

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-096

Judge: Marie A. Lorona

Complainant: Martin Newman

ORDER

The complainant alleged that Justice of the Peace Marie A. Lorona is biased against men and has a conflict of interest in cases that involve allegations of domestic violence. Specifically, the complainant alleged that Judge Lorona's participation on the Board of Directors of the Pinal Hispanic Council (PHC) is a conflict of interest because her court refers litigants to that organization for various services.

Rule 1.2 of the Code of Judicial Conduct requires judges at all times to act in a way that "promotes public confidence in the independence, integrity, and impartiality of the judiciary" and to avoid both actual impropriety as well as the appearance of impropriety. Rule 2.16 requires judges to cooperate with the commission. Finally, Rule 3.7(A)(6)(a) prohibits a judge from serving as an officer for an organization that is likely to appear in matters before the judge.

In an earlier complaint, the commission learned of Judge Lorona's participation as an officer of PHC. At that time, the organization specifically identified her as a judge on its website. The commission issued Judge Lorona a private warning letter alerting her that participation on the PHC Board raised "substantial concerns" related to Rule 3.7(A)(6)(a). The commission further warned her that the identification of her position as a judge on the PHC website raised additional concerns related to Rule 1.3. In this warning letter, the members of the commission encouraged Judge Lorona to reconsider her participation with PHC.

Judge Lorona instead opted to heed only part of the commission's warning by removing the reference to her judicial position from PHC's website. She did, however, remain in her position as an officer of PHC, an organization that has regular dealings with her court implicating Rule 3.7(A)(6)(a). In her response to the commission regarding this current complaint, Judge Lorona explained that she failed to heed the commission's warning both because she misunderstood it and she "overlooked" it, which are mutually exclusive excuses.

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

The members of the commission recognize and appreciate the judge's desire to serve her community through participation in a benevolent organization. Nonetheless, such service must be consistent with the limitations and guidelines provided in the Code. Judge Lorona's failure to heed the commission's warning regarding her continued service as a PHC board member, her continuing service as a board member after that warning, and her disingenuous explanation as to why she did not abide by the commission's warning resulted in her violating Rules 1.2, 2.16, and 3.7(A)(6)(a).

Accordingly, Justice of the Peace Marie A. Lorona is hereby publicly reprimanded for her conduct as described above and pursuant to Commission Rule 17(a). 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).

The commission dismissed the complaint alleging the judge was biased against men and had a conflict of interest in cases involving domestic violence.

Dated: May 19, 2014

FOR THE COMMISSION

/s/Louis Frank Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on May 19, 2014

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

2014 - 096

MAR 25 2014

Judicial Complaint Against: Judge Marie "Toni" Lorona

From: Mr. Martin Newman

PO Box 465, Arizona City, AZ 85123

Subject: Judicial Complaint Against Judge Marie "Toni" Lorona, Eloy Justice Court concerning ethics violations and conflict of interest.

Date: 3-23-14

In February of this year I have requested assistance from the Men's Rights Group of Arizona after learning Judge Marie "Toni" Lorona also is the Board President and possible owner of the Pinal Hispanic Council at the time of my trial. For a span of three years my ex-girlfriend had filed multiple false police reports against me while we lived together in Casa Grande and Eloy. (Exhibit 4: Journal entry of April Macak) After each time I was physically assaulted and once sexually assaulted, I had to use force to stop her from attacking me. In each case after Eloy PD arrived at my home and based on my batterer's false statements I was arrested and charged for a crime that was committed against me.

April 16, 2010, when I moved to Eloy to escape the relationship things got much worse. I broke up with April Macak she rushed over to my house where I was living with my parents after I found out she was out one night with another guy. April entered my parent's house against my wishes and began fighting me. She cornered me in a room and sexually assaulted me when I would not give into her needs. Ms. Macak hit me many times while I was running through the house. My mother and father witnessed the incident and called the Eloy Police Department for help. In five minutes April regained her composure. When the Eloy Police Department arrived April lied to the responding officer and I was arrested as outlined in Eloy Police Department report number 2010-002431. (Exhibit 1)

Then in November 3, 2010, April filed another false police report with Casa Grande Police Department knowing full well they had a court date the following day in the Eloy Justice Court. (Exhibit 2) Somehow she knew Judge Lorona would assist her in any false claim that was made against me. April pounced on me with another false police report after I was moving on with my life and seeing someone else. The previous night April begged me to stay with her but I told her I'm moving on with my life. After my court hearing day later I was arrested in the Eloy Justice Court on even more false allegations as outlined in Eloy Police report number 1010-003294. After I was arrested, April called my parents and told them the reason she filed the false report was because I had moved on with my life and she was angry I did so.

After months waiting for trial in the Eloy Justice Court, my attorney Thomas Larson informed me that regardless of the facts my only hope was to plead out of this case or face greater fines and penalties. Adding insult to injury, I was the victim of domestic violence and sexual assault as the report highlights. Insisting I plead out to reduce my sentence. Mr. Thomas Larson informed me" he had never won a domestic violence case in Judge Lorona's court because she was somehow involved with a domestic violence agency". Over the course of eight months and getting ready for trial it became clear to me the truth in my case didn't matter. Because of my attorney's insistence that a conflict of interest between Judge Lorona and a liberal-feminist domestic violence counseling center called the Pinal Hispanic Council existed I would not receive a fair trial. Fearing the worst after learning this information, I pled guilty to a crime I did not commit out of fear of retaliation by Judge Lorona and the consequences for fighting my case in her court. Needless to say, I completed 52 domestic violence classes and gave her agency \$2000 of my hard-earned money for a crime I did not commit. (Exhibit 3)

Because of all the false domestic violence claims made against me by April Macak I had to take domestic violence classes for both Casa Grande Justice Court and Eloy Justice Court. However, I only had to take 26 domestic violence classes for the City of Casa Grande but for Judge Lorona's court I had to take 52 classes. Also, the fines were higher for Judge Lorona's court and each domestic violence class was \$5 more expensive. In layman's terms, I was fleeced by Judge Lorona for her financial gain. Just recently I learned Judge Lorona was sitting on the Board of Directors for the Pinal Hispanic Council and may have been the Board President of this organization during my trial. **It's even feasible she profited directly from my conviction in her court due to her association with this organization.**

I firmly believe Judge Lorona's conflict of interest with the Pinal Hispanic Council leaves male victims of domestic violence powerless in her court. Clearly, Judge Lorona is looking to make a buck off every male victim of domestic violence and sexual assault who picks up the phone and calls Eloy PD for assistance. It is widely known here in Pinal County our Sheriff's brother, who is a Justice of the Peace Judge in Apache Junction cannot hear cases submitted to his court stemming from a conflict of interest. However, Judge Marie "Toni" Lorona can have her very own domestic violence program which funnels manpower support and funding into her reelection campaign every election cycle and "this" is ethical! Yet this is not a conflict of interest? It amazes me that as a male victim of domestic violence I cannot receive true justice but because the court's funding is tied to "male" batterers and not "female" batterers. Now I sit here with three convictions on my record, not because I'm guilty but because I'm male. Clearly, I find this appalling and demand that the Arizona Supreme Court remove Judge Marie "Toni" Loron from the bench immediately involving domestic violence cases within her jurisdiction. This funding formula is found in the attached report in exhibit 3.

I also wish to pass on my gratitude to the Men's Rights Group of Arizona for assisting me in completing this judicial complaint and for showing me the reasons behind my false charges and later

convictions in the Eloy Justice Court. I am actively seeking qualified legal advice in order to seek damages against Judge Lorona and the Pinal Hispanic Council which used me as a "bank" to fund her own personal interest at the hands of my batterer.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Martin Newman', with a stylized flourish at the end.

Mr. Martin Newman
PO Box 465,
Arizona City, AZ 85123

Pinal County
Justice Court Precinct No. 3

APR 11 2014

Marie A. (Toni) Lorona
Judge

April 11, 2013

Commission on Judicial Conduct
1501 W Washington Street, Suite 229
Phoenix, Arizona 85007

Re: Response to Complaint (Case No. 14-096)

Dear Members of the Commission

Responding to Complaint No. 2014-096 in reference to the complainant Martin Newman concerning my conduct on Case No.; CR2011-0185DV, CR2010-0317DV, and CR2009-0460DV and allegations of profiting directly from complainant's conviction in my court due to my association with Pinal Hispanic Council and the complainant's allegations of the court having a domestic violence program that funnels manpower support and funding into my reelection campaign every election cycle, and the allegations of conflict of interest between me and Pinal Hispanic Council. Prior to my resignation on April 2, 2014 my participation with Pinal Hispanic Council had been limited to the actions expected of a board member, to oversee the Policy and Procedures of the CEO. Pinal Hispanic Council is a Non-Profit-Organization operated by Grants, my function as a Board Member was to oversee that Grants were properly used. As I had previously stated on my response to Complaint No. 12-359, I receive no financial gains from defendants who attend Pinal Hispanic Council nor does the program in the past or present have funnel manpower support and funding for my reelection campaign. The benefit and gratification I received from Defendant's attending not only Pinal Hispanic Council but any other behavior agency is to see those individuals successfully recovered back to society, rehabilitated, to allow those individuals who are willing to give themselves the opportunity to be respectful citizens, individuals who want to improve their relationships with others, to engaged with others with a positive attitude, to be able to resolved the everyday conflicts with a positive behavior.

In reference to this Court referring Defendant's to Pinal Hispanic Council, the Court allows the Defendant's to choose from a variety of agencies, usually they choose the one that meets their needs. There is no involvement of the court in reference to the process of the drafting of a plea offer from the State to the Defendant thru Defense Counsel. The Court enforces the constitutional rights of every individual by not taking a plea from the Defendant without the Defendant's full understanding of his/hers constitutional rights; without the Defendant's understanding that what he/she is pleading to and what the he/she is being sentence to is an agreement between the State and the Defendant for the Defendant to have a full understanding what he/she agreeing to. The Court does not force or impose but rather takes the plea from a defendant when knowingly, intelligently and voluntarily waived all of his/hers constitutional

rights and enters into a plea agreement with the State and knowingly, intelligently and voluntarily waive all of his/hers constitutional rights and enters a plea of plea of guilty.

In reference to the complainant being referred to Pinal Hispanic Council for counseling; The Court has no record of a Court Order referring the complainant to attend Pinal Hispanic Council for counseling.

Court Records reflects that on Case No. CR2011-0185/DV, the complainant was referred to Horizon Human Services in Casa Grande Az. 85222-4820 where he completed a total of 26 weeks of Men's Domestic Violence Program, other cases were dismissed, motion by the State, Case No. CR2010-0317/DV AND CR2009-0460/DV.

Referring to the complainant allegations of other complaints being filed in this court against the complainant and my involvement with the arrest of the complainant; Law Enforcement and the Court are separate entities; therefore the court has no jurisdiction over any Law Enforcement Agency. The commission of the Court is to ensure that justice is served.

To the members of the Commission, with sincere regrets and with apology I admit, that not following the recommendations and advice of the Commission, has resulted in misconduct from my part. With regret I admit that my misinterpretation of the recommendations and my excitement in response to the resolution on Case No. 13-049 were the factors that caused an oversight from my part not to follow the recommendations and advice of the Commission, not that I disregarded the advice and recommendations but an oversight.

My oversight was not intentionally done nor of malice to the Commission or disrespect to the Commission. It was an oversight and ignorance in reference to the scope of the interpretation of the code of Judicial Conduct Cannon Rule 3.7 (A)(6)(a) and Rule 1.3 ignorance and oversight were the causes of my delay in following the Commission's recommendation.

Members of the Commission do accept my apology and my sincere regret for my delay in following the recommendations and advice of the Commission as stated on the letter dated August 21, 2013.

I am aware of how important the Commission is to our Judicial Government. The Judicial is one of the most outstanding professions that we have and I am not in any other way disrespecting the recommendations or advice of the Commission.

As of April 2, 2014 I have submitted my resignation with deep regrets to Pinal Hispanic because Pinal Hispanic Council provides our community many services; services that a small town of Eloy truly needs and that Pinal Hispanic Council is available to meet.

Attached: Court Records, Recording CD, PHC Letter.

Sincerely,



Marie A Lorona
Justice of the Peace

Pinal County
Justice Court Precinct No. 3

MAY 30 2014

Marie A. (Toni) Lorona
Judge

MOTION TO RECONSIDER

Marie A Lorona
Judge

Complaint 14-096
Motion to Reconsider

Martin Newman
Complainant

Commission on Judicial Conduct

Members of the Commission, after receiving the Commission's Order on complaint no. 14-096 and having reviewed the Rules stated on such Order, I am petitioning to the commission to reconsider the Order.

I accept full responsibility for my actions in violations of Rule 1.2, 2.16, and 3.7(A)(6)(a) and having neglected to follow the recommendations of the commission. Fact being that there is no arguments to consider I however, am requesting for the commission to reconsider the Order.

With full understanding and complete consideration of the commission's previous warning; not with the intention to disrespect the commission, I request leniency to the commission and for the Order to be reconsider. For my response to the commission explaining the reasoning for not upholding the commission's recommendations is sincere and honest, my interpretation of the Rule 3.7(A)(6)(a) was erroneous for I was under the assumption that having other agencies before me would relief me from infringing the Rule however I was wrong.

I Marie A Lorona, Justice of the Peace, do which to express to the commission and to the office in which is an honor to hold my most sincere apology.

Dated this day, May 28, 2014



Marie A Lorona
Judge

1 **II. Good Cause Exists for the Imposition of the Reprimand.**

2 **A. The Factual Basis for the Reprimand.**

3 The commission’s reprimand was based on a finding that Judge Lorona
4 violated three separate Code provisions: Rules 1.2, 2.16, and 3.7(A)(6)(a). The
5 conduct that led to this finding can be broken down into three aspects:
6

- 7 1. Judge Lorona served as an officer in an organization (Pinal Hispanic Council
8 or PHC) that regularly engages in proceedings that would ordinarily come
9 before her as a judge.
10
11 2. When the commission learned of this service, warned Judge Lorona against
12 continuing to serve, and noted the specific rule at issue, the judge largely
13 ignored that warning.
14
15 3. When the commission subsequently alerted Judge Lorona to a new complaint
16 based on her service with PHC, the judge provided two excuses for her
17 conduct that were inconsistent with each other and could not both be true.

18 Rule 1.2 of the Code requires judges at all times to act in a way that
19 “promotes public confidence in the judiciary” and to avoid both actual impropriety
20 and the appearance of impropriety. Judge Lorona’s service with PHC, an
21 organization that routinely provided services as part of her court’s mandates, did
22 not promote public confidence in the judiciary, which is why Rule 3.7(A)(6)(a)
23 forbids this type of service. Further, the judge was fully aware of the problematic
24 nature of her service given previous complaints against her and the commission’s
25 previous warning about serving with PHC.
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1 Rule 2.16 of the Code requires judges to cooperate and be candid with the
2 commission. Judge Lorona’s explanation that she had both “misunderstood” and
3 “overlooked” the commission’s previous warning was not candid. If the judge had
4 overlooked the warning, how could she also have misunderstood it? The only
5 conclusion to draw is that Judge Lorona simply ignored the commission’s warning,
6 failed to abide by the explicit language of Rule, and then submitted an explanation
7 that lacks credibility when faced with a new complaint.
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9 **A. Factors Supporting a Sanction**
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11 The Scope section of the Code sets forth several factors for the commission to
12 consider in determining whether a sanction is appropriate in a particular case. On
13 balance, those factors support the issuance of the reprimand in this case.
14

15 1. Seriousness of the Transgressions – The commission’s work depends
16 heavily on the candor and forthrightness of judges asked to provide information or
17 responses to complaints. Any failure to fully comply with this rule is of the utmost
18 seriousness, as noted in the Annotated Model Code of Judicial Conduct: “the need
19 for a judge’s cooperation in the disciplinary process is paramount.” Ann. Model Code
20 of Jud. Conduct, Rule 2.16 at p. 327, Comparison to 1990 Code (noting that this rule
21 and its comments were newly added in the 2007 Code). Respondent’s violation of
22 Rule 2.16 is thus quite serious.
23

24 Similarly, the basis for the judge’s other violations is also very serious.
25 Our judicial system depends on the public’s perception that judges are fair and
26 impartial, without external interests that may influence their rulings. Judge
27
28

1 Lorona's service to PHC violated these principles and left an impression that she
2 lacks impartiality in particular cases.

3 This factor weighs in favor of a sanction.

4 2. Facts and Circumstances Existing at the Time of the Transgression –

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6 At the time of this complaint, Judge Lorona was (or should have been) fully aware
7 of her continuing transgressions given the commission's previous warning.

8 This factor weighs in favor of a sanction.

9 3. Extent of Any Pattern of Improper Activity or Previous Violations –

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11 Judge Lorona has a history of problematic conduct. In 1992, the Arizona Supreme
12 Court suspended the judge for 90 days without pay based on her improper conduct
13 in attempting to influence another judge on behalf of her grandson and a friend. In
14 2013 she received a warning against the precise conduct at issue in this case.

15
16 This factor weighs in favor of a sanction.

17 4. The Effect of the Improper Activity Upon the Judicial System or

18 Others – As noted above, a fundamental requirement for the success of our judicial
19 system is that the public can trust in the independence, integrity, and impartiality
20 of the judges who serve on the bench. Judge Lorona's conduct in calling her own
21 impartiality into question undermined this fundamental principle.

22
23 This factor weighs in favor of a sanction.

24
25 This is not a close case. Every factor that the commission must consider
26 weighs in favor of issuing a sanction. There is currently no lesser informal sanction
27 available to the commission other than a reprimand, so once the commission
28

1 determines an informal sanction is called for, its only choice is to issue a public
2 reprimand.

3 **III. Conclusion**

4 Disciplinary Counsel respectfully requests that the commission deny
5 Respondent's motion and leave in place the public reprimand order issued May 19,
6 2014, in this case.
7

8 Dated this 5th day of June, 2014.
9

10 **COMMISSION ON JUDICIAL CONDUCT**

11
12 /s/ Jennifer M. Perkins

13 Jennifer M. Perkins
14 Disciplinary Counsel
15

16 Copies of this pleading delivered
17 Via first class mail
18 on June 5, 2014, to:

19 Hon. Marie A. Lorona
20 Pinal County Justice Court
21 801 N. Main St.
22 Eloy, AZ 85131

23 *Respondent*

24 By: /s/ Kim Welch
25
26
27
28

1 Commission on Judicial Conduct
1501 W. Washington St., Suite 229
Phoenix, AZ 85007
2 Telephone: (602) 452-3200
3

4 **STATE OF ARIZONA**
5 **COMMISSION ON JUDICIAL CONDUCT**
6

7 Inquiry concerning
8 **Judge Marie A. (Toni) Lorona**
9 Justice Court
10 Pinal County
State of Arizona,

11
12 Respondent

) Case No.: 14-096

) **ORDER DENYING MOTION FOR
RECONSIDERATION**

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14 Respondent Judge Marie A. Lorona filed a Motion for Reconsideration of the
15 public reprimand issued by the Commission on Judicial Conduct (Commission) on
16 May 19, 2014. Pursuant to an order of the Commission, Disciplinary Counsel
17 submitted a response brief to that motion. On June 13, 2014, the Commission
18 considered Respondent's motion and the response brief.
19

20 **IT IS ORDERED** denying Respondent's Motion for Reconsideration.

21 Dated this 20th day of June 2014.
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23 **COMMISSION ON JUDICIAL CONDUCT**

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25 /s/ Louis Frank Dominguez
26 Louis Frank Dominguez
27 Commission Chair
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Copies of this pleading delivered
via electronic or first class mail
on June 20, 2014, to:

Hon. Marie A. Lorona
Pinal County Justice Court
801 N. Main St.
Eloy, AZ 85131

Respondent

Jennifer M. Perkins
JePerkins@courts.az.gov

Disciplinary Counsel

By: /s/ Kim Welch