

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-165

Judge: Adam W. Watters

Complainants: Anne Fisher Segal and Lillian Fisher

ORDER

One of the complainants alleged that a pro tem justice of the peace improperly advertised his legal services, served as a regular pro tem while also appearing as a lawyer in the same court, and submitted misleading or fraudulent documents in support of a judicial appointment application. The other complainant alleged that the pro tem justice of the peace published false and misleading campaign signs.

Rule 1.3 of the Code of Judicial Conduct provides that “a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.”

Based on its investigation, the Commission found that then Pro Tem Justice of the Peace Adam W. Watters appeared in a photograph on his law firm’s website in a judicial robe and advertised himself on the website as an active part-time judge pro tem in the Arizona court system. These instances were an abuse of the prestige of the judicial office to advance his own personal and/or economic interests in violation of Rule 1.3.

Accordingly, Justice of the Peace Adam W. Watters is hereby publicly reprimanded for his conduct as described above and pursuant to Commission Rule 17(a). The record in this case, consisting of the complaints, the judge’s response, and this order shall be made public as required by Rule 9(a).

Dated: February 6, 2015

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were mailed or emailed
to the complainants and the judge on February 6, 2015.

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

Meredith Vivona (Bar # 023515)
Acting Disciplinary Counsel
Arizona Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, AZ 85007
Telephone: (602) 452-3200
Email: mvivona@courts.az.gov

FILED

MAR 06 2015

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning)	
)	Case No. 14-165
Judge Adam Watters)	
Precinct One, Pima County)	
Consolidated Justice Court)	
State of Arizona)	STATEMENT OF CHARGES
)	
Respondent)	

On February 6, 2015, the Commission on Judicial Conduct reprimanded Judge Adam Watters (hereafter Respondent) for two violations of Rule 1.3 of the Arizona Code of Judicial Conduct. On February 23, 2015, Respondent timely filed a request for a hearing pursuant to Commission Rule 23(B)(2). Pursuant to Commission Rules 23(b)(2)(B) and 24(a), Acting Disciplinary Counsel hereby files this Statement of Charges against Respondent.

JURISDICTION

1. The Commission on Judicial Conduct has jurisdiction of this matter pursuant to Article 6.1, § 4 of the Arizona Constitution and the Rules of the Commission.
2. This Statement of Charges is filed pursuant to Rules 23(b)(2)(B) and 24(a) of those rules (Commission Rules).

3. Respondent was serving in his capacity as a judge at all times relevant to these allegations. Respondent's history of service as a judge in Pima County is as follows:

- Part-time justice of the peace, late 2000 or early 2001 through May 6, 2008;
- Full-time justice of the peace, May 6, 2008 through December 31, 2008;
- Part-time justice of the peace, January 1, 2009 through December 31, 2014;
- Currently, Respondent is a full-time justice of the peace.

4. As a judge, Respondent is subject to the Arizona Code of Judicial Conduct (Code) as set forth in Supreme Court Rule 81.

FACTUAL BACKGROUND

5. During the time period that Respondent served as a part-time justice of the peace, he was also a licensed Arizona attorney engaging in the private practice of law.

6. In May 2014, Respondent was practicing at Watters & Watters, PLLC, a law firm in Pima County, Arizona.

7. Respondent was a partner in Watters & Watters, PLLC and as such, was responsible for information the firm included on its webpage.

8. **Exhibit 1** is a screenshot of Respondent's biography on Watters & Watters, PLLC's webpage, dated May 7, 2014.

9. Exhibit 1 shows a picture of Judge Watters wearing his judicial robe.

10. Exhibit 1 also includes the following language to describe Judge Watters, "*Adam W. Watters is a former full time Judge and active Judge Pro Tem in the Arizona Court system.*"

11. Upon information and belief, both the photograph and Judge Watters in his judicial robe and the language quoted in paragraph 10 were on Watters & Watters PLLC's webpage for some time, to be determined with specificity at the hearing held to consider this Statement of Charges.

VIOLATIONS OF THE CODE OF JUDICIAL CONDUCT

12. Respondent's conduct, as described above in Paragraphs 5-11, constitutes two separate violations of the following provisions of the Code and Arizona Constitution. One violation pertains to Judge Watters' picture in his judicial robe and the other violation pertains to his description as an active judge pro tem. Specifically:

- a. Rule 1.3, which provides that a judge "shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so"; and
- b. Article 6.1, Section 4, of the Arizona Constitution, which forbids a judge to engage in conduct that is prejudicial to the administration of justice that brings the judicial office into disrepute.

REQUESTED RELIEF

WHEREFORE, Acting Disciplinary Counsel hereby requests the commission determine the foregoing charges pursuant to the applicable Commission Rules; that costs be assessed against Respondent pursuant to Commission Rule 18(e); and that the commission grant such other relief as it deems appropriate.

Dated this 6th day of March, 2015.

COMMISSION ON JUDICIAL CONDUCT



Meredith Vivona
Acting Disciplinary Counsel

Copy of this pleading served
this 6th day of March, 2015 on
Respondent Judge Adam Watters
via email to watterslaw@yahoo.com

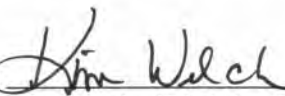
By 
Kimberly Welch, Commission Clerk

EXHIBIT 1

DePaul University College of Law, Chicago, Illinois - Juris Doctorate Degree

University of Arizona, Tucson, Arizona - B.A. in English Literature and Russian Language

Languages: Conversational Russian, Spanish and German

Member and Licensed to Appear:

- United States Supreme Court
- Ninth Circuit Court of Appeals
- United States District Court
- Arizona Supreme Court
- Arizona Superior Courts

- Arizona Trial Lawyers Association
- Association of Trial Lawyers of America
- American Bar Association
- Arizona Women Lawyers Association
- Pima County Bar Association

In addition to her law practice, Andrea is the proud mother of her daughter, Charlotte. Her firm continues its ongoing support of breast cancer research.



Adam W. Watters is a former full time Judge and active Judge Pro Tem in the Arizona Court system. Adam is an experienced trial attorney who focuses his practice on Personal Injury cases, Employment Law, Products Liability, and Defamation matters.

Arizona State University, College of Law – Law Degree

University of Arizona, Tucson, Arizona - B.A. in Journalism

Member and Licensed to Appear:

- United States Supreme Court
- Ninth Circuit Court of Appeals
- United States District Court
- Arizona Supreme Court
- Arizona Superior Courts

FILED

MAR 23 2015

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

1
2
3 **Adam Watters,**

4 Judge,

5 vs.

6 **Anne Fisher Segal,**

7 Complainant.

) Case No.: 14-165

) **RESPONSE TO STATEMENT OF
CHARGES**

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10
11
12 Adam Watters does hereby respond to the Statement of Charges filed March 6,
13 2015.

14 Jurisdiction.

15 Respondent does not dispute paragraphs 3 through 4 of the Statement.

16 Factual Background

17 Respondent admits paragraphs 5 and 6.

18 Respondent agrees in part with paragraph 7, but asserts that at no time did he
19 place any information on his firm's website and asserts that he was unaware that the
20 photo showing him wearing a robe was on the website until the day it was removed.

21 Respondent admits paragraphs 8-10.

22 Respondent asserts, in response to paragraph 11, that the photo was on the
23 website for at most three weeks, and that the day Respondent discovered the photo
24 was posted, he requested that such be removed and it was and that such was
25

1 removed prior to any knowledge Respondent had of the written complaint made by
2 Anne Segal to this Commission.

3 Respondent asserts that he did not violate Rule 1.3 of the Code of Judicial
4 Conduct nor did he violate Article 6.1, Section 4 of the Arizona Constitution.

5 Respondent requests that the Commission deny the relief requested by
6 disciplinary counsel and, in the alternative dismiss the complaint in its entirety or
7 issue a private admonition and/or warning to the Respondent.

8 Under Rule 19, the Commission may consider the following:

- 9
- 10 a) The nature, extent, and frequency of the misconduct. Respondent asserts
11 that he was unaware of the photo being placed on his firm's website, that
12 the photo was published for less than a month, and that the day he
13 discovered the photo was being published on the website, he took direct
14 action to have it removed.
- 15 b) The judge's experience and length of service on the bench. Respondent has
16 been an active and part-time justice of the peace in Pima County for 14
17 years. Pima County's justice court is the second-busiest court in Arizona.
18 During that time Respondent, and despite having heard an estimated
19 10,000 cases, Respondent has received no complaints regarding his
20 conduct as a judge.
- 21 c) Whether the conduct occurred in the judge's official capacity or private life.
22 The photo, which was taken when the Respondent was a full-time judge
23 in 2008, was placed on the website by a well-meaning family member.
24 The Respondent asserts that the act was not in his official capacity as he
25 was unaware of the photo.

- 1 d) The nature and extent to which the acts of misconduct injured other persons
2 or respect for the judiciary. **The photo was up for at most three weeks. It**
3 **is unlikely, given that the firm website is rarely visited, that more than a**
4 **handful of people noticed the photo, if indeed anyone did so other than**
5 **Anne Segal, who at the time was involved in a political campaign against**
6 **the Respondent.**
- 7 e) Whether and to what extent the judge exploited his or her position for
8 improper purposes. **Respondent asserts that when he determined to run**
9 **for office, in early April prior to the photo being published, he stopped**
10 **eliciting or retaining any new clients. Respondent did this recognizing**
11 **that to take new clients during the campaign would be possibly**
12 **disadvantageous to those clients. Therefore, the photo in no way aided**
13 **the Respondent financially or personally. Respondent's law partner, the**
14 **person who later placed the photo on the site, knew he had decided not to**
15 **take new clients when the photo was published.**
- 16 f) Whether the judge has recognized and acknowledged the wrongful nature
17 of the conduct and manifested an effort to change or reform the conduct. **As**
18 **stated above, Respondent, upon notification that the photo had been**
19 **placed on the website, immediately had it removed and recognizes the**
20 **impropriety of the use of such a photo to promote a business or law**
21 **practice. The photo was actually placed not to elicit business or promote**
22 **the Respondent as an attorney, but, instead, was placed to announce that**
23 **Respondent was running for office. The first page of the website made**
24 **such an announcement.**
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g) Whether there has been prior disciplinary action concerning the judge, and if so, its remoteness and relevance to the present proceeding. **Respondent has never been disciplined and has never received any complaints.**

h) Inapplicable

i) Whether the judge cooperated fully and honestly with the commission in the proceeding. **Respondent asserts that he has fully cooperated, but that is a matter for disciplinary counsel to agree with or dispute.**

j) Inapplicable.

DATED THIS 20th day of March, 2015.

/sAdam Watters

Adam Watters, Justice of the Peace, Pima County
Signed electronically

**State of Arizona
COMMISSION ON JUDICIAL CONDUCT**

Adam Watters,

Judge,

vs.

Anne Fisher Segal,

Complainant.

) Case No.: 14-165

) **RESPONSE TO STATEMENT OF
CHARGES - Supplemental**

Adam Watters does hereby respond to the Statement of Charges filed March 6, 2015.

Jurisdiction.

Respondent does not dispute paragraphs 3 through 4 of the Statement.

Factual Background

Respondent admits paragraphs 5 and 6.

Respondent agrees in part with paragraph 7, but asserts that at no time did he place any information on his firm's website and asserts that he was unaware that the photo showing him wearing a robe **or the language referring to him working as a pro tem judge** was on the website until the day it was removed.

Respondent admits paragraphs 8-10.

Respondent asserts, in response to paragraph 11, that the photo **and accompanying language (caption)** was on the website for at most three weeks, and

1 that the day Respondent discovered the photo was posted, he requested that such be
2 removed and it was and that such was removed prior to any knowledge Respondent
3 had of the written complaint made by Anne Segal to this Commission.

4 Respondent asserts that he did not violate Rule 1.3 of the Code of Judicial
5 Conduct nor did he violate Article 6.1, Section 4 of the Arizona Constitution.

6 Respondent requests that the Commission deny the relief requested by
7 disciplinary counsel and, in the alternative dismiss the complaint in its entirety or
8 issue a private admonition and/or warning to the Respondent.

9 Under Rule 19, the Commission may consider the following:

- 10
- 11 a) The nature, extent, and frequency of the misconduct. **Respondent asserts**
12 **that he was unaware of the photo being placed on his firm's website, that**
13 **the photo was published for less than a month, and that the day he**
14 **discovered the photo was being published on the website, he took direct**
15 **action to have it removed.**
- 16 b) The judge's experience and length of service on the bench. **Respondent has**
17 **been an active and part-time justice of the peace in Pima County for 14**
18 **years. Pima County's justice court is the second-busiest court in Arizona.**
19 **During that time Respondent, and despite having heard an estimated**
20 **10,000 cases, Respondent has received no complaints regarding his**
21 **conduct as a judge.**
- 22 c) Whether the conduct occurred in the judge's official capacity or private life.
23 **The photo, which was taken when the Respondent was a full-time judge**
24 **in 2008, was placed on the website by a well-meaning family member.**
25 **The Respondent asserts that the act was not in his official capacity as he**
was unaware of the photo.

1 d) The nature and extent to which the acts of misconduct injured other persons
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6 **the Respondent.**

7 e) Whether and to what extent the judge exploited his or her position for
8 improper purposes. **Respondent asserts that when he determined to run**
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24 **such an announcement.**
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2 if so, its remoteness and relevance to the present proceeding. **Respondent**
3 **has never been disciplined and has never received any complaints.**

4 h) Inapplicable

5 i) Whether the judge cooperated fully and honestly with the commission in
6 the proceeding. **Respondent asserts that he has fully cooperated, but that**
7 **is a matter for disciplinary counsel to agree with or dispute.**

8 j) Inapplicable.

9
10 DATED THIS 10th day of April, 2015.

11 /sAdam Watters

12 _____
13 Adam Watters, Justice of the Peace, Pima County
14 Signed electronically

Arizona Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, Arizona 85007
Telephone: 602-452-3200

FILED

APR 29 2015

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning Judge)	
)	Case No. 14-165
Adam Watters)	
Precinct Once, Pima County)	STIPULATED FACTS
Consolidated Justice Court)	
State of Arizona)	
)	
Respondent,)	

In an effort to expedite the May 1, 2015 hearing, the parties have stipulated to the following:

1. The Commission on Judicial Conduct has jurisdiction of this matter pursuant to Article 6.1, § 4 of the Arizona Constitution and the Rules of the Commission.

2. Respondent was serving in his capacity as a judge at all times relevant to these allegations. Respondent's history of service as a judge in Pima County is as follows:

- Part-time justice of the peace, late 2000 or early 2001 through May 6, 2008;
- Full-time justice of the peace, May 6, 2008 through December 31, 2008;
- Part-time justice of the peace, January 1, 2009 through December 31, 2014;
- Currently, Respondent is a full-time justice of the peace.

3. As a judge, Respondent is subject to the Arizona Code of Judicial Conduct as set forth in Supreme Court Rule 81.

4. During the time period that Respondent served as a part-time justice of the peace, he was also a licensed Arizona attorney engaging in the private practice of law.

5. In May 2014, Respondent was practicing at Watters & Watters, PLLC, a law firm in Pima County, Arizona.

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7. **Exhibit 1** is a screenshot of Respondent's biography on Watters & Watters, PLLC's webpage, dated May 7, 2014.

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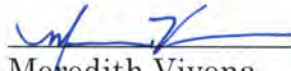
9. Exhibit 1 also includes the following language to describe Judge Watters, "*Adam W Watters is a former full time Judge and active Judge Pro Tem in the Arizona Court system.*"

10. Both the photograph of Judge Watters in his judicial robe and the language quoted in paragraph 8 were on Watters & Watters PLLC's webpage for three weeks.

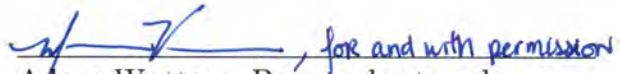
Dated this 29th day of April, 2015.

...

COMMISSION ON JUDICIAL CONDUCT



Meredith Vivona
Acting Disciplinary Counsel



Adam Watters, Respondent and
Justice of the Peace, Pima County

Original of this pleading filed
this 29th day of April, 2015, with
the clerk of the Commission
on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, AZ 85007

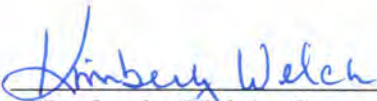
By:  _____
Kimberly Welch, Commission Clerk

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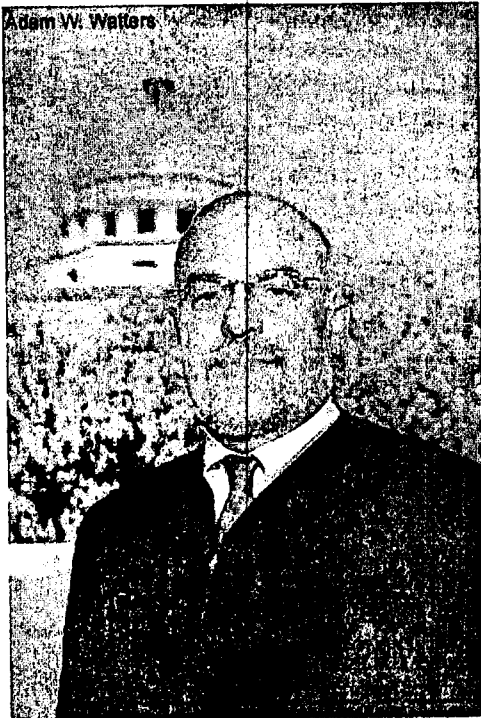
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State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-165

Judge: Adam W. Watters

Complainants: Anne Fisher Segal and Lillian Fisher

ORDER

On February 6, 2015, the Commission on Judicial Conduct reprimanded Judge Adam W. Watters (hereafter Respondent) for violating Rule 1.3 of the Arizona Code of Judicial Conduct. On February 23, 2015, Respondent filed a request for a formal hearing pursuant to Commission Rule 23 (b)(2). Formal charges were then filed pursuant to Commission Rules 23 (b)(2)(B) and 24 (a). A Response was filed on March 23, 2015, and a Supplemental Response was filed on April 10, 2015. Hearing was then scheduled for May 1, 2015.

After a formal hearing on May 1, 2015, the receipt and review of the pleadings, the stipulations, the testimony of witnesses, and the argument of Disciplinary Counsel and Respondent:

IT IS HEREBY ORDERED sustaining the Commission's February 6, 2015 Order of Disposition of Complaint 14-165, publically reprimanding Justice of the Peace Adam W. Watters.

The record in this case, consisting of the formal charges, the judge's response and supplemental response to the formal charges, the stipulated facts accepted during the formal hearing, the February 6, 2015 Reprimand Order, and this order, shall be made public as required by Commission Rule 9(a).

Dated: May 7, 2015

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Hon. Louis Frank Dominguez
Presiding Hearing Panel Member

Copies of this order were mailed to the complainants and the judge on May 7, 2015.

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