

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-003

Judge: No. 1459210492A

Complainant: No. 1459210492B

ORDER

The complainant alleged a justice of the peace retaliated against her for complaining about a policy.

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: March 28, 2013.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on March 28, 2013.

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

January 6, 2013

My name is _____ and I am currently employed at the _____ as a temporary clerk. However, I have been temporary since November 28th, 2011. I am filing this complaint due to the recent events that have occurred in our court regarding our dress code and the actions of the presiding Judge, the

At some point in August 2012, during a staff meeting, Judge _____ and the chief clerk, _____ presented to the court that there had been several complaints to the court regarding the professionalism in our environment, including our attire. I do not recall who was in attendance at this meeting, but I do recall that _____ Judge Pro Tempore was not present. They stated at that point that a new dress code was going to be drafted and that things would be changing and feedback was appreciated. Their plan was to institute a no "bling" policy, among other things. This policy was to take effect on January 1, 2013. This was to enable us to buy the proper clothing and to prepare and plan for the new changes. Later the same day, each employee was called in to the courtroom for a private meeting with Judge _____ and

In my private meeting with them I was asked what my thoughts and feeling were regarding this policy. I expressed my idea to have the option of wearing either county shirts or have court shirts made. I also offered my assistance in finding someone who could provide the shirts and/or embroidery. It was also conveyed to me that my attire was not an issue; however, the outfit that I was wearing at the time would no longer be acceptable. It was explained to me that although I do wear clothing with "bling" that mine is tasteful, but there are others in the court who wear similar styles that are not tasteful, and there is no way to allow for some and not others to wear this type of clothing. Therefore, nobody is to wear "bling" on clothing, shoes, or in any shape or form. After the meeting, there was no further discussion regarding the dress code, except for Judge _____ possibly providing gift cards for Christmas to help supplement our income, according to seniority for amounts, to purchase proper attire.

During our Christmas celebration, there were no gift cards provided by the Judge and we received gifts according to seniority and some of us were under the impression that the dress code may be something long forgotten. However, on December 31st in the afternoon at approximately two-thirty, Judge _____ called a staff meeting.

Judge Pro-Tem was the only one absent that day. Therefore, the clerks in attendance were as follows:

_____ and me. The staff meeting took place in an open setting around all of our desks.

The meeting was led by Chief Clerk, _____ and commenced with a reading of the new dress code. After it was read there was open discussion. _____ raised her hand and asked where the complaints were coming from and whether or not this was going to be

a policy that affected the entire county. At this point, Judge [redacted] stated that she was the one complaining and that this was her court. [redacted] also pointed out that under a previous judge's policy that all clerks were required to wear panty hose and dress clothes at all times and that this policy is not too much to ask of anyone. [redacted] also added that she felt in her opinion that she believed that all the ladies in the court dress professionally and that she had never witnessed anything inappropriate. She also added that she felt others were of the same opinion, but were afraid to voice them. Judge [redacted] stated that she disagreed about the attire and added several times that [redacted] had worn clothing that exposed her cleavage and was not professional. I felt uncomfortable that Judge [redacted] was naming a specific individual without [redacted] being present to either confirm or deny these allegations or otherwise. It was inappropriate, in my opinion, to name anyone specifically and their violations. The Judge then started going around the room pointing out what would be appropriate or not based on what we were wearing that day.

The conversations ensued and Judge [redacted] also provided direction as to how to measure our shorts and skirts, based on the policy of the local high school's dress code. Additionally, she added that she wanted "wearing a bra" to be placed on the list, along with no stains on clothing. At this point in the meeting, it appeared from my perspective that people were getting offended and upset. [redacted] and Judge [redacted] were all speaking over each other and Judge [redacted] hollered "STOP" several times and told [redacted] to take turns and quit speaking over each other. Once again, the interrupting continued and Judge [redacted] yelled "STOP STOP" then she directed [redacted] to finish her statement. When [redacted] was done she acknowledged [redacted] and also told her "When I say STOP I mean STOP!" [redacted] was crying so hard she was unable to continue speaking.

I raised my hand to be acknowledged and stated that I agree with [redacted] statement that others don't feel their opinion matters because I don't feel my opinion matters. Judge [redacted] asked me why I felt that way and whether or not I had taken the time to address [redacted] about my concerns. I stated that I did give my input at our prior individual meetings and that I would like to see the option of wearing uniform style county/court shirts. However, the day of the meeting [redacted] stated that, with regard to these shirts, it would be an all or nothing type vote. If one person didn't agree, then nobody would be able to order these shirts. [redacted] stated that she does not like wearing polo shirts so Judge [redacted] said, "Well that's out then." When I refreshed their memory as to what had just been stated earlier in the meeting regarding uniform style shirts, that point was dropped because Judge [redacted] had already ruled it out.

I continued to express my opinion stating that I am a single mom who is not currently being paid my court ordered child support and that this will pose quite a challenge. Additionally, there was discussion regarding the previous allowance of Capri pants during the week as long as it wasn't jean material and now this has changed since August. Several people in the court, in anticipation of this upcoming change, had already gone out and purchased Capri pants. While I had the floor, I also stated that I felt that this policy was implemented long after we agreed to employment

terms and that to change it at this stage in the game, with what I felt was motivated to change a few people's attire, in effect felt like punishment and affected everyone unequally.

The Judge stated at this point that she would get several other dress codes one from each county's municipal and justice courts and that, after review, if other courts were wearing all dresses, then so be it, that would be what we are stuck with. The meeting came to an end with the understanding that we are to follow this current dress code and that if anything is questionable that we want to wear we should bring it in the day before to obtain Judge approval. Anyone who came to work with unacceptable attire would be sent home to change and expected to return and would not be paid for the time lost to do so. Later the same day, Judge returned with the dress code and read that aloud, as well as judicial cannon regarding professionalism and what is expected of court employees. She also stated there would be more review and that if we had any questions/concerns that we could express them to who has an open-door policy.

On the morning of January 4, 2013 at approximately eight-fifteen in the morning I went to office, where she and were meeting and expressed that I had a question with regard to the new dress code. stated at that point we were all to go directly to the Judge. and I stepped into Judge office and the door was shut. I stated that I merely had a question regarding dry cleaning. Due to the fact that we live in and there are no local dry cleaning services were there any suggestions as to where I could obtain these services. I also stated that because I do not have the money to go shopping for new clothes that I am making it work with what I already own, which includes mostly dry-clean only clothing. I added that when I began working at the court over a year ago I wore suits and business attire but quit because there was not any dry cleaning services available.

Judge asked if I had looked up the information on the internet and I stated no. We are not allowed to access the internet at work except for court approved websites. I also added that I was merely inquiring because they are more familiar with the area and the businesses that are open because these small towns have a high turnover rate in that regard. I also asked if there were any suggestions as to how to get my dry-cleaning to the available place due to the fact that the nearest town is eighteen miles away and could operate only during the hours of eight to five, Monday through Friday. Judge informed me that she will not take her time to call these places for me but that she will provide the list and that I may take my lunch break to accomplish this task. also suggested that she only purchases clothing that can be washed not dry-cleaned and if she does need dry cleaning she uses Dryel to save on costs. I added that I wasn't planning on purchasing anything, but using what I already had and I have expensive dress suits that need dry cleaned because in my experience with Dryel, clothing has come out with a white chalky substance in various places and cannot be removed.

I requested that Judge _____ share her email regarding local dry cleaning with everyone in the court due to the fact that I may not be the only one with the same or similar questions. Later in the day, all of the court employees received an email from Judge _____. I have attached a copy of this email, along with the correspondence that followed. When I opened the email and read her response I was highly offended and took her comments as a personal reflection of the meeting we just had in her office. I felt that her email deserved a response and that everyone should be able to read my response as well. Later that day, I hit reply to all and responded to judge's email with my own thoughts and feelings regarding the situation as a whole. I have included that with my complaint as well. The actions of the Judge and following my email are of increasing concern to me. However, I must digress from the issue of the dress code to make clear the full impact of my apprehension. Please allow me to share my story and thank you for your understanding as to the delicacy and personal nature of what I must share.

On October 21, 2012 I became a member of Alcoholics Anonymous. I shared this information with _____ on separate occasions. I told _____ on a personal break at work on October 22, 2012, the day of my first meeting. She expressed her support and asked if I wanted her to go to the meeting with me. Additionally, on October 28th, 2012 I shared the same information with _____. I shared this information with both of these women as a friend and colleague, knowing that my journey is only worth the amount of honesty and openness I am willing to face with myself and others. On the morning of October 29th, 2012 _____ called me in to her office and expressed to me that it was going to be important to let Judge _____ know this information when I was ready. I explained to her that I was ready at that exact moment. _____ and I all went into her office and closed the door. I explained to Judge _____ the same things that I had already expressed to the other women. There were things said in that room that were shared with the strictest of confidences and I do not feel the need to share all that was said. However, I was told if there is anything I want/need from them to let them know. I said that there was a chapter in the big book of Alcoholics Anonymous that is addressed to employers and that I would be excited and happy if they took the time to read this information. Additionally, I have expressed that if they ever come across someone who they feel would benefit from my story that I would be happy to share and they can call on me at any time.

There has never been any further inquires as to my sobriety by any of these individuals. I have a sponsor, I attend meetings, I am sober and working the steps of my program. I have also shared with each of the women in the court at different times and in different ways the journey that I have chosen for myself. With the exception of one clerk, _____ I have had the opportunity to speak with everyone. One day judge called my phone at work and said that she wanted to know if everyone at the court knew about my "issue with alcohol." I told her no and she said that was all she needed to know and hung up. I wanted to explain that I had already told everyone with the exception of _____ and planned on telling her too at the right time. I also asked

if they knew why Judge wanted to know this information. told me that Judge wanted to teach a class and I told her that would she please pass on my willingness to do so and that I am willing to share with anyone who can benefit from the information I know personally. Nothing has ever been said or done regarding a class or otherwise.

Bringing us back to the current events, I expressed to on the morning of January 4th 2012 that I had been quite emotional lately and that my meeting the night before left me choked up, which is not something I am used to. Additionally, I shared that with her that later that night in a conversation with my parents regarding the bar exam I also become emotional with my parents and that my father questioned whether or not I was popping pills. I explained to that I was crying and handled the situation with my father poorly because I was hurt and that it has always been my fear of disappointing him and that I know that I am capable and worthy of taking and passing the bar exam, but that it took AA to get me to that point. After all, I only missed by 10 points previously. I also told that I realized that I may or may not have missed taking my Cymbalta medication the day before. I am not sure whether or not I missed it. I didn't take another pill because it is not to be taken in this manner, so I waited and continued with the proper dose the following Friday morning. This conversation took place prior to Judge email to the court the same day, but after our meeting in her office.

When I emailed my response on the same day, there were closed door discussions and also had private discussions all up to the end of the work day. and I had plans for dinner that night with our families and when we went to dinner shared with me information about what was going on behind closed doors. had asked as to where all of this was coming from with me, regarding the dry cleaning meeting. stated to me that she shared with what I had told her earlier in the day about my emotions and that I had been questioned by my father about my sobriety, etc. at a later point in time came back to and asked her if she would put all the information I shared with her in writing. According to she told she wasn't comfortable with that and that she didn't see how it was relevant. At this point, and Judge ended up behind closed doors again for Tammy to explain to Judge why she didn't want to comply with this request. conveyed that the conversation got heated and that she was told to "watch her tone." said that she was defending herself and Judge told her that she was ordered to do what requested and that, unless she is acting in the capacity of Judge Pro-Tempore, that is still her supervisor and the order came from her. It is my understanding that that it had been a long day, she was tired and she would do what she needed to do on Monday. I told that I will not hold it against her if she feels that she needs to comply.

I do not feel that this information is relevant to my job. If the question of my sobriety is an issue, I feel I should have been asked directly. Additionally, I am willing to comply with any

drug/alcohol testing my employer may feel is necessary. I do feel that this is motivated by retaliation to my previous response to the Judge and that I also voiced that I would be making this complaint. I feel that Judge is attempting to gain reasonable cause to fire me and also hurt others who may or may not support me. I do not think these actions are justified or right, nor is she handling herself in the professional manner that I would expect of a judge. I did go to law school and I am familiar with ethical and professional responsibility and I feel it is my obligation and duty to report these events to the proper authorities. Hence, this complaint and my plea to you as the Commission on Judicial Conduct to ensure that this complaint is addressed as it should be and appropriately. Thank you for your time, patience, and understanding with regard to my concerns.

Sincerely,

Enclosures:

Exhibit A Dress Code Effective Date January 1, 2013.

Exhibit B Email from Judge to the court employees, Friday, January 4th, 2013,
entitled "dry cleaners"

Exhibit C Email response to "dry cleaner" to the court employees from me,
Friday January 4th, 2013.

Exhibit D Letter from Judge dated August 21, 2012, received on January 7th,
2013.

Exhibit E Email request for a copy of the record of the meeting conducted on January 7th,
2013.