apparel and accessories company in Utah. She was an accounting clerk, who didn't manage any employees or oversee personnel issues, according to a Del Sol payroll and benefits administrator who handles employment verification.

DeForest's resume states she worked at Del Sol from January 2001 to June 2005, but her last day was more than a year earlier, in May 2004, according to the Del Sol administrator. She had a severance package that ran through August 2004, the administrator said.

The resume states she began serving as a justice of the peace pro tem in January 2009, but she was appointed six months earlier, according to the Maricopa County Justice Courts.

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OCT 18 2012

SUPERIOR COURT OF ARIZONA
COUNTY OF MARICOPA

Norman J. Davis
Presiding Judge

Old Courthouse
125 West Washington, 5th Floor
Phoenix, Arizona 85003
Office (602) 506-5262

October 17, 2012

George A. Riemer
Executive Director
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, AZ 85007

Re: Justice of the Peace Melanie DeForest

Dear Mr. Riemer:

Pursuant to my ethical obligation as stated in Rule 2.15(A) of the Arizona Code of Judicial Conduct and Advisory Opinion 03-03, this letter serves as notice that Justice of the Peace for the Arrowhead Precinct in Maricopa County, Melanie DeForest, has been alleged to have conducted herself in a manner that "raises a substantial question regarding the judge's honesty, trustworthiness, or fitness as a judge."

On or about October 7, 2012, the *Arizona Republic* printed an article reporting that Judge DeForest claimed she "does not have the college degrees she claims to have and embellished her previous job experience." These are serious allegations, which if true, raise "a substantial question regarding [her] honesty, trustworthiness, or fitness as a judge."

If you need any additional information, please do not hesitate to contact me.

Sincerely,

Norman J. Davis
Presiding Judge

November 9, 2012

Arizona Commission on Judicial Conduct

1501 W. Washington Street, Suite 229

Phoenix, AZ 85007

Re: Complaint numbers 12-266 and 12-275

Commission members,

The above complaints have been filed against me by two co workers concerning my education and work experience. The allegation that I was dishonest with the public or the county about my education is false. What I provided on my resume to the county is accurate and my transcripts show that I studied what I said I studied. At no time did I misrepresent anything.

My employment dates at Del Sol LLC were as accurate as I could remember given the time that had passed since I worked there. The fact that I received an ongoing severance package for several months after employment had ceased made picking an ending employment date more difficult as I assumed I was still considered an employee since I was actively receiving a paycheck.

I attended NJO for two weeks in January of 2009 and for three or four days in April of 2009. A family emergency arose in Utah and after talking to Sherry Gieser, who was my table mentor Judge and Paul Julien, who oversaw the entire conference, I was told that I could attend to the family issue. At no time was I told that by missing one or two days that it would be considered that I did not complete the conference. In fact, I was told that the final day was when you could get your picture taken with the presiding Judge if you wanted too but it was not required. I was not instructed to pick up a certificate or report back to complete any required hours. I was appointed shortly after, never required to provide any documentation so I worked the next four years believing that I had met any and all requirements. I still stand by the fact that I attended and I completed the course.

I have been honest and ethical during my employment as a Pro Tem and then as the appointed Judge. I attended any training we were required to go to, always meet COJET requirements and had nothing but respect for the position I held.

Sincerely,

Judge Melanie DeForest



Presiding
Justice of the Peace
C. Steven McMurry

Associate Presiding
Justice of the Peace
Clancy Jayne

Justices of the Peace

Mark Anderson
Meg Burton-Cahill
Rachel Torres Carrillo

Mark Chiles
Frank Conti
Melanie DeForest
Dan Dodge
Jeff Fine
Keith Frankel
Andy Gastelum
Joe Getzwiller
Sam Goodman
Joe "Pep" Guzman
Gary Handley
Jimmie Hernandez
Kyle Jones

Rebecca Macbeth
Chris Mueller
Michael Reagan
Elizabeth Rogers
Steven Sarkis
Cody Williams
Gerald Williams

Administrative Pro Tem
Quentin V. Tolby

Justice Court Administrator
James M. Vance

October 12, 2012

George Riemer, Executive Director
Arizona Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, AZ 85007

OCT 12 2012

Dear Mr. Riemer,

It is my understanding that your office has received some of the information concerning the various misrepresentations made by Arrowhead Justice of the Peace Melanie DeForest. Materials that document my concerns are attached to this letter. I regretfully request that she be reassigned on an interim basis in accordance with Arizona Commission on Judicial Conduct Rule 31.

The basis for this request is as follows:

Finding that "a judge who does not honor the oath to tell the truth cannot be entrusted with judging the credibility of others," the California Commission on Judicial Performance removed a judge after she misrepresented her attendance at a judicial education seminar to obtain reimbursements she was not entitled to receive and after she made false statements during her commission hearing. *Inquiry Concerning MacEachern*, 49 Cal.4th CJP Supp. 289 (2008).¹ A judge who misrepresented his educational background, his military service and his employment history when he sought judicial appointment was also removed from office. *Inquiry Concerning Couwenberg*, 48 Cal.4th CJP Supp. 205 (2001).²

Other jurisdictions have consistently held that false and misleading statements by judges are serious matters. See also, *In re Inquiry Concerning Judge Robertson*, 277 Ga. 831, 596 S.E.2d 2 (2004) (Removal was appropriate after judge filed false statement on declaration of candidacy); *In re Rodriguez*, 829 So.2d 857 (Fla. 2002) (Judge was suspended for four months without pay and was fined \$40,000 for misleading statements made in campaign finance reports and for a violation of state campaign laws); *Matter of Collazo*, 91 N.Y.2d 251, 691 N.E.2d 1021 (Ct. App. 1998) (Removal was appropriate for judge who gave false statements to conduct commission, to governor's screening committee and to staff of senate judiciary committee); *In re Judicial Campaign Complaint Against*

Hildbrandt, 82 Ohio Misc.2d 1, 675 N.E.2d 889 (1997) (Six month suspension without pay plus \$15,000 fine was appropriate sanction for running campaign advertisements that were designed to mislead the public); In re Jenkins, 437 Mich. 15, 465 N.W.2d 317 (1991) (Judge removed for conduct that included intentional misrepresentations on insurance application and solicitation to commit perjury.)

I am gravely concerned with the appearance projected by Judge Deforest's material misrepresentations, as demonstrated in the attached materials. Please accept this letter as my formal complaint alleging ethical misconduct on the part of Arrowhead Justice of the Peace, Melanie Deforest. I stand ready to respond to any questions you may have.

Sincerely,

C. Steven McMurry
Presiding Justice of the Peace

Enclosures

¹ This opinion is also available at: http://www.cjp.ca.gov/desisions_by_judges.htm#m

² Id.

November 9, 2012

Arizona Commission on Judicial Conduct

1501 W. Washington Street, Suite 229

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Sincerely,

Judge Melanie DeForest